

WOMEN ISSUES IN TURKEY

HILAL ELVER

1. Introduction

Women's status in Turkey has changed drastically during the twentieth century. More than any other country in the Islamic world, Turkey made an early and deliberate effort to move away from its Muslim traditions and initiate the secular form of state. Turkish women were expected to benefit from this engagement with Western values and approaches. Now with the passage of more than 70 years it is possible to evaluate this experience in relation to the impact of secularisation on the human rights of Turkish women, particularly whether the governmental policies adopted at the *institutional* level have been implemented at the *behavioral* level. The Turkish experience is of interest in its own right, but it also throws light on the more generic challenge of relying upon law and rights to overcome the constraining bonds of a traditional Islamic cultural heritage.

Debates regarding the status of women in Turkish society have occupied a central place on the political and ideological agenda of the Ottoman and Turkish State at three crucial historical moments. The first was during the period of Ottoman reforms instituted through the activities of the *Young Turks* in the middle of the nineteenth century. A second wave of debates took place in the early years of the establishment of the Turkish Republic. The third period was in the aftermath of the 1980 military coup, with women and feminism occupying an important space in the public agenda of Turkey.¹

The first and second periods have some similarities with regard to equality conferred on women by enacted law from the top.

¹ Nukhet Sirman; "Feminism in Turkey: A Short History" *New Perspectives on Turkey*, Fall 1989, 3(1), p.3.

Therefore, some authors refer to these efforts as a "*state feminism*".² The third movement is completely independent of state-oriented policy and acts in opposition to 'state feminism'. However, even in this period, the meaning of feminism should not be confused with those versions of strong feminism that call for a matriarchal orientation towards power and authority. The main political ideologies in Turkey, both Islam and the left, each have their own recipes for the "liberation of women from capitalist oppression."³

2. Historical Background

2.1. *Emancipation Efforts During The Ottoman Empire*

Emancipation of women began in Turkey in the first half of the nineteenth century. Those in favour of radical Westernisation of Turkish society asked for the introduction of monogamy, free choice of feminine garments, non-interference by the police in the private lives of women, freedom of choice in matters of marriage and the creation of a medical school for girls.

During the second half of the century, Ottoman elites, consisting of men, were preoccupied with the project of modernising Ottoman society. Bureaucrats as well as young thinkers educated in Europe had begun to discuss the meaning of the French Revolution and the new ideas emanating from it. Freedom, equality and the notion of citizenship were among these ideas. Indeed women's place in society became one major issue in the new political ideologies that were having an impact on Turkey.

Sultan Abdulhamid, who curiously enough prohibited the wearing of the carsaf (veil) instead of the ferace (duscoat), in 1883 announced that he was in principle in favour of education for women. The first women's magazine⁴, the first women's club was founded in these days. The promotion of women's institutions of higher education, discarding of veils, special lecture series for

² Sirin Tekeli; "Emergence of the New Feminist Movement in Turkey" *The New Women's Movement: Feminism and Political Power in the USA* (Ed.: Drude Dahlerup, London:Sage, 1986).

³ Nukhet Sirman; *Feminism in Turkey*, p.3.

⁴ "*Terakki*" (*Progress*, a political journal devoting a special page to women), "*Musahabe-i Nisvaniye*" (*Conversations with Women*).

women, publishing of women's photos in the daily press, etc., were undertaken. In 1914, Nisvan Darulfunun, a kind of "Women's University" was started with regular courses for women students at the University of Istanbul. But this new possibility was predominantly available to the women of the capital, Istanbul, and it was only they who benefited from these changes. All these innovations and achievements were accomplishments of members of a privileged urban elite that was seeking benefits mainly for itself.

Participation by women remained excessively low and confined to one or two big cities. Elsewhere, the social role of women remained exclusively domestic and maternal. The main target was to see women trained in a way that would make them useful to their husband. This circumstance helps to explain also why women in the Ottoman Empire concentrated their effort on gaining more personal freedom, education and rights within marriage, at a period when their sisters in the west had already started to ask for political rights.

