QUING

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Feride Acar, Gülbanu Altunok,
and Elif Gözdaşoğlu-Küçükalioğlu

Report Analysing Intersectionality
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1. Introduction

Three kinds of political pressure are assessed for advancing women's political interests: feminist movements in civil society, elected women representatives in parliaments, and the gender machinery (women's units) in government administrative bureaucracies. [1] A fourth pressure source is the state itself; the gender regime can be a means for the achievement of a further objective such as modernization. As Deniz Kandiyoti has observed in her analysis of the Turkish women's movement and state policies:

> "The state may be a powerful instigator of change through policies that may in some cases represent an onslaught on existing cultural practices. These may be met with various forms of resistance or may, on the contrary, be facilitated by new political alliances and major transformations in the socioeconomic sphere, including women's own capacity to organize and struggle for their rights. The case of Turkey illustrates both the potentials and the limitations of reforms instigated by a political vanguard in the absence of a significant women's movement."[2]

Starting from the 1980s supranational organisations with an agenda on women's problems, such as UN and EU, have emerged as a fifth pressure source on national governments to introduce new gender equality legislation or improve existing legislation and implementation and to increase public awareness on the issue. The impact of supranational forces changes from one country to another depending on the willingness or reluctance of domestic political and civil society actors to cooperate and undertake action. In the Turkish case, we see the interplay of such dynamics in the development of gender+ equality policies as well.

The present report aims to address the main developments in Turkish gender and/or equality policies with the further aim of assessing the extent of inclusion of intersectional inequalities within such policies. The report consists of five main parts. The first section of our study includes a literature review where we examine different definitions and analyses of the idea of intersectionality, contributions of intersectionality to feminist theory, its weak points and methodological problems related to the concept of intersectionality. The second part on the state formation and feminism in Turkey offers a summary of the development of the gender equality approach in the state's policies, and the main peculiarities of the women's movement and other social movements in Turkey from a historical perspective. The third part analyzes the meanings of gender+ equality policies in general legislation, gender equality machinery and in the areas of non-employment, intimate citizenship and gender-based violence in order to bring to light their potentiality to change gender relations. The following part assesses different inequality axes in Turkey intersecting with gender, and their significance for the development of gender equality policies, by using primarily issue histories, document analyses and academic studies. The conclusion will aim to present a critical analysis based on our findings.

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[1] Mazur 2002; Vargas and Wieringa 1998 in Walby (2004).
[2] Kandiyoti (1987: 323).

2. Literature review

Drawing on Crenshaw's work on black women's employment experiences, and on violence against women of colour which "used intersectionality to describe the location of women of colour both within overlapping systems of subordination and at the margins of feminism and antiracism"[3] a focus on 'multiple', 'complex' and/or 'intersecting' inequalities has been receiving increasing emphasis in social and feminist theory. According to Crenshaw, the location of women of colour at the intersection of race and gender makes their experiences structurally and qualitatively different from that of white women.[4] Crenshaw's contribution also lies in her further distinction between structural and political intersectionality. Structural intersectionality occurs when inequalities and their intersections are directly relevant to the experiences of people in society. Accordingly, an immigrant woman's experience of domestic violence might differ from a native woman, in the sense that the former might face multiple oppressive mechanisms or discriminatory practices which hardens her experience and capacity to deal with the experience of domestic violence. Political intersectionality, on the other hand, indicates how inequalities and their intersections are relevant at the level of political strategies. Political differences are most relevant here, as strategies on one axis of inequality are mostly not neutral towards other axes.[5] For instance, the employment of a collective discourse representing a particular structure might disguise or even exclude unequal relationships within that collective structure. Crenshaw developed these concepts in considering the intersection between race and gender and with some attention to class.[6]

The critical strength of these analyses derives from the assessment that feminist theory views gender as a single and unified analytical category; that it neglects differing social, political and historical experiences of women. It has been argued that intersectionality constitutes a critical alternative to identity politics[7] by not only taking into account differences between groups but also focusing on intra-groups differences. Crenshaw also offers the term to "be more broadly useful as a way of mediating the tension between assertions of multiple identity and the ongoing necessity of group politics."[8]

The concept of intersectionality is seen as beneficial in pointing out the logical impossibility of separating different aspects of identities, and of different inequality axes from each another. Some studies in their aim to include differing dimensions of marginalization use additive approaches, which implicitly assume separation of these dimensions is possible. Intersectionality arguments, on the other hand, refrain from such a cumulative conception of inequality. According to the intersectionality approach, the argument that a black woman is doubly worse off relative to a white woman in terms of her oppression by patriarchy and racism is not valid since these two mechanisms do not operate independently, but often interact and even help to form each other.

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[3] Crenshaw (1991:1295).
[4] Ibid.
[5] Verloo (2006: 213).
[6] Ibid.
[7] Prins (2006: 278).
[8] Crenshaw (1991:1296).

As many studies on intersectionality denote, the question of intersectionality guides the debate towards more complex ways of thinking and treating gender and other inequalities. It underlines the need to overcome a simple bipolar logic of analysis that treats one type of inequality *vis-à-vis* another[9]. It argues that using the dominant dimension of inequality as the standard for comparison, instead of focusing on the point at which various inequalities of race, gender, class, etc., intersect with each other, actually obscures a more complex social reality.[10]

In that regard, Avtar Brah and Ann Phoenix suggest that "key feature of feminist analyses of 'intersectionality' is that they are concerned with 'decentring' of the 'normative subject' of feminism."[11] Parallel to this, Barbara Arrighi suggests that recognition of the importance of intersectionality has impelled new ways of thinking about complexity and multiplicity in power relations.[12] Similarly, as suggested by Brah and Phoenix, the recognition that race, social class and sexuality differentiate women's experiences has destroyed notions of a homogenous category of woman.[13] In her analysis, Anastasia Vakulenko proposes that intersectionality as a tool of feminist analysis acknowledges the fact that identity composition reflects the broader power formations in society. She adds that the understanding of intersectionality appreciates that different identity grounds are mutually constitutive.[14]

The notion of intersectionality is defined in different ways. Susanne Knudsen, for example, defines the term as a theory to analyze how social and cultural categories intertwine and to examine the relationship between gender, race, ethnicity, disability, sexuality, class and nationality. She mentions that the word intersection denotes that one line cuts through another line and can be used about streets crossing each other. According to Knudsen, the theory of intersection is basically focusing on how power can be constructed through "amalgamation of male/female, black/white, Turkish Norwegian, hetero-/homosexual." [15] In the article entitled "Ain't I A Woman? Revisiting Intersectionality " Brah and Phoenix, while emphasizing the pressing need for understanding complexities posed by intersections of different axes of differentiation, describe the term as follows:

 "the complex, irreducible, varied, and variable effects which ensue when multiple axis of differentiation – economic, political, cultural, psychic, subjective and experiential – intersect in historically specific contexts. The concept emphasizes that different dimensions of social life cannot be separated out into discrete and pure strands."[16]

In another study, Martha Minow describes intersectionality as "the way in which any particular individual stands at the crossroads of multiple groups." [17] Fatima Fernandes, however, explains that "intersectional analysis names and describes these hidden acts of

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[9] Verloo (2006:213).
[10] Crenshaw (1989).
[11] Brah and Phoenix (2004:78).
[12] Arrighi (2001).
[13] Brah and Phoenix, (2004:82).
[14] Vakulenko (2007:183-199).
[15] Knudsen (2006: 61).
[16] Brah and Phoenix (2004: 76).
[17] Minow (1997: 38).

multiple discrimination and how they obfuscate damaging power relations, and it also brings to the fore how they construct, while paradoxically obviating, identities of the self."[18]

As Ange-Marie Hancock recently notes, intersectionality is not simply a normative theoretical argument but also an approach for conducting empirical research.[19] Hancock's insight is important because instead of limiting intersectionality research to a "content specialization in populations with intersecting marginalized identities," she points to a wide application of intersectionality in the examination of social groups, relations and contexts beyond the scope of non-white women. Ann Phoenix and Pamela Pattynama mention that the notion of mainstreaming intersectionality as a method is appealing because it does not only legitimize an analysis encompassing excluded and marginalized people but it also complicates our understanding of social relations in a way that is more reflective of actual socio-political realities. Phoenix and Pattynama note that it foregrounds a richer ontology than approaches that attempt to reduce people to one category at a time and that it treats social positions as relational and makes visible multiple positioning and power relations.[20]

Despite the fact that intersectionality has been regarded as one of the most important contributions to feminist scholarship[21] and has been embraced as a useful tool in the exploration of complex inequalities in many case studies, several problems are assessed in debates on the use of this concept.

The first problem pertains to the ambiguity of the term. As Davis has observed, it is not clear whether intersectionality is a theory, a concept or heuristic device, or a reading strategy for doing feminist analysis. "It is not at all clear whether intersectionality should be limited to understanding individual experiences, to theorizing identity, or whether it should be taken as a property of social structures and cultural discourses."[22]

In her article "Differences between Women?", Alice Ludvig provides insights on how to approach intersectionality and mentions a weak point in intersectionality theory. She points out that the weakness of intersectionality becomes more obvious when it is applied to empirical analysis because of the infinite nature of differences. Ludvig suggests that since the list of differences is endless, it is impossible to take into account all the differences that are significant at any given moment. She adds:

"Subjectively, it is often not possible for a woman to decide whether she has been discriminated against just because of her gender and or for another reason. This is precisely the problem of intersectionality: the axes of differences cannot be isolated and desegregated."[23]

For that reason, she defends the idea that differences like gender, colour and class do not add but multiply. In her terms, "a Black woman is not oppressed twice but many times." [24]

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[18] Fernandes (2003: 309–316).
[19] Hancock (2007, 63-79).
[20] Phoenix and Pattynama (2006: 187-192).
[21] Davis (2008, 67-85); Brah and Phoenix, (2004).
[22] Ibid., 68.
[23] Ludvig (2006: 245-258).
[24] Ibid.

In her article "The Complexity of Intersectionality", Leslie McCall poses the question of how to study intersectionality, that is, its methodology.[25] She points out that intersectionality introduced new methodological problems and proposes three approaches: an *Anticategorical approach* based on a methodology of deconstructing analytical categories; an *intercategorical approach* requiring that scholars adopt existing analytical categories to document relationships of inequality among social groups and changing configurations of inequality; and an *intracategorical approach* connected to feminists of colour.[26] According to McCall, methodologically personal narratives and single group studies can be used to study the intersections of some specific dimensions of multiple categories in selected social positions.[27]

When intersectionality is considered as a theory, it is also possible to specify not just one form but a range of methodologies. In its strongest version, inspired by works of theorists such as Michel Foucault, Jacques Derrida and Judith Butler, it is possible to see the radical questioning of identity (and specifically of gender in the latter) as an analytical category. McCall named this version the 'anti-categorical approach'. According to an anti-categorical approach:

> "the deconstruction of categories is understood as part and parcel of the deconstruction of the inequality itself. That is, since symbolic violence and material inequalities are rooted in relationships that are defined by race, class, sexuality, and gender, deconstructing the normative assumptions of these categories contributes to the possibility of social change."

For McCall, it is irrelevant to consider whether this research in fact contributes to social change or not; many theorists, however, caution against the danger of losing the epistemological and political foundations of feminism[28] While acknowledging the contributions of intersectionality as a tool for deconstructing normalizing, oppressive or exclusionary forms of practices, discourses and power relations, Iris Marion Young has questioned the impact of the suspension of the category of 'women' in feminist analyses. She worries that if 'women' are left out there is nothing specific to feminist politics.[29] Young argues that by conceptualizing women as a collective unit feminism aims to maintain a point of view outside of liberalism. Liberalism, by ignoring collective identities and with its focus on individuals as atomized structures, sees inequalities as personal problems and actually obscures oppression as a systematic, structured, institutional process.[30] The strength of the feminist critique and resistance derives from the insertion of 'women' as a categorical unit into structural analyses and bringing seemingly personal issues to the domain of the political. On the theorization of 'multiple genders', Young also targets the attribution of the "stability and unity to the categories of race, class, religion and ethnicity that divide women."[31] The

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[25] McCall (2005:1771-1800).
[26] Ibid.
[27] Ibid.
[28] Ibid, 1777.
[29] Young (2004:713-738).
[30] Ibid., 718.
[31] Ibid., 720.

argument that white women's experience of gender inequalities differ from African American women presumes that the identity of 'African American' is homogenous and stable. She also argues that the idea of multiplicity of any identity can cause the dissolution of groups into individuals. Such dissolution brings us back to liberalism and its limited conception of politics and equality. Further, it carries the danger of losing the critical, moral and political strength of feminism.

Another issue noted by Knapp is that "fast travelling concepts attend to be disembedded; they are abstracted from their epistemological premises, and stripped of their concretion, context and history." [32] With reference to Derrida, Knapp employs the term 'doxographic discourse' in order to caution against the spelling of the term of intersectionality too hastily. Doxographic discourses are defined as "second-order or meta-theoretical discourses in which theories tend to move as taxonomic entities." [33] The statement assesses a secret imperative underlying doxographic discourse: "don't use that concept, only mention it." [34] While Davis has suggested that the success of intersectionality as a theory lies in its feature of ambiguity and open-endedness, even from the perspective of an anti-categorical approach the open-endedness of intersectionality might well preserve the critical impetus of the term, these features could at the same time endanger it.

Further, the question of the use of intersectional analysis remains unanswered when we consider Crenshaw's offering of the term "as a tool of mediating the tension between assertions of multiple identities and the ongoing necessity of group politics." Undoubtedly, empirical studies, which aim to explore intersecting inequalities in different contexts, are valuable in pointing to marginal voices, silenced identities by hegemonic discourses, structures and practices. However, in order to conjoin those empirical, context-sensitive descriptions with others and to bridge the gap between empirical studies and theoretical debates the need to place intersectionality within a consistent theoretical framework is apparent. Further, if intersectional analysis is to have a claim of changing unequal relationships such a theoretical framework should be translated back into policy structure. We think that this is one of the fundamental challenges faced by the theory of intersectionality.

