


Money As Justice: Work-Related Deaths, Victim Workers' Families, and Injustice in Turkey

Yalçın Özkan 

In the event of a work-related death, Turkish law directs the victim's family to see the death as accidental and understand monetary compensation as a primary vehicle for justice. Based on interview data from a group of victims' survivors, I examine how the bereaved make sense of accepting money for their losses. Despite the compliance of these families with monetized justice, the interviews suggest that they also have resentments against it. I show that pressing economic needs, a sense of disenfranchisement, and the limited nature of legal counsel lead the survivors to suppress their frustrations. In turn, many come to narrow their expectations of justice to getting what they think of as a fair sum of money. This situated framework, I argue, works to trivialize concerns about workplace safety. Insofar as the families see monetary compensation through a frame of justice, structural factors behind their losses remain unaddressed. Viviana Zelizer has long treated money as being grounded in meanings and moralities. In the tradition of legal consciousness literature, this article extends Zelizer's fundamental approach by providing a framework to address how the moral underpinning of money can emerge from and reinforce power imbalances and systemic bias in the legal system.

INTRODUCTION

Despite the law's promise of the right to work under safe conditions, Turkey has by far the highest frequency rate of work-related deaths in Europe. In 2017, according to the İşçi Sağlığı ve İş Güvenliği Meclisi (2018) (Assembly for Workers' Health and Occupational Safety), 2,006 workers died on the job in Turkey. In the same year in the European Union, there were 585 work-related deaths in France, followed by Italy with 484, Germany with 430, and Spain with 317 (Eurostat 2020).

Secil, a thirty-year-old homemaker who was left widowed with three children, was among the families of some ten thousand workers who died on the job in the 2010s. Her husband Mehmet was a mechanic working in a mine. On an April day, the management assigned him to repair a stone-cutting machine. According to safety rules, the supervisors

Visiting Assistant Professor of Sociology, Reed College, Portland, Oregon Email: yozkan@reed.edu

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were supposed to switch off the device during the repair. But, instead, they kept it on to maintain the pace of work. A stone block bounced back from the machine, crushing Mehmet to death. After the incident, as with any other work-related death, Turkish law initiated a criminal investigation and emphasized Secil's right to claim damages in a civil court. Secil, though, was not very aware of how the criminal lawsuit was supposed to progress. Based on the information provided by her lawyer, all she knew—and came to see as normal—was that the criminal court imposed no substantive punishment. This forgiveness is a typical response from Turkish law. Courts tend to treat work-related deaths as accidental and unforeseeable on the part of the defendant company officials, specifying their safety violations as a misdemeanor and thus authorizing no sentencing or a lenient penalty. Faced with such a typical criminal procedure, Secil said with resignation: "Even if the poor wrongfully die, there is not much to be done."

Once Secil considered the law's mercifulness to be an ordinary response, she expressed her sense of injustice by complaining about the long wait for compensation. One year after the incident, the Social Security Institution began to provide a monthly income of 1,260 Turkish lira (TL) (which is approximately \$340). However, it took five years before the civil court awarded compensation of 130,000 TL (\$35,000). This delay outraged Secil. She said with frustration: "We should not have waited at all. . . . Then, I would not have lived with my three kids in a rented house in desperate circumstances. . . . Isn't that money our right? I wish the justice system had looked after us."¹

According to our commonsense conception of money, which associates it with mundane financial interests, it is difficult to conceptualize it as a right or specify a particular quantity when it is concerned with something so profound as death. However, Secil and fifteen other victims' survivors, whom I interviewed between the summer of 2017 and 2018, described the money they received after the deaths of their family members in terms of conscience, rights, and fairness. In receiving the compensation, many still felt uneasy about the extent of the payment or the lack of punishment. However, they have kept these resentments silent—hence, my term for them: "silent families."

The survivors, by and large, practice what the legal system encourages through its procedures and the actions of its officials. Drawing on the business-as-usual legal process and scanty advice offered by ordinary system professionals, they typically let criminal lawsuits run their ordinary course. Their attorneys do not intervene in these proceedings to contend that the employers' recklessness is a serious crime and to defend civic goals of justice (among them, a suitable chastisement of heedlessness and the protection of workers from safety hazards). Thus, in the course of their legal action, the families, in effect, downplay the systematic safety violations behind their injuries and come to claim compensation—either by suing for their damages or settling with the employers—as the ordinary and only way of proceeding following their losses.

Viviana Zelizer (1979, 1994, 2005) has long argued that money is not a self-contained tool stripped of moral concerns but, rather, functions interdependently with social and cultural systems. Money's significance does not derive just from its purchasing power but also depends on meaningful relationships that shape its social functions. This

1. The quotations throughout this article are from the interviews carried out in May–August 2017 and 2018. I use pseudonyms for all of the interviewees to protect their anonymity. For further details, see the method section later in the article.

argument has stimulated a growing number of studies that examine monies as grounded in social relationships and moral considerations (Baker 2001; Healy 2006; Quinn 2008; Chan 2009; Ng and He 2017; see also Bandelj 2020). Nonetheless, I suggest that missing from this list, except for a few studies (including Wilkis 2017), is an effort to examine how this grounding works from, and often reinforces, power asymmetries, thus contributing to the status quo.

In this article, I offer an analysis that reconsiders the moral underpinning of money by addressing its under-theorized relation to the reproduction of power dynamics. To do so, I bring legal consciousness scholarship into a dialogue with the literature on morals and monies. At the core of legal consciousness research is an effort to “decenter the law itself,” placing “the methodological focus on individuals” rather than on legal pronouncements (Marshall and Barclay 2003, 619, 620). Susan Silbey (2005) acknowledges that the ways in which individuals think and act regarding the law often deviate from official terms in such ways that express, exercise, and maintain the plurality of consciousness. However, she also argues that this over-emphasis on individuals’ divergent perspectives and practices overlooks how this heterogeneity can still draw on and consolidate “the law’s systemic effects, as well as to its ineffectiveness” (325).

Expanding upon Silbey’s argument, my sociological account focuses on the interview data from the silent families and examines what they said and did with respect to justice and monetary compensation, including how they came to make sense of taking money as a form of fairness and how this situated action was guided by, and contributed to, the quotidian legal system and its ineffectiveness in ensuring workers’ health and safety. Most notably, I show that the families considered compensation to be the law’s ethical duty or a symbol of the deceased’s memory. On the one hand, I suggest, this understanding disinclined the bereaved to accept mere monetary compensation. On the other hand, I call attention to their pressing economic needs, adaptation to wider disadvantages, and the limited nature of legal counsel as factors why they accept money as justice. Ultimately, I argue that the families’ situated thinking and acting work from the usual legal system, which, in effect, narrows the matters of justice to individual damages and trivializes concerns about workplace safety. Thus, it prevents the families from publicly framing the injury as a matter of social justice and deploying the lawsuits to press for public accountability and the protection of workers’ safety.

In making this argument, I instigate a situated analysis of justice consciousness (Mills 1940; Berrey, Hoffman, and Nielsen 2012). This framework takes seriously not only what meanings the silent families ascribed to fairness and monetary compensation but also from what context they came to take money as a form of justice. It introduces an account of power for research on morals and monies and on legal consciousness by uncovering how taking money as justice emanates from and strengthens a specific form of legality that serves to obscure pervasive safety violations under the rhetoric of redressing them.

MORALS AND MONIES: WHAT IS MISSING?

What Marion Fourcade and Kieran Healy (2007) term “the destructive market argument” posits that the economic and the social are two distinct modalities and that

attempts to mix the two are corrosive for the latter. In this formulation, the market is an ever-expanding power, one that finds ways in which to infiltrate all aspects of life. This process results in an inevitable degradation of human lives, which are, or ought to be, qualitative in their nature and above any material interest. The contemporary critique of commodification in moral philosophy follows the same concern (Satz 2010; Sandel 2012). Thus, the critique goes, the expansion of the financial valuation of life dehumanizes social interactions, harms living organisms, and subverts moral values.

In contradicting this conventional perspective, Zelizer (1979, 1994, 2005) has long argued that any monetary transaction, including those within and for a market, is inseparable from meaningful relationships. Thus, Zelizer's "connected lives approach" suggests that monetary valuation of life cannot be treated only and in every case as a cruel commodification. If and when institutionalized, this practice will be construed within the value system of its practitioners. Thus, what is at stake is not a normative problem concerning the protection of life from the cash nexus. Rather, the task is an empirical one calling on us to acknowledge the plurality of monies and identify what moral meanings monies take on and how this entanglement informs the social significance of payment from within (Zelizer 2012).

