Shaping Gender Policy in Turkey

GRASSROOTS WOMEN ACTIVISTS, the EUROPEAN UNION, and the TURKISH STATE

Gül Aldıkçaçı Marshall
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For my parents
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Abbreviations

AK Parti  Adalet ve Kalkınma Partisi (Justice and Development Party)
AP     Anavatan Partisi (Motherland Party)
CEDAW  Convention on the Elimination of All Forms of Discrimination against Women
CHP    Cumhuriyetçi Halk Partisi (Republican People’s Party)
DP     Demokrat Parti (Democratic Party)
EEC    European Economic Community
EU     European Union
FP     Fazilet Partisi (Virtue Party)
KEIG   Kadın Emeği ve İstihdamı Girişimi (Women’s Labor and Employment Initiative)
KHF    Kadınlar Halk Fırkası (Women’s People Party)
KSSGM  Kadının Statüsü ve Sorunları Genel Müdürlüğü (Directorate General on the Status and Problems of Women)
LGBT   Lesbian, Gay, Bisexual, Transsexual, and Transgender
MHP    Milliyetçi Hareket Partisi (Nationalist Action Party)
TKB    Türk Kadınlar Birliği (Turkish Women’s Union)
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CHAPTER 1

Conceptualizing the Actors’ Roles

A couple of years after the accession, some activists from the new member states stated that they wished that the pressure in the accession process to adapt to EU standards on their countries had been as strong as it is currently on Turkey, because this is the magic moment when doors did open to them.

—Roth 2008, 10

True to the accounts of those feminist activists from postsocialist countries in Central and Eastern Europe, pressured by the European Union (EU), Turkey has been undergoing an economic, political, and legal transformation in order to qualify for admission to the EU. Taking advantage of this “magic moment,” women’s grassroots organizations, many of which are feminist, have been pressuring the state to amend gender discriminatory policies and to introduce new measures to improve women’s rights. This book aims to uncover how, why, and to what extent Turkish women, in addition to the EU and the Turkish state, have been involved in gender policy changes in Turkey.

Turkey is a democratic republic with a multiparty, parliamentary system. Its geographic area is larger than any current EU member country. With its close to 75 million citizens, about 93 percent of whom is under the age of 64, it is a dynamic and economically fast-growing country. Its gross domestic product (GDP) per capita, which has been increasing steadily since 1998, is $10,444. Currently, the growth rate of the GDP is higher than most EU members. The majority lives in the urban areas. Those who are in the labor force engage in work primarily
in the service industry and manufacturing sector. Once a significant economic component, agriculture now only accounts for 25 percent of the overall economy. Since its establishment as a republic in 1923 following the decline of the Ottoman Empire, Turkey has projected a place for itself among European countries. It became a member of NATO in 1952, and after the formation of the European Economic Community (EEC), which is now known as the EU, it applied for associate membership to the Community in 1959 and signed the Ankara Agreement in 1963 to construct “ever closer bonds” (Nas 2011, 47).

The 1999 Helsinki Summit marked the beginning of the transformation in Turkey as the European Commission, the executive body of the EU, officially recognized the country as a candidate for EU membership. On October 3, 2005, José Manuel Barroso, the president of the European Commission, publicly announced the opening of the accession negotiations with these words: “Today is a milestone in the relationship between the European Union and Turkey. A stable, modern, and democratic Turkey is an objective we should support actively in the European Union and in Turkey. This is why we are starting negotiations” (European Commission 2005). The announcement came about as a result of the passage of a number of reform packages in the Turkish Parliament in the early 2000s that led to the adoption of various EU standards, including some of the gender equality directives, and demonstrated the seriousness of the Turkish state in its quest for membership. The legislative changes continue, though at a slower pace, as I write this book.

Some see this transformation process as the diffusion of European values (Risse, Green Cowles, and Caporaso 2001; Caporaso and Jupille 2001; Checkel 2001; Liebert 2003; von Wahl 2008), recognizing at the same time that internal institutional structures of countries influence “domestic adaptation with national colors” (Risse, Green Cowles, and Caporaso 2001, 1). In the case of gender policies, which are categorized within the field of social policy in EU governance, the EU affirms gender equality as a fundamental European value and expects both the member and candidate countries to transpose and implement the equality directives (Roth 2008, 2007; Aldikaçtı Marshall 2008; Kantola 2010). Obviously, the EU has more leverage over the candidate countries as it is holding the carrot of membership (Müftüler-Baç 2000; Lannon, Inglis, and Haenebalcke 2001; Schimmelfennig, Engert, and Knobel 2003; Roth 2008, 2007). Turkey has been especially subject to an exhaustive scrutiny by the EU because it is the only country that has had such a long relationship with
Conceptualizing the Actors’ Roles

the European Community while still remaining outside of it for reasons that will be discussed in chapter 5. The EU’s gender equality policies developed over time, affecting different countries that entered the Union at different times to varying degrees (Liebert 2003). By the time Turkey was declared an official candidate there were nine directives on gender equality to be transposed by the country.

As significant as the EU pressure has been, it is by no means the only element pushing the Turkish state toward amending its gender equality legislation. Women’s organizations, most of which are run by secular feminist women, have been influential actors in highlighting which policies should be introduced and amended as well as what the nature of the changes should be so that the gender regime—manifested by the legislation in place—shifts. Here the term gender regime refers to gender arrangements that shape institutions (Connell 1987, 2002) and is further explained in chapter 2. The influence of women’s organizations stems from engaging in on the one hand “the politics of location” (Kaplan 1994), as these organizations have focused on the ways in which women deal with difficulties and discrimination situated in the specific geographical setting of Turkey that “incorporates Islamic and secular, modern and traditional, and democratic but authoritarian tendencies” (Ertürk 2006, 79), and, on the other hand, transnational activism and universal rights regimes, as women’s organizations have increasingly realized how going beyond national borders to put pressure on the state can be particularly effective when EU membership is at stake (Ertürk 2006; Aldıkaçtı Marshall 2008). I argue that these efforts of feminist activists should be conceptualized as sustained-pressure, a strategy that proved to be staggeringly beneficial when feminists asserted themselves as pivotal actors in reshaping gender policies in the 2000s.

Improving women’s rights has been crucial within the gender equality discourse of Turkish feminists since the beginning of the second wave feminist movement in the early 1980s. While recognizing the salience of the secular gender policies of the modern Turkish state as the legacy of the cadre of Mustafa Kemal Atatürk, the secular founder of the nation-state, and even citing these policies as evidence of “state feminism” (Tekeli 1986, 1992; Arat 1994; Durakbaş 1998; Abadan-Unat 1998; White 2003; Esim and Cindoğlu 1999; Kadıoğlu 2005), they have, nonetheless, openly and continuously pinpointed their shortfalls (Tekeli, 1992, 1998; Yeşim Arat 1994; Abadan-Unat 1998). With this stand, Turkish feminists have distinguished themselves from their grandmothers
and mothers who strongly supported the secular policies of the Turkish Republic, which in 1923 broke away from the Shari’a regime of the Ottoman Empire. The efforts of feminists to amend existing policies and to create new policies to further women’s rights accelerated in the late 1990s and 2000s as the country began to take serious steps to align its laws with the laws of the EU.

It is this element, Turkish women as questioning, protesting, arguing, negotiating agents to shape gender equality policies, that is absent in the scholarly picture of the current EU-membership-related developments in Turkey. My aim in this book is to render feminist efforts in policy making and policy change visible and locate them in the multifaceted picture of the agents (primarily the governing bodies of the Turkish state and the EU) that take charge of public debates and decisions on what women’s rights are and how they should be reframed. These women’s organizations as extra-institutional actors—that is, actors that are outside of traditional public bodies of political parties, governments, and parliaments—have been part of a configuration, the other two parts being the EU and the Turkish state, that has undertaken action to reshape gender policies. They are extra-institutional; however, they have connections with the state at the national level and the EU (as well as the United Nations) at the supranational level. The organizations use these links to influence policy making, but at the same time keep their distance from these institutional bodies. Table 1.1 shows the relational trajectory of the opportunities for women’s groups and the pressure used by women activists on the state, the EU, and the United Nations.

My approach recognizes the multilevel governance and multitiered system frameworks’ endeavor to highlight the role of multiple actors in EU policy making; yet it differs from them in various aspects. The multilevel governance framework focuses on the dynamics of the EU policy system and variations in adoption of EU policies based on the actions of subnational and supranational actors (Marks, Hooghe, and Blank 1996). Van der Vleuten points out that “Although this seems to offer room to include women’s actions and interests, multi-level governance fails to specify under which conditions these actions and interests are influential” (2007, 6). Furthermore, it primarily focuses on EU member states, ignoring the policy-making process related to EU integration in candidate countries. My analysis of the policy-making process of gender equality in Turkey centers on women’s interests and efforts, looking at the conditions under which certain efforts have become influential while
Table 1.1. Trajectory of Political Opportunities for Feminist Activists and the National and Transnational Pressure Used by Feminist Activists

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others have had limited or no success. It links local and transnational feminist actions at the EU and the United Nations level, with the Turkish state’s momentary and long-term political attitudes toward women’s status and EU membership.

The multiterritorial political system approach, on the other hand, sees the state as the decision maker despite pressure from the supranational and subnational actors, and thus treats it as “hierarchically superior” to the other levels (van der Vleuten 2007). It is the state that responds to pressure from multiple directions, being “sandwiched” to take action. It is the state that allows and restricts access to resources and determines the policy outcomes. Like the multilevel governance framework, the multiterritorial approach primarily deals with the EU and member state relationship, ignoring the status of candidate countries. I agree that it is the state that makes the final decision on policy making; however, the state power that this approach takes into account is not as prominent in candidate state–EU relationships as it is in member state–EU relationships. The EU has more power over candidate countries than member states (Zielonka and Mair 2002; Roth 2007, 2008; Aldıkaçtı Marshall 2008, 2009). Whether it is in member or candidate countries women’s groups have less power than the state and the EU. It is precisely because of this power hierarchy that this book takes women’s groups, rather than the state or the EU, as the central actor, developing a narrative of policy making in conjunction with women’s activism in Turkey. Studies that have not taken women’s actions as central for analysis of the EU membership and Europeanization processes in Turkey have so far treated them as ancillaries within the policy making and policy change on gender equality. Most have centered their discussions on the argument that the Copenhagen criteria of 1993, which required EU members and candidate states to uphold human rights and respect minorities, have been helping the consolidation of democracy and improvement of human rights (Sugden 2004; Usul 2011). A few of them have mentioned that women’s NGOs have been influential in pushing the state to comply with the Copenhagen criteria (Tocci 2005; Göksel and Güneş 2005; Müftüler-Baç 2005), but failed to do a thorough analysis of how, why, and under what circumstances women’s NGOs have been involved. They have overlooked the significance of the longitudinal struggle, which has shaped the feminist movement, and the dynamics of women’s national and transnational networking on changing discriminatory policies. Only a few studies have given more space to women as a collective force in gender policy changes. Kardam’s
(2005) book on the adoption of global women’s human rights regimes by Turkey is one. However, the book mainly deals with how the notion of women’s human rights was understood by the state and a selected group of women’s NGOs, which designed and implemented programs to train other women. Because of this focus, the book does not consider the details (e.g., strategies, advocacy efforts, and lobbying efforts) of the involvement of women’s organizations in gender policy changes. Nor does it systematically analyze the dynamics of the relationships among women’s groups, the state, and the EU within this process.

In this book, I set forth a study of how women’s grassroots organizations, the Turkish state, and the EU have been involved in reshaping gender equality policies in relation to Turkey’s EU membership process. Keeping women’s organizations as the central unit of analysis, I look at the complex relationships among these subnational, national, and supranational bodies in reformulating a gender regime that has implications for the rights of women. I do not, however, restrict the analysis of women’s endeavors to the time period after the Helsinki Summit during which most policy changes happened. Since the elimination of discriminatory policies has been a significant component of the feminist movement from its beginning, I trace women’s activism from the early days of the movement to provide a holistic account of national and transnational advocacy done by women toward creating change before and after the EU membership process took effect.

Theorizing Women’s Visibility within the Configuration of the Grassroots Activism, the State, and the EU

My aim in this book is to uncover the efforts and strategies of women activists in shaping gender policies, and at the same time, to demonstrate the roles that the EU and the Turkish state have played in this terrain. To do this multilevel analysis I draw on several theories. First I look at the feminist theories of the effects of Europeanization on gender equality. I approach Europeanization as an integration process and part of globalization. Then, I point to the emergence of national and transnational opportunities for feminist engagement in policy making by employing the theory of political opportunity structures. Together, these theories support my argument throughout the book that feminists in Turkey have benefited from the trends of Europeanization and globalization when
taking action to reframe gender policies for a gender regime that they have envisioned. However, limiting women’s efforts solely to the aftermath of the Helsinki Summit, when the influence of the EU was heavily felt by ruling and civil society circles of Turkey, would not do justice to feminists’ continuous struggle with limited resources to improve women’s rights over the years. I conceptualize later that feminist emphasis on policy change as a long-term struggle that together with the benefits of Europeanization and globalization bore fruit mostly in the 2000s, during which Turkey began to make serious changes to its policies on various grounds, including gender equality. This long-term struggle of women against the existing gender regime in Turkey is highlighted with feminist discourse theory.

Put broadly, globalization “is a package of transnational flows—of people, production, investment, information, ideas, and authority” (Brysk and Shafir 2004, 3). This process has created new boundaries and coalitions among the nation-states. The EU is one of the most ambitious of these trends, and it is still in the making (Ferree 2006). As the next chapter discusses in detail, since its establishment in 1957, the EU has developed a gender-equality policy, affecting internal gender regimes of member states and those that are candidates for EU membership. This is part of a Europeanization process in which “a European dimension” has become the framework for the construction and dissemination of various policies, including policies to eliminate gender inequality (Wallace 2000; Liebert 2003). As a framework Europeanization requires from member and candidate states conversion to a shared approach to equality policies (Liebert 2003). It has been mainly through binding legal directives that the EU has put pressure on its members beginning in the 1970s, and increasingly over the years on candidates, to transpose an EU vision of equality to their national laws (Walby 2004; Morgan 2008; Ferree 2008). Although it became more comprehensive over the years (chapter 2), this vision is not perfect because, as the feminist studies on Europeanization show, it primarily focuses on the market and is concerned with equality of opportunity for and in employment (Rossilli 1997, 2000; Watson 2000; Walby 2004); it takes men as the norm for worker and citizen (Guerrina 2002; Walby 2004); and in areas other than employment, such as sexual preference and gender mainstreaming, the EU uses soft laws, “those that are advisory rather than judicially enforceable” (Walby 2004, 7). Nevertheless, the EU gender equality program has created opportunities for women’s groups with equality agendas to have influence on national
gender policies as well as the policies of the EU (Zippel 2004, 2006, 2008; Roth 2007, 2008). Thus, the EU’s stance on gender equality and its influence on member and prospective nations to improve their gender equality regimes are both criticized and seen as a positive development by a number of feminist scholars that examine Europeanization (Shaw 2001; Hubert 2001; Zippel 2006, 2008; van der Vleuten 2007; Roth 2008; von Wahl 2008; Kantola 2010). Strikingly, even in the form of soft laws EU pressure on Turkey in the areas other than employment has produced transformative results in this country’s gender regime mainly because for the first time the EU has used an expanded meaning of gender equality to seriously assess a candidate’s eligibility for membership. As I demonstrate in the upcoming chapters, in the EU’s evaluation of Turkey’s membership status, gender equality is not only about women’s rights; it is also about how “European” Turkey is.

The view that EU gender equality perspective has its shortcomings as well as strengths, creating both opportunities and challenges, parallels a line of feminist studies, which argues that the effects of global trends on women’s rights and gender relations are complex and cannot simply be reduced to a negative picture of unseen forces beyond nation-states disturbing local particularities of women’s lives (Moghadam 2005; Ferree 2006; Adams 2006; Thayer 2010). As Thayer (2010) states, those particularities that are disturbed by the globalization are often entangled with an oppressive patriarchal order. As the global interlinks with local, it opens up new venues for women and other marginalized groups to take action against the antidemocratic practices within nation-states and in the international arena (Moghadam 2005; Ferree 2006; Thayer 2010).

Collective action of women in response to the effects of global trends is not always marked by material and discursive resistance. Indeed there is a question of who in their local contexts and at the transnational level benefits more from those opportunities created by global trends and associations like the EU (Ferree 2006; Adams 2006). This issue comes up often with women’s movements, in which a considerable number of groups do not have enough resources and have to rely on wealthy international donors mostly from economically developed Western and Northern parts of the globe (Alvarez 1998; Schild 1997, 1998, 1999, 2002). Nevertheless, women have been among the most active in utilizing opportunity structures created by the new global order (Moghadam 2005; Ferree 2006).
The term *opportunity structures*, borrowed from the social movement literature, can be useful to capture the circumstances under which women are able to mobilize (Eisinger 1973; Tilly 1978; McAdam 1982, 1996; Tarrow 1989; Kriesi et al. 1992; Meyer and Staggenborg 1996). It is mostly used to find out the effects of structural changes, especially the changes in state structures, on the emergence and the development of social movements (Tarrow 1996; Oberschall 1996; Zdravomyslova 1996). Gamson and Meyer (1996) identify “stable” and “volatile” as the two forms of opportunities that could lead to collective mobilization. Stable or long-term opportunities consist of worldviews and cultural climate whereas volatile or short-term opportunities can be measured as mass media access and policy change. Stable opportunities change slowly whereas volatile opportunities are momentary; they depend on the circumstances or the “open moments” of the time (Gamson and Meyer 1996, 280).

The increase in globalization and resulting emergence of transnational relations have led scholars to expand the term to capture the dynamics of the transnational mobilization efforts of various women’s groups (Ferree 2006; Roth 2008). New boundaries and coalitions that emerge as a result of globalization have created “transnational opportunity structures” (Ferree 2006) or “politics of possibilities” (Naples 2002; Desai 2009) leading to formation of relationships beyond the borders of nation-states between formerly unlinked groups. As a result, women’s groups have built new strategies to influence policy making. Ferree (2006) identifies three types of strategies: collaborating with the state bureaucrats to establish “women’s policy machinery” within state institutions, creating advocacy networks outside of state institutions, and creating and sharing knowledge. When using these strategies feminist groups around the world have benefited from and contributed to the expansion of a “post national human rights regime,” with its emphasis on universal human rights (Nuhoğlu Soysal 1994; Brysk and Shafir 2004; Monshipouri 2009). As Brysk and Shafir explain, “the universalism of human’s rights promises more than nation-state citizenship.” It promotes “not only the possibility of an international order, which a well-ordered state sovereignty system also promises, but also a global community” (2004, 4–5), in which the state is accountable to international judicial bodies (Brysk and Shafir 2004; Ross 2008). Global women’s coalitions that have emerged on the platform of the United Nations and outside have successfully utilized this human rights regime (Kardam 2004, 2005;
Ferree 2006; Ertürk 2006 in Ferree; Tripp 2006). Strong advocacy and lobbying efforts by these women’s networks at the international conferences supported by the United Nations have shaped the final documents adopted by the institution by “crafting much of the language” that recognized women’s rights as human rights (Kardam 2004, 2005).

As I illustrate in this book, the effects of Europeanization and globalization on Turkey in the policy field of gender equality has been remarkable notwithstanding some limitations. Subject to EU regulatory mechanisms, such as the Copenhagen criteria, and signatory to major transnational agreements, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), “Turkey subscribes to the principles of universal rights, equality, and individual freedoms within which women’s human rights are included” (Kardam 2005, 2). Having known that complying with the Copenhagen criteria and the international treaties, such as CEDAW and the Beijing Platform for Action, all of which the EU accepts, would increase its chances to be part of the EU, the Turkish state began to take action to make gender policy amendments in the early 2000s. Still, whatever the effects of Europeanization and globalization, it was in the end the Turkish state with its government and Parliament that transposed and interpreted the EU gender equality directives, as well as United Nations–backed international agreements, supporting the argument that sovereignty of the state remains in implementing rights (Brysk and Shafir 2004). Undeniably, the ideological makeup of the government and Parliament members, their interests, and their alliances all became crucial in shaping the content and the scope of the policies.

However, this picture of the EU’s supranational status and its power especially over the candidate countries, and Turkish state’s power to interpret and implement policies as well as its international interests and willingness to be part of the EU offers only a partial explanation when one tries to understand gender policies and the changes made in this field in Turkey. The partiality of the analysis even legitimizes the question of whether this is another top-down modernizing project employed by a country under the influence of Europe (Sullivan 1998; Kandiyoti 1998; Moghadam 2003). A more complete analysis would demonstrate that within the cultural climate of reform, supported by the worldview of the state elite that Turkey’s future lies in its EU membership, women’s organizations with equality agendas recognized the policy change process as an “open moment” to be influential. Favorable media coverage
and strategic alliances inside and outside of Parliament, as well as at the transnational level, furthered their goal of being the agents of policy making rather than simply being subject to them. As chapters 4 and 6 demonstrate in detail, theirs was and continues to be an example of “active citizenship” (Siim 2000, 5) as they have contested the status of women’s rights through organizing, advocating, and lobbying.

Even though the political opportunity structure framework explains the involvement of women’s organizations in policy making in the 2000s, during which EU membership efforts of the state accelerated, it by itself does not explain why and how women have been one of the most effective civil society groups in terms of pressuring the state. My argument is that women were ready. They knew what they wanted and what had to be done to accomplish their aims. This can only be conceptualized as a product of a long-term struggle, a discursive struggle against the hegemonic patriarchal gender regime embedded in culture and reflected in official policies. The long-term discursive struggle that marked the 1980s and 1990s allowed feminists to develop agendas and tactics that they could use when the time was right in the 2000s. This strategy permitted feminists to take credit for the successful reframing of gender policies.

In line with feminist discourse theory (Fraser 1989, 1997; Isanberg 1992; Brenner 1998; Mills 2004), I interpret hegemony as “the term for the discursive face of power” (Fraser 1997, 381). It is a consensual mechanism by which dominant patriarchal ideology is exercised. It implies a cognitive strategy of management through discourse within which patriarchal notions of femininity and masculinity are created and perpetuated as “natural” and “acceptable” (van Dijk 1993). However, this does not mean that women are completely powerless and simply passive victims of male oppression. As Fraser puts it, hegemony “designates a process wherein cultural authority is negotiated and contested” (1997, 381) by “non-hegemonic counterpublics” (Fraser 1989, 1997). In their discursive struggle against conventional authority and ideology, counterpublics or subordinated groups engage in the “denaturalization of existing conventions” (Fairclough 1995, 94). As we see in chapter 4 and later in chapter 6, the history of women’s activism toward improving women’s rights and securing gender equality in Turkey is marked by negotiating power and contesting long-standing patriarchal and family-oriented gender regime. During this extended struggle they have shown a colorful repertoire of local and transnational strategies from establishing coalitions and advocacy networks with local and international ties.
to making fragile connections with the women’s machinery and other state institutions as well as individual bureaucrats. Although it did not spread like wildfire among all the feminist groups, framing of women’s rights as human rights has found solid ground in feminist strategizing.

Analysis of Strategies Used by Women’s Groups, the EU, and the Turkish State

The data used in this book is rich in multiplicity. It consists of interviews with key woman activists, electronic documents from websites of the women’s organizations, EU and Turkish state documents, and newspaper articles. With the exception of one, all interviews were conducted with feminist representatives of women’s organizations located in Ankara and İstanbul, the two largest cities in Turkey. Many women’s organizations with various political agendas and worldviews operate in these cities. Because the headquarters of the national media companies, government offices, embassies of foreign countries, and foreign media bureaus are also located in these two cities, women’s groups use them as the sites of advocacy, networking, public protests, and press releases.

The interviews were in-depth and semi-structured. An average interview was about an hour and a half. The meetings took place either at the activist’s organization or a public place that was chosen by the interviewee. All the participants openly talked about the subject matter and generously shared documents whenever they were available. The interviews included a total of fourteen women’s organizations: ten well-known feminist organizations, three Kemalist women’s organizations, and one Islamist women’s organization. Feminist organizations made up the largest group to be interviewed because they were the primary figures who criticized the patriarchal order and the state’s existing gender regime with its policies and mobilized to amend those policies. The majority of activists in feminist organizations in Turkey are socialist and radical feminists. These women have constituted the foundation of the feminist movement since its start in the early 1980s.

Although the feminist groups have been the most active in networking and advocacy toward eliminating the discriminatory policies, there have been some Kemalist and Islamist women’s organizations that have also been involved in mobilizing toward this aim. Kemalist women’s organizations utilize Kemalism as their ideological convictions.
Kemalism, which is derived from Kemal in Kemal Atatürk’s name, comprises six principles: secularism, republicanism, populism, nationalism, statism, and revolutionism. Kemalist women uphold these principles and especially believe in the secular foundation of the Turkish Republic. They often criticize and mobilize against Islamist groups, including Islamist women’s groups, which infuse religion into the public domain. Unlike the feminist organizations, Kemalist women’s organizations that were part of this study did not use feminism as an identifying mark in their founding principles; however, along with the feminist organizations, they played a significant role in advocacy and networking toward changing discriminatory state policies. Even though one representative from a Kemalist organization identified herself as only Kemalist and openly rejected being called a feminist, the representatives from the other two of the Kemalist organizations used both feminism and Kemalism as identifying marks for themselves. Activists who use both identifications are known as Kemalist feminist in Turkey. Notably, the Kemalist activist who did not identify herself as a feminist was an influential figure in the efforts to eliminate discriminatory policies. Whether they identified as feminist or not, it was this involvement of women activists from some Kemalist women’s organizations in changing gender discriminatory policies that prompted me to conduct interviews with them.

Furthermore, I conducted an interview with a representative from a large Islamist women’s association, which was the primary Islamist organization that joined forces with secular feminists during part of the gender policy amendments. Islamist women’s organizations employ Islam on political grounds for their various causes, among which the elimination of the ban on the türban (Islamic head cover) in state institutions such as schools, courts, and hospitals is significant. The participant of the interview from the aforementioned organization identified herself not only as an Islamist woman, but also a feminist. Unlike secular feminists, only a small group of Islamist women identify themselves as feminists in Turkey. They are known as İslami feminist (Islamist feminists), and they openly identify themselves as such. Throughout the book I use the term Islamist, (to refer to İslami), rather than Islamic or Muslim to distinguish those who politicize Islam and use Islam in organizing from those who identify themselves as Muslim or Islamic, but do not mobilize to politicize their religion (Göle 1996). The latter population makes up the majority of Turks. The usage of the terms is significant as these terms signify divisions or linkages among women (as well as men)
within the ideologically rich Turkish context. Appendix A includes the list of the women’s organizations from which the interview participants were contacted.

The data also included electronic as well as paper documents. For analysis, I utilized the websites of the women’s organizations that participated in this study. Among these, the websites of Uçan Süpürge (the Flying Broom) and Kadının İnsan Hakları ve Yeni Çözümler Derneği (the Women for Women’s Human Rights/New Ways) have provided valuable information on networking and advocacy efforts of feminists and other women’s groups as these two organizations have been influential in launching campaigns and bringing women’s groups together for joint political action. I have monitored the websites of the EU, the Delegation of the EU in Turkey, and the Turkish parliament for upcoming and newly enacted gender equality policies. I collected the EU’s progress reports on Turkey since 1998 and examined the previous and revised texts of the Penal Code, the Civil Code, Labor Law, and the Constitution. Furthermore, in order to find out about the media attention to gender policy changes and the efforts of women activists, I conducted archival analysis of four national newspapers. Two of these, Hürriyat and Zaman, compete with each other for the highest circulation rates. Hürriyat along with another analyzed newspaper, Radikal, falls within the secular spectrum whereas Zaman and Yeni Şafak are known to have an Islamist ideological stance. Because the media in Turkey are monopolized by a few, the press coverage was analyzed as a microcosm of the media’s general stance on the coverage of gender policies and feminist activism.

Overview of the Book

The next chapter looks at the history of the construction of EU’s gender equality policies through hard and soft laws. It views the expansion of the EU gender equality regime through the lens of the Europeanization process and explains the link between gender equality and women’s citizenship rights in the context of an enlarging EU. It regards citizenship within the framework of gender equality and treats it as a broad concept that entails full participation in political, cultural, economic, and social life. Furthermore, citizenship is seen to be a contested terrain, the meaning of which continuously changes as a result of the power struggles of multiple actors at the subnational, national, and supranational
levels. Particularly important for the discussion of gender policy changes and reframing of women’s rights in Turkey and its implications for Turkey’s Europeanization and European membership is the expansion of the meaning of gender equality to include issues such as violence against women and women’s representation in politics, and tying these to women’s European citizenship.

Chapter 3 looks at the history of the state’s gender regime in Turkey. It locates the emergence of the gender regime in the beginning of the Tanzimat or reform era that corresponded to the decline of the Ottoman Empire. Then, moving to the Kemalist regime of the Turkish Republic, the chapter examines legal and political discourses in Turkey before the Helsinki Summit to reveal the state policies on gender under the secular Turkish Republic. The Helsinki Summit is used as an historical mark to organize this and subsequent chapters. Although the Turkish state elites were in favor of Turkey’s EU membership before 1999 because they saw it as a “natural step in Turkey’s modernization drive” (Keyman and Öniş 2004, 183), it was not until the conclusion of the Helsinki Summit, where the EU declared Turkey’s official EU candidacy, that the state began to make substantial policy amendments (Keyman and Öniş 2004). The chapter contextualizes the family-centered governing model reflected in policies that upheld the Turkish patriarchal morality. At the same time, it highlights contradictory state policies that supported the existence of a state feminism.

Chapter 4 discusses the development of women’s organized response to family-centered patriarchal policies and traces later feminist efforts toward amending discriminatory gender policies back to the beginning of the feminist movement (second wave feminism) in the early 1980s. Feminist activism directed toward amending the existing discriminatory policies is viewed as a long-term discursive struggle and located within the notion of “active citizenship.” The chapter also gives an account of other women’s groups, namely Kemalist and Islamist organizations that were politically active during the 1980s and 1990s. It discusses whether they were involved in activities against the existing gender regime and policies.

Chapter 5 uses the concepts of “Europeanization” and “conditionality” to reveal the influence of the EU, especially through the European Commission and the European Parliament, on Turkey’s inauguration of gender policy reforms. It underscores the importance of the EU’s annual progress reports as well as the reports composed by the European Par-
liament in giving the EU leverage to impact the policy decisions at the state level in Turkey. Significant changes that happened since 1999 in the Civil Code, Penal Code, Labor Law, and Constitution are evaluated within the context of Turkey’s EU membership process.

Chapter 6 explores the ways in which women activists, secular feminists primarily, were involved in gender policy amendments that came about after the Helsinki Summit. It focuses on women’s strategies from coalition building at national and transnational levels to media use and public awareness campaigns. In so doing, the chapter identifies the meanings attached to gender equality and women’s rights by the grassroots activists. The efforts of women activists are compared to the institutional efforts of the EU and the Turkish state to assess the impact that women have had in reconstructing the meaning of women’s rights and gender equality. Furthermore, the chapter examines the relationship between the attitudes of Turkish policy makers from various political and ideological backgrounds and their support for or clashes with women grassroots activists.

The concluding chapter reviews the findings and discusses the implications of the changes to the gender regime in Turkey. It answers the following questions: To what extent do the changes in the gender regime fit into gender equality and citizenship framework that these grassroots (subnational), national, and supranational political bodies envision? What are the implications for Turkey’s prospects toward an EU membership? Are there, in fact, any significant implications? What are the new targets of political activism among women activists and how do these coincide with or diverge from gender equality and citizenship agendas of the EU and the Turkish state?
In this chapter, I provide a historical account of the EU gender equality policy discourse and its relationship to women’s rights and citizenship. This discourse influences the nature of gender politics not only in EU members, but also in candidate countries like Turkey. Gender is an integral part of institutions both at the state and supranational level. As Ferree stresses, it is not a “side issue brought into the gender-neutral mechanisms of state action, but gender relations are part of the making of democracies from their beginnings and are today part of the construction of the EU as a new system of making European citizens” (2008, 239). This EU in the making has been the platform for the development of an overall gender equality approach and specific policies. However, gender equality is a contested term. Many scholars who study EU gender equality policies and the EU’s stand on the issue agree that the term’s meaning is not fixed, changing with time and context (Liebert 2003; Walby 2005; Verloo and Lombardo 2007; Lombardo and Meier 2007; van der Vleuten 2007; Ferree 2008; Kantola 2010). The EU as a “self-defined norm-setter” (Verloo and Lombardo 2007, 31) has had a constantly evolving notion of gender equality in its short history, a notion that has also been subject to varying interpretations by diverse actors in the national contexts of EU members and candidates. The EU’s approach to gender equality has expanded from the limited meaning of equal opportunity in the labor market to positive action measures, and to gender mainstreaming. Violence against women, including domestic violence and sex trafficking, which was not addressed in the early history of the EU was increasingly recognized in the 1990s and 2000s by this supranational governing
body, which saw the issue primarily as a hindrance to gender equality in the labor market (Rees 1998, 2005; Bell 2002; Lombardo and Meier 2007, 2008; Kantola 2010). This expanding notion of gender equality has informed the EU’s “norms, principles, and policies” (Ostner and Lewis 1995, 161), creating a gender regime that has significantly affected the gender regimes of countries that are members of the EU and countries that want to be members. The EU gender regime has had two significant mechanisms to generate, frame, expand, and disseminate its notion of gender equality: hard laws or binding legal measures and soft laws or nonbinding measures. These measures have primarily been aimed at equalizing women and men as citizens by pressuring the states to introduce new provisions and/or employ programs within their national boundaries (Ferree 2008). The question is to what extent this notion of “equal citizens” entails full participation in political, cultural, economic, and social life. Does the broadening of the meaning of gender equality bring a shift in the understanding of citizenship from a universal notion, which takes male as the norm without taking into account women’s experiences, to a pluralist notion that recognizes multiple roles of women in private and public realms (Siim 2000)? The following lays out the emergence and expansion of the EU gender equality perspective through the hard and soft law measures, and discusses the implications of these measures for women’s rights and citizenship.