Scholars like Sylvia Walby, Gudrun-Axeli Knapp and Joan Acker point out this necessity when they assert that analyses on intersectionality have to be connected to the structural level. The question of how race/ethnicity, class and gender are interrelated is important within a given economy and society under national, international and transnational conditions. Knapp[35] and Acker, for example, in analyzing the impacts of the transfer of the triad of 'race-gender-class' from the U.S. into a European context, draw attention to the absence of the notion of 'class' as a category of structural inequalities in feminist theory. In the use of class, especially in the U.S context, more cultural notions of horizontal disparities and lifestyle differences are implied, with the assessment that the Weberian and particularly Marxist concept of class is outdated. For instance, the recent arrival of the 'gender-race-class' triad in the European context has given way to numerous studies and also policies on

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[32] Knapp (2005: 254).
[33] Ibid.
[34] Derrida 1990: 75 in Knapp (2005).
[35] Knapp (2005: 249-265).

immigrant populations in Europe. The Turkish, Arabic or Algerian communities are put under scrutiny where the experiences of women from these groups, specifically their vulnerability to violent practices, are interrogated. However, a frequent approach visible in these analyses is that the experiences of immigrant women are conceived and presented not as gender inequality but as an integration problem. As Yakin Ertürk has noted, the consequences of such a conception are twofold: stigmatization and marginalization. Accordingly, "immigrant women and men are further stigmatized and marginalized, which complicates their engagement in a constructive dialogue to address problems of gender inequality that indeed exist within their communities."[36]

The class component of such inequalities, the structural conditions, which increased those women's vulnerability to violent and discriminatory practices are hardly mentioned. On the absence of class in intersectionality debates, Acker argues that "when feminists began trying to put together gender, race and class, the available concept of class was one that had never been successfully revised from a feminist perspective."[37] Accordingly, the argument on the erosion of class structures is challenged today "not only because inequality increases even in the rich western countries, but also because the forms and mechanisms of inequality obviously have not changed as radically as theoretical exaggerations suggested during the short phase of prosperity."[38] According to Acker, the discussion surrounding intersectionality obviously needs to take into consideration this complexity of problems. As further elaborated in the following sections, the intersection of gender and class is a very critical aspect of existing inequalities in Turkey, where a low rate of employment and of social security benefits due to practices like informal work are common.

Though not with an explicit focus on class, Sylvia Walby[39] proposes a (re)consideration of structural theory with the challenge of multiple intersecting inequalities with the utilization of complexity theory within the tradition of social theory inspired by Marx and Weber. Such an account aims to revise systems theory by both paying attention to institutionalized domains (without considering them as fixed entities), social relations (without considering them as nested within a domain) and also by taking into account multiple forms of inequalities, produced in all domains in different ways.[40]

The debates on the concept of intersectionality have recently arrived to the Turkish context and have received some attention by feminist scholars. Although the concept is not used as such, it is possible to find many studies on differing aspects of inequalities and their intersections with gender in the Turkish context.

Another response to the debate on intersectionality is questioning the relevance of it for feminist discourse, and the attempt to import it into national-level analyses without fully understanding its impact in the development of strategies for the transformation of gender relations. In relation to intersectionality debates critiquing the idea of an abstract and unified

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[36] Ertürk (2007).

[37] Acker argues that there are a number of factors that contribute to feminists forgetting about class. She states: "First, the debate had to run into a dead end" (Acker 2000:194).

[38] Knapp (2005:257).

[39] Walby (2007: 449-470).

[40] Although Walby does not touch upon this issue, from this conception of intersectionality we can also derive the conclusion that since no set of social relations saturates a given institutional domain, some of the forms of inequalities might also be irrelevant in some domains.

category of woman, some feminists appreciate the emerging focus on 'differences' in the U.S and European context. However, they also ask whether this approach can be enough for feminists in non-western contexts, and in a provocative way even ask whether feminism is the sole mechanism for socio-political transformation.[41] It is argued that while studies on intersectionality focus on relations that produce intersecting inequalities, one also has to take into account socio-cultural practices, i.e. solidarity acts between women, which ease those unequal conditions and search for alternative forms of transformation. For instance, the difficulties urban working women experience with child-care are illustrated in our reports. The limited child-care services give rise to gender inequality both in the economic and intimate sphere. It is a common practice for working women in Turkey to leave their children in their grandmother's care. While this practice can be evaluated as a continuation of gender inequality, in terms of women's continuing role as care-givers, the grandmothers' support to the younger generation of women is also offered as an act of women-solidarity within families to cope with the existing mechanisms of inequality.[42]

As stated by Walby, the main focus of QUING is at the intersection of civil society and polity to assess the meaning of gender equality policies, and transformations in these policies. For this reason, in this report we will firstly present a historical overview of the development of a gender equality approach in the state's policies and the characteristics of the women's movement and other social movements in Turkey. There will be a specific focus on the Islamist and Kurdish case. This is because these two identities represent the most crucial challenges to the state's general gender and equality approach in the current context. In addition, the intersection of religion and/or ethnicity with gender (within political activism) corresponds to political intersectionality, the impacts of which on (a) the women's movement, (b) the meaning attached by these political actors to gender and equality and (c) on policies formulated by the state need to be analysed. Lastly, although there have been major public debates on these issues, there has been a discrepancy between civil society and polity in terms of policy agendas. This might be due to the fragmentations within civil society (specifically within the women's movement showing that rather than dealing with intersecting inequality axes we see conflicting identities) and the limited nature of the state's policies in the handling of intersecting inequalities. Therefore, our policy analyses do not reflect the current debates in the country. By including this section, we hope to address a possible gap; to shed light on how and why equality policies developed the way they did in Turkey, in what ways they have been challenged and in what ways they respond to or resist those challenges.

Turkish State Formation and Feminism: Development of a Gender Equality Approach

As a legacy of 19th and 20th century westernization movement, gender equality has effectively become part of what defines Turkey as a 'modern' country. Though it is possible to trace the footprints of some marginal organisations initiated by urban educated women since the Ottoman period, women's appearance and role in public life was emphasized by modernist elites; later with the establishment of the Republican state, this approach gained pre-eminence as a state policy. Within this approach, women's emancipation from traditional

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[41]İlyasoğlu and Akgökçe (eds) (2001).
[42] Ibid.

roles and societal norms and their participation to public life became the symbolic claim of the country's true place among other Western democratic nations. Women of the early Republican period not only gained access to social, civil and political rights before other European societies but also were encouraged in the enjoyment of such rights.[43] However, different to the European context, the understanding of gender and gender equality have not been shaped by the class struggle, or by a women's movement with feminist aspirations in Turkey up until 1980s, but was rather somehow formulated and implemented by the state.[44] This particular historical experience has had impacts not only on the conception gender and gender equality, but also on the formation of a feminist consciousness and its alliance and/or competition with other social movements.

The first implication of having the Republican state as its mentor is that the women's movement in Turkey is argued to have remained dependent on the state for a long time. Lacking an autonomous character and feminist consciousness, it has become somewhat content with *de jure* equal rights. This is because the Republican 'gender equality' perspective was based on the assumption of the 'sameness' of women and men as carriers of the modernization project and as the dutiful citizens of the young Republic.[45] Further, this vision offered women considerable autonomy and recognition when their status under the Ottoman Empire and religious rule is considered. It has also been argued that the women's movement was somehow limited during the early period when it organized around a discourse contradictory to the young Republic's national priorities. For example, in 1923 when women with feminist aspirations attempted to establish the Women's People Party (*Kadınlar Halk Fırkası*) for suffrage rights, they were rejected by the authorities (with the justification that their party might reduce the interest to the single party at the time).[46] When they formed the Union of Turkish Women (*Türk Kadınlar Birliği*), women had to specify that their union had nothing to do with politics and that they were going to operate as a charity organisation. The Union was forced to disband shortly after the Twelfth Congress of the International Alliance of Women (IAW) held in Istanbul in 1935 since the state elites somehow disliked the declaration released against the Nazi regime.[47] The closure of the association was rationalized by suggesting that there was no necessity for the association since women had achieved full equality as a result of the constitutional guarantees.[48] It is important to note that an autonomous women's movement was not established until the 1990s.[49] Therefore, for some scholars, women came to serve as the vanguard of the

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[43] The 1926 Civil Code, replaced *shari'at*, important in terms of giving women equal rights in private sphere: such as the right to divorce and alimony and abolishment of polygamy. In 1930 and 1934, women were granted suffrage and right to stand for election, at local and at national elections respectively.

[44] For more details see Şirin Tekeli, 1986, "Emergence of the New Feminist Women in Turkey", in Drude Dahlerup, ed. The New Women's Movement: Feminism and Political Power, Sage: London, 179-199; Sirin Tekeli , 1981,"Women in Turkish Politics", in Nermin Abadan-Unat ed., Women in Turkish Society, E.J.Brill:Leiden, 279-299; Şirin Tekeli, 1995, Women in Turkey in 1980's, in Şirin Tekeli ed., Women in Modern Turkish Society, Zed Books.

[45] Arat (1998).

[46] Toprak (1988).

[47] Zafer Toprak (1986).

[48] Kandiyoti (1991).

[49] As suggested by Alev Çınar, the number of women in the Turkish Parliament never reached the level that it was in 1937 (eighteen parliamentarians, constituting 4,5 percent of the Assembly. (Çınar, 2005)

Kemalist regime rather than seeking to improve their status.[50] In Kandiyoti's terms, they were "symbolic pawns" of the new Republic.[51]

Another related argument is that these factors contributed to women's leaving unquestioned the most crucial areas of gender relations, such as the double standard of sexuality and a primarily domestic definition of the female role. As the feminist scholarship of the 1980s and 1990s pointed out, while the process of granting rights was taking place, legal structures increasingly attached a political identity to women citizens and regulated their sexual and social individuality.[52] The ideal Republican woman was represented as an enlightened woman citizen, urban and socially progressive, but also dutiful at home.[53] While women's social and economical participation were considered as essential for the development and transformation of the country, women's primary contribution continued to be seen as being in the domestic sphere and motherhood was described as the most important function of women.[54]

In addition to the strong emphasis on the domestic role of women, the traditional notion of sexual morality was also never radically questioned. The notion of honour (*namus*) and the sexual purity of women were identified with the honour of the collectivity.[55]

A further implication of a state-led gender equality vision is that for a considerable period of time the benefactors of reforms have remained mostly urban bourgeoisie women; people in rural areas remain almost unaffected by the Republican regime's equality policies. While the 'public arena' was organized around the notion of modernity—urban citizens enjoying equal rights and duties[56]—continuing inequalities in terms of class, gender, religion and ethnicity were conceptualized along an urban/rural axis. The equality approach cultivated by the Republican nation-state considered these forms of inequalities as problems of development, modernization and of public/private distinction. Although this picture somehow changed in the 1980s, it is possible to argue that the Republican epistemology (which considers all forms of differences as private matters or problems of development and

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[50] Göle (1996).

[51] Kandiyoti (1988).

[52] On the issue of regulation of women's sexuality not only by cultural norms but also through state policies, see Miller (2007). Also Parla (2000).

[53] White (2003); Kandiyoti, (1998).

[54] It is possible to give several examples to gain a better understanding. The example of 'Girls' Institutes' founded by the Ministry of Education in 1928 reveals how the traditional roles were reinforced by the state. According to the official statements, these schools aimed at "providing girls with a theoretical and practical education that would train them in managing hygienic, orderly, economical and tasteful homes, allowing them to establish cheerful and happy marriages and therefore making them to establish cheerful and happy marriages and therefore making them to contributors to the social development of the country". As Yeşim Arat put it very well, the state encouraged a number of elite women but it sent a message to an increasing number of women that they were expected to contribute to the process of modernization by being housewives " à la West". For more details see Arat (1997).

[55] For this reason, though appreciating the contributions of Kemalist reforms in the improvement of their legal, political and cultural status, Deniz Kandiyoti describes Turkish women as 'emancipated but unliberated'. However, it is important to note that Kandiyoti, in making such a description does not argue that Turkish women in comparison to West fall behind, or lack any feminist motives. Her point is that different cultural modes of control of female sexuality create different subjective experiences of femininity and, therefore, they should be analyzed along these lines. Kandiyoti (1987).

[56] For the relationship between the construction of public sphere and Turkish modernization see the recent study by Çınar (2007).

modernization) is still persistent in the country even if those differences operate as barriers for the enjoyment of *de facto* equality.

From the 1980s onwards, the women's movement gained an impetus in Turkey mainly due to the political vacuum created by the suppression of left and right political movements in the country. Within this context, feminists found the opportunity to draw increasing attention to the problem of gender inequalities in academic and civil society circles. In this endeavour, the feminist critique targeted the Kemalist modernization project and its premises. The internalized patriarchal system and different kinds of inequalities experienced by women such as domestic violence, sexual harassment and virginity examinations were also among the topics that were brought to the public's attention for purposes of consciousness-raising. Further, existing legal provisions were pointed to as confirming traditional gender roles. As opposed to the Republican notion of equality which considers all individuals as 'equals' with respect to duties, the feminists' demanded 'equality' on the basis of individual freedom and liberties.[57]

From the 1980s onwards, increased attention to gender equality at the state level has also been present. The impact of international organisations and donors (United Nations Development Programme - UNDP, World Bank etc.) has been very salient in this process. The ratification of the Convention on Elimination of all Forms of Discrimination against Women (CEDAW) in 1986 helped make gender equality issues visible. The national machinery for the promotion of gender equality, the General Directorate for the Status of Women (*Kadının Statüsü Genel Müdürlüğü-KSGM*), as a requirement of the CEDAW process, was established in 1990. It can be argued that the gender equality approach that these international actors brought is also within the framework of development and is not contrary to the state's official approach. The mechanisms and ways to contribute to citizens', and particularly women's, access to legal rights and to the improvement of their socio-economic conditions were among the aims of the policies on offer.

The 1980s are important for the rise of a feminist movement. However, when the broader socioeconomic, cultural, political, and geopolitical dimensions of the time are considered, we can see that the Republican ideology is not challenged by feminists alone but also by many other discourses such as those of the Islamic and Kurdish identities. The impact of these identity claims are felt by feminists as well. From the 1980s, the feminist discourse widened but it also became fragmented; to the extent that the women's movement acquired a particular identity such as Kemalist, Kurdish or Islamist. The gender component of the discourse was neglected and women of different identities generally failed to form an alliance on issues of their concern.

