

Story 703 (1976 Tape 4)

Narrator: Salık Aydın
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The Defendant Who Won Through Discretion

There were once a rich man and a poor man who lived in the same village. The poor man was always in need of money, and one day he went to the rich man and said, "Lend me some money!"

"How much do you want?"

"I want 1,000 liras."

"All right, I shall lend you 1,000 liras, but if you do not repay me on the day that it is due, I shall have to cut one kilo of flesh from your body."¹

Agreeing to this proposal, the poor man took the money and left. But when the day arrived on which the 1,000 liras had to be repaid, the poor fellow did not have any money at all to pay back. When he did not report to pay his debt, the rich man decided to take him before a kadı and lodge a complaint against him. He found the poor man, and together the two of them went to see the kadı in the nearest town

On their way they saw another rider approaching them on

¹This is the "pound-of-flesh" bargain common in folktales but perhaps best known to the English-speaking world through its use by Shakespeare in The Merchant of Venice.

²The kadı was a judge under shariat law in pre-Republican Turkey.

Story

horseback. The rich man's horse and the stranger's horse frightened each other and both went out of control. In the confusion the stranger's horse charged at the rich man's horse. Wanting to help the rich man, the poor man jumped in front of the charging horse to try to stop it. When it did not stop, he threw a stone at its head. The stone, unfortunately, hit the horse's eye and ^{blinded} it on that side.

"I may have wished you to help me stop my horse," said the stranger, "but I did not want you to blind it in one eye. I am going to file a complaint against you with the kadı."

The poor man set out again, this time with two accusers who intended to file charges against him with the kadı. Along their way they came upon a man who was trying to free his donkey from the place where it had become stuck in the mud. "Selâmünaleyküm!" they said.

"Aleyküselâm!"

"What is your difficulty?" they asked him.

"In the name of Allah! Can't you see? My donkey has become mired in the mud, and I am trying to pull him out. Why don't you help me?"

One of the riders grabbed the donkey's bridle, the other grabbed its saddle, and the poor man grabbed its tail. They all began pulling, but suddenly the donkey's tail snapped in the poor man's hand, and the poor man realized that he was in even more trouble now. The owner of the donkey said, "I am

Jan XXI

138

Story 703

going to take you before a kadı and present a damage suit against you!"

two men on horseback said, "We are on our way to see the kadı in order to do the same thing. We too wish to complain about this fellow. You might as well come along with us."

so it was that there were now four of them traveling to the nearest town to see the kadı there. But before reaching the town, they came to another village. In that village there lived a pilgrim³ whom the rich man knew. The poor man and the other plaintiffs waited in the courtyard while the rich man entered the pilgrim's house. The poor man thought to himself, "If they should all go into that house and sit talking, I shall run away." And when all of the other plaintiffs were invited inside, that is just exactly what the poor man did. When he ran out of the courtyard, however, he collided with the pilgrim's pregnant wife and knocked her down. As a result of that collision, the pilgrim's wife had a miscarriage.

pilgrim said to the poor man, "You ran into my wife and caused her to have a miscarriage. You also killed our child. I am going to press charges against you."

pilgrim joined the group of travelers, and they all

³The pilgrim here is called hacı, a term denoting a person who has made the pilgrimage to Mecca. Thenceforth, such a person bears the honorific hacı or pilgrim: Hacı Ahmet or Hacı Fatma.

Story 703

set out again on their journey. It was Friday when they finally reached the town where the kadı lived, and all of the people were at the mosque for prayer service. As the group was passing

mosque and heading for the kadı's mansion, the poor man thought to himself, "If I can just escape from this group and mingle with all of the people in this mosque, they would never be able to find me again." He fled into the mosque, but after he had become part of the crowd leaving the prayer service, he changed his mind about what he should do. He suddenly decided to hide within the minaret. He climbed up the circling staircase within the minaret until he reached the level from which the ezan⁴ is chanted. When he got to that level and stood on the balcony there, he wished to communicate with Allah. "My

you have given me all these years of poverty, and you have given me all of this trouble. I cannot endure it any longer! There is yet one thing I can do to be free of all this suffering, and that is to jump from here to the ground below!"

Saying that, the poor man leaped from the high level where ezan is chanted. Instead of striking the ground, however, he landed right on top of an old man who was seated on the ground, leaning against the wall of the minaret in the shade

old man was killed instantly from the crushing blow. When

⁴The ezan is the call to prayer chanted by the muezzin from a minaret.

Story 703

the old man's son reached the scene, he shouted, "You fell upon my father and killed him! I am going to lodge a complaint against you with our kadı!"