Conceptually provocative, Zelizer places the economic into "webs of significance" (Dodd 2014, 271). This movement provides a novel vantage point for the analysis of the meaning-making around monies.² As in Clifford Geertz's (1973) cultural analysis, however, the research does not pay enough attention to the ways in which power relations take part in this cultural production (quoted in Ortner 1994).³ In particular, it does not provide a framework for examining how the made meanings around monies can operate as cultural tools for obscuring or reinforcing power imbalances from which they emerge. To fill this lacuna, it is important to recognize that social actors have unequal capacities to define what a payment stands for. Meanings are buried and engaged with one another in webs of power and resource disparities (Bourdieu 1990a, 1991; Ortner 2006). In a context where these webs produce harmony, the cultural unity is often the end result of hegemony, in which forms of domination or hierarchy go unrecognized or uncontested (Bourdieu 1990a, 125; Sewell 2005, 180). Thus, even those socially accepted moral-money matches, in reality, can serve to obscure power, domination, and hierarchy. Importantly, this is not only because of money's exchange value but also due to the made meanings that they take on.⁴

2. For the most recent and comprehensive review of this burgeoning field of study, see Bandelj 2020.

3. Scholars have already pointed out this limited attention to power asymmetries and resource disparities (Bandelj 2012, 180; Block 2012, 138; Steiner 2013, 328; Wilkis 2017). Philippe Steiner (2013) acknowledges Zelizer's critique on the argument about the all-powerful market. Still, he adds, which moral judgments are blended with what market is often subjected to rigorous political struggles. Without conceptualizing the logic of these conflicts, Steiner notes, the connected lives approach remains limited in scope. He thus cites a need for approaches that can account for the politics around a market. My aim relates to Steiner's call but is more modest. From a micro-sociological perspective, this article contributes to the advancement of a framework to address the roles that power imbalances play out in the moralization of monies and this cultural work's link with the reproduction of social inequality.

4. Along this line, Pierre Bourdieu (1990a, 2000) writes that there is a "dual-truth" of economic transactions, which is relevant even for those exchanges that are conventionally associated with reciprocity, such as gift relations. In his account, the gift is both as a benevolent act and a symbolic good that normalizes the hierarchy between the giver and the receiver (Bourdieu 2000, 191–202). For maintaining that hierarchy, the receiver should rely on the idea of the gratuitous gift while considering the other side of the truth, which is to

In contexts where the social significance of money is contested, disagreements still take place in the midst of power imbalances. Those in power, or systems of power (like the state or the law), are often decisive in setting up the terms of debate, while others are not equally able to exert influence on their behalf (Fraser 1989). Thus, even in cases of conflicted payments, some meanings inscribed in them are much more commanding and consequential than others, even coming to have the force of common sense (Fraser 1989; Bourdieu 1991; Somers and Block 2005). These dominant terms of money might not negate subversive voices, but they still dominate by distorting, marginalizing, or silencing alternative visions (Sewell 2005, 172).⁵

Thus, I suggest that the task is not limited to an analysis of the heterogeneous ways in which social actors make sense of, and act through, monies—the dominant outlook in the literature that Pat O'Malley (2009, 16) calls the analysis of “the distribution of meanings” among the researched population. An equally significant task comprises (1) situating those categories of monies within power relations from which they emerge and (2) thinking through when and how the made meanings inscribed in monies turn into patterned ways of thinking and acting and, thus, how dominant moral-money packages can serve to mask and strengthen the status quo.

In fulfilling this missing task, I put forward a situated analysis of morals and monies (Mills 1940; Berrey, Hoffman, and Nielsen 2012). This third way corroborates the connected worlds approach's analytical framework, contending with the binary distinction between material and ideational. At the same time, it corrects the approach's pluralist inattention to power by turning the normative concerns of the destructive market argument into an empirical research agenda, in congruence with Margaret Radin's (1996) pragmatist methodology.⁶

This approach differentiates those cultural-moral works that are from above and operate as a constraint on the recognition of, or the action against, the status quo from those that seek to contest it from below and are often ignored. It juxtaposes dominant

say the giver's superior position, to be deserved or inevitable. In stratified societies, Bourdieu (1990a, 118) thus argues, an unjust economic exchange cannot sustain itself “unless it succeeds in being recognized through a conversation that can render unrecognizable the true principle of its efficacy.”

5. Adam Reich's (2014, 1585) account on the contradictions in the marketized hospital care serves to illustrate this point. Reich reminds us of Somers and Block's (2005) seminal study on the American welfare debate and suggests that a self-propelling market is “a fiction” promoted by the neoliberal creed. However, it is “a powerful fiction with real social consequences.” Indeed, “the notion of markets as ‘self-regulating natural entities’ that ‘must be set free’ continues to guide much of social policy in the United States” (Reich 2014, 1585). Therefore, a hospital established for providing the poor with free care services needs to combat both economic difficulties in a profit-driven system and moral politics promoting health care as a market instrument. While the former relates to material challenges, the cultural character of the latter is no less consequential. To the extent that the free-market ideology manages to convince the society that health care is a matter of individual financial choice, those middle-class patients, who happen to need accessible health services, still do support a political option opposing health care as a basic citizenship right (Levitsky 2008). Then, the marketized system does not maintain its inequality effect simply by creating unequal access to health services. It does so especially when free-market advocates, along with classed and racialized culture, are able to ground the marketized system in people's moral judgments.

6. As Radin (1996, 14–15) writes, “[w]here commodification is the appropriate conceptual structure to identify as implicated in the wrongness of an interaction, the wrongness is not separate from the market rhetoric in which we conceive of the interaction.” Thus, the reasoning goes, an analysis that attempts to unmask how damaging a particular commodification practice can be accomplishes its goals only if it takes into account the moral rhetoric defining this practice that makes it seem appropriate, normal, or inevitable.

categories of monies with subversive ones without ignoring the unequal distribution of power that is at work in conflicts between them. Thus, the situated analysis allows us to identify how those seemingly commonplace categories that define monetary transactions, including the financial valuation of life, as acceptable can be products of uneven power and, in reality, belittle core moral concerns as profound as the protection of human life and dignity.

IMPLICATIONS FOR MONETIZED REDRESS

In contemporary societies, restitutive compensation has become a main tool of redress, one that is deployed even for cases of wrongful death (O'Malley 2009). Survivors who have lost their loved ones to causes such as poorly designed industrial products (Jain 2006), a failure to prevent a terrorist attack (Zelizer 2005), a disregard for traffic rules (Ng and He 2017), or unsafe work conditions in the United States, China, or Turkey claim their damages either through tort lawsuits or no-fault-basis compensative systems. In the face of this trend turning monetized restitution into the primary vehicle for justice following human injury, the destructive market argument suggests that such restitution is yet another facet of the ever-expanding commodification in our market societies (Gabel and Feinman 1982; Simon 1988; Abel 1990). As happens in this general direction, the argument goes, treating wrongful death primarily through financial terms would undermine the moral worth of the dead as it reduces the deceased's life into actuarial computations or vulgar material interests.

As opposed to this all-too-familiar critique, the connected lives argument insists that compensatory remedies are far away from the self-propelled instrument of financial logic. Thus, monetized redress does not make for mundane commodification. Instead, it is a meaningful practice with which the law, legal professionals, and litigants recognize, debate, and establish the principles of justice and the sentimental value of lost ones. For instance, Zelizer (2000, 2005) explores how American courts treat monetary payments as being grounded in intimate relations, such as in disputes among family members regarding the share of inheritance or through cases of damages. Tom Baker (2001) shows American injury lawyers differentiate "blood money" (that is, a payment that comes directly from injuring parties) from "insurance money" (that is, a settlement that is made by insurance companies on behalf of the defendants), often rejecting the former because of the moral stigma involved in bargaining for direct payment for the dead. In a context where Chinese courts encourage and mediate settlements between the parties of wrongful deaths resulting from negligence (for example, traffic accidents), Kwai Hang Ng and Xin He (2017) call attention to social dynamics and local cultural values, suggesting that the apologetic character of the "blood money" offered matters whether the parties come to terms or not.

While appreciating the connected lives argument, I suggest that these studies exemplify the lack of attention to power in the existing literature. Zelizer (2005, 305–7) notes that the law might authorize monetary awards with assumptions that differ from that of litigants, at times contradicting their expectations. Despite this emphasis on moral conflicts, she is concerned more with the varied ways in which all actors (judges, attorneys, and disputants) inscribe meanings to payments and less with how,

and with what consequences, the legal field conditions their understandings and engagements in the first place.⁷ Put bluntly, what Zelizer's characterization loses sight of is the law's "agenda-setting power" (Lukes 2005)—that is, how official languages, processes, and actors can shape laypeople's expectations and practices regarding justice (Merry 1995; Ewick and Silbey 1998; Silbey 2005).

Lochlann Jain's (2006) ethnography *Injury* provides a noteworthy alternative. Jain suggests that the American tort system is central in both enabling and limiting what citizens can expect from, and do about, redressing injuries caused by the products they consume. In establishing rules, procedures, and relationships around which claimants perceive and act upon their injuries, the tort system turns broader structural problems into accidental harms and, thus, individuated events and monetarily repairable harms. As a result, Jain argues that the injured are distracted from seeing that their wounding is arguably an essential component of consumer culture and unevenly distributed by class, gender, and race across the society (34). Thus, its correction (or prevention) goes beyond individual compensatory restitution.