The 1980s correspond to Turkey's accelerated integration with global capital and to the implementation of neoliberal policies which caused to a rapid transformation of the socio-economic landscape of the country. These were also years of significant separation from a well-entrenched social, political and economic heritage in the Turkish Republic. Despite the multilingual, multicultural and multi-faith patchwork of the Ottoman *millet* system, the Republic had struggled for the foundation of a unified nation-state from its inception. Cultivating the

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[57] Yeşim Arat defends the idea that the feminist movement of the 1980s should be read as a new tradition of liberal individualism as opposed to communalism, statism, and transcendental definition of the common good. For further information see Arat (1999) and Arat (1997).

idea of 'equal citizenship' through development and modernization required the state to be the first source and foremost actor of investment and economic development in order to bridge disparities within society. With the sudden abandoning of this approach in the 1980s, however, problems become more complex. [58] Increased unemployment, accelerated migration from rural to urban areas, deepening of the urban/rural divide, increased poverty and income differences, the emergence of an underclass and the spreading of squatters in large cities became urgent socio-political problems for policies developed by local and national authorities. Different dimensions of such transformations and their impact on individuals have been well studied by scholars. Yet, a systematic account of existing inequalities at the state level is absent. Further, it is also possible to argue that the neglect of the 'class' component of such inequalities contributed to the emergence of identity discourses at the political level as well as to the clash of multiple identities at a societal level.

Within this context, Kurdish and Islamic identities have found the opportunity to challenge the official discourse of equality, citizenship and the basic premises of Republicanism since the 1980s.[59] In view of the fact that since the 1980s the Kurdish issue has also been put forward by the PKK terrorist organisation, and received a military response from the state, it has not been considered a democratic political demand for equality. The problems associated with the Kurdish people were thus constrained to the conception of them as problems of terrorism and of underdevelopment.[60] The radical Kurdish discourse, on the other hand, mainly attacks the idea of Turkishness for dismantling and repressing Kurdish identity since the foundation of the Republic and for oppressing Kurdish people today.

The repressive attitude of the state has significantly loosened in the late 1990s due to democratization and human rights, demands emanating also from the Copenhagen political criteria. It is possible to argue that the Kurdish discourse aims to find itself support from the EU, which has become a major source of political pressure on the Turkish state since the 1990s. For instance, in line with the EU's demand, restrictions on the teaching of Kurdish language and its use in broadcasting were loosened in 2003. In this period, transformations in parts of the Kurdish movement have also become visible; the articulation of problems as human rights and citizenship issues within the framework of identity politics has evolved."[61] However, at the state level, the handling of the Kurdish question has never become

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[58] In the 1980s real wages dropped rapidly. While wages constituted 36% of the GNP in 1977, this figure dropped to 21% by 1983 and 18% by 1987.

[59] Neither the Kurdish nor the Islamic questions are recent developments in Turkey. The roots of respective issues reach to the foundation of Republic and even to the Ottoman period. However, the long-history of these conflicts is beyond the scope of this report.

[60] The ongoing conflict between the state and PKK in the region substantially deteriorated the life conditions of Kurdish citizens. It gave rise not only to evacuation of villages, to destruction of economic activities, to increased migration to western parts of the country, but sometimes also to increasing clashes between Turkish and Kurdish identities and the loosening of the citizenship ties of Kurdish citizens to the state. The military operations against PKK and their human toll contributed to the rise of Turkish nationalism. The propaganda by the PKK along with the impact of some hostile Turkish nationalism, has also fed into a reactionary nationalism emerging within Kurdish groups operating mostly against the state.

[61] As formulated by Sonia Kruks, in identity politics "the demand is not for inclusion within the fold of 'universal humankind' on the basis of shared human attributes; nor is it for respect 'in spite of' one's differences. Rather, what is demanded is respect for oneself *as* different (Kruks 2000: 85).

particularistic. As a state, the Turkish Republic has never accepted that Kurdishness[62] or any other ethnic identity can constitute a ground on which particular political and cultural rights can be demanded. Some regional policies on the elimination of poverty, lack of education, and adequate shelter have been developed and implemented at different times by the state but always within the framework of 'development'. (More information is provided in section 3.1)

Within this context, it has been argued that Kurdish women were doubly marginalized by the Kemalist modernization project. On the one hand, being mostly located in rural, underdeveloped regions they have been relatively isolated from the emancipatory equality policies of the Republic, and have continued to face rigid patriarchal demands of tradition and tribalism. Some have also argued that their ethnic identity was dismantled.[63] Statistics and comparative analyses reveal that while Kurdish people living in the Eastern and South-eastern region have lower access to land, income, education, health, state resources and their security is further threatened by the military conflict, Kurdish women living in the region suffer from inequalities more than Kurdish men. The patriarchal structure prevalent in the region also makes them more vulnerable to problems like gender based violence within their communities. Due to a low educational level in the region, many women cannot speak Turkish which hinders their access to legal and official mechanisms through which they can seek their rights. The language problem is seen as an important barrier in urban areas as well; when Kurdish families migrate to cities, women's lack of linguistic capital prevents their access to interpersonal relations, resources, and to the positions available in Turkey.[64]

From the 1980s, Kurdish women have been mobilized politically through their ethnic identity. They came to be increasingly actors of a political (even armed) struggle and carriers of the Kurdish nationalist movement. Even so, the socio-cultural conditions that create unequal and oppressive conditions for Kurdish women have not been addressed by the Kurdish nationalist discourse. In this sense, it is argued that women's identity is used instrumentally by the Kurdish nationalist movement as well.

In her study, Handan Çağlayan argues that evaluating Kurdish women and their political activism either as merely instrumental or as emancipating would not reflect the whole picture. One should also consider the productive impacts of power relations in the production of a national-gendered subjectivity. She argues that the knowledge acquired on political activism has provided Kurdish women with some autonomous character, which gives way to further demands and criticism of patriarchy and unequal relations within nationalist discourses. Çağlayan's findings confirm the similarity between Kurdish and Turkish women's activism in the sense that both have taken their roots in the construction of national identity. [65] However, the critical question is to what extent this autonomy is presenting a challenge to the dominant discourse. In their strong attachment to their respective national identity

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[62] For example, while Kurdishness does not constitute an impediment in the achievement of high social status and attainment of public office as long as it remains a depoliticized identity, difficulties are faced in creating legal grounds for political representation. At the civil society level, the Kurdish issue was raised by human rights' organizations such as *İnsan Hakları Derneği*—İHD (Human Rights' Association), *İnsan HaklarıKurumu*—IHK (Human Rights' Institution), the Turkish branch of the *Helsinki Citizens' Assembly*—HCA.
[63] Yüksel (2006).
[64] Smits and Gündüz-Hoşgör (2003); Demirler and Eşsiz (2008).
[65] Çağlayan (2007).

women's activism might be bound to nationalist or ethnic concerns, which hinders emancipation from repressive structures such as traditional gender roles.

In the 1990s a fraction of Kurdish women started to direct their criticisms to the patriarchal structure within the Kurdish nationalist movement. Their critique mainly targeted Turkish feminists for not being able to separate themselves from the official, nationalist discourse suppressing Kurdish identity. In the magazines '*Roza*' and '*Jujin*' published by a group of Kurdish women in 1996, they criticized the women's movement in Turkey by arguing that feminism in Turkey deals with the problems of white bourgeois women without naming or indicating ethnic identity. Moreover, they pointed out that Turkish women treat Kurdish women in a prejudiced and racist way.[66]

While the Kurdish question in terms of its intersection with gender has been perplexing for gender and/or equality movements and policies over the years, Islamic identity has enjoyed considerable autonomy within society. Turkish modern Islamist intellectuals developed a radical criticism of the nation-state and of nationalism and emphasized the importance of the Muslim community as a collective unity. From the 1990s, pro-Islamic parties have started to gain political and ideological ground in the country as well; with the employment of a discourse of 'justice' they have succeeded in gaining support from lower classes, from Kurdish people, from other minority groups and more importantly from women of excluded strata.[67]

Against this background, Islamist women also gained more publicity and joined the Islamist intellectual-front in their criticism of the Kemalist secular regime. For example, while radical feminists have criticized the sexist elements in Kemalist ideology, Islamist women entering the stage claimed that they have been subjected to discrimination because they are not allowed to enter certain public spaces such as universities with their headscarves. [68] In the 1980s and 1990s, the headscarf issue became a hotly topic debated at the public level. Eventually, the controversy over the right to wear the headscarf in the universities and by public employees evolved into a symbolic battle between 'laicists' and Islamists: between those who saw this practice as a symbol of political Islam and therefore incompatible with the institutions and practices of a secular state and those who insisted on it as a right of women stemming from their religious belief or personal choice. (See Section 5.1 for policy regulations on the headscarf issue)

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[66] Kerestecioglu (2004: 95).
Some Turkish feminists share these criticisms as well; Pınar İlkkaracan, a woman activist and the founder of Women for Women's Human Rights (WWHR)-New Ways, stated that the Turkish women's movement has failed to bring a substantial critical approach to militarism, rise of a new nationalism and to the state's official discourses on Turkish identity. While there is an on-going war in Eastern and South-eastern Turkey, she stated, Turkish feminists have also failed to engage with Kurdish women in bringing solutions to their specific problems.[66] This approach, however, is not shared by the women's movement in general, especially by Kemalist feminists. In their view, not only would the Turkish nation-state be endangered by the affirmation of Kurdish ethnic identity, the integrity of the women's movement and the achievement of feminist aspirations would also be at stake. See: İlkkaracan (1997)
[67] It is an interesting fact that in the Eastern and South-eastern region in recent years Islamism has gained increasing currency rather than Kurdish ethnic identity. In the last elections, the Justice and Development Party outweighed the votes of Democratic People's Party (DEHAP), which is claiming to represent Kurdish people.
[68] Cubukcu (2004: 95).

It should be noted that the 'equality' demands voiced by Turkish Islamist women differ from those of their counterparts in important ways. Differing from other Middle Eastern women who live under Islamic laws, Turkish Islamists women do not struggle for the acquisition of equal legal rights (with a claim of equality as sameness between women and men).[69] Differing from Turkish feminists, they do not claim for *de facto* gender equality either. Though in the 1990s a few Islamist women have started to develop some affinities with feminist ideas and question the conventional interpretations of Islam in Turkey,[70] even in their initial attempts not only Kemalism but also feminism has taken its share of criticism. Many male and female Islamic writers defend this approach while claiming that western feminism should be read as a reaction against capitalist state formation; hence not applicable (or relevant) for Islam. At a very general level, gender equality is an invalid term for Islamist women; rather one should cherish the 'complementarity' of sexes and 'gender equity', the sharing of functions, roles and responsibilities between sexes on the basis of their nature. Hence, it is possible to argue that when Islamist women in Turkey voice their 'equality' claims, they demand from the state the recognition of their difference as 'Muslim women' who might not be in an equal relationship (in the sense of sameness) with men.

As noted above, some Islamist women writers challenged this idea in the 1990s. They were however criticized, discouraged and sometimes alienated from the Islamic circle.[71] In fact, those Islamist women having affinities with feminist ideas might be subject to a double exclusionary mechanism: they are marginalized by both orthodox Islamists and by Kemalist feminists due to their dual commitments. The former conceptualize and label them as feminists with a veil (*basortulu feminist*), an expression questioning the Islamic identity; the latter as fundamentalist feminist (*feminist dinci*) which questions the feminist motives of a religious identity.[72]

The relationship between Islamist women and other women's organisations has remained obscure and mostly tense. Kemalist feminists certainly oppose the struggle for the right to veil defended by the Islamists, with the argument that such a claim is certainly in contradiction with secularism, which has operated since the foundation of Republic as a pillar of women's rights. In this discourse, veiling represents an anti-modern stance, the expression of the desire to live under Islamic rule, and thus represents a total negation of Republican achievements. The second strand of feminists, who do not want to associate

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[69] Merçil (2007).

[70] Konca Kuriş was one of the Islamist-feminist figures, defending women's rights in Islam. Kuriş was advocating that women should be allowed to pray alongside men and that veiling is not an obligation in Islam. She also questioned the Islamic cognition of menstrual blood as 'dirty' with the idea that this blood feeds the foetus in the womb. In 1998, she was kidnapped, tortured and murdered by Turkish Hezbollah (a fundamental Islamic militant group), of which she was an ex-member, for being an advocate of secularism and an enemy of Islam and therefore deserving death. For an article exploring Kuriş's case as an 'outsider' both in Islamic and feminist circles, see: Keskin-Kozat (2003).
Another prominent figure of Islamist women activist is Hidayet Şefkatli Tuksal. Having a PhD in religious studies, the head of Başkent Kadın Platformu (Capital City Women's Platform), Tuksal voices her criticisms on male-centric readings of Islam. Tuksal also opposes the equation of Islamist women with a political party and the idea that conservative parties, i.e. Justice and Development Party represents and speaks on behalf of women with headscarves. On her views see Hidayet Şefkatli Tuksal (2000).

[71] Merçil (2007).

[72] Keskin-Kozat (2003).

themselves with any kind of ideological political stance, rather choose to actively engage with the improvement of women's conditions in Turkey, enter into a dialogue with Islamist women and defend the 'right' to education of women with headscarves. However, most of them are hesitant about the 'will' to veil, which in their view represents the patriarchal dimension of Islam. A scholar, when articulating her ideas on the increasing dialogue between feminists and Islamist (or veiled) women, emphasises that post-1980 feminists "have always supported veiled women who question Islamic sources on the assumption that the latter might thereby recognize the patriarchal dimension of religion"[73] and due to such women's criticality a less biased dialogue could be established. However, it is also the fact that post-1980 feminists severely criticize Kemalist ideology and they struggle against any form of patriarchal structure oppressing women. Therefore, for the establishment of a less biased dialogue, all concerned parties are required to have the courage and willingness to take a critical stance towards their ideological, cultural, and religious beliefs.

The following parts of the report further elaborate the meaning of gender +equality approaches at the policy level in the issues of general legislation and gender equality machinery and in the areas of non-employment, intimate citizenship and gender-based violence to understand their potential to transform gender relations.

3.1 The range of the meanings or frames of gender equality in general legislation and machinery

This section of the report aims to analyze different frames and meanings with regard to general legislation on gender+ equality and machinery. It is composed of two parts which are important in gaining a better understanding for the general framing of the issue. While the first part attempts to draw a general summary of issues in gender equality in Turkey, the second part aims to provide some information on equality policies concerning religious and ethnic minorities in the country. These debates are not reflected in our LARG report due to their focus on specific policy texts. The third part summarizes the range of frames observed in the texts that we analyzed in the country context report. As elaborated in the previous section, very early attempts at gender equality throughout the Republican period were legalistic, public sphere oriented and state initiated. From the 1980s, one can observe increasing civil society (feminist) activism, which also led to the visibility of private sphere issues. In that period, both on the part of government and civil society, measures, policies and/or initiatives targeting a patriarchal mentality and challenging its institutions and practices started to gain ground. Among these, public campaigns to raise awareness on issues such as violence against women, the unequal division of labour and activity within the family constituted the main axes of civil activism.