The whole group now proceeded to the mansion of the kadı. They went into the courtyard of the mansion, and one of them said to the poor man, "Go in and see if the kadı is at home."

The poor man was uneducated. He did not know the ways of town life, and he did not realize that he should knock before entering anyone's house. He simply opened the door and walked right in. Inside he saw that the judge was having an intimate meeting with a woman. Belatedly the poor man recognized that he was intruding on the kadı's privacy. He immediately left the room and went outside the building, but he continued to grasp the doorknob to prevent anyone else from entering.

"Is the kadı in there?" the others asked him.

"Yes, the kadı is there, but he is praying with a lady. When they have finished their prayer service, we can go inside."

In a short while the woman left the kadı's mansion, and the group waiting in the courtyard entered. "Please come in and sit down," the kadı said. "What is your problem?"

The rich man made his complaint first. "Kadı, efendi⁵, I loaned this fellow 1,000 liras. We agreed that if he did not repay me that amount of money at the scheduled time, I was to

⁵This is a term of respect, comparable to sir.

cut a kilo of flesh from his body. He accepted these terms but he has never paid me back

The kadı listened carefully and then he said, "Very well, then. He did not meet the required deadline, and now you want to cut a kilo of flesh from this man's body. Is that correct?"

"Yes," the rich man replied.

The kadı handed him a large, sharp knife and said, ahead and cut a kilo of flesh from this man's body now. If, however, the flesh that you cut off is one gram more or gram less than a kilo, I shall cut two kilos from your body.

To himself the rich man said, "Alas! If I should cut one gram more or one gram less than a kilo from this fellow's body, I am going to lose two kilos of flesh from my own body. To the kadı he said, "I am withdrawing my legal action. I do not have any complaint against this man. I do not want the money back, and I do not want any of his flesh either.

The kadı said, "All right, then. Just leave 500 liras here for court expenses."

The rich man's case was in this way closed. After he had left, the man with the stone-blinded horse and then the man with the injured donkey presented their cases. Each of them started by saying, "The problem is such-and-such." I could not hear very well what they were saying, but somehow or another the kadı found solutions to their problems and dismissed them.

At last it was the turn of the pilgrim to make his complaint

Story

He said, "These people were my guests, and this fellow was trying to run away from them. As he fled, he collided with my pregnant wife. She was knocked down upon the ground, and the shock caused her to lose our baby. My sorrow is great over the loss of our child."

long had your wife been pregnant with this child?"

"Six months."

you saying, then, that this man owes you a child six months old?"

"Yes," said the pilgrim.

"Here, then, is a possible solution," said the kadı.

"We can give your wife to this man for six months. She will live with him during that period of time. She will almost surely become pregnant during that time, and you will be given the child."

As the kadı was explaining this, the pilgrim said to himself, "Allah! Allah! How can I give my wife to a stranger?" But to the kadı he said, "I am withdrawing my case." He paid 500 for court costs and departed.

The last plaintiff in line was the man whose father had been killed as he sat at the base of a minaret. He said, "Kadı, efendi, this man killed my father."

The kadı asked, "Just how did he kill him?"

"My father was sitting in the shade of a minaret, and he

was leaning back against the wall of the minaret. This fellow jumped from the top of the minaret and landed on my father. He landed right exactly on top of my father, killing him instantly. Now I want to kill this fellow!"

"All right," said the kadı, "you may go ahead and kill him. We shall have him sit precisely where your father was sitting. Then you will go to the top of that minaret and jump from there. If you land on top of the defendant, you will undoubtedly kill him."

The man said, "O Allah! How can I jump from the top of a minaret?"

The kadı said, "Well, I do not know about that."

"I have decided to withdraw my complaint," the man said "My father was very old anyway, and it is better that he did not suffer much pain before he died. Besides that, I am going to inherit all of his wealth." Saying this, he placed 500 liras on the table and left

Now that all of the plaintiffs had gone, the kadı was left alone with the poor man. He said, "Son, you know all about that prayer situation. You told them that I was inside praying with a woman and that I could not be disturbed at that time. You knew very well that we were not praying, but you were willing to help me. It is for that reason that I am willing to help you. If you had told them the truth about the entertainment which that woman and I were having, I would have punished you, but you kept my secret well. A person who keeps

Story 703

- Acquitted
- Reward
such a secret to himself deserves to be rewarded. Take all of this money which I have collected from your accusers and spend it as you wish."

I have since then heard that this poor man is back again in his own village living happily with his wife and his children.