Framing Gender Equality through Hard Laws

EU gender equality policies date back to the Treaty of Rome in 1957. Article 119 of the Treaty guaranteed equal pay for equal work, stating that “Each member state shall during the first stage endure and subsequently maintain the application of the principle that men and women should receive equal pay for equal work” (Treaty Establishing the European Community 1957). Kantola emphasizes that at the time of the issuing of this article the pay gap between the sexes was high among the European countries. More than anything else, though, the aim of the men (no women) who took part in negotiations and resulting decisions was to increase economic competitiveness among EU members (Hoskyns 1996; Lombardo and Meier 2007; Kantola 2010). France, having already passed a measure for equal pay strongly supported Article 119. The French officials thought that if the other members of the Union did not
adopt a similar measure, France would be at a competitive disadvantage (Hoskyns 1996; Reuter and Mazur 2003). Thus the main reason for the French to support the equal pay measure was not based on a feminist ideology, which would focus on structural conditions of inequality between men and women in public and private realms, but on economic concerns (Hoskyns 1996; Hantrais 2000; Reuter and Mazur 2003). This being as it may, the article was the first case of an EU hard law or a directive on gender equality, which pressured the member states to legally comply to a time frame specified by the EU (Kantola 2010). EU hard laws involve “primary hard law, such as treaties, and secondary law, such as directives, as well as the rulings of the European Court of Justice (ECJ)” (Kantola 2010, 13). Although these laws were initially used to align the laws of the EU member states, over the years they have been increasingly imposed by the EU on the candidate countries during the accession process. Table 2.1 shows the list of the EU issued directives.

The EU issued additional hard laws in the 1970s. In 1975, it expanded its equal pay policy to the recognition of equal pay for “same work or for work to which equal value is attributed” and asked its members to “approximate” their laws to implement this supranational provision.

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<tr>
<th>Directive</th>
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<tr>
<td>Equal Pay Directive</td>
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<td>Equal Treatment Directive</td>
<td>1976</td>
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<td>Social Security Directive</td>
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<td>Occupational Social Security Directive</td>
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<td>Pregnant Workers Directive</td>
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<td>Parental Leave Directive</td>
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<td>Equal Treatment in Employment Directive</td>
<td>2002</td>
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<td>Goods and Services Directive</td>
<td>2004</td>
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<td>Recast Directive Equal Treatment in Employment and Occupation</td>
<td>2006</td>
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The Directive made clear that through laws, the EU would prioritize women’s participation in the labor market. Even though it made no specific remarks about how, the Directive also revealed that the EU had the intention to “harmonize living and working conditions.” Going beyond equal pay, the 1976 Equal Treatment Directive stipulated that “there should be no sex discrimination, either direct or indirect, nor by reference to marital or family status, in access to employment, training, working conditions, promotion or dismissal” (Council Directive 76/207/EEC). This was the first law that was prepared with significant input from feminist officials and experts who believed that though the elimination of discrimination in access to employment, vocational training, working conditions, and promotion was necessary, there was also a need for positive action measures to create equal opportunities for women (Kantola 2010). The resulting directive expanded EU equality perspective beyond equal pay underlining the necessity of equal opportunities (Lombardo and Meier 2007; Kantola 2010). The same trend continued with the 1978 Social Security Directive (Council Directive 79/7/EEC) that equalized social security benefits for men and women. These benefits included coverage for sickness, retirement, disability, unemployment, occupational disease, and industrial injury (Kantola 2010). Lombardo and Meier (2007) stress that the “equal opportunities” approach to gender equality that the EU developed with these directives primarily assumes an individual in the public sphere and ignores the structural social inequalities that are in the private sphere beyond the realm of the employment sector. These inequalities that are embedded in the patriarchal social structure prevent women from exercising their right to these opportunities that are offered to them in the labor market.

The pace of the EU in issuing gender equality directives slowed down in the 1980s because of the conservative atmosphere of the era. In several countries, especially in Germany, the United Kingdom, and the Netherlands, the governments were reluctant to give support to any measure that they perceived as a challenge to their political stance (van der Vleuten 2007; Kantola 2010). However, a significant change that occurred in the voting system of the EU resulted in the provision of influential directives in the coming years. In the late 1980s the Union moved from the voting requirement of unanimity to a qualified majority in regard to social issues if they were determined to be related to health and safety at work (Kantola 2010). Hence the stage was set for
the expansion of the EU gender equality regime. On the one hand, the labor market–oriented hard laws continued during this period to provide further measures to improve women’s work conditions. On the other hand, the EU began to recognize the importance of issues beyond the labor market. For example, the Parental Leave Directive of 1996, which gave both the father and the mother a minimum of three months leave in the cases of birth or an adoption of a child up to age 8 (Council Directive 96/34/EC) took the reproductive process into account, but it was more about the EU’s increasing demand for flexibility in the labor market than anything else. The theme behind the Directive was the reconciliation of parental and family responsibilities for a more efficient labor market rather than structural alteration of gender relations to the point that domestic responsibilities are shared equally between women and men (Hobson 2000; Stratigaki 2004; Kantola 2010). Further, the provision allowed the governments to develop different legislation as long as the minimum requirements were met. This, as I will demonstrate in the case of Turkey in chapter 5, can lead to legislation that provides parental leave rights without pay, a formula that tends to discourage men from taking the time (Kantola 2010).

Another example is the 2004 Goods and Services Directive. The Directive was initially proposed by the European Commission to expand the scope of gender equality beyond employment, eliminating gender discrimination in advertising, media, and taxation. One of the significant aspects of the proposal was to ban “the consideration of gender as a factor in calculating premiums and benefits for insurance and related financial services (pensions, life insurance, health insurance, motor insurance)” (van der Vleuten 2007, 163) because the increase in the privatization of insurance in the EU member states was putting women at a disadvantage by requiring them to pay higher premiums. However, the proposal received strong opposition from private insurance companies in several EU members and was watered down. As a result, the directive that stated that “the use of sex as a factor in the calculation of premiums and benefits for the purposes of insurance and related financial services shall not result in differences in individuals’ premiums and benefits” also proclaimed that this “shall not preclude differences in treatment, if the provision of the goods and services exclusively or primarily to members of one sex is justified by a legitimate aim and the means of achieving that aim are appropriate and necessary” (Council Directive 2004/113/EC). Although gender equality advocates criticize the directive for being
limited, they state that it “opens up some possibilities for tackling sex discrimination outside the workplace” and allows the European Court of Justice to have a role in expanding the scope (van der Vleuten 2007, 164). The Court “interprets gender directives . . . [and] in turn, expands and gives depth to the equal opportunities directives through case law” (Kantola 2010, 16). However, it takes cases only from the member, not the candidate, states.

The hard laws have directly influenced legal structures of member states by requiring that amendments be added to existing laws, or insisting on the introduction of new provisions that align national laws with EU directives that view the notion of gender equality to be intimately connected to equal opportunity. Because the member states had varying laws, based on the requirement of the given directive, some had to make substantial changes to their laws while others had to make minimal alterations; a few made no legal reforms as their laws were equal or superior to EU laws on the matter (Liebert 2003; Kantola 2010). Furthermore, these hard laws were increasingly imposed on the EU candidate countries before the accession as a condition. Turkey, as the country with the longest candidate status, has been especially influenced by the ever increasing number of EU directives. Even if the recent history of democratic uprisings in some of the nearby Arab countries has prompted the governing conservative party to turn its face toward the East and raise its aspirations to cast Turkey as a leader among the Muslim countries in the region, the goal of EU membership has not disappeared from its agenda. It is important to point out that EU membership is not simply a party program issue in Turkey; it is a long-established state policy. As a candidate for membership to the EU, Turkey is subject to transposing EU gender equality provisions. As I demonstrate in chapter 5, whether Turkey eventually becomes part of the EU club, the accession process has been eliciting the diffusion of EU gender equality policies to Turkish laws and altering the state’s gender regime.

Expanding the Meaning of Gender Equality

Moving beyond the narrow market-oriented focus of hard laws, gender equality policies, which are considered within the realm of social policy by the EU (van der Vleuten 2007), have been increasingly designed as soft laws since the 1990s. Soft laws are not legally binding; they are
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released by the EU as guidelines, action plans, and recommendations. Through these soft laws the EU has expanded its policy field to combating the issues of violence against women and intersecting inequalities as well as endorsing the use of positive action and gender mainstreaming as tools to provide gender equality (Rees 1998, 2005; Bell 2002; Kantola 2010). As a result, the EU gender policies have become influential (van der Vleuten 2007).

Violence against Women

The EU tackles violence against women in two areas: domestic violence and trafficking in women. In both areas the EU had no binding provisions until the 2000s. While a couple directives were issued in the early 2000s to combat human trafficking, domestic violence has so far remained a soft law issue. Human trafficking was already recognized as a problem by the European Parliament in its 1984 provision, which called for a binding measure from the European Council. However, the Council ignored the problem as it was not directly related to the workplace (van der Vleuten 2007). Until the 1990s, during which the migratory effects of the collapse of the Soviet Union became evident, the EU used Open Method of Coordination to deal with human trafficking. As a soft law tool Open Method of Coordination calls for the harmonization of state policies with EU policies without the use of legally binding instruments. Although dialogue and peer evaluation of national reports and action plans are used as mechanisms to pressure states to align their policies and stances on the issue with each other’s and with the EU’s policies, the measure lacks the power of a directive.

In 1999 human trafficking was recognized for the first time as a political issue by the EU in the Amsterdam Treaty and trafficking in women was seen as part of this issue. This recognition led to the advent of two directives in the 2000s. The 2002 Framework Decision on Combating Trafficking in Humans defines human trafficking and lays out the penalty against the traffickers, yet it excludes statutes that attend to the situation of the victims of trafficking (Locher 2007; Kantola 2010). The 2002 Directive on the Short-Term Residence Permit for Victims of Trafficking allows some victims to stay in the destination country temporarily; however, as some scholars stress, the directive is less adequate than the national laws of a number of EU countries that vary among themselves in terms of prevention of trafficking and protection of victims.
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(Askola 2007). The issue is also addressed in an EU action plan in 2005 (Kantola 2010). Interestingly though, the main focus of the EU has been immigration and thus it has framed human trafficking as part of illegal immigration and organized crime. This, as Askola (2007) argues, tends to underrate the humanitarian aspect of the situation and primarily limits the issue to one of legal problem and economic burden.

Domestic violence, which according to a number of women’s organizations in the EU is one of the biggest problems women face in Europe, did not receive as much attention as human trafficking at the EU institutional level up until the late 1990s (Lombardo and Meier 2007; van der Vleuten 2007; Kantola 2010). The EU avoided the issue of domestic violence and primarily focused on sexual harassment in the workplace, as it was directly connected to employment. Domestic violence was seen as a private issue.

However, this does not mean that there were no elements within the EU that were working to raise the issue as a public policy matter. Following a 1984 report prepared by the Committee of Women’s Rights, the European Parliament issued a Resolution in 1986 (Lombardo and Meier 2007) against domestic violence. The report was based on the recognition of domestic violence as a public issue at the UN World Conference in Nairobi. The Resolution asked for systematic data gathering on domestic violence; an area that needed desperate attention because there were no clear and comparable data among the EU members. It asked for criminalization of rape within marriage and called for necessary means to increase the safety of women. The Resolution also recognized the further problems that immigrant women might face due to difficulties with language and access to legal information; it necessitated that female police officers and translators work with women from minority communities. However, the Resolution had limited effect because it was overlooked by the European Council and the Commission (Kantola 2010).

The European Parliament issued another Resolution in 1997 asking for an EU-wide campaign for “zero-tolerance” of violence against women. The impetus for this Resolution was the international momentum gained from the Fourth UN World Conference in Beijing, out of which violence against women emerged as one of twelve priority areas to address and was included in the Beijing Declaration. The European Commission and the European Parliament launched the campaign in 1999 (Kantola 2010). Since then domestic violence has been increasingly recognized as a public matter “in which public intervention is required
by states that are supposed to protect their citizens” (Krizsan et al. 2007, 141). This is especially emphasized in the annex declarations of the Treaty of Lisbon signed in 2007. In addition, the EU stated its commitment to combating domestic violence in its five-year framework strategy on gender equality released in 2001. The road map for equality between women and men (2006–2010) included the elimination of “all forms of gender-based violence” as one of the six priority areas (Kantola 2010, 159). The recent road map (2010–2015) underscores the need to end gender violence and links the elimination of violence with the dignity and integrity of women.

So far one of the major tools used by the EU to combat domestic violence has been the Daphne Programmes. Following the Daphne Initiative of 1997–1999, the EU launched three Daphne Programmes: Daphne Programme 2000–2003, Daphne II 2004–2008, Daphne III 2007–2013. Through these programs the EU funds a variety of projects that deal with domestic violence. While the first Daphne Initiative was specific, primarily aimed at women’s groups that were raising the issue, providing training and personnel, creating anti-violence networks, or doing research, later programs included larger institutions such as local governments, and opened the umbrella of protection to children and youth as well as women. As the money going into these programs grew so did the scope of the projects and the number of the countries to benefit from these projects (Montoya 2008; Kantola 2010). Although eligibility is restricted to those countries that are in the official negotiation process for EU membership and those that are members, the rise in the number of countries that meet these criteria has increased the competitiveness of these projects. As chapter 6 shows, the hyper-competitive and bureaucratic nature of the Daphne and other funding opportunities provided by the EU have been heavily criticized by Turkish feminists for whom eliminating violence against women has always been a significant issue.

Because the EU has had “difficulty of finding a legal basis for addressing the problem of domestic violence” (Kantola 2010, 160), launching a program like Daphne created searches for how to frame the issue to situate it legally. The European Commission referred to Article 129 of the Amsterdam Treaty, “which deals with the improvement of public health, as the legal basis for adopting the Daphne Programme on violence against women” (Kantola 2010, 160). Thus domestic violence against women has been framed as a public health issue.
Just like the dominant approach to trafficking in women as an issue of illegal immigration and organized crime, the framing of domestic violence against women as a public health issue raises questions about the scope and effect of institutional measures to eliminate the problem. This framing has been criticized by women members of the European Parliament for its narrowness and gender blindness, and for ignoring the human aspect of the issue from the experience of the victims and survivors (Kantola 2010). When domestic violence against women is formulated as “domestic violence” rather than “violence against women” (Kantola 2010, 164), it becomes gender blind. When it becomes a public health problem rather than a gender inequality problem, it becomes “part of a bigger health problem and results in a belief that eradicating the other health and social problems will eradicate domestic violence” (Kantola 2010, 161). The very framing also posits domestic violence as a threat to the growth of the labor market as it undermines competitiveness, job seeking, and job performance (Kantola 2010).

Alternatively, the European Parliament and women’s organizations, such as the European Women’s Lobby and Women Against Violence Europe, have framed domestic violence as a women’s human rights issue, focusing on the victim. The role of the 1993 Vienna World Conference on Human Rights and the Beijing Declaration resulting from the 1995 UN World Conference in Beijing cannot be denied in sealing this framing. In both occasions, women’s groups made powerful arguments and lobbied extensively for the recognition of women’s rights as human rights; violence against women was conceived as a violation of women’s human rights. According to Kantola, in recent years, this human rights frame “has had some impact on EU policy and has brought about a slightly more victim-centered approach and given a role to the NGOs as providers of expertise and knowledge in policy-making as well as partners in governance” (2010, 167).

Despite the growing recognition of domestic violence against women as a problem and a slight shift in the framing of the issue at the EU level, unlike trafficking in women, domestic violence against women suffers from a lack of binding hard laws. Although the EU pressures its members and candidates to take action against domestic violence, it leaves the conceptualization of and legal action against domestic violence to the countries. This has led to a variety of approaches to the issue: while some countries frame the issue as a public health problem (e.g., Greece), others frame it as human rights (e.g., Netherlands); still
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others look at it as family violence (e.g., Finland) (Kantola 2010). Turkey in its most recent law formulates the domestic violence against women as “family violence.” Chapter 4 discusses the heated debates between feminist groups and parliamentarians over the framing of this issue.

Positive Action

Positive action as a policy measure entered the EU agenda in the 1980s with the Council Recommendation 84/635. Like the policy on domestic violence against women, positive action owed its initiation to the recognition of the limitations of the equal opportunities approach to gender equality at the EU level. As feminist activists and policy makers inside and outside of the institutional bodies of the EU emphasized, the equal opportunities approach fails to take into account “gender-biased structural conditions under which opportunities are offered” (Lombardo and Meier 2007, 53). These patriarchal conditions embedded both in private and public realms of societies inhibit women from taking advantage of the opportunities offered and fully exercising their rights. Positive action measures are about creating substantive equality by shifting the policy focus from equal opportunities to equal outcomes, which would direct the attention of policy makers beyond the equalization of opportunities to the equalization of starting points (Rees 1998; Lombardo and Meier 2007; Kantola 2010).

Despite this recognition, the history of positive action in the EU is full of conflicting messages and stances. As the following shows, the nonbinding status of the EU policies on the issue underlines the necessity of binding instruments to overcome counterproductive ambiguity regarding the definition and scope of the issue. In 1984 a Council Recommendation (84/635) was issued for “the promotion of positive action for women” (Kantola 2010, 43). This nonbinding measure was used in two cases that were brought up at the European Court of Justice in 1995 and 1997. The 1995 Kalanke case was against a local court ruling that upheld the decision that an equally qualified woman was chosen over a male candidate for a job in Bremen, Germany. Although the German laws did not see any conflict between the local Bremen law that promoted positive action for women and the national law, the European Court of Justice ruled that the local ruling violated the equal treatment Directive (Directive 76/207/EEC) by “automatically” giving preference to women
This judgment was possible because of the absence of a clear binding instrument that aligned EU and national laws. However, as a result of this judgment the German law was altered to get rid of the “automatic” preference given to the underrepresented sex (Kantola 2010). This change led to the European Court of Justice’s favorable ruling for positive action toward women in the 1997 Marschall case in which a tenured male teacher brought up a lawsuit against a regional German law that gave preference to an equally qualified female candidate to provide gender equality in promotions. According to the Court, the absence of “automatic” preference given to underrepresented sex in German law was allowing employers to adjust their actions on the basis of the variation among cases (Kantola 2010).

Although both the Kalanke and Marschall cases were criticized by supporters of positive action measures for creating confusion over positive action, the contention that resulted from these cases led to the inclusion of an article (Article 141.4) on positive action in the 1999 Amsterdam Treaty. This treaty defined positive action as “specific advantages in order to make it easier for the underrepresented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers” (Lombardo and Meier 2007, 54). Through this article the EU officially recognized that there are structural barriers that prevent women from having access to employment and moving upward within jobs. However, the article was centered on employment, ignoring the significance of the issue in the area of politics. Even though the EU recognizes underrepresentation of women in politics in most EU member and candidate states and encourages the use of measures to increase the number of women where they are underrepresented, it does not specify these measures. Rather, it concentrates on soft measures such as “awareness raising campaigns, collection of comparable data and construction of indicators, and encouraging examples of good practice” (Kantola 2010, 56). Further, the article “leaves a certain legal uncertainty as it does not mention the term ‘positive action’”; it does not require member and candidate states to eliminate “constitutional and judicial obstacles” for the endorsement of positive action measures; and it still leaves room for confusion over legal cases (Lombardo and Meier 2007, 54). Nevertheless, as Kantola emphasizes (2010), the Amsterdam Treaty still allows member states to use positive action measures, if they deem them necessary, to address gender-based discrimination in specific areas.
Positive action has significance in the discourse and activism of feminists in Turkey. Turkish feminists have concentrated on the advocacy of positive action measures in politics rather than employment, using the EU as a reference for advocacy. Indeed, the positive stance of the European Parliament toward the use of quotas to increase the number of women in decision-making positions provided a helpful, but insufficient support for this concentration. Chapter 6 covers the ways in which Turkish women have approached positive action to promote gender equality. It discusses public debates between women’s groups, government, parliament, and national media over the introduction of positive action measures to increase the number of women in politics. Turkish feminists’ use of the EU’s position on the issue for advocacy provides an excellent example of how EU level decisions can open up space for political advocacy at the local level. Yet, at the same time, it also shows why it is necessary to initiate a binding legal directive by the EU.

**Gender Mainstreaming**

As a policy measure, *gender mainstreaming* was officially introduced in the 1999 Amsterdam Treaty (van der Vleuten 2007; Kantola 2010). The aim was to incorporate “a gender dimension into *all* EU policies and institutions” (van der Vleuten 2007, 1) so that the decisions at all levels would be made with mindfulness for establishing and reinforcing gender equality. The term emerged in the late 1980s in a working paper written by a Danish expert on equal opportunities. It was already being used in Nordic countries. Despite the use of the term in various other places, it did not gain significance until the Fourth UN World Conference on women in Beijing. Initially the concept was rejected by some feminist women inside and outside of EU institutions because of the fear that its ambiguity would hurt rather than help women in achieving gender equality by removing certain actions and measures that benefit women (Stratigaki 2000; van der Vleuten 2007). Interestingly, the United Nations conference gave the supporters of gender mainstreaming the opportunity to be influential at the EU level. Through intense lobbying and advocacy they were able to insert gender mainstreaming as a policy strategy into the Beijing Platform for Action. The pressure from transnational women’s networks toward the conceptualization of women’s rights as human rights, which indicated that women’s rights should
not be some subcategory or isolated category, but part of all policies, aided the inclusion of gender mainstreaming in the Platform. Later the advocates of gender mainstreaming used the Beijing Platform to push for the inclusion of the policy in the EU Amsterdam Treaty (van der Vleuten 2007; Kantola 2010). By means of the treaty, the EU asked all “community actors (legislative, judiciary, and executive) to contribute to gender mainstreaming” (Kantola 2010, 129).

The strength of gender mainstreaming is that it has the potential to make wide-ranging changes in policies in all fields, possibly creating a continuum in consistency of gender-related policies that would transform unequal gender power structures (Pollack and Hafner-Burton 2000; Walby 2004; van der Vleuten 2007). It allows the European Commission to introduce gender equality measures in various fields, moving beyond employment related decisions and “it gives women’s organizations a tool to put ‘gender’ on every agenda” (van der Vleuten 2007, 169; Walby 2004). The Council of Europe identifies “political will, a twin strategy of gender mainstreaming and women-specific policy, sex-segregated statistics, knowledge of gender relations, knowledge of administration, necessary funds and human resources and participation of women in decision making bodies” as essential for gender mainstreaming (Kantola 2010, 127).

However, this revolutionary potential of gender mainstreaming is shadowed by its limitations. Many argue that the problem with gender mainstreaming is its implementation (Booth and Bennett 2002; Hunt and Wallace 2005; Mósesdóttir and Erlingsdóttir 2005; van der Vleuten 2007; Kantola 2010). For one, it is a soft law measure that depends on good practice among member states and is used as a guideline rather than a specifically defined hard law that requires member and candidate states to comply with a certain time frame. That is, the EU primarily uses the Open Method of Coordination as a means for promoting the policy at national levels (Walby 2004). Van der Vleuten (2007) stresses that this nature of the measure let the European Commission avoid requiring the Central and Eastern European Countries to employ gender mainstreaming during their EU accession process. Furthermore the strategy is mostly reduced to the formation of technical knowledge based on the collection of statistical information by experts rather than serious assessment of the gender gap. There are no clear criteria to evaluate its application. The country reports, which are significant pressure tools that we will examine closely in regards to the EU’s assessment of Turkey’s
performance in chapter 5, are not used as platforms by the European Commission to judge countries’ performances on gender mainstreaming. “The monitoring procedure does not therefore provide sufficient pressure to increase the cost of non-mainstreaming for unwilling governments” (van der Vleuten 2007, 170). The use of the strategy at the national level depends on the context of the nation and how gender mainstreaming is understood by policy makers. Furthermore, true to the fears of some feminists who were against the introduction of the strategy early on, the meaning and the scope of gender mainstreaming has been interpreted by some at the EU level in a way that opened the door for the elimination of some programs and funds that specifically benefited women (Lombardo and Meier 2007). Stratigaki (2005) points out that gender mainstreaming was used by some EU policy makers to attack the use of positive action, underlining the significance of the statement that “the shifts in concepts of the EU gender policy are not accidental, but rather part of ongoing political struggles over the meaning of gender (in)equality in which political actors are involved” (Lombardo and Meier 2007, 56).

The Intersection of Gender Inequality with Other Inequalities

One of the important developments in regard to combating gender inequality at the supranational level of the EU was the recognition of the connection between gender inequality with other inequalities in the late 1990s, first with the Amsterdam Treaty and later in the Charter of Fundamental Rights. Article 13 of the Amsterdam Treaty refers to combating discrimination on the basis of “sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.” Article 21 of the Charter further expands the scope of combat to discrimination on the basis of color, social origin, membership of a national minority, language, political or any other opinion, genetic features, birth and property (Kantola 2010).

The pressure for this recognition came from the European Parliament and the European Commission. Although the recognition has for the most part remained in the realm of soft law measures, it led to the introduction of a directive to promote racial and ethnic equality (Racial Equality Directive, 2000/43/EC). The Directive prohibits discrimination on the basis of race and ethnicity, allows the victims of discrimination to complain through judicial mechanisms, gives the burden of proof to
the employer to prove that there was no discrimination, and leaves room for positive action measures.

Hence, the EU is showing signs of tackling multiple inequalities both separately and in an integrated fashion (Kantola 2010). The current EU attention to multiple inequalities has created excitement among gender equality advocates who would like to expand EU policies to go beyond economic rights toward strengthening social, political, and cultural rights. However, feminist women groups, such as the European Women’s Lobby, are also cautious, as the tackling of multiple inequalities may weaken the actions taken to improve women’s rights (Mazey 2002; Kantola 2010). There are also questions about whether confronting multiple inequalities is fundamentally about enlarging the employment market rather than improving rights beyond the market. Chapters 5 and 6 discuss whether these measures at the EU level have had any impact on reforming policies regarding sexual orientation in Turkey.

Women’s Rights and Gendered Citizenship

In the development of EU gender equality policies, multiple actors with varying degrees of power and interest have been involved in policymaking. These actors range from EU governing bodies (e.g., the European Council, the Commission, and the Parliament) to judiciary bodies (European Court of Justice), nations, and EU sponsored women’s organizations, such as the European Women’s Lobby (Ferree 2008). The resulting action and policies over the years have shaped the meaning of gender equality, highlighting a trajectory that is complex and contentious. The desire to enhance equality through democratic principles exists with and competes against economic priorities. This multifaceted structure of the EU gender regime creates and endorses a certain notion of women’s citizenship.

As the earlier discussion of development of the policies in the early years of the Union reveals, gender equality was framed mainly as equality of opportunity for employment. The primary emphasis of the EU on gender equality in employment was criticized by many feminist scholars as a neo-liberal project (van der Vleuten 2007; Kantola 2010) because it was mainly about creating and securing a common market. The directives were designed to increase the number of women in the labor market to manage growth in the economy. Yet, at the same time, “the initial member states of the EU embraced the goal of a ‘social mar-
ket economy’ that would apply social democratic principles of regulating private enterprise to ensure the common good and actively reduce inequality” (Ferree 2008, 246). With these two competing frameworks in action the EU has been shaped as what Ferree calls “hybrid governance” (2008). The influence of the desire for common good and equality combined with increasing pressure from feminist networks has led to an expansion of the gender equality framework to issues beyond the labor market, issues such as violence against women, positive action, and gender mainstreaming as well as tackling multiple intersecting inequalities. Domestic violence, for example, is seen as a barrier that prevents women from exercising their rights. In most EU policy documents, the idea is that “women should have an equal right to non-violent behaviour towards them and to personal integrity” and the personal integrity and dignity are seen as a “constituting element of citizenship” (Meier and Lombardo 2008, 486). Women’s underrepresentation in politics is seen as a problem because it reveals a gender imbalance in the enjoyment of citizenship rights, undermining the democratic principles of the Union.

In the end, though, the EU gender equality project is still market-driven and does not deal with the intersecting dimensions of work, family, and welfare (Stratigaki 2004; van der Vleuten 2007; Kantola 2010), but continues to reproduce the division between public and private (van der Vleuten), which has been heavily criticized by feminist scholars who engage in the analysis of women’s rights and citizenship. As discussed earlier, the focus on the economy has shaped the EU approach to issues of violence against women, positive action, and gender mainstreaming. These issues were related to gender equality on the basis of the degree to which they would influence women’s labor market participation. The problems that hinder women’s exercise of their rights also hinder them from fully participating in the labor market. Furthermore the short history of the EU policy making has examples of the cooptation of feminist ideas and strategies by EU institutions to formulate gender equality policies that fit into economic priorities of the EU (Stratigaki 2004; Sümer 2009). Although women in the EU have made important contributions to shaping gender equality policies through collective and individual advocacy, their influence and gains remain limited because the hierarchical structure of the EU prevents them from making radical and long-lasting changes to patriarchal gender relations (van der Vleuten 2007). Co-optation in this environment emerges as a method to curb the discursive power of feminist arguments.
The aim of increasing working women’s number and reconciling work and family so that women can juggle the two rather than encouraging men to take more domestic responsibilities has led to the conception of women’s rights primarily within the notion of worker rights in the labor market. Citizenship for women is constructed as “market citizenship,” with the requirement of active participation in the market (Schild 1998, 233). This conception fits to the EU’s agenda of creating “a single market without borders” where gender equality means identity without any conception of difference in experience of workers in the private sphere (van der Vleuten 2007). The discussion of difference is reserved for women who are considered as ethnic minorities within EU member states and their “difference” is seen as something to be corrected (Knocke 2000; Hellgren and Hobson 2008). The notion of sameness overlooks the multiplicity of women’s roles and differences in men’s and women’s experiences (Siim 2000). By and large, the EU does not offer comprehensive EU citizenship rights, leaving the structuring and enactment of rights to the states. This results in varying and sometimes contradictory conceptions within nations (Meier and Lombardo 2008). In this sense, as Ferree (2008) points out, full citizenship for women is still a “goal” rather than a reality within Europe; yet at the same time, a unique system, such as the EU, provides tools for gender equality advocates to advance women’s rights and status. For example, the EU has recognized the equality between men and women as a fundamental human right. This inclusion of women’s rights as human rights within the conception of citizenship (Pantelidou Maloutas 2006) opens room for the incorporation of issues other than work and creates possibilities for feminists, who see noneconomic and economic issues as interconnected parts of a larger gender regime, to influence policy making at the EU and national levels through local and transnational activism (Walby 2004; Zippel 2004).

This contradictory position of the EU on rights makes the analysis of women’s rights within the Turkish state even more necessary because the tracking of the changes in women’s rights in Turkey provides information on the interpretation of EU gender equality norms within specific national contexts. The legal provisions of the EU and the Turkish state influence the agency and citizenship of women who are situated as citizens of the nation-state. The following chapters examine the gender regime in Turkey and the meaning of gender equality and women’s citizenship within this gender regime before and after the EU’s official acceptance of Turkey’s candidate status for EU membership at the 1999 Helsinki Summit.
Recognizing that internal gender regimes of countries matter when adapting European gender equality norms to national settings (Liebert 2003), this chapter looks at the structure of the gender regime in Turkey before the Helsinki Summit of 1999, the moment when Turkey was declared by the EU to be an official candidate for EU membership. To lay out the gendered context into which the EU gender equality policies were transposed, I first examine the connection between the gender regime and the meaning of citizenship for women in this EU candidate country. I explain how the connection created a specific policy logic and discourse on gender and women’s rights, and what women did collectively as agents to challenge and reshape women’s citizenship and gender policies.

My approach to the gender regime and the women’s response to this regime in Turkey begins with a feminist perspective on citizenship that regards citizenship within the framework of gender equality and treats it as a broad concept, the meaning of which changes as a result of power struggles of actors at national and transnational levels (Siim 2000). This feminist perspective is critical of the Western idea of universal citizenship that divides the public and private, treating the public as superior and defining it on the basis of male norms. Instead of creating a “pluralist and differentiated” citizenship through which women’s multiple roles in multiple realms are recognized (Siim 2000), women’s experiences in the private sphere are left untouched (Peteman 1988, 1989; Philips 1992). As the previous chapter has discussed, there
has been a divergence from this at the supranational level of the EU where the connection between the private and public has been increasingly recognized, and thereby issues, such as domestic violence, which were considered as part of the private, have become part of the policy platform. However, as emphasized at the end of the last chapter, this divergence has been lopsided. Despite the positive developments toward improving nonmarket factors that influence women’s lives, the gender equality policies are designed to push more women into the public sphere in the form of market inclusion. Attempts have been and are being made to remove barriers within the market to encourage women’s economic citizenship. This lopsided approach to gender equality deals with the obstacles that women face primarily when those obstacles are affecting women’s market participation. Nevertheless, the sophistication of the meaning of gender equality at the supranational level is being reflected at varying levels and intensity in the EU’s demands from the nation-states that are members and the candidates for EU membership. In the end, though, as van der Vleuten (2007) accurately points out, it is the state where women’s rights are constructed, reframed, and implemented. This chapter deals with the Turkish state’s historical construction of women’s rights as well as women’s response to this construction (also in chapter 4) while chapters 5 and 6 examine how that construct has been changing in relation to the EU membership process.