My situated analysis benefits from this argument and also offers contributions to it. Jain's (2006, 8) conceptualization of "the rhetorical effects of the law" has led me to search for such effects in the expectations and actions of the silent families in this study. As Jain draws largely on the critical analysis of formal documents, however, the question of how laypeople receive and respond to official terms is mostly assumed rather than empirically explained. Nonetheless, taking the law as a constraint on individuals' thinking and acting is not enough to describe the nature of this dynamic (Tucker 1992; Merry 1995; Ewick and Silbey 1998; Marshall and Barclay 2003).

The legal system, though powerful, cannot divest individuals of creating their own conceptions. As scholars of cultural studies have shown, people incorporate official terms into their mindsets by reformulating them (Swidler 1986; Comaroff and Comaroff 1991; Ortner 2006). This selective adoption includes a considerable degree of respect, agreement, and appreciation as well as rejection, frustration, and opposition, often at the same time. With this line of reasoning, the legal consciousness research is concerned with individuals' beliefs, aspirations, and understandings regarding the law. This analysis from below provides an analytical leverage for explaining the micro-foundations of legal hegemony and expressed agency (McCann 1994; Ewick and Silbey 1998; Gilliom 2001).

Equally imperative, as Sherry Ortner (2006, 139) reminds us, is to take agency of both "intentionality" and "acting within relations of social inequality, asymmetry, and force." Similarly, Silbey (2005) points out the pitfalls of the recent trend in the literature that places emphasis on various forms of consciousness within and between groups, as is the case with the connected lives approach, without addressing what this variation tells us about legality. As opposed to this trend, Silbey suggests that legal consciousness is not merely about "what people think and do about the law but rather how what they think and do coalesces into a recognizable, durable . . . institution we recognize as the law" (347). Thus, she insists, the task "is the search for the forms of participation and

7. Drawing on different conceptual standpoints and concerns, Pat O'Malley (2009, 16–17) and Reich (2014, 1583) raise a similar critique of the connected worlds view.

interpretation through which actors construct, sustain, reproduce, or amend the circulating . . . structures of meanings concerning law" (334).

Along these lines, my account of the silent families draws on semi-structured interviews to examine their legal consciousness. As I will demonstrate below, the interviews are intended to identify the silent families' expectations of justice and understandings of monetary awards instead of presuming the link between the two. This outlook allows me to show that the families do not view the law in action as a fair system in which their expectations are fully satisfied. However, no family has pursued its grievances to insist on a broader practice of justice. Instead, they have complied with the existing legal terms and arrangements. Therefore, rather than formulating their objections as a sign of defiance (Abu-Lughod 1990), my analysis takes seriously what forms of political grounds their justice talk and practices "lack or advance" (Gilliom 2001, 115) and how they, intentionally or unintentionally, pertain to unfolding legality.

This situational analysis of legal consciousness (Mills 1940; Berrey, Hoffman, and Nielsen 2012) highlights how the legal system, alongside the social asymmetries in which the silent families were enmeshed, led those families to suppress their grievances and see justice monetized in the course of their legal actions. The emphasis on the situated nature of consciousness is a rejoinder to the focus on the plurality of meanings that individuals invest in the law or money. It relocates the analysis of how this plurality is grounded in power asymmetries and structural bias in the legal system at the core of legal consciousness research (Silbey 2005; Smith 2014).

While identifying various (open and veiled) objections of the silent families, I demonstrate that the law, through its well-established and uneven playing field, can define what meanings and practices of justice and monetary compensation count as normal, appropriate, or necessary and what counts as unrealistic, insignificant, or negligible. When combined with the lack of material, cultural, and legal resources that mediated the silent families' legal consciousness, the legal system's effects on the ways in which they conceive and act in regard to fairness become all the more powerful. As a result, the bereaved come to limit their demands to monetary compensation in the course of their legal action, no matter how unsatisfied they might feel. Thus, concerns about civic justice, such as holding the injurer employer accountable through the means of criminal justice and preventing the systemic indifference to worker's life, get sidelined along the way.

At the same time, the situated analysis implies that the silent families' capacity to expand upon or moderate their grievances, and a demand for a broader practice of justice, was contextual and could change according to situations. Legal mobilization literature has agreed, showing that, in the context of a supportive collectivity that equips disadvantaged groups with organizational support, transformative legal advice, and a heightened sense of entitlement, aggrieved groups can translate their resentments into an extended vision of, and fight for, justice (McCann 1994; Gordon 2005; Shdaimah 2009; Marshall and Hale 2014). With this in mind, my analysis not only uncovers what silent plaintiffs say and do but also discusses what they would say and do if they had access to the resources and skills that can be gained in the context of opportunities. In this sense, I do not suggest that the silent families cannot speak for themselves. Instead, I draw attention to those constraining situations and relational and legal processes by which they come to suppress grievances or get silenced.

METHODS AND DATA

This article draws on data collected from multi-sited fieldwork carried out for a larger project, mainly in the cities of Istanbul, Bursa, Manisa (Soma), and Zonguldak, where fatal work accident lawsuits were at their highest in Turkey, primarily in May–August 2017 and 2018. During this fieldwork, I collected dozens of court documents from the Turkish Court of Cassation. I participated in court hearings as well as in meetings and demonstrations organized by a grassroots movement of victims' families and activist lawyers seeking a broader practice of justice. Also, I interviewed judges, attorneys, and two groups of bereaved families (a total of seventy individuals, all in my native Turkish). Sixteen of these interviews were with those survivors whom I have called the "silent families." They are the primary data for this article, although the materials collected for the broader project inform the analysis.

Recruiting the silent families needed special effort. Like the vast majority of workplace deaths in Turkey, all the survivors but one had lost their loved ones in single-death incidents in different workplaces. Thus, their cases remained low profile. Congruent with most bereaved survivors, the silent families had little to no public visibility. I deployed two main strategies to find their contact information. With one family, I asked the interviewee lawyers if they could introduce me to their clients. In this way, I could reach out to the nine family members. All the survivors were interested in talking to me. Two of them even connected me with two other bereaved families who had lost their relatives in separate incidents. Second, I checked local newspapers and gathered information about five different workplace fatality cases. In the end, I interviewed sixteen family members, using pseudonyms for all of them.

Consistent with the distribution of workplace deaths by industries in Turkey, the families' husbands, fathers, sons, and brothers (and a daughter) died primarily in mines, construction zones, and industrial workshops. All the deceased workers worked in low-skilled or semi-skilled jobs. Only one of them was unionized. This absence of involvement with trade unions resembles the families' shared lack of exposure to a social or political movement. The families shared the difficulties in maintaining economic security after the loss. These financial needs were even more salient for the widowed women. Among the sixteen family stories, eight of the individuals had lost their husbands. With one exception, they were homemakers and have almost no experience in paid work. For these women especially, each of whom has at least two underage children, the loss brought about profound anguish and a sense of uncertainty about the future. On average, the families receive \$200 to \$350 of monthly income from the Social Security Institution. In addition, through civil court litigations, they typically were able to obtain \$35,000 to \$75,000 in compensative awards.⁸ The exceptions were three families who settled with the injuring employers. The settlement amounts were, with one exception, within the range of awards authorized by the courts.

8. Started in 2014, the value of the Turkish lira has dropped sharply in value against the US dollar. In 2014 and 2018, one US dollar equaled 2.19 and 4.83 (the peak was 6.89 on August 14, 2018), respectively. In this article, I provide the US dollar equivalents of monetary awards by taking into account exchange rates at the time of their authorization. But, because of the high volatility, the US dollar equivalents should be taken as approximate.

Except for one individual, no family member has a college degree. While many graduated from primary school, only a few have a high-school degree. It is a common belief among the families that their lack of education keeps them from understanding and navigating through the legal system. Together with their perceived disadvantages, as I will detail, this lack of schooling creates a sense of disenfranchisement among them. The interviews were typically ninety minutes long. All but six of them were audio recorded. The family members who chose to abstain from an audio recording expressed their discomfort. But they allowed me to take notes during our talks. After these sessions, I made it a priority to immediately transcribe all my hand-written notes.

In the interviews, I asked about the incident and its aftermath, their involvement with the law and its professionals, and their expectations of justice and understandings of monetary compensation. Though I had a set of prepared questions, I paid specific attention to letting their remarks lead our conversations. This semi-structured interviewing allowed me to notice which terms and emphases the families preferred to describe their expectations and experiences with respect to the law. This technique also helped me notice to what extent they associated monetary compensation with their sense of justice. For instance, when I asked about their expectations, I waited to see whether they stressed terms of monetary awards or non-monetary standards of justice (for example, punishment, public accountability for injuring employers, improvement of unsafe working conditions). Only after this response did I ask them to elaborate more on what monetary compensation symbolizes for them, whether they were satisfied with the legal treatment, what, if any, additional remedy they expected, and, if so, what happened to those demands.

