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**ISLAM AND WOMEN'S SEXUALITY:  
A RESEARCH REPORT FROM TURKEY**

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The control over women's sexuality through restriction, coercion, violence or more complicated forms of political and social manipulation remains the most powerful tool of patriarchy in the majority of societies. Religion is often misused, both as an instrument of this control mechanism and as a cultural system, to legitimize the violation of women's human rights. However, concentrating on the role of religion in constructing women's sexuality without taking into consideration its interaction with the economic and political structures in a particular community can lead to erroneous conclusions.

Like many other religions, Islam does not have a static or monolithic tradition. Islam has interacted with sociopolitical and economic conditions at a particular time and geographic location in order to ensure its survival and power. In the process, it has not only absorbed the practices and traditions of the two other monotheistic religions born in the same territory, namely Judaism and Christianity, but also the pre-Islamic practices and traditions of the particular geographic location in which it has striven to survive and gain power as a cultural and political system. Thus, it is very difficult to define what is intrinsic to Islam in organizing sexual behavior. The issue becomes even more complicated when we look at the interaction of factors such as class and race with Islam at a particular time and place, which has led to different religious interpretations and practices. All of these factors often produce different schools of Islamic thought, some of which can exist even within the same community.

Discourses on sexuality in Islam often fail to consider differences in practices in different Muslim communities as well as the spaces of negotiability created by social taboos and silences related to sexual behavior.<sup>1</sup> Nonetheless, even discourses based on an analysis of the Koran and the literature traditionally accepted as establishing the normative practices of Islam can lead to contradictory conclusions about the construction of women's sexuality. On the one hand, Islam has recognized both women and men as having sexual drives and rights to sexual fulfillment. Eroticism is presented as a good in itself, both a foretaste of heaven and on earth a divinely ordained necessity for reproduction. Women, like men, are believed to experience orgasms. On the other hand, particularly in terms of sexual drives, males and females are construed as opposites, men as rational and capable of self control; women as emotional and lacking self-control. Female sexuality, if uncontrolled, is portrayed as leading to social chaos (*fitna*). Social order thus requires male control of women's bodies and sexuality.<sup>2</sup> However, the specific patriarchal mechanisms that are utilized to maintain this

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<sup>1</sup> For a more detailed critique of dominant discourses of 'Islamic Sexuality' in contradiction to existing practices in different Muslim communities, see Ayesha Imam's chapter in this volume.

<sup>2</sup> See, for example, Fatima Mernissi, *Beyond the Veil: Male-Female Dynamics in a Modern Muslim Society*, (New York: Schenkman, 1975); Fatma A. Sabbah, *Woman in the Muslim Unconscious* (New York: Pergamon, 1984); Nawal El Sadaawi, *The Hidden face of Eve: Women in the Arab World*, 1980); Charles Lindholm, *The Islamic Middle East: An Historical Anthropology* (Oxford: Blackwell, 1996); Bruce Dunne, "Power and Sexuality in the Middle East", *Middle East Report*, Vol. 28/206 (1998): 8-11.

control differ according to geographical location, time, class and race and depend on the economic and political realities of a given community.

The historical role of the interaction of Islam with specific socioeconomic and political systems in shaping women's sexuality in different Muslim communities is still a relatively unexplored issue. Although the 1990's witnessed a spurt of new research on women's history and gender organization in Muslim societies, the accumulated knowledge is still too rudimentary to throw light on such a complex and sensitive issue as women's sexuality. Even in recent decades, women's own accounts on the issue have remained very rare. In most Muslim societies there is a striking lack of empirical data on sexual behavior, especially women's.

In such a context, research on the official, religious and customary laws and practices that determine the organization of gender and the context of women's sexuality in different Muslim societies could throw light on the ways religion is used to create and perpetuate the oppression and injustice women experience in these societies. It would also play an invaluable role in deconstructing the myth of a uniform Islam, which fundamentalists claim consists of "a divine and eternal truth". The Women and Law action-research program of the international network of Women Living Under Muslim Laws (WLUML) has evolved as a response to this need. Under this program, many country projects are conducting comprehensive studies of laws and customary practices that shape women's lives, as well as women's strategies in diverse situations.<sup>3</sup>

This chapter, which is based on data collected by Women for Women's Human Rights in eastern Turkey within the framework of the international Women and Law action-research program, examines laws and practices related to important elements in shaping the context of women's sexuality: civil versus religious marriages, bride prices, polygyny, women's consent to marriage, reproductive health, the possible consequences of extramarital relationships for women, and domestic violence. The analysis is based on interviews conducted with 599 women in eastern Turkey.<sup>4</sup>