As Joseph (2000) has emphasized, the state is the primary actor through which modern citizenship is played out. The state actively participates in the sexual politics of male dominance through its policies and institutions. Conversely, the state also acts as the provider and guarantor of rights (Moghadam 2005). The Turkish state embodies this contradiction in its long-standing attitude toward women’s rights and citizenship. On the one hand, it supports a patriarchal social and cultural order that is woven by the notions of family honor and paternal authority as well as the collectivist sense of family responsibility (Glick et al. 2002); on the other hand, it acts as a champion of women’s rights invoking egalitarian feminist values (Durakbaş 1998). These contradictory positions are accompanied by its consideration of some problems that hinder women’s access to their rights as private or family matters, thus leaving them untouched, while including, rather than excluding, other so-called private-sphere matters in its policies to reinforce a hierarchical patriarchal order that regulates women’s sexuality (Parla 2001; Miller 2007). Domestic violence against women and state-sanctioned virginity
controls, which will be discussed later in the chapter, are two cases in point. While the state did not recognize domestic violence as a public problem until the late 1990s, it allowed for virginity examinations until the Penal Code change in 2004. This contradictory state attitude has a long history in Turkey. It reflects multiple and sometimes conflicting points of view rooted in secularism, Islam, and nationalism.

Ottoman Reforms and the Gendered Subject

It is now well established by scholars that the institutional framework for the Turkish state’s gender regime has its roots in the reform movements of the late Ottoman Empire. The Tanzimat period (1839–1876) was the beginning of a structural transformation that was couched in modernization and westernization, which only accelerated with the establishment of the secular Turkish Republic in 1923 (Kandiyoti 1991, Kasaba 1997; Göle 1995, 1997; Arat 1998). It was during this reform period that elite discussions on women’s status in the form of the “woman question” began to be shaped (Kandiyoti 1991). The ruling elite were primarily interested in finding out the reasons for the decline of the Ottoman Empire so that they could help rejuvenate its historical power. Even though there were different opinions, one line of thought became dominant with its emphasis on the significance of the technological and cultural developments in Western Europe. According to this view, the rise of Western Europe at the end of the nineteenth century against the background of a declining Ottoman Empire was due to the modernist reconstruction that resulted from the Renaissance, Enlightenment, and the Industrial and French Revolutions. The Ottoman society had watched from a distance when these historical developments were bringing about the formation of scientific method, the belief in reason and human faculty, the development of market society, the endorsement of civil and human rights, and the advancement in military and industrial technology in Western Europe (Kasaba 1997). Now that a radical change was necessary to catch up with the West, the prescribed solution was to reduce the effect of the dominant Islamic framework in ruling because it was the use of this framework that prevented innovation and the adoption of technology from the West by labeling them as foreign and the products of infidels. Although reducing the influence of Islam in ruling was an aim, this early reform period was not so much about cutting the ties with it entirely.
as it was about finding a way to combine the Islamic framework with a new instrumentalist framework (Kandiyoti 1991).

The status of women became a significant part of this early movement’s agenda because the reformist elites believed that women as mothers could guide the new generations in the direction of modernization and westernization. The education of women was important not only in terms of how they raised and educated their children, but also in terms of how they looked, what they read, how they carried themselves, how they decorated their houses, how they served dinner, and how they entertained their guests (Toska 1998). Women were the barometer of the “health” of society in modern scientific terms (Kandiyoti 1991). Secondary schools for girls opened during Tanzimat; so did the first girls’ vocational school, the first midwifery program, and a women’s teacher training college (Kandiyoti 1991; Arat 1998). Although this more modernist approach was not pushing the parameters of Islam in terms of asking for drastic changes, such as eliminating gender segregation or removing the veil, practices required as part of Shari’a, the Islamic Canon used during Ottoman rule, it was enough to raise opposition from conservative religious groups. This conflict set up the foundation for the incessant contention over women’s status between secularists and Islamists throughout modern Turkish history.

The second reform period that started with the 1908 transformation of the empire into a constitutional monarchy was more ambitious in its approach to women’s rights. As Kadioğlu (1998) explains, under the regime of the Committee of Union and Progress, which overthrew the sultan Abdülhamit II’s regime, the notion of women’s emancipation was taken further than the education. Among some members of the male elite, discussions about women’s political rights, the abolition of polygyny, and the removal of the veil were not uncommon. Humanists like Tevfik Fikret were arguing that women’s status represents the status of humanity; any improvement or deterioration in this realm would reflect on everyone; while others, like Selahattin Asım, who were more radical, were suggesting that Shari’a laws must be entirely transformed into secular laws to improve women’s status (Kandiyoti 1991). Although women became more visible in public under the modernist regime of the Committee of Union and Progress, the opposition to change women’s status in a modernist and westernist fashion also grew. Religious authority figures such as Sait Halim Paşa, Mustafa Sabri, and Musa Kazım argued that changes in women’s status would undermine the founda-
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tional pillars of the Islamic social system. They were adamantly against the removal of the veil and the public visibility of women (Kandiyoti 1991; Kadioğlu 1998).

The political view of the modernist westernist elite prevailed and permeated into the secular Turkish state that succeeded the Ottoman Empire. No one, however, became more influential than Ziya Gökalp (1876–1924) in constructing a gender discourse that would set the background for the formulation of gender policies in the modern secular republic (Kandiyoti 1991; Kadioğlu 1998; Fleming 1998; Durakbaşa 1998). A member of the Young Turks, a Turkish nationalist group of ideologues and activists, Gökalp was interested in figuring out how to combine the project of westernization with Islam and Turkishness. For Gökalp, civilization and culture were two distinct realms. While civilization represented the administrative bureaucratic traditions that could be passed from one ethnic group to another, culture was unique to an ethnic group as it pertained to mores or “ways of life” (Fleming 1998; Özsu 2010). Culture was where one’s origins and ethnic identity could be found and it had been primarily women who had preserved the sense of Turkishness by transmitting the Turkish way of life to new generations. Thus, Gökalp saw the status of women as the key to his ideological quest. Searching for an “authentic” Turkish past to construct his ethnically based ideology, he referred back to a pre–Islamic Turkish past where he argued that the family morality was shaped by egalitarian gender relations (Kandiyoti 1991). Marriages were monogamous; women were not secluded behind the veil and at home; and women and men were equals in decision making in both the private and the public spheres. Women had sacred powers ingrained in Shamanistic rituals. Logically, feminism was inherent in the “authentic” Turkish culture and all the Turks needed to do was to go back to their roots to rediscover the egalitarian gender order to create an egalitarian gender regime at the state level (Fleming 1998).

Religion had a small role to play in Gökalp’s vision of the feminist nation-state. He accepted Islam as a great religion, which he argued was not oppressive toward women in its origin. Yet when it came in contact with the Persian and Byzantine civilizations it became polluted by adopting misogynistic practices from Zoroastrianism and Christianity. Thus, in Gökalp’s mind there was no natural conflict among Turkishness, feminism, and “pure” Islam. Turkishness was naturally linked to feminism, and an Islam cleansed from foreign elements would work in harmony with them. For Gökalp, returning to ethnic roots meant
elevating women’s status. To do this, there had to be language reform, as Turkish was preserved by women while Ottoman was used by the male rulers and the most educated. It was unattainable by many. He also argued for a transition from large extended family to nuclear family where women could have a better chance at asserting power (Fleming 1998). By grounding his modern ideas of nationalism and feminism in a past, Gökalp was furthering the modernist and westernist elite’s desire to change the Ottoman Empire.

The progressive views of the Young Turks on women’s status were not successfully reflected in their attempts to make changes in law. Even though the Young Turks were successful in passing the Family Law in 1917, they came in short in satisfying the demands of those who wanted sweeping changes toward secularization, even while they managed to make the supporters of Shari’a upset. The law was considered to be the first written family code in Muslim societies. It replaced Mecelle, which was the Ottoman civic code primarily used by religious authorities to assert Sunni principles. As a result of pressure from religious authorities, the Family Law kept polygyny intact, but required the first wife’s consent. It required the existence of an appointed state employee in addition to the two witnesses required by Shari’a for marriage. Divorce was made more difficult. The aim was to give more security and power to women, but it was no more than a “timid move towards secularization” (Kandiyoti 1991, 37).

Indeed women were not passive bystanders when this wave of attempts to restructure the Ottoman order was under way (Berktay 1994; Demirdirek 1998; Toska 1998). Taking advantage of the reformist political atmosphere and feeling the effects of the women’s movements in Europe, a number of women, most of whom were well educated and upper class, and lived in large Western cities of İstanbul, Selanik, and İzmir, established associations and published journals. Among their demands were better education, opportunity to learn and practice a profession, and the right to vote (Demirdirek 1998). The demand for education was not only for raising modern children, but also for advancing women’s possibilities, which were limited beyond the domestic sphere. Narrow job opportunities were in teaching, clerical work, and factory work, primarily in the textile industry. Class differences largely determined who obtained these jobs. Although teaching and clerical work were mostly done by women from upper classes, factory work involved lower-class women. Ottoman feminists saw the improvement of education as a venue to
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engage in a career. Demirdirek (1998) explains that most of the activists were following the development of the women’s suffrage movements in Europe at the time and articulating women’s right to vote, but many stated that they would demand this right when the time was suitable. Their reckoning was that the suffrage movement was untimely when they had to deal with so many restrictions about how and when they appear in public.

Appearance was one of the most significant issues for Ottoman feminists. Women had to wear a çarşaf (a loose garment to cover the body from head to toe) and veil whenever they went outside. Although the attempts early in the movement were to show that women could be moral and look according to the standards of the Muslim religion without using this public attire, demonstrated in different parts of Anatolia where women used a variety of clothing, later there were more direct calls for the removal of the veil. During the reform period of the Committee of the Union and Progress, these calls were exemplified in the actions of a number of activists who took off their veils to be pictured in one of the leading women’s journals, Kadınlar Dünyası (Women’s World), (Toska 1998). In addition to Shari’a endorsed teseddüir (the covering of head, hair, and body), many Ottoman feminists adamantly criticized the common practice of arranged marriages that took away their decision to choose who is suitable for them, extended family living where they had scarce opportunity to exert any power, and inheritance policies that gave women the right to inherit only half of what men received. Polygyny was also among those cultural norms that Ottoman feminists cited as a social problem that undermined women’s status (Demirdirek 1998; Berktay 1994).

Kemalist Revolution and the Gendered Citizen

It would take a revolution to realize and move beyond the ideals and schemes of the reformist men and women of the Ottoman Empire. This revolution, launched by Mustafa Kemal Atatürk, a military officer, and his comrades toppled the Ottoman Empire, replacing it with a secular republic built on the modern and Western principle of universal citizenship. Göle interprets the abolishment of the empire with its central governing posts of sultanate and caliphate combined in one person as a historical mark of a power shift from Islamic Ottoman civilization to
secular Western civilization (1995). Furthermore, she states that “The project of modernization in a Muslim country takes a very different turn from Western modernity in that it imposes a political will to ‘westernize’ the cultural code, modes of life and gender identities” (1995, 21). Certainly, the Kemalist revolution made the “woman question” the center of its modern nation-making project and created a gender regime that introduced new gender policies, gender identities, and modes of conduct. Kandiyoti (1991) stresses that even though establishing the parameters of Turkish nationalism was a significant factor behind the creation of this new gender regime, breaking up with the Islamic ruling of the public space was the primary reason. In that sense, the Kemalist elite went beyond what the Young Turks were envisioning.

In the early years of the Republic a series of changes was launched to establish the principles of the secular Kemalist system. The sultanate and caliphate were abolished in 1922 and 1924 respectively. An education law, the Law of the Unification of Instruction, put the schools under secular state control in 1924; the first constitution of the Republic stated that “under the supervision of the State all types of education are free. Primary education is mandatory and free in public schools” (Arat 1998, 157). Coeducation was introduced first in primary schools and universities and then gradually in middle and high schools. The Latin alphabet was adopted in 1928; Arabic and Persian, which were dominant in the Ottoman language, were removed from school curricula (Arat 1998). The language of ezan, the Muslim call to prayer, was changed from Arabic to Turkish in 1933. In 1926 the Swiss Civil Code replaced the 1917 Ottoman Family Law, secularizing marriage, divorce, and other personal status matters. The royal Italian Penal Code was adopted in 1926. Women gained the right to vote and to be elected to the Parliament in 1934. A Labor Law with specific clauses about women’s work status was issued also in 1934.

Although there was no official banning of the Islamic veil, women were encouraged to take off their veils. Some argue that the banning of the fez, a head gear for men, which according to the secular founders, represented old and failed ways of the Ottoman Empire with its Shari’a regime, was actually about getting rid of the veil (Kırkpınar 1998). Predicting that banning the veil might receive unnecessary resistance and empower fundamentalist religious groups, the secular elite replaced the fez with Western-style hat. Atatürk and his comrades were often depicted in Western-style hats in pictures and paintings from the early republi-
can era. To set an example he was also careful to appear in public with women in Western-style clothing without the veil.

The introduction of all these changes underlining a state feminism signaled a nation-building model that was identified by Moghadam (1995) as the “women’s emancipation model of revolution.” In this model the “new woman” of the new nation became the symbol of the historic rupture between the Islamic Ottoman past and the secular modern Western Turkish Republic. Being part of Western civilization meant the public presence of educated professional women. Even though the peasant women living in rural areas were praised for their hard work and their bravery during the Independence War that led to the establishment of the Republic, they were not regarded as high as the “new woman” (Onaran İnciroğlu 1998). As the citizens of the new nation, women were given the responsibility of developing the nation economically by being producers. They were especially encouraged to be patriotic teachers who would go to various parts of Turkey, appearing in public without the veil, and teaching young students the new alphabet, literature, and science. In addition, women were to be conscious consumers who would buy national rather than foreign products. They were also expected to be active socially by being part of formal and informal social gatherings (Durakbaşa 1998; Kadıoğlu 1998).

In all their public presence, however, women were encouraged to be modest in their appearance and conduct. Modesty entailed virginity before marriage and sexual loyalty within marriage. According to the secular elite, taking off the veil and being modern did not necessarily entail immodesty; women could be both modern and modest at the same time. The notion of honor, which was connected to women’s sexuality and family status, drew the limits of women’s public presence and it was not questioned by the Kemalist administration. Honor underlying women’s virtue affected the way women appeared in public, the way they held themselves, and the way in which they encountered men. Women became part of the public sphere as asexual beings in their looks and conduct. As Durakbaşa (1998) puts it, Kemalist women replaced the veil with a new public identity, which underplayed femininity while augmenting occupational and professional ambition and audacity. At the same time, the moral and hard-working women of the public sphere were given the responsibility of procreating and raising children. Motherhood was seen as a virtue and a duty to the new nation (Kadıoğlu 1998). With the emphasis on home economics, housekeeping became a
realm of rational organization. There was less of an emphasis on strict division of labor between men and women at home. An analysis of the public school text books used in primary level education shows that during the early years of the Republic the first modern textbooks under the supervision of the Ministry of Education portrayed women and men supporting each other in the household; tasks were not so gendered as to confine women merely to the kitchen. Male and female children were equally helping their mother in household chores (Gümüşoğlu 1998).

In Özsu’s words, the gender equality reforms along with continuing domination of the notions of honor and modesty shaped the “new woman” as “emancipated but respectable” (2010, 68). New policies to emancipate women were put in place to elevate the status of Turkey to the level of contemporary Western civilizations; thereby, the elevation of women’s status signified the elevation of the nation’s status. At the same time, the unquestioned assumption of women shouldering the honor of the family turned into bearing the honor of the new nation-state. Hence women became subject to complex and contradictory notions of what it meant to be a woman.

The early reforms received criticism from traditional religious groups as was the case during the reform period of the Ottoman Empire. The 1926 Civil Code, for example, was heavily criticized by some parliamentarians and nonparliamentarians alike. Although the draft code was brought to the Parliament in 1923, it took several years and heated parliamentary debates to pass it. The religious opposition made unsuccessful attempts to reenact polygyny without the wife’s consent and reduce women’s legal marriage age to nine. There were uprisings in various parts of the country to reestablish the religious order. Although they failed, the uprisings delayed the transition from the one-party regime to a multiparty regime as was imagined by the secular elite. In the name of establishing and protecting the secular state, the one-party government ruled until 1946.

The transition to the multiparty system in 1946 diminished the momentum of the reforms. Despite the intentions of the founders to keep religion outside of governing, with the election of the center-right Demokrat Parti, DP (Democratic Party), to the government, religion began to gain more influence in politics. The DP altered the language used in ezan from Turkish back to Arabic and made religion, which had been eliminated from the school curricula in 1935, a compulsory course in public schools in 1948 (Ayata 1996). This ideological turn was evident
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in the depiction of women and men in public school text books as well. Beginning in 1945 the textbooks were modified to confine women to the kitchen, often portraying them with an apron, cooking or cleaning. Not only women, but also the girl child in the household began to wear an apron to help her mother, while the boy child began to be portrayed only as father’s helper in repair. Further divisions were in the conception of the mother and father. While the early textbooks had more examples of mother and father equally sacrificing for their families, the textbooks after 1945 primarily designated women as sacrificial mothers whereas men were portrayed as knowledgeable and wise fathers who were the sole breadwinners (Gümüşoğlu 1998). Although the DP was closed in 1960 by the secular military for its enforcement of religion in politics and undermining the secular structure of the state, the successive center-right Adalet Partisi (Justice Party), which governed the country between 1961 and 1981, continued to use “religious symbols, idioms, and practices as part of a new style of political communication and propaganda” (Ayata 1996, 44). All this augmented emphasis on religion was done for the sake of opposing communism, which was considered a threat not only in Turkey at the time, but also in Western Europe and the United States. The long-term effects of this shift in politics were to be seen in the 1990s and 2000s, during which religion became more influential in the public sphere through an Islamist movement with women and men constituents, Islamist political parties, one of which finally succeeded in coming to power not as part of a coalition, but by itself in 2002, and ever multiplying private and public religious schools.

Women amid Political Loyalty and Political Mobilization

Women played significant roles in the establishment of the secular Republic and many were very supportive of the reforms and the new gender regime. They were active during the Independence War (1919–1922), some by publicly speaking out against the old Ottoman regime and the occupying forces, and others by serving as nurses and carrying weapons and food to male soldiers. Some were involved in armed resistance (Özsu 2010). The Ottoman women’s movement never gained its momentum after the establishment of the Republic, but there was political action to gain the right to vote and be elected. In 1923 (before the enactment of the law that gave women the right to vote in 1934) a
number of women had established *Kadınlar Halk Fırkası*, KHF (Women’s People Party), for suffrage. Some important names who were involved in the Ottoman women’s movement were part of this party. Nezihe Muhi- 
tin, a leading feminist and the founder of the party, was one of them (Durakbaşa 1998). She was disappointed when the ruling elite, which in the process of establishing *Cumhuriyet Halk Partisi* CHP (Republican People’s Party), did not approve the KHF. The decision was in line with the new governing group’s no-tolerance policy toward all organizations along class and party lines. The establishment of a women’s party was considered divisive (Kandiyoti 1991). In lieu of the government’s decision the KHF was dissolved by its members and replaced by an association named *Türk Kadınlar Birliği*, TKB (Turkish Women’s Union), in 1924. The members of TKB drove attention to their cause by mounting meetings, arranging press releases, and sending telegrams to the government to show their support for the new political regime and express their demand for the right to vote and be elected. They also brought international attention to their cause by participating in meetings outside of Turkey (Durakbaşa 1998).

In 1935, one year after suffrage, women for the first time became candidates from various parts of Turkey for the fifth parliamentary elections. Eighteen women (4.5 percent) were elected as representatives. This number remained as the record and was not broken until the 2007 elections, during which the rate of women parliament members reached little over 9 percent. Some scholars interpret the low percentage of women in Parliament after the early years of the Republic as a sign of a setback from the dynamism of the reforms and progressive public discourse (Kırkpınar 1998).

Following the suffrage, TKB received pressure from the government to dissolve itself as its main aim had been accomplished, and did so right after hosting the twelfth meeting of the International Federation of Women in Istanbul, Turkey in 1935. Kandiyoti states that the choice of İstanbul to host the meeting was a conscious decision by the Federation to celebrate the suffrage and drive international attention to this reform. She also emphasizes that there might have been another reason behind the state’s call for the closure of the Union. At the time of the congress one of the main themes was peace. Turkish delegates were influenced by the delegates from Britain, France, and the United States to support international peace and disarmament. However, there were no German or Italian delegates at the congress. Kandiyoti points out that “On the
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eve of a major conflagration in Europe and at a time when defence spending was increasing its share of national budget, Turkish feminists’ stand on disarmament was inopportune, to say the least” (1991, 42). The members of TKB showed their loyalty to the secular Republic by stating that with suffrage women achieved full equality, thus there was no need for women to mobilize collectively anymore. Latife Bekir, the head of the Union who made the closing speech, said that if the members wanted to remain active in public life, they could do so individually by volunteering in charity organizations (Durakbaşa 1998). Özsu (2010) evaluates the state constraint put on the Union as a sign of “controlled emancipation,” arguing that TKB’s national and international presence allowed the state to posture as a “civilized” nation that deserves to be counted among the “civilized” nations of Western Europe; yet, on the other hand, TKB was barred from asserting too much power, especially when that power collided with the international policies and ties of the state.

In the absence of an autonomous feminist movement during the 1940s and 1950s many women, especially in urban areas, mainly put their efforts toward supporting the new administration and remained loyal to the secular project. In the 1960s and 1970s political parties with left, right, or nationalist agendas opened women’s branches to recruit women. These were also the years during which some women, most of whom were university students, became involved in leftist organizations and student uprisings, criticizing state policies not on the basis of gender, but class. On another ideological spectrum, a few women were involved in religious activism, criticizing the secular policies of the state. Şule Şenler (1995), who became a well-known activist in the Islamist movement that developed after 1980, traces the initial steps of that movement back to 1967.

Gender (In)Equality in Laws in the Republic of Turkey

The laws that were enacted in the new political regime were the best examples of simultaneous existence of state patriarchy and state feminism (Koşacuoğlu 2005, 145). As McKinnon (1989) famously pointed out, the law as an institution is a significant tool for the state to establish its legitimacy and male power. Often public policies are shaped by discursive practices that are embedded in patriarchal ideology (Isanberg 1992). The enactment of the new laws, especially the Constitution and Civil
Code, was the clear and irreversible sign of the denunciation of Ottoman past, the power of the Ulema, and the codifications of the Shari’a. The new laws legitimized the existence of the secular Republic and at the same time gave women rights that were only imagined before. Nonetheless, certain specific provisions simply institutionalized male power through endorsing collectivism and gender hierarchy. The tension between gender equality and hierarchy was also evident in separate laws.

The Civil Code replaced the Shari’a-based Mecelle. The Turkish officials decided to adopt the Swiss Civil Code with the knowledge that the Swiss Code was the most contemporary and democratic among the European civil codes at the time (Özsu 2010). The Code introduced secular marriage and divorce procedures. It abolished polygyny and endorsed monogamy as the state-sanctioned form of sexual union within marriage. This change was the final step toward secularization of marriage that the Family Law of the late Ottoman period failed to accomplish. Marriages became legal only if they were registered. Western-style marriage ceremonies under the supervision of an appointed state official replaced religious ceremonies. The Code recognized marriages between couples from different religious backgrounds, getting rid of the former rule that banned such marriages. Women were given the same inheritance rights as men and the same rights for child custody.

Interestingly, “the most contemporary and democratic civil code of Europe” was not so gender egalitarian. The Swiss Civil Code had a number of discriminatory clauses against women. Özsu reveals that the Code established the husband as the head of the matrimonial union and gave him the right to represent the union and select the place of residence. The wife had to have the permission of the husband to work outside of the home. She was also given the duty to “aid and counsel” her husband (2010, 72). The Turkish state in emulating the Swiss Civil Code also adopted these gender discriminatory clauses and added its own interpretations based on so-called moral principles of the society. Article 152 of the Turkish Civil Code recognized the husband as the head of the conjugal union and gave the husband the right to choose the place of residence. Article 154 gave the husband the right to represent the union. Article 155 stated that the wife must receive the husband’s explicit or implicit permission to work outside of the home. Article 153 gave the women the duty of aiding and counseling the husband for the happiness of the family. Further discriminatory provisions included Article 190, which gave the husband the right to “require” his wife to
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Contribute to the family budget to “a reasonable extent” if necessary (Arat 1994, 64). Article 95 obliged a woman who became widowed upon her husband’s death, who was divorced, or whose marriage was nullified to wait three hundred days to remarry. Legal marriage age for women and men was originally determined as 17 and 18 respectively. However, the minimum age limit was reduced to 15 for women and 17 for men in 1938. The Code required the woman to replace her family surname with her husband’s upon marriage.

Similar to the Civil Code, the Penal Code was adopted from a European country, Italy. With the enactment of the Penal Code, women were simultaneously given rights and as Miller puts it, “opened up to regulation” (2007, 361). For example, Article 456 of the law brought a minimum of six months imprisonment and the maximum of one year for those who, without the intention of murder, harmed another person physically or mentally or both. Article 457 increased the penalty by as much as half if the violence was committed within the family. Even though these provisions gave some leverage to women who were able to go to the court to sue their husbands for domestic violence, the lack of clear and comprehensive laws on domestic violence demonstrated the state’s unwillingness to recognize domestic violence as a problem.

The Penal Code made abortion illegal, punishing women who go through abortion and those who aid it (articles 468 and 469). However, the Code also brought a two-thirds reduction in penalty for those who “brought about [an abortion] in order to save his own honor, that of his wife, his mother, his daughter, or his sister” (Miller 2007, 362). In 1938, the wording was changed to “one’s personal honor [and] that of a near relative” (Miller 2007, 362). This law was amended in 1965 to allow abortion when the mother’s life is in danger. Because of growing population concerns, the state changed the law again in 1983, allowing for abortion up to ten weeks into pregnancy. After ten weeks, the abortion was permitted only if the mother’s life was in danger. The sentence for a woman who was not at risk and had an abortion after ten weeks was a minimum of two, and a maximum of five years. The permission of the husband was required for married women who were seeking abortion. For minors, the permission of a guardian was required (Arat 2005). Following the tenth week, if the abortion was carried out for personal or family honor, the punishment was to be reduced by a half or a third (Miller 2010).

As Parla (2001) emphasizes, in the Penal Code all forms of assault against individuals were categorized as “Felonies against Individuals”;

yet, sexual assault against women was categorized as “Felonies against Public Decency and Family Order.” In addition to sexual assault, pornographic entertainment in public, violation of one’s virginity, and forced prostitution were covered under this category. The Penal Code made clear distinctions between virginity and nonvirginity, as well as between a married woman and a single woman when addressing sexual assault. The penalty for rape against a person under 15 years of age was punished with at least five years of imprisonment. If the person was over 15 years of age, the penalty was to be at least seven years. The level of punishment increased based on the injury inflicted on the victim. In the case of an abduction of a woman, the offender received as little as three years if the woman was single and as much as seven years if she was married. Abduction of an unmarried woman over 15 years of age was punished; however, the punishment was lifted if the two sides married. If the abducted woman was already married the punishment was higher. A similar approach can be found in Article 423. Here, the violation of one’s virginity with the false promise of marriage was designated as a punishable crime; yet, the punishment was postponed for five years if the perpetrator agreed to marry the victim. This punishment was lifted if the marriage lasted for five years.

The Penal Code criminalized adultery which was also categorized under “Felonies against Public Decency and Family Order.” Article 440 punished the woman who had a one-time sexual intercourse outside of marriage while Article 441 brought punishment ranging from three to six months to a man if he had a continuous relationship with another woman outside of marriage. The wife could bring charges against her husband only if the other woman was unmarried (Arat 1994). As in other provisions the status of marriage was evident in the treatment of women. The law was more forgiving toward the adulterous man than the adulterous woman.

In addition to the Civil and Penal Codes, the Labor Law of 1934 was introduced to manage the labor force. Although most articles were general and not gender specific, the law included some protective provisions that restricted women’s work. For example, Article 68 prohibited the employment of women of all ages and minors from working underwater and underground. The law also brought limitations to women’s employment in dangerous jobs and jobs that require close contact with poisonous materials (Arat 1994). A 1987 amendment to the law produced specific provisions regarding pregnancy, childbirth, and nursing. These provisions gave the woman worker the right to leave work for medical
check-ups during the first three months of pregnancy and once a month afterward. Pregnancy leave was determined as six weeks before and six weeks after giving birth. The employer had the right to discharge the worker without giving her a notice period if she failed to come back to work after the completion of the leave of absence. The Labor Law also required the workplaces to provide child care and nursing facilities based on the number of woman workers (Zeytinoğlu 1998).

Civil servants were covered under the Civil Servants Law, which had for the most part nongender specific provisions, except for pregnancy. Civil servants were entitled to a pregnancy and maternity leave of three weeks before and six weeks after giving birth as well as nursing breaks for six months. They could take up to a year off without pay. The law also had a clause that allowed fathers to take three days off with pay after birth (Zeytinoğlu 1998).

As a close look at the laws of the new secular Republic reveals, the legal discourse was based on family and family honor; women’s legal status in this framework was defined in relation to marriage. The notion of honor was associated with the morality of society. More specifically, as Koğacıoğlu (2005) states, the legal discourse reflected and reproduced the dominant culture where women’s lives are shaped by the notions of virginity and family. Even the legal framework on labor force participation linked women’s employment with their gender status in certain occupational areas. This was the case despite the fact that the 1924 Constitution was unambiguous in stating the equality of all citizens regardless of their sex as well as language, race, color, political opinion, belief, and religion. This inconsistency was repeated between the Civil and Penal Codes. For example, although the Civil Code regarded adultery simply as a ground for divorce, the Penal Code criminalized adultery. According to the Civil Code, women could file for divorce if they were subject to domestic violence; however, the Penal Code did not clearly recognize domestic violence as a problem. Yet another example, the Labor Law did not require women to receive permission from their husbands to acquire a profession or engage in trade, but the Civil Code did.

The Implications of Laws and Women’s Lived Experiences, 1923–1999

The state’s aim of creating the Western notion of the liberal individual as citizen was formalized with the laws through granting not only men
but also women political, social, economic, and civil rights (Arat 1994, 1997, 2000, 2005). However, articles of laws that contradicted the egalitarian approach perpetuated women’s subordinate status within the family and in the community where patriarchal communal values continued to dominate. The family-centered patriarchal morality became a thread in the laws and the state’s conception of women’s citizenship. This helped to reinforce the Mediterranean family–based gender regime where the family functioned on the basis of female inferiority and male superiority, which was imposed through “honor and shame codes” (Müftüler-Baç 1999, 305). Furthermore, the gender egalitarian aspect of the formal Kemalist legal framework was slow to translate into substantive equality in areas of education, economic participation, political representation, and personal security (Arat 2005). Regional discrepancies in terms of development were influential in this slow achievement of substantive equality. Gender inequality was most obvious in Eastern and South Eastern parts of the country, where the slow pace of economic and educational investments accompanied by a repressive extended family structure significantly restricted women’s life chances long into the new millennium.

The new laws, especially the Civil Code, gradually became known to women and men in some parts of the country, especially in Western regions, starting from the 1960s (Özsu 2010). The egalitarian aspects of the Civil Code on marriage, inheritance, divorce, and child custody empowered numerous women. However, in Eastern and South Eastern parts of the country where extended family and clan relations continued to dominate, religious ceremonies without an accompanying legal ceremony and registration continued to exist; so did arranged child marriages and polygyny. Religious ceremonies were especially preferred by those who would want to circumvent the minimum age requirement. In the East, one in every ten women was one of multiple wives (İlkkaracan 1998). Nauck et al. (2008) explain that modern monogamous nuclear family forms, which were advocated and supported by the modern secular policies of the state, did not entirely replace the extended family and polygamous marriages. Rather, multiple forms of marriage and family structures existed in the same society. İlkkaracan (1998), who conducted extensive research in the East and South East in the mid-1990s, stresses that women’s daily lives and their status were primarily determined by religious and traditional rules rather than state laws mostly because many women lacked the mechanisms to claim their rights.
In the area of education, achievements coexisted with shortfalls. The state policy of compulsory education led to a gradual increase in the literacy rates of women as well as men. As a result, the number of illiterate women declined from 90.2 percent in 1935 to 19.4 percent by the end of 1999. Increase in urbanization played a significant role in this as most of the schools and better public transportation services were in urban areas. Still, the improvement in men’s literacy rate was more impressive than women’s literacy rate. The percentage of illiterate men was 70.7 in 1935 and 6.1 by the end of 1999. Although it was low, and certainly lower than men’s, the percentage of women completing tertiary education also increased to 3.9 by the end of 1999 (Kadının Statüsü ve Sorunları Genel Müdürlüğü 2004). The majority of women who received a university degree worked as professionals such as lawyers, professors, physicians, engineers, nurses, and teachers. A number of scholars emphasized that women’s achievement in professional areas as a result of education was often equal to or exceeded the achievements women made in Western countries, especially in areas where men historically dominated (e.g., engineering, dentistry, law, and architecture) (İlkkaracan 1998; Acar 1998).