2.2. *The Actions of Turkish Women During The War of Independence*

The more comprehensive change came about during World War I. If the Ottoman attitude regarded women primarily as wives and mothers in need of education, the wartime atmosphere constituted them as patriotic citizens. The new patriotic woman was still a wife and a mother, but she now had another mission – that of the upbringing of men who would protect the nation. The sudden and unexpected presence of Greek troops in Anatolia in 1919 started a nationwide wave of protest. In almost all cities of Turkey, open-air meetings were organised with large numbers of women present. Also a number of bold younger women joined Mustafa Kemal's forces in Anatolia, where the War of Independence was beginning. The activities of women during the war of independence had an important effect on this new identity conferred on women.⁵ Professional women became an important symbol for the Turkish Republic. Turkish middle class urban women entered new fields of activity such as employment in post office, banks, hospitals, and municipal and central administration. Despite the fact that women

⁵ Sirin Tekeli; "Kadınlar ve Siyasal Toplumsal Hayat" (Birikim: Istanbul, 1982).

had begun to contribute to the functioning of public offices, they were often forced by the police to return home if their skirts were shorter than the officially prescribed length.

However, once the war was over women returned to the home resuming their traditional roles as mothers and wives.⁶ In addition, to increased education among upper-class women, other topics began to attract attention. Contrary to the past, women not only mobilised themselves for special warfare purposes, but for the first time had also attempted to directly influence politics.

2.3. *New Turkish Republic Period*

After the war of independence, the new Turkish state convened the first Turkish Parliament in 1920. This assembly became an arena for sharp political fights. But when peace was restored a return to conventional sex roles had taken place. Society at that point did not look upon its women as equal to men. However, for Ataturk and his followers, the granting of equality before the law among men and women was a symbol to the world "about reaching the level of contemporary civilisation", which was their most essential goal.

A radical transformation in women's status started with Ataturk's reforms in the new Republic of Turkey founded after the war of independence in 1923. Under his leadership and guidance, the Turkish government paid specific attention to achieving a balance between women and men with respect to access to the benefits of social, economic and political rights. The logic behind the Kemalist approach is that goals of social transformation and development cannot be realised unless women's participation in all spheres of life is fully obtained. On this basis, a series of reforms relating to the Constitution and Civil Law were instituted.

After the establishment of the Turkish Republic the emancipatory process of women became an integral part of the national revolutionary movement. The new Turkish ethics needed to be founded upon democracy and feminism, as well as upon nationalism, patriotism, work and the strength of the family.⁷ Ideas

⁶ Sirin Tekeli; "Emergence of the New Feminist Movement in Turkey", p.p. 179-199.

⁷ Ziya Gokalp was an influential philosopher and mentor of Ataturk. His presentation of a feminist orientation helped shape the climate of opinion in this period.,

of progress, modernisation and technological advancement were also part of the new nationalism. The development of a Turkish identity was being fostered by the invocation of pre-Islamic Turkish past. In a way, the Islamic identity of the citizens of the Turkish nation had to be subordinated to other more relevant sources of identity.

Ataturk strongly believed that the modernisation of Turkish women could only be realised by the reform of two major institutions: *education* and *law*. First, Ataturk was determined to fight against the conservative forces gathered around the Ministry of Sharia and organised religion, his most dramatic move was to abolish the Caliphate in 1924 which was followed by the closing of all medreses and other separate Islamic schools.⁸ The second, important action was the "Unification of Instruction", which brought all religious and minority schools under unified control, thus enabling the leaders of the young republic to extend to both sexes the right of education.

In 1934, Ataturk, by granting political rights to the women of Turkey and later by nominating fifteen distinguished women representatives for parliament, attempted to prove to the west that he was putting his country ahead of others in the region, and that Turkey was now more advanced than some countries "with the highest level of civilisation". The political rights of Turkish women were given to them about fifteen years earlier than their French counterparts. 4.5% of the total number of parliamentarians was the highest percentage in the world, besides Finland. This, however, is the highest percentage ever reached in Turkey. Currently, only 7 out of the 450 deputies are women in the Turkish Grand National Assembly.