### **Turkey: A Unique Confluence of "Western" Secular Laws, Muslim Culture and Regional Differences**

Turkey, which is a predominantly Muslim country, is the heir of the Ottoman Empire in which the Koran formed the basis of family law. Turkey was founded as a republic in 1923 as a result of the victory of reformists over foreign occupying armies as well as over conservative forces at home. The foundation of the republic was followed by the introduction of several revolutionary changes for women. Turkey is unique in the Muslim world in the extent of its secular, progressive reforms of the family code affecting women's lives.<sup>5</sup> In 1926, the introduction of the Turkish Civil Code, which is based on the Swiss Civil Code,

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<sup>3</sup> The research is unique in terms of the wide geographic range it covers, as well as in terms of the diversity of the issues it handles: women in the family, women as citizens and women's bodily rights.

<sup>4</sup> A weighted, multistage, stratified cluster sampling approach was used in the selection of the survey sample. The sample was designed so that a variety of characteristics would be analyzed for the region as a whole, urban and rural areas (each as a separate domain), and eastern and southeastern Anatolian regions (each as a separate region). The urban frame of the sample consists of settlements with populations of more than twenty thousand, and the rural frame consists of settlements with populations of less than twenty thousand.

Different types of questionnaires were used for (1) women living in monogamous marriages, (2) women living in polygynous marriages, and (3) women who were still unmarried. The questionnaires were completed by the interviewers through face-to-face interviews. The interviewers, all from the region, had undergone lengthy, intensive training in all of the issues covered by the questionnaire as well as in interviewing and sampling techniques. The age of participants ranged from fourteen to seventy-five; the average age was 32.1.

<sup>5</sup> The reform of the Civil Code based on the Swiss Civil Code was a major success of the reformists against the conservative forces defending the religious family code in 1926.

banned polygamy and granted women equal rights in matters of divorce, child custody and inheritance. Yet, even several decades after these reforms, customary and religious laws and practices that often breach official laws are used as tools to control women's sexuality and maintain the imbalance of power in sexual relations. This is especially the case for women living in eastern Turkey, which can at best be characterized as a semi-feudal, traditional, agricultural economy. The situation of many women living in the region has worsened as a result of the armed conflict since 1984 between the Turkish security forces and the separatist Kurdistan Worker's Party (PKK).

Eastern Turkey has a multiethnic character. Besides Kurds and Turks, the largest ethnic groups, the region also includes Zaza, Azerbaijanis, Arabs, Christians who speak the Syriac language and others.<sup>6</sup> As has been the case in the rest of Anatolia, over the centuries different religious schools of Islam have established themselves in the region. Although most of the population follow Sunni/Hanafi Islam, there are also followers of Sunni/Shafi or different Shi'i traditions. The followers of the Alevi tradition claim devotion to Imam Ali, and so they are categorically defined as Shi'is, although Alevi philosophy and practices are quite different from those of the orthodox Shi'a.<sup>7</sup> Alevi in Turkey are estimated to constitute at least one quarter of the total population of the country and have a distinctive religious culture that includes elements of Anatolian Sufi traditions and Turkoman shaman ideas.<sup>8</sup> The Anatolian Alevi have traditionally rejected gender segregation in both religious and social spheres of public life and have survived in Anatolia despite being the target of intense political pressure and fundamentalist attacks under the Ottoman Empire. At various times, several Alevi practices - including ceremonies in which women and men perform religious rituals with elements of music and dance, the rejection of the veil and of seclusion for women, and the acceptance of alcoholic beverages in social gatherings - have often been deemed un-Islamic by Sunni authorities. These claims have often been used as a pretext for political pressure ranging from persecution to massacre.

Turkey is one of the countries suffering from problems resulting from regional disparities in socioeconomic conditions. The unfavorable effects of these disparities are experienced more by women than men. Western Turkey consumes most available resources and is also highly urbanized, while in the eastern section most of the population lives in rural areas.<sup>9</sup> Although primary school education has been mandatory in Turkey since 1927, in 1990 half of the women in eastern Turkey were illiterate, compared with 21.6 percent of the men. The illiteracy rates are much lower in western Turkey, at 19.7 and 7.4 percent for women and men respectively. As a consequence of the armed conflict, the number and quality of the educational institutions in the region is declining, limiting still further women's educational opportunities. Regional differences in women's participation in the labor force participation are also striking. In the west, the proportion of women working for pay is 40 percent, while in the east approximately 90 percent of women are still unpaid family workers.<sup>10</sup>

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<sup>6</sup> At the time of the Islamic conquests, the term *Kurd* had meant nomad. By the mid-nineteenth century, *Kurd* was also used to mean tribespeople who spoke the Kurdish language. At present, insiders' and outsiders' views concur on the definition of *Kurd* as those who speak the Kurdish language as their mother tongue.