Women’s educational opportunities, however, were more limited in rural areas, especially in the East and South East. Even though the elementary education was mandatory, a number of families did not send their daughters to school. They preferred to use the daughter’s labor in farming and household tasks. The view that investment in a girl’s education is a waste because she will be married away was also common among these families (Zeytinoğlu 1998). Noticeably, the education level of women in these regions affected their status within marriage. The majority of women whose marriages were not registered had less than a high school education. One in every five women had unregistered marriages. Women with a low education level were more likely to marry early through arranged marriages and become one of multiple wives. The likelihood of women’s resistance to these arrangements increased with the level of education. Religious differences also played a role in women’s status. Women who were members of the Alevi and Caferi sects were much more likely to have civil marriage ceremonies and registered marriages compared to Sunni/Hanefi and Şafi sects. Moreover, polygyny was not as common among Alevi and Caferi groups as it was among Sunni/Hanafis and Şafis (İlkkaracan 1998).

In the area of economic participation, the investment in industrialization and attempts by the elite in the early years of the Republic to motivate women to take place in the public sphere initially led to a surge
in women’s participation in the labor market. The women’s workforce reached 43 percent in 1955, though this number gradually decreased to 36 percent by 1980 and about 28 percent by 2000 (Zeytinoğlu 1998; Kadının Statüsü ve Sorunları Genel Müdürlüğü 2004). The majority of these women was in the service industry working in the public sector as civil servants at lower and middle management levels (Zeytinoğlu 1998). Women were a minority in upper management levels; the lack of antidiscriminatory provisions in the Civil Servants Law kept women from top level public management positions until the 1990s. Women who were employed in the industrial sector concentrated in apparel and textile production; these were the lowest paying jobs within the manufacturing industry (Berik 1990; Zeytinoğlu 1998). Food processing and tobacco production were the next two industries that employed women in larger numbers (Zeytinoğlu 1998). The restriction in the Labor Law on the types of occupations in which women could be employed kept women from doing underground, underwater, or nighttime work, which also tended to pay higher wages than other jobs in the industrial sector (Berik 1990).

The majority of women worked in agriculture as unpaid family labor (Zeytinoğlu 1998). Turkey’s emphasis on agricultural production for export kept women in family owned production without pay (Moghadam 2003). Women in the agricultural sector worked long hours and performed heavy tasks; yet they lacked social security benefits. The earnings of most of these women were controlled by the male members of the family (İlkkaracan 1998). The agricultural sector began to shrink significantly starting in 1998, but women still constituted the majority in this sector.

Increase in migration from small towns and villages to cities did not necessarily lead to an increase in women’s long-term labor force participation. By the 1990s most women were living in urban areas, but many became homemakers; that is, unpaid family laborers. More than half of these women reported participating in the labor market for a period of time, but eventually leaving work for two main reasons: marriage and childbirth. The role of marriage in confining women to the home was in the form of disapproval by husbands or relatives to work, which for a long time was supported by law. Giving birth was another significant factor in hindering women’s long-term employment (İlkkaracan 1998). Lack of child care and the price of private child-care facilities, especially in the private sector, forced many women to stay home. The Labor Law
that regulated the presence of child-care facilities augmented the problem rather than solved it. The law required workplaces with more than one hundred women workers to provide nurseries and those with more than three hundred women workers to also provide child-care facilities. Many employers in the private sector employed less than the required numbers to avoid providing these facilities (Zeytinoğlu 1998).

Furthermore, like in other Southern European countries, such as Greece, Italy, Spain, and Portugal, where family ties are important and care policies are weak (Naldini 2003), the lack of a welfare system for the families and patrilineal heritage in Turkey created dependence on children in old age, with instrumental help from daughters and financial help from sons (Nauck et al. 2008). Instrumental help includes all care-related activities like cooking and cleaning for the elderly as well as providing emotional comfort. This demand for instrumental help from daughters and daughter-in-laws was another hindrance to women’s long-term employment aspirations (İlkkaracan 1998).

Similar to the trends in labor market participation, women’s participation in politics in terms of representation remained quite low over the years. Because of the unofficial quota policy of the single-party years of the Republic, the percentage of women parliamentary members was about 4.5 between 1935 and 1950 (Yılmaz 2007). However, the number decreased after the multiparty system was established and the governing DP abandoned the quota system. The rate of women representatives in Parliament was less than 4 percent between 1983 and 1995 and around 4 percent in the late 1990s. After 1960, CHP established the party’s women’s branch and set a precedent for other parties that followed suit. Rather than promoting women’s advancement in party ladders and Parliament, however, these women’s branches primarily asked for women’s involvement in social activities to promote parties and their programs. Thus, as in many other parts of the world where women were expected to serve male members of the political parties, women in politics in Turkey became the official “tea makers” within these political entities (Güneş-Ayata 1998).

Women’s branches along with the existing parties were closed by the military after the 1980 coup. These branches remained closed until the ban was lifted in 1995. During this period a number of the women’s branches functioned as charity organizations, but kept their connections with the parties (Keskin 1997). In the 1980s and 1990s there were attempts by political parties to increase the number of women in
their bodies. To do this *Sosyalist Demokratik Halkçı Parti* (the Socialist Democratic People’s Party), which changed its name to *Cumhuriyetçi Halk Partisi*, CHP (Republican People’s Party), after the ban on the party was lifted, introduced a 25 percent quota in 1989. This quota policy was followed by other parties. Nonetheless, most parties only gave lip service to the quota system, contributing to the low number of women politicians. The lack of an overarching constitutional quota policy coupled with an election system that allowed the political parties to put women candidates’ names at the bottom of the election lists substantially contributed to the women’s underrepresentation in politics. The initial appointment and then the election of a woman, Tansu Çiller, as a prime minister from center-right *Doğru Yol Partisi* (the True Path Party), in the early 1990s certainly increased women’s interest in politics. Çiller became a role model for many women who wanted to emulate her. Her presence also created a more positive attitude among the public toward women’s political representation. Still, women’s presence in the higher ranks of parties and in Parliament by and large remained dismal (Güneş-Ayata 1998).

Many women in Turkey faced a number of obstacles in the area of personal security. These included domestic and street violence, virginity examinations, and honor killings. All of them were related to the family-oriented gender regime and the patriarchal order that gave power to men over women and set the parameters of women’s status with honor and chastity. A number of studies showed high rates of domestic violence against women in Turkey ranging from 20 percent (Ari et al. 1994; Rittersberger-Tılıç and Kalaycıoğlu 1994) to 63 percent (Arikan 1993) with verbal violence being the most common and acceptable form husbands used against their wives (Ari et al. 1994; Rittersberger-Tılıç and Kalaycıoğlu 1994). The rate of this type of violence was followed by physical abuse. In the East and South East regions two-thirds of women reported that they were subjected to verbal aggression and more than half of the women said they were abused physically, mentally, or sexually by their husbands (İlkkaracan 1998). The practice of brides-money, which was in gradual decline in the rest of the country, but commonly carried out in these regions, significantly increased men’s violence against women. Brides-money, a tradition seen in patriarchal societies where women do not hold much power in marriage, but contribute significantly to production, enables the husband to exercise greater control over the wife’s body (İlkkaracan 2003).
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The high rate of domestic violence paralleled the attitudes of men and women toward domestic violence against women. A limited number of studies demonstrated that men were more likely to have a positive attitude toward domestic violence compared to women, seeing it as a way to discipline women (Rittersberger-Tılıç and Kalaycıoğlu 1994; Sakallı 2001). However, about 41 percent of women also thought that domestic violence was justified, especially if the wife was arguing with the husband. Rural residence, lack of wealth, larger household size, holding of patriarchal values, younger age at marriage, illiteracy, and having a marriage that involved brides-money significantly affected women’s acceptance of domestic violence (Aldıkaçtı Marshall and Furr 2010). The lack of comprehensive state legislation against domestic violence only reinforced the existence of this gender-based social problem.

Virginity examinations, which undermined women’s bodily integrity and violated their individual rights, were performed in orphanages, prisons, state-run dormitories, and hospitals on requests of directors. They were also performed routinely in suspected illegal prostitution cases by the police despite the fact that the law did not give such power to the security forces. The aim of these examinations was to detect “immodest” behavior and secure morality (Parla 2001). Although the law had no specific provisions that asked for arbitrary virginity examinations, punishment of crimes against women varied based on their virginity and marital status. Furthermore, according to the Penal Code in cases of prostitution, adultery, and rape, a prosecutor could ask for a vaginal examination to determine whether intercourse took place and/or whether the hymen was ruptured. Thus the legal discourse left enough space for various parties, such as administrators, parents, and the police to take matters into their own hands in cases of suspected violation of moral order. Alas, as a result of the attempts or acts of virginity examinations a number of young women and girls attempted or committed suicide as the last resort of resistance (Parla 2008).

Not far from the issue of virginity examinations was the killings of women by their family members in the name of saving or reinstituting family honor. Even though they were more common in Eastern and South Eastern regions and rural areas, honor killings also came to be seen in big cities as a result of migration. Article 462 of the Penal Code allowed for reduction of sentences if in the court the murder case was established as an act of protecting one’s family honor. Reduced sentences in the case of honor killings were not limited to those who killed women
or girls in their families for their “murky” behavior. Article 453 of the Penal Code brought a reduction in sentence (eight to twelve years, rather than at least twenty-four years) if a woman who killed her newborn proved that her act was to protect her honor.

The slow translation of laws into women’s lives and the contradictions within the legal system that perpetuated the patriarchal legal discourse and the family regime set the stage for a number of women to mobilize after 1980 to achieve gender equality. Chapter 4 explains the reaction of these women to the state’s family-oriented gender regime with a focus on the contention between these women and the state.
Chapter 4

Active Citizenship

Women’s Collective Response to the State’s Gender Regime in Turkey, 1980–1999

Attesting to the point that women’s movements are “embedded in particular histories and geographies” (Ray 1999, 159), the contradiction within the state’s approach to women, reflected in legal discourse and its implications for women’s lives prompted a group of women to launch a feminist movement in the early 1980s to change the gender regime in Turkey. Ironically, these women who were mostly located in the big cities of İstanbul, Ankara, and İzmir were the products of the Kemalist emphasis on making women part of the public sphere. Unlike the majority of women in Turkey, most were highly educated and professionals. Nevertheless, their backgrounds as the daughters of the early Kemalist women did not stop feminists from seeing the paradoxical situation of their mothers and labeling it tragic or schizophrenic. “The tragedy,” said prominent feminist activist and academician Şirin Tekeli in the early years of Turkish feminism, laid in the fact that their “modern” identities were given by the state; they were not chosen by women. Having an education or profession did not change their subordinate status within the family (Tekeli 1985).

The Rise of the Feminist Movement

The early 1980s marked the beginning of the second wave feminist movement in Turkey. A number of women who were in the forefront of the feminist movement had traveled to Western Europe or the United States
and been influenced by second wave feminist movements that were wide spread in these parts of the world in the 1960s and 1970s (Sirman 1989). The feminist movement emerged later in Turkey because of the relatively less-developed economic and political structure of the country. This was also the case in some other Mediterranean countries like Italy. The common thread among the early feminists in these countries was their frequent borrowing of concepts from their Western counterparts (Adler Hellman 1987).

Many leaders of the Turkish feminist movement had been involved in student and working-class movements in Turkey before the 1980s. These women refer to the state’s suppression of those movements after the 1980 military coup, as an opportunity for the development of feminist activism (Tekeli 1986). Change in political fields, such as the result of the military coup in Turkey, constraints or promotes feminist activism (Ray 1999). In the absence of leftist movements women could focus on gender issues without being engrossed by the leftist ideology and accused by socialist activists of betraying the class movement and serving the interests of the bourgeoisie. Furthermore, as a feminist activist from Kadın Dayanışma Vakfı (Women’s Solidarity Association), an organization established in 1990 in Ankara to provide consultation services to women suffering from domestic violence, stated the fact that the majority of leftist male activists were sentenced to prison allowed the women who were not in prisons to question their status within the leftist movement as well as their identity as women: “We had the false impression that we had been part of the politics before 1980, but in fact we had been far from politics that would have benefited us as women” (Personal interview, June 4, 2007). Familiarity with the feminist movements in the West and the previous involvement in leftist movements in Turkey provided the leaders of the feminist movement with necessary skills to organize and develop tactics, such as protests, campaigns, press releases, petitions, and feminist publications.

The movement began in 1983 with the publication of a number of articles in a journal called Somut (Concrete) in İstanbul. Feminist women had a page where they wrote critical pieces about the patriarchal structure of traditions, the family, the media, and the culture. They discussed issues such as abortion, motherhood, women and media, and the traditional status of women. Those who were active through writing, later disclosed that their experiences in Somut allowed them to examine the notions of “good mother” and “good wife” for the first
time and see themselves with eyes wide open as individuals who shared similar problems with many other women. They also stated that writing and sharing information with others gave them the courage to further their activism through organizing (Çaha 1996). This publication was followed by the formation of consciousness-raising groups and the 1984 establishment of Kadın Çevresi (the Woman’s Circle), members of which translated the works of Western feminists. The goal of the members of Kadın Çevresi was to give consulting services to women who wanted to do paid work either at home or in a workplace. In the last five years of the 1980s consciousness-raising groups also flourished in Ankara and İzmir (Sirman 1989). The choice of organizing was not accidental during this time. The military that launched the coup in 1980 to stifle the civil unrest between left- and right-wing groups also curbed formal organizations and associations. Thus, informal groups became the natural form of organizing among the feminist activists. The number of women in each of these early groups is unknown; Arat (1994) estimates that the number was very low. In fact, activists who were responsible for organizing public activities, such as protests, festivals, and campaigns were about one hundred.

The early consciousness-raising activities incited feminists to declare their autonomy from the leftist groups in the late 1980s. Most of the feminists identified themselves as radical or socialist feminist. These orientations did not bring about different forms of organizing and activism, nor did they prevent feminist activists from mounting campaigns together and supporting each other. The majority of socialist feminists were in agreement with radical feminists that “if the movement allies with another movement without setting its agenda, it may turn into a dependent movement and be co-opted” (Paker 1988, 33). With this understanding, unlike feminists in some European countries such as Italy and Greece who developed strong ties with unions, feminists in Turkey consciously severed their ties with the left. This decision resulted in a feeble connection between feminist groups and the unions in the future.

From the early days of their movement, Turkish feminists, like their Western counterparts, strongly criticized the definition of “political” for its assumption of a public/private dichotomy. This definition designated the private as the female realm and women as the subjects within this sphere, excluding issues like domestic violence against women. Convinced that this dichotomy influences the state’s gender policies and
greatly contributes to gender inequality, feminist groups made “personal is political” their motto. Just like their Western counterparts, their aim was to deconstruct the divide between the private and the public by proclaiming that those issues that are considered as women’s issues and therefore private matters are very much public issues. As Fraser stresses, “personal is political” also implies “political collectivity” that women form rather than remaining as isolated “individuals” with isolated “personal problems” (1997, 381). This motto allowed feminists over the years to assert agency and active citizenship in the form of collective mobilization (Siim 2000), challenging the notion of universal citizenship where men are taken as the norm at the expense of women.

True to the motto, feminists first discussed issues deemed intimate and thus apolitical in consciousness-raising groups that met at homes or at rented places. Motherhood, sexuality, marriage, relationships with husbands, children, in-laws, and divorce were examined through a feminist lens. In these meetings, where personal issues and problems were shared with others, being a woman became politicized. As organizing and meetings became more public, the meaning and history of feminism, gender discriminatory laws, and gender discrimination in education, politics, and the labor market gained increasing space in discussions and activism. Violence against women emerged as the issue that received the most attention from the beginning of the feminist movement. Many feminists maintained that violence against women, especially domestic violence, thwarted women’s advancement in every area of life. Yet, this problem was publicly ignored, which further perpetuated the collectivist culture that gave men the authority to control women’s bodies. Nazik Işık, one of the founders of kadın Dayanışma Vakfı explained how this issue gained significance among feminists: “In my circle where there were those women who were part of the leftist/socialist women’s movement of the pre-12 September 1980 era and there were those women who were not part of that movement; because of the ‘special circumstances’ of the time, we all faced gendered violence even though it was not domestic violence. This situation pushed a group of us to think about violence we faced in our private lives” (2002, 44).

The cultural and political domains carve out a particular place where certain issues become salient (Guenther 2010). As the earlier quote reveals, the significance of the violence against women as an issue to tackle had a lot to do with the violent political atmosphere of the country and prevalent occurrence of domestic violence against women.
In consciousness-raising groups the most significant problem for organizing that feminists faced was hierarchy. Many feminists, especially radical ones, were against a hierarchical structure where the decisions were made by a few and followed by the rest of the group. This would only be the perpetuation of hierarchical relations that subordinated women in and outside of home. Still, it was obvious to many activists that those with academic backgrounds had more power in speaking and decision making than those who did not have similar backgrounds. Those who had more experience in participating in meetings also had more power compared to those who were new and less assertive. Timisi and Ağduk Gevrek emphasize that these problems continued to affect feminist organizing in the following years (2002).

Organizing in consciousness-raising groups was followed by campaign-based activism. The campaigns launched by feminists were mostly issue-based and included street protests and petitions. The very first campaign that feminists launched to enhance the meaning of citizenship for women was in 1986. The campaign was against the state’s reluctance to implement CEDAW that it signed in 1985.

Berik (1990) reports that what was behind signing CEDAW was not domestic pressure, although there was some discussion about it among a few feminists (Acar 2000), but the desire to look good to the EU, which the country hoped to join. By signing to improve women’s rights and status, the state aimed to show its commitment to the EU membership process. Acar states that signing CEDAW was not so alien to the identity of the state and she points to the role of the diplomats in the Ministry of Foreign Affairs, “Who thought this to be the ‘proper’ line of conduct to be followed by a state where, since the establishment of the Republic by Mustafa Kemal Atatürk in 1923, official state ideology had loudly articulated a woman’s discourse on equality with men and their right to be free from sex-based discrimination.” The members of the Ministry “regarded the women’s Convention to be ‘compatible’ with the Turkish State’s long existing commitment to gender equality on the basis of the Republic’s secular and modernist orientation” (Acar 2000, 205).

CEDAW, which was adopted by the United Nations in 1979 and went into effect in 1981, required signatory states to eliminate gender discriminatory laws, customs, and practices. It asked for the enactment of measures to promote equality between women and men in all realms of life. The Convention permitted the states to place initial reservations on one or two of the articles if the states had statutes that conflicted with
the agreement. However, it asked for the timely amendment of national laws to remove the reservations. Turkey had reservations on articles 15 and 16 of the Convention arguing that they conflicted with those articles of the Civil Code that gave men the right to be the head of the family and have authority to decide on family matters (Berik 1990). In their petition signed by seven thousand women, feminists demanded that the state eliminate all discriminatory laws and remove its reservations from the Convention (Sirman 1989). However, since the United Nations did not put much pressure on Turkey to implement the measure, the Turkish state simply ignored the feminist call. It was not until the 1995 UN World Conference in Beijing that the state set a deadline, which was 2000, to remove its reservations (Acar 2000).

Although it was not successful in convincing the state officials to amend the laws at the time, the campaign set the feminist agenda and brought public attention to the feminist cause. By signing CEDAW, the state created an opportunity for the feminist movement to organize its first campaign; in the following years CEDAW became the source that feminist groups with international ties invoked again and again to pressure the state. The campaign was the beginning of a long-term struggle that feminists launched to transform the hegemonic gender regime entrenched in culture and reproduced by official state policies. I conceptualize this long-term strategy as one of sustained-pressure. In the 1980s and 1990s, feminists used this strategy to pressure the state even if their demands received little more than superficial courtesy. Rather than giving up this strategy out of disappointment in the state’s unresponsiveness and entirely bypassing it to bring international pressure from outside as the theoretical model of boomerang pattern of influence would predict (Keck and Sikkink 1998), they kept pressuring the state over a period of years. At the same time, they increasingly reached out to supranational bodies, primarily the United Nations and the EU, through advocacy and lobbying, to put pressure on the state.

The first and subsequent campaigns demonstrate the paradoxical attitude of the members of the feminist movement toward the state. Until the 1990s, most feminists stayed out of state institutions, fearing that the state would interfere with their efforts to transform the patriarchal structure of Turkish society. Beginning in the 1990s, the establishment of state bodies that directly handled women’s issues changed this dynamic to a certain extent; however, feminists remain cautious in their relationship with the state to this day. Like their German counterparts, Turkish
feminists kept a certain distance between themselves and the state. Yet, at the same time, they emphasized that the state has the responsibility to guarantee equality between men and women. This view motivated them to continuously put pressure on the state.

In 1987, feminist groups launched their second campaign; this time the issue was domestic violence, a problem that feminists repeatedly brought to the public’s attention in the following years. This campaign, which was launched in Istanbul by members of Kadın Çevresi and the feminist journal Pazartesi (Monday), was against the battering of women. The event that led to the campaign was a court decision. A male judge, Mustafa Durmuş, in Çankırı, a city in Northern Turkey refused to rule in favor of a woman who wanted to divorce her abusive husband. The judge, when explaining his decision, quoted a common Turkish expression “never leave a woman’s back without a stick and her belly without a baby.” As a prominent feminist activist puts it, “this decision was an indicator of the infusion of the legitimization of domestic violence against women into courts whose job was to protect and defend equality” (Işık 2002, 45). Outraged, about three thousand women demonstrated in the streets of Istanbul (Sirman 1989) against the decision and the judge’s words. The organizers of the protest sued the judge (Koçali 1987). This campaign was followed by a protest against domestic violence mounted on Mother’s Day in Ankara. Underlining the irony of taking up such an issue on Mother’s Day, the aim of the activists was to let the public know that many mothers were subject to domestic violence. This contention was summarized in their slogan: “do you love your mother and beat your wife?” (Timisi and Ağduk Gevrek 2002).

The partial lifting of martial law in the second half of the 1980s brought about the establishment of a number of women’s associations such as Kadınlara Karşı Ayrımceliliğa Karşı Dernek (the Association against Discrimination against Women), Kadın Emeğini Değerlendirme Derneği (the Association to Support Women’s Labor), and Kadın Dayanışma Derneği (the Women’s Solidarity Association). Some of the organizations (e.g., Kadın Dayanışma Derneği) were first established with the status of vakıfs rather than associations. Vakıfs were social trusts charged with giving charity to the (Muslim) community. They were and are a form of organization in Muslim societies. Feminist groups that organized under vakıfs were not particularly involved in providing charity to the community with a religious motivation. Their reasons were practical considering that activities of associations were severely curbed by the military coup
of 1980. *Vakıfs* received less intervention from the state and less scrutiny from the security forces. Because of legal procedures, they were harder for the state to close and their possessions were harder to be confiscated by the state than the possessions of associations. However, because it took longer (more than a year to complete legal requirements) and it was more expensive to establish and maintain a *vakıf* as it required certain wealth, this form of organization was dropped by most feminists in the 1990s (Işık 2002), especially after the 1995 constitutional amendment that loosened the state’s grip over the terms of involvement in associations. The opening of public space for political activities of associations and trade unions was the result of the governing party’s desire to show the EU, which Turkey wanted to join, that the Turkish state was beginning to take serious steps toward the consolidation of democracy (Usul 2011).

Members of the feminist movement in the late 1980s and early 1990s were very active campaigning against the sexual harassment in the streets and state sanctioned virginity examinations of public employees. They condemned the state for allowing virginity examinations and called for measures against the violation of women’s bodies (Sirman 1989). A major campaign was launched in 1989 against street harassment and assault of women. The campaign’s slogan “My body belongs to me; no to sexual harassment” was chosen to give the message that men harass women in an attempt to push them out of the public sphere. It was during this campaign that seven-centimeter-long needles attached to purple ribbons were distributed to women in the streets of Ankara, İstanbul, and İzmir. Feminists called on women to use these needles against those who attempted to harass them in public transportation, bazaars, cafés, parks, and other public places (Çaha 1996). Finding this particular tactic amusing, the press widely covered the campaign. Recalling the campaign, one of the participants made the following evaluation of its success:

I don’t know whether any woman who bought a needle ever used it. If a man was stuck by a needle, I am sure that the physical and the psychological effects did not disappear easily. Anyhow, there is no question that the purple needle has been the most remembered symbol of the feminist movement of the 1980s. . . . We were excited and we had fun. We saw that the campaign was heard by women from multiple segments of society. We were not talking about abstract men, but
individuals. We were not talking about ignorant, psychopathic, or uncivilized men; we were talking about men who thought they had power over women’s bodies, who sat beside us on the bus, who were our coworkers, who had sex with us, who went shopping with us, and who participated in politics with us. (Karakuş 2007, 8–9)

The 1990s gave rise to further institutionalization of the feminist movement. A woman’s library was opened in İstanbul in 1990. The library, even though it had occasional problems with obtaining financial support, served as the center of information collected on the status of women in Turkey. The goal of the library was to bring a feminist approach to collecting, archiving, and sharing particularities of women’s lives that conventional libraries disregarded (Davaz Mardin 2002). Many feminists gathered in organizations with various agendas that began to flourish in different parts of Turkey. Among those established, Kadının İnsan Hakları/Yeni Çözümler Derneği (Women for Women’s Human Rights/New Ways), Mor Çatı (Purple Roof), Uçan Süpürge (the Flying Broom), and Kadın Adayları Destekleme ve Eğitme Derneği (the Association for Supporting Women Candidates) became quite influential in policy advocacy and lobbying throughout the 1990s and into the 2000s. Kadının İnsan Hakları/Yeni Çözümler Derneği, a transnational organization that worked to ensure sexual and bodily rights of women, and Uçan Süpürge, which was established in 1996 and whose goal was to create and maintain connection among feminist women’s groups and organizations, played pivotal roles in networking and coordinating to amend the gender discriminatory policies. Mor Çatı was established in 1990 by a group of women who organized the campaign against domestic violence in 1987. It was the first autonomous feminist consultation center and shelter that provided services to women survivors of domestic violence. The members of Mor Çatı organized the first Convention of Women’s Shelters in 1998 where they brought together women’s groups which were working to eliminate domestic violence, but previously did not have much connection with each other. This convention set an example for collaboration among various women’s groups in the 2000s. Kadın Adayları Destekleme ve Eğitme Derneği was established in 1995 to promote women’s candidacy for political representation. It became quite active over the years in launching media campaigns to direct the public’s and political parties’ attention toward the necessity of increasing women’s
political participation. Feminist journals, such as Minerva, Martı, Eksik Etek and Pazartesi were published in the 1990s. Among these journals only Pazartesi continued its publication into the 2000s. Meanwhile, the feminist movement spread beyond the big city limits of Western regions to smaller towns, producing feminist activism among women living in different parts of the country. Organizations like KA-MER (Women’s Center), which was established in 1997 in Diyarbakır, a city in South East Turkey, drove the public’s attention to women’s problems in these regions and worked to provide solutions to those problems. Although institutionalization brought about further focus on issues related to the public sphere, such as amendment of gender discriminatory laws and women’s political participation, violence against women remained the top priority in the feminist agenda over the years.

Parallel to the institutionalization of feminism, the state founded a “women’s machinery” in 1990 five years after signing CEDAW, which required the establishment of the machinery to create programs to eliminate gender discrimination and collect data on women’s status. Furthermore, the establishment of this particular state body was advocated within Turkey by some bureaucrats as a necessity for Turkey’s EU membership, which was supporting mechanisms to foster gender equality (Acuner 2002). Ferree (2006) argues that collaboration with state officials to create a women’s machinery is a strategy that feminists can use for advocacy. In Turkey though, feminists had nothing to do with the formation of the machinery. On the contrary, most of them were initially against its establishment out of fear that such a state-backed institution would work against their interests. According to Selma Acuner (2002), a prominent feminist activist, only a few feminists advocated for the necessity of the establishment of such a state body. It was a woman minister, İmren Aykut from the center-right governing party at the time that initiated the establishment of Kadının Statusü ve Sorunları Genel Müdürlüğü, KSSGM (the Directorate General on the Status and Problems of Women) (Kardam 2005). The aim of KSSGM was to ensure equality between men and women by “Collecting data broken down by age and gender and research results on women’s status and problems; acting as an advocacy center for improving women’s status; broadening the exercise of legal rights by women; developing programs and policies regarding women; ensuring Turkey’s international representation; and coordinating, directing, and supporting the activities of various govern-
mental and non-governmental organizations responsible for addressing issues and problems concerning women” (Berik 1990, 90).

As Ferree (2006) stresses, the effectiveness of the machinery depends on its management and the support it receives from governments. Because it was basically a response to international demands, rather than a well-thought-out and financed institution, KSSGM for a long time had problems with understaffing and underfunding. It did not receive a permanent status until 2004, and that was primarily because of the pressure from the EU. It depended on donor funding, most of which was obtained from international sources. Kardam (2005) argues that it was because of this unsettled status that the machinery actually “gave women’s groups an institutional framework within which to penetrate and influence the state apparatus” (2005, 58) over the years. The lack of direct support from the state and dependence on outside donors prompted the machinery to be more open to international gender norms that promote equality. Acuner states that although KSSGM was not so successful in influencing state mechanisms to mainstream gender, it played a significant role in training human resources and publicizing the necessity of gender equality policies (2002). One of the accomplishments of the machinery was the establishment of women’s and gender studies programs in various state-owned universities that drew some prominent feminists from the feminist movement to these programs. It also set up commissions to provide policy proposals in the areas of education, law, employment, and health (Kardam 2005).

The relationship between the machinery and feminist groups grew over time and helped feminists to be more visible in national and transnational advocacy and lobbying. A number of feminist activists and academicians provided consultation to the machinery, aided the accumulation of knowledge on women’s status and problems, and especially in the late 1990s and early 2000s, contributed to the state reports on women’s status in Turkey, which the country presented to the Committee on the Status of Women at the United Nations that evaluated Turkey’s performance on improving women’s rights (Kardam 2005). Moreover, starting from 1997 a number of women’s organizations collaborated to draft “shadow” reports on women’s status in Turkey to be presented to the UN Committee on the Status of Women. In 1997, three feminist organizations, Kadının İnsan Hakları/Yeni Çözümler Derneği, Mor Çatı, and Eşitlik Gözetleme Komitesi (the Equality Watch Committee) prepared the
first shadow report and distributed it to the members of the Committee before the Turkish state presented its second and third combined official report on the status of women. A member of Kadının İnsan Hakları/Yeni Çözümler Derneği was allowed by the Committee to be present at the hearing of the state’s report. Her account demonstrates the influence of the shadow report on the Committee:

The Committee asked more than fifty questions to the [official] Turkish delegation. Every issue that we raised in the shadow report that we presented was mentioned on that official platform by the members of the Committee. The members of the official delegation [from Turkey] had to answer all those questions. Because all the questions and answers were recorded in official documents, they were sent to Ankara [the Turkish government]. This indicated that the shadow report and lobbying served their purpose to a certain point. I say “to a certain point” because the presentation of the “shadow” report is only the first step. When returning to the country, we need to monitor whether the promises made by the official [Turkish] delegation at the [United Nations] meeting is kept and we need to actively continue with our lobbying efforts. (İlkkaracan 2003, 20)

In the 1990s, in addition to collaborating with the machinery or KSSGM, a number of feminist groups participated in international meetings, such as the 1995 UN World Conference in Beijing, and the 1996 Habitat II Conference in İstanbul. At the same time, feminists launched national campaigns to draw attention to discriminatory laws and the violation of women’s bodily security. In 1990 a campaign was launched against Article 438 of the Penal Code. The article called for two-thirds reduction of the punishment of a man who raped a prostitute. Because sexuality and the woman’s body were treated in the framework of public morality, prostitution justified the reduction in the sentence. About fifty feminist women organized a campaign, managing to gather about a thousand women. The aim was to eliminate the article and raise awareness against rape and sexual harassment. Another campaign during the early 1990s was against Article 159 of the Civil Code, which required a woman to receive her husband’s permission to engage in work outside of home. Both campaigns were successful in eliminating the laws. Yet,
these judicial successes failed to lead to the broad amendment of the Penal and Civil Codes feminists desired. Unlike some European countries, such as Great Britain where the judicial system substantially helped feminist groups put pressure on their states to transpose some gender equality directives of the EU (Sifft 2003), the limitation of the judicial leverage in Turkey prevented feminists from being able to effectively bring change to legal discourse on gender policies. Still, far from disheartened, feminists continued to use the strategy of sustained-pressure on the state through their campaigns, one of which was launched in 1990 and continued until 1993.