From the 1990s, gender equality issues have been more visible in the Turkish political arena and were formalised and institutionalised through various changes in legal frameworks. The women's civil society organisations' efforts and international monitoring activities (CEDAW, EU) have led to policy and action by governmental bodies. The ratification of the Convention on Elimination of all Forms of Discrimination against Women (CEDAW) in 1986

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[73] Ibid. 95.

helped make gender equality issues apparent. The national machinery for the promotion of gender equality, Kadının Statüsü ve Sorunları Genel Müdürlüğü (KSSGM) (General Directorate for the Status and Problems of Women) as a requirement of the CEDAW process, was established in 1990.

With Turkey's new status as a candidate country to the EU in 1999, a new dimension and component appeared in the gender equality sphere. By the beginning of the 2000s legal reforms that eliminate fundamental discriminatory provisions against women in the laws have taken effect. Turkey's becoming a candidate of the European Union in 1999 and the start of the EU accession negotiations in 2005 gave unprecedented impetus to state actions for legal reforms in the area. From the mid-1980s to date the CEDAW process has helped and encouraged the Turkish women's NGOs to take an active role in gender equality issues and international donors such as the UNDP and World Bank have contributed to state and civil society awareness of gender equality issues. The EU accession process since 1999 has built on this background and has, in turn, facilitated legal reforms. Thus, in the Turkish case, these two international frameworks have been mutually reinforcing in gender equality issues and have led to more effective results. In this respect, it is not wrong to suggest that norms such as Europeanization and modernity have played a significant role in the justification of 'gender equality' legislation.

Despite the gender equality principal in the Constitution and the numerous international documents to which it has been party, until the 1990s civil, penal and labour laws in Turkey continued to contain various discriminatory provisions and an overarching patriarchal perspective. This situation has since undergone rapid change. The landmark policy and mentality shifts in relation to general gender equality policies in Turkey are reflected in four pieces of legal reform: the Constitutional amendments since 2001, especially the 2004 amendment; the adoption of the new Civil Code (2001); the new Labour Law (2003); and the new Penal Code (2005).[74]

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[74] The new Civil Code adopted in 2001 is a ground breaking piece of legislation for gender equality based on the vision of equality as sameness referring to the idea that each individual, irrespective of gender, should have access to the rights and opportunities enjoyed by men and should be treated according to the same principles, norms, and standards.

Again, the sameness approach was reflected by the adoption of another law, the new Labour Law and by the Constitutional Amendments of 2004. The new Labour Law adopted in 2003 reinforced existing provisions such as prohibiting discrimination on the basis of gender and introduced some improvements for women workers by prohibiting discriminatory practices owing to marital status or family responsibilities (such as prohibiting dismissal on grounds of pregnancy). It brought for the first time provisions against sexual harassment at the workplace. The adoption of the New Law was an important attempt to ensure equality of women and men in working life and to eliminate discrimination for women in entry to the work force.

The Constitutional amendments of 2004, however, constitute an important reflection of the change in policies towards women. Although an explicit provision on gender equality was present in the Turkish Constitution formerly, by the addition of a provision to Article 10 of the Constitution in 2004, the state was deemed responsible not only for ensuring non-discrimination between women and men, but also to take necessary measures for equality in practice in every field. Another amendment to Article 90 of the Constitution was adopted in 2004 giving supremacy to international conventions concerning basic rights and freedoms, including CEDAW, over all national laws.

In 2004, the new Penal Code (no. 5237) was enacted which introduced a new perspective, concepts and resultant regulations giving priority to the protection of an individual's rights and freedoms. As discussed also in section 3.4, a human rights framing was significant in the adoption of the New Penal Code. The new Penal Code contains provisions that better protect women's human

Today, the legal basis of gender equality has been adequately established in Turkey. While a great deal of the necessary legislation is now in place, it is still difficult to argue that they are fully implemented. This remains a problem, especially because of dominating patriarchal values and lack of support mechanisms for implementation. This deficiency has been continually highlighted in the various reports of international institutions such as the UN CEDAW Concluding Comments to Turkey (2005), the European Parliament (Resolution on Women's Role in Social, Economic and Political Life in Turkey) (2005, 2006) and various official documents of the European Commission such as the Progress and Regular Reports in the 2000s.

As an overall assessment, one can conclude that political commitment to gender equality policy in recent years has been more 'superficial' than 'essential'. It often appears to be in response to international pressures, such as the EU and the UN CEDAW requirements, and national civil society demands when these become too vocal and/or visible to ignore. The 'pick and choose' or 'back and forth' attitude that has characterised much of the governmental action on gender equality since the 1990s is also a consequence of the constant tension between the gender equality standards of modernist groups and conservative (sometimes Islamist) worldviews in the country. Consequently, Turkey still lacks a comprehensive systematic gender equality policy and the political will to implement such policy.

Regarding the policy document analyses on gender equality in the issue of general legislation and machinery, gender equality as the idealization of the equality between men and women appears as the dominant frame in most of the documents analyzed. The inequalities in practice are considered detrimental to the principle of gender equality and the removal of these inequalities is seen as important for the promotion of gender equality. The major legal reforms and measures to ensure gender equality in practice such as the Constitutional amendment to Article 10 are strongly emphasized in governmental voices. Turkey's willingness and commitment to democratization and EU membership becomes significantly visible in the justification of the adoption of the major legal regulations and changes and the notions of the Copenhagen Criteria, EU Criteria or EU Harmonization Process are taken into consideration as important reference points. Although "*de jure* equality" has always been ensured by the Constitution, the amendment of Article 10 of the Constitution in 2004, for example, was reasoned according to the EU accession requirements by the government. This reasoning created an opportunity for the opposition party, as well as many women's NGOs, to go beyond the EU requirements and demand "positive discrimination" following the amendment of Article 10. It is possible to suggest that although relevant EU directives did not demand the change towards positive discrimination in Turkish legislation, several societal actors used this opportunity (i.e. the EU conditionality argument) to argue for their measures to ensure a progressive approach towards gender equality in Turkey. Related to this, democracy appears as an important frame for the

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rights, including in the family. In this regard, the Code recognizes marital rape and domestic violence as crimes and aims to fully protect women's bodily integrity. The new Code adopts an extended definition of rape and criminalizes genital examination (i.e. virginity control) done without the consent of the public prosecutor and as part of a criminal investigation. The latter provision, despite bringing clear improvement to the previous situation, still fell short because it does not require 'women's consent' as a prerequisite for all genital examinations.

achievement and promotion of gender equality. References to 'economic and social developments' are also present in the general legislation and machinery diagnosis analyses.

With regard to general legislation and machinery prognosis, however, 'equality/gender equality', 'democracy' and 'development' emerge as the leading underlying norms, followed by references to 'rights, liberties and freedoms'. The gender equality frame in general legislation and machinery prognosis involves the idealization of equality between men and women, removal of existing inequalities and practices that discriminate against women such as honour killings and the improvement of efficiency and effectiveness of the Gender National Machinery. The human rights frame is also present as a second common frame. Other minor frames are identified as 'economic development', 'capabilities and well-being' and 'democracy', which is understood as a norm referring to the ideas of citizenship, and rule of majority are identified as minor frames.

Other inequalities:

The only exception to the state's general equality legislation is minority rights, defined in the Treaty of Lausanne in 1923. According to this Treaty, which is viewed and cited as the fundamental international law document legitimizing the foundation of the Turkish Republic, Armenians, Greeks and Jews were recognized as 'non-Muslim' minorities living in Turkey. Articles 37 to 45 of the treaty stipulate basic principles for the protection of these minorities, which include the right to use their own language, run their own schools, and maintain their social and religious institutions. [75]

With EU candidacy during the late 1990s, an increased attention to other inequalities has emerged in Turkey. The political criteria for accession, as laid down by the Copenhagen accord in June 1993, stipulate that candidate countries must have achieved "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities." Between 1999 and 2004 Turkey adopted many laws and policies in order to comply with EU directives on 'human rights' and 'minority rights'.

In the 2004 Recommendation Report of the European Union to Turkey, it was concluded that Turkey was displaying serious shortcomings in terms of the protection of non-Muslim and non-Sunni minorities and their right to pursue their culture, religion, and language, and right for association. These conclusions are directly related to the Kurdish people, to Christian religious institutions on which certain property right restrictions are applied, and other religious minorities in Turkey.

Categorization of the population on an ethnic basis, for whatever reason including policy making, is not legally or politically possible in Turkey. However, regional development policies and plans have from their onset in the 1960s and 1970s acknowledged differences in the level of development in different regions of the country. Consequently, policies with potential impact on Kurdish issues have been developed ostensibly with regional priorities.

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[75] Some have argued this state-policy to be a continuation and strategic use of the Ottoman '*millet*' system, according to which only religious difference constitutes a ground of separate cultural community. The modern Turkish state, which was established as a secular entity, was expected to facilitate the construction of a homogeneous Turkish nation. The extent to which that aim has been reached is questioned by some, but also the goal itself has been increasingly criticized for excluding rights of other non-Muslim groups, such as Assyrians and Yazidis as well as Muslim minorities such as Alevis, not to mention ethnic communities such as Kurds and Laz people living in Turkey.

In the 1990s, a massive number people from the South-eastern and Eastern region of the country have had to leave their villages and migrate to cities and other parts of the country due to the effects of the armed conflict between the PKK and the Turkish military. Public authorities did not adequately consider the implications of this 'internal migration' for a long time. In early 2000s, the problem was finally addressed and became an area of policy development. Several polices such as Return to Villages and Rehabilitation Project (*Köye Dönüş ve Rehabilitasyon Projesi-KDRP*), the Law on Compensation for Damage Arising from Terror and Combating Terror- Compensation Law (5233 *Sayılı Terör ve Terörle Mücadeleden Doğan Zararların Tazmini Hakkında Kanun-Tazminat Yasası*), and the Van Action Plan within the framework of the UN Development Programme were adopted by the state. While these policies have effects in improving the protection of mostly Kurdish citizens' rights, it has been argued that they are formulated "within the framework of a depoliticized policy discourse centred on 'regional development' which is taking shape in the course of the interactions between the Turkish government, the EU and the UN."[76]

When we consider legal regulations on the rights of non-Muslim and non-Sunni minorities, we see that their content is ambiguous and controversial as well. While Alevis[77] constitute the largest non-Sunni group in the country, they are not recognized as a religious minority. Since its inception, the state institution 'The Presidency of Religious Affairs' has had a structure dominated exclusively by Sunni Muslim groups and their concerns operate on the principles of a Sunni interpretation of Islam. Although it is a state institution obliged to service the religious needs of all Turkish citizens, recently the Alevi movement have increasingly voiced difficulties in opening their own places of worship. They demand their religious gathering places (*Cem Evi*) be given the same status as the mosques, churches and synagogues so that they can benefit from state-support for their opening and maintenance. Moreover, Alevis criticize the compulsory religious courses in public education on religion and ethics arguing that in effect these courses contain instructions on Sunni Islam. Some consider compulsory religion classes as inconsistent with the official state secularism and call for their removal from the curriculum. For others, inclusion of information on Alevism within the existing curriculum would be sufficient. A case was brought to the European Court of Human Rights by the parents of an Alevi student who objected to their child's compulsory attendance in religious courses based on Sunni Islam. They complained that compulsory religion classes did not comply with the provisions of the European Convention on Human Rights. The Court ruled in favor of the plaintiff, arguing [f]amilies have the right to interfere with the education of their children and mandatory religious classes violated religious freedom and the right to education. [78] Yet the problem is still not resolved at the policy level.

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[76] Ayata and Yükseker, state that "this discourse is depoliticized since it disentangles the phenomenon of internal displacement from the Kurdish issue as a political problem and instead links it to a 'technical' agenda of development. In this process, issues of accountability, justice and reconciliation are tacitly circumvented not only by the government, but by the EU and the UN as well. Ayata and Yükseker (2005).

[77] Alevis are an Anatolian Turkish sect, which represent approximately 20% of the population of Turkey.

[78] *Turkish Daily News* 30 Aug 2007.

3.2 The range of the meanings or frames in non-employment

In the issue of non-employment, what kind of an approach is present in terms of gender equality? Are there differences between areas such as equal treatment and reconciliation between work and family life? What are the impacts of such divergences on gender equality and the effectiveness of gender equality policies? To what extent does the EU have an impact on gender equality policies in Turkey? What does this impact mean for the national actors? How do they react to such an impact? How do different societal actors perceive and act upon gender equality policies in the field of employment and/or non-employment (regulation of conditions of withdrawal from economic domain)? In what ways can they react and re-shape the policy at issue when they have conflicting or contrary agendas? This section will address these questions in order to understand and to assess multiple meanings of gender equality in the field of employment in Turkey.

In the Turkish context, women's economic activity has been a poorly researched area. It is evident that the overwhelming majority of Turkish women stay out of the labour market as homemakers. Furthermore, the main forms of economic activity for women, i.e. informal or home-based activities and unpaid agricultural work, have hardly become policy considerations; existing gender equality policies basically target the very limited number of employed females.

A turning point in gender + equality policies in Turkey was the Accession Partnership agreement designed to guide Turkey's EU accession. On 19 March 2001, the Turkish Government adopted the National Programme for the Adoption of the Acquis (NPAA), which set a roadmap for the country to determine the priorities for EU accession. Complying with this programme urged Turkey to prepare a new Labour Law (adopted on 22 May 2003), which aimed at meeting the changing demands of business and adopting EU Directives into national legislation.[79] Therefore, in the justification of 'gender equality' legislation, norms such as Europeanization, modernity and European employment standards are utilised.

The new Labour Law adopted in 2003 was not the subject of much public debate at the outset, and did not receive much attention from feminist groups. While the lack of feminist interest in the new Law was explained by some as due to its progressiveness in gender equality matters, others also pointed to the fact that the existing Law in Turkey was also not very discriminatory and the expectations of the new legislation were not high. The new Labour Law included the principle of equal pay for work of equal value; equal treatment as regards employment; protection of pregnant and breastfeeding women, and women who recently gave birth; the reversal of burden of proof to the employer in cases of sex-based discrimination at the workplace, and non-discrimination against part-time workers.

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[79] With these aims, in 2001, the Ministry of Labour and Social Security formed a scientific commission of nine law professors, three appointed by the Government, three by TİSK (the Turkish Confederation of Employers' Association) and one by each of the three labour confederations (TÜRK-İŞ - Confederation of Turkish Trade Unions, HAK-İŞ - The Confederation of Turkish Real Trade Unions, DİSK- Confederation of Progressive Trade Unions of Turkey). This commission had the task of preparing a new Labour Law. The Ministry of Labour and Social Security took the draft law directly to the Parliament without further consultation with social actors as the expert commission was already composed of representatives of these groups.