<sup>7</sup> Melikoff goes further to assert that it is a mistake to consider Alevi as Shi'i, as Alevism does not have its origins in the Shi'a tradition. See Irene Melikoff, *Hadji Bektach, un mythe et ses avatars* (Boston: Brill, 1998).

<sup>8</sup> Riza Zelyut, *Oz Kaynaklarina Gore Alevilik* (Alevism according to its original sources) (Istanbul: Yon Yayincilik, 1992).

<sup>9</sup> Approximately three-fourths of the population in the western part of Turkey live in urban areas, compared with 46 per cent in the eastern part.

<sup>10</sup> State Institute of Statistics, *Il ve Bolge Istatistikleri 1994* (Provincial and regional statistics 1994) (Ankara: State Institute of Statistics, Prime Ministry, Republic of Turkey, 1996).

Semifeudal structures still constitute the main social framework in the region and for many women dictate both the organization of gender and sexual relations. Most of the Kurdish population in the region is dominated by tribal structures organized around big families with the characteristics of a clan; the feeling of group solidarity involves a large number of members, extending the family and including responsibilities towards the community.<sup>11</sup> The *aşiret* or tribal system is usually characterized by large areas of land held by a tribal leader, who is the landlord. The members of the *aşiret* usually do not own land, but work the landlord's holdings.

In such an economy, the traditional Middle Eastern patrilineality and patriarchy that favor endogamy and cousin marriage still form the basis of practices related to sexuality and gender construction. This is of particular interest when we consider arguments that women's oppression in Muslim societies has nothing to do with Islam but can be traced back to ancient times and the beginning of the patrilineal society in the Middle East, itself a product of the agricultural revolution. Valentin Moghadam asserts, for example, that "it was endogamy, the practice of marrying within the lineage, that set the shape for the oppression of women in patrilineal society, long before the rise of Islam. Endogamy kept property (land and animals) within the lineage and protected the economic and political interests of men".<sup>12</sup> Moghadam further argues that practices such as unequal inheritance rights, polygamy, and the extensive control of women by male members of the kin group, supported by the Maleki law, facilitates and reflects the maintenance of tribal communities. The existence of similar practices in eastern Turkey, where Sunni/Hanafi law has been dominant for centuries, indicate that other schools of Islamic law can also be interpreted as compatible with such practices.<sup>13</sup>

In eastern Turkey, the on-going armed conflict has strengthened the male-dominated structure of the community not only through the increase in militaristic cooperation between the state and Kurdish tribal leaders, landlords and sheikhs but also through the rise of militaristic values in the society. A similar development has taken place in Afghanistan, where tribal structures are still prevalent.

The eastern region has the highest fertility rate in the country. In 1992, the fertility rate in the region there was 4.4 compared with 2.0 in the western region and 2.7 in Turkey as a whole. Some of the reasons behind the desire for a high number of children in the region are the aspiration for a powerful tribe, family elders' expectations of a boy child, and the belief that Allah will provide food for each person.<sup>14</sup> Approximately 11 percent of women living in the east have their first child between fifteen to nineteen years of age, compared to 8.3 percent in the west. The level of current use of contraception is only 42 percent in the east, whereas it exceeds 70 percent in the west and 60 percent in other regions of Turkey.<sup>15</sup> When asked about the total number of their children, mothers often mention only the number of sons, omitting their daughters, as girls do not count. The situation has worsened as

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<sup>11</sup> For more information on the Kurdish tribal culture, see David McDowall, *A Modern History of the Kurds* (London: Tauris, 1997); and Artun Ünsal, *Kan Davası* (original title: *La Vendetta*), (Istanbul: Yapi Kredi Yayinlari, 1995).

<sup>12</sup> Valentin M. Moghadam, *Modernizing Women: Gender and Social Change in the Middle East* (Boulder, Colo.: Lynne Rienner, 1993), 107.

<sup>13</sup> In the early days of Islam, there were hundreds of schools of Islamic jurisprudence. By the eleventh century, the Sunni schools had diminished to four, named after their supposed founders: Hanafi, Shafi, Maliki and Hanbali. The central school in the Middle East is Hanafi or Shafi, and the Malikites prevail in North Africa.

<sup>14</sup> GAP - Southeastern Anatolian Project, *Yirmibirinci Yüzyılda Kadın ve GAP* (Women and the Southeastern Anatolian Project in the twenty-first century) (Ankara: Prime Ministry, Republic of Turkey, Directorate of Southeastern Anatolian Project, 1997).

