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**RELIGION, POLITICS AND GENDER
EQUALITY IN TURKEY: CONFRONTATION,
COEXISTENCE OR TRANSFORMATION?**

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Main Research Questions:

1. How are religion and politics intertwined?
2. What are the social and political effects, especially from a gender perspective?

Synopsis:

Turkey is going through a revolutionary experiment with Islam in liberal democratic politics (“political society” in the words of J.Casanova, 1994) the results of which are not yet clear. Religion and politics are intertwined both at the level of political as well as civil society.

If indeed, “Islamic values are less supportive of gender equality and less tolerant of sexual liberalization” as has been argued often (Esmer, 2003, 67), we need to assess urgently the effects of religious intertwining with politics. In this paper, I evaluate the effects of this intertwining using the criteria of whether or not this process expands “opportunities” for women. I argue that it is not the uplifting of the Islamist² headscarf ban in the universities that we should prioritize as a danger, but the propagation of patriarchal religious values that sanction secondary roles for women, both through public bureaucracy, the educational system and civil society organizations. Party cadres with sexist values are infiltrating the political system and religious movements that were once banned are establishing schools, dormitories, off campus Quranic schools which socialize the young into religiously sanctioned secondary roles for women.

Without essentializing Islam, we need to locate the specific dangers that certain Islamist discourses have for restricting women’s options. We can strengthen cross cutting alliances between liberal groups both within Islamist and secular groups to initiate pro women’s rights change from within.

A vigilant and active civil society, including a bourgeoisie committed to an enlightened secularism and liberal democracy is an important safety valve against promotion of secondary roles for women. Closer global links with those states, institutions and people, which uphold women’s rights as human rights, is also an impending necessity.

1. Introduction

a. Historical Context

The founding fathers of the Turkish Republic inherited a religious state and society with a strong tradition of secular rule from the Ottoman Empire. Observers of Turkish Ottoman history underline the long entrenched secular tradition in the Turkish-Ottoman Islamic state. (Berkes, 1964; Inalcik, 1964; Mardin, 2005) Niyazi Berkes explains that the classical Ottoman polity was ruled by a Sultan with patrimonial authority, bound by the Islamic sacred law Sharia. (Berkes, 1964, 9) The Sultan had discretionary prerogatives and

² The term “Islamist” is used in an all-encompassing vague sense to refer to views, norms or practices that are colored by religious reference in some way. The meaning of the term changed over time from one claiming a more literal reference to Islam to an other making oblique references. As a short hand both Refah and AK parti might be referred to as Islamist but there is a radical difference in their Islamism.

exercised his will as the direct representative of God in the world. The highest religious authorities were tied to the Sultan and primarily helped legitimize his rule. Only when the Empire began to unravel, did religious authorities increase their autonomy in the hierarchic structure of rule.

However, the secular tradition took a radical turn with the foundation of the Republic of Turkey. The disestablishment of Islam was crucial in the process of nation building and modernization in Turkey. (Berkes, 1964; Mardin, 1981; Lewis, 1976; Toprak, 1981; Heper, 1985; Keyder, 1987; Kalaycıoğlu, 2005) The Republic declared sovereignty to belong to the nation and took radical steps to privatize religion and secularize the state. It restricted public visibility and dissemination of Islam. Republican secularism was neither democratic nor liberal but it was comprehensive and radical³. The new regime was less interested in securing religious freedoms than in disestablishing Islam and controlling its power in civil life. As such, the state did not necessarily separate itself from religious affairs but rather attempted to shape its content and role in society. Through secularism, it aimed to facilitate westernization of the predominantly muslim society inherited from the Ottomans. Under Kemalist secularism, the Enlightenment faith in reason and science thus flourished.

The founding fathers initiated a series of institutional changes to promote secularism. The Sultan was deported and the institution of patrimonial rule abolished in 1922. The abolition of the Caliphate and the Ministries of Sharia and Religious Foundations followed. Institutions of higher Islamic education, medreses as well as religious orders were banned. The secular Ministry of Education unified all education under its authority. Sciences and morals could thus develop independent of religious dogma. Secular education replaced religious teaching.

