Critical ACTS without a ‘Critical Mass’: The Substantive Representation of Women in the Turkish Parliament

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Abstract

Drawing upon the in-depth interviews with 20 women MPs and the members of the women’s movements and their publications, as well as content analysis of the parliamentary debates during the amendment of the Turkish Civil and Penal Codes, we elaborate on the possibility and conditions of women’s impact on politics without constituting a critical mass in parliament. Generally speaking, the figure set for a critical mass of women in parliament is about 30 percent, however, the rate of women in the Turkish Parliament is very low, reaching a peak in the 2002 general elections with 4.3 %. Despite the estimated discrepancy, Turkish women without being a ‘critical mass’ in the Turkish Parliament were able to create a feminist effect through legislation accomplishing ‘critical acts’ in engendering equality between women and men, transforming politics in a feminized way and strengthening democratic ideal in Turkish society. Our research reveals that when the state machinery, women’s machinery and supra-national agencies have created a proper context, as in the case of in the last decade in Turkey, substantive representation of women’s issues become possible even in a political culture, which confines women as a skewed group in parliament.
Introduction

Despite the worldwide under-representation of women in politics, one should not deny that the rising participation and representation of women in politics has been one of the most significant achievements of the late twentieth century. Jane S. Jaquette celebrated this fact by arguing: “Never before have so many women held so much power.” (1997:23) Among others, Marian Sawer explained that “women have, in the 1990s in particular, successfully politicized their absence from parliaments and challenged the legitimacy of male-dominated decision-making.” (2000:361) Feminist scholars of representation hold the idea that if women go beyond their symbolic status [tokenism] in politics and are able to constitute a critical mass in parliaments, then the substantive representation of women’s issues becomes possible. In political science literature, Sandra Grey explains, the concept of critical mass suggests that “the election of an adequate number of female politicians will result in governance more responsive to women” (2002:19). Put differently, whenever women reach critical mass in politics, it is assumed, they would easily influence “political agenda, political culture and public policy” in a feminized way (Phillips 1995, Jaquette 1997; Lovenduski 2001; Grey 2002; Lawless 2004). On the other hand, scholars have been cautious in approaching the critical mass theory, because, as Grey argues, “critical mass is more a theoretical and popular expectation than a demonstrated effect” (2002:19) and because as Childs underlines, it is not enough to increase the number of women in parliament but to increase the number of attitudinally feminist women in parliaments for the substantive representation of women’s perspectives (2001:178).

Proving the assumption that women representatives are not the sole site for substantive representation of women, Turkish women, regardless of their numerical under-representation in parliament, have been quite active in politics since the 1980s. In fact, the emergence of a strong women’s movement in the 1980s had been nurtured by state feminism in the 1920s and 1930s of Turkey. During the foundational years of modern Turkish Republic, the republican elite had placed women at the centre of their modernization aspirations and granted them equal citizenship rights with men (Tekeli 1995; Arat 1998; White 2003). The 1926 Turkish Civil Code, replacing Sharia had empowered women by removing polygamy and by recognizing equality in divorce, inheritance and child custody (Kandiyoti 1987). The lack of substantive amendment,
however, has made the Civil Code—once radical and progressive—outdated in light of emerging power, justice and equality demands of Turkish women. Consequently, the women’s movement since the mid-80s has devoted all its energy to reforming the Turkish Civil and Penal Code and to the elimination of the statements discriminating against women. At the very beginning of the 21st century, thanks to the efforts [lobbying, campaigning, co-operating among intra and extra-parliamentary groups] of the women’s movement by utilizing women’s machinery, state machinery and the global machinery, a new Turkish Civil Code was adopted and crucial amendments were made in the Penal Code.

However not all the demands of the women’s movement have been accepted in parliament, for example demands on adopting a quota system. Turkish women’s desire to be a critical mass in parliament was blocked by men as well as women MPs of the party in government. Jane S. Jacquette argues that “The surest way to achieve an increased number of women in national legislatures is to adopt quota system that requires a certain percentage of women to be nominated or elected” (1997:32). Does size really matter? How do we account for these critical acts endowing Turkish women with equality and power? How do we account for women MPs voting against “quota for women”? What would be the alternative sites and mechanisms for women to act for women?

To address these questions, this study is based upon three kinds of data. The first set of data includes the interviews, web sources, publications as well as the press releases of the women’s organizations in order to explore the activities of the independent women’s movement during the amendment process of the Turkish Civil and Penal Code in the last two decade in Turkey. In this period, the independent women’s movement established a bridge not only between the international agencies and the Turkish state, but also between the women outside and inside the Turkish parliament. Our second set of data is the qualitative interviews conducted with 20 women MPs, currently sitting or previously having a seat in the Turkish Parliament in order to demonstrate how women MPs in Turkey perceive of women’s issues, and the extent to which they act on behalf of women. The third set of data covers the parliamentary documents including the debates on the amendment of the Turkish Civil and Penal Codes in line with harmonization with
European Union. For revealing the interaction between the women’s movement and the members of parliament, we also look into the daily newspapers.

Women’s Machinery, State Machinery, and Global Machinery

In a recent article entitled “Representation and Democracy: Uneasy Alliance” Pitkin has once again clarified that “The concept of ‘representation’ is puzzling not because it lacks a central definition, but because that definition implies a paradox (being present and yet not present)” and yet she underlines the importance of the renewed attention to the idea of representation especially in Europe (2004: 335). In fact, the women’s movement in Turkey in the 1990s started to leave its predominantly grassroots character, becoming more institutionalized and recognizing the importance of the representation of women in parliamentary politics. This development in the Turkish women’s movement leads us to shift from Pitkin’s more theoretical and conceptual focus on the concept of representation to the factual representation of women in the Turkish parliament. Given the history of women’s enfranchisement in the 1930s in Turkey, the Turkish Parliament has never expressed a genuine hospitality towards women, who have always been a minority in the numerical sense. During the adoption of the new Civil Code, amendment of the Penal Code and the elimination of the statements in the laws discriminating against women, women’s descriptive under-representation has been undermined, because the women’s movement affected the legislation and contributed to the substantive representation of women’s issues. These developments have also been influenced by global trends compelling Turkey to commit to following the actions plans drawn by the European Parliament, the United Nation Commission on the Status of Women and the Inter-Parliamentary Union. The women’s movement pressurized governments and representatives to be loyal to their commitments at the international level and transformed the legal structure and feminized the politics for a more egalitarian society in Turkey.

Since the establishment of the Turkish Republic, legislation has become a significant instrument for improving the status of women. Setting aside the inequalities Turkish women were faced with in society and daily life, the legal rights granted to Turkish women by the so-called feminist state of the 1920s and 1930s were far beyond the rights gained by many women all over the world, not only in the Middle Eastern countries but also in many Western European countries. Although feminist scholars have
acknowledged the role and activism of Turkish women since the last decades of the Ottoman Empire and the early decades of the Turkish Republic, the major actor was the state in the field of women’s rights. The legacy of the early decades of republic to the women’s movement is that legislation is a significant instrument for changing the status of women in Turkey. Interestingly enough, in the 1980s and 1990s this legacy intertwined with the role of the state in the global context where as Inglehart and Norris observed, the international women’s movement and official bodies such as the United Nations and EU directed their attention to “the role of the state in reinforcing or alleviating institutional barriers to women’s progress”, and to “the need to establish political, social and economic rights” for bringing about “gender equality through legal reform and the courts” (2003: 6). Concomitantly then, in the last decade in Turkey the women’s movement’s lobbying and campaigning efforts resulted in “reforms which have drastically changed the legal status of women in the family and in the promulgation of the new Turkish Civil Code” and the amendment of the Penal Code (WWHR 2002:4). We call this new condition, which is not initiated by the state, instead emerging partly from an interaction between the state, international agencies, and the women’s movement, but mostly from the campaigning, lobbying, rallying, and intra and extra parliamentary efforts of the women’s movement to enable the substantive representation of women’s interests as “feminist effect through legislation and the court.”

Emergence of the women’s movement in Turkey goes back to the 1980 military coup when the left-wing movement was suppressed. Women who were previously active in the left-wing movement started to translate their powers and experience into the women’s movement, to voice the women’s interests for eliminating multi-dimensional democratic deficits in Turkish society. The women’s movement aimed at transforming Turkey into what Wängnerud called as a favorable society to women (2000: 70). As far as the standards drawn by Wängnerud were concerned, Turkish society could not be regarded as favorable to the female citizens because it was a society where there was a sharp differentiation between the private and the public; children, the sick, and the elderly were cared for as unpaid work in the home and violence against women and children was seen as a private matter. After the 1980s women’s groups started to transform Turkish society into a woman-friendly society through launching various campaigns. At the beginning their campaigns mostly targeted the private sphere. In this regard, the 1987 campaign against the battering of women was noteworthy. Women
activists used creative methods to draw public attention to problems in the private sphere; their Mother’s day celebrations in the streets with the handbills, stating “Do you love your mothers, but do you beat your lovers [wives]?“ were also remarkable for women’s encroachment into the media, which would later prove effective for the public visibility of the women’s movement during the transformation of women’s legal status.

The 1990s were suitable not only for Turkish feminists but also for all feminists in the world to be institutionalized. As Marshall expresses for the Turkish context, “feminist activism moved from streets to institutions…(as) some feminists withdrew to universities and state organizations” (2005:106). As Lovenduski states for the world context, by the 1990s feminists were organized in political institutions including the political parties, trade unions, employer and professional organizations, the civil service, and in local and national governments (1996:1). Put another way, global trends in the 1990s affected individual countries on the ground for bringing about an egalitarian representation of women in politics and in public office. In this regard, the UN Convention on the Elimination of All Forms of Discrimination against Women was ratified by 168 countries including Turkey. The Directorate General on the Status and Problems for Women (DGSPW) was established in Turkey in 1990 under the Ministry of Work and Social Security and then in 1991 it was put under the State Ministry for Women and Family.1 In addition, in many state universities Gender and Women’s Studies Departments and Research Centers were established. Apart from the institutionalization of women in the state, the women’s movement created its own institutions, including the Purple Roof Woman Shelter Foundation (1990), The Women's Library and Information Centre (1990), Women for Women’s Human Rights – New Ways (1993), the Women’s Center (KA-MER) and Association for the Support and Training of Women Candidates (KA-DER). One of the directors of KA-DER also noted that although the members of the women’s movement neglected the importance of holding political office, after the 1990s not only the women collecting under KA-DER but almost all of the groups in the women’s movement appreciated the idea that bridging parliamentary politics with the extra-parliamentary politics would empower the women

1 Please see TBMM Kadının Statüsünü Araştırmak Komisyonu Raporu for a more detailed explanation on Turkey’s ratification the CEDAW. Also see our interview with İmren Aykut, who was the first State Minister in charge of women and family affairs and who initiated the establishment of the Directorate General on the Status and problems for Women. DGSPW provided women with the penetration into state apparatus and the connection with international gender agenda (Ertürk quoted in Gönüllü 2006).
in Turkey. Put another way, as the Women’s for Women’s Human Rights-New Ways organization clearly expresses, women’s groups have recognized the importance of connecting “local, national, regional and international action” for the substantive representation of women in Turkey (2002:4).

Before launching two big national campaigns related to the Civil and Penal Codes, women’s groups’ decisive cooperation resulted in a) annulment by the Constitutional Court of Article 159 of the Civil Code, which had stated that women needed their husbands’ consent to work outside the home (1990); b) the repeal by the National Assembly of Article 438 of the Penal Code, which provided for a reduction of one-third punishments for rapists if the victim was a sex worker (1990); and c) a new law on domestic violence, enabling a survivor of domestic violence to file a court case for a “protection order” against the perpetrator of the violence (1997) (WWHR 2002:6). However, the most significant impact of the women’s movement appeared during the adoption of the New Civil Code (2002) and the amendment of the Penal Code (2004), whose implications for women’s issues were obvious.

What about the women in parliament in Turkey? How about their connection with the independent women’s groups? What are the roles of Turkish women MPs in the legislation? Do they represent women? Do they have women’s perspectives? Since the 1990s, women’s groups in Turkey started to emphasize the significance of electing more women to the parliament and especially to the higher levels of political office. Scholars have already noted the importance of women’s representation in terms of “the policy and procedural differences” and “the attitudinal and behavioral effects” (Lawless, 2004, 81). Feminist scholars have repeatedly suggested that the rise of numerical representation of women “could alter the predominant political culture, the policy agenda, and the representation of women’s interests in public life” (Lovenduski and Norris 2004, 84). With these concerns in mind, we have interviewed 20 women MPs from the religious right to the central left parties.

Women in the Turkish Parliament
The female enfranchisement in Turkey goes back to the 1930s when the modernizing republican regime had committed to bring about a full public visibility for women. Turkish women were elected for the local governments in 1930 and for the national
parliament in 1935. Since then, however, their rate has never reached more than 5 percent of the Turkish Parliament. Until the 1999 general elections, religious and nationalist right parties had no female deputies. On the other hand, the centre right and centre left parties have always listed female candidates and have had female deputies and cabinet members since the female enfranchisement of the 1930s. In the 2002 general elections, all parties, including the religious right to the left listed women candidates. Currently there are 24 women MPs in the Turkish Parliament, which retains 550 seats, 13 of which are from the religious AKP and 11 of which are from the centre-left CHP (Narlı 2002:113).

In our in-depth interviews with 20 women MPs who are currently sitting or previously had a seat in the Turkish Parliament, we initially posed questions in order to clarify the personal qualities of the women MPs. Second, we aimed to uncover the quality of the relationships amongst women MPs in the same party or the other parties. Third, we elaborated on the intra-party relations including their connection with women’s branches. Our fourth goal was to explore women’s MPs perspectives on the women question in Turkey. And lastly, we tried to understand the interaction, if any, between women MPs and the women’s movement.

Personal Qualities and Political Interest of Women MPs

Since the enfranchisement of Turkish women in the 1930s, women’s status in the Turkish parliament has been restricted to a recurrent tokenism, which resulted in high expectation for the quality of women who hold public office. In our research we have found out that all of the women MPs regardless of their party affiliation are graduated from universities; two of them have the master’s degrees; and seven of them have doctoral degrees. Compared to the qualities of male deputies, the qualities of female deputies are very high. Put another way, women MPs were already in positions of power before entering into parliament. However, the power and the cultural (educational) capital women have is one thing, and the translation of these qualities into a political power in the parliament is quite another. Many female MPs have felt “like a fish out of water” when they left their current position to be active in politics. This feeling could be explained by the male dominant culture of the Turkish parliament. As an indication one of the women MPs described the difficulty women MPs are faced with while proposing a
law or making a parliamentary speech: “Men MPs would initiate legislation without knowing many details of the draft law they defend, whereas women have to answer all questions regarding their proposals.” Another reason for the “fish-out-of-water” feeling of women MPs, which is also related to the male dominancy in parliamentary politics, is their lack of previous experience. 70 percent of women MPs we interviewed stated that they were invited to the political parties when they had no intention to hold an office. One woman MP’s words are emblematic in this regard: “I entered into politics in 1995 with a last minute decision after seven separate conversations with the leader of one political party. I was not ready…I had no interest in politics.” Another colleague expressed similar experience related to another political party: “I entered into politics with an invitation in 1995, it was a last minute decision. At the time I was the governor of a city.” Another woman MP explained in the same spirit that “In 1995 I was invited by one party, but when the Constitutional Court cancelled the representative status at the national level, I could not be a representative. Then I went back to my post at the academy. Then in 1999 another party invited me and I became a representative.”

**Solidarity or Competition**

In the Turkish political culture there exists a strong party discipline; political parties prescribe and control the activities of their MPs; and more significantly, Turkish MPs rely on their parties for re-election, which in turn strengthens the party discipline (Dorronsoro and Massicard 2005). Our research confirmed that women MPs are under the control of the party discipline regardless of whether they are affiliated with right-wing or left-wing parties. Almost all of the MPs stated the difficulty of cooperation among women MPs from different parties. Only three of them acknowledged an inter-party cooperation. Many women MPs claimed a stronger cooperation among men MPs. Some of them underlined that because of their numerical majority, male MPs seem to establish an intimate dialogue and act harmoniously more frequently than the women MPs do; however, in reality, they maintained, men’s relationships are more competitive and harsher than that of women. One woman from the center-right stated that “We can say that there is collaboration among men, but the reason of collaboration is their numerical majority. We could not expect solidarity for 8 women in parliament. If they were 200, or 50, or 30, there would have been solidarity. The solidarity of women in parliament is limited; they also confess this. I am very much upset about that. Because this means self-denigration.”
None of our interviewees affirms the well-known feminist claim that political style of women is remarkable by “cooperation, collaboration and honesty” rather than by “conflict, hierarchy or sleaze.” Quite the contrary, one of the women MPs talked about the “masculinization” of the Turkish women MPs, on the ground that in order for women MPs to be successful in the Turkish parliamentary culture, “they have to be quarrelsome like men MPs.” One of her colleagues supported her by arguing, “I have a good connection with the MPs of my own party. My relation with other MPs is very limited. There is cooperation among women in my party, but there is also competition, in fact competition is the reality of life.” Another one stated that “We, as women MPs, have no solidarity in parliament. Only during the debates on the new Civil Code, all women MPs cooperated. Apart from that, we occasionally met at dinner parties. The party discipline prohibited the establishment of an interest group among women MPs coming from different parties.” Another woman MP confirmed her colleague by noting “Because our worldviews are very different, it is not possible to establish a strong friendship with men or women MPs of other parties.”

Another indication of the strength of party discipline can be observed in the case when one woman MP from the party in government supported the proposal of the party in opposition, demanding to add a clause as “special temporary measures” to be taken by the state, which would correct the extensive gender inequality in society. As a result she had to resign from her party to participate in another one. In fact, previous research on Turkish parliamentary politics revealed that one of the most common ways for MPs to escape party pressure is to change their parties. Although inter-party solidarity is rare as the women MPs stated, the inter-party mobility is very high in the Turkish Parliament. Put another way, if women MPs seek collaboration, it is better for them to be under the roof of the same political party. This is not to suggest, however, intra-party relations of women MPs as well as the women holding other positions within the party hierarchy are all harmonious and dialogical.

**Intra-party relations among women**

Since the surveillance strategies of political parties are various and intense, some of the women MPs explained that their parties limit not only the inter-party dialogue among women in the parliament, but also they strictly regulate the connection between women
MPs and the women members in the women’s branches. Political parties give great importance to their women’s branches mainly for their fruitful connections with women constituencies. They frequently express that the women’s branches are suitable places for political education of women, who would hold office in the parliament in the future. However, they try to eliminate the possibility of solidarity between women MPs and women’s branches, and thus they prevent a strong connection between the women MPs and women constituencies. In this condition, there appears to be a competition rather than a dialogue, as one of our interviewees explained: “Actually, women’s branches were the sites of competition in most cases, rather than the sites of solidarity.” Another woman MP criticized women’s branches of political parties because she thinks women’s branches are used as pseudo-status for women: instead of a position in party organization and parliament, women are directed to a tertiary position in women’s branches. By questioning what it means to be relegated to women’s branches, one woman MP noted the silence of women’s branches on women’s issues, as exemplified in their lack of involvement during the debates on the new Civil Code and the Penal Code had no say. What about the women MPs’ position before the women’s cause then?

Women’s Perspectives, Women MPs’ Perspectives

In line with another feminist expectation that women are more likely to represent women substantively, we asked whether Turkish MPs are concerned with women’s interests when they have the opportunity. For testing this, we followed Lena Wängnerud, who suggests that women’s interests are divided into three components including a) the recognition of women as a social category; b) acknowledgement of unequal balance of power between sexes; c) the occurrence of policies designed to increase the autonomy of female citizens (2000: 70). For testing “the recognition of women as a social category,” Wängnerud asked Swedish members of parliament the definitions of their job, “Do they separate women as a particular group which it is important for them to represent?” and she asked “are women’s organizations included in this network?” We posed similar questions to the Turkish women MPs and got the answers shown in Table 1.
Table 1: Do Turkish Women MPs Represent Women? (20 MPs)

| Representation of women as a social category | 8 |
| Rejection of representing women             | 4 |
| Ambivalent answers                          | 8 |

In directing our questions, we had also in mind another argument developed by feminist scholars of representation: to substantively represent women, women MPs must have feminist commitment. Given the hegemony of patriarchy as a discourse as well as the extreme gap between the number of male and female representatives, in our interviews with female representative instead of searching for their self-identification as feminist or their overt feminist attitudes, we resort to the questions such as whether they represent the women or not, whether they are interested in women’s questions, and if they have any connection with the women’s movement. Childs underlines the societal disapproval attached to the concept of the feminist by stating “to be a feminist in the twenty-first century in the UK is an identity few women seek to claim, since it risks opprobrium.” (2001:179). It goes without saying that the pejorative connotations of the feminism prevail in Turkish society as well as in the Turkish parliament. Whereas Childs leaves the question of whether the MPs are feminist towards the end of the conversation, we preferred not to use the concept at all in the Turkish context. Although some of the British MPs spontaneously express their feminist attitudes, none of the Turkish MPs has such a self-definition. However, given the definitions of feminism claimed by certain British MPs, such as that “the importance of recognizing the role and importance of women”, that “the equality between women and men”, and that “girls and women should have choice in their lives,” (2001b: 180), we can come to the conclusion that a great many of the female MPs in our interviews are feminists, if feminism is defined very loosely.

We have found out that women MPs are concerned with women’s issues. This does not mean that they are all attitudinally feminists, but rather that they feel particularly obliged to deal with and care about women’s issues. The numerical minority of women in parliamentary politics creates a sort of division of labor where political parties lead female representatives to participate in commissions and ministries which are connected with women’s issues. On the other hand, various feminist groups who seek for
The Interaction between Women MPs and the Women’s Movement

In Turkey it was the women’s movement, rather than the women in the parliament that initiated the dialogue and the interaction among the women heading in separate political paths. Although the women’s movement contains various women’s groups with different political perspectives, they are successfully able to come together where women’s interests are concerned, such as in the case of legal amendments in Turkey. Their claim for collectivity is not limited to the independent feminist groups active mostly in the streets, but also targets the women seated in the Parliamentary office. As an example, one of the most significant women’s associations which aims at empowering women in political parties, is KA-DER. Since its establishment, KA-DER has called on political parties to comply with the “Agreement to Prevent All Kinds of Discrimination against Women,” which Turkey has signed. It also demanded that political parties place at least one woman among the first three, two women among the first five and three women among the first seven names on their candidacy lists. The association also called on political parties not to ask for money from women candidates. This association launched many courses to educate women candidates in order to be more successful in the male-dominated political culture. The most significant claim of the association is their equal distance from all political parties, because it aims at embracing all women in order to bring them into the decision-making positions.

In our research, only 9 women MPs acknowledged their connection with the women’s movement—one of whom was coming directly from the women’s movement. One woman MP from the center-right, among those who rejected the collaboration with women’s groups stated that: “Since we are from the centre-right and since we are not in government, women’s organizations did not care for us when we proposed to amend the article 10 of the constitution. Women’s organizations try to make connections either with the party in government or with social democratic parties. However, women’s organizations should be over all parties, over the politics.” One from the religious right stated that “As a member of the party in power, it is inevitable to work with women’s
groups. Our relationship is quite intimate. For instance, when they need financial support for their projects, we help out these groups.” Feminist scholars in different countries underline a more collaborative relationship between women’s groups and the left-wing parties. The Turkish women’s movement is not an exception in this regard. However, all Turkish political parties, social democrat or not suffer from a democratic deficit arising from the unequal representation of women. The Turkish women’s movement’s acknowledged tendency toward the parties in government can be explained not with a discrimination against the oppositional parties, but with their aim to pressurize the state institutions such as the Ministry of State in charge of women and family affairs.

On the other hand, some of the left-wing women MPs are very critical about the women’s groups. For example, one female MP from the center-left criticized certain women’s organization because these organizations have a tendency to mask their party identity. She is mostly offended by women’s organizations’ well-known motto: “we have equal distance with all parties.” How is it possible for an organization seeking an egalitarian regime for women to put social democrats and Islamists into the same basket? Another left-wing woman MP stated that “Women’s groups worked a lot among themselves; however, I do not believe that civil society would affect and change the opinion of an MP, who is able to enter into Parliament…Especially I do not believe that there would be an affect on such issues as women’s rights about which everybody has an idea. As to the Civil Code, representatives have already had a decision.) While she rejects the effects of women, her colleague underlined that “As CHP, we give great importance to civil society, particularly to women’s NGOs. We can get together with them when they demand…As to lobbying…They should go for lobbying to AKP, not CHP. We are already with women’s groups, we already share their arguments. Another woman from the same party used the same words: “Ours is not a party to lobby for women. Our perspective has no difference from that of women’s groups. Our relationships is based upon mutuality: we complete each other’s incomplete sides.”

All of the women MPs, except one, stated and appreciated the efforts of women’s organizations in the issues related to the women question, such as in the amendment of laws discriminating against women. Despite all efforts, not all MPs are in harmony about the effect of the women’s groups. An MP from the religious right stated that in acknowledging a dialogue with women’s groups: “All of the women’s groups came to us
for instance; they explained their problems and we tried to solve them… Women’s groups had no consensus among themselves on the Civil Code. That is why while lobbying, each women’s group stated very different demands. This was not the way for lobbying. You would not believe me but, there was ideological conflict among women’s groups.” Another woman MPs from the center-left stated “These (women’s) organizations are very interesting. Occasionally they invite us to their meetings. Of course we respond to them positively. In fact, women’s organizations have no sanctions because they have no power.”

Table 2: Turkish women MPs and substantive representation of women’s issues

<table>
<thead>
<tr>
<th>Issue</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Invitation by party leadership to politics/ political office</td>
<td>14</td>
</tr>
<tr>
<td>Connection with women’s movement</td>
<td>9</td>
</tr>
<tr>
<td>Difficult to be a woman in parliament</td>
<td>6</td>
</tr>
<tr>
<td>Supporting gender quota</td>
<td>18</td>
</tr>
<tr>
<td>Cooperation among men MPs</td>
<td>11</td>
</tr>
<tr>
<td>Cooperation among women MPs</td>
<td>3</td>
</tr>
</tbody>
</table>

Despite their changing arguments on the women’s groups and women as a social category to represent, all MPs stated their heart-felt concern with the problems of women in making politics, and almost all of the MPs interviewed supported the establishment of a gender quota. In evaluating the results of interviews with women MPs, as outlined briefly in Table 2, we should take into account Lovenduski and Norris’s doubts about the self-reported claims. They argue that women politicians’ will to “prioritise women’s interests and concerns any more than men cannot be accepted as face value.” That is to say, if the number of women increases in the Turkish Parliament, “the public face of politics” would be “feminized”, but “the political culture and the substantive policy agenda” would remain unaffected (2004: 97). For this reason, we argue that the existence of an independent women’s movement and their incessant activism would be the guarantor of the substantive representation of women in Turkey, where the egalitarian legal structure and state’s commitments to the international agencies for the correction of gender inequalities provide women’s groups sufficient tools for acting for women. In the following part of the article, we shall elaborate on the amendment of the Civil and Penal Codes as a successful substantive representation of women.
Parliamentary Debates and Feminist Impact

Since the 1990s, the women’s movement in Turkey started to voice a new set of demands and searched for the mechanisms of infiltrating into the political parties and other political movements in order to bring about gender awareness, and to correct gender-based inequalities. The women’s organizations have both attempted to integrate women into formal means of representation, and tried to connect women MPs into the independent women’s movement. When a proper conjuncture arises, as in the case of Turkey’s integration into the EU, which requires crucial reconfiguration of the state and the legal structures, then the political parties, even the most conservative ones could not resist the demand of the women’s movement (Ayata and Tütüncü, forthcoming). In such a conjuncture, two significant campaigns of the women’s movement were bore fruit and resulted in a more egalitarian Civil Code, which came into effect on January 1, 2002, and a Penal Code, which accepted on September 26, 2004.

Table 3: Amendments for gender equality in Civil Code

<table>
<thead>
<tr>
<th>Old Civil Code</th>
<th>New Civil Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>if the absent person has never resided in Turkey, then the place of registration</td>
<td>the court in the area where the mother or the father is registered is used for birth registration (Article 32)</td>
</tr>
<tr>
<td>of at birth, or if no such registration exists, the registration of the father</td>
<td></td>
</tr>
<tr>
<td>(Article 31) is used for birth registration</td>
<td></td>
</tr>
<tr>
<td>legal age of marriage is 17 for men and 15 for women (Article 124)</td>
<td>17 years of age for both men and women. (Article 88)</td>
</tr>
<tr>
<td>The application for marriage is to be filed at the place of residence of the</td>
<td>the application of marriage is to be filed at the place of residence of either the husband or the wife. (Article 97)</td>
</tr>
<tr>
<td>husband (Article 134)</td>
<td></td>
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<tr>
<td>the husband is the head of the household (Article 152)</td>
<td>the spouses shall manage the household together (Article 186)</td>
</tr>
<tr>
<td>the expenses of the marriage are to be met by the husband (Article 152)</td>
<td>Spouses shall contribute in labour and in property to the expenses of the marriage to the extent they are able to do so.</td>
</tr>
<tr>
<td>the marriage is represented by the husband (Article 154)</td>
<td>Both spouses may legally represent the marriage with respect to the expenses of the marital union for the duration of the marriage (Article 188)</td>
</tr>
<tr>
<td>separation of property (Article 170)</td>
<td>share in properties obtained (Article 202)</td>
</tr>
</tbody>
</table>
As indicated briefly in Table 3, the statements discriminating against women were removed and family life has become an egalitarian unity of spouses on the ground that husbands are no longer the head of the families, instead spouses are accepted as equal partners having equal decision-making as well as representative powers. But more significantly, spouses have equal rights over the property obtained during marriage (WWHR 2005:3). As a result, the Turkish society turned out to be a more favorable society for the female citizens.

Although this would seem to be a success story in the name of the women’s movement, there was harsh criticism in the Turkish Parliament. One woman MP from the nationalist right we interviewed reported from behind the scene that “without regarding their party affiliations, the most paralyzing point for all men MPs was the property regime.” The new Civil Code establishes the regime regarding the Ownership of Acquired Property as the legal property regime, which is valid by default if couples do not choose one of those regimes, namely Division of Property, Division of Shared Property and Joint Property Regime (WWHR 2005, 31). The woman MP further stated that “Men MPs feel as if they were eaten alive [etlerinden et koptu]. The second issue paralyzing men was gender quota: One was the fear of losing Money, the other was the fear of losing Office.” In our interview, the Minister of Justice of the time Türk confirmed this explanation by stating “the most burning debate revolved around the property regime.” Türk, attempted to resign from his office when the Justice Commission sidestepped to default the ownership of acquired property in marriage as the legal property regime: “Even the MPs from my own party [centre-left] did not accept my proposal.”

In speaking of the burning debate in the Turkish Parliament, one should not consider the possibility of an overt hate speech directed toward women: All of the MPs resorted to words exalting women to a heavenly position; however, they had no intention to give up their “rights.” That is why all of them used different strategies in line with their worldviews to justify their objection.

One of the male MPs of the religious right party stated, “The sacred family union is neither based on money nor on property. It is based upon love, respect, sacrifice, mutual understanding and tolerance.” In objecting to the new property regime, another MP
supported him from another angle: “It is wrong to abolish the concept of the head of the marriage union, which helps maintain the order of family. Otherwise, without the head of the family, our sacred family structure will turn into a company.” And another colleague asked “where would be the residence of a married woman”, if not the residence of her husband.

Some of the male MPs resorted to the glorious history of Turks and the Turkish women by noting that “The Turkish woman has a significant role in our history; she has administered the state together with sultans; she has joined the wars; she participated in National Liberation War.” Adding his objection to the reconfiguration of the family, one male MP stated: “Family is a very significant institution for transferring national values to the new generations. Despite all bad conditions, what makes the Turkish nation strong is the family. What would make the Turkish nation the leader of the world in future is again the strong family structure. The representatives are sensitive to the new regulations (in the Civil Code) because they are anxious if the existing family structure would be damaged. Because of our sensitivity, we precluded marginal groups’ [referring to the feminist] effect on political mechanism, and in the new regulations the values of Turkish society remain dominant.”

One male MP from the centre-left as well as the Head of Justice Commission thanked women’s groups for their support and activism during the Civil Code discussions. One of the women MPs from the nationalist right stated that “When 96 percent of the Turkish Parliament is composed of men, it was written much about the impossibility of passing a new Civil Code. Now the new Civil Code is passing. I would like to thank all MPs.” Yet still, one of the women MP from the centre left disagreed with those who acknowledge the role of the women’s movement in the amendments of the Civil Code as she suggests “everybody is well aware of the necessity to amend the Civil Code.”

Given the fruitful results of their efforts, women’s groups launched another campaign for the amendment of the Penal Code, namely the “Campaign for the Reform of the Turkish Penal Code from a Gender Perspective,” by claiming that civil codes are not the sole domains of women’s issues as opposed to the received wisdom, penal codes are also significant in the name of gender equality, because they regulate sexual crimes, including the violence against women, and because they regulate the sexual, bodily and
reproductive rights of women (WWHR. 2005, 9-10). During the amendment of the Civil Code there was a coalition government having a left-wing party group and the Minister of Justice was a social democrat, who was open to the demands of the women’s movement. However, during the amendment of the Penal Code, the religious party came into power with a different gender agenda and a new Minister of Justice who declined the appointment demands of lobbying women’s groups. When women’s groups were faced with a backlash and government officials’ dismissal of the cooperation demands of the Working Group for the Turkish Penal Code of the women’s movement, in May 2003, a widespread public campaign was launched to pressurize the government. The National Platform for the Turkish Penal Code efficiently used media, organized numerous conferences, meetings and press conferences (WWHR 2005: 12). In the end, in September 2004, a special session was opened in the Turkish Parliament to vote on the new Penal Code, and the women’s platform was there as a lobbying force. After a heated debate in September 2004, the new Penal Code recognized the women’s autonomy over their bodies and sexuality; instead of criminalizing adultery—which was a proposal of the Prime Minister; it criminalized marital rape, which was one of the most significant demands of the feminist groups and sexual crimes were regulated as crimes against individuals, rather than crimes against society or public morality. The new Penal Code also abolished the measures bringing sentence reduction for honor killings; eliminated discrimination between non-virgin and married women; and criminalized sexual harassment at the workplace (WWHR 2005:14-15).

Since the women’s movement’s recognition of the importance of the descriptive representation of women in parliament, one major demand has been repeatedly voiced in various platforms by various women’s groups and organizations: inclusion of an article on positive discrimination in the constitution. In 2004 when the parliament was amending Article 10 of the Constitution, which regulates non-discrimination, women’s groups and women as well as men MPs of the centre-left attempted to add a clause, stating “special temporary measures” to be taken for redressing gender inequality. All of the MPs, except one woman MP, of the religious party in government rejected such an amendment, by stating that “gender quota is an insult to women” (Ayata and Tütüncü, forthcoming). The State Minister responsible for Women and Family objected to the quota demand of the women’s movement which underlined that since the women constitute the half of the Turkish population, their under-representation creates a
democratic deficit. For achieving a