<sup>15</sup> Ministry of Health, Hacettepe University Institute of Population Studies, and Macro International, *Turkish Demographic and Health Survey 1993* (Ankara: Ministry of Health, Hacettepe University and Macro International, 1994).

women's bodies have become the sites of the conflict between the Turkish security forces and PKK. The Turkish state is interested in reducing the fertility rate in order to increase its economic and political domination of the region, whereas the PKK propagandizes against contraception of all kinds, which they define as "a tool of the state to eradicate the Kurdish folk".

In recent decades, the dominance of market mechanisms and the modernization efforts of the state, including large-scale investments such as the construction of massive dams and irrigation projects in southeastern Turkey, are expected to lead to the dissolution of feudal structures in the region. However, most of the technological training and development projects are planned for men. As a result, modernization projects reinforce the traditional distribution of labor based on gender hierarchy and women's passive role in civil society.<sup>16</sup>

### **Marriage, Religion, and Sexuality**

Marriage is almost compulsory for women living in the region. Of the respondents who were over twenty-four years of age, 97 percent were or had been married, as had all of the women who were over thirty-four years of age. Only a small percentage (0.6 percent) were divorced, indicating the rarity of marital dissolution in the region.

According to civil law, only civil marriages are legally valid in Turkey. Under the Civil Code, religious marriages confer no legally binding rights, including those related to divorce, maintenance, or inheritance from the husband. A religious ceremony can be held only after the civil ceremony.<sup>17</sup> Otherwise, both the couple and the religious official conducting the marriage are deemed to have committed an offense punishable under the terms of the Criminal Code.<sup>18</sup> Despite these regulations, 20 percent of the respondents had only a religious marriage. This percentage is much higher than the average in Turkey (8.3 percent) and the average in western Turkey (2.2 percent).<sup>19</sup> Moreover, both the mean and median ages of participants (17.9 and 17) at the time of the religious ceremony was lower than the mean and median age at the time of the civil marriage ceremony (20.4 and 19); the religious ceremony is very often held before the civil ceremony even though it is forbidden by law. Most women (92.9 percent) who had only a religious marriage indicated that they wanted a civil marriage. The main reasons for being prevented from having a civil marriage contract were: the husband's marriage with another wife (percent 31.1), the husband's refusal (29.7 percent), or the woman's youth (being under the minimum age required for a civil marriage, which is fifteen for women; 9.6 percent).<sup>20</sup> In fact, holding a religious ceremony before the girl reaches the legal minimum marriage age of fifteen is often a strategy applied by the families to bypass the civil law. Of women who had only a religious marriage, 16 percent were married under the age of fifteen. In contrast to Hanafis and Shafis, almost all the Alevis and Shi'i/Caferis had a civil marriage, indicating that there are differences between religious schools of thought in the attitude towards civil marriage.

The issue of civil marriage continues to be an arena of struggle for women in many other Muslim countries. In Morocco, for example, women who criticized the denial of equal

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<sup>16</sup> See also Yakin Ertürk, "Doğu Anadolu'da Modernleşme ve Kırsal Kadın" (Modernization and rural women in eastern Anatolia), in *1980'ler Türkiye'sinde Kadın Bakış Açısından Kadınlar* (Women from the perspective of women in Turkey in the 1980s), ed. Şirin Tekeli (Istanbul: İletişim Yayınları, 1993), 199-210.

<sup>17</sup> Article 110 of the Turkish Civil Code.

<sup>18</sup> Article 237 of the Criminal Code.

<sup>19</sup> State Institute of Statistics, *İl ve Bölge İstatistikleri 1994*.

<sup>20</sup> According to Article 88 of the Turkish Civil Code, the minimum age for a civil marriage, which is the only legal marriage ceremony in Turkey, is seventeen for men and fifteen for women. However, the minimum age for all other legal procedures except marriage is eighteen.

rights to women based on texts of Koran and a range of appendages attached in the Middle Ages collected a million signatures to have divorce and child custody rules transferred from the Muslim Family Law to the Civil Code. Similarly, in Lebanon, where laws on women's personal status are governed by religious tribunals, a proposal calling for the adoption of a civil marriage law has been bitterly opposed by religious leaders of various denominations who are afraid that it would divert power from the one area over which they exercise total jurisdiction.