During this campaign to bring change to the Civil Code, socialist and radical feminist groups collaborated with Kemalist women, some of whom also identified themselves as feminist. Since their aim was to make changes within the system rather than transform the entire patriarchal system, some scholars refer to Kemalist feminists as liberal feminist or egalitarian feminists (Arat 1994, 2000; Abadan-Unat 1998). A Kemalist feminist member of İstanbul Kadın Kuruluşları Birliği (İstanbul Union of Women’s Organizations), which consists of thirty-six professional and advocacy groups, describes the campaign and its aim as follows:

The most significant part of the Civil Code for us was the property regime; it was based on the separation of property between husband and wife. Since the husband had the economic power, generally the property was not registered under the wife’s name. In the case of divorce or the husband’s death women often suffered economically as a result of this law. We did not have large umbrella organizations then, but several organizations got together and prepared a draft proposal with the help of a professor of law. In support of the proposal and necessary change in law more than one hundred thousand signatures were collected by 1993. What did the proposed law ask for? It asked for an equal share of the property obtained throughout the marriage. The campaign affected the Parliament. The proposal and supporting signatures were taken to the Parliament and the Ministry of Justice. (Personal interview, May 16, 2007)

When asked whether they thought their campaign would succeed, this activist and lawyer smiled and said “we hoped.” The proposal did not
lead to the amendment of the Civil Code, but raised public awareness on the issue of property regime.

In 1992, news about the tragic deaths of two high school students in two separate high schools hit the public. Both girls, having been ordered by the principles of their high schools to undergo forced virginity examinations in hospitals, committed suicide to avoid the humiliation. Feminist groups strongly criticized the state-approved virginity examinations as a violation of women’s bodies. Alas, the public reaction of the state minister in charge of Women and Family Affairs to a similar incident in 1997 demonstrated the deep societal roots of gender discrimination. After four girls in an orphanage attempted to commit suicide to avoid virginity examinations, the woman minister from a center-right party, Işılay Saygı'n, emphasized that the death of one or several girls would not be a problem; what was significant was to uphold the tradition that valued virginity. She was sued by a group of feminists for her remarks. These comments attest to Miller’s (2007) and Parla’s (2001) point that state policies on virginity examinations in Turkey underline the dual presence of “biological and political nature of citizenship” (Miller 2007, 354). Women’s bodies and sexuality determine the construction of their rights.

In 1994 a commission in the Ministry of Justice began putting together a draft law to amend the Civil Code with the aim of complying with CEDAW and looking good to the EU, which had issued a set of political criteria in the 1993 Copenhagen Summit. The EU linked Turkey’s membership to the fulfillment of these criteria that required Turkey to uphold human rights and respect minorities. Although the effects of the criteria on the state can be seen as early as the mid-1990s, as the next chapter shows, Turkey did not take serious steps to fulfill the criteria until after it was declared an official candidate for EU membership in 1999. The formulation of the draft law impelled the members of Kadının İnsan Hakları/Yeni Çözümler Derneği to embark on a fax campaign pushing for the necessary revisions in the law. The campaign received support from a number of national and international women’s organizations (İlkkaracan and Berktay 2002). The ministerial commission presented the draft law to the Parliament in 1998; the draft was not reviewed by the parliamentary justice commission until 2000, the deadline set by the Turkish state in Beijing to fulfill its promise of removing its reservations to CEDAW (Acar 2000; Kardam 2005).

The Penal Code articles 440 and 441 that demarcated husband’s and wife’s adultery on separate grounds and brought harsher penalty
to wife than to husband was put under scrutiny in the second half of the 1990s. In 1996 the Constitutional Court annulled Article 441 about men’s adultery. Referring to CEDAW, the Court declared that the provision violated CEDAW’s policy on nondiscrimination against women in marriage (Acar 2000). Not quite satisfied with the result of the court case, a number of women continued to focus on this issue. The majority of women who criticized the law for discriminating against women also claimed that punishing adultery was not the state’s business; therefore, adultery should not be criminalized. Finally, in 1998 the Constitutional Court decided to annul the remaining article (Article 440) on adultery because, according to the Court, it violated the equality principle of Article 10 of the Constitution (Acar 2000). The Court stated that the discussions and the decision on whether adultery must be punished rests with the Parliament (Arat 1998). However, as chapter 6 demonstrates, the issue would creep out into the public domain again in the 2000s under the majority government of the Islamist Adalet ve Kalkınma Partisi, AKP (the Justice and Development Party), and cast its shadow over the opening of Turkey’s formal negotiation process with the EU.

One of the greatest achievements of the feminist movement in the 1990s was the passage of a domestic violence act entitled “the Family Protection Law” in 1998. Weldon (2002), who studied domestic violence policies of thirty-six countries, argues that for the passage of a comprehensive law against domestic violence what is crucial is a relationship between a strong autonomous women’s movement, which makes domestic violence a public issue to tackle, and women’s policy agencies at the state level. Demonstrating Weldon’s point, many Turkish feminist groups and organizations, most notably Mor Çatı in Istanbul and Kadın Dayanışma Derneği in Ankara, drew the public’s attention to domestic violence, rape, harassment, and assault in the streets and workplaces through campaigns, press releases, festivals, TV appearances, publications, and lobbying. Where there were no state-provided shelters for women, members of the feminist movement opened consultation centers and shelters and provided legal aid and health services for the survivors of violence (Kardam 2005).

The law, which was proposed as “Violence against Women Law” by feminist groups, was passed in Parliament as the “Family Protection Law.” The name according to feminists signified the mentality of those who were still seeing the family as the foundation of society and women as part and parcel of the family. As a member of Kadın Girişimcileri
Destekleme Derneği (the Association for Supporting Women’s Entrepreneurs) stated, “The name should have been the ‘Violence against Women Law.’ It could have even been ‘Violence against Women and Children Law.’ Unfortunately, we are trying to do something where a very conservative and patriarchal ideology dominates” (Personal interview, May 17, 2007). Thus, violence against women was framed by the state as “family violence” in Turkey.

The law, which passed in the grand assembly on January 14, 1998, had statutes that brought a number of measures that may be used against an offender in the case of a legal complaint from a family member. These measures ranged from a minor warning, to removal from the household and the cessation of contact with the plaintiff. The law required a three- to six-month sentence for the violation of the court order. It did not include domestic violence cases outside of the traditional family institution. This, according to feminists, was particularly problematic in Turkey where especially in the Eastern and South Eastern parts of the country polygyny persevered through religious marriages despite the fact that it was illegal. According to feminist groups, another weakness of the law was its requirement of a formal complaint by the abused. This requirement limited the action that could be taken against an abuser. Despite its limitations, many feminists welcomed the law as a sign of the state’s recognition of the issue and a strong step toward the elimination of the problem.

Acar points out that the state’s obligation to implement CEDAW, which required the signatory states to introduce policies to tackle violence against women and the interaction between the Committee on the Status of Women and the minister who represented Turkey, were also influential in the enactment of the law. She states that the law:

Was influenced by CEDAW in terms of not only the inspiration and ideology that promoted and legitimated women’s human rights and obliged the State to take action to protect women from violations of their human rights but also with regard to the timing of governmental efforts purposing this law. The face to face dialogue between the Committee (for CEDAW) and state representative during reporting, as well as the Concluding Comments of the Committee to the Combined Second and Third Reports of Turkey have been critical in the initiation and sustenance of efforts by the State Minister responsible for Women in drafting this legislation and ensuring its passage.
by the Grand National Assembly (GNA) often in what proved to be an uphill battle in the face of strong opposition from conservative members of the Parliament. (2000, 212)

After the passage of the Family Protection Law, women’s groups began disseminating information about this significant legal development for women, yet criticizing its shortcomings at the same time. They were also critical of the implementation of the law. While the judges and security forces in big cities were more aware of the law, the ones in smaller cities did not know or did not apply the law. A member of Mor Çatı explained the problems with the implementation as follows:

Both the police and the prosecutors are ignorant. Even when they are not ignorant, even when they know about it, they don’t want to implement it. They [the police] try to avoid documenting. They say that women change their minds after they report an incident. So what? Your job is to make sure that the law is implemented. It is not your job to judge the woman. Whether it is ten times or twenty times; it does not matter; you have to do your job. You need to let the woman who comes to you know her rights verbally and in written format. The law specifies that a witness is not necessary, but the judge sometimes asks for a witness and even asks for one more. A great aspect of the law is that if both the breadwinner and the perpetrator of the domestic violence is the husband, he has to pay maintenance. But the police do not contact the husband for months. They do not even remove him from the household as they should. (Personal interview, May 15, 2007)

The passage of the “Family Protection Law” a year before the declaration of Turkey’s official candidate status for EU membership became a significant point of pride for members of the feminist movement since the timing could be taken as proof that their efforts were more influential than the EU’s pressure (İlkkaracan and Berktay 2002). As chapter 5 shows, Turkey’s new EU status only furthered the momentum of the feminist advocacy and lobbying after 1999. The 1980s and 1990s were marked by many street protests, campaigns that had limited successes in amending existing discriminatory laws; however, despite setbacks and limitations, feminist organizations multiplied and feminists continued to
put pressure on the state. This strategy of sustained-pressure allowed them to keep their issues on the public agenda and have a clear course of action for changing the laws and the legal discourse when the opportunity window opened in the 2000s.

Diversity in Women’s Activism: Islamist and Kemalist Women

An examination of women’s activism in Turkey warrants a brief discussion of Islamist and Kemalist women’s movements since some members of these two movements, who were adamantly opposing each other, collaborated with feminist groups on various issues. The 1980s brought not only a feminist movement, but also an Islamist movement within which women were significant actors. The Islamist movement was the result of a number of external and internal factors: the Iranian revolution which affected many Muslims in different countries; the fast urbanization that uprooted large numbers of people and brought them to cities in search of work and a better future for their children; and growing sympathy within center-right and conservative parties for the public presence of religiously based opinions and convictions since the establishment of the multiparty system were among the significant factors contributing to the emergence and the development of the Islamist movement. Furthermore, the curbing of the activities of left-wing and nationalist right-wing groups by the military in 1980 provided the same opportunity for the emergence of Islamist activism as it did for the feminist movement. The 1980 Constitution that resulted from the military coup loosened the state control over religious activities and the public presence of religious groups such as tarikats or Muslim brotherhoods, which lured many migrants that moved from rural areas to cities with promises of material goods and a sense of belonging (Benton 1996). The election of Anavatan Partisi, AP (the Motherland Party), right after the military government, which was in power between 1980 and 1983, accelerated religious activism. The party leader often made public references to religion and his religiosity, and encouraged the same in others around him and those who supported him. Religion’s public presence became progressively more obvious with the increase in the number of private and public religious schools as well as mosques; and with the boom in the publication of religious journals and books. It was during this period that the
phenomenon of tüban, Islamic head cover, became a contentious public issue. The tüban:

Conveys a political statement of Islamism in general and affirmation of Muslim women’s identity in particular. In this respect it is distinct from the traditional Muslim women’s use of the headscarf. While the latter is confined within the boundaries of traditions, handed down from generation to generation, and passively adopted by women, the former is an active reappropriation by women that shifts from traditional to modern realms of life and conveys a political statement. (Göle 1996, 4)

In the early 1980s there was a small but growing number of women who attempted to enter university campuses and classrooms with their tübans. Against this demand came the first ban on head covering in public institutions issued in 1982 by the newly established Yüksek Öğretim Kurumu (the Commission of Higher Education), a state institution that was established by the military government to keep the universities under surveillance. Although the Commission sent letters to universities to draw attention to growing attempts of some women to wear the tüban on campuses, it did not implement the ban until 1987, after which street protests were launched by a number of women who supported the right to wear the tüban in public institutions. Islamist women, for whom the ban on tüban was the number one issue to tackle, continued to launch protests at the entrance of university campuses and in other public places in the 1990s and early 2000s. They also used prison visitations, public meetings, charity events, and publications to draw attention to their cause.

Even though the public use of the tüban was their main cause, Islamist women took up a number of other issues to discuss in public meetings and in their publications. These issues included but were not limited to women’s status in Muslim society, women’s role in family, women’s appearance, women and the media, education, and work. Some Islamist women took a strict conservative position on these issues whereas others had a more reformist standpoint that was based on the reinterpretation of religious texts and sayings in a modern context. Journals such as Mektup (Letter) and Kadın ve Aile (Women and Family) reflected the views of orthodox Islamist women most of whom were against women’s involvement in paid work and encouraged motherhood. According to
orthodox Islamists, paid work was against the fitrat, God-given abilities, of women which were suitable for motherhood. Since men and women were created differently, women’s main task was to be mothers and to educate children according to the rules of Islam. In this sense, the only education by orthodox Islamists was Islamic education while other types, such as secular education, were adamantly rejected (Aldıkçaçı Marshall 2005). On the other hand, journals like Kadın Kimliği (Women’s Identity) and Sena reflected more of the views of those reformist Islamists who advocated for women’s education, career, and leadership. Although they were in agreement with orthodox Islamists about the significance of motherhood and the necessity of wearing the türban, many reformists believed that women should have education to have careers so that they could serve their (Muslim) society. That is, one’s education should not be limited to religious education for the sole purpose of educating children. Because serving society was how women’s public presence was justified (Aldıkçaçı Marshall and Sabhlok 2009), having leadership positions or being involved in politics were not considered inappropriate for women either.

The differences in the views of orthodox and reformist Islamist women reflect how the Islamist women’s movement was a reaction to the secular feminist movement even while it was influenced by it. Many women with strict interpretations of Islam accused feminists of buying into Western values that “degenerate” women. For example, according to these activists, advocating women’s economic independence through participating in the labor market is wrong because paid work only takes women away from their true God-given task of motherhood and it exposes women to interaction with men. Furthermore, women who do paid work do a disservice to men by taking jobs away from them (Aldıkçaçı Marshall 2005). It is possible to see the influence of secular feminist points of view in the views of reformist Islamist women, a few of whom openly identify themselves as “Islamist feminists.” However, this influence is primarily in the form of selective appropriation to fit the feminist views into the framework of Islam (Aldıkçaçı Marshall 2008). As mentioned earlier, reformist Islamists see nothing wrong with women doing paid work, yet they frame this not as a “selfish” act, but a “service” to the Muslim community. This selective appropriation allows reformist Islamist women to open up a discursive space within Islam to enhance possibilities for Muslim women (Aldıkçaçı Marshall and Sabhlok 2009).
Differences in the feminist and Islamist ideologies and the perceptions of feminists and Islamists of each other resulted in limited contact between these women’s groups in the 1980s and 1990s. The existence of strong and separate secular and religious, political, physical, and discursive spaces in the country only enabled and perpetuated this lack of collaboration.

The main opposition to the Islamist women’s political activism came not from radical and socialist feminists but from Kemalist women, some of whom identified themselves as feminist. Kemalist women mobilized against the Islamist movement, which, according to Kemalists, was a threat to the secular foundation of society. Underlining the necessity of secularism for the nation’s modernization and development efforts, Kemalist women publicly criticized Islamist women for their views on the türban and women’s public presence. Many saw the attempts of Islamist women to wear the türban as a sign of a will to transform the society into a backward, Shari’a-ruled society where women’s rights inaugurated by the Kemalist regime would be eradicated (Arat 2005, 2000). This being said, ideology was not the only dividing factor between Kemalist and Islamist women. While many public figures among Kemalist women had an urban background, high education, and respectable profession, most forerunners of the Islamist movement were either recent migrants from rural areas or the first generation that grew up in urban areas whose parents moved from small towns or villages to large cities. Many had lower-middle or working-class backgrounds. Education and economic opportunities given especially by AK Parti after its election in 2002 provided them with upward mobility and more power to challenge Kemalist groups.

The relationship between secular feminist and Kemalist women, although weak in the early days of the feminist movement, grew stronger over the years, especially after the Islamist movement gained momentum in the 1990s. Kemalist women, both those who identify as feminist and those who do not, collaborated with radical and socialist feminists on various issues, particularly on the efforts to eliminate the gender discriminatory laws. Chapter 6 discusses the dynamics of this relationship in the 2000s, during which women’s grassroots organizations played a significant role in the amendment of laws. Preceding this discussion, chapter 5 examines how a window of opportunity opened for women as a result of Turkey’s EU membership process. This chapter also looks into the details of the state’s and EU’s involvement in reshaping gender policies in Turkey.
It was after the Helsinki Summit of 1999 when the EU announced the official candidate status of Turkey for EU membership that a window of political opportunity opened for Turkish feminists to be influential in changing gender policies. This chapter explains the process in which the opportunity window opened. To understand the details of that process, it is necessary to take a close look at the relationship between Turkey and the EU; Turkish and EU policy makers’ attitudes toward what needed to be changed and how to assure equality between men and women in Turkey; and the actions taken by the state and the EU in amending existing gender policies. Concurrently, these details reveal the role that the state and the EU played in shaping gender equality measures within Turkey.

Brief History of the Relationship between Turkey and the EU

It was against the backdrop of the Western-oriented worldview, which dates back to the end of the Ottoman era and was further shaped by the secular elite of the Republic (chapter 2) that the Turkish state began its long journey toward becoming part of Europe. This worldview, which would be categorized as a “stable” or long-term political opportunity (Gamson and Meyer 1996) for collective mobilization of women for gender equality (chapter 6), equated Europe with development, civilization, and
modernity, traits to be emulated by Turkey to advance in a world that was divided into East and West. Thus, it is not surprising that Turkey’s relationship with the EU dates back to the 1963 Ankara Treaty that was signed by the two sides four years after Turkey applied for associate membership in the European Economic Community (EEC), the name by which the EU was known before the Maastricht Treaty of 1991. The Ankara Treaty recognized Turkey’s eligibility for the membership and explicitly stated that full membership at a future date is possible if the obligations rising from the agreement were fulfilled by the parties (Arıkan 2006; Aydın Düzgit and Keyman 2007). However, this early application failed to produce full EU membership for Turkey in the years to come. On the contrary, Turkey remained outside while many other countries that applied for membership after Turkey were admitted to the Union. This delay was the result of a lack of commitment on both sides toward fulfilling the requirements to prepare, open, and complete the accession process (Usul 2011; Çakır 2011; Aydın Düzgit and Keyman 2007; Arıkan 2006).

Turkey’s weaknesses were on economic and political grounds. In the 1960s, 1970s, and early 1980s Turkey did not take adequate measures to meet the economic and political commitments required by the treaty. The global economic crises of 1973 and 1979 slowed down the country’s efforts to leave its protectionist import-substitution industrialization in order to establish a fully working market economy. The military coups in 1971 and 1980 curbed the relationship between the EU and Turkey on political grounds. Especially after the 1980 coup, the EU heavily criticized Turkey for its lack of commitment to consolidating democracy and ensuring the rule of law. Transitioning to the civilian rule under the pressure of the EU in 1983 prompted the new government to take major steps to demonstrate its commitment to the EU membership process, making changes to the Constitution and economic policies to open up the market. Finding the associate membership status drawn up in the Ankara Agreement unsatisfactory, the state under the governing AP applied for full membership to the Union in 1987. Most in the government believed that Turkey’s political, security, and economic interests lay in its membership to the EU (Arıkan 2006). Turkish officials emphasized the significance of a politically stable Turkey for the security of the EU in their application, hoping that they would receive the same treatment as Spain, Portugal, and Greece, which had been admitted to the Union with the understanding that their membership would anchor the democratization in these countries (Markou, Nakos, and Zahariadis 2001).
However, Turkey’s application was rejected by the EU partly because the democratic reforms made by the Turkish government were deemed insufficient to warrant a membership (Usul 2011). This signaled a different treatment of candidates on behalf of the Union. The application was also rejected on the grounds that the EU did not want to admit any country until the establishment of a single market in 1992 (Aydın Düzgit and Keyman 2007). When rebuffing Turkey, the EU did not give any clear outlook about the prospects of the relationship, which hampered its influence on the Turkish political process until the late 1990s. Nevertheless, Turkish bureaucrats continued to hope for receiving a date for the opening of membership negotiations, taking some measures to improve democracy and human rights, such as establishing a parliamentary commission to investigate human rights abuses, making amendments in the Penal Code and the Anti-Terror Law to redefine what constitutes a crime on political grounds, and abolishing the law that banned publishing in a language other than Turkish (Usul 2011).

In 1995 the European Parliament approved the customs union between Turkey and the EU allowing Turkey to be part of the common market. However, some influential EU officials used this decision to put an end to Turkey’s request for full membership. They claimed that customs union fulfilled the Ankara Treaty that was mostly on economic grounds, thereby Turkey need not continue with its quest. This claim was rejected by Turkish officials who insisted that Turkey was eligible for full membership and would continue with its efforts toward this aim. The opposition within the EU was suppressed by Turkey only to resurface in the 2000s during the government of Angela Merkel in Germany. Merkel, supported by the governments of Austria and France, suggested that the EU make up an entirely new category for Turkey. Named “privileged partnership,” the category was envisioned by Merkel as a status less than full membership but more than associate membership. The details of this status were never made clear. Seeing this as discrimination against Turkey, Turkish officials categorically rejected this option (Çakır 2011).

Lessening Turkey’s geopolitical significance, the end of the Cold War in the 1980s further hindered Turkey’s prospect for membership in the 1990s. Starting in 1993 the EU began to focus on incorporating former communist Central and Eastern European countries into the Union. Although these countries, with the exception of Bulgaria and Romania, were better than Turkey in meeting the EU’s expectations, the EU’s
warmer approach of “kinship-based duty” toward them expedited their membership. The membership of particularly Romania, which was equal or weaker than Turkey in meeting the Union’s expectations in several areas, including human rights, was also possible because of this “one-of-us” approach (Sjursen 2002; Baykal 2006; Lundgren 2006). The existence of this approach also explains why Turkey, even after its acceptance as an official candidate in 1999, received less funding than the other candidates. The EU considered its duty to bring the CEECs back to where they “originally belonged,” meaning to the Western European alliance and was committed financially and politically to make the unification happen. The Union never showed the same explicit commitment to Turkey as it did to the CEECs (Baykal 2006; Lundgren 2006).

Only after the membership process of the CEECs was under control did the EU begin to look at Turkey’s membership more closely (Lundgren 2006). The Gulf crisis, the complete collapse of the Soviet regime that left a number of Turkic societies in political turmoil in the 1990s, and the Kosovo crisis increased Turkey’s geopolitical significance one more time and played a role in this warming approach (Müftüler Baç 1997; Aydı̇n Düzgüt and Keyman 2007). These security concerns explain why the EU advocated (and is still advocating) Turkey’s membership on the grounds of costs and benefits rather than common culture or identity. As Baykal puts it, because Turkey was deemed an outsider without a common culture or identity with other European countries, “it was only when the cost of excluding Turkey seemed to become higher than the cost of including it, that the country was explicitly included in the enlargement process. Turkey was not a ‘natural insider,’ but simply the significant outsider” (2006, 39). Even though the EU disappointed Turkey in the 1997 Luxembourg Summit by not including it on the list of prospective members and caused Turkey to suspend its relations with the Union for a while, in the same year it took a significant step toward showing its willingness to assess Turkey’s membership seriously. Using the same criteria to judge the progress of other candidates, the European Commission began to prepare regular reports, the first of which came out in 1998 on Turkey’s progress toward membership; and finally in 1999 at the Helsinki Summit the European Commission recognized Turkey’s official status for EU membership.

At the Copenhagen Summit of 2002 Turkey was disillusioned once again by not receiving a definitive date to start negotiations for accession while Poland, Cyprus, Malta, the Czech Republic, the Slovak Republic,
Lithuania, Latvia, Hungary, and Estonia were admitted to the Union, and Romania and Bulgaria received 2007 as the date for accession. The EU primarily criticized Turkey for not satisfying the 1993 Copenhagen political criteria to uphold human rights and respect minorities. Despite the disappointment, the Turks continued with the determined campaign that they commenced after the Helsinki Summit toward changing existing policies in order to meet the expectations of the EU. These measures included noteworthy changes to existing gender policies. Satisfied with the overall rate of reforms accomplished in the early 2000s, the European Commission, on October 6, 2004, declared the date of the opening of the accession negotiations with Turkey. This date, October 3, 2005, was a milestone on the way to joining the EU, as the accession negotiations meant closer relations with the EU on political and economic grounds. The reforms of the 2000s were interpreted by Günter Verheugen, the EU Commissioner for enlargement between 1999 and 2004, as follows:

Accession negotiations have started after a successful pre-accession period in which Turkey managed to meet the Copenhagen criteria. At present, Turkey is undergoing an impressive reform process and the European Union is committed to help it in its efforts to successfully reform towards a full democracy, the respect of the rule of law, of human rights, and the protection of minority rights. It is obvious that the Turkey that will eventually join the EU will be a different country. It will demonstrate that a large country with a Muslim population can share and implement our values. (2007, 4–5)

Verheugen’s remarks about Turkey underline the fact that the EU considers the democracy, rule of law, respect for human rights and the protection of minority rights as values intrinsic to Europe and being European. Turkey as a “Muslim outsider” is expected to adapt to these “European values.” His remarks also indicate the significance of the 1993 Copenhagen Summit during which upholding human rights emerged as an official stipulation to be satisfied by members and candidate countries. Arıkan (2006) documents that the EU did not have this stipulation in its original conception and did not focus on it until the 1980s, gradually increasing its pressure on states since the late 1980s. The EU’s criticism of Turkey’s human rights and democratization record considerably intensified after its application for membership in 1987. Particularly
after 1993, Turkey’s lingering status as a candidate was tied by the EU to satisfying not only economic conditions, but also political conditions. It was in this process of complying with the political conditionality that new gender equality measures were implemented by Turkey.¹

Europeanization, Conditionality, and Gender Equality

As discussed in chapter 2, the EU’s gender equality perspective and measures have developed and expanded as part of a continuing process of European integration and Europeanization. “Europeanization matters” (Risse, Cowles, and Caporaso 2001, 1) in the sense that the countries that are EU members or want-to-be members have to change their internal structures to make them compatible with EU standards. Thus Europeanization leads to changes within domestic structures. However, EU standards are interpreted in multiple forms and the degree of adaptation of EU standards varies from country to country. A common argument among the scholars of Europeanization is that the degree of adaptation depends on the degree of the “fit” between domestic standards and EU standards (Risse, Cowles, and Caporaso 2001). The larger the gap between the two standards the larger the EU pressure on the country. For example, Britain and France often compared as two poor-fit and good-fit examples in the area of equal pay. When the EU instituted the Equal Pay Directive, which started from Article 119 of the Treaty of Rome stating “equal pay for equal work” and expanded its meaning to encompass also “equal pay for work of equal value,” Britain had no equal value provision and therefore received greater pressure from the EU to adopt the provision. French law, on the other hand, had already endorsed equal pay for work of equal value. Accordingly, France did not receive the same pressure that Britain did (Caporaso and Jupille 2001). In this model Turkey stands out as an example of poor fit to receive strong EU pressure in amending laws and transposing various gender equality directives. As a result, Turkish laws, primarily the Civil Code, Penal Code, Labor Law, and the Constitution, have been significantly reformed. Turkey’s candidate status gave further leverage to the EU to use pressure through what can be described as “conditionality.”

Political conditionality “refers to a foreign policy tool aimed to promote democracy and respect for human rights through the attachment of these ideals to mostly economic relations” (Usul 2011, 30). For
candidates, the conditionality emerges as preconditions, meaning prerequisites that the candidate countries must fulfill to be accepted to the EU club (Lannon, Inglis, and Haenebalcke 2001). Conditionality creates an “asymmetrical interdependence” between the EU and candidate countries (Vachudova 2005, 109). In this type of relationship, “The EU itself specifies or even imposes the condition for deepening those relations with the EU. The candidate states, which aspire for EU membership, have to meet the conditions defined by the EU so as to be incorporated by the Union. Otherwise the asymmetric relations allow the EU to threaten any norm-breaking country that they will be kept out of future stages of enlargements” (Usul 2011, 64). Compliance is documented through regular screening. The aim is to make a predetermined set of conditions EU compatible so that there are no major alignment problems among member states after the accession takes place (Zielonka and Mair 2002).

Until after the 1999 Helsinki Summit, Turkey did not make a major transformation in its political and human’s rights record primarily because the EU was very ambiguous toward the possibility of Turkey’s membership to the Union, neither including, nor excluding the country. Even though, especially after the 1993 Copenhagen Summit, the EU repeatedly stated that Turkey’s membership is conditional upon the improvement of its democratization and human rights record, there were no clear benchmarks that were set to guarantee Turkey that fulfilling them would make membership achievable (Usul 2011). Only after securing the official candidate status did Turkey begin to receive clear road maps. The European Commission put out its first “Accession Partnership” document in 2000 and beginning in 1998 issued annual progress reports about Turkey’s level of compliance. Turkey, in response, prepared its national programs, “National Programme for the Adoption of the Acquis” in 2001, 2003, and 2008. It also prepared a national action plan for gender equality for 2008–2013. These texts lay out the two sides’ visions of what needed and/or would be changed in Turkey to align gender policies of the EU and Turkey.

When the feminist activists from the Central and Eastern European Countries stated that “they wished that the pressure in the accession process to adapt to EU standards on their countries had been as strong as it is currently on Turkey, because this is the magic moment when doors did open to them” (Roth 2008, 10), they revealed that no candidate received as much pressure from the EU on such a wide range of issues as did Turkey. Being a long-term candidate exposed Turkey
to increasing demands of the EU in various arenas including gender equality. As the EU expanded its policies on gender equality over the years, it required candidates to fulfill those conditions before accession to the EU. The result has been the requirement from the EU that Turkey transpose all the existing EU directives on gender equality, sign all the necessary international agreements (e.g., CEDAW, the Optional Protocol to the UN Convention, and the European Social Charter) and remove its reservations from them if there are any, change its laws, and establish institutions to employ and monitor the implementation of gender equality policies.

**Gender Equality Reforms, 1999–2005**

Women’s rights and gender equality did not occupy much space in the bilateral relationship between the EU and Turkey until the late 1990s. However, starting with its progress reports, the EU pointed out the achievements made in this area as well as the problems, which prompted the Union to state its stipulations. In the European Commission’s first report on Turkey’s progress toward EU membership women’s rights was covered in one paragraph, indicating that the issue was not pivotal for the EU, but salient enough to receive some attention. Avowing that “the status of women in Turkey is increasingly in line with that prevailing in most EU countries” (European Commission 1998, 17), the European Commission underlined the necessity of amending the Civil Code to comply with CEDAW to eliminate the discriminatory provisions. It also emphasized that the passage of the Family Protection Law in 1998 against domestic violence against women is a step; however, there are no legal provisions against domestic violence in the Penal Code. Similar to the 1998 report, the 1999 report categorized gender equality as a political criteria within the section titled “Human Rights and Protection of Minorities.” Again, in one paragraph, the EU asked Turkey to change its Civil Code and remove its reservations about CEDAW.

Since 2000, gender equality has also been covered in chapter 13 (Social Policy and Employment) of the *Acquis*, the legal and institutional framework, which lays out the rights and obligations of candidate countries in the accession process. Since then, the issue has gained more prominence in the European Commission’s reports. The 2000 report reiterated the necessity of amending the Civil Code, especially the article that recognized man as the head of the family, and the persistence of
violence against women; it added the honor killings as a particular form of violence that needs to be eliminated and pointed out that there is a gender gap in education, which is pronounced between Eastern and Western parts of Turkey. These criticisms and the requirements for change echoed feminist women’s organizations’ demands and signaled a growing connection between women’s organizations and the EU delegation to Turkey. The details of this relationship are discussed in the next chapter.

In addition to the European Commission’s reports, the Accession Partnership Documents (2001, 2003, 2006, and 2008) of the European Council, which comprises ministers from member countries that make final decisions, have addressed the strengths and weaknesses of Turkey on gender equality. In its 2001 Accession Partnership Document, the Council stressed the importance of the Copenhagen criteria and located its stipulation to provide gender equality within the category of “medium-term” priorities and objectives, meaning within three to four years rather than the “short-term” priorities and objectives, which meant within one to two years. The document asked Turkey to “guarantee full enjoyment by all individuals without any discrimination and irrespective of the language, race, colour, sex, political opinion, philosophical belief or religion of all human rights and fundamental freedoms” (European Council 2001).

Turkey, in response to the early progress reports and the Accession Partnership Document, categorized transposing gender equality directives and guaranteeing gender equality both among the short-term and medium-term goals of the coalition government in the first National Programme for the Adoption of the Acquis, which the country adopted on March 19, 2001. Constitutional guarantee of gender equality, changes to the Civil Code, and passage of the law for the organization of the women’s machinery, KSSGM, were among the specific pledges. Signing the Optional Protocol of CEDAW and European Social Charter were medium-term goals. Furthermore, Turkey accepted that a number of labor provisions did not align with EU laws, symptomatic of poor “fit,” and pledged to make changes on parental leave and maternity leave policies, ending gender discrimination in social security, and enacting a law that shifts the burden of proof to the employer in the case of gender discrimination (National Programme 2001).

In the same year, Article 41 of the Constitution was amended to recognize men and women as equal partners within the family. Article 66, which stated that “the child of a Turkish father or Turkish mother is Turkish. The status of the child of a foreign father and Turkish mother
shall be subject to the appropriate law,” was amended to eliminate the
discrimination toward women. The new statute states: “the child of a
Turkish father or mother is Turkish,” implying that the nationality of the
spouse is irrelevant in determining a child’s citizenship status as along
as one of the parents is Turkish. On November 22, 2001, under the coali-
tion government headed by Bülent Ecevit, the Parliament amended the
Civil Code, the draft of which was prepared in 1998 and came to the
Parliament in 2000. The amendment came one year after the date set
by the state at the Fourth UN World Conference on Women in Beijing
in 1995. When justifying the necessity of amending the Civil Code, the
prime minister was careful not to belittle the existing Civil Code. He
pointed out that the 1926 Civil Code was up to the standards of the
contemporary civilizations of the century as it was adopted from “the
newest, the most complete, and the most populist” (Başöz and Çakmakçı
2001, 734) Civil Code at the time: the Swiss Civil Code. However, he
stated in a functionalist fashion, just like organisms, the laws get old
and lose their capacity to perform. They need to be modified and updat-
ed to be able to respond to the demands of changing society. This, he
emphasized, was exemplified by Switzerland where the Civil Code that
became the model for the Turkish Civil Code had been amended (Başöz
and Çakmakçı 2001).2 The prime minister’s justification revealed that the
government chose to follow the same European-oriented direction that
the early Republican elite took, keeping the worldview that Turkey’s
future rests in being a part of Europe.