These strong reforms undertaken by Ataturk, especially in regard to the status of women, represented a gigantic swing towards the west, which no other Islamic society had ventured. Ataturk's reforms did not resemble the reformism of the last period of the Ottoman empire which was confined to a relatively narrow, elitist circle of women. Ataturk, in contrast, wanted above all, to change the fate of Turkish women as a whole. The most important date for the advancement of Turkish woman was the adoption of the

⁸ Bernard Lewis; 2nd edition, (Oxford: Oxford University Press, 1968). Lewis identifies as Ataturk's "great symbolic revolution", the abolition of the fez and if man wanted to wear a hat it had to be an ordinary hat.

Swiss Civil Code on October 4, 1926. With this step, Turkey has adopted for itself a complete system of Western private law. Turkey's legislators wanted to emphasise the importance they placed on both equality before the law irrespective of sex and on strengthening the status of Turkish women within the family.

This incorporation of the Swiss Code, understood in legal terms as "reception", made polygamy illegal, gave the right of divorce to women as to men, made civil marriage obligatory, and by its significant silence, allowed marriage between Muslims and non Muslims. Custody of the children, unlike in the past, was now given to both parents. In case of divorce, a judge would decide which parent should have custody. Equality in inheritance was granted, this was not the case in the old law.

Finally, the new Civil Code prescribed a minimum age for marriage that was slightly different from that in the Swiss Civil Code. In this one respect, the weight of custom had brought about a change in the new code. The minimum ages for marriage, which was 20 for men and 18 for women in the Swiss Code, were reduced to 17 and 15. Legally, religious marriages are not recognised. They may be carried out after the civil ceremony. The absence of formal registration of a large number of newly formed households has given way to urgent demands in relation to legitimisation of children. The recognition by law of these children born outside marriage has been effected by a series of special laws.

The Turkish Civil Code grants both husband and wife the right to ask for divorce. Since the adoption of the Turkish Civil Code, divorces have rapidly increased; divorce is mostly sought in large cities, by couples married for six to ten years. The majority of divorces are among childless couples and the most frequently quoted grounds are incompatibility of character, followed by abandonment.

The legal emancipation of women certainly strengthened their position within the Turkish family. Equality within the family not only changed the status of women once they were widowed or orphaned by equalising inheritance, but also by supplying women with an instrument of coercive legal power. But interestingly, comparable laws regulating the dress of women could not be passed due to the strength of tradition.

The transition from traditionalism to modernisation does not bring about solely political and legal changes but also leads to a social and cultural restructuring of society. To hasten this transition, compulsory education for both sexes was adopted. The Latin alphabet was introduced to help overcome the widespread illiteracy

of women and men, and various initiatives supportive of the modernisation of all spheres of life in Turkish society were taken up.

3. Contemporary Status of Women

During the first half century of the Turkish Republic, Turkey's womanhood has been confronted with important challenges. Legal emancipation permitted Turkish women to free themselves of a set of legalised disqualifications and discriminations in favour of men. Nevertheless, deep structural changes such as rapid urbanisation, industrialisation, mechanisation of agriculture, exposure to mass media and internal and external migration were important challenges to traditional Turkey quite independent of Atatürk's deliberate social engineering.

The increasing entry of women into higher education and the pressure of rising standards of living within the middle class helped to strengthen the illusion of rapid improvement in the condition of women and their attainment of equality. In the course of these positive developments, the deteriorating situation, particularly of rural women, remained invisible. Traditional society, while it certainly did not treat women as equals, did provide meaningful, necessary and guaranteed roles to women.