### **Bride Price: A Tool for Commodization of Women's Bodies**

As it is practiced in eastern Turkey, the payment of a bride price - the sum given by the husband or husband's family to the bride's kinsmen for the realization of marriage - symbolizes men's control over a woman and over the transfer of her productive and reproductive capacities to her husband's kin group.<sup>21</sup> This tradition is widespread in the region and plays an important role in the attitude of men, who assume that through this payment they have gained all rights over their wives' sexuality and fertility. Sixty-one percent of women indicated that their husbands had to pay a bride price for them. In fact, this tradition of families selling women for marriage remains prevalent despite the fact that more than three-quarters of the women (78.9 percent) indicated that they were against the tradition. More than half of the women (56.3 percent) responded to an open-ended question about the reasons for opposing the bride price by saying "because women/human beings are not a commodity to be sold". It is interesting to note that at least one-fifth (21.4 percent) of the respondents stated that the main reason they were against the bride price was that they considered the tradition to be "against Islam" or "a sin". On the other hand, none of the women who supported bride price saw it as a religious practice. Thus, the bride price constitutes a clear example of a patriarchal custom practiced even if it is perceived to be incompatible with religious laws.

### **Polygyny and Forced or Arranged Marriages**

In the Muslim world, the opinions of religious thinkers on both polygamy and practices related to it differ widely. Some believe that Islam does not allow polygamy, basing their arguments on Koranic verses Surah an-Nisa, which forbids polygyny unless the husband treats his wives equally and does not differentiate in the slightest degree between them.<sup>22</sup> Nonetheless, polygyny has become an established part of traditional religious law and practice in many Muslim countries. Polygamy has been banned in Turkey since 1926. As a result, in polygynous marriages, only one wife can have a civil marriage; the others can have only religious marriages. This situation immediately creates inequality between the wives as only one of them has access to legally binding rights under the Civil Code, such as rights related to divorce, maintenance, inheritance or custody.

One out of ten respondents in eastern Turkey was living in a polygynous marriage. None of the women who had a Shi'i Caferi background was in a polygynous marriage, while the next lowest percentage of polygynous marriages was among Alevis (5.6 percent). More than half of the women in a polygynous marriage (65.3 percent) stated that they had serious problems with the other wives. Despite all of the disadvantages of a polygynous marriage,

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<sup>21</sup> Bride price is prevalent in societies where the contribution of women to production is high, but women's autonomy over marriage is restricted.

<sup>22</sup> Surah 4, verse 3: "And if ye fear that ye will not deal fairly by the orphans, marry of the women, who seem good to you, two or three or four; and if you fear that you cannot do justice (to so many) then one (only) or (the captives) that your right hands possess. Thus it is more likely that ye will not do injustice." Mohammed M. Pickthall, *The Meaning of the Glorious Koran: An Explanatory Translation* (New York: Meridian, 1997).

almost half of the women in such marriages stated either that they had arranged the marriage themselves or that they had married of their own free will, indicating an acceptance of polygyny by some women. This acceptance appears closely related to educational level. None of the respondents who had secondary or higher education was in a polygynous marriage, compared with 13.4 percent of those who had no schooling at all.

Under the Turkish Civil Code, the consent of both the woman and the man is a precondition for marriage, yet women living in the region often have no influence over the choice of their prospective partner and are frequently married against their will. In fact, even in cases in which women are consulted about the choice of a husband, they cannot exercise their right of consent to the full because of a high degree of social control over women's sexuality maintained by the taboo on premarital sex, the practice of endogamy, or the threat of violence against women who do not comply with the choice of the family.

Most of the marriages (61.4 percent) were arranged by the family and only one in four marriages was arranged by the couple themselves. Although the percentage of married Alevi women who had arranged their marriages autonomously was well above the average, the majority of Alevi marriages were also arranged marriages. Even when the marriage is arranged by the couple, the agreement of their families is very often a precondition to it. Every twentieth marriage was a *berdel* case, a tradition in which a woman is offered as compensation to the family of her father's or brother's wife. These marriages are based on the exchange of brides that have "equal value", which means that if one marriage fails, the other has to fail too. In such marriages, the women are more or less hostages. Families are not likely to allow them to run away or divorce.<sup>23</sup>

The tradition of betrothing girls while they are still infants seems to be disappearing, although it continues to be practiced (0.9 percent). One woman was offered as a wife to a family as compensation for an offense committed against it by her male relatives, and another was forced to marry the younger brother of her deceased husband. About 5 percent of the women stated that they had asked their husbands to kidnap them or that they had eloped with their husbands of their own free will. This is a strategy applied by women when their families do not allow them to marry the partner of their choice or when he is not able to pay the bride money requested by her family. Although this might seem a strategy through which women can select their own partners, it can result in the women paying a high price for their action. Yalçın-Heckmann, in her research on women's strategies in the tribal cultures of eastern Turkey, concludes that women who have been "kidnapped by their husbands by their own will" are almost always considered "to have eloped" by their husband's family, which often leads to a loss of prestige and status for the woman and even to violence against her.<sup>24</sup>

More than half of the women (50.8 percent) were married without their consent and 45.7 percent were not even consulted about their partner or the marriage. Those who had not met the husband before the marriage constituted 51.6 percent of the participants.