In the analysis, I identified the shared and separate ways in which the interviewees understood and narrated justice and monetary compensation. All the survivors appeared to acquiesce to the business-as-usual legal treatment. Yet they had various and overlapping—though often not clearly defined or self-contradictory—resentments toward the legal system. Thus, associating the interviewees' categories, stories, and reasoning with distinctive themes was not a straightforward task. However, I was still able to identify three main stances by which they had come to obey monetized justice: whether they understood the quotidian law legitimate or illegitimate; whether or not they reported that they had accepted or would have accepted the settlement offer from the injuring employer; and whether they saw their losses as due to accidental causes or the employer's punishable disregard for occupational safety and to what extent they emphasized the importance of non-monetary standards of justice.

The narratives of the silent families cannot fully capture the precise reasons why their loved ones lost their lives and how the law treated these deaths. Further, the interviews might not be the best source to account for how exactly the families dealt with the legal system (Jerolmeck and Khan 2014). Nonetheless, since I was interested precisely in how they make sense of, and give meaning to, the acceptance of money for their losses and how they explain and feel about the legal justice system, their narratives were adequate data for my research objectives (Zussman 2000; Lamont and Swidler 2014). When combined with additional relevant data, such as official legal documents and legal professionals' accounts, the interviews become even more useful to address the factors behind the silent families' open and suppressed expectations, actions, and inactions. Placing their frames in the structural contexts from which they emerged, my

analysis reveals not only what the silent families said and did regarding justice but also what they were restrained from saying and doing (Ortner 1994, 396; Auyero and Swistun 2009, 9).

WORK-RELATED DEATHS AND MONETIZED JUSTICE IN TURKEY

Turkey presides over arguably the most unsafe workplace regime in Europe. In 2014, the number of fatal work accidents per one hundred thousand workers was 11.6 (International Labour Organization 2016), which was nearly six times higher than the European Union's average (2), followed by Romania (5.5) and Lithuania (4.74) (Eurostat 2020). The Assembly for Workers' Health and Occupational Safety, a non-governmental labor safety organization collecting national-scale data, has demonstrated that many such fatalities were preventable. They occurred primarily in workplaces (construction sites, industrial workshops, mines) where a lack of investment in workers' safety (for example, long work hours, contract-based socially insecure employment, lack of safety devices on fall protection and machinery) was evident (see also Kulinski 2016; Saymaz 2016; Adalet Arayana Destek Grubu 2017; Makine Mühendisleri Odası 2018). Thus, employers' gross disregard, together with an apparent lack of due diligence on the part of the state, has led us to conclude, with other scholars (Mütevellitoğlu 2009; Özveri 2015; Buğra 2017; Adaman, Arsel, and Akbulut 2019; Özatalay, Nüfusçu and Zeren 2019), that the ever-present possibility of injury is prevalent in the contemporary Turkish labor regime.

Faced with a particular episode of this hazardous regime, Turkish law dictates the initiation of a criminal lawsuit and emphasizes the bereaved's right to litigate in civil court. Strictly speaking, the mandate of the criminal trial separates the Turkish legal system from many of its counterparts, including American and German jurisdictions, where a work-related death does not necessarily warrant a public proceeding (Almond 2013; Steinzor 2015). This is an important distinction because it implies that Turkish law on paper approaches safety violations as indictable offenses. However, in the ordinary course of events, the criminal option takes place as procedural, rather than as substantive, justice, producing no meaningful outcome (Akın 2008; Özveri 2015; Saymaz 2016).

Turkish law refers to work-related deaths as "fatal work accidents." In accordance with this designation, the criminal court tends to separate safety violations from high crimes (that is, gross negligence or reckless killing), marking them down them as negligence. According to Article 22 of the Turkish Criminal Code, negligence is "a failure to take proper care . . . during a performance without foreseeing" that the failure will lead to injury.⁹ Here, the duty of care refers to a particular form of criminal liability, the kind for which neither bad intention (*mens rea*) nor foresight needs to be proven (Özkan 2016).

If the defendant had the foresight that their lack of care (that is, disregard for occupational safety) could lead to injury, Turkish law would treat the fault as "consciousness negligence" (that is, gross negligence). If the defendant has acted with foresight, the

9. Turkish Criminal Code of 2004, Law no. 5237, *Official Gazette* no. 25611.

amount of blame attributed to the wrongdoing increases substantially, so much so that it will lead to jail time. Turkish criminal law also defines “eventual intent” (that is, reckless killing) for those situations in which the defendant both foresees the potential harm and consciously runs the obvious risk of injuring someone (Akin 2008; Özveri 2015). In this case, the defendant had foresight and a level of intent to harm. Thus, serious jail time is a must. While, technically speaking, prosecutors can charge the responsible company officials with conscious negligence or eventual intent, legalistic and journalistic studies have shown that prosecutors and judges are prone to find the responsible officials’ safety violations as negligence, no matter how blatantly they risk workers’ lives (Akin 2008; Özveri 2015; Saymaz 2016).

Thus, when a court finds the company officials responsible for causing death by negligence, as happens in the majority of cases, including those of the silent families, it suggests that the offenders have breached the safety rules but that they were not aware of the risk and inadvertently contributed to the death. In addition, tribunals consider that a workplace injury takes place due to a series of failures involving several responsible parties, from top-level managers to low-level officials and even the deceased. As a result, the alleged unforeseeable nature of the death, on the one hand, and the defendants’ individual share in the culpability, on the other, serve as the judge’s justification for granting forgiveness (for example, acquittal, deferment of the verdict, or meager monetary fines) rather than jail time for the defendant company officials.

Further, plaintiff lawyers, as ordinary system professionals, take the law’s decrees as immutable and thus show no substantial effort to persuade courts to shift the charges from negligence to gross negligence manslaughter. Thus, just as the court system regards a workplace death as unforeseeable on the part of the offender, so do lawyers act on the assumption and convey the message to their clients that disregard for occupational safety is a petty crime and deserves no serious punishment. In the absence of criminal punishment, the civil proceeding becomes the primary mechanism of redress in practice. This litigation rests on the country’s tort law—the Turkish Code of Obligations. Differing from no-fault basis workers’ compensation systems,¹⁰ it is concerned with the degree of fault on the part of the injuring party and with determining economic loss and pain and suffering in the form of money. The Turkish legal system names these damages as compensation for loss of support (CLS) and compensation for non-pecuniary damages (CND), respectively.

After a death on the job, the Social Security Institution allocates no-fault basis monthly pensions to the deceased’s dependents. In this context, CLS stands for recovering the part of the financial loss that is not covered by the pensions. Toward this end, the civil court makes use of actuarial computations that take into account various considerations, ranging from the calculation of the total future income that the deceased would have earned to the parties’ degree of fault. These assessments, the law insists

10. Workers’ compensation is the main method of redress for work-related injuries in countries like the United States and Germany (O’Malley 2009; Almond 2013). In a nutshell, it is a form of insurance that recompenses the total economic loss regardless of tort on the part of the parties. This means that the claimant would obtain their total financial loss quicker than a tort law litigation. In exchange, the injured is restrained from suing companies and claiming damages for suffering. This trade-off is a reason why employers are typically immune from criminal litigation in the jurisdictions where workers’ compensation is at work.

through its precedents, lead to the “factual and fair” amounts that hold the injuring employer responsible for the damages they have caused (Güneren 2011).

CND, on the other hand, is intended to be an instrument that helps plaintiff survivors ease the suffering that they have gone through. Such damages are qualitative in their nature, which is never easy, if ever possible, to equate with a sum of money. The law appears to acknowledge this difficulty. A precedent of the Court of Cassation reads: “[T]he sanctity of human life, the concerns about the protection of bodily and psychological integrity of a person . . . cannot be met by money.” Despite this reservation, the precedent continues: “[A]s the legal system does not institute any alternative restitution,” monetary compensation serves to “satisfy the injured party” (cited by Güneren 2011, 937).¹¹

The law simultaneously dictates that courts must take into account the plaintiff’s economic circumstance and authorize such amounts that would not substantially improve it (Güneren 2011; Özveri 2015). Otherwise, the high court is worried that unreasonably high awards might incentivize workers to harm themselves in order to provide better financial conditions for their survivors. This temptation to self-harm would subvert the sanctity of human life, supposedly protected by the law. Further, the Court of Cassation has argued that CND amounts must be such that they put the optimum economic pressure on employers to prevent future safety violations. As the precedent concludes, “the objective of the compensation is to provide the injured with a sense of relaxation and also to create a deterrent effect that leads the injuring party to comply with the duty of care.”¹²

As the criminal court regards the wrongdoing as negligence rather than an intentional offense, the law also permits out-of-court settlements, known as “blood money” in society, as a legitimate alternative to civil litigation. Though there is no formal set of rules governing the parties in the process of coming to terms, the negotiations typically take place in “the shadow of law” (Mnookin and Kornhauser 1979). In practice, the criteria and quantities that are relevant to the formal compensatory awards inform the negotiations and settlement amounts. In a typical case, the injuring employer, under the guidance of their attorney, offers an agreement in such a way that suggests their apology and will to remedy the damages they have inadvertently caused. The offered amount matters, given the availability of the civil litigation. Nonetheless, congruent with the findings of Ng and He (2017), how the employer relates to those left behind is as crucial as the financial aspect, helping the family to see the settlement not as a cruel transaction but, rather, as coming from genuine remorse. Thus, when such a settlement is secured, the offer is introduced and accepted as an appropriate way to respond to the death.¹³

11. Y21 HD, 06.07.2000, 2000/5363 E., 2000/5414 K.

12. YHGK.23.06.2004, E.2004/13-291 – K. 2004/370.

13. A settlement offer comes with the requirement that the injured family does not make a complaint or withdraws their complaint against the injuring employer. This does not halt the initiation of the criminal litigation as it is a public proceeding led by a state prosecutor. However, it implies that the injured has been satisfied with the agreement. The criminal court typically considers the injured party’s satisfaction and the defense’s efforts to repay the damages promptly to be a favorable factor and uses this as justification for forgiveness (Saymaz 2016).