There were crucial changes to the Civil Code; most of the gender
discriminatory articles were either repudiated or replaced with articles to
treat women and men equally. The main development was the elimina-
tion of articles that recognized the husband as the head of the conjugal
union, a recognition that gave him the right to decide on family affairs
such as where the family resides and what schools children attend.
According to Article 186 of the new Civil Code, the husband and wife
are referred to as partners who have equal decision-making power con-
cerning family matters. Both sides contribute to the conjugal union using
their labor and wealth commensurate with their capacities. The passage
of the new article was explained by the government as compliance with
CEDAW and the alignment with Article 162 of the new Swiss Civil Code
(Başöz and Çakmakçı 2001). Furthermore, the husband is no longer the
sole representative of the family; Article 189 of the revised Civil Code
recognized both husband and wife as equal partners in representing the
union and being mutually responsible in respect to third parties. This, however, can be altered by a court decision upon complaint from one of the partners if the judge decides that the accused spouse fails to assert authority to represent the family. Article 187 of the new code gave a woman the right to use her surname in front of her husband’s upon marriage. A married woman can now travel without the permission of her husband, which was required in the old Civil Code. Article 124 of the new code equalized marriage age and raised it to 18 for both women and men from the previous minimum age limit of 15 for women and 17 for men. Only in exceptional circumstances can a 16-year-old get married if she or he gets a court order. The government explained the rise of the marriage age within the framework of childhood psychology. The stance within this framework is that marriage at a young age is psychologically damaging to young women and men.

The main development regarding divorce was the introduction of new property legislation. According to this law (Article 219), the wife and the husband have equal rights to the property acquired during marriage regardless of the degree of contribution each makes, unless they choose another property regime approved by a notary public at the time of marriage (articles 202, 203, and 205). The property acquired during marriage is equally divided upon divorce. The property or possessions amassed before marriage are legally recognized as personal property after marriage. This new law, which covered only the property acquired after January 1, 2002, was justified in Parliament on the basis of its closeness to the property law in the new Swiss Civil Code (Başöz and Çakmakçı 2001).

The changes made by the Turkish state to the Civil Code in the name of meeting the stipulations of the EU marked a significant paradigm shift from a legal gender regime that gave men the authority over women and children to a regime that validated women as individuals. Women in the old regime were treated as people in need of protection, which was deemed possible only within the institution of the family. The new Civil Code, however, established a new legal gender regime that was based on the equality of men and women in relation to marriage and divorce.

The amendment of the Constitution and the Civil Code was welcomed by the European Commission in its 2002 report reflected in the following statement: “the adoption of these reforms demonstrates the determination of the majority of Turkey’s political leaders to move
towards further alignment with the values and standards of the European Union” (European Commission 2002, 17). This statement indicates the presence of several intersecting layers of normative attitudes in the EU’s approach to Turkey’s performance on gender equality. Policy changes on women’s rights are not only about promoting gender equality, but also about being European. The EU’s culture-normative attitude equates the endorsement of gender equality with upholding European values; the greater the equality between women and men in Turkey, the closer the cultures of the EU and Turkey. The same document, in parallel to the revised accession partnership documents and the progress reports that followed, also underlines an economic normative attitude where gender equality is equivalent to creating “citizen-workers” (Fraser 2000, 13) out of women. Consequently, the discrimination against women upon entering and within the labor market has received growing criticism from the EU. The 2002 progress report pointed to the August 2002 transposition of the Directive on the Burden of Proof in cases of discrimination based on sex as a pleasing development; yet classified the gender gap in pay, low employment rate of women (around 25 percent), and the barriers in the Labor Law that thwart women’s entrance to certain jobs as problems. Furthermore, the EU in its 2003 revision to the first Accession Partnership Document, emphasized the necessity of transposing and implementing the EU legislation to provide gender equality and required Turkey to change its Labor Law.

The changes to the Labor Law were made by a commission comprised of three members of the government, nine professors from various universities, three members from the Turkish Confederation of Employers’ Association, and one member from each one of the three workers-union confederations (Süral 2007). Women’s organizations and their views were not represented on the commission. Based on the draft prepared by this commission, the Parliament adopted the new Labor Law on May 22, 2003. In the absence of women’s organizations in its preparation, the law introduced a number of policies with the aim of transposing some of the EU directives that yield gender equality at the legislative level, yet some of the transpositions were partial and some directives were not transposed at all. The new labor policies were needed especially to regulate the private sector where, compared to the public sector, discrimination against women in employment was much more severe (Süral 2007).

The revised Labor Law accepted the principles of equal pay for equal work or work of equal value and equal treatment. These principles
were included in Article 5, which prohibits discrimination on the basis of sex, language, political opinion, race, philosophical stand, religion, and sect. Discrimination based on gender entitles the worker to four months pay regardless of the other legal rights. The law stated that there shall be no justifiable reason whatsoever for wage discrimination. Exceeding the EU legislation, which required a minimum of 14 weeks of maternity leave, the new law raised the paid maternity leave from 12 weeks to 16 weeks, eight weeks before and eight weeks after the birth. The worker can take three weeks leave before birth and 13 weeks after birth. In addition, the worker can take one-and-a-half hours each day to breastfeed and decide how she wants to divide the allocated time. Articles 5, 18, 19, and 20 gave the burden of proof to the employer when a worker claims discrimination. Article 18 stated that the worker’s sex and the condition of pregnancy are not legitimate reasons for the termination of employment. Dismissal of a pregnant worker who is on an open-ended work contract gives the worker the right for special compensation equal to three-months wages as well as severance compensation if she worked for at least a year in the same workplace. The employer has the right to terminate the contract if the worker fails to report to work after the legal maternity leave period is over. Articles 24 and 25 covered the cases of sexual harassment. Article 24 gave the worker the right to end the labor contract if the employer ignores the complaint of the worker in the case of sexual harassment by another worker or a third party in that workplace. Article 25 authorized the employer to terminate the labor contract of a worker who sexually harasses another worker. Article 13 of the Labor Law regulated the situation of part-time work. In line with the corresponding EU directive, the article stated that “unless there is a justifiable reason,” the employer cannot treat part-time workers differently than full-time workers.

Even though the changes in the Labor Law aligned the Turkish employment legislation with a number of EU directives, it stopped short of adopting all parts of the transposed directives. For example, although Article 5 was significant in provisioning the equal pay and treatment, it did not define direct and indirect discrimination as required by the EU. The Labor Law brought some provisions to improve safety and health of those workers who are pregnant, who have recently given birth, or who are breastfeeding; however, it was not entirely in alignment with the EU directive 92/85/EEC. Thus in 2004 the Parliament passed a separate bylaw on Conditions of Work for Pregnant or Nursing
Workers and Nursing Rooms and Day Nurseries (Resmi Gazete 2004), which required employers who employ between 100 and 150 female workers to open nursing rooms. Those who have more than 150 female workers are obliged to provide both nursing rooms and day care centers on the work premises. Unfortunately, the act left out a large number of small businesses and workplaces where women number less than one hundred. It encouraged those employers who wanted to avoid the cost of nursery or day care or both to keep the number of female workers under the legal limit. Moreover, it reaffirmed the patriarchal notion within the gender order that it is women who are responsible for the care of children.

Furthermore, the Labor Law did not include the transposition of all the employment-related existing directives of the EU at the time. The Turkish legislative framework lacked provisions on parental leave in the private sector. It did not align its occupational social security measures with the EU legislation. It avoided altering its policies on restricting women’s nighttime work, and heavy and hazardous work. These two issues, like the situation of pregnant, postnatal, and nursing workers, were regulated in separate bylaws passed by the Parliament in 2004. The bylaw on Women’s Nighttime Work limited women’s nighttime work to seven-and-a-half hours as the maximum; required a health report at the time of employment and every six months afterward for the duration of employment; obliged the employers to provide transportation to and from work; and prohibited pregnant women and women who are breastfeeding for six months from doing nighttime jobs (Resmi Gazete 2004). The bylaw to regulate the types of heavy and hazardous work listed the types of jobs in which women can be and cannot be employed. Among 153 heavy and hazardous jobs listed, 72 are open to women. The majority of these jobs are within the sectors of food processing, paper making, textile, transportation, packaging, and leather processing. Mining of any kind, heavy metal processing, construction, jobs related to processing and manipulating substances to produce materials such as cement, brick, glass, and tile, construction of ships, piers, poles, anchors, and similar items, the majority of jobs within the chemical industry, and the production, transportation, and jobs related to distribution of energy are closed to women. However, a clause in the bylaw allows women who received education and training in chemistry in an accredited school to be employed in chemistry-related jobs that are normally closed to women. This protectionist measure, which was part of the
previous Labor Law, perpetuates the gender segregation within the labor market, limits the occupational possibilities for women, and normatively crystallizes the notion of “appropriate jobs” for women. Nevertheless, it should be stated that Turkey has not been alone in insisting on protectionist provisions despite the EU pressure. In Italy and France (Calloni 2003; Reuter and Mazur 2003), for example, there was strong resistance from the governing parties to changing the work policy that prevented women from holding nighttime jobs.

The merits and shortcomings of the new Labor Law were stressed in the European Commission’s 2003 and 2004 progress reports. Giving more space to gender equality than the previous reports, both documents praised the passage of the provisions mentioned above, but also insisted that “further efforts are needed to promote gender equality” (European Commission 2003, 36), such as the transposition of directives on parental leave and statutory and occupational social security, and the further alignment of its laws with the directives on equal pay, access to employment, and burden of proof (European Commission 2004). These documents reiterated that the low employment rate of women is a problem. There was also praise and criticism in other areas: Commending the passage of the new Civil Code, but also echoing the feminist organizations’ discontent with a date limit on the acquired property, the European Commission called for the lifting of the date limit. Illiteracy, access to education, and low representation of women in politics were cited as continuing problems that needed attention. The implementation of the Family Protection Law was also criticized, especially the failure of the security forces to investigate women’s complaints of domestic violence. Again, echoing the feminist organizations’ demands, the European Commission called for establishment of shelters and underlined that the “women’s NGO’s have emphasized the need to provide shelters and counselling centres for women” (European Commission 2004, 46).

The 2004 progress report on Turkey mentioned positively several significant developments that happened in 2004 before the issuing of the report. One of them was the passage of the Law on Municipalities in 2004. The law required municipalities with a population greater than 50,000 to provide shelters for women and children. The enactment of the law led to a slow increase in the number of municipal shelters in the following years. The management and capacity of these shelters were heavily criticized by feminists whose continuing efforts in the 2000s are covered in the next chapter.
The 2004 progress report also referred to the changes made to the Constitution. There were significant amendments to the Constitution’s Article 10 and 90. According to the revised Article 10, “men and women shall have equal rights; the state has the obligation to ensure this equality is put into practice.” During the passage of the law there was an intense public debate over how the law should be worded. A number of feminist organizations, parliamentarians, and print media outlets became part of the discussion. The details of this public debate and its implications are discussed in chapter 6. Article 90 was amended to accept the superiority of the international treaties ratified by the Turkish state over the national law where the two are in conflict on basic rights and freedoms. This opened the legal door to direct references to CEDAW and other treaties when the Turkish legislation fell short of protecting women’s rights and providing gender equality. The same year the law establishing and expanding the administrative capacity of the women’s machinery, KSSGM, was adopted. Last, the 2004 progress report mentioned the enactment of the Penal Code as progress.

The Penal Code was approved on September 26, 2004, and went into effect on June 1, 2005, though some Parliament members protested that the yearlong amendment process was a rush to look good to the EU even before Turkey was able to obtain a date to open the accession negotiations (Yılmaz 2004). The new Penal Code brought a number of provisions to eliminate gender discrimination. Some of the revisions directly addressed the issues raised in the European Commissions’ progress reports and women’s organizations’ press releases. Article 287 of the revised Penal Code prohibited arbitrary decisions made by parents, school principals, or directors of orphanages to force virginity examinations. The new provision stated that those who order or perform a genital examination on a person without an order from a judge or prosecutor shall receive a sentence ranging from three months to one year. Article 102 expanded the definition of rape and required a punishment of seven to twelve years in prison for rape within marriage. However, it also stated that in the case of spousal rape, legal action can only be taken if the victim presses charges. Nevertheless, the passage of the statute was a significant movement in the direction toward improving women’s rights and weakening the traditional conception that marriage gives a man the right to have access to a woman’s body whenever he pleases. According to the provision, the penalty increases by half if the sexual assault was committed against a minor, relative, or a physically challenged person.
and if it involved a weapon or more than one offender. The provision in the previous Penal Code that had allowed the offender to marry the rape victim to avoid a prison sentence was repealed. Furthermore, Article 99 allowed the termination of a pregnancy as late as twenty weeks if it was the result of rape. The article, like the old Penal Code, limited the termination of nonrape pregnancies to ten weeks.

Article 82 of the Penal Code covered honor killings and categorized murder justified by “traditions and customs” as an offense to be punished with a life sentence in prison. Moreover, murder of an out-of-wedlock newborn to save honor will not be a justification for a reduced sentence toward the mother. In compliance with the EU’s Equal Treatment Directive (76/207/EEC), Article 105 of the revised Penal Code complemented the articles of the Labor Law on sexual harassment. The article stated that the punishment of sexual harassment is between three months and two years. If the harassment happened in a workplace the punishment increases by half. If the victim leaves the workplace because of sexual harassment the punishment cannot be less than a year in prison.

The revised Code eliminated the words such as woman and girl. It removed the definition of “woman” from the “Definitions” section since the existence of this definition led to the divisions between virgins and nonvirgins, and married women and single women that the previous Penal Code had leaned on in determining the severity of punishment. Furthermore, sexual assault against women was no longer categorized under the section “Felonies against Public Decency and Family Order.” The new Penal Code classified them under “Felonies against Individuals,” marking a historical shift in the legal and philosophical approach to women. This shift was about the treatment of women as individuals rather than as the property of men and society.

Notwithstanding the deficiencies, the amount and the extent of the gender equality provisions that were introduced during the early years of the 2000s were impressive. Süral states that the “defects and inadequacies mainly correspond to the latest concepts, understandings, and approaches” (2007, 823). However, political parties’ stands on whether to transpose EU directives and how to transpose them varied depending on the ideologies of the parties with power in Parliament. Milliyetçi Hareket Partisi, MHP (the Nationalist Action Party), a minority oppositional party in the 2002 government and part of the coalition in the preceding government, was a strong opponent of changing the legislative framework on human rights mainly because its members saw the EU
pressure as interference in Turkey’s internal affairs and blamed the EU for having the aim of diminishing Turkey’s national sovereignty. CHP, the main oppositional party with center-left orientation in the 2002 Parliament unequivocally advocated and supported the transposition of EU directives as well as recommendations. AKP, the Islamist conservative ruling party and the majority in Parliament, was pivotal in the passage of many laws. Nevertheless, AKP from time to time clashed with feminists and the European Commission because of its religious conservative worldview. The details of these contentions are discussed in the upcoming chapter. During the early 2000s, with the exception of MHP there was no strong opposition to transposing the overall framework of the gender equality directives from political parties and trade unions. This might be because, as in Spain, the public was very supportive of the EU policies and Turkey’s membership to the EU. Turkish Parliament and the ruling parties associated the changes in policies for the most part with being a Western-style democracy and civilization.


The initial enthusiasm of the Turkish state to change its legislation and to ensure the implementation of reforms slowed down after the early years of the new millennium. The declining pace of the reforms received strong criticism from the EU. In its 2005 report, the European Commission emphasized that “Turkey should urgently improve gender-equality and fight against discrimination” (2005, 97). This urgency resulted from the fact that “no progress” was made “as regards the transposition of the EC [European Commission] Directives prohibiting discrimination on employment” (2005, 96); and that Turkey had to further align its laws with the EU’s in “parental leave, equal pay, access to employment, burden of proof, as well as statutory and occupational social security” (2005, 96). Moreover, violence against women and honor killings were reported as continuing problems. Absence of statistical data and the lax approach of security forces to the implementation of the Family Protection Law were cited as obstacles to confronting these problems. The European Commission persisted in bringing the issues of low representation of women in politics, their low participation in the labor market, their high illiteracy rate, and early marriages to the attention of the Turkish state.

The 2005 report referred to a couple examples of honor-killing cases where the judges gave life sentences to the guilty parties as develop-
ments in the implementation of laws, but pointed out the inconsistency in the implementation. This was also part of the speech that the EU Commissioner responsible for enlargement, Olli Rehn, gave in 2005. Rehn (European Commission 2005, 1–2) conveyed that:

Eight weeks have passed since the historic decision of 3 October. We rightly celebrated it as the start of a new era for Turkey, Europe and the whole world. But the party is over, and now comes the time of delivery. I will be fair and frank. In our Progress Report published on 9 November, the Commission concluded that Turkey continues to sufficiently fulfil the Copenhagen political criteria. It is fair to say that Turkey has conducted bold and significant legislative reforms in the last years, which have now entered into force. But it is unfortunately as fair and frank to say that the pace of changes has slowed in 2005 and the implementation of reforms remains uneven, to say the least. Human rights violations continue to occur. The new laws that in principle enhance the rule of law and human rights, must be duly implemented on the ground. . . . Turkey needs to implement legislation relating to women’s rights, particularly the Civil Code, the new Penal Code, and the law on the protection of the family.

The 2006 Accession Partnership Document also emphasized the need to implement the new laws and grouped them with its short-term requirements along with the need to enhance women’s political and economic participation, to support women’s organizations, and to tackle violence against women by opening shelters and training the appropriate parties, such as the police, health-care workers, municipal workers, judges, and prosecutors. This focus on implementation was repeated in the progress reports of the second half of the 2000s, putting further pressure on Turkey. As a result, a parliamentary commission was established to investigate the extent of the honor killings and domestic violence against women. The report, which came out in April 2006, called the situation tragic, especially noting that the majority of those who are supposed to execute the laws have no knowledge of them. The head of the commission, Fatma Şahin, a parliamentarian from AKP, underlined the need for a national plan and budget to confront the problem. Following the report, the Prime Ministry released a circular, putting KSSGM
in charge of coordinating efforts among state institutions to combat violence against women. Gender-sensitivity programs were applied to raise awareness among health-care workers and police officers. The aim was to train them to recognize and take the necessary course of action in the case of domestic violence (European Commission 2008, 2010).

In response to the European Commission’s criticisms about the lack of reliable data on domestic violence, KSSGM, funded by the EU, conducted a nationwide survey on domestic violence in 2009. The results of the survey revealed the depth and breadth of domestic violence, issues to which the feminist groups had repeatedly tried to drive the public’s attention. The most common form of violence reported by women was emotional abuse with the rate of 44 percent. This was followed by physical and sexual violence. Thirty-nine percent of all ever-married women reported they were physically abused by their husbands. About half of these women were subjected to severe forms of physical violence. The percentage of women who were victims of sexual violence was 15. The very low percentage of women attempting to get help through the police (about 4 percent) and state shelters (1 percent) was chosen among the results to push for quick tangible changes and this result was interpreted by the European Commission as “most Turkish women are still not fully aware of their rights” (2009, 23); however, the KSSGM report also revealed that women’s decisions are complicated by a number of additional sociological and psychological factors such as the belief that domestic violence is a family matter, fear about what would happen to the children, and a lack of trust in institutions (Kadının Statüsü ve Sorunları Genel Müdürlüğü 2009).

In the area of education, the Ministry of National Education, in collaboration with UNICEF, launched an education campaign to decrease illiteracy, which had been a problem particularly in the East and Southeast. A similar campaign was also launched in the private sector by the newspaper Milliyet, which belonged to the Doğan Media Group. As a result of the efforts, girls’ enrollment rates to primary schools rose to about 98 percent in 2010 (European Commission 2010). The European Commission praised this development, but emphasized that the closing of the gender gap in primary education needs to be “sustained and improved” (2009, 23). In response to this notification, the Ministry of National Education set up an early warning system to track the girls at risk of dropping out of school.

The rate of labor market participation by women continued to be heavily criticized by the EU in the second half of the 2000s mainly
because, despite the changes in the Labor Law and the existence of bylaws, women’s employment rates had not risen. Women’s labor has continued to be absorbed by the informal market and many women have maintained the trend of leaving their jobs after they marry or become pregnant. The social security system, which covered only the formal labor, left out many of those who were within the informal economy. To combat this problem the Parliament passed the “employment package” in May 2008. According to the package, the social security premiums of newly hired women will be covered by the unemployment insurance fund for five years. The coverage is set at 100 percent in the first year and drops to 20 percent in the fifth year. The Turkish Unemployment Agency will help the registered unemployed with vocational training, job matching, and counseling (European Commission 2008).

Nevertheless, the amendment of the social security system in April 2006 and its coming into effect in 2008, has generated some mixed reactions in terms of what is beneficial for women. The law eliminated most of the former protectionist measures that allowed unmarried daughters as well as married and widowed women to receive pensions of deceased fathers or husbands, and to be covered by health insurance through the father or husband. Unmarried sons could have these benefits only until age 18, and if they were impoverished after this age. Widowed men could not continue to receive a deceased wife’s pension if she had had an occupation in the formal sector. Except for the retirement age, now women and men are subject to the same laws in terms of pension and health benefits. On the one hand, this can be interpreted as a blow to the strong male-breadwinner gender regime that makes women dependent on men and restricts their citizenship rights; on the other hand, the parity “comes at the expense of certain practical interests, ending an actual provision formerly enjoyed by women; hence, it makes women more vulnerable in the face of present risks” (Kılıç 2008, 494), risks that result from the low employment rate of women in the formal sector.

Discrimination on the basis of sexual orientation, which the European Parliament and the European Commission brought to the policy platform of the EU in the late 1990s, was not raised in the progress reports on Turkey until 2005, the year Turkey’s accession negotiations with the EU began. To that date, Turkey had no legal measures guaranteeing equality on the basis of sexual orientation. Since 2005, the European Commission has asked Turkey to pass anti-discriminatory provisions on sexual orientation and establish an Equality Body as required by the Acquis to
tackle discrimination regarding intersecting inequalities of sex, sexual orientation, race, ethnicity, religion, disability, and age; yet sexual orientation has received serious attention only recently, in the progress report of 2010. The report classified those who identify as LGBTT (Lesbian, Gay, Bisexual, Transsexual, Transgender) as “socially vulnerable persons” and underlined that not only are there are no provisions to curb discrimination against LGBTT people in Turkey, but some of the existing laws are used by the security forces specifically to punish them for their status. The articles in the Penal Code on “Felonies against Public Morality” and “Public Exhibitionism” as well as the law on misdemeanor were cited in the report as measures that security forces use to close LGBTT-based organizations and fine LGBTT members of society. The Commission also brought to the state’s attention that homophobia is widespread in Turkey and homosexuality is still considered to be a deviation and illness by some public officials and the army (European Commission 2010). The Commission’s escalated focus on the issue signals that Turkey will increasingly find itself under pressure to introduce some anti-discriminatory provisions in the near future even though it has avoided this so far.

The unmet demands of the EU listed in the progress reports in regard to gender equality found their way into the 2008 revision of the Accession Partnership Document. Among the short-term priorities and objectives were gender equality measures. A separate section for women’s rights under the heading “Economic and Social Rights” stipulated that Turkey must:

Pursue measures to implement current legislation relating to women’s rights and against all forms of violence against women, including crimes committed in the name of honour. Ensure specialised training for judges and prosecutors, law enforcement agencies, municipalities and other responsible institutions and strengthen efforts to establish shelters for women at risk of violence in all larger municipalities, in line with current legislation, further increase the awareness of the general public, and of men in particular, concerning gender issues, and promote the role of women in society, including through ensuring equal access to education and participation in the labour market and in political and social life; support the development of women’s organisations to fulfil these goals. (European Council 2008, 7)
In reaction, Turkey, in its 2008 National Programme, promised that the Penal Code would be implemented to give maximum penalty to those guilty of honor killings and measures will be taken to reduce violence against women. Further promises were to increase collaboration with women’s organizations to boost women’s participation in “the education, labour force and political and social life” (National Programme for Action 2008, 10). In addition to this document, Turkey mapped its objectives specifically in the Gender Equality Programme 2008–2013. Among these objectives were the establishment of a commission in Parliament on equal opportunity and of a Gender Equality Body. Making gender awareness a part of budgeting and of cooperation among various institutions were gender mainstreaming goals. Education of women was one of the priority areas. Increasing women’s rates in all levels of education, reducing the illiteracy rate of both girls and adult women, eliminating gender discrimination within textbooks, and increasing women’s numbers in managerial positions within the education sector were specific goals. The country pledged to increase the labor force participation of women by increasing employment-guaranteed vocational training, improving child, sick, disabled, and elderly care facilities, enacting a comprehensive parental leave law, encouraging women’s entrepreneurship, and expanding employment opportunities to women with a low level of education. Defining direct and indirect discrimination within a legislative framework, and tracking and eliminating wage inequality between women and men were also employment-related specific pledges. Although a number of supportive strategies were listed to improve women’s political participation, gender quotas or amending election laws were not mentioned among the strategies in the area of politics. The Gender Equality Programme also noted violence against women as a significant problem in Turkey and stated that there are campaigns ongoing within this area.

Most of what was revealed in the Gender Equality Programme was to satisfy Turkey’s international obligations that stem from not only being in negotiations with the EU, but also being a signatory to CEDAW and the Beijing Declaration; thus the document also had sections on media and women, health, poverty, and the environment. As noted earlier, some of the pledges were realized, such as literacy and education campaigns to reduce the gender gap between girls and boys, and the passage of the employment package to encourage women’s labor market participation. Even though an Equality Body is yet to be founded, in
2009 the Parliamentary Commission on Equal Opportunities for Women and Men was established. The commission consists of sixteen members, half of which, including the head of the commission, are women. Eleven of the members are from the ruling AKP, three are from the CHP, and two are from the MHP. Thus far the commission has conducted investigations on early marriages and violence against women, and made policy recommendations. It also carried out a special investigation of a sexual harassment case against two female students at a primary school in a Southeastern town. The commission has brought a number of draft laws to Parliament for deliberations and voting. The aim has been to make changes to existing laws to further eliminate discrimination against women. Among the draft laws was an amendment to an article in the Civil Code, which allows women to keep their maiden names in front of their husbands’ names upon marriage. The commission proposed that women be allowed to have only their own maiden name upon marriage and parents have a choice on whose last name be given to children. Another law asked for changes in the election laws to put a 50 percent quota for women. Yet another one asked for an amendment to the Labor Law to increase the pregnancy and maternity leave from sixteen weeks to twenty weeks. The Turkish Parliament recently passed a maternity law (Law 6111/Ratified on February 25, 2011), which allows the mother after her paid maternity leave an additional twelve months of parental leave. The twelve-month parental leave policy also applies to the father. As in other Mediterranean EU members, except for Italy, the twelve-month parental leave is without pay for both parents, which discourages rather than encourages the father to use it. Other laws proposed by the commission are in Parliament, waiting to be voted on.

Emerging Picture of Gender-Equality Reforms

The gender policy changes that have taken place in the 2000s in Turkey reveal the leverage the EU has with Turkey as a candidate country. Because of EU pressure, a substantial number of EU gender equality directives have been transformed and a number of requirements verbalized by the EU in progress reports and accession partnership documents have been met. Nevertheless, the process of reforms support the multitiered political system approach, which supposes that in the end it is the state that makes the changes and introduces laws. Obviously,
the speed of the gender equality reforms depends on the willingness of those who are governing. The pace of the amendments that happened between 1999 and 2005 has not been matched in the second half of the 2000s even though the reforms have continued. The greater attention given to women’s rights in the progress reports of recent years and the clearer, more specific stipulations in the 2008 Accession Partnership Document, compared to the documents of 2001 and 2003, indicate the EU’s frustration with Turkey’s slowness in meeting further stipulations to fully align its laws with EU laws and establish the necessary institutional mechanisms to implement the laws put in place in the late 1990s and 2000s.

Despite setbacks, the reform process in Turkey demonstrates that the EU may not have hard laws on issues like violence against women, political participation, and education, an issue unique to Turkey among candidate and member countries, but it has considerable power to push for improvements in these areas as the gatekeeper of membership.\textsuperscript{4} Mechanisms, such as progress reports and accession partnership documents, can be as effective as the directives to pressure a candidate country. As long as Turkey desires to be an EU member, it will continue to make improvements, however partial or slow, in women’s rights.

It is apparent that by expanding the meaning of gender equality beyond employment, the EU has found a way to insert gender equality into the accession negotiations with Turkey; gender equality became a yardstick to measure Turkey’s eligibility for membership. Behind this was the significant lobbying and advocacy efforts of Turkish feminist women who took advantage of the reform process to reach out to EU bodies, which in turn pressured Turkey. The next chapter discusses women’s roles in the reform process of the 2000s.
As Zacharias puts it, “emerging reimaginings and shifts in gender politics” (2001, 31) influence the notions of women’s citizenship and agency. The EU membership process that prospered after the 1999 Helsinki Summit where Turkey was recognized by the EU as an official candidate for membership brought with it an appreciable series of policies for women’s rights and gender equality. Particularly, between 1999 and 2005 a number of amendments were made to laws to eliminate discrimination against women within the family and in the public sphere. The institutional actions, which stem from the worldview that Turkey should be part of Europe for its long-term interests, employed to shift gender policies, created a climate favorable to the advocacy and lobbying efforts of women with gender equality programs to push the government and the Parliament for desired changes. When this climate opened a window, which is identified as a volatile or short-term political opportunity for collective mobilization by Gamson and Meyer (1996), feminist women’s groups were ready, having equipped themselves with tactics and agendas that they had developed and persistently used to pressure the state in the 1980s and 1990s despite only limited success.

The previous chapter revealed that the carrot of EU membership has been a significant factor for Turkey’s move toward gender policy changes to improve women’s rights. However, even when there is strong adaptational pressure, the countries may resist transposing and implementing EU standards. Thus EU pressure may not always be a sufficient tool to bring about compliance from countries. In Risse’s, Cowles’ and
Caporaso’s words, “Whether or not a country adjusts its institutional structure to Europe will depend on the presence of or absence of mediational factors” (2001, 2). Furthermore, although useful, neither the notion of “misfit,” nor legal compliance are entirely enough to explain various meanings of gender equality. Instead, as Liebert argues, “meanings and attitudes towards EU equality norms will vary, depending on domestic gender regimes, the framing of gender issues, and the gender sensitivity of policy advocacy coalitions” (2003, 257). The degree of pressure from nonstate actors matters in the decisions on gender equality policies (van der Vleuten 2007). The advocacy efforts of women in the leadership of autonomous feminist organizations make up the most significant internal pressure on the state to adopt EU gender equality measures in Turkey. The efforts of these activists demonstrate that, Europeanization “is as much a bottom-up as a top-down process” (Sifft 2003, 179). As a globalization trend, it opens up the “politics of possibilities” (Naples 2002; Desai 2009) or “borderland spaces” through which marginalized groups with diverse identities and locations tackle hegemonic discourses within and beyond the borders of their nation-states (Román-Odio and Sierra 2011). This chapter draws a detailed account of the feminist activism in the 2000s, during which the EU membership–related conducive political climate allowed the activists to accelerate their pressure on the state and increase their transnational advocacy and lobbying.

Taking Advantage of the EU Membership Process

As chapter 4 established, in the 1980s and 1990s feminist groups used the strategy of sustained-pressure to push the state to eliminate gender discriminatory laws even if the state did not make substantial changes. Their active citizenship was linked to their efforts for “recognition and the legitimate right to have a voice in the political arena” (Verloo and Lombardo 2007, 34). This notion of voice was about justice and redistribution on policy platform (Walby 2005). It was about power and agency in defining gender equality and determining how gender inequality could be addressed (Verloo and Lombardo 2007; Walby 2005). The process of the amendments to the legislative framework in the 2000s allowed members of the feminist movement to continue with their discursive struggle against the official framing of gender policies by the state and intensify their “voice” in order to play a pivotal role in shaping the definition and scope of women’s rights and gender equality. Table 6.1 provides
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<td>Turkey became a signatory to CEDAW</td>
<td>Turkey officially applied for the EU membership, 1987</td>
<td>EU accepted the Copenhagen Political Criteria, 1993</td>
<td>Turkey accelerated its EU membership efforts</td>
<td>Turkey enacted the Law on the Protection of the Family to protect women against domestic violence, 1998</td>
<td>Turkey amended its Constitution to provide gender equality</td>
<td>Turkey amended its Equal Opportunities Programme for Women and Men was established, 2009</td>
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<td>EU officially accepted Turkey’s membership application, 1999</td>
<td>Turkey’s amendment of the Civil Code, Penal Code, Labor Law, and the Constitution to provide gender equality</td>
<td>Turkey signed the Optional Protocol to CEDAW, 2002</td>
<td>Accession negotiations between Turkey and the EU began</td>
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a trajectory of political opportunities and sustained-pressure feminists have used on the nation-state as well as the transnational pressure they have used on the state through the EU and the United Nations.