During the 70's, the Marxist movement in Turkey fostered a new style feminism and identity for the Turkish woman. The humanitarianism and egalitarianism informing leftist ideologies offered women a crucial role in the fight against class domination. But the fight was strictly against the class system, and any competing ideology such as the advocacy of women's rights, had to be subordinated to the main goal of revolution. Nevertheless these radical movements did provide women with their first experience of active participation in the dynamics of political mobilisation.⁹

During the 80's Western feminism has had a significant impact on various groups and NGO's in Turkey. In this period feminism for the first time, unlike previous movements on behalf of women,

⁹ Feminist writers describing these organisations, declare that a notion of the self-sacrificing wife-mother-sister defined the attitude to women that was prevalent in most of these organisations. See: Nukhet Sirman; "Feminism in Turkey", p.16.

came from independent feminist groups, rather than as in the past, as a top down male dominated initiative designed to modernise society.

Most recently, in a different mode, the Islamic movement has expanded its influence during this last decade, also directly addressing the issue of women rights and women's emancipation as part of their attack on secularism and modernity.¹⁰

3.1. *Legal Status*

The Turkish Constitution guarantees gender equality. Article 50 of the constitution provides that Turkish citizens are equal before the law irrespective of language, race, color, sex, political beliefs. Article 50 of the constitution states that no one can be employed in jobs that are unsuitable, given her or his age, sex and physical capacity.

The Turkish Civil Code (1926) which was a literal translation of the Swiss Civil Code in most respects adopted a provision according equality between women and men in matters of civil rights, as well as by abolishing polygamy, giving women the right to divorce, and so forth.

Despite its role as being revolutionary at the time of adoption, the Turkish Civil Code, in line with its Swiss prototype, does not confer absolute equality between husband and wife. It includes contradictory articles with respect to gender equality. Although the Swiss Civil Code has been changed to bring about greater equality between man and woman, unfortunately, the Turkish Civil Code remains frozen as it was in 1926 without being amended further as yet. Some provisions that contain discriminatory elements are the following:

- Article 21 of the Turkish Civil Code suggests that a woman's place of residence is her husband's place of residence. Similarly article 153 of the Civil Code provides that the woman must use her husband's last name. Both provisions are in contradiction with relevant articles of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women. This

¹⁰ Feride Acar; "Women in the Ideology of Islamic Revivalism in Turkey: Three Islamic Women's Journals", (Center of Near and Middle Eastern Studies, School of Oriental and African Studies, University of London, London, 1988).

convention was signed by the Turkish Government but with important reservations on Articles 15/2, 15/4, 16/c, 16/9.

- According to article 153 of the Turkish Civil Code, the husband is the head of conjugal unity. The concept of a household head stated in the Code clearly contravenes the Convention.
- Article 159 granted the husband the right to exercise control over the wife's professional or artistic activities, but it was annulled by the decision of the Constitutional Court in 1990.
- According to article 169 of the Civil Code, the validity of a legal procedure carried out by the wife with third parties in favour of the husband requires an additional confirmation through a court decision. This also goes against the relevant article of the Convention.
- Although the division of material possession in marriage as stipulated by Article 170 appears to be in conformity with the principle of equality between spouses, in practice it results in complete inequality because men acquire most of the ownership rights and have the right to dispose of such goods without restriction.
- The Turkish Civil Code contains other contradictory articles in relation to the custody of the child, the right of inheritance specifically in terms of agricultural enterprises.

Gender discriminatory articles are encountered also in the Turkish Criminal Code. The most significant instances of discrimination concern adultery. In these articles, adultery has been defined in a different way for the husband and wife. A married woman can be accused or charged with adultery if she has had sexual intercourse with a man other than her husband only once. This is not the case for the husband. In order to be legally accused of the act of adultery he must have had a continual and prolonged relationship with the same woman in the same place. Moreover according to article 30 of the Criminal Code, a reduced penalty is applied to men who kidnap a girl or woman for the purpose of marriage. Article 429 of the same Code brings double standards for single and married women in the case of kidnapping which violates basic principles of human rights.

Although the Civil Code does not recognise a religious wedding ceremony unless a civil marriage has also been performed, violation of the law is becoming widespread. The Criminal Code foresees sanctions for those who conduct a religious wedding only but the application of sanctions has been ineffective in preventing both polygamy and in securing the punishment of the violator.