More than half of the yet unmarried women (58.0 percent) believed that they would be able to decide on their partner themselves, indicating an increasing autonomy over the choice of partner. This view is also supported by the mothers. When asked about who would decide on their daughters' prospective husband, 52.5 percent answered that their daughters

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<sup>23</sup> Extended exchange of wives is not a Muslim or Middle Eastern tradition. The practice exists also in other parts of the world, for example, in China. See M. Wijers and L. Lap-Chew, *Trafficking in Women, Forced Labour and Slavery-like Practices in Marriage, Domestic Labour, and Prostitution* (Utrecht, Netherlands: Foundation Against Trafficking in Women - STV, 1997).

<sup>24</sup> Lale Yalçın-Heckmann, "Aşiretli Kadın: Göçer ve Yarı-göçer Toplumlarında Cinsiyet Roller ve Kadın Stratejileri" (Women in tribes: Sex roles and women's strategies in migrant and semimigrant communities), in *1980'ler Türkiye'sinde Kadın Bakış Açısından Kadınlar* (Women from the perspective of women in Turkey in the 1980s), ed. Şirin Tekeli (Istanbul: İletişim Yayınları, 1993).

would make the decision themselves. But the proportion who stated that their sons would choose their partner independently was much higher, at 75.5 percent. Only 46.4 percent of those women who believed that they would arrange their own marriage responded positively to the question of whether or not they could choose to have a boyfriend, indicating that this autonomy does not necessarily include the possibility of getting to know the partner before marriage. In fact, even in cases of marriage arranged by the couple themselves, they are often allowed to meet each other only after the ceremony has taken place. The level of education is an important determinant in the women's empowerment to choose prospective partners. The percentage of those who think that they have the right to choose their prospective partners increases to 89 percent among those who have completed secondary or higher education, compared with 40 percent of those who have had no schooling or primary education.

### **Reproductive Rights**

There are no legal restrictions on contraception in Turkey, and family planning is increasingly encouraged by the state. Family planning seems to be acceptable in many Muslim countries and societies, especially when economic conditions require it. Since 1983, abortion has been legal until the end of the tenth week of pregnancy.<sup>25</sup> However, in eastern Turkey, as in the rest of the country, contraception, like childbearing, is considered to be applicable only to married women, as sex or childbirth is a taboo issue for the most unmarried women. As a result, many women have no chance of receiving any information about contraception before marriage.

The most common source of contraceptive information for married women was health institutions (44.7 percent), and the least common source was the family (4.9 percent), indicating the taboo nature of the issue within the family. The average number of living children per woman was 4.8, and every third woman had more than 6 children. Only half of the currently married women between fifteen and forty-nine years of age were using a contraceptive method at the time of the research. The reasons for not using any contraceptive methods included: having no knowledge of them (15 percent), the husband or the family not allowing her to do so even though she wanted to (12 percent), and lacking the financial means (5.7 percent). Every third woman who had ever used a contraceptive method complained about side effects and health concerns related to the method. Most complaints related to the pill included weight problems, tension and stomach pain, whereas the most common problems related to the use of an IUD were irregular bleeding or spotting. Almost one in ten married woman had tried to induce an abortion at least once in her life through methods such as using injections for certain diseases (one of whose side effects is supposedly a miscarriage), jumping down from a high place, inserting soap into the uterus or carrying heavy objects. One woman tried to induce an abortion by inserting a knitting needle into her uterus. Six out of ten women stated that the method they had used to induce an abortion had seriously damaged their health.

### **Extramarital Relationships and Honor Killings**

At present, neither the Turkish Civil Code nor the Turkish Criminal Code differentiate between men and women on the issue of fornication. Proof of fornication entitles the injured party to file for divorce on the grounds of infidelity, which can be proved by any means (e.g. witnesses) and enables the injured party to claim damages.<sup>26</sup> However, extramarital relationships are an absolute social taboo for women living in eastern Turkey, whereas men's

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<sup>25</sup> See, for example, Homa Hoodfar, "Bargaining with Fundamentalism: Women and the Politics of Population Control in Iran," *Reproductive Health Matters* 4/8 (1996): 30-39.