In 2001, during the process of amending the Civil Code (see Table 6.1), 126 women’s groups from around the country, with the leadership of feminist organizations in İstanbul and Ankara, came together under a large campaign to call for desired changes in the Code that at the time was being reviewed and reformulated by the justice commission in Parliament. This was the first campaign where a large number of women’s groups unified. Many who took part in it refer to the campaign’s size as a source of their strength and eventual success: “It was great to see so many women supporting each other. We were excited. We felt powerful. We were ready to do what we could do to eliminate the discriminatory clauses against women in the Civil Code” (Member of Uçan Süpürge, personal interview, May 30, 2007).

İlkaracan and Berktay (2002) report that soon after the campaign started, the first controversy over the draft law was initiated by some parliamentarians from the nationalist MHP and religious Fazilet Partisi, FP (the Virtue Party). They were against the proposed acquired property law that entitled women to receive equal share of property gained during marriage and foresaw the equal division of property in the case of divorce. The opposing parliamentarians with the aforementioned political ideologies declared that this “would be against Turkish traditions, change the family from matrimonial union to a corporation, destroy the love and affection in the family and increase the rate of divorce and consequently ruin Turkish society” (İlkaracan and Berktay 2002, 20). This view coincided with the nationalists’ position. Alarmed by this opposition, representatives from forty-five women’s organizations visited Parliament members of the opposing parties (Son Dakika Atağı 2001). Conveying to the MHP members, who were the strongest opponents of the proposed law, that if they vote no to the law, they will disturb a large group of women who might show this anger during elections, the representatives of women’s groups managed to persuade the members of MHP (Kadınlar Meclise Yürüdü 2001). This strategy of applying pressure through face-to-face communication with Parliament members and political leaders rendered feminist efforts successful, leading to the amendment of the Civil Code, including the acquired property law. However, as the previous chapter revealed, the law had a clause that brought a date restriction and excluded marriages that took place before January 1, 2002.
The passage of the acquired property law was considered a great move toward improving women’s rights by women’s groups. *Kadının İnsan Hakları ve Yeni Çözümler Derneği* saw it as “an achievement in terms of the economic empowerment of women. Married women now have good reason to feel economically stronger as equal partners. This will increase their self-esteem and self-confidence” (Anıl et al. 2002, 14). Nevertheless, the date limitation regarding the application of the law was heavily criticized because, according to gender equality advocates, there were many women, especially women without paid work, who were excluded. The words of a feminist member of *Türk Kadınlar Birliği*, exemplifies this criticism:

There was a draft law prepared by the justice commission in Parliament, but it was a terrible draft. We were determined to demand the changes we wanted. We were very diligent. We waited at the doors to get to see parliamentarians, talked with them, persuaded them. Most of what we wanted was accepted by Parliament. However, the justice minister betrayed us. Agreeing with the Nationalist Party, which was part of the coalition at the time, he did not approve all wordings. On the article about the property regime, “equal distribution of property acquired starting from the date of the marriage” was replaced by “equal distribution of property acquired starting from 2002 that corresponds to the enactment of the law.” The legal experts like me, tried to change it. This date limit needs to be changed. Indeed, the inclusion of only the marriages that were registered after 2002 is a gain; still what is more important is not to make a law for our grandchildren, but for women who could benefit from the law right now. About seventeen million women cannot benefit from this law because of this time limit. During a televised discussion, a member of the Nationalist Party told me “Why do you want property? Why would my wife want property when I already treat her like a rose?” (Personal interview, June 17, 2008)

As the interview reveals, even though women’s groups managed to persuade the members of the MHP to keep the acquired property in the draft of the property law, they were not able to prevent them from inserting the date restriction into the law at the last minute. Since then, far from giving up, these groups consistently asked the state to annul
the restrictive clause. To this end, they initiated a campaign in the spring of 2003 named “No to economic violence against women.” At the end of 2003, a petition signed by thirty-five thousand women was sent to Parliament (Özkan Kerestecioğlu 2004).

Notwithstanding the date limitation, the activists’ long-term strategy of pressuring the state to amend the Civil Code even before Turkey became an official EU candidate as well as their momentary strategy to persuade the opposition to accept the acquired property law allowed them to establish the perception that the demand for change is also internal, not simply external; it is not another form of Western imposition and a plot to divide Turkey in the name of EU membership. This does not mean that many women activists were not aware of the influence of the EU membership process in the amendment of the Civil Code and the other laws. As a member of Kadın Adayları Destekleme ve Eğitim Derneği-İstanbul said, “If our agendas coincide with the government’s agenda, we are lucky. Otherwise, our job is very difficult. We used CEDAW. We always used CEDAW. By signing CEDAW the state of the Turkish Republic took on the obligation to change the Civil Code. . . . But there is a big difference between the binding force of CEDAW and the European Union. The European Union had an accelerating influence” (Personal interview, May 17, 2007).

This awareness, though giving the grassroots activists an opportunity to voice their demands prompted them to act cautiously because they did not want to provide any opening to ultra-nationalists and religious conservatives to label them as the close allies of the EU who merely repeat the demands of the West. As a prominent feminist said in an interview with the transnational feminist coalition called Women Living Under Muslim Laws, “the reforms we demand should take place not because of Turkey’s candidacy to the EU, but because WE, AS WOMEN LIVING IN TURKEY WANT THEM AND because we have a full right to gender equality as equal citizens!” [capitalization in original text] (2005, 4).

A large group of gender-equality advocates were pleased with the changes made to the Civil Code. Uçan Süpürge in Ankara and Kadının İnsan Hakları ve Yeni Çözümler Derneği in Istanbul published documents to distribute to women to inform them about the changes in the Code. They also disseminated the information on their web pages. Soon after the Civil Code was amended, feminists began to mobilize with the intention of influencing the amendment process of the Penal Code, which was going to be deliberated by Parliament in response to the EU require-
ments. Kadının İnsan Hakları ve Yeni Çözümler Derneği took the leadership and brought together various feminist, Kemalist and an Islamist women’s organization in Ankara called Başkent Kadın Platformu (Capital City Women’s Forum), as a large forum. Kadının İnsan Hakları ve Yeni Çözümler Derneği became the secretariat of TCK Kadın Platformu (the Penal Code Women’s Forum). The booklet Turkish Civil and Penal Code Reforms from a Gender Perspective: The Success of Two Nationwide Campaigns, published by Kadının İnsan Hakları ve Yeni Çözümler Derneği, explains the importance of the launching of this campaign:

Civil Codes are usually considered the primary domain in which women’s human’s rights are regulated in national contexts, whereas Penal Codes are regarded as less relevant to women’s rights and gender equality. However, in reality, Penal Law is of crucial significance to the realization of women’s human rights and gender equality; regulating several forms of sexual crimes, one of the major forms of violence against women; and governing rights and freedoms of women in terms of sexual, bodily, and reproductive rights. (Kadının İnsan Hakları ve Yeni Çözümler Derneği 2006, 9–10)

As in the case of the Civil Code, legal expertise became a useful resource that gender equality advocates utilized. The members of the Forum received advice from prominent woman legal experts in drafting their own version of the Penal Code to be presented to politicians in Parliament: “After we found out that there was going to be a change, we took the existing Penal Code and went over every article, one by one, ending up with a draft law. We received a lot of help from inside Parliament, feminists in Ankara, and of course legal experts” (Member of Kadının İnsan Hakları ve Yeni Çözümler Derneği, personal interview, May 16, 2007). Another feminist activist revealed: “We received more support from women parliamentarians. There were several men who also were supportive. What was significant was that all Parliament members saw that we had power” (Member of the Türk Kadınlar Birliği, personal interview, June 17, 2008).

These accounts of the feminist activists underline the significance of what Woodward (2004) calls, “velvet triangles” of the feminist movement, academics, and the femocrats in Parliament. Although the majority of the legal experts were women lawyers in Ankara and İstanbul, most
of the sympathetic parliamentarians were from the CHP, the center-left main oppositional party in the 2002 Parliament. There were also several supporters from the governing AKP because women activists specifically lobbied them. Especially, but not only, women politicians from CHP helped the platform by giving them information about the meetings on the Penal Code in Parliament and brought the Forum’s framing of provisions to the discussion platform in Parliament. Both the legal experts and the feminist organizations included influential academics. In the case of Turkey what needs to be added to this “velvet triangle” are the media, primarily the secular-oriented media. Many feminists have mentioned the positive role the secular-oriented media played in their efforts to influence the policy amendment process in the 2000s. This was emphasized by a member of Amargi, a feminist organization in Istanbul, during a personal interview:

We have a serious relationship with the media, especially the print media, all the way from columnists to the news journalists. Now, whether we call them or not, if they hear something about an issue we are dealing with, they cover it. Those who are the most receptive are the women journalists. . . . The print media create awareness and shape public opinion. Whether a newspaper writes reports in line with feminist perspective is conditional upon the view and attitude of the editor that designs the section that caters to women. For example, it is possible to read articles that criticize gender inequality in the newspaper Radikal. (May 14, 2007)

The Penal Code Forum benefited from this friendly media, especially the print media. It prepared a report, *Kadın Bakış Açısından TCK* (The Penal Code from Women’s Perspective), where the group focused on the ways to amend the Penal Code to prevent and punish honor killings, virginity examinations, sexual assault against women at home and in the workplace, and sexual assault against children. This report, which was announced to the press, and the press releases similar to the following, gave members of the Forum leverage in reaching the politicians as well as the public:

We as women’s groups, who know that this law has a lot to do with protecting women’s right to live, watched the
process closely. We made written suggestions to reform the articles, which ignore women as human beings and individuals, so that they guarantee women’s human rights. We have had a positive relationship with the justice commission since the Penal Code proposal came to the Parliament... We as women and as women’s organizations guarantee that we will defend these legal achievements for which we long struggled. We let the public know that starting from the ratification of the new version of the Penal Code, we will make every effort to ensure that the laws are learned, implemented, and used.

(Kadınlar Meclisteydi 2004)

The achievements that the members of the Forum emphasized in the press release were indeed crucial changes to the state’s gender regime, the details of which were discussed in the previous chapter. The members of the Forum were particularly pleased with the overall approach to women as individuals, the approach that treats them similar to men before the law, rather than as the possession of the family and society, the violation of which would damage the patriarchal moral structure. However, they were also quick to point out the shortfalls of the Penal Code articles that pertain to women and gender. Uçan Süpürge in Ankara explained these shortfalls on its webpage. The organization stated that even though the article punishes murder based on customs with a life sentence in prison, it falls short in covering all honor killings since “honor killing” is not part of the wording of the article. There is still room for honor killings if the convict claims murder based on “unjust provocation.”

Proving the criticisms accurate, this shortfall mentioned by the women’s groups in the early 2000s was used by the courts in several cases in the late 2000s to give reduced sentences to those convicted of murdering others for their sexual orientation. Part of the reason for these reduced sentences was the fact that the Penal Code did not have any provision criminalizing discrimination on the basis of sexual orientation. Even though the LGBTT groups had successfully lobbied the parliamentary commission to include a clause on this matter in the draft law, the clause was removed by the minister of justice from the governing AKP at the last minute. The absence of such a provision was also criticized by feminist organizations. Furthermore, according to the women’s groups involved in the campaign for Penal Code changes, virginity examina-
tions should be illegal and penalized under any circumstances. Even in this better form, the article that bans the arbitrary virginity examinations without a court order leaves out the consent of the woman. The activists also called for a change in the article that penalizes women who undergo abortion and those aiding abortion on pregnancies beyond ten weeks. According to women’s rights activists, women must be able to receive an abortion up to twelve weeks into pregnancy. In a personal interview, a feminist member of Türk Kadınlar Birliği in Ankara, revealed that there were attempts by feminists with legal expertise to bring heavy punishment for incest cases: “We wanted to make incest a statute by itself where it is clearly defined to increase penalty, but we did not get much support from the Parliament members for that. A Parliament member told me that we were exaggerating a few incidents. I personally had thousands of files” (June 17, 2008). These shortfalls have been brought to the politicians’ and the public’s attention since the Penal Code was amended in 2004; however, to date they have remained intact. The Turkish Parliament has not taken action to amend these provisions.

The revision process of the Penal Code was not without controversy and contention between women’s rights activists and powerful politicians. While the main contention during changes to the Civil Code was over the acquired property law between the activists and the MHP, during the debate about the Penal Code it was over the issue of adultery between activists and the ruling AKP because the MHP was now in the minority and the AKP had the majority in Parliament as the governing party that came to power in 2002. When the draft law was about to be brought to the floor for a vote, the AKP made an addition to the draft. The addition asked for criminalizing adultery, a punishment abolished from the Penal Code in the 1990s. Many feminist and Kemalist women’s organizations considered this move as a backlash to improvements in women’s rights. They argued that criminalizing adultery would certainly encourage honor killings, but not necessarily discourage the act of adultery. Furthermore, it would only reinforce the idea that women’s sexuality is a parcel of society and must be guarded and scrutinized at all times. Many also believed that dealing with adultery is not the state’s business. Criticizing the AKP, a number of activists called the move reactionary and discriminatory (Devlet Namus Bekçiliğine Son Versin 2004; Dr. Acuner-Amado: Devlet ‘Özel’ e Karşılamaz 2004).

About eighty women’s organizations came together to walk to Parliament and protest this last minute change to the draft, carrying banners
that proclaimed “Keep your hands off my body” and “No to a male-dominated Penal Code.” In their protests the activists also voiced their demands regarding the elimination of virginity examinations, inclusion of the wording “honor killing” in the Penal Code, criminalizing discrimination on the basis of sexual orientation, and decriminalizing consensual sexual relationships of people between ages 15 and 18. Some of the activists were allowed to enter Parliament because of the efforts of a few CHP members (Kadınlar Meclise Yürüdü 2004). A woman member of the CHP, Canan Arıtman, stated that recriminalizing adultery is not acceptable; that such a measure would thwart Turkey’s EU membership, and that no EU member country had this type of law. Arıtman emphasized that adultery is a reason for divorce in EU countries and is considered as a private matter between spouses (CHPli Arıtman: “Yürekleri Yetse Recımlı İsteyerekler” 2004). Agreeing with Arıtman, a prominent feminist activist and an academician Selma Acuner stressed that recriminalizing adultery would be breaching the Copenhagen criteria. Liz Amado, a member of Kadının İnsan Hakları ve Yeni Çözümler Derneği added that Shari'a laws criminalize adultery, which indicated that the AKP is revealing its conservative religious disposition on women’s status to please its conservative supporters (Dr. Acuner-Amado: Devlet ‘Özel’ e Karışamaz 2004).

In response to the protests, the supporters of the proposal from the AKP claimed that the request to criminalize adultery came from women in Anatolia. This statement was to imply that women who live outside of the three big cities of İstanbul, Ankara, and İzmir make up the majority and they think differently than the urbanized gender equality activists, who, according to these supporters, were influenced by Western ideas and not quite as “authentic” as the women who live in rural areas and small towns. The prime minister Recep Tayyip Erdoğan defended the proposed provision as a gender equality measure. He argued the punishment for the adulterous men and women will be the same and a complaint from a spouse will be necessary for legal action (Yeni Şafak 2004). In a television interview, Erdoğan insisted that recriminalizing adultery is a sign of respect for women because it protects the rights of women who are cheated on by their husbands (Kadının Hakkını Koruyoruz 2004). Condemning the protests by women activists against the measure and calling the activists a group of “marginal women,” who cannot represent “the Turkish women,” Erdoğan stated that during the protests he saw banners that deviated from the “traditional and moral values” of Turkish society when in fact Turkish women draw their “power” from
these moral values (Hürriyet 2004). The Prime Minister was specifically referring to the banners that read “My body belongs to me” and “The state should not enter into our bedrooms” (Zaman 2004).

The secular and Islamist media followed the contention closely to the extent that adultery received the most coverage among all the gender specific issues and policies that were publicly discussed in the early 2000s. The same conflict between the women’s organizations and the AKP was reflected in the approaches of secular and Islamist print media to the issue, exemplified by Hürriyet, a popular newspaper owned by secular-oriented media giant Doğan Media Group, and Zaman, a highly circulated newspaper supported by Fetullah Gülen, head of an Islamist movement. Most of the columns and news about the issue in Hürriyet showed discontent with the AKP’s attempt to recriminalize adultery, reflected in the headlines such as “Cancelation of AKP’s license” and “The Rupture of Adultery to the Penal Code Revolution.” Covering not only the EU’s reactions, but also the protests launched by women’s groups and their views, Hürriyet news and columns publicized the role of women as an internal force against the proposed provision. On the other hand, Zaman columns and news for the most part gave support to the AKP’s attempt; they portrayed adultery as a social and moral problem that should be controlled by legal punishment. This portrayal was reflected in the following headlines: “The Cover that the Happy Minority Uses for Adultery: Being Contemporary,” “Penal Code Discussions; Freedom to adultery, Prison to Opinion,” and “The Universalization of Prostitution through Adultery.” Zaman, like Hürriyet, covered the EU’s reaction to the issue; however, unlike Hürriyet, gave little coverage to women’s groups’ efforts and views.

The contention between the AKP and women’s rights activists over the recriminalization of adultery drew the attention of the European Parliament, the European Commission, and the European Women’s Lobby as some feminist activists expected. Claudia Roth, a member of the European Parliament and its foreign affairs commission, pronounced the measure as unfortunate at a time when the EU is expecting Turkey to produce measures to deal with honor crimes in Turkey. She asserted that this type of measure does not fit to the notion of being European, underlining the EU’s cultural normative approach to gender equality as a European value to which Turkey should adapt. She also stressed that this measure is a sign of support for Shari’a and it would undermine all the EU membership efforts that Turkey had done so far. The head of the European Women’s Lobby
from Holland, Lydia la Riviere Zijdel, warned Turkey that a provision like this would only give an opportunity to those opponents of Turkey within the EU to mobilize against Turkey’s Union membership, especially now, right before the start of the accession negotiations (Ortak Anlayışa Doğru 2004). The commissioner responsible for the enlargement, Günter Verheugen, from the European Commission brought the issue to the attention of the Turkish leaders during meetings and publicly announced that the Commission is concerned about the developments (Hürriyet 2004). Then, the European Commission sent an official letter to the Turkish government requiring an explanation of its stance on the issue. In response to the EU’s pressure the Turkish prime minister accused the EU of interfering in Turkey’s internal affairs (Zaman 2004). The side that had the final say over this controversial issue was the EU, which gave a clear message to the Turkish government that the inclusion of the provision in the Penal Code would halt the opening of the accession negotiations (Mercimek and Lüle 2004). Consequently, the AKP withdrew the provision from the draft code before the voting. AKP’s action was received positively by the EU. According to Lisa Pavan-Woolfe, the director of the DG Employment and Social Affairs in the European Commission, “There was great relief throughout Europe when the Turkish Parliament decided not to reintroduce the penalisation of adultery” (2006, 5).

The case of the proposed provision to recriminalize adultery is an illuminating example of the power of the EU over the candidate countries. Being so close to receive a date from the EU for the opening of the accession negotiations, the AKP government did not want to jeopardize its chance of being known as the party that finally brought Turkey to this historical moment. Furthermore, the case reveals the significance of grassroots activism, lobbying, and advocacy efforts of women, who managed to draw attention of the European Commission, the European Parliament, the European Women’s Lobby, as well as the national and international media to the issue. Activists’ rendering of the issue as their issue helped the EU bodies as well as the sympathetic media to approach it within the framework of women’s rights. Last but not least, the issue highlights the EU treatment of women’s rights and gender equality not only as a fundamental right, but also as normative point of judgment at the cultural level in its relationship with Turkey. The act of pointing to the danger of recriminalizing adultery (by some members of the EU bodies) as a sign of backwardness and support for Shari’a, was enough to put an unreachable distance between such a provision and European values.
The Turkish Penal Code Forum, in a press release, stated that the new Penal Code carries statutes that fulfill their demands; yet, this is not enough—the new laws need to be acknowledged by as many members of society as possible and applied. The influence of the women’s rights activists on the Penal Code changes was recognized by state officials. The minister of justice at the time congratulated these groups for their diligence and persistence during deliberations. He emphasized that among civil society initiatives only women’s groups were well organized, communicated their demands to Parliament, and cooperated with the responsible parliamentary commission. This success of gender-equality advocates stemmed partly from using new organization and communication mechanisms.

Most feminist activists, during my personal interviews with them, underlined the significance of the transformation in the communication technology in enabling them to organize quickly and efficiently. Particularly starting with the organization efforts during the amendments to the Penal Code, leading feminist groups have used the Internet and cell phones to bring together multiple women’s groups, some of which follow competing ideologies, on an issue basis. The Internet deserves special credit for bringing together large groups of women to assemble sizeable forums, which were not common during the 1980s and 1990s. In a feminist activist’s words from the Kadının İnsan Hakları ve Yeni Çözümler Derneği, “E-groups quickly organize. There are always some NGOs who have some expertise on the matter under scrutiny. These NGOs send a document to all other women’s groups instantly and ask them to give input by a certain date. The Internet helps us tremendously” (Personal interview, May 16, 2007).

Still, this efficient organizing on a large scale through technology was not utilized during the amendments to the Labor Law as it was in the changes to the Penal Code, and to a certain extent the Civil Code. Women’s groups were not involved in the Labor Law revision process mainly because their priorities involved the elimination of violence against women and the discriminatory laws in the Civil and Penal Codes. However, in 2006, feminist groups initiated a new forum to discuss the Labor Law changes and their effects on women. In a press release, more than forty women’s organizations, most of which with secular-oriented feminist and some with Kemalist orientation, welcomed the changes in the Labor Law, yet emphasized that the steps taken were not enough to increase women’s labor market participation in Turkey. In addition to the need for specific policies, such as a parental leave
policy and employer provided nursery and day-care services based on the total number of workers, not on the total number of female workers as the current Labor Law sanctions, the press release called for long-term actions that target structural social barriers in front of women, such as the view that women are the sole caretakers of children, the sick, and the elderly and the segmentation of the labor market that tracks many women into low paying, temporary, dead-end jobs. This press release (Mart 2006 Basın Açıklaması 2007) by Kadın Emeği ve İstahdami Girişim Platformu, KEIG (Women’s Labor and Employment Initiative), indicates an increase in the attention of gender-equality advocates toward labor policies in the second half of the 2000s.

In addition to revisions in the legislative framework of personal status as well as Criminal and Labor Laws, the 2004 Constitutional amendments to recognize men and women as equal partners and to accede to the international agreements, such as CEDAW, when those agreements were in conflict with Turkish law were all received favorably by feminist and Kemalist women’s groups. Alas, the Constitutional amendments were not without controversy as in the case of the Civil and Penal Codes, supporting Risse, Green Cowles, and Caporaso (2001) and Liebert’s (2003) argument that the internal structures of the countries matter in the adoption of EU legislation. The ways in which the EU norms are transposed and what is transposed depend also on the relationship between state actors and grassroots groups. This time the issue of controversy was the Constitutional positive action measures to increase women’s representation in politics. In the leadership of Kadın Adayları Destekleme ve Eğitme Derneği, which was established in 1995 to work for “equal representation of women and men in all fields of life” and considered “equal representation a precondition for democracy,” feminist and some Kemalist women’s organizations called for higher representation of women in political parties and in Parliament in the second half of the 1990s. In 2002 fourteen women’s organizations comprising secular feminist and some Kemalist women launched a campaign called “There cannot be democracy without women” to change the Constitution and the election laws to require a 30 percent representation of women in politics. This advocacy reached its peak during the amendments to the Constitution in 2004 because women’s groups saw this process as an opportunity to establish a legal quota system. A quota system was considered to be the best temporary solution to structural problems women face in entering and navigating politics. Moreover, arguing on its website that “Men cannot represent women
in political-decision bodies because their problems, interests, and priorities are different,” Kadın Adayları Destekleme ve Eğitim Derneği and like-minded groups of women’s rights advocates underlined the relationship between the number of women politicians and the initiation of public policies that espouse gender equality and enhance women’s citizenship (Hassim 2008).

This view of women’s organizations was reiterated by two women Parliament members from the CHP. These representatives proposed that Article 10 of the Constitution be amended to include “Women and men are equal. The state has the responsibility to ensure the implementation of these rights. Temporary measures and regulations for this purpose should not be regarded as preferential treatment and privilege.” There were two rounds of voting on May 4 and May 7, 2004. During the first round all CHP members and four AKP members voted yes to the inclusion of the proposed clause. In the second round while all CHP members voted yes, seven AKP members also voted affirmatively. Among AKP members only one out of thirteen women representatives supported the clause during the two rounds of voting. Those women from AKP who voted against the clause asserted that the revised Constitution already accepts the equality between men and women, thereby making another measure unnecessary. During parliamentary deliberations a male AKP member proposed that the clause be voted on as “Women and men are equal. The state has the responsibility to ensure the implementation of these rights.” This proposal was supported by the majority, even by the CHP members many of whom thought that this was better than nothing.

Representatives of Kadın Adayları Destekleme ve Eğitim Derneği and other women’s rights organizations went to the Parliament and closely watched the voting process. Their efforts were positively covered by the secular newspapers Hürriyet and Radikal. Columnists and the news reports emphasized that CHP members were not alone, but worked with women’s groups in pushing for gender quota measures, which according to these sources, were “positive discrimination” and provided a “fast track” to tackle underrepresentation of women in politics. Further, they equated increased representation of women with modernity and development, social conditions in which gender equality is deemed to be possible. This was linked to the EU membership of Turkey in reports that highlighted Europe’s support for legislation on positive action. AKP’s opposition to the measure was interpreted by a number of columnists as a step to deviate from the mainstream party image that the AKP had
been giving to the EU, a deviation to please its conservative religious supporters who believe that a woman’s place is in the home and see no problem with the exclusion of women from the public sphere. Islamist newspapers \textit{Zaman} and \textit{Yeni Şafak}, however, did not provide much space to cover grassroots feminist efforts. For example, \textit{Zaman}, in a single news report, mentioned the existence of a large number of representatives from women’s organizations watching deliberations in Parliament, yet framed the activists as polemical women who were disturbing the “already existing” equality between men and women. This sidelining of grassroots activism was parallel to the coverage of the issue and the discussions in Parliament. For the most part, \textit{Zaman} depicted gender quotas as “preferential treatment” toward people who need “special treatment” because they cannot achieve success on their own. In so doing, according to \textit{Zaman} articles, gender quotas undermine “merit-based” access to politics. Seeing AKP’s position in the amendment of the Constitution sufficient to comply with EU stipulations, \textit{Zaman} announced that because the AKP did not let this measure of “preferential treatment” pass, it avoided disturbing the “existing” equality between men and women and adding something new to the EU reform package. Although some articles in \textit{Yeni Şafak} also framed gender quotas as “preferential treatment,” others supported the measure on the condition that women who wear the \textit{türban} also benefit from it (Aldıkaçtı Marshall 2010).

Unlike its swift reaction to the AKP proposal on adultery, the EU did not directly press the government and Parliament for the inclusion of the clause in the Constitution in the form that women’s rights activists and sympathetic politicians envisioned. It appears that this reluctance to pressure Turkey helped the AKP government merely satisfy the minimum requirement of the Constitutional guarantee of gender equality, yet avoid passing a Constitutional measure on positive action. As discussed in chapter 2, even though the EU has supported positive action, especially since the 1997 Amsterdam Treaty, conflicting decisions of the European Court of Justice in the past has so far left room for countries to circumvent issuing legislative frameworks.

The contention between the AKP and secular feminist women’s organizations over positive action resurfaced in 2010 when the AKP majority in Parliament reamended Article 10 of the Constitution in the following way: “Women and men are equal. The state has the responsibility to ensure the implementation of these rights. Measures taken for this purpose should not be regarded against the principle of equality.
Measures for children, the elderly, the disabled, widows of the injured and martyred soldiers and officers, and war veterans should not be regarded against the principle of equality.” This change was heavily criticized by Yeni Bir Anayasa İçin Kadın Platformu (Women’s Platform for a New Constitution), an alliance made up of eighty women’s organizations consisting of feminist and Kemalist women who in their press release described the amendment as a setback because it framed women as a group that needs special protection just like children and the elderly. Not denying this framing, the governing AKP described the amendment as a significant improvement in guaranteeing Constitutional rights of women and other groups that require “social protection.”

Many feminists report that during all these legislative changes in the 2000s, the women’s machinery shifted its position from an institution of support that managed their connection with the state to an institution that isolated itself from feminists and increasingly became distant toward them. This, according to feminists, had a lot to do with the changing power structure within politics. During the changes to the Civil Code, the machinery, which was under the responsibility of State Minister İşİlay Saygın, gave support to feminist campaigns. This gradually ceased to exist after the religious and conservative AKP gained power in 2002 and was reelected in 2007.5 The growing problems with the machinery and the feminist groups became evident during the public discussion over Constitutional positive action measures. When they did not receive any support from the machinery and its manager Nimet Çubukçu, an AKP member, in their attempts to include positive action in the revised Constitution of 2004, a number of feminist groups and individuals sent faxes to Çubukçu to communicate their discontent. In these faxes, they condemned Çubukçu for her backward and discriminatory behavior. The consequence was a lawsuit that Çubukçu brought against these groups and individuals. Following the lawsuit were the protests from women’s groups against Cubukcu’s attitude. A press release signed by fifty-four women’s organizations, all of which had secular and most of which had feminist orientation, revealed that feminists interpreted Çubukçu’s lawsuit as dismissive of the contributions of the feminist movement to the advancement of women in Turkey. Even though Çubukçu withdrew her lawsuit, the relationship between the machinery and the feminist (as well as Kemalist) women’s groups continued to sour in the following years. The dismissive attitude of the government in general and the machinery in particular toward secular and feminist women’s organizations...
Women’s Grassroots Activism

was mentioned in the 2009 and 2010 progress reports of the European Commission on Turkey.

Relations with the EU

The Copenhagen criteria and EU demand for gender policy changes in the 2000s not only created an opportunity structure for feminist women to accelerate their advocacy and lobbying efforts at the national level, but also at the transnational level. Since 2000 they have established relations with the EU bodies, especially the European Parliament and the European Commission, to communicate their demands and compel the Turkish state through supranational pressure, creating what Keck and Sikkink call a “boomerang pattern of influence” (1998). “Friendly” members within the EU bodies (Zippel 2004; Helfferich and Kolb 2001) have played a role in helping women’s groups achieve their aim in persuading the Turkish state to eliminate discrimination against women. A crucial “friendly” figure was Emine Bozkurt, a Turkish-Dutch representative and the member of the Equal Opportunities Commission in the European Parliament. Bozkurt visited several women’s organizations as well as universities to obtain information on women’s status and problems in Turkey. The findings from these visits were compiled in a report and presented by Bozkurt to the European Parliament in 2005, right before the European Commission’s announcement of the opening of the accession negotiations with Turkey. The report-based resolution that Bozkurt sought was accepted by the European Parliament and became a significant reference point for the EU afterward.

Bozkurt, in the report, acknowledged the improvement of women’s citizenship rights through legislative changes, yet at the same time echoed the demands of the feminist organizations for the elimination of loopholes in the Penal Code, especially in regard to the clause on honor killings and virginity examinations. Focusing on violence against women, Bozkurt, in line with the views of feminist groups such as Mor Çatı, a feminist organization that gives services to women facing domestic violence, called for the establishment of more shelters by the state and training of state officials, especially those who work in family courts in provinces outside of big cities. The family courts had been opened by the state beginning in the early 2000s to specifically deal with domestic violence cases. The training of personnel has continued over the years,
but at a slow pace. A feminist member of Türk Kadınlar Birliği stressed during a personal interview (June 17, 2008) that “In some of these courts, mostly in big cities, the judges are quite open to our advice and make a conscious effort to apply the law to protect women in the case of domestic violence, but it is not the case in every court.”

Bozkurt stressed that legislative changes are not enough; they must be put into practice to make any substantial difference in women’s lives. Thus, she urged the Turkish state to employ “concrete gender-sensitive measures, programmes, and projects for implementation, as well as continuous monitoring of the implementation of the legislation, e.g., by executing gender impact assessments on a regular basis” (2005, 6).

Further issues Bozkurt pointed out were women’s underrepresentation in politics and employment, which she saw as salient problems that needed urgent attention. In her report, Bozkurt called for the establishment of a quota system as a temporary solution to increase the number of women in politics. Framing women’s rights as human rights, she asked the European Commission to make women’s human rights part of its agenda in its negotiations with Turkey. The EU’s negotiation documents with Turkey demonstrate the positive response of the EU to this call. Turkey has been subject to unprecedented pressure from the EU on gender equality. An example of the influence of this report on the EU can be seen in the European Commission’s 2005 progress report:

There has been little progress regarding women’s rights [emphasis in the original text], although the entry into force of the new Penal Code delivers some important improvements, as reported last year. The main areas of concern for women in Turkey continue to be domestic violence, “honour killings,” a high illiteracy rate, and low participation in Parliament, local representative bodies and the labour market. This was also the conclusion of the recent European Parliament Report on Women’s Rights and Gender Equality, which formulates a number of concrete proposals for improving the situation. (European Commission 2005, 32)

The relationship between feminist women and the European Commission has developed through the Commission’s delegation to Turkey. Starting with the 2001 Turkey Progress Report, the European Commission has signaled strongly that the issues it brought up and its priorities regarding gender policy making were in line with those of feminist
groups rather than the state’s, which has had a tendency to frame every legislative change as a complete and fully satisfactory improvement of women’s rights. For example, even though the state approached changes in the Civil Code, including the acquired property provision as adequate, the European Commission restated the criticism from women’s groups to the date limit in its 2002 progress report on Turkey. Similarly, the state officials from the governing party saw the Penal Code changes sufficient whereas the European Commission in its progress reports echoed the feminist view on the necessity of further amendments in provisions regarding honor killings and virginity examinations. Feminists’ concerns resonated with the European Commission that incessantly mentioned violence against women as a widespread social problem in its reports.