The main concern remains, nonetheless, as to how many women are under the protection of this law and how effectively the new law is implemented in a context where high inactivity and informal work are the dominant features of the labour market. This is a common concern expressed by state authorities, trade unions, business associations and women's organisations. Therefore, at the most general level the **gender equality diagnostic frame** refers to social structural factors bringing about gender inequality such as gendered roles in society, economic dependence and exploitation of women's labour or of particular groups of women. [80] A differing attitude can be seen between state actors, business associations and civil society organisations towards structural discrimation. Our analysis reveals that within this conception, gender inequality is considered as either a women's problem and/or a cultural problem. This framing has the elements of universality; it recognizes women as the main group of victims, and that the problem of unemployment is a public matter. Negative factors having impact on women's employment like low levels of education, insufficient vocational skills, societal norms and traditional gender roles are often elaborated by the different actors. Norms like cultural traditions and level of societal development are invoked in the justification of this position. However, this approach somehow externalizes gender inequality by attributing it to the socio-cultural level. It lacks a gender equality approach with concrete policies aiming to transform gender relations. Women's organisations, on the other hand, point to the structural problems causing gender equality and demand policy interventions to transform existing gender and work relations. Another frame in the conceptualization of gender equality is economic development. Accordingly, women's equal access to the economic domain is seen as necessary for the cultivation of the Turkish economy, for the creation of a competitive and efficient economy in a global world.

Against this background, **gender equality as a prognostic frame** refers to the closing of the gap between the sexes and creating more opportunities for women. In line with this objective, programmes and services for increasing women's employability, 'flexible' and 'part-time' employment possibilities and provision of non-traditional jobs to women are suggested as policy instruments. Flexible and part-time work legislation is especially demanded by the employers.

Therefore, in the Turkish context, it is possible to argue that gender policy has been predominantly on the creation of equal opportunities and is mainly concerned with the effective implementation of legal provisions. As part of gender equality policies, the issue of **equal pay** is secured in the Constitution and the new Labour Law. This is the most progressive change that the new legislative reform brought in. In the long run, these provisions may have positive impact on women's activities in the labour market. However this legislation lacks the support of a positive discrimination /quota policy for women and is insufficient in tackling the implementation of equality during recruitment, training etc. Similarly, there is no provision in the legislation and ensuing labour policies to address the gender pay

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[80] Problems are broadly addressed in policy reports, parliamentary debates and civil society texts. Problems emphasised are low levels of employment, decreasing labour force participation rate, and forms of employment (unregistered work, underpaid work, unpaid work, and agricultural work), with the unequal status of women. Texts produced by state actors and employer organizations point to the problems in practice rather than legislative arrangements.

gap with a view to eliminate it. Obviously, the future impact of the legal reform rests on how effectively these problems are handled.

The sub-issues selected for QUING- analyzing Tax-Benefit Policies, Policies on Care-work and on Reconciliation of Work and Family Life- are thus deemed relevant with respect to this limited conception of gender equality in the field of employment.

The **tax-benefit system** of Turkey has treated women and men differently for a long-time and has conventionally included protective provisions for women.[81] It can be argued that the unequal treatment of male and female dependents reflects the existing traditional gender roles and ideology and supports women's dependence on men. These policies, it is argued, encourage women's reluctance to join the workforce, support their exit from the labour market earlier than men, and lead to lower retirement pensions for women. At the same time, however, in a social environment where most women stay out of the labour market, the provision of social security to non-employed women is deemed as necessary as a requirement of the 'social state'.

For these reasons, the supranational interventions have had a dramatic impact on Turkey's gender equality arrangements in social policy provisions. The gender difference in the retirement age did not comply with the Council Directive 86/378/EEC of 24 July 1986. As a result, the new Social Security and General Health Insurance Law was approved by the Parliament in 2006 which radically transformed the pension and health system and aimed to bring together the fragmented structure of social security institutions under the auspices of the Ministry of Labour and Social Security. The law proposes a graded system whereby the equalization of retirement ages at 65 is planned for 2048. It also includes the introduction of a state contribution to the social security system along with those of employers and employees.

The new Law has created a great deal of debate and controversy in the Parliament and the public. The IMF has been a dominant political actor, calling for the social security reform on the basis of financial concerns rather than social rights. The government also voiced financial concerns in its arguments underlining the need for social security reform. These arguments, however, failed to convince the opposition.[82]

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[81] For example, in the case of survivor's benefit eligible dependents have been designated as the spouse, children of both sexes under age 18 (age goes up to 20 if in secondary education, and to 25 if in higher education. Also, while male offspring over 18 do not have the right for the survivor's benefit unless he is disabled or suffering from an incurable sickness, an unmarried, unemployed, widowed or divorced daughter of any age is counted as eligible. In the latter case, she must be without insured employment and not receiving any social security benefits in her own right. Similarly, women and men had different retirement age until May 2008. In both the Law on Social Security and the Law on Civil Servants the age of retirement was set as 58 for women and 60 for men. These limits are being progressively equalized with the new legislation.

[82] The members of CHP (Republican People's Party) did not participate in the final parliamentary debate during the approval of the Law. This opposition was supported by the general public and organized interest groups such as TTB (Turkish Doctors' Union), trade unions and even the President of the Republic, who vetoed the law in May 2006. The Parliament overrode the President's veto in the second round and voted the legislation into force. Then the President with a group of members of the Parliament took the Law to the Constitutional Court with the argument that the relevant articles on retirement age and the requirement of 9000 days of active work are contrary to constitutional provisions. The Court took the decision for the abolition of these two articles on 15 December 2006. The reform was originally intended to come into effect on Jan. 1, 2007. The Labour Platform, including the Confederation of Turkish Labour Unions (Türk-iş) as its primary actor, organized a partial strike and work restrictions to force the government to withdraw its social security reform package and to make some compromises. Due to widespread reactions, the government decided to start negotiations

The debates on this reform mainly concerned social rights and neo-liberal policies endangering the welfare provisions of the state. Within this perspective, mainly voiced by trade unions, gender equality is conceptualized within a general framework of collective rights. Further, structural problems are seen as areas needing the state's active intervention. The implications of these policy developments for women have been limited as the proportion of women covered by any social security system and having the right to a pension is very small. Also, granting women with the same rights as men is considered by some as creating further inequalities for women. For example, the equalization of the retirement age at 65 may discriminate against women since in the absence of social structural and cultural changes women tend to stay in the labour market for a shorter period of time and their social security contributions are not paid during the unpaid maternity leave period. As a result, delayed retirement would further disadvantage them.

A gender equality approach based on sameness has been introduced into the social security scheme in Turkey. However, to the extent that transformative policies aiming at gender equality in other spheres are absent, such an approach promises little, if anything, for the majority of women in the country.

This problem is further evident when policies on **reconciliation of family and work life** are considered. The new Labour Law covers regulations on maternity leave, and flexible and part-time work that may influence women's attachment to the labour market by introducing flexible working hours. Granting social and job security to part-time and flexible employment is expected to bring many economically inactive women into employment and thereby reduce female non-employment. However, part-time work is not a prevalent type of employment in Turkey and most of women's flexible and part-time work takes place in the informal sector. Therefore, as the law does not rest on social reality but rather on prediction of future rises in women's part-time and flexible work, it lacks the capacity to offer any improvement in the area of non-employment. This argument is validated by the fact that since the new Labour Law was enacted in 2003 the rate of female part-time employment has not shown any noticeable change. These provisions were introduced in a parcel of legal reform mainly demanded by EU accession requirements and were not motivated by a real concern over the reconciliation of family and work life for working women and men in the specific context of Turkey.

In Turkey's attempt to comply with EU Directives a draft law was prepared in 2005 to include **parental leave** provisions that are designed to promote equal opportunities for women. In the European context, parental leave has been an important element of the reconciliation of work and family life and seen as a potential challenge to the conventional understanding of parenthood in which women are seen as naturally responsible for raising children. A demographic concern was also present in this regulation. Parental leave regulation has not only been designed to change the gendered nature of the area of non-employment by delegating some caring responsibility to men but also to respond to problems such as ageing population structures and low fertility rates.[83] In the Turkish context, the

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with concerned parties. A partial compromise was reached on some issues between trade unions in March 2008 and the New Social Security and Health Law was adopted on 17 April 2008 by the Parliament.

[83] Lombardo and Meier (2007).

parental leave proposal has not yet become law even though it has been extensively discussed in different commissions at the Parliament.[84] TİSK (Confederation of the Unions for Turkish Employers), the leading employers' association in the country, expresses its opposition to this legislation with the argument that granting fathers parental leave may not lead to their greater involvement in the care of children. They argue that the Council Directive on parental leave is in response to the problems of the ageing population and declining birth rates, which are mainly irrelevant for Turkey where there is an abundance of women who are not employed.[85] Therefore, in the debate on parental leave, the employers' discourse does not have any reference to gender equality but to economic parameters like efficiency. Women's NGOs have supported the draft law and pressed for the urgency of passing the parental leave law with the argument that it would eventually affect and challenge the existing conception of gender roles in which childcare is seen as the sole responsibility of mothers.

This transformative approach is also present in policies on **care work and informal work,** which are the main activities of women in Turkey. The existing childcare and elder care facilities provided by the state are not sufficiently comprehensive to challenge the domestic division of labour and free women's labour to enable their participation in the market. House-bound women responsible for the duties of care and domestic chores emerge as the main actors in the informal sector, performing mainly home-based work. The ineffectiveness of existing regulation which results in a lack of child-care services is criticized for this situation. It is argued that the existing regulation, by taking into account only the number of women employees in workplaces as a precondition for opening day care centres for the children of workers, assumes the mother to be primarily responsible for childcare. It is argued that this regulation has negative effects on women's employment by leading to fear over an increased number of female employees due to the additional expense of day-care centres (i.e. an unwillingness to hire women).

3.3 The range of the meanings or frames in intimate citizenship

In terms of the construction of gender relations, the intimate sphere is considered as one of the key domains. In order to understand the impact of such constructions in terms of the formation and maintaining of gender (in)equality in other domains, a focus on policies on sexual, reproductive and couple relations is offered by the QUING project. Within this perspective, this section aims to contribute to the understanding of gender equality policies

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[84] The discussion of the draft law took place under the roof of Parliament, specifically in the EU Harmonisation Commission, Health, Family, Work and Social Affairs Commission and Planning and Budgeting Commission, in 2005. When preparing their reports all three commissions discussed the draft with the bureaucrats of the General Directorate for Women's Status, experts from different NGOs (trade unions, Turkish Doctors' Union), and bureaucrats from various other Ministries. All commission reports supported the draft, which gives each spouse a six-month period of unpaid parental leave.
[85] In the recommendations of TİSK's Women's Employment Summit in 2006, there was no mention of parental leave, indicating the reluctance of employers to support the legislation. Following this Summit, women's groups in February 2006 published a common press release, stating that parental leave should be included in the national legislation and every private and public institution should take responsibility for the enforcement of the legislation.

within intimate citizenship by responding to questions such as: What are the underlying norms of policies regulating intimate relations? Do they target individuals, and are they formulated around individual rights, or around the family as an institution? What are the impacts of such formulations on women? Do policies in the area of intimate citizenship reproduce traditional gender roles or aim to transform them; are they based on an agenda of gender equality? To what extent do the EU and other international actors have an impact? What does this impact mean for the national actors, specifically the women's movement? How do different societal actors perceive and act upon gender equality policies in the field of intimacy?

As it was argued in the previous sections, the gender equality approach of the Turkish state has conventionally been based on equality of women and men (with the same rights) in the public sphere, without necessarily changing traditional roles in the private domain. From the perspective of the state, traditional attitudes, norms, and beliefs were only problematised when they conflicted openly with equality in the public sphere. It was only in the 1980s, with the evolution of an autonomous women's movement developed in the footsteps of the 2nd wave feminist movement in the West, that the traditional structure of the family and societal norms leading to women's oppression in the private sphere have been brought to public discussion with demands for state intervention. Since then women's emancipation and individual freedom were the most commonly implied frames within which gender equality demands were formulated.

In the 1990s, the state has started to concentrate on the issue of gender equality in family policies too. This has been due to several forces: the Turkish state's willingness to implement laws and policies in compliance with universal standards of women's human rights (CEDAW); EU demands in the accession process; and most critically the active support of the women's movement, which since the late 1990s has gained strength and experience in organisation, mobilization and lobbying at both national and international levels. These factors have contributed to the improvement of mainly legislation on family matters.

In that sense, the most important topics in the issue of intimate citizenship emerge from the general area of **marital union**. In this context, legislative reforms have been predominantly for the improvement of women's status within the family. Foremost among these has been the provision, recognition and protection of equal rights and responsibilities of women with respect to men in the private sphere (i.e. the removal of the clause that defines the husband as the head of the conjugal union). The gender equality approach adopted in the formulation of the new Civil Code is an amalgamation of three main equality approaches: equal treatment based on assumptions of the ultimate sameness of women and men; the equal valuation of different contributions by women and men; and the transformation of gender relations. However, it is not easy to say that all three approaches and their reflections in the legal sphere have been equally stressed and/or effective in all matters.

Although in terms of the juridical-legal discourse the provision of equal rights to both women and men within the family signifies an important transformation, the impact of this reform in practice cannot be easily assessed. In provisions regulating areas such as 'application for marriage' the sameness approach was adopted. These regulations in general have not received any resistance. On the other hand, regulations which introduce equal

valuation of different contributions, and some protective measures for women, as well as those reforms that are seen as transformative of gender relations within the family, met with significant resistance in the male dominated Parliament. These proposals and measures also received open criticisms from conservative religious orders and other organized groups in the process of Civil Code reform. For instance, the equal sharing of property acquired during marriage upon divorce became a basic issue of contestation. To the extent that real life gender equality can only be effectively practiced with the state's direct intervention—as exemplified in this matter—conservative political opposition to legal reforms in the intimate citizenship area has set limits on the meaning of gender equality.

With references to tradition and traditional norms, amendments in the New Civil Code were seen to be detrimental to family and society values.[86] Opposed to these arguments, 'civilization', and 'modernization' were offered as meta-frames for the justification of gender equality within family. The notion of justice was also employed by parliamentary voices that defended these reforms and by the women's movement. Feminist organisations particularly emphasized gender equality as a vision to guide all spheres.