Finally, there is no prohibition of intra-marital rape and sexual harassment in the Turkish Criminal Code, although it is well-recognised throughout the world that such practices are serious violations of women's human rights.

3.2. Professional Life and the Turkish Family

Like other developing countries, Turkey is a rapidly changing society. There have been numerous changes occurring in politics, economy and the social, cultural and technological fields. Migration, urbanisation and industrialisation have definitely loosened innumerable constraints on present-day Turkish women. Additionally, Turkey's large, knowledgeable and powerful women's elite in all professions and spheres of public life has improved the status of women in Turkey. Nevertheless, the impact of the cultural dualism involving Islam versus secularism, has not been eliminated, placing serious questions on the extent of women's progress in Turkey.

Parallel to the adoption of the Swiss Civil Code, Article 6 of the Civil Service Law, was amended in 1926, so as to confer on women the right to be employed as a civil servant. Thus, Turkish women, who had already begun to enter the public service in 1880 as teachers, were given a sound legal basis for extending their employment rights to all other spheres. When measuring the educational level of these women officials, the first fact to be noticed is their higher level of educational attainment compared with men. Turkish women's social role and contribution to the country's economy have significantly increased.

Turkish women today play important roles in professional life. Turkey has produced a greater percentage of women lawyers and physicians than some highly industrialised Western countries such as USA or France. In fact, the rate of school enrolment for female students increased to 101.7 % in primary schools, 51.8 % in junior high schools, 36.6 % in high schools and 17.0 % in universities. Law and medicine have traditionally been exclusively male professions. Yet in Turkey both of these professions have attracted a surprisingly large number of women. Female teaching staff at the universities constitutes nearly one third of the total. In the legal profession, 25% of the lawyers and 19.5 % of the judges are women. In the 1920's, when even BBC and many American radio stations could not consider the employment of women announcers, Turkish radio employed women as both announcers and technicians.

In the public sector, the female employment ratio makes up almost one-third of all workers. Yet, the public sector is recognised as an employment domain that offers relatively better opportunity for women who pursue-career growth.

The percentage of women in decision-making positions, however, is rather low, being barely 4 % of the total. There is another area of activity where women have not been represented to any great extent and that is politics. Despite the fact that the present prime minister is a woman, the number of women members in parliament is a miniscule seven.

With regard to professional women, another trend familiar to studies of Third World countries seems to be found in Turkey. This trend is characterised by the following: (i) the percentage of professional women is relatively higher than in capitalist countries; (ii) women are mainly concentrated in metropolitan and urban centres; and (iii) since these women seek security and better facilities related to their work rather than quick promotional opportunities, they prefer government employment to careers in the private sector.

In spite of its rapid degree of urbanisation, Turkey is still an agrarian society, 75 % of its adult population belongs to the peasant class. When we consider that 49 % of this active population is female and that in Turkish villages, females between the ages of 7 and 70 are engaged in all kinds of agricultural activities, one comes to the conclusion that half of the agricultural output of Turkey lies on the shoulders of its female peasant population, which is still far from being able to benefit from these legal reforms adopted nearly a century ago.

Islamic pressure induces Turkish women to keep a subordinate role to men and encourages them to remain passive about and insensitive to their social situation. In the past, as today, motherhood and support to the husband and children remain the highest value to cherish according to the strictest Islamic perspectives. While this Islamic mentality still exercises a considerable influence in rural areas and small towns, Turkish women in large cities and metropolitan areas have achieved success in combining a strictly biologically defined role with jobs and careers outside the home. In spite of the continuing impact of traditional values stemming from a strong patriarchally inspired mentality, the process of social change continues to produce a new generation of self-assertive women. But the overall reality in Turkey remains unresolved, with the stronghold of traditionalism,

especially with regard to women's status, still being concentrated in rural regions.