To summarize, in the face of a workplace death, Turkish law promises that civic justice will be delivered and that individual rights will be preserved. The criminal court, however, tends to regard a workplace fatality as being caused by accidental factors. This logic holds up the process as sufficient in itself. In turn, the civil proceeding, or the settlement between the parties, becomes the overriding matter of redress. This law in action, what I term “monetized justice,”¹⁴ introduces monetary awards as “special money,” which allegedly recognizes the moral worth of the deceased, secures the rights of their survivors, and deters corporate malpractice (Zelizer 1994).

Based on this well-established playing field, the bereaved family often finds themselves in the hands of legal authorities who look no further than to administer routine legal procedures. The alarming frequency of injuries, though, implies that this law in action falls short of ensuring safe workplaces. Further, I argue, monetized justice (as a set of rules, processes, and actors) serves to normalize pervasive safety violations under the guise of redressing them. Through the ways in which it categorizes the injury and argues for compensation, the law gives direction to the plaintiff family to see their loss as accidental and to take the offered money as an equivalent to justice. With this line of reasoning, this article looks at how a group of victims' families comprehends and acts upon monetized justice. As mentioned, my intention is not simply to suggest that these families have embraced understandings of fairness invoked by the law. My aim, instead, is to shed light on the ordinary legal procedures and conditions by which they are resigned to monetized justice.

ACCEPTING MONEY IN COMPENSATION FOR DEATH

Throughout our talks, the silent families typically described how they followed a business-as-usual legal process. Still, the families simultaneously had various resentments against it. With that in mind, I identify three perspectives with which the families express their open and veiled expectations, actions, and inaction.

Monetized Justice as a Failed Principle

Salih lost his father at a construction site. The building under construction had no safety net protection system. An iron bar fell from the upper floors and bounced onto his father's head while he was working on the ground without a safety helmet. He showed photos of the construction zone taken on the day his father died, arguing that the company should have taken precautions: assembling the needed protective net, not requiring his father to work in the risky area, and making him wear a helmet. Despite the company's open disregard for safety, Salih thought that they had no intention to kill.

14. In his theoretical account of damages and fines, O'Malley (2009) also uses this concept to stress the increasing usage of money as a form of sanction, regulatory tool, and remedy in our consumer societies. In this study, by monetized justice, I refer to a set of rules, processes, and relationships that establishes monetary awards as a primary vehicle for justice. I suggest that this quotidian legal system provides the repertoires of thinking and the habits of action that inform how plaintiff families can understand and narrate money as an adequate form of redress while deflecting attention away from the preventable nature of their losses (Swidler 1986).

Further, he described how the employer visited his family, apologized for the unintended harm, and asked for their forgiveness (“*helallik istemek*”). He considered this apology sincere and felt no hostility to the employer. In his words, his loss was “God’s will.” What seemed curious was that Salih was aware of, and indeed listed, the company’s clear violations of occupational safety.

Importantly, this recklessness (for example, the avoidance of setting up the safety net) could be turned into a legal claim, based on the insistence that the defendant officials acted with gross negligence and that appropriate jail time was a must, if the legal counsel had chosen to convince the court to treat the wrongdoing as a serious crime. However, Salih did not receive any such legal advice. Nor did it occur to him to make such a demand. Instead, he came to echo the legal justice considering the employer’s lack of care within the limits of acceptable risk. Thus, he believed the law was right to impose no punishment. Instead, Salih had expected the law to make provisions to repay the company’s injuries more adequately. Salih’s father had been the only support for the family of four children. Although the Social Security Institution allocated an income of around 1,400 TL (\$370) per month for his mother and siblings, this amount was by no means enough for the family. One of his sisters, in his words, “was of an age to marry,” while others were still going to school. As the oldest brother, Salih had to start working during his undergraduate studies. He was a student of accountancy and lucky enough to find an assistantship position at an accountancy firm. Still, this job was not what he “had expected from life.” In his words, it “replaced the agony caused by his loss with the worry of taking care of the whole family.” In these circumstances, Salih had expected to receive the compensation earlier than the three years they spent waiting for the court to make its ruling.

After this extended period of waiting, the court allocated 180,000 TL (\$49,000). For him, this outcome was lamentable. First, the duration of the proceeding was far too long. According to the law’s justification, the compensation intends to prevent poverty. Salih suggested, though, that the belated allocation was far less than what was required for the family’s pressing needs caused by the loss. Salih also complained that the award was way too low and, hence, not fair. He specifically recalled the law’s assurance of repaying the total financial loss. He then denounced the law’s calculation as unfair and asked rhetorically: “If my father (who died in his late fifties) had kept working, wouldn’t he have done much more for us?” Salih found the money meager and expected more. In contrast to the common-sense understanding of money, however, this demand, as Salih viewed it, was not out of greedy interest but fairness. I asked Salih: “What should have been done to secure justice?” His reply was simple and summarized his vantage point: “The incident occurred randomly. No bad intention was involved in it. Otherwise, it would have been a different issue. Then, the punishment would have been a must. But in our case, the law should have looked at compensating our injuries more adequately.”

Salih’s words illustrate the perspective of most of the silent families, who took money as the equivalent of justice. These families considered monetized justice to be an adequate principle, albeit blaming the way it was implemented. This line of reasoning coincides with the legal perspective that categorizes a workplace injury as a byproduct of simple negligence or, from the families’ perspective, due to misfortune. Company officials may hold responsibility for the deaths, but, in the families’ eyes, these

faults are not severe enough to ask for retributive justice. Thus, for this sub-group of silent families, the underlying problem arises mostly from inadequate payments.

Monetized Justice as a Standard Legal Treatment

Not all of the silent families saw monetized justice as a legitimate system. Many of them found flaws in it, though these flaws were not clearly defined. As mentioned above, Secil also sought more adequate payments. Differing from Salih, however, she seemed not to be entirely satisfied with the law's explanation of the accidental character of her loss. At the beginning of our conversation, when she described how the incident happened, she mentioned that the management's disregard caused the death and that the law should hold them accountable by means of appropriate punishment. While describing the incident's aftermath, however, she also accused the management of showing no real effort to repair the harm that they had caused: "The company just sent an envelope with 2500 TL (\$675) in it to meet the expenses of the funeral. That was it! Neither did they give condolences nor ask about how we were doing. They have no conscience!" She explained: "Didn't my husband die while working for them? Shouldn't they look after us?"

Notice that Secil's initial remark refers to a hostility toward the management due to their disregard and calls for suitable accountability of the employer's heedlessness through the means of criminal justice. This demand, however, comes to be less pressing in the latter part of her statement. This transition resonated with her general tone throughout the interview. Notably, in her narrative, the demand for chastisement was a passing reference. Her emphasis on the company's apathy implies that she had simultaneously expected care and a settlement offer from them. Though it might seem that her two remarks are contradictory, such inconsistency is invisible to her.¹⁵ This self-contradiction, I argue, emanates largely from her adaptation to the dire economic situation and the legal procedures and directions that she finds herself in following her loss.

From her vantage point, the company should have sustained the family's economic safety as a matter of conscience. Given the difficulties that Secil was undergoing after her loss, this care mattered. And the lack of it frustrated her further. She asserted that the company's dual neglect outraged her so much that it "gave me no choice but to find a lawyer and go to court." Despite her complaint, Secil had only limited information about the criminal proceeding. At the beginning of the trial, her lawyer, Mehtap, like all of the other attorneys of the silent families, informed Secil that she "should not expect any satisfactory punishment." Mehtap never gave a reason, at least not in Secil's account to me; she just let Secil know that the compensation litigation was what matters in fatal work accident cases. In addition, Mehtap told Secil that she would take care of all the necessary steps. Therefore, Secil did not need to attend court hearings in person.

15. Securing an out-of-court settlement would have meant that Secil had no complaint against the company and been satisfied with the apology offered in the form of payment. Her expectation of a settlement offer thus contradicts her demand for suitable punishment.