It is also apparent that the conception of gender equality within the private sphere was only relevant for the issue of marital union in Turkey. In the Turkish context, the **gender equality diagnostic frame** designated women's rights in the private sphere *via* the family and with respect to the reparation of women's disadvantageous position vi*s-à-vis* men. Hence, issues such as **sexual rights** and **civil partnerships** were not policy issues at all.

Thirdly, since heterosexual partnership signifies the legal norm, that is the only form of officially authorized union, issues such as same-sex partnerships and gay marriages fall outside of the legal and political discourse. The criminalization of discrimination based on sexual orientation has been an ongoing demand of LGBT groups. Being more visible and organized in the 2000s, they have been voicing demands for equality and protection from Turkish governments and the EU. The analyzed texts produced by KAOS-GL show that the 'human rights' frame is employed when discrimination due to sexual orientation is opposed. 'Equality', on the other hand, is demanded from the state as the recognition of difference by the state within the framework of citizenship rights. It is also apparent that the EU has refrained from an explicit demand for legal provisions on LGBT rights and same-sex partnerships in the Turkish case although demands for gender equality on sexual orientation have been put forth by gay/lesbian groups and segments of the women's movement in the past decade.

On the issue of **reproductive rights**, a gender equality approach is identified only when policy documents address the disparities in reproductive health status, differences in access to health services between regions, and inadequacy of reproductive services in the country. In the formulation of gender equality, a women-centred approach is present (where mothers' health is problematised). The issue of reproductive rights is mostly considered within the family. The **gender equality prognostic frame** uses health-related norms like 'individual well-being' and 'reproductive health', introduced by UN documents and programmes.

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[86] One deputy argued that the abolishment of the 'head of the household' clause is contrary to Turks' need of leadership, that the family will become headless in that case.

In texts on reproductive health, an interesting discourse comes to fore in the analysis of oppositional voices on governmental policies. In November 2002, AKP (Justice and Development Party) captured a majority of parliamentary seats in Turkey's national elections signifying a political landmark for the country. Anticipations of a religious and conservative policy view caused trepidation among the country's Kemalist state elite and within the modernist circles. Although (2003-present) the AKP government has shown some eagerness to complete legislative arrangements for Turkey's EU membership, at times it has also attempted to bring a conservative, religion-based approach to legal provisions and policies on issues such as adultery, marital property regime and abortion. These attempts created hot debates in the country and marked the lines between conservative and modernist wings of society. In each of these incidents, the latter group succeeded in mobilizing reactions and severe criticisms at both national and international levels, causing the government to step back. Such tension was also reflected in our analyzed texts on the issue of 'family planning'. Parliamentary debates and civil society texts on 'family planning' reflected a juxtaposition of the Republic's modern state policy and the conservative government's family planning policy. While policy plans aimed to improve the health status of women by lowering reproduction rates, increasing awareness on use of family planning methods and services and improving state services provided to citizens in this area against the background of an 'anti-natalist' population policy, some critical actors (primarily in the government) have been giving contradictory messages.[87] Civil society actors and parliamentary voices belonging to the opposition questioned the government's discourse on family planning, reproductive health and on gender equality. In these debates, we see that most critiques are directed to the government's implicit conservative approach on family policies[88] that aim to strengthen women's traditional roles as mothers.

As stated above, sexual rights have not been part of public debate and policy discourse in Turkey. Therefore, practices like assisted conception or artificial insemination are debated only within the heterosexual family structure. State-support for new reproductive technologies that can contribute to reproductive success is only available to married heterosexual couples. Rather than being part of an individual freedom and/or choice discussion or gender equality discourse, the stress on the supremacy of family over the individuals is particularly obvious in the issue of reproductive rights.

3.4 The range of the meanings or frames in gender based violence

The aim of this section is to analyze the range of frames and meanings in the policies on the issue of gender-based violence. The focus of the analysis is on a set of questions

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[87] Most notably, the Prime Minister in a speech delivered on 8 March 2008 to the members of this party's women's auxiliaries said all women should bear 3 children, causing a major uproar in modernist/feminist circles. Similarly, the fact that the Minister of Health representing the state's 'anti-natalist population policy' has six children has been seen as conveying a contradictory message.

[88] In Article 41 of the Turkish Constitution it is stated that, "the state shall take the necessary measures and establish the necessary organization to ensure the peace and welfare of the family, especially where the protection of the mother and children is involved, and recognizing the need for education in the practical application of family planning." Although the government does not explicitly announce a change in the state's family planning policy, on several occasions the Prime Minister and the Minister of Health gave speeches which called for more reproduction.

which include: what kind of approach is present in terms of gender equality in the issue of gender-based violence?; what are the significant frames of policies regulating gender-based violence?; do policies target individuals or family/family members?; do policies in the area of gender-based violence reproduce traditional gender roles, or aim to transform them?; and to what extent do policies on gender-based violence contribute to the agenda of gender equality?

As mentioned in the issue history report, the most significant forms of gender-based violence in the Turkish case are domestic violence; honour killings; virginity tests; rape and sexual assault; forced and early marriages; and violence associated with prostitution and trafficking. While in recent years most policy debate in the area of gender-based violence has taken place on the issues of domestic violence and honour killings, the other topics have also moved in and out of the national policy agenda and public debate with considerable frequency.

Domestic violence came into the picture in the 1980s as a consequence of activities of the women's movement which played a crucial role in raising public consciousness through activities in different venues such as panel discussions, lobbying and street demonstrations. These activities also paved the way for the improvement of legal mechanisms to prevent violence against women, protect its victims and punish its penetrators. It is not wrong to say that civil society engagement on domestic violence has been important in paving the way for the development of legal and policy mechanisms to prevent violence against women and protect victims. International involvement (CEDAW and the Beijing Process) helped transform it to legislative policy. In this context, the Law on the Protection of the Family (adopted in 1998) was a critical piece of legislation providing legally effective means to prevent domestic violence and punish its perpetrators.

Although the new law made a private matter 'public' for the first time, it also revealed how the legal system's treatment of gender-based violence reflected gender norms existing in the society. As women were not perceived as 'individuals' but were defined in their collective identities as mothers and wives in social consciousness the law reflected such conceptions. While the Law on the Protection of Family made spousal abuse illegal, it aimed at protecting the harmony of the family as an institution believed to lie at the centre of Turkish society. Since then although many legal regulations and policies have been put into the practice, in most of these principles, as in the original Law on the Protection of Family, the 'crime and justice frame' considers 'family' rather than women and girls who are subjected to violence as the suffering party. In this framing, victims are not constructed in a gendered way and women are not seen specifically as the victims; rather there is a reference to non-gendered groups of people such as families, family members and persons facing the problem.

Another major step towards the elimination of gender-based violence has been taken with the adoption the New Penal Code in 2004. Containing provisions in line with contemporary international standards, the Code constituted a paradigm shift with regard to gender equality and women's human rights in Turkish legislation. With the reform of the Penal Code, most of the discriminatory articles against women were abolished and heavy penalties were provided for cases of honour crimes. This legal reform, in contrast to those that preceded it, meant a change of legal attitude towards treating women as individuals and as controllers of their own bodies. Resultant provisions were restrictions of virginity

examinations and defining sexual crimes as 'crimes against the person' rather than against 'community values' or 'morality'. In the new Penal Code, 'custom killings' were considered aggravated murders and are heavily punished. No reduction of sentence is allowed for those crimes. Clearly, this was a major improvement that aimed to bring Turkish law in line with international requirements. A 'human rights frame' characterizes the reform of the Penal Code but it should be also emphasized that in this framing the focus is not on a gender equal society but rather on an awareness of rather gender-neutral human rights norms.

The establishment of a Parliamentary Research Commission on 'Prevention of and Measures to Combat Violence against Women and Children, and Custom and Honour Crimes' (2005) , the publication of a report on the causes and measures of violence by this Commission (2006), the Prime Ministry Circular (2007) underlining the need for cooperation between different institutions and organizations as well as the National Action Plan on Combating Domestic Violence Against Women (2008) can be all regarded as important turning points in the struggle against domestic violence and honour killings. Although in all these policies there is a discourse conducted through the idealization of equality between men and women and the idea of sameness as the meaning of gender equality, the definition of the problem (violence against women) has been almost ignored. Men are never referred to as perpetrators of violence in the problem statements. It is not possible to speak of a transformative approach to gender equality or a change in gender ideologies/roles in these policies.

Many women's organizations such as Women for Women's Human Rights *(Kadının İnsan Hakları Yeni Çözümler)*, Purple Roof (*Mor Çatı*) and Women's Centre (KA-MER) are particularly engaged in combating violence. They devote a major part of their work to providing support services to victims. This civil society engagement has been of crucial importance in raising public consciousness around violence-oriented issues and reflecting basic human rights. In these efforts and discourses, apart from a human rights and justice frame, we can speak of a women centred approach recognizing women as the main victims of gender-based violence and considering violence as a public and not a private matter. Most of the texts prepared by these organizations state that the main effect of gender-based violence is the violation of women's rights. The women organizations' activities can be described as transformative because of their demands to alter social relationships and end patriarchal order, thus eliminating discrimination against women.

Media sensitivity to the issue has also noticeably increased in the last decade. In this period, it is possible to observe better and more coverage of events in the media in the area of violence against women in the domestic sphere. Also, a change of attitude in reporting domestic violence from a matter of fact and often insensitive handling of issues to more critical reporting reflecting basic human rights standards has developed. The campaign, "No to Domestic Violence", spearheaded by *Hürriyet*, an influential Turkish newspaper, which was launched in October 2004 in partnership with the Contemporary Education Foundation, CNN Turk and Istanbul Governorate Human Rights Department aimed at taking a public stance against domestic violence and initiating social transformation. These culminated in a series of legislative actions for the protection of the victims.

With regard to the documents analyzed in the country report, 'the crime and justice frame' and 'human rights frame' are dominant in the definition of problems. The 'crime and

justice' frame becomes apparent especially in Parliamentary debates and governmental policies such as the adoption of the Law on the Protection of Family. Other minor frames such as 'gender equality', 'democracy', 'civilization', 'women's health' and 'society's well-being' are also mentioned in the policies on gender-based violence.

At the most general level, the gender equality frame becomes visible especially in the civil society texts. It refers to an awareness of social structural factors such as power inequalities between women and men, gendered roles in society, and women's economic dependency in the definition of the problems. In the definition of solutions, again, 'the crime and justice frame' is present in all policies including removal of the deficiencies in the legal measures; legislative improvements and effective implementation of laws. The gender equality frame in the prognosis on gender-based violence, however, encompasses different solutions such as recognition of gender-based violence, legal sanctions for perpetrators, state provided services for the victims, raising public awareness, coordination of different state agencies at the national and local level and providing protection and shelter to victims.

3.5 Summary and Comparison

Upon on our analysis of the meanings of gender +equality policies in general legislation, gender equality machinery and in the areas of non-employment, intimate citizenship and gender-based violence, the following conclusions can be drawn. Gender equality basically means the principle of equality between men and women in terms of having the same rights. In the public realm in the Turkish state some of the main axes of this definition of gender equality are ensuring equality between men and women; improving women's status; restructuring the legal system; adopting legal regulations; and measures to remove inequalities and promote gender equality.

Gender equality policies of different contents and concerns mainly deal with the improvement of women's status and conditions in **general gender equality legislation and gender machinery**. Therefore, although, gender equality is invoked as an end in itself, gender inequality is seen commonly as a problem of development, modernization (westernization), or democratization. Another common feature is that gender equality is seen in terms of a vision with prominence of 'sameness'. Concerning other inequalities, the employment of human rights, minority rights and democracy discourse is common from the 1990s. In this process, international actors such as the EU, UN and European Court of Human Rights have had an impact along with state's willingness to strengthen democracy in the country.

In Non-Employment, it is not possible to say whether gender is used as a biological or a social construction. There are, however, some deviations between types of documents. In laws, the conceptualization of gender as a biological distinction is more common--(this becomes visible in regulations on maternal leave and on child-care services). In policy plans and parliamentary debates, on the other hand, social consideration is more frequent. In laws and policy plans, "sameness" and "equal treatment" are respectively the most frequently mentioned conception of gender equality. Again, while gender equality is mentioned as an end itself, in many analyzed texts existing inequalities are problematized with reference to economic development, modernization and equality in general. When we consider the

argument that policies to support the reconciliation of work and family life have the potential to constitute a transformation of gender relations, we see that approach is lacking at policy level. Apart from women's organizations demands for equality in the domains of both care and employment, according to Stratigaki (2004) for state and economic actors these policies are less about sharing family responsibilities between women and men and more about encouraging flexible forms of employment.

The meaning of gender equality in Intimate Citizenship is more fragmented. In the Reproductive Rights sub-issue, gender equality means eliminating unequal conditions from which women (and women in particular regions) suffer. In that sense, it is a means for reaching a policy goal (socio-economic development). For the sub-issue of Regulations on Marriage, gender equality acquires differing meanings: sameness, equal valuation of different contributions as well as transformation. The target group is mostly heterosexual couples and the location where gender equality is to be achieved is the family.

Protection of women's human and bodily rights, taking preventive and protective measures to combat gender-based violence, eradication and prevention of any act of violence against women and transformation of patriarchal structures are examples of gender equality policy appearing in the issue of **gender-based violence**.

It is notable that apart from a few texts prepared by women's organizations, the definition of gender as a social construct is almost absent in the texts we analyzed for the country report. In the issue of gender-based violence for example, most of the documents do not invoke gender as a social construct. In most of them, it is not possible to understand whether gender is seen as biological or social. They seem to imply a biological concept i.e. almost equating gender with sex. This is different for civil society texts, which clearly focus on describing gender in social terms and have a well-defined notion of gender equality.

The principle of equality between men and women has been the main tenet of the Turkish modernization and the Turkish state. Turkey's willingness and commitment to democratization and EU membership function as further instruments in reaching the aim of an equal and democratic society. In this sense, gender equality is not only to be achieved for women but also for the state. In all texts, the state, society and women are considered as the main actors responsible the achievement of gender equality.

Yet notably the demands for the promotion of gender equality come from voices such as the women's movement, and women deputies in the Parliament, indicating that "women" are disproportionately held responsible for gender equality.

At this point, it should be mentioned that although women's organisations have been able to raise a single voice on critical issues such as law reform, and organise and react to developments, there are significantly different tendencies in the movement. While the secularist women's movement operates with the vision of sameness, the feminist and the Islamists have both, from very different perspectives, emphasized the equal valuation of difference (equity). Thus, within the women's movement as a whole, there is a tendency to prioritise sameness in rights and positive discrimination as recognition of difference. An ultimate aim of transformation of the patriarchal order (albeit the presence of very different conceptions and idealized social relations existing for various groups) is shared by all.