In an attempt to oversee the process of secularization and control religion, the Directorate of Religious Affairs was established in 1924. The directorate aimed to “administer all matters concerning the beliefs and rituals of Islam” (Berkes, 1964, 485). The Directorate could thus allow the State to oversee religious matters and shape religious activity politically. Religious personnel such as imams and prayer leaders became state employees expected to take instructions from the Directorate. The state thus could have a say in how the religious functionaries interpreted religion and what the imams and prayer leaders could or could not say in Friday sermons. Public praying was discouraged as mosques deteriorated because funds were not made available for repair.

Perhaps most importantly especially for women and their legal status in the new Republic, a new Civil Code adapted from the Swiss Civil Code displaced the Muslim Sharia and became the legal code of the country in 1926. The new code prohibited polygamy, subjected marriage to secular law, outlawed unilateral divorce, recognized male female equality in inheritance and guardianship of children. In 1934, the new state recognized suffrage for women thus expanding the public roles women could assume in the secular Republic. Unlike any other Muslim country, women in Turkey could thus be liberated from the restrictions traditional Islamist interpretations imposed on them.

³ Parla and Davison, 2004 argue that Kemalist secularism was not “true secularism” because it prohibited “religious freedom” rather than guaranteeing it. (p.6) They further argue that it was intertwined with politics from early days on because the founding fathers privileged Sunni Islam in institutionally establishing the Directorate of Religious Affairs (Parla and Davison, 104)

After the establishment of the new institutional and legal basis of the secular state, the founding fathers aimed to secularize the culture of the polity. Even though women were not prohibited from wearing the veil, regulations, if not laws led female public servants to adapt Western dress codes, including uncovering the hair. In this era of whole-hearted Westernization, female role models around Mustafa Kemal all dressed a la West in daily life and attending Republican Balls in décolleté dresses insured the legitimacy of a Turkish Islam for women where women uncovered in public.

In 1925, the traditional male headgear fez was abolished and a law was passed for wearing the European style hat. In 1926, the Gregorian calendar was adopted and only two years later Latin script replaced the Arabic script associated with Islam. The call to prayer traditionally delivered in Arabic was translated and delivered in Turkish. In 1928 the constitutional article that Islam was the religion of the state was dropped. In 1937, secularism became a Constitutional principle.

Secularizing measures of the Republic were arguably the most radical and the most important in setting the Republic on its course of modernization a la West. The founding fathers aimed to use secularism as a means to develop and modernize the country. As they successfully pursued their goal, the need to democratize the country precipitated the need to lax the secular hold of the state over society.

The process of democratization that accompanied Westernization brought about several concessions. In 1950, Turkey moved away from a single party to a multi party regime. The Republican People's Party that had introduced the secularizing reforms and ruled as an authoritarian single party was replaced by the Democrat Party, which allowed for relatively more extensive religious expression in public space. The call to prayer began to be delivered in Arabic and the government initiated the founding of the Prayer Leader and Preacher schools. (Acar and Ayata, 2002, Akşit, 1991)

After a military intervention that took place against the Democrat Party, which became increasingly more authoritarian even though it did expand religious rights, a new more liberal Constitution was drafted. The 1961 Constitution, which expanded freedom of expression and civil liberties, allowed for the development of leftist as well as rightist ideologies. The Islamist Milli Nizam (National Order) Party, which was founded in 1970, was immediately closed by a constitutional court order because the dictates of the party undermined the secularist principles of the constitution. The Milli Selamet (National Salvation) Party duly replaced the Milli Nizam Party. The new party upheld traditional values and the importance of Ottoman (i.e. Islamist) past for contemporary problems from the Kurdish issue to the problems of uneven capitalist development. It was an articulate critic of modernization a la West because the project denied the importance of religion in people's lives and Turkish secularism controlled Islam. (Toprak, 1984)