<sup>26</sup> Articles 129 and 143 of the Civil Code.



extramarital affairs are widely accepted and even socially legalized in many cases through the institution of polygyny. The majority of women interviewed (66.6 percent) believed that, contrary to the law, even if they wanted to, they could not divorce a husband who committed adultery. Although an increase in women's educational levels increases women's openness to the possibility of divorce, 31.5 percent of women who had secondary or higher education still believed that they could not divorce their husbands on the grounds of adultery. There was no difference in the perception of possible divorce between women living in urban and rural areas. It is interesting to note that the percentage of women who believed divorce to be possible in the case of the adultery of the husband was highest amongst Alevi women (50.3 percent) despite the strict prohibition of divorce in traditional Alevi practice.

In contrast to many men who can practice adultery without fear of divorce by their wives, even though such divorce is allowed by the Civil Code, the customary penalty in the region for women suspected of this offense is death. These so-called honor killings are one of the most dreadful examples of collective control of women's sexuality. *Honor killing* is a term used to describe the murder of a woman suspected of having transgressed the limits on sexual behavior as imposed by tradition, specifically, engaging in a premarital relationship with the opposite sex or in a suspected extramarital affair. The use of the word *honor* in relation to the crime of murder is reflective of a culture where men define their personal and family honor through the sexual behavior of their women kin. This custom is in sharp contradiction to the official law. Since June 1998, fornication, either by women or men, has not been defined as even a criminal offense in Turkey.<sup>27</sup> Thus, there are no official laws in Turkey restricting the right of a woman to engage in a relationship with any man or woman of her choice before, during or after marriage.

Only 27.5 percent of the respondents believed that the possible reaction of their husbands towards an extra-marital affair of theirs would be divorce. The majority (66.6 percent) thought that their husbands would kill them if they suspected them of an extramarital affair. This percentage was higher among those who had little or no education, those who had only a religious marriage, and those who lived in rural areas. Although the percentage of Alevi women who feared death as a consequence of an extramarital affair was much lower than the average, this tradition also seems to affect many Alevi women; 38.6 percent stated that their husbands would kill them in such a situation. Most of those who thought that a husband would do something other than divorce or kill them stated that he would beat her up very severely.

The practice of honor killings is not based on the Koran. Although the Koran forbids adultery<sup>28</sup> and foresees heavy punishment (one hundred lashes) for both women and men guilty of adultery or fornication; it requires four witnesses to the act.<sup>29</sup> Otherwise, if a woman denies the accusation, then it is her word that must be accepted rather than that of her accusing husband. The Koran states that not only should evidence of men who accuse women of being adulterous without producing at least four witnesses be rejected, but also that they should be punished by eighty lashes as they are deemed to be "wicked transgressors".<sup>30</sup> However, 46.3 percent of women who feared being killed if they committed adultery stated that the only customary proof required for an honor killing was the husband's claim to have

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<sup>27</sup> Until 1996, the Turkish Criminal Code defined fornication as a criminal offense and differentiated between men and women in the definition of fornication. Articles defining fornication for women and men were annulled by the Turkish Constitutional Court on the grounds that differences in the definition of fornication for the wife and the husband violated Article 10 of the Turkish Constitution, which states that men and women must be equal before the law.

<sup>28</sup> Surah 17, verse 32.

<sup>29</sup> Surah 24, verse 2.

<sup>30</sup> Surah 24, verse 4.

seen it with his own eyes; the women often added that they perceive this practice as the utmost injustice. They noted that even if the husband was lying, he would be believed by the community, as a man's word is generally accepted to be true. Only 18.6 percent stated that the husband had to have witnesses to the act, while 27.3 percent said that he needed to prove it in some other way.

Although no provision in the Turkish Criminal Code explicitly refers to "crimes of honor", the tradition of honor killing is supported by the law that considers an extramarital affair involving a husband or wife to be a "provocation" and reduces the sentence by one-eighth if such provocation is considered to have taken place.<sup>31</sup> In most cases, in order to escape sentences required for murder under the Turkish Criminal Code, the so-called family council does not hesitate to order a male child in the family to commit the murder. Such a youth would be expected to receive a lighter punishment, based on the law that a sentence is reduced by one-third if the crime is committed by someone who is considered by law to be a minor. In such situations, the members of the family council - male relatives of the woman who have actually decided and planned the murder - receive no punishment. The lack of legal recognition of honor crimes is a severe violation of women's basic human rights. The feudal structure and the absence of a local women's movement in the region are serious impediments in the fight against honor killings.