The beginning of the accession negotiations between the EU and Turkey brought financial aid from the European Commission to women’s organizations. Through its delegation in Turkey, the Commission funded two subprograms for 3.9 million euros under “NGO Grant Facility 2005.” The first subprogram “Combating Violence against Women” aimed at supporting the establishment of new women’s organizations and initiatives to raise awareness about violence and provide help for victims. The second subprogram, called “Promotion and Protection of Women’s Rights” was designed to give grants to women’s organizations concerned with women’s labor force participation and political representation. In 2007, the Commission committed another 5 million euros for organizational and technical capacity building for women’s organizations, especially the ones in rural areas, through the program called “Empowerment of Women and Women NGOs in the Least Developed Regions of Turkey.” Part of the funding was also earmarked to raise awareness about women’s rights and gender equality among national and local level state officials who provide services for women. Some of the funding from these programs has been allocated to increase the dialogue between the state and women’s NGOs. The European Commission has emphasized in its official documents that state-civil society dialogue is weaker in Turkey than in other candidate countries, thereby necessitating particular attention (European Commission 2007). The declining relationship between women’s groups and the state’s women’s machinery, which was communicated to the Turkish government by the Commission in its 2009 and 2010 progress reports as a problem that stems from state officials, confirms this concern.

The feminist groups’ transnational advocacy and lobbying efforts in the 2000s helped them foster a relationship with the European Women’s
Lobby, the largest women’s organization in Europe with more than four thousand women’s organizations as its members, specifically established to lobby the institutional bodies of the EU for promotion of gender equality and women’s rights. A 2004 meeting organized by feminist organizations in Ankara led to the establishment of the National Coordination of the European Women’s Lobby, which included about seventy women’s organizations. The membership of Turkey to the European Women’s Lobby was considered a success by a number of feminists because their membership happened before Turkey was admitted to the EU:

Before the membership to the European Women’s Lobby we had some contacts with feminist organizations in Europe. Then I was invited to a meeting by the European Union. There I realized that Bulgaria was a member [of the European Women’s Lobby] even before it was an EU member. I thought that if they became a member, we can be too. Before Turkey began the accession negotiations, our full membership [to the European Women’s Lobby] was approved. (Member of *Kadın Emeği Destekleme ve Eğitim Derneği-Ankara* and *Avrupa Kadın Lobisi Ulusal Koordinasyonu* [the National Coordination of the European Women’s Lobby], personal interview May 25, 2007)

During my personal interview with this influential member of *Kadın Emeği Destekleme ve Eğitim Derneği-Ankara* and *Avrupa Kadın Lobisi Ulusal Koordinasyonu*, she emphasized that the Coordination in Turkey works “in harmony; it is a democratic coordination. It is also antimilitarist and antihomophobic.” She pointed out that this feminist aspect of the National Coordination was influential in gaining acceptance from women of various European countries:

When our membership was being voted on, some countries refrained from voting. France and Austria were among them. Then, as we became very active, contributed to discussions, and even began to direct the discussions using a strong feminist perspective, they said wait a minute, in the end this is a women’s issue, we need to look at it [Turkey’s membership] without prejudice. At the end of the second year of our membership, there was a vote again on the continuation of Turkey’s membership. This time the number of countries that did not vote for Turkey was down to only four. This is very
important. When women come together, their prejudgments begin to break. I call this solidarity beyond borders. (Personal interview, May 25, 2007)

The growing support from the EU, combined with support from other international sources, such as the United Nations and embassies of Western European Countries, as well as international ties with organizations like European Women’s Lobby has in the 2000s created “fresh tensions” (Alvarez 1998) among feminist organizations. These tensions were not about the intentions of the EU or pros and cons of Turkey’s EU membership as the following statement reveals:

We did not discuss whether the EU is good or bad, or whether we should be a member or not. We saw the EU membership process as an important development that we should use. Because of our attitude we made significant achievements. The most successful civil society initiative during the membership period has been the feminist movement. This happened because we approached the membership process strategically. We did not discuss whether the EU is an imperialist institution, or what it brings to or takes away from Turkey. The only thing we discussed was how we could use this democratization process to advance women’s human rights in Turkey. (Member of Kadın Girişimcileri Destekleme Derneği, KAGIDER, [Association to Support Women Entrepreneurs], personal interview, May 17, 2007)

Nor were these tensions about the EU directives. Unlike some EU countries like Italy where there were heavy debates among feminists regarding the implementation of EU directives (Calloni 2003), many feminist and other women’s groups (Kemalist or Islamist) in Turkey have been mostly uncritical of the transposition of the directives. There have been no crucial public criticisms toward EU directives among feminists. On the contrary, feminist groups have found the efforts of the Turkish Parliament to eliminate discriminatory policies and the introduction of new gender policies a welcome, but insufficient change. Still, a number of feminists were quick to point out during my interviews with them that beyond the issue of membership, the EU, just like the state, is an institution which carries the threat of co-opting feminist perspectives and activism.

Similar to many other countries where women’s activism has moved outside the borders of their nations, the tension...
have been primarily about the use of resources and the development and use of technical skills and capacity. This has gone hand in hand with the rising conceptualization of women’s organizations or initiatives as NGOs by international donors and supporters. This conceptualization has required professionalization, formalization, and links or “partnerships” based on technical skills, political alliances, and “expertise” based on discursive capacity (Thayer 2010). The tension over who gets to have resources, skills, and capacity and uses them to obtain funding from sources beyond national borders or who gets to lobby and have national and international contacts have soaked into relationships among Turkish feminists who at the grassroots level have struggled hard all along to avoid creating hierarchy among themselves. “Project feminism” has become the phrase among feminists used to refer to this tension.

Many gender equality advocates are aware of the tensions, and even those organizations that have developed capacity and expertise to obtain grants to complete projects have been aware of the dichotomy that “project feminism” can create. As some feminists have emphasized, professionalism tends to perpetuate class divisions among women because it is primarily women from the middle and upper classes who are in organizations receiving funding. Most grants are given by international donors to these organizations to educate and train women of lower classes (Üstündağ 2006; Sirman 2006). Projects with their targets and assessments tend to lead to mechanical and repetitive field works, limiting an organization’s ability to work on a variety of issues. Professionalization also tends to undermine voluntary work (Kardam 2000). Lobbying and advocacy become the territory of those who come to be known as experts. Despite this drawback, some feminists also emphasize that awareness and the feminist approach can reduce these negative aspects of project making and that a conscious effort can allow feminists to use projects as tools to further their feminist goals (Kardam 2000; Üstündağ 2006).

Utilizing the UN Meetings for Policy Changes in Turkey

In the 2000s women’s rights activists have increased their advocacy and lobbying at the United Nations level in order to pressure the Turkish state to make legislative changes for the advancement of women’s rights. Attending the 1995 UN World Conference in Beijing for the first time
encouraged women’s groups to organize better and be at the later meetings in larger numbers. The EU membership process also played a role in the intensification of feminist advocacy at the United Nations level because after Turkey became an official EU candidate in 1999, Turkey committed itself to withdraw its reservations to CEDAW and sign the Optional Protocol as these were required by the EU. Even though feminists had been able to exert some of their opinions into the periodic reports of Turkey to the CEDAW Committee before 1999, the state’s signing of the Optional Protocol of CEDAW in 2002 allowed feminists to prepare and present their own shadow reports to the Committee, thus offering an alternative point of view to the official reports of the state. As a result, women’s organizations have been able to put pressure on the Turkish state through the Committee, which has prepared its own reports on Turkey’s performance. Table 6.2 summarizes the national and transnational strategies used by feminist groups.

Table 6.2. Trajectory of Feminist Strategies

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Even though the United Nations reports were not seen as imminent pressure by the Turkish state in the 1990s, they have become more influential in the 2000s because the EU membership has been at stake. Being aware that the United Nations meetings and reports are monitored by the EU, women’s groups have mobilized to articulate their own evaluation of Turkey’s performance on gender equality. *Kadının İnsan Hakları ve Yeni Çözümler Derneği* and *Uçan Süpürge* have been significant actors in mobilizing women, organizing meetings, finding funding, and making transnational connections. Detailed shadow reports and ably prepared agendas of feminist organizations have been well received by the UN and the EU representatives. As a feminist member of *Uçan Süpürge* happily reported, so far they have “gained more attention and sympathy than the state” at the United Nations meetings (Personal interview, May 30, 2007).
Chapter 7

Conclusion

Sustained-Pressure in Shifting Winds

Turkey’s candidacy for EU membership has resulted in structural changes on multiple grounds including gender policies. This book has shed some light on the links among the EU, the Turkish state, and women grassroots activists by explaining the specifics of the way in which gender policies have been amended. These specifics demonstrate that current theoretical models (multilevel governance and multiterritorial system frameworks discussed in chapter 1) used to elucidate the relations among multiple actors in the adoption of EU policies are partial when uncovering the power relations among candidate (rather than member) states, the EU, and women grassroots activists. The candidate status of Turkey rendered this state susceptible to the demands of the EU bodies, especially the European Commission and the European Parliament. Furthermore, having the longest duration of candidate status among all past and present candidates, Turkey has been pushed to adopt every EU stipulation regarding gender equality during the accession process in order to be admitted to the EU.

The picture of the policy adoption process painted by these theoretical frameworks falls short of illustrating the ways in which women’s grassroots organizations can influence the shaping and reshaping of gender equality policies primarily because women’s organizations are considered to have the least power when compared to the EU and the Turkish state. It is possible to observe the same tendency within the literature that specifically focuses on policy changes within Turkey in relation to Turkey’s EU membership process. Women’s activism has been treated as ancillary to the influence of both the EU and the Turkish state.
Even those studies that have brought out the significance of civil society elements in the policy amendment process have failed to provide an in-depth analysis of how and why women’s grassroots organizations were significant political actors.

Recognizing that supranational and national institutions are strong players in shaping discourse and policies, and in fact the state is the main figure that ultimately shapes and enacts gender policies, I have taken the course of highlighting women’s activism within a multifaceted policy platform that also includes the Turkish state and the EU. The narrative of feminist activists and the unfolding of the feminist movement in Turkey point to the tenacity of the feminist counterpublic as the primary mechanism through which women could lay claim for success in reframing women’s rights in the 2000s when the EU and the Turkish state as powerful policy makers were engaged in reshaping the gender regime in Turkey. Feminist activists’ longitudinal struggle in the public space against the hegemonic discourse of the patriarchal state since the beginning of the feminist movement in the early 1980s allowed them to emerge as significant actors along with the EU and the Turkish state when an opportunity window opened after Turkey was recognized as an official candidate by the EU at the 1999 Helsinki Summit.

Even though they had limited success, feminist groups used the strategy of sustained-pressure on the state in the 1980s and 1990s while at the same time increasingly constructed transnational linkages to put pressure on the state from outside. Taking advantage of the opportunity window resulting from Turkey’s official EU candidacy beginning in 1999, gender equality activists have dynamically engaged in changes in the Civil Code, the Penal Code, and the Constitution to improve women’s rights. During the amendment process of these laws, they continued to use sustained-pressure on the state through press releases, protests, fax campaigns, and establishing relationships with “friendly” politicians in Parliament. Leading feminist organizations continuously referred to international agreements like CEDAW, to which Turkey was a signatory. At the same time, they made connections with the EU through the Delegation of the EU in Turkey, the European Parliament, and in recent years through the European Women’s Lobby. These connections allowed them to influence the European Commission’s reports on the progress of Turkey, which are used by the EU to monitor Turkey’s eligibility for membership. Moreover, knowing that the United Nations meetings are attended and observed by EU representatives, feminist organizations
took advantage of these meetings to raise awareness internationally on women’s issues in Turkey. Being able to present shadow reports at these meetings in the 2000s has been especially useful because women’s organizations could provide alternative views to official state reports.

All activists I interviewed were in agreement that even if there were remaining loopholes in laws, women were successful in influencing the policy amendment process in the early 2000s. The coalition they established in 2006 to have a voice in labor issues demonstrates that they have also started to direct their attention to labor laws. The main concern for women’s groups now is the application of laws on the ground. This concern is shared by the EU, which in recent years has incessantly emphasized this problem in its progress reports. Because Turkey is not an EU member yet, feminist activists cannot take the country to the European Court of Justice for problems with the implementation of directives or not complying or partially complying with the directives, but they have given strong signals that they would not hesitate to do so in the future if membership is achieved by the country.

Notwithstanding their success in the amendment of crucial laws, ideological stands of the politicians have affected the degree to which feminists have been influential. The opposition to feminist framing of policies primarily came from the nationalist and religious parties that have advocated a traditional patriarchal family structure. As a result, the violence against women was framed as family violence by Parliament in 1998; the acquired property law in the revised Civil Code did not include the marriages that took place before January 1, 2002; honor-related crimes can still receive reduced sentences if unjust provocation can be established by the accused. In addition, the Constitution does not guarantee equality based on sexuality, and crimes against the LGBT community can receive lighter sentences. The attempts of feminist groups and the “friendly” politicians from the CHP in Parliament to include a measure on gender quotas in the Constitution failed during its amendment because of the lack of support from the governing AKP.

With all these successes and challenges, feminist groups have witnessed a shift within the state’s gender regime in the 2000s. To what extent do the changes in the gender regime fit into the gender equality and citizenship framework that the EU, the Turkish state, and these grassroots activists envision?

The shift in the gender regime has set the course for the convergence of the gender polices of the EU and Turkey. Even though the economic
concerns have guided the EU’s actions in expanding the meaning of gender equality, these economic concerns have not come across as the dominant element in its approach to Turkey’s performance on the terrain of gender equality. Increasing the employment of women appears to be only one of the EU’s concerns. Women’s underemployment is often cited in EU documents along with the high rate of violence against women, especially domestic violence; women’s underrepresentation in politics; and women’s high illiteracy rates, which have been significantly reduced in recent years by the campaigns of the state and private enterprise. It is evident that the candidacy of Turkey has provided a platform on which the EU could apply its multi-issue focus that reflects the complexity of the meaning of gender equality and women’s rights. EU reports on Turkey’s progress clearly recognize the interconnection of providing economic opportunities for women, curbing violence, investing in women’s education, and supporting women’s political representation. Improvements in all these areas are viewed by the EU as necessary conditions for the advancement of women’s citizenship rights in Turkey.

Furthermore, as the book has revealed, for the EU, when it comes to evaluating Turkey as a candidate, the development in gender equality is not simply about the advancement of women’s citizenship rights. It is also about the degree to which Turkey is culturally closer to European countries. The EU uses a strong cultural-normative approach when determining whether Turkey is fit to be an EU member and women’s status is treated as an indicator of cultural difference between the EU and Turkey. To be a “European” country, Turkey needs to converge its gender regime with the gender regime of the EU, which would create not only a “working citizen” out of Turkish women, but also a “European citizen.” This explains why the EU in recent years has emphasized that it would (unlike in its earlier expansions) halt Turkey’s membership solely on the basis of political criteria if Turkey does not put forth enough effort to improve its record on the protection of human rights, including women’s rights (European Commission 2005).

Under steadily increasing pressure of the EU to improve women’s rights in Turkey, the Turkish state has transposed a number of EU gender equality directives and reframed women’s rights. To appease the EU’s concerns about the problems with the implementation and to further the development of rights, the current AKP government has recently prepared a road map for gender equality. The new policies that have emerged within the Europeanization of Turkey do not fundamentally
challenge the worldview of the secular Turkish Republic. On the contrary, they support the Western-oriented and secular vestiges of the founders of the Republic who thought that advancement of women in the public sphere is an important sign of the country’s development and closeness to modern Western civilizations. However, as chapter 3 established, there have always been conflicting worldviews and discourses on women’s rights in the history of modern Turkey. Conservative, religious, and traditional elements have challenged the Western-oriented secular worldview and just like it, inserted their interests into state policies and public discourse. The current AKP government has a special place within this conflicting picture since with a conservative and religious structure, it has been the major governing party since 2002.

On the one hand the AKP government has transposed significant EU directives and made strides in the areas of women’s employment, women’s literacy, and violence against women; yet, on the other hand, it has taken steps to undermine these developments. The attempt to insert adultery as a crime into the revised Penal Code and effectively killing the proposal for a constitutional positive action measure in the early 2000s are two examples. Furthermore, the governing party has been severing its ties with secular women’s groups. During the government of the AKP, the support secular feminist and Kemalist women’s organizations received from the KSSGM and the Minister Responsible for Women and the Family has gradually declined and the relationship between them has soured so much so that the European Commission has warned the AKP government about this in its progress reports. These have been topped with the amendment of the Constitution in 2010 to include a positive action measure for women and other groups requiring “social protection” and the replacement of Kadin ve Aileden Sorumlu Devlet Bakanlığı (State Ministry Responsible for Women and the Family) by Aile ve Sosyal Politikalar Bakanlığı (Ministry of Family and Social Policies) in 2011. By closing Kadin ve Aileden Sorumlu Devlet Bakanlığı, the government grouped the women’s machinery (KSSGM) with state units responsible for children, family, disabled, elderly, and relatives of veterans. These concerning developments indicate that the AKP is moving women categorically closer to social groups such as children, and the elderly who are framed by the government as needing protection. Moreover, the AKP leader has openly made statements that his party is a conservative democratic party and thus prioritizes the family, not women.
Secular feminist and Kemalist women’s groups are concerned with the government’s actions, which according to these groups, are a setback to the progress achieved in the area of women’s human rights and gender equality. In a public announcement seventy-eight women’s groups who have come together as a forum named *Eşitlik Mekanizmaları Platformu* (Equality Mechanisms Platform) stated their discontent and underlined that women, whether they are members of families or not, are first and foremost individuals who have citizenship rights. In addition, the statement included the following words: “We object to this approach that treats women as nonexistent outside of the family and subjects women’s human rights to the limits of the family. . . . We will continue with our struggle until the equality between woman and man becomes a state policy” (*Kadının İnsan Hakları ve Yeni Çözümler Derneği* 2011).

These words reveal that women’s rights activists feel Turkey has a long road to walk before reaching gender equality. Not only furthering women’s citizenship rights by continuing to pressure the state from within and through the EU (and the United Nations), but also protecting what has already been achieved, have emerged as the primary concerns of activists. Historical and sociological evidence indicate that sustained-pressure, which has been a valuable strategy for activists, will continue to inform their political actions.
Interviews

I interviewed representatives of fourteen women’s organizations in the summers of 2007 and 2008. Ten of these organizations had secular feminist, three had Kemalist, and one had Islamist orientation. I made the initial contact with the participants through phone and email to ask for face-to-face interviews. Interviews were tape-recorded with the permission of the participants. I transcribed and translated them into English. Interview questions focused on several thematic areas: the activities of women’s organizations; the relationship among organizations and the politicians, the EU, the UN, and national and international media; the specific role of the organizations in the amendment of the laws pertaining to gender equality and women’s rights; and the relationship among women’s organizations at the national and international levels. To protect the confidentiality of the interviewees I am listing only the names of the organizations from which the interview participants were contacted.

Feminist Women’s Organizations

Amargi (Freedom; Return to Mother), interview, May 14, 2007.
Ankaralı Feministler (Feminists from Ankara), interview, June 4, 2007.
Avrupa Kadın Lobisi Ulusal Koordinasyonu (the National Coordination of the European Women’s Lobby), interview, May 25, 2007.
Kadın Adayları Destekleme ve Eğitme Derneği—İstanbul (the Association for Supporting Women Candidates—İstanbul), interview, May 17, 2007.
Kadın Dayanışma Derneği (Women’s Solidarity Association), interview, June 4, 2007.
Mor Çatı (Purple Roof), interview, May 15, 2007.

Kemalist Women’s Organizations

Cumhuriyetçi Kadınlar Derneği (Republican Women’s Association), interview, June 19, 2008.
İstanbul Kadın Kuruluşları Birliği (İstanbul Union of Women’s Organizations), interview, May 16, 2007.
Türk Kadınlar Birliği (Turkish Women’s Union), interview, June 17, 2008.

Islamist Women’s Organizations

Başkent Kadın Platformu (Capital City Women’s Forum), interview, June 16, 2008.
APPENDIX B

Names of Women’s Organizations and Journals in Turkish and English

Organizations

Amargi (Freedom; Return to Mother)
Ankaralı Feministler (Feminists from Ankara)
Avrupa Kadın Lobisi Ulusal Koordinasyonu (National Coordination of the European Women’s Lobby)
Başkent Kadın Platformu (Capital City Women’s Forum)
Cumhuriyetçi Kadınlar Derneği (Republican Women’s Association)
Eşitlik Gözetleme Komitesi (Equality Watch Committee)
İstanbul Kadın Kuruluşları Birliği (İstanbul Union of Women’s Organizations)
Kadın Adayları Destekleme ve Eğitim Derneği (Association for Supporting Women Candidates)
Kadın Çevresi (Woman’s Circle)
Kadın Dayanışma Vakfı, also known as Kadın Dayanışma Derneği (Women’s Solidarity Association)
Kadın Emeği ve İstahdamı Girişim Gurubu, KEIG (Women’s Labor and Employment Initiative)
Kadın Emeğini Değerlendirmeye Derneği (Association to Support Women’s Labor)
Kadın Girişimcileri Destekleme Derneği (Association for Supporting Woman Entrepreneurs)
Appendix B

Kadının İnsan Hakları ve Yeni Çözümler Derneği (Women for Women’s Human Rights/New Ways)
Kadınlar Halk Fırkası (Women’s People Party)
Kadınlara Karşı Ayrımcılığa Karşı Dernek (Association against Discrimination against Women)
Mor Çatı (Purple Roof)
TCK Ankara Kadın Platformu (Ankara Women’s Penal Code Forum)
TCK Kadın Platformu (Penal Code Women’s Forum)
Türk Kadınlar Birliği (Turkish Women’s Union)
Uçan Süpürge (Flying Broom)
Yeni Bir Anayasa İçin Kadın Platformu (Women’s Platform for a New Constitution)

Journals

Kadin Kimliği (Women’s Identity)
Kadin ve Aile (Women and Family)
Kadinlar Dünyası (Women’s World)
Martı (Gull)
Mektup (Letter)
Pazartesi (Monday)
Sena (Praise)
Somut (Concrete)
Notes

Chapter 1. Conceptualizing the Actors Roles

1. The statistical information was gathered from the websites of the Turkish Statistical Institute (www.turkstat.gov.tr) and Eurostat (www.eurostat.ec.europa.eu).

2. The first wave of the feminist movement dates back to the early twentieth century toward the end of the Ottoman Empire. For in-depth analysis of this movement see Çakır 1994; Berktay 1994; Tekeli 1998; Demirdirek 1998.

3. The research was partially funded by an Intramural Research Incentive Grant from the Office of the Vice President for Research at University of Louisville. In compliance with the Human Subject Protection Protocol of University of Louisville, names of the interview participants are not disclosed.

Chapter 2. Gender Equality, Women’s Rights, and Stipulations within the Enlarging EU

1. The term gender regime was introduced by Connell to refer to the gender arrangements of the institutions. These arrangements are informed by “historically constructed pattern of power relations between men and women and definitions of femininity and masculinity” that make up a “gender order” (Connell 1987, 99).

2. The EU’s aim is to increase women’s labor force participation to 60 percent by 2010 and 75 percent by 2020.

3. This is especially true for those so-called ethnic minority women.

Chapter 3. Before the 1999 Helsinki Summit

1. The ages were set at 18 and 20 in the Swiss Civil Code (Özsu 2010).

2. Statistics show a large gap between older and younger women in terms of literacy rates. The majority of those who were illiterate was older than 45 years (Kadının Statüsü ve Sorunları Genel Müdürlüğü 2004).
3. Men’s level of tertiary education was 6.6 percent (Kadının Statüsü ve Sorunları Genel Müdürlüğü 2004).

4. According to 2004 statistics, while 53.1 percent of women worked in agriculture, 31 percent was in the service and 15.9 percent was in industrial sectors. More than 83 percent of women in agriculture was recorded as providers of unpaid family labor (Kadının Statüsü ve Sorunları Genel Müdürlüğü 2004).

5. Brides-money is given by the groom or his parents to the parents of the bride at the time of marriage. In Turkey it is usually in the form of gold, cash, livestock, or property.

Chapter 4. Active Citizenship

1. Acar (2000) notes that it was mainly groups such as Kadının İnsan Hakları ve Yeni Çözümler Derneği (Women’s Human Rights/New Ways), Kadın Adayları Destekleme ve Eğitim Derneği (Association for Supporting Women Candidates), and Uçan Süpürge (Flying Broom), which had international ties through receiving funding and/or representing an international women’s organization as a chapter that used CEDAW consistently. Women’s organizations with few or no international ties referred to CEDAW less often in their own activities in the 1980s and 1990s.

2. Pazartesi was launched by a group of feminists in 1995 in İstanbul. Filiz Koçali (2002), one of the founders and contributors of the journal, mentioned that the reason was to publish a popular journal that could reach a diverse pool of women. The aim was to cover issues that interest women from a feminist perspective. The contributors of the journal claimed that many of those issues had been ignored by the mainstream media.

3. Acar (2000) points out that when the state representative asked women’s NGOs to meet and participate in the discussions on what to put in the 1997 country report, a number of feminists were suspicious of the state’s intentions. They thought that the state was not really interested in their opinion; it merely wanted the United Nations Committee to get the impression that NGOs were engaged. However, to their surprise, the official report contained some of their input.

4. The first official state report was presented to the United Nations Committee in 1994. This was followed by combined reports presented to the Committee in 1997 and 2005 (Kardam 2005).

Chapter 5. Aftermath of the 1999 Helsinki Summit

1. There has been a decline in Turkish public support for the country’s membership to the EU. Although about 71 percent of the Turks were in favor of
Turkey’s EU membership in 2004, the percentage went down to 42 in 2008 (Çakir 2011). This had a lot to do with the unchanging status of Turkey as a candidate and the growing public perception that the EU was treating Turkey unjustly and unequally in comparison to other candidate countries. This perception was reflected in the decline of trust in the EU, which on a score of 0–100 moved from 51 in 2004 to 27 in 2008 (2011). The EU’s ambiguous approach to Turkey has fueled the opposition raised by “the Euro-sceptic movements that argue that the political reforms carried out to satisfy EU conditionality have served to weaken the unitary nature of the Turkish state and the edifice of Kemalism” (Usul 2011, 176).


3. Doğan Media Group, the largest media conglomerate in Turkey, belongs to the media mogul Aydın Doğan. Doğan’s media business grew as a result of neo-liberal policies that were enacted in the mid-1980s by the governing AP and its leader Turgut Özal.

4. For the first time, women’s percentage in the Turkish Parliament increased to 14 in the June 2011 elections.

Chapter 6. Women’s Grassroots Activism in Changing Gender Policies after the Helsinki Summit

1. After the establishment of TCK Kadın Platformu (Women’s Penal Code Forum) under the secretariat of Kadının İnsan Hakları ve Yeni Çözümler Derneği, another forum was established in Ankara on April 1, 2005, with the name TCK Ankara Kadın Platformu (Ankara Women’s Penal Code Forum) under the secretariat of Uçan Süpürge. Some women’s organizations remained members of both forums.

2. Amargi, which means “freedom” and “return to mother” in Sumerian was established in 2001 in İstanbul. On their website, members of the organization declare their aim as follows: “We are trying to organize our salvation in a patriarchal society. We are trying to recreate ourselves and organize our salvation in a man’s world. We are creating our own freedom spaces against all patriarchal power structures. We are fighting against all exploitation systems, racism, heterosexism” (“Amargi Is Our Journey” 2008).

3. The division among women’s organizations to establish separate forums in İstanbul and Ankara led to some friction among activists regarding who was the “authentic” TCK Kadın Platformu. Finally, Uçan Süpürge issued a press release on June 11, 2005, explaining how TCK Ankara Kadın Platformu was established and what it had done to date. Uçan Süpürge emphasized that their efforts should not be confused with the efforts of TCK Kadın Platformu in İstanbul (TCK İçin Mücadeleye Devam Ediyoruz 2005).
4. There were no Islamist women’s organizations in the forum called *Kadın Emeği ve İstihdam Girişim Platformu*, KEIG (Women’s Labor and Employment Initiative), which was established in 2006 by a group of activists and academicians.

5. In June 2011 elections the AKP was reelected as the government for a third term.

6. Seven women’s organizations were at the 1995 World Conference in Beijing. This number went up to fourteen at the Beijing+5 Meeting in New York in 2000 (Işık 2000).
References


Acuner, Selma. “90’lı Yıllar ve Resmi Düzeyde Kurumsallaşmanın Doğuş Aşamaları” (“The 90’s and the Emergence of Institutionalization”). In 90’arda Türkiye’de Feminism (Feminism in Turkey in the 90’s), edited by Aksu Bora and Asena Gündüz, 125–158. İstanbul: İletişim, 2002.


References


References


References


Hunt, Joanne and Chloé Wallace. “Implementing Gender Equality and Mainstreaming in an Enlarged European Union—Some Thoughts on Prospects


References


———. “Kadınlara Mahsus Gazete Pazartesi” (“Pazartesi as a Special Magazine for Women”). In 90’arda Türkiye’de Feminizm (Feminism in Turkey in the 90’s), edited by Aksu Bora and Asena Günal, 73–86. İstanbul: İletişim, 2002.


References

National Programme for the Adoption of the Acquis. Decision of the Council of
Ministers Dated March 19, 2001, no. 2001/2129
2008/14481.

Nauck, Bernhard et al. “Family Change in Turkey: Peasant Society, Islam and the
Revolution ‘from above.’” In International Family Change, Ideational Perspec-
tives, edited by Rukmalie Jayakody, Arland Thornton, and William Axinn,

Nuhoğlu Soysal, Yasemin. Limits of Citizenship: Migrants and Postnational Mem-

Oberschall, Anthony. “Opportunities and Framing in the Eastern European
Revolts of 1989.” In Comparative perspectives on Social Movements: Politi-
cal Opportunities, Mobilizing Structures, and Cultural Framings, edited by
Doug McAdam, John McCarthy, and Mayer Zald, 93–121. Cambridge:

Onaran İnciroğlu, Emine. “Images of Village Women in Turkey: Models and
Anamolies.” In Deconstructing Images of “the Turkish Women,” edited by

“Ortak Anlayışa Doğru” (“Toward a Common Understanding”). Uçan Süpürge,
ber 11, 2005.

Ostner, Ilona and Jane Lewis. “Gender and European Social Policy.” In Euro-
pean Social Policy: Between Fragmentation and Integration, edited by Stephan
Leibfried and Paul Pierson, 159–193. Washington DC: Brookings Institu-
tion, 1995.

Özkan Kerestecioğlu, İnci. “Türkiye’de Kadının Toplumsal Konumu: Kazanımlar
ve Sorunlar” (“Social Status of Women in Turkey: Achievements and Prob-
lems”). In Türkiye’de ve Avrupa Birliği’nde Kadının Konumu: Kazanımlar,
Sorunlar, Umurlar (Women’s Status in Turkey and the European Union: Achieve-
ments, Problems, Hopes), edited by Fatmagül Berktay et al., 35–97. İstanbul:

Özsu, Umut “ ‘Receiving’ the Swiss Civil Code: Translating Authority in Early
Republican Turkey.” International Journal of Law in Context 6, no. 1 (2010):
63–89.

Paker, Banu. “Yeniden Kadın Hareketinin Bağımsızlığı Üzerine” (“Again on

Pantelidou Maloutas, Maro. The Gender of Democracy: Citizenship and Gendered

Parla, Ayşe. “The ‘Honor’ of the State: Virginity Examinations in Turkey.” Femi-


———. “States and Opportunities: The Political Structuring of Social Movements.” In *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings*, edited by Doug McAdam, John McCarthy, and Mayer Zald, 41–61. Cambridge: Cambridge University Press, 1996.


Verheugen Günter. “Introduction: Challenges and Opportunities of the Enlargement of the European Union.” In The Accession Story: The EU from Fifteen
References


——. “AB ile Son Dakika Gerilimi” (“Last Minute Tension with the EU”). September 18, 2004.


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Shaping Gender Policy in Turkey uncovers how, why, and to what extent Turkish women, in addition to the Turkish state and the European Union, have been involved in gender policy changes in Turkey. Through analysis of the role of multiple actors at the subnational, national, and supranational levels, Gül Aldıkaçtı Marshall provides a detailed account of policy diffusion and feminist involvement in policymaking. Contextualizing the meaning of gender equality and multiple approaches to women’s rights, she highlights a pivotal but neglected dimension of scholarship on Turkey’s candidacy for European Union membership. This book represents one of the few works providing a multilevel analysis of gender policy in predominantly Muslim countries, and highlights Turkey’s role at a time of swift structural changes to several political regimes in the Middle East.

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