Secil, who is a middle-school dropout, explained that “I have no education. . . . I could not have understood anything even if I had been involved in the court hearings.” Her lack of schooling, in turn, made Mehtap’s influence over the ways in which Secil thought regarding the law all the more influential: “I gave my lawyer a power of attorney and followed whatever she advised.” All she heard from Mehtap and, then resigned herself to, was that the court imposed no penalty on the officials. As mentioned, Secil explained her unenthusiastic consent by noting that they were “poor” and that, “even if the poor wrongfully die, there is not much to be done.” This emphasis on her disadvantaged position makes me suggest that Secil has a sense of being wronged (by the company officials and the legal system). But, echoing John Gilliom’s (2001, 75) findings in the case of Ohioan welfare mothers, her objections “are so personal . . . and so undeveloped” that she comes to view monetized justice as the standard legal procedure. In her eyes, monetized justice is what her lawyer encourages her to follow and implicitly conveys its legitimacy. Further, as a result of this “second-order legal consciousness,” she adjusted her expectations, as per the quotidian system (Young 2014).¹⁶

In July 2017, five years after the incident, Secil obtained only part of the compensation of 130,000 TL (around \$35,000). When I asked about her expectations of justice, she said: “I do not understand why we had to wait for five years to receive the compensation I was left alone with my three kids in a rented house. . . . May Allah bless my landlord. I did not pay my rent for a year, but he did not make it a problem. I wish the law had been on our side as well.” In this quotation, one can see the ways in which Secil appears to believe that justice would have been done if the law had allocated payments more promptly. Under the influence of the lawyer’s counseling, her earlier emphasis on the need for accountability is transformed into resigned acceptance. Therefore, much like the first group of silent families, individual monetary compensation becomes equal to justice. This stance relates to the assumptions of many silent families that compensative redress is the ordinary way to act upon their losses and that there is nothing else they can do.

Monetized Justice as an Unavoidable but Unfair Conduct

There were a few other families with whom I identified a third perspective. From a distance, this smallest group is no different from the other silent families. They did not make much effort to persuade the courts that the fatal injury involved severe faults and that additional measures were not necessary to address them. In a context where they were directly asked, however, these families were keen on separating justice from compensatory restitution and indicated a more critical awareness of their resignation than the first two sub-groups. Arife, for instance, though in simple language, criticized the legal justice system despite her compliance with it.

Arife’s husband, Refik, died due to electric shock while repairing a high voltage transmission line. Neither the main company, which outsourced the repairing task

16. With “second-order legal consciousness,” Kathryn Young (2014, 502) calls attention to relational dynamics in which laypeople construct their thinking and acting in regard to the law. The key insight is to examine how “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” have come to inform their conceptions and practices of the law.

to a small-scale firm at which Refik worked nor Refik's employer fulfilled the legal duty to provide him with safety equipment (for example, proper electric service gloves) and to sustain preventive measures, including providing an assistant to monitor the process and shutting off the power. After the incident, Arife was "in shock for a few days" and mourning her beloved husband. She was wondering how the owner of the subcontracted company, with whom Refik had a strong friendship, could put his life on the line. Not long after, since Refik had been the only support for the family of two kids, the equally pressing issue was raised: how to live on no income.

Refik's death left Arife alone with emotional distress, resentment toward the employer, and economic insecurity. However, Arife, in her words, "had initially expected nothing from the law." She is a primary school graduate and underscored her lack of education as the reason why she "had not known what rights she has." For instance, she had not even been aware of the social security payments guaranteed to those who lose the support of a breadwinner. Her sister's husband advised her to apply for these payments and found her a lawyer. Arife attended the criminal proceeding's first hearing as per the court's mandate. She made a complaint against the companies' officials because she believed that they caused her husband's death. However, this was her only appearance in the courtroom. Although the active attendance would have conveyed a message to the court that she was insistent on her complaint, Arife did not participate in any subsequent hearings in the criminal court, and I asked her why: "After that hearing, I could not sleep for several days. It was like the day I learned of my husband's death. I cannot stand being there and seeing the company's owner, who can act as if nothing happened. It reminded me of my sorrow and deepened it." In addition to the emotional burden, Arife pointed to the need to care for her two children, who were three and five years old: "Except for one of my neighbors, I have no one who can look after my kids. But, how can I ask her again and again in order to go to the court?" For the same reason and because the social security payments were not enough to support her two young children, Arife was assembling small furniture parts at home, selling them to a company on a piecework basis.

For women who have lost their husbands, gender plays out not merely through the caretaking responsibilities but also in the form of social pressure. Drawing on a nationwide survey and in-depth interviews with widowed women from working-class neighborhoods in six provinces of the country, Şemsa Özar and Burcu Yakut-Cakar (2013, 31) show that being widowed comes with negative social stigma restraining women's presence in public spaces. Similarly, this stigmatization makes it difficult for silent women to publicly voice their grievances. Another widowed woman, Hatice, a mother of two, described how her uncle had taken control of the situation, negotiated with the injuring contractor about a possible settlement, and found a lawyer on her behalf due to gendered concerns, as if it was a normal way of proceeding. Under these constrained material and social conditions, Arife, similar to Hatice, was limited to obtaining information about the ongoing proceeding from her lawyer.

On the surface, Arife might have seemed indifferent to the public litigation. Her expectations, however, were not in line with what the law does in the name of justice. Nor were they limited to her personal outrage. Arife emphasized that Refik was just one among many workers who died at work. Thus, she defined her loss as a particular episode of a broader social problem, a perception that was timid or even absent compared

to the way most silent families, including Secil, described their losses. Ideally, Arife expected the law to impose a suitable punishment on the defendant employers, and, in explaining why, she said: “I just want that other people will not suffer the way I have been hurt. All I want is that no child will experience the pain my kids are going through.”

As her litigation continued, I asked Arife how she would feel if the court awarded nothing but money, as expected: “Employers do not give any value to human life. If there is no punishment, it will come to light that the justice system doesn’t either But, if the law allows only for compensation, *what else can I do? Whatever the state rules I will call “justice!” I will call it the state’s justice. I will say that the state deems a worker worthy of this mere money.*” Arife views monetized justice as unjust and describes it as such when she is directly asked. Nonetheless, she believes she can do nothing but obey what she considers to be the all-powerful legal system and, in so doing, thoroughly represents the third subset of silent families. These family members emphasize the systemic indifference to a worker’s life. This critical stance leads me to suggest that, were it not for the social asymmetries in which they are embedded, these individuals would abandon their “silence.” They would then use criminal proceedings to publicly voice their sense of injustice, ask for a broadened investigation of company officials, call for a shift in the charges from misdemeanor to gross recklessness, and demand the protection of workers from safety hazards. But, as I will elaborate further, the circumstances that these families share with other silent survivors do not allow them to take such defiant legal action.

THE CONTEXT OF ACCEPTANCE

While many of the silent families grumbled about lengthy legal proceedings and lower payments, a few complained that mere compensative restitution was no help in preventing safety violations. But none of the families turned their grievances into cogent political or legal claims. Instead, all of the families suppressed their objections, took the money, and moved on. In the following sections, I will explain further why they have done so by placing their resigned acceptance into its context. This emphasis on the situated nature of their legal consciousness helps me account for why they came to soft-pedal their complaints (Mills 1940; Berrey, Hoffman, and Nielsen 2012).

Pressing Needs

As Cennet, a mother of three children in her forties, whose children were twenty-three, nineteen, and sixteen, shared: “I have cardiac problems. Even the doctor is not sure how long I will survive. All I want is my fatherless kids’ rights My husband did not die when he was having fun at home. He died on his job. It was the will of God. No questions can be asked. But my fatherless kids’ rights should be granted My God knows that all I wish is to buy a house for my kids with their father’s money.” The responsibility for taking care of their children was not new for the eight widowed women whom I interviewed. Nonetheless, after their losses, they were forced to undertake the entire obligation to sustain the family with scarce resources. As already

mentioned, the Social Security Institution guarantees income for eligible survivors. However, these payments are not enough to provide a decent living. Özar and Yakut-Cakar (2013, 28), drawing on a survey of over one thousand widowed and divorced women, found that more than half of the survey participants with social security benefits could not meet their basic needs and struggled to pay housing expenses, rents, and their children's education. Echoing this finding, the silent women, especially those who lived in rental properties, like Cennet, stressed the struggle to pay for basic amenities.

While a few of the women began to paid work in jobs like cashiering or assembling from home, for someone like Cennet, who struggled with heart disease, working was not an option. Instead, her daughter, who was seventeen at that time, began to work in a small garment factory. In this situation of desperate need, Cennet, as did many other families, emphasized receiving monetary awards as soon as possible when I asked what she expected from the law. But economic constraints alone cannot capture how they made sense of money. As Cennet puts it, there were many associate monetary compensations with the loved one's efforts to sustain the family. In naming the money after their partner had died, they infused it with an "ethics of care" and described how they looked at spending it for the future of children, typically by buying a house or meeting expenses for education, as the lost loved one would have done.