### **Violence against Women and Marital Rape**

More than half of all married women living in the region stated that they were subjected to physical, emotional and verbal violence by their husbands (57.9 percent, 56.6 percent and 76.7 percent respectively). Those who were subjected to sexual violence (marital rape) constituted 51.9 percent of the participants. As the educational level of women and their husbands increases, the extent of domestic violence declines but by no means disappears. One third of women who had a secondary or higher education were subjected to emotional and physical violence by their husbands, and one-quarter indicated that they had experienced marital rape. The extent of domestic violence experienced by women, including marital rape, not only negatively affects women's sexual health and their perception of sexuality but also reduces their chances of creating and applying strategies against the violation of their rights.

The Turkish Criminal Code does not contain special provisions relating to the use of violence against women in marriage. The husband is usually charged under the general provisions of the Criminal Code, which provides for imprisonment of up to thirty months for the maltreatment of a family member in a manner that contravenes the accepted understanding of affection or mercy.<sup>32</sup> In order to benefit from this law, the woman subjected to the violence must file a complaint. However, only 1.2 percent of those who had experienced domestic violence notified the police, and the proportion who had filed a complaint was even lower, 0.2 percent. The most common strategies used by women against violence by their husbands were to leave home temporarily (22.1 percent) and to ask for help from families, friends or neighbors (14.7 percent). There are no shelters or institutions in the region to help victims of domestic violence. This contributes to the helplessness of women who suffer domestic violence.

An additional local obstacle to the filing of a complaint by women in the region is a distrust of the security forces as a result of the ongoing armed conflict. This distrust is due not only to the atmosphere of political and social suppression by the security forces, but also to violence by them. The number of respondents who had been subjected to physical or emotional violence by the security forces constituted 1.3 percent and 3.4 percent, respectively of the total. Two percent indicated that they had been sexually harassed by members of the

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<sup>31</sup> Article 462 of the Turkish Criminal Code.

<sup>32</sup> Ibid., Article 478.

security forces. In fact, the situation is in line with observations by the World Health Organization (WHO) that the general breakdown in law and order which occurs during conflict and displacement results in an increase in all forms of violence, including domestic violence against women.<sup>33</sup>

### **Good Sex: Setting the Context**

The internalization of gender roles by women in a particular culture is often directly related to the impact of specific mechanisms that control women's sexuality, which are often of a collective nature.<sup>34</sup> Religious and customary practices are often misused as instruments of these control mechanisms. However, a study of the role of religion in constructing the context of women's sexuality must include an analysis of the interaction of particular religious schools and customs with the socioeconomic conditions and politics in a particular geographic location at a particular time.

The research findings detailed here all reflect a number of control mechanisms on women's sexuality in eastern Turkey, economically the least developed region of the country, where semifeudal structures still dictate both the organization of gender and sexual relations for the majority of women. The social pressure on women to marry early, forced and arranged marriages, the tradition of bride money, the extended exchange of wives between families, and the extent of the threat of violence against women who transgress the limits on sexual behavior as imposed by traditions constitute some of the control mechanisms which are supported by customary and religious practices in the region. These findings show that compared to women belonging to other religious sects, the Alevi women have relatively more autonomy on most of these issues, in line with the Alevi tradition that rejects gender segregation and values gender equality. Research findings also indicate that education is often one of the most important tools for women in countering the violation of their human rights.

As in many other countries, most women in the region are not aware of their rights, and there are no services to which they have access to learn about them. The expansion of such services for women is one of the main preconditions for their creating strategies to defend their rights. Since 1997, Women for Women's Human Rights has been conducting women's human rights training programs in the region in to respond to this need. The expansion of such programs and services is necessary in order to empower women to fight the violation of their basic human rights.

To raise public awareness of, and to create preventive strategies against these practices, it is essential to identify and integrate them into the women's human rights agenda on the national and international levels. This is a crucial step in the fight against conservative and fundamentalist politics aimed at stifling the debate on the violation of women's human rights through practices deemed "Islamic." As Riffat Hassan asserts, the most important task for Muslims today lies in making peace, "provided they understand that peace is a dynamic state predicted on the idea of justice for all, and justice not only in the legal sense but also in the socio-economic, political and personal sense, i.e., justice between man and man and - what is perhaps even more important - justice between man and woman."<sup>35</sup>

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<sup>33</sup> World Health Organization, *Violence Against Women* (Geneva: World Health Organization, 1997).

<sup>34</sup> Deniz Kandiyoti, "Emancipated but Unliberated? Reflections on the Turkish Case," *Feminist Studies* 13, (summer 1987): 317-338.

<sup>35</sup> Riffat Hassan "The Role and Responsibilities of Women in the Legal and Ritual Tradition of Islam ('Shari'ah)" in *Riffat Hassan: Selected Articles* (Montpelier, Vt.: Women Living under Muslim Laws), 23.