4. The range of intersecting inequalities and implications of different versions of intersectionality

In the Turkish context, ethnicity and religion (in the sense of Islamist vs. secular; as well as Alevi vs. Sunni) are the most significant inequalities intersecting with gender. While addressing these differences directly contrasts with the unitary character of the Turkish state, there is an obvious increase in the incorporation of intersectionalities into discourses and policy discussions in recent years. These discourses and policy discussions, however, are still not translated into policy formulations. This is why our document analyses cannot reflect these axes of intersectionality.

In the area of general gender equality and machinery, we see mention of regional differences (referring to South-eastern and Eastern parts and rural areas of the country) intersecting with gender. In the area of non-employment, marital/family status, the employment status of women and urban/rural appear to be the most important inequality axes intersecting with gender. In the area of intimate citizenship, similar to non-employment, marital and employment status are problematized as causing inequalities for women. A marginal focus on citizenship is also present in policy texts in intimate citizenship. In the area of gender based violence, ethnicity appears as the most significant intersecting inequality axis with gender in the sub-issue of honour killings. For example, in the report of the Project for the Development of Permanent Methods in the Struggle against Killings in the Name of Honour in the South-east and East Anatolia by Women's Centre (KA-MER) analyzed for the country report there is a reference to the notion of ethnicity as one of the important components of the problem without any reference to the concept of intersectionality. In parallel form, in the Fourth and Fifth Shadow report of Turkish NGO's to CEDAW (prepared under the coordination of Flying Broom) several inequality axes such as age, marital and economic status and religion are superficially mentioned.

With regard to policy document analysis, intersectionality refers to the existence of structural inequalities such as age in forced and early marriages, ethnicity (in a latent form) in honour killings, and marital status, income level, and citizenship status in trafficking. Those are axes of inequalities which might prevent individuals' access to legal rights. In the Turkish context, terms implicating intersectionality refer to vulnerability such as the low access to education of girls living in the eastern region or non working married women suffering from material deprivation after divorce.

Women's organizations do not engage actively with other intersecting inequalities, particularly with regard to those that have a legal and legitimate presence in society. One exception is feminist organizations' engagement in the sexual orientation issue and their cooperation with gay and lesbian groups. Many of the most important women's/feminist civil society organizations such as the Turkish Women's Association (*Türk Kadınlar Birliği*), Association for the Support and Training of Women Candidates (*Kadın Adayları Destekleme ve Eğitme Derneği* -KADER), Women for Women's Human Rights- New Ways (*Kadının İnsan Hakları- Yeni Çözümler*), Purple Roof (*Mor Çatı*), Women's Solidarity Foundation (*Kadın Dayanışma Vakfı*) and Women's Centre (KAMER) engage in lobbying the state particularly for legal reform and campaigning in civil society for awareness raising. Many have local branches at the provincial level and engage in building institutional bases in places where they do not

have presence. Those NGOs that are particularly engaged in violence devote a major part of their work to building and running shelters and providing support services to victims.

While the women's organisations do not specifically take intersectionality into account, with the appearance of different women's groups (Islamic and Kurdish) on the public scene there are now also a number of civil society organizations that defend the interests of specific groups of women.

The voice of Kurdish feminism appearing through different magazines (even if for a short period of time) pushed feminists to recognize differences between women and attend to such differences. More importantly it fostered the emergence of several organizations aiming at solutions for women's problems by taking differences into consideration, particularly in the South-east. The Women's Centre (*Kadın Merkezi* -KA-MER) established in Diyarbakır in South-eastern Turkey is a well-known example of this. The organization aims at supporting Kurdish women who are confronting family and community violence as well as raising consciousness around women's issues and informing women about their rights. In its struggle against honour killings, it localizes feminism in a Kurdish cultural environment and contributes to the development of a democratic culture.

With regard to Islamist women's activism, over 300 Islamist women's associations, foundations and groups are known to exist. Among these Rainbow Women's Platform (*Gökkuşağı Kadın Platformu*) composed of 46 groups working in İstanbul and Plane Tree Women's Platform (*Çınar Kadın Platformu*) are active.[89] Two other groups are Capital City Women's Platform (*Başkent Kadın Platformu*) and Women's Rights Organization against Discrimination (*Ayrımcılığa Karşı Kadın Hakları Derneği*-AKDER) which have become more significant not only in protesting against the headscarf ban in universities but also in struggling against what they argue to be 'inaccurate' and 'patriarchal' interpretations of religious texts and traditions.

It appears that civil society organizations in the Turkish context are better at doing intersectionality and at articulating the different interests and inequalities of different groups than state bodies. It is likely that this situation is due to the unitary state structure and its ideology which creates major difficulties in terms of the state's responsiveness to differences.

5.1 Inequalities in general gender equality legislation and gender machinery

General Legislation:

In Turkey, it is difficult to speak about the relationship of gender equality with other inequalities in relevant policies or policy documents. In this context, one example of the invisibility of such intersectionality would be the Law on Disabled People and on Making Amendments in Some Laws and Decree Laws (Law No. 5378) adopted in 2005. The Law does not refer to gender differences or to disabled women as a category, but rather displays a family-focused approach to disability, defining the role of disabled women in relation to family. Although the Law stipulates positive discrimination in order to narrow the social and economic gap in respect of disabilities within the society and sets regulatory measures in that direction, it keeps a distance from approaches that could favour one sex over the other and

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[89] Kerestecioğlu (2004:93).

create 'unfair competition' among the disabled people. It abstains from measures that could favour disabled women on the grounds that a societal consensus on justification for gender-based positive discrimination does not exist.[90]

The relationship between gender and disability, nonetheless, is one of the visible intersections of inequalities that can be detected in the Turkish context. While from the legal or political point of view it may be hard to pinpoint this connection, judging from a number of activities [91] that have been organized under the specific title of 'disabled women' such consciousness clearly exists.

Another important issue in considering the relation between different inequalities is the 'headscarf' issue (as mentioned in the section on Turkish state formation and feminism). The controversy over the headscarf issue and its implications *vis à vis* women's roles is a major public controversy in the country regarding the intersection between gender and religious identity. Several legislative attempts to design and create specific policy to regulate 'headscarf'-wearing in higher education (and public employment), where it has been banned for more than 70 years, have been made by various governments since the mid 1980s. These attempts have comprised passing by-laws (1982), national legislation (1988) and finally amendment of the Constitution (2008). Also carried to the international arena with appeals to international legal and women's rights institutions such as European Court of Human Rights[92] and UN CEDAW Committee[93], claims on these grounds have met in both cases with decisions in favour of the state's position i.e. the ban. In 2008, the Constitutional Court declared the initiative of the Justice and Development Party (AKP) government to amend the Constitution in order to lift the ban on headscarves in universities; the Court has ruled that such amendment would itself be unconstitutional since it conflicts with such "unalterable" provisions of the Turkish Constitution on the state's secular nature as well as equal protection of different kinds of freedoms. [94]

On the intersection of ethnicity with gender, albeit not specified as such, both internationally funded gender equality projects and national policies have long prioritized women in the East and South-eastern regions with respect to education, income generating activities, violence against women and overall improvement in quality of life. A prominent example of such policies can be found in the Prime Ministry South-eastern Anatolia (GAP) Project[95], a multi-sector and integrated regional development project from a sustainable

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[90] Seyyar (2005).

[91] Engelli Kadınların Sorunları ve Çözümleri Sempozyumu (Symposium on the Problems of Disabled Women and Solutions) Kocaeli 29- 30 Nisan 2005. Organised by Altınokta Körler Derneği (Altınokta Association of Blind People) Kocaeli Branch, Türkiye Sakatlar Derneği (Turkish Association of Handicapped People) Kocaeli Branch and Delegation of European Commission in Turkey; and Görme Özürlü Kadınlar Kurultayı (Congress of Blind Women) 28-29 June 2007. Organised by Altınokta Körler Derneği.

[92] Leyla Şahin v. Turkey (application no. 44774/98).

[93] Rahime Kayhan v. Turkey, 8/2005.

[94] 2008/16 Sayılı Anayasa Mahkemesi Kararı, (Constitutional Court Decision, 05.06.2008, published in the Official Gazette on June 13, 2008, No. 26905).

[95] The project covers 9 administrative provinces (Adıyaman, Batman, Diyarbakır, Gaziantep, Kilis, Mardin, Siirt, Şanlıurfa and Şırnak) in the basins of the Euphrates and Tigris and in Upper Mesopotamia. Overall objectives of GAP include the improvement of living standards and income levels of people so as to eliminate regional development disparities and contribute to national goals such as social stability and economic growth by enhancing productivity and employment opportunities in the rural sector.

development perspective, where increasing the status and integration of women in the development processes have been set as a priority. Also, the GAP Regional Development Administration (GAP-RDA) has identified and started a project to improve the status of women in the GAP region since 1991. In this framework, Multi-Purpose Community Centres (*Çok Amaçlı Toplum Merkezi* - ÇATOM) have been established in squatter urban settlements and central villages since 1995, in which training programmes for women and young girls on literacy, health, family planning, maternal and child health, nutrition, home economy, and income-generating activities have been implemented and social and cultural activities have been organized.

Gender Machinery:

The General Directorate on the Status of Women (*Başbakanlık Kadının Statüsü Genel Müdürlüğü* – KSGM), formerly known as the General Directorate on the Status and Problems of Women (KSSGM), is the coordination unit, responsible for coordinating governmental policy and measures on gender equality issues. However, there are no separate equality bodies in the national gender machinery including the empowerment of women, promotion of women's human rights, eradication of violence against women and promotion of women's political participation among various state actors. In terms of **intersectionality**, this institution takes part in the advisory councils of Prime Ministry Administration for Disabled People[96] (*Başbakanlık Özürlüler İdaresi Başkanlığı*) and Prime Ministry Directorate on Human Rights[97] (*Başbakanlık İnsan Hakları Başkanlığı*). The national machinery on gender equality policies does not have specific agenda on intersectional inequalities. This is because, as noted above, categorization of the population on the basis of identity, religion or culture for policymaking is not legally or politically possible within the juridical-legal discourse of the state.

In the 1990s, funding from international sources (UNDP, WB) supporting the development of gender equality policies in Turkey, especially through research and implementation projects, including government and civil society capacity building efforts, increased. International monitoring of UN CEDAW and Beijing processes, in both state and civil society initiatives, became more commonplace and effective.

The scope of activity in civil society, in most instances, does not specifically cover the relationship between gender and other inequalities. Similarly, the demand of civil society groups for policies targeting intersectional inequalities, albeit increasing in recent years, has not been very effective in general.

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[96] Prime Ministry Administration for Disabled People (TC Başbakanlık Özürlüler İdaresi Başkanlığı) established at 30 May 1997 in accordance with the Act 571 dated 25 March 1997. Its main objective is to monitor services for disabled people such that they can be delivered in a more comprehensive and effective manner and to constitute national policy and strategy in the field of disability. Besides developing coordination and cooperation between national and international institutions, defining problems of disabled people and making research in order to solve these problems is among the responsibilities of the institution.

[97] It was established with the Law on Making Changes in the Prime Ministry Organisation Law (Law No. 4643) in 2001. Its duties include: coordinate and cooperate with the institutions working on human rights; monitor the implementation of laws on human rights and coordinate the work with regards to the Turkey's efforts to align national legislation with the international requirements stemming from international agreements; and examine the applications for violation of human rights and coordinate the efforts to take measures.

5.2 Intersections in non-employment

In the texts produced by different state and civil society actors and selected for Frame and Voice analysis for the issue of non-employment, we found a focus on different employment rates amongst women. 'Class' appears to be the most frequently referred to inequality axis intersecting with gender. However, the term is not used in the way it is defined in the sociological tradition but rather only imply the employment or income status of women. Except for the speech made by Süleyman Çelebi, the President of DİSK, which is a leftist trade union, texts do not utter the notion of class at all, instead they use depoliticized terms such as low-paid women, and women as unpaid workers.

'Marital/ family status' emerges as another inequality axis intersecting with gender. A focus on the negative impact of marital status on women is present. In the issues of Care-work and Reconciliation of Work and Family Life, specifically in debates on day-care and nursery services for pregnant women employees and women employees who have recently given birth, it is pointed out that women suffer from gender inequality due to their unquestioned role as caregivers. While policy texts do not elaborate much on policies on the transformation of gender roles, civil society texts criticize the insufficiency of child-care services.

Different employment rates amongst women in urban/rural and eastern/western regions are also mentioned in policy and civil society texts. As stated in previous sections, ethnicity is not a term used in such formulations. The frame through which inequalities are explored is socio-economic development.

Disability is referred to as intersecting with gender and also in relation with class (specifically income status) in benefit policy texts. In our analyzed texts, interestingly, men are specified as suffering from gender inequality for not receiving survivor's benefit. However, we have to note that this is a very particular situation in the general tax-benefit scheme. The Constitutional Court decision, rejecting the lower Court's application for the elimination of such unequal treatment, is based on the fact that most women in the country are not covered by the social security system through employment but through their dependency status.

5.3 Intersections in intimate citizenship

The intimate citizenship debates refer to the crystallization of demands of social movements, particularly 'lesbian and gay' movements since the 1980s, for the transformation of the classical notion of citizenship with regards to sexual identities, bodily rights and intimate relations in the European and U.S context.[98] As explored in previous sections, such a discourse has not become part of a policy discussion in Turkey. In the Turkish context, LGBT movements are associated with demands for the criminalisation of discrimination based on sexual orientation and protection against offences towards homosexuals,

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[98] The definition and the claims for 'sexual/intimate' citizenship are debated in Western Europe and the U.S. The promises of such claims in terms of their potential to transform gender relations, and norms of heterosexual relationships, and the meaning of gender and equality in these discourses are questioned. See Richardson, (2000); Walby (1990); Brown (2005).

transvestites and transsexuals since the 1990s. During the 2002-2004 Penal Code campaign, for instance, LGBT and women's groups acted together to voice their demands. In 2007, when the AKP government initiated debates on Constitutional reform, LGBT organizations expressed their demands for legal recognition of sexual identities by calling for the inclusion of an explicit ban on discrimination based on sexual orientation in the Constitution. Their demands were ignored by the policy makers.