After the 1980 military intervention, The Milli Selamet Party was closed along with other parties. In the post 1980 era, the Islamist Refah (Welfare) Party (Çakir, 1994, Gulalp, 1999a and b, Jenny White, 1995, 1997, 2002 a and b, Yavuz, 1997), which replaced Milli Selamet, promoted the pursuit of a "just order". Similar to Milli Selamet, Refah was also critical of the West, Turkish westernization and secularism. The party was against the European Union and advocated a union of Islamic states where Turkey would play a leading role like it did during Ottoman times. During their term in opposition, the party leaders developed and later advocated the concept of "multiple legal orders", where different groups

of people would choose to abide by different legal systems, a direct challenge to the prevailing concept of secularism where there was only one secular legal order. Though the proposal had no policy implications and was waived aside without much debate, it did reveal an alternate understanding of secularism the party was ready to imagine. Refah openly supported women who wanted to attend universities with their headscarves, and thus recruited large numbers of women into its ranks (Arat, 2005). Unlike its predecessor, which had played a key role in the coalition governments of the 1970s but remained electorally weak, Refah became the major opposition party in the country. Following the 1995 elections, where it received 21.4% of the votes, Refah became the major coalition partner in government from June 1996 to July 1997.

In 1998, Refah was also closed by a constitutional court order. Fazilet (Virtue) Party, which dropped the rhetoric of multiple legal orders and criticism of the West, replaced Refah (Esmer, 2002, 109; Güneş-Ayata and Ayata, 148-155; Yeşilada, 2002). It was also closed because it supported the wearing of the headscarves to the universities and was against the ban on the issue. The military, the state bureaucracy, the judiciary, the president and the educated professionals were all against the Islamist parties and in support of Kemalist secularism where religion was privatized and state controlled religion. Yet the discourse of staunch secularism began to lose its monopoly in civil society and Republican secularism began to be criticized for its illiberal ethos by secular as well as Islamist groups in the 1990s.

The younger generation of Fazilet members who wanted their party to become mainstream founded Adalet ve Kalkınma Party (AKP, Justice and Development Party) in 2001 (Tepe, 2005). Democracy had become in the words of A. Przeworski, the “only game in town” (Przeworski, 1991) and the Islamist parties that were closed came back to try to win under the same rules which outlawed them. The resilience of electoral democracy in Turkey helped moderate the Islamists who sought political power in Turkey. With the November 2002 elections, AKP received 34.3 % of the votes and assumed power as a single party government with 363 seats in a parliament of 550 (Çarkoğlu and Kalaycıoğlu, 2007). It had a successful term in office for about 4.5 years during which the party proved itself to have changed into a moderate conservative party, aware of the globalizing transformations taking place in the world and responsive to the changing needs and demands of its domestic constituency.

AKP had recognized that the only route to political power was through winning elections and playing by the rules of procedural democracy that the population unequivocally endorsed. To win the next elections, AKP responded to popular demands. The overwhelming majority of the population at the time (about 70%), including AKP’s primary constituency of provincial Islamist bourgeoisie, supported the prospect of joining Europe and everyone wanted a strong, stable growing economy. By 2002, the smaller Anatolian based entrepreneurs along with the Istanbul based big business were ready to profit from closer integration with Europe. AKP responded to both economic and political dictates, overcame the long entrenched antagonism of the Islamists towards Europe and proved itself capable of running a stable economy that its predecessors could not.

In the July 2007 elections AKP returned to power with the 47% of votes and 340 MPs in a parliament of 550 members. In 2002, even though AKP ruled as a single party government with 363 seats in the parliament, it had received only about one third of the

votes⁴. In 2007, for the first time in Turkish history a political party with an Islamist background was coming to power with practically half the electorate behind it. The balance between the so-called secularists and the Islamists had changed. AKP now could coalesce the necessary two-thirds majority to enable it to change the Constitution with more facility. After it came to power, the party had its candidate for the Presidency of the country Abdullah Gul elected to office to the utter disappointment of the opposition. Through a quickly patched referendum, the party changed the rules of presidential elections from one where members of parliament elected the president to another where the people elected him/her with a direct vote. Leaving aside the promises of a liberal comprehensive Constitutional amendment endorsed by a broad coalition both within and outside the parliament, which could also facilitate relations with the European Union, in January 2008, AKP constructed a hasty coalition with the rightist nationalists to abolish the ban on the headscarves by amending only the relevant Constitutional articles. In March 2008 the Public Prosecutor took the AKP to Constitutional Court to have the party closed. In July 2008 the Court decided against the closure of the party, but punished it with financial penalty because of its anti-secular activities. In this paper, I shall focus on the intertwining of religion and politics during the AKP terms in office, because it was the Islamist rooted party that had more political power than any of its predecessors. However, I shall first cite some relevant data to extend our understanding of context, which is crucial for evaluating the effects of this intertwining.