The great discrepancy between rural and urban centers no doubt explains the sharp difference of skill acquisition, educational level and vocational orientation between rural and urban women. Women in this situation, often have to deal with the ordeals of marginalisation and unemployment. Their contributions are socially and officially not recognised and as a result there is a lack of any form of social security and health care benefits. For instance, the overwhelming majority of women working in agriculture are unpaid family members. Being lodged and fed free in the parental home, girls of peasant families secure a sizable income for their fathers through the 'bride price', which social function amounts to an indemnity paid for the loss of (unpaid) service.

This fact becomes even more relevant when considering its relationship to literacy and fertility. The early age of marriage in Turkey obviously leads to a high level of fertility. The spread of public health education, family planning, and other services has significantly reduced infant mortality and fertility in Turkey. Until the early 1960's, the Turkish government had encouraged population increases. It was not until 1983 that the Turkish parliament passed a strongly worded amendment to the Turkish Penal Code that permits the termination of unwanted pregnancies up to three months after conception, through abortion and the performance of abortion upon demand in public hospitals. Married women are obliged to submit a written statement from their husband.

Official statistics indicate that the divorce rate in Turkey is the lowest rate in the world. There seems to be a close relationship between pressure on urban job markets, housing and urban services and the ability to maintain a separate household. Few single persons can afford to set up a separate household, and pressure on a married couple to maintain a joint house in spite of acute marital stress becomes very powerful.

According to Turkish Labour Law no distinction is allowed to be made on grounds of sex between the wages paid to female or male workers performing jobs of the same nature and working with equal efficiency. The same legislation laid down protective provisions for women and children under the age of 18, as well as those engaged in underground or underwater work and night shifts in industry.

Turkey also ratified several ILO Conventions that deal specifically with working standards applicable to women. Despite containing these protective legal status and anti discrimination articles, several

inequalities are embodied in the Labour Law. For instance, employers are able to cancel labour contracts in the event of pregnancy or the birth of a child. There is no provision made for social security on behalf of housewives. Women workers in the agricultural sector have also been totally ignored in this respect. The union rights of workers are regulated in a way that restricts their activities especially in the private sector.

Apart from the early years of the republic, when successful, professional avant-garde women were presented to the public as model pioneers on the path of the new, western-inspired, civilised society, no political party or government programme has committed itself to improving the status of women other than through small legal changes in favour of urban civil servants until the 90's.

These features of the Turkish legal setting ensured that men would retain their superiority. This retention of male superiority was explained in several ways: by reference to the patriarchal character of the Swiss Civil Code, which was largely incorporated into the Turkish Civil Code, by the persistence of tradition and moves in favour of male supremacy, and by the mentality that perceives man as the major breadwinner and head of the family.

The prime motivating factor for women to enter employment has been economic need, and only in rare cases can their entry into the labour market be explained by the quest for social prestige. Consequently, social institutions such as the family and the powerful mass media, especially television and its consumer oriented advertisements, have become the major framework for value judgements and preferences. This is one of the reasons why women seem relatively less interested in training programmes which increase chances of promotion. According to surveys, only 33% of women would continue to work if they did not need the money. Thus, it becomes clear that two-thirds of married women work to increase the size of family income and tend to stop working as their economic situation improves. Three-quarters of all female civil servants attribute a secondary importance to their own employment and career. The lack of value system based on a work ethic encourages many women to take advantage of the early retirement options in pension plans.

All these figures indicate that Turkish women in employment accept the dual role of women in Turkish society and do not work so as to introduce significant changes into their lives, but mainly aspire to return to their traditional functions as soon as practicable. Women of rural origins approve male supremacy by 94 %, and those

of urban origins by 83 %.