It is not possible to find many studies on intersecting inequalities with sexual identities either; largely we have to rely on the information collected and provided by LGBT organizations and reports prepared by human rights' organizations. In the 2008 Report of Human Rights Watch, the prejudiced attitude of public officials in the treatment of cases concerning gays, lesbians, transsexuals and transvestites is noted. While male sexuality is seen as an assault and a threat to masculinity in the Turkish tradition, it is stated in the same report that "courts lower the sentences they impose on killers of gay men because they conclude the men's gayness itself 'provoked' the killers."[99]The Human Rights Watch 2008 Report also claims that in such cases the attribution of violent tendencies to the LGBT community is common; hence marginalizing, externalizing and somehow essentializing the problems of these citizens.[100]

Lesbian relationships are more likely to be invisible within society and in comparison with male homosexuality they might be less perceived as a threat to 'femininity'. However, 'visibility' may still make lesbian or bi-sexual women more vulnerable to sexual harassment and exclusion from social relations, but there is no reliable data/research on the issue.

Transsexuals and transvestites appear to be the most disadvantaged group in the country by being the most 'visible' and 'abnormal'. Even though sex reassignment surgery has been permitted since 1988[101] and male-to-female postoperative transgender people could have all legal rights including the right to get married[102] by obtaining a female identity card (the 'pink card'), they are reported to face discrimination in every sphere of life. Transgendered people's difficulties with access to employment are often cited as reason to work in the streets as sex workers, leading to further problems of social exclusion, humiliation and harassment.[103]

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[99] Human Rights Watch 2008. "We Need a Law for Liberation" Gender, Sexuality, and Human Rights in a Changing Turkey. New York. http://hrw.org/reports/2008/turkey0508/

[100] The report gives an example of such an attitude where the leading former Istanbul deputy police chief Halil Yilmaz argued that: "in our country, homosexual homicides do not result from discrimination. The violence is not against homosexuals, but between homosexuals." pp. 10.

[101] The New Civil Code (2001) made sex change procedures considerably more difficult compared to the former Civil Code, which was amended in 1988 (Law No 3444, Article 29). The person who is willing to have a sex change operation is required to be over 18, and unmarried, obtain an official medical report from a teaching hospital to prove that he or she is transsexual by nature, that a sex-change is absolutely necessary for his / her mental health, and that he or she is chronically infertile. After the sex-reassignment surgery, the operation needs to be approved by a further official medical report for the authorisation of the court. Only after the issuance of authorisation, according to the New Civil Code, can the transsexual person apply for the necessary corrections in her or his civil status.

[102] It is interesting that the conditions of female-to-male transgender people are not specified in any of the texts. Whenever transsexuality is invoked, it generally denotes a transition from male to female sexual identity.

[103] As it is noted in the Human Rights Watch Report, transsexuals are subject to discrimination in sex work as well. Whereas prostitution is legally permitted in the country when women register and acquire a license for sex work, few transsexual women can gain that right to legally work in a licensed brothel.

Consequently, in Turkey, gender is constructed within heterosexual partnership norms in intimacy debates. Gender and marital status seem to be intersecting in marital union; women as the sufferers from an unequal gender regime are further disadvantaged by marriage. Existing legislation until the second half of 1990s was gender biased in terms of its treatment of married women. Regulations such as women's obligation to acquire her husband's permission to be employed, and the discriminatory definition of adultery in the Penal Code in terms of gender were amended with a gender equality approach. As the debates on non-employment have revealed, one of the most important aspects of gender equality is closely related to women's low level of employment, their employment in the informal sector or agricultural work without social security benefits. These factors contribute to women's dependence on their spouses and to the exploitation of their labour. This inequality is also pointed out in debates on the marital property regime during the adoption of the New Civil Code.

A recent focus on migration and citizenship status is emerging in policies on marital union. An amendment to Article 5 of the Constitution on equal conditions for acquiring Turkish citizenship between women and men was approved by the parliament on 4 June 2003. The amendment has had a twofold impact: on the one hand, it restored an ongoing gender inequality concerning the acquisition of citizenship by foreign men and women. On the other hand, it made the conditions of acquiring citizenship harder for all foreign nationals.[104]

The notion of 'race' is not present in debates in the Turkish context; the term itself has a negative connotation and is not used in public or policy discourses.[105]

5.4 Intersections in gender-based violence

Domestic violence, honour killings, virginity examinations, forced and early marriages, sexual abuse and rape are defined as the most common forms of gender-based violence existing in Turkey. In recent years, the most active policy debates in the area of gender-based violence have taken place on the issues of domestic violence and honour killings. Domestic violence is described by the state and state agencies as the most serious violence committed against women. Honour killings are described by the state, the media and the

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[104] Previously, a foreign woman who married a Turkish citizen acquired Turkish nationality with a declaration made to the marriage officer. (She acquired Turkish nationality 'automatically' if she lost her former nationality upon marriage or she was stateless at the time of marriage.) However, a foreign man married to a Turkish woman was not able to acquire Turkish citizenship like a foreign woman; he was entitled to a simplified naturalisation procedure. With this amendment, both sexes are required to go through the same legal procedures. In order to avoid fake marriages, however, the law does not speak of automatic acquisition of citizenship. Further, a period of three years of marriage has been imposed on couples for the application for citizenship along with the requirement of cohabitation and intention to remain married.

[105] It has been stated that there are almost 2 million people having an African descent living in Turkey. The 'Afro-Turks' who were brought to Ottoman Empire as slaves by African merchants have been mostly referred to as 'Arabs' in the country. The first organization, Africans' Culture and Solidarity Society (*Afrikalılar Kültür ve Dayanışma Derneği*) was founded by an Afro-Turk writer, Mustafa Olpak in 2006. A project on the history of people with an African descent in Turkey, "Voices Coming from a Silent Past: Being an Afro-Turk Yesterday and Today" (*Sesiz Bir Geçmişten Sesler: Afrika Kökenli 'Türk' Olmanın Dünü ve Bugünü*) supported by the European Union Commission Delegation and History Foundation (*Tarih Vakfı*) was carried out and published in 2008.

international organisations as one of the most severe forms of violence violating women's human rights.

Women are discussed as victims of domestic violence, honour killings, forced and early marriages and sexual abuse. The causes of violence are not related to specific categories, and the services around gender based violence are not directed at specific groups. Specialized policies and practices on gender based violence that address gender as intersecting with race/ethnicity, class and sexual orientation have not been developed by police, NGOs, local authorities and government. In this sense, it is possible to come to the conclusion that intersectionality is not central to the policies in gender-based violence.

The theory of intersectionality has not been discussed in the literature on gender-based violence but, as mentioned in the country report, different axes of inequalities such as ethnicity, age, sex or religion became apparent in the documents analyzed in the issue of gender-based violence. Among different forms of gender-based violence, the intersectionality between ethnicity and gender seems significant in the issue of honour killings which are defined as a customary practice (in South-eastern and Eastern regions in Turkey) where a significant part of the population is of Kurdish ethnic origin.

Several studies on honour killings in the literature make reference to the intersection of ethnicity and honour killings. Although these studies do not discuss the concept of intersectionality theoretically, they make references to the axes of ethnicity and gender in their analysis of the issue. For example, in her article "Exploring the Context of Women's Sexuality in Eastern Turkey" Pınar İlkkaracan focuses on the multi-ethnic character of Eastern Turkey to analyze the impact of customary laws on women's lives in the region.[106] She points out that most of the estimated 65% Kurdish population of the region are dominated by tribal structures, organized around big families which have the characteristics of clans (aşiret). İlkkaracan points out that while men's extra marital affairs are widely accepted and even socially legitimized in many cases through the institution of polygamy, extra-marital relations are an absolute taboo for women. The customary penalty for women suspected of such a crime is death, so-called honour killings.[107] Other studies in the same volume also give examples of Kurdish women being killed in the name of honour by male members of their own family. In one of these stories, the executioner says that "We are Kurds, we don't send girls to school. Only high-society Kurds send their girls to school".[108] At this point, it is possible to speak of a limited and rather oblique reference to the intersectionality between ethnicity and this particular form of gender-based violence.

Additionally, recent literature points to suicides among young women in Eastern and South-Eastern Turkey and discusses this phenomenon as related to honour killings. In "Women are Dying in Batman" (Batman'da Kadınlar Ölüyor) for example, Müjgan Halis examines female suicides in Batman, a town populated by Kurdish people, and considers the patriarchal family structure and the influence of the region as the main reasons behind this phenomenon.[109] Related to the problem of female suicides, in another article Mazhar Bagli

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[106] İlkkaracan (2000).
[107] Ibid. 238.
[108] Düzkan and Koçali (2000:382).
[109] Halis (2001).

and Aysan Sever analyze the living conditions of the victims.[110] It is possible to draw from these studies to argue that the suicides of women in the region can be regarded as examples of murder or forced suicides because they are closely linked to violence emanating from the understanding of *namus* (honour) and *töre* (customary law).[111]

On the other hand, it has been argued that the conception and formulation of the problem of violence against women has had limitations in terms of a gender and equality approach. For example, many studies, both on the part of state and civil society, supported and monitored by international donors, are bound by the gender agenda set by those international actors. For example, while domestic violence, by all indications, is the most prevalent form of gender-based violence in Turkey, the attention and concern of international organisations and media has concentrated on honour killings as the most important; albeit less frequent and more region-or ethno- specific form of violence. Moreover, some thinkers have pointed out that much of the analysis of honour killings:

> "has tended to externalize the problem, attributing it to tradition and/or ethnicity—a product of Kurdish and/or 'feudal culture' in South-eastern Turkey—rather than attempting to understand its relationship to modern Turkey, its structures and its institutions. As the problems of 'the other Turkey' and 'other women' are externalized, gender issues or problems that 'white Turk' women face in gender relations are often invisible or at best depoliticized in the way they are analyzed."[112]

Other inequality axes are found within the documents that have been analyzed for the country report. As mentioned in Turkey country report, the most remarkable fact is that most of the parliamentary debates and governmental texts do not address any kind of intersection of inequalities with regard to intersectionality in gender-based violence. On the sub-issues of domestic violence and honour and custom killings, in only two civil society documents; and a very limited indirect reference to intersectionality exists. On the sub-issue of trafficking, however, apart from gender, ethnicity/race, region, class, marital status, age and religion/beliefs are referred to as inequality axes in the policy report.

5.5 Summary and comparison

Drawing on our literature review, review of academic studies and policy analyses, we can argue that a focus on intersectionality is largely ephemeral, even absent, as a political discourse in Turkey. In terms of general gender equality policies, an intersectional approach is present only if the inequality axis can be formulated in terms of a 'development' and 'human rights' approach. In the issues of non-employment and intimate citizenship, family status and employment status of women are taken into consideration in policy debates.

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[110] Bagli and Sever (2003).
[111] Kuraner (2002); Pervizat (2000).
[112] Arat-Koç (2007).

Since there is no specific focus on other inequalities, it is not possible to detect a detrimental effect on gender equality policies in the country. However, as stated in the previous sections, when other inequality axes are formulated as political discourses and movements they have the potential to cause fragmentation within the women's movement.

It is not possible to assess whether the meanings of intersectionality change the meaning of gender equality or not. For the Turkish context, the general gender equality approach mainly focuses on the provision of the same rights and opportunities to women. Some structural inequality axes (i.e. education level, employment status) are considered to have an impact on gender equality. However, policies that might cause changes in those conditions are lacking.

6. Identifying changes and the relevance of different forms of intersectionality

Our analyses in the issue histories and country context studies reveal that from the beginning of the 2000s, EU candidacy has had impact on the inclusion of intersectionality as an issue in the development of gender and/or equality policies. However, analyzed documents do not reveal any significant changes in terms of a focus on intersectionality. This is because most selected documents are recent policies, dating between 2000 and 2008. A broader coverage of policies could have different results.

7. Conclusions

While the intersectionality approach is becoming an increasingly important paradigm of research in women's studies, it remains a debated concept because of its methodology that suffers from analytical confusions, already noted by several feminist scholars. While it is misleading to think of gender as an autonomous category of analysis and important to think of gender differences in connection with other aspects of identity, we should keep in mind that this way of thinking may also misrepresent the ways in which various parts of our identities are constructed because of the list of endless differences. As Ludvig puts it, "there is a silence about concrete questions such as: who defines when, where, and which of these differences are rendered important in particular conceptions and which are not".[113]

Apart from methodological concerns, another point to discuss is related to the question of whether concentrating on different inequalities can make feminism lose its main focus. Intersectionality could potentially confuse to some extent the objectives of feminism; a focus on the intersection of different inequalities can produce difficulties for the development of gender+ equality policies by fragmenting the feminist movement.

Since the establishment of the Republic in 1923, the Turkish state has implemented a politics stressing the idea of a public unified under the goal of modernization. The existence of groups that highlight class, religion, gender and ethnic differences are always considered a threat to the unitary character of the state in the Turkish politics, characterized by a strong

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[113] Ludvig (2006: 245).

emphasis on the "homogeneity of citizens". This idea of 'homogenization' is based on the notion that any difference would tend to undermine the commitment to the general interest.

This picture of politics was reversed by feminist groups in the aftermath of the 1980s. The emergence of a more fragmented and complex women's movement since the 1980s voicing itself in fragments has not only remained as a movement seeking solutions to women's problems but it has also paved the way to a transformative impact on politics. Firstly, the organization of different women problematizing the patriarchal structure of the state created an effect in terms of broadening the boundaries of secularism and nationalism. Secondly, women's support for several identity groups such as the public recognition of homosexuals and transsexuals or for religious female students in their struggle concerning school attire as well as feminists' emphasis on the idea of difference played an important role in the creation of a heterogeneous public space. In this respect, one of the most significant contributions of the women's movement and feminist groups since the 1980s has been the fact that it has given rise to a significant transformation in public life.

Although intersectionality is not prevalent, even absent, at a policy level, we can speak of a new dynamic paving the way for the construction of a dialectical relationship between the state and civil society actors. This new dynamic is of utmost importance in terms of the recognition of differences such as ethnicity and religion.

The impact of recognition of identity claims of social movements on the women's movement are twofold: On the one hand, they are detrimental due to the fact that discourses like nationalism and religion are interested in women's subjectivity for the construction of respective ideologies and they deny the internal mechanisms that oppress women; women of such activism become political subjects only when they acquire the discourse without questioning their roles. This argument is relevant for the Turkish, Kurdish and Islamist women's movement.

On the other hand however, we see that through the acquisition of political experience within social movements, women may develop a consciousness as women to act against these mechanisms. These challenges may meet with opposition or even the threat of exclusion within discourses of nationalism, ethnicity or religion. At this point, rather than a focus on the mechanisms that differentiate those women, mechanisms and strategies of alliance should be sought. The question of "how will it be possible?" has already become critical in the Turkish context.

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