THE QUANTITATIVE SNAPSHOTS

According to the 2006 Freedom House Survey, which uses a scale of 1 to 7, where 1 represents most free and 7 least free, Turkey is ranked 3 both in terms of political rights as well as civil liberties. (Puddington, 2007, 128-129) There are still legal restrictions in civil liberties and democratic rights. Article 301 of the Penal Code restricts freedom of expression under the pretext of upholding national unity. Turkey has not been able to solve its Kurdish problem. There are breaches of Alevi⁵ rights under the Sunni majority. It is still difficult to talk about the massacres of Armenians during 1915-1917.

Against this background of restricted liberties, Turkey remains a secular country with a religious population. In a country of about 70 million people, there are about 85 thousand mosques. According to a 2007 survey, 82% fast regularly during the month of Ramadan, and only 45% think that restaurants should be open during Ramadan. 56% regularly go to mosque for Friday prayers, about 44% do the five daily prayers regularly, and 41% do them now and then. Defined as “one who tries to observe the requirements of Islam”, about 53 % consider themselves as religious. Defined as “one who does observe all the requirements of Islam,” about 10% consider themselves as devout Muslims. About 34% consider themselves as believers who don’t observe the dictates of Islam (Erdem, *Milliyet*, 5 December, 2007). These high figures are the results of reliable nationwide surveys. They might not reflect the reality and the figures might be actually lower than these surveys reflect, because people might have wanted to portray themselves as more religious than they really are. Still even this concern shows that being religious is a highly prized, socially sanctioned value.

⁴ In the 2002 elections, only two parties were in parliament. The high 10% electoral barrage leads to wasting of votes in the Turkish electoral system even though it is based on proportional representation.

⁵ a minority Muslim group that constitutes about 10 percent of the population.

In this religious population, 15% of the people are married with civil marriage only, while about 83% contract both civil as well as religious marriages. However, only 2% have only religious marriages. (Altınay and Arat, 2007, 64) .

About 70% of women (69.4%) cover their heads when they go out in public. (Erdem, 2007) Within this 70%, there are different figures about the way heads are covered and different interpretations of what the different styles of head covering means. Many, that is about 55% seem to covers their heads with a scarf under their chin, in a traditional fashion and others, about 15%, mostly among the young, seem to cover their heads with a turban closing the hair and the neck tightly; however, the distinction between different styles of head covering is difficult to communicate in a survey and what the respondents understand from these distinctions is unclear and we need to use these figures with caution.

73% of women who cover their heads say that they do so because of religious beliefs. 13.7% say that it is a custom for them, 2.7% say their husbands wants them to cover, 2.9% say it is the family elders who expect them to cover and 4.9% say it is a habit for them to cover (Erdem, 2007).

In Turkey, there is the famous ban on Islamic head covering in universities that has been a major cause of polarization in the country between the so called Islamists and seculars (Arat, 2001; Göle, 1996; Özdalga, 1997, 1998; Saktanber, 1994, 2002; Göçek, 1999; Özyürek, 2000). It was widely accepted that women in rural areas traditionally tied their heads loosely with a scarf, however it was only in the 1980s that female students in visible numbers began covering their heads in metropolitan urban universities in a context of Islamist revival. It is widely agreed that head covering of women is an Islamic dictate. In 1981, the Council of Ministers issued a statute, which prohibited head covering for university students and public employees. The ban became a battle ground between the Council of Higher Education which changed its stance on the ban a few times, the Parliament which unsuccessfully tried to pass a law to allow the ban in 1987, the two previous Presidents who were adamantly opposed to it and the judiciary where the lower courts gave some verdicts in defense of the headscarves and the higher courts which vetoed them. Ultimately, both the Council of State and the Constitutional Court banned head covering in the universities because they declared it to be against the secular principles of the Republic. European Human Rights Commission as well as the European Court of Human Rights supported the ban on cases that came before them.

By 2007, only 22% of the population supports the ban on wearing headscarves in universities and 78% oppose it. Yet, the 20% who are opposed to the ban feel intensely about

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