A number of conclusions can be reached on the status of women in contemporary Turkish society:

- 1) Irrespective of the position occupied, both women officials and professional women with higher education, tend to adopt a conciliatory, dependent, passive role in the public domain.
- 2) The importance attached to emancipation is determined by the level of education and place of residence as well as by class affiliation. Urban middle-class families appear to attach the greatest importance to emancipator values.
- 3) Ambivalence towards continuing a career while assuming the role of housewife and mother remains the rule rather than the exception.
- 4) The beginning, duration and termination of active participation in government service is more dependent on special conditions (economic needs or child-raising) than on personal attitudes and preferences.
- 5) Where there is conflict arising from the clash of loyalties, solutions favoring the smooth functioning of family life are still preferred in the great majority of instances.
- 6) The job status of women officials does not automatically increase democracy within the family or lead to greater political participation. Here again educational level, marital status and class affiliation produce diversified patterns of behaviour.

4. The Relationship between Islam and Turkish Women's Status

During the tenth and eleventh centuries, Turks all over Central Asia, the Middle East and Near East were gradually, but not forcibly, converted to Islam. By this time Islamic Law had undergone more than four hundred years of development, and the Ottoman Turks inherited a Holy Law that admitted no further creative development. The Ottoman Empire adopted this law completely, as a result, the old Turkish legal culture lost its distinct identity, producing a diminished status for Turkish women in both society and family. Many authors agree that the status of women in Turcic societies was quite high, and in fact women were treated equally to man. According to these interpretations, women's subordinate position in Turkish society started after the acceptance of Islam and/or after the reinterpretation of religion during the

Ottoman period.¹¹

Two types of restrictions operate to affect women's status in Muslim societies. The first includes the legal and religious restrictions and inequalities mentioned in the Quran, Hadith, Sunna and Sharia law codes, and the second is that imposed by the practice of purdah or seclusion.

Control over Muslim women is solely the province of male relatives, who are expected to provide economic support for their women at all times, irrespective of women's marital status. This has led to the combination of traditional patterns of female seclusion and exclusion. Turkey, since the establishment of the republic, is the only Muslim country that has completely and explicitly repudiated the validity of Sharia (religious legal norms). Tunisia to some extent, has also partly moved toward Turkish-style secularism.

When compared to other cultural areas in the world, predominantly Muslim countries have low rates of reported economic activity, low female literacy rates and low female school enrollment at all levels. For women in these countries, seclusion from economic activities and economic dependency are the norm. The common assumption that Muslim women are especially oppressed by the male members of their families is given a more solid foundation. These standard assumptions are repeated again and again in many studies done by Western authors.¹² According to many of them, the "Islamic Woman" is an oppressed, exploited being, in contrast to the "Western Woman". It is not entirely true, however, that in every European country women's situation has been improved in legal, cultural and economic respects, beside the fact that for the majority of women this has not become social reality. It is undeniable that the traditions of Islam concerning women are still too strong, even in Turkey, to be considered a mere residue.

5. Conclusion

It can be concluded that among all Muslim countries, Turkey has definitely been able to achieve remarkable results on behalf of women, but some problems remain. Class privileges in education

¹¹ Ferhunde Ozbay; *"The Development of Studies on Woman in Turkey"*, UNESCO publication 1991.

¹² Meral Akkent; "A Necessary Correction" *Women in Contemporary Turkey*, ed.: Sirin Tekeli, p.7 (Zed: London/New York, 1995).

affect particularly the female population, and these limit the overall achievement by Turkish women. Education may eventually help to develop a stronger personality, but it does not contribute necessarily to a new consciousness.

Turkish society is highly complex and heterogeneous, with a diversity of ethnic, cultural and religious population groups, differentiated along social class, rural-urban and development dimensions. Various types of historical-cultural influences have constructed this society, the most important of which are nomadic-Turkish, Anatolian, Islamic Middle Eastern and the Mediterranean.

No doubt the most significant progress for women has taken place on the level of participation in professions. In this respect Turkey is displaying the characteristics of 'developing' Third World countries, where women generally enjoy access to the prestigious professions despite their low rates of participation in the non-agricultural labour market. The ready availability of lower-class women as domestic servants in private homes has significantly contributed to the 'emancipation' of upper-class women to pursue professional careers.