Gilliom (2001, 111) explains that an ethics of care (the language of, and demand for, accessing basic needs of care) and an ethics of justice (the language of, and demand for, equal rights and treatment) might not be mutually exclusive. In a context of opportunities, disadvantaged groups can create claims around their, and their dependents', needs without compromising the demand for equal opportunity. The implication for the silent families was that Cennet could, in theory, claim the appropriate compensation for individual harms while also demanding appropriate accountability from the law that would condemn and deter companies' recklessness through criminal proceedings.

However, in reality, the pressing concerns about the future of their dependents makes this potential undiscernible for these silent survivors. When combined with a sense of disenfranchisement and scanty legal advice, which underlie the silent families' legal consciousness, as detailed below, it leads them to downplay any potential attempt to demand civic justice, no matter whether this inaction leaves them with suppressed resentments. In return, most of the silent families, like Cennet, come to focus on obtaining what they think of as a fair amount of money and simultaneously belittle non-monetary standards of justice.

A Sense of Disenfranchisement

Due to a malfunctioning crane, a load plummeted to the ground and crushed Baran's son Ahmet to death in a large-scale factory. Beyond this very brief description, Baran had little information and could not detail how the incident happened. We, therefore, focused on its aftermath. Just after the accident, the factory's top-level managers visited the family and expressed their condolences. The company organized Ahmet's funeral in the village where Baran lives. They arranged free shuttles from the factory and met all the expenses of Mevlud (a religious commemoration in which

the Quran is collectively recited) held for Ahmet. Baran appreciated their effort, saying: "People kept talking about how Ahmet's funeral was the biggest in the village's history." But it was still not enough in Baran's eyes; the company offered a settlement a few weeks after the funeral. The offer was not a direct payment. They proposed providing free legal service for the civil litigation, in addition to paying for his grandson's educational expenses and guaranteeing him a position after graduation. In return, the company asked the family to make no complaint in the criminal court.

The keen interests of the management convinced Baran that they were genuinely sorrowful and wanted to make amends. Regardless of what the company's real motivations were, the interactional protocols they fulfilled before the offer helped Baran to consider that they were not intended as the buying and selling of his loss but, rather, much like Marcel Mauss (2002), as a gift, a form of reciprocity. Throughout his employment, his son had contributed to the company. He quite literally gave his life for its sake. In turn, the employer, according to how they presented the offer, was paying him back by ensuring the economic safety of those he left behind as a symbol of the debt they owed him. Still, Baran's depiction of his acceptance was not entirely jubilant:

My son died. Who can bring him back to me? It was an accident and happened. There is nothing else to be done. *Even if I had complained in the court, what would have I gotten from it?* The company had not wanted this to happen either. *If we had complained, we might have received nothing. How could I know? Something unexpected might have occurred. I am a poor man living on a retirement pension in a village. I cannot understand what the law is. How can I compete with such a big factory?* At least, they are now paying for my grandson's education and promise to give him a job.

The emphasis in this quotation leads me to suggest that Baran found something amiss about the use of money to redress the wrong that caused his loss. Even so, he simultaneously felt that he was not entitled to define the flaw or lay claim to his vague outrage. In his view, and there is a lot of truth in it, he was poor, uneducated, and powerless. He was afraid that a legal complaint might appear to defy, in his image, the powerful employer and create further harms. In a context where the employer appropriately apologized, it seemed to Baran permissible to accept money, as was the case with Secil and Cennet who implied that they would have also accepted monetary settlements had the injuring employers made appropriate offers.

Moreover, the ways in which Baran described the compensation illustrates that his reasoning involved not only economic calculation but also a moral rationalization. He explained why the court should assign compensation to his wife in terms of "her rights of motherhood" (*analık hakkı*). He asked to emphasize how his wife's maternity entitled her to receive money: "Did she not give birth and nurse him?" In linking their understandings of rights with money, the silent families often referred to their wider disadvantages. This referencing implies that their silence does not signify voluntary consent but, rather, resigned acceptance (Shklar 1990, 91). It entails "an adjustment to" their situations, a process that Pierre Bourdieu (1990b, 128) calls "the sense of one's place" or *habitus*. The silent families assumed that the law was not the field that they could play on. Given this sense of

disenfranchisement, many of them came to think that obeying legal justice was the only realistic option. Thus, they typically narrowed their expectations to get the most satisfactory terms of compensation either from civil court litigation or from out-of-court settlements. Insofar as the families accepted money as the primary tool of redress, they normalized their losses as their misfortunes and took on the idea invoked by the legal system that the only thing left to do was to recompense damages. This understanding, as Baran's case illustrates, leads them to avoid intervening in the court proceedings to demand civic justice alongside recompensing individual harms.¹⁷

Limited Legal Guidance

As Feriye, a mother of two children, ages eleven and sixteen, explained,

our prosecutor has been helpful He sent legal experts and made the investigation on the same night my husband died. He did not consider our case to be unimportant. May God bless him. But he also told me that . . . “Do not expect that the defendants will be punished There are such rules in the law that invalidates even my request of penalty.” My lawyer said the same. *If your prosecutor and lawyer tell this to you, what else can you do?* This is what justice is in this country. Justice! Of course, if we talk about justice, I want to see that those who are responsible for my husband's death will be held accountable. *But we cannot even think of that treatment. I have already accepted the impunity. There is only one thing that I want: to see our injuries are repaired.* We should not have had to wait for four years to receive the compensation. That's it!

In line with their sense of disenfranchisement, the silent families considered the law to be an authoritative institution with its commanding rules and actors. Some, like Feriye, may have felt that they had been wronged by the law because it did not authorize a suitable punishment, holding the defendant employer accountable for their disregard. However, they did not see themselves as capable of pursuing a demand for criminal justice that would contest the law's emphasis on monetary compensation and insist on the protection of workers' rights to work in safe conditions.

This observation leads me to suggest that some of the families' grievances, like Feriye's emphasis on accountability, could easily be turned into strong legal and political claims if there were activist lawyers and organizational support available. The literature on legal mobilization shows that the presence of politically committed legal advising and community support provide otherwise unlikely perspectives, skills, and resources from which critical reflections can occur, the knowledge of rights and legal options can extend, and a sense of righteousness and possibility can thrive (McCann 1994; Gordon 2005; Shdaimah 2009; Marshall and Hale 2014). Thus, aggrieved groups can build upon their shared resentments, turning them into an extended fight for justice.

17. For a similar argument, see Özataalay, Nüfusçu and Zeren 2019. As the case of Baran implies, the novelty of my account is that it shows how the bereaved family makes sense of blood money and the processes in which they adapt the meanings produced by the law.

However, the legal authorities with whom the families connected serve to suppress such potential transformations and demands. For the larger project, I interviewed twenty-one lawyers and five judges, who practice in the usual legal system. The interviews suggest that these ordinary system professionals treat monetized justice as an unyielding regime. As mentioned above, the prosecutor and judge typically charge the defendant company officials with simple negligence, granting forgiveness. Though the law allows the victims' attorneys to be part of the criminal proceeding, they often let the trial run its ordinary course, neglecting to work on persuading the criminal court to shift the tolerance for safety violations. In return, they focus on the goal of maximizing clients' immediate monetary interests. Further, the purposes that the law places on monetary compensation (for example, the protection of the survivor from poverty) help them see their legal service as a fiduciary duty. Thus, their routine legal advice suggests, as if the outcome is invariant, that the criminal proceeding will create no meaningful outcome and that striving for better terms of payment is the best possible choice.

As Feriye's (and Cennet's) words illustrate, these findings are consistent with the silent families' experiences with legal officials. Without legal advice that saw their loss as a matter of civic justice and that their efforts might matter for making changes in the ordinary legal system, the silent families were typically left with no other credible alternative but to follow a business-as-usual legal process. The lack of a suitable chastisement or the inadequate terms of compensatory payments might lead to disappointment in the legal justice. However, as Feriye's movement from despair to resignation implies, the silent families typically see judges, prosecutors, and attorneys as authority figures that one must obey. Thus, most of the silent families, advertently or inadvertently, come to accept monetized justice throughout their legal action. Furthermore, insofar as they take legal justice for granted and adjust their expectations accordingly, they come to acknowledge their weak ties or they hear about their acquaintances' experiences in the legal system and that the demand for a broader practice of justice is unrealistic and finding a way to secure the best possible terms of compensation is the most sensible option.

Consider Feriye's advice to a man who lost his brother on the same factory floor just a few months after the death of her husband. The man happened to be Feriye's neighbor. He thus consulted with her, asking what they should do following their loss. Despite Feriye's earlier emphasis on accountability for the company officials, she reported that she had said to the man: "If you have a mind, . . . find ways to settle with them." According to Feriye, the family indeed made an agreement with the company. The arrangement comprised a monetary settlement as well as financial aids and a future position for the deceased's son—measures that Feriye defined as "saving the son's life." She then asked in a way that suggested she would have settled with the company: "What was our sin? I wish the company had offered us a settlement as well."

DISCUSSION AND CONCLUSION

In this article, I have shown what makes bereaved families endow money with the conceptions of rights, conscience, and fairness. In line with how the law dictates the compensation, they often view it as emerging from the law's duty to preserve the survivor's rights. The meanings infused with this money make it both a material and

symbolic resource, allowing the family to make sense of obtaining cash in return for a wrongful death. In this sense, the payment is not an ethical problem *per se*. Its significance and import go beyond its purchasing power to recognize the deceased's moral value and thus even claim to deliver on the goal of fairness.

This finding resonates with the argument that money, as a social construction, routinely interplays with our values (Zelizer 1994). However, my situated analysis of morals and monies was particularly concerned with how this interplay works from power asymmetries and systemic bias in the legal system and thus can reinforce them. The legal system is able to impose a set of governing terms within which bereaved survivors act upon their losses (Jain 2006). While treating work-related deaths as accidental, Turkish law introduces monetary compensation as a primary vehicle for justice. Only after this moral legitimation does the payment become a morally appropriate entity. Thus, legal professionals, plaintiffs, and defendants come to negotiate over how much the proper payment should be. As the quotidian legal system falls short of fulfilling its promise of safe workplaces, however, my focus was not so much on the different ways in which these actors moralize the money but, rather, on what effects the conventions of justice that the law establishes around the payment have on the bereaved's thinking and acting regarding law, fairness, and monetized redress.

Reformulating the problem in this way has helped to address previously unresolved issues in the literature. First, how does the legal system narrow expectations of justice from the protection of workers' safety down to individual damages? Second, what does this narrowing down tell us about how monetary compensation serves to invoke or nullify moral concerns? In grappling with these problems, I have made use of interviews with "silent families." This has allowed me, above all, to juxtapose formal legal reasoning with conceptions of fairness from below. The analysis has proven that, to the extent that conventions imposed by the legal system turn into patterned ways of thinking and acting, the demand for a broader practice of law appears undiscernible or unrealistic (Silbey 2005; Jain 2006). Importantly, this does not negate implicit grievances toward legal justice. While many feel wronged that the law falls short of recompensing their damages appropriately, a few go so far as to define their losses as part of a broader social problem and call attention to suitable accountability that can address this systemic issue. However, in each case, the silent families came to consider their deserved compensation through a limited frame of rights or the only viable option, as per the legal system. I suggest that it is this situated legal consciousness that narrows their expectations to the compensation without striving for any broader demand of justice. Thus, concerns about civic goals of justice get sidelined if they are not in the bereaved's perspectives concerning their pursuit of law.

Following their loss, almost all of the silent families, particularly the widowed women living in rental properties, went through financial difficulties. Many of them describe a hope to purchase houses for their children. Thus, dire economic situations might appear as the reason behind their acceptance of money. However, this materialist explanation alone does not capture the ways in which many of the survivors limited their answers to "fair compensation" when asked about their expectations. The silent families took their social disadvantages for granted, imagining themselves incapable of asserting their demands even when they were looking for alternative means of reparation. In return, many came to adjust their expectations to the terms of monetized

justice. While these findings duplicate the rich literature on powerlessness and acquiescence (Gaventa 1980; Bumiller 1988; Gilliom 2001; Sandefur 2007; Auyero and Swistun 2009; Young and Billings 2020), its novelty arises from the argument that meanings inscribed in compensation can play a role in resigned acceptance.

In a context where the legal system introduces money as justice, the families with limited cultural, legal, and political resources effortlessly adopt the limited language of fairness. This is how most silent survivors come to accommodate the monetary award to the idea of the rights and conscience, thinking of justice in the narrow terms of obtaining fair compensation. A clear illustration of this adjustment is the situation in which the employer shows sympathy and care following the death, offering an apology in the form of a settlement. In (real or hypothetical) instances where the employer apologizes in ways in which the family deems to be appropriate, all but three of the survivors reported that they would consider the offer and withdraw their complaints against the company officials. Importantly, the ways in which the employer relates to the family matters as much as the settlement amount, suggesting the importance of meaningful interactions in rendering the payment permissible in the eyes of the survivors. At the same time, the families' inclination to accept the settlement implies that many of them come to see the demand for suitable chastisement, public accountability, and prevention of avoidable safety hazards as negligible or secondary to the timely compensation for damages.

Equally important are the limiting effects of legal professionals. The literature on legal mobilization suggests that resistance through the legal system requires consciousness that contends with it from within (Brisbin 2010). Further, the literature conceptualizes resistant legal consciousness as a collective, rather than an individual, enterprise by emphasizing the imperative of activist legal advising and the presence of organizational support (McCann 1994; Gordon 2005; Shdaimah 2009; Marshall and Hale 2014). In the context of politically committed legal counseling and community support, as scholars show, aggrieved groups can extend their legal knowledge, develop otherwise unachievable visions and skills, and organize around an expansive and shared vision of justice (McCann 1994; Gordon 2005; Shdaimah 2009). Thus, they could become more comfortable with resorting to the law to voice their grievances publicly and demand systemic change within and despite the legal system.

In contrast to this picture of collective and personal growth, the silent families navigated the legal system on their own and were dependent on the guidance provided by ubiquitous system professionals. Even their attorneys advised them that criminal litigation was pointless and that striving for better terms of awards was the most they can do. This limited legal counsel, combined with the families' impoverished conditions and sense of disenfranchisement, served to suppress grievances and comply with a business-as-usual perception. Thus, it hardly occurred to the families, including those who were keen on separating justice from monetary compensation, that intervening in the lawsuits to reframe the problem as being rooted not in an accidental cause but, rather, in a systematic violation and insisting on suitable accountability was a credible addition to what they had done.

Nonetheless, as the literature suggests about the heterogeneous nature of legal consciousness, adaptation to monetized justice was not equal among all of the silent families (McCann 1994; Ewick and Silbey 1998). I have identified three routes to acquiescence. Many, like Salih, affirmed legal justice as ethical conduct, yet still felt victimized due to

its failed promises; others, like Secil, saw it less as fair and more as merely a conventional way of doing things; and a few, like Arife, took it as illegitimate but unavoidable and explained that their compliance was due to their perceived weakness.¹⁸ These suppressed grievances are a clear sign of the effects of power at work, which serve to set the terms of debate (Lukes 2005). They also imply a level of dissent, even in the absence of a clear or committed voice.

However, the hidden dissent by itself is unlikely to evolve on its own into a defiant vision and action (Abu-Lughod 1990). Thus, aligned with Silbey's (2005, 347) and Sherry Ortner's (2006, 347) criticisms of agent-oriented studies of consciousness, my account calls attention not only to what rights or justice mean to the families but also how and to what extent their conceptions and actions "coalesce into" monetized justice. As the three routes to resigned acceptance suggest, the more families adapt to the construction of compensation as the ultimate justice, the more they come to downplay structural factors, viewing their losses as individual troubles and, thus, the inadequate terms of payment as the core of the problem. This situated framework emanates from and reinforces their resignation, congruent with Charles Mills's (1940) argument that "vocabularies of motive" are inseparable from their broader contexts and often work to normalize them. Thus, it inhibits them from acting upon their loss as part of the more significant social problem, a problem that requires the law to initiate effective deterrence and institutional change alongside recompensing individual harms.

As I have argued, this is how monetized justice shares responsibility for the hazardous labor regime in Turkey. Once the inevitable results of this structural problem—families with losses—are compensated monetarily, the law in action informs that all the moral responsibilities have been fulfilled. The legality constructed around monetary compensation works to make concerns about safe workplaces trivial or secondary, even in the eyes of the bereaved. As a result, the worker's ever-present possibility of death, along with the quotidian law's systemic effectiveness in preventing it, is socially normalized and perpetuated.

This argument has implications that go beyond the case at hand. The situated analysis that I have advanced shows how to take into account the power-implicated nature of meaning making around justice and monies. Indeed, studying the unequal opportunities for defining what justice or monetary compensation stands for provides greater analytical leverage for examining when and how monetary compensation can contribute to the law's ineffectiveness in ensuring equal treatment and protection. This is both because the injured's circumstances can lead them to readily accept money as justice and because of the meaning that this payment takes on leading them to do so. By bridging the literature on morals and monies and legal consciousness scholarship, this study thus suggests a new direction that will help future researchers address how monetary compensation's supposed ethical functions can obscure a broader practice of law.

Legal institutions, authorities, and the injured all give meaning to damages. However, this meaning-making is not an equal opportunity affair. Even when the

18. This finding echoes Jean Comaroff and John Comaroff's (1991, 22) seminal account of power's effects on consciousness: "They are internalized, in their negative guise, as constraints; in their neutral guise, as conventions; and, in their positive guise, as values."

injured have criticisms of official terms, articulating a public voice of objection and moving beyond legal justice requires specific material, cultural, and organizational resources. Particularly in the absence of these opportunities, the legal system can establish a set of authoritative terms and procedures, narrowing the visions of, or actions for, justice down to individual damages. Therefore, in a situation where the law falls short of delivering its promise, the ways in which it promulgates compensatory remedies can act as an impediment to civic justice and a tool of the status quo. Given the widening use of monetary restitution in our time, this article might encourage future inquiries and guide researchers to examine the moral scopes and limits of monetized redress in different empirical contexts.

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