As an Islamic country where religion and state are separate, the status of women in Turkey is perhaps more than in most countries, complex and multifaceted. The situation of women in Turkey covers an extremely wide range of concerns. The opposition between modernisation and westernisation on the one hand and traditionalism and Islam on the other has been shown to inform the lives of many sectors of the Turkish population.

The 1980's witnessed the rise of feminist and Islamic fundamentalist movements in Turkey. Both movements pushed the debate over women's issues and rights in Turkey into the public spotlight. The feminist movement made visible, and condemned, acts of physical violence against women, problematised women's lack of substantive rights, and challenged the articles of the Civil and Criminal Codes that discriminate against women. For the Islamic fundamentalists, women's right to wear head scarves in educational institutions and government offices was a focal point of agitation throughout the 1980's.¹³

¹³ Gunseli Berik; "State Policy in the 1980's and the Future of Women's Rights in Turkey". *New Perspectives on Turkey*, Fall 1990,4, p.81.

Apparently in response to the heightened debate concerning women's status, the government put legal measures into effect, accepting legal obligations at the international level and establishing institutional structures at the governmental level.

First, Turkey ratified the UN Convention (CEDAW) in 1985 which publicly commits the Turkish government to remove legislation that is discriminatory against women, to promote equality between men and women, and to undertake measures to undermine gender prejudice, attitudes, customs, and practices that reinforce the subordination of women to men. Second, in December 1989 the government set up the Family Research Institute charged with preserving and strengthening the unity of the Turkish family. Third, in April 1990, the Directorate of Women's Status and Problems charged with improving women's status and promoting their equality with men was set up.

These legal measures seem to carry contradictory implications for the future of women's rights in Turkey. The government's accession to CEDAW, with a lot of reservation and the setting up of the Directorate but with a very small budget and human resources, seem to reflect a commitment to promoting women's equality and improving their status, though not very willingly or convincingly. At the same time the Family Research Institute, with a huge amount of financial resources reflects, an opposite commitment. Seen in this light, the setting up of the Directorate and the government's ratification of CEDAW appear to be little more than window dressing. Despite the principle of gender equality and the prohibition of gender based discrimination by the Turkish Constitution and by international agreement such as the Convention on the Elimination of All Forms of Discrimination Against Women, the European Social Charter and ILO Conventions, contradictory articles remain in force as a result of Turkish legislation.

With the contribution of voluntary organisations, academics and other relevant bodies, a draft bill of the Civil Code has been prepared and forwarded to the Parliament. When and if this draft is enacted by Parliament, Turkey will withdraw its reservation to the Convention. The draft bill introduces modern and egalitarian arrangements based on principles of sexual equality to ensure an equal status and roles for women and men under the Turkish Civil Code. Similarly a draft bill concerning the Criminal Code introduces several important egalitarian provisions such as defining the act of adultery in a way as to be no longer subject to prosecution as a criminal offense at this point. The legislation exists in draft

form but has not yet been submitted to Parliament for debate and vote.

What must be underlined here is that a draft bill for amendments to the Turkish Civil Code has been languishing in Parliament for an entire decade, casting doubt on the viability of further reform efforts at this time. This doubt is deepened by concern with the influence of Islamic extremist orientations that favour restoring traditional constraints on Turkish women.

Turkey made the earliest and clearest commitment to building a secular state in which women would enjoy fully equality, but the results until now remain disappointing in some respects. Even as compared to a few countries in the region, this can be explained partly through Turkey's reliance on conservative European models of law, particularly Swiss Civil Law in relation to women. Countries like Iraq and Syria, despite their antidemocratic character, that later committed themselves to secularism were not burdened by such foreign systems that themselves had not yet evolved to give women full equality.

Thus although Turkey's achievements in moving toward gender equality are impressive when compared with the record of other countries in the region, the struggle for full equality is far from over, and there even exists some danger of losing ground in the years ahead.

Hilal Elver is professor of law and Visiting Fellow at the Centre of International Studies, Princeton University, USA. She was chair of the United Nations Environment Programme in Environment Diplomacy at the University of Malta and has published in the areas of environmental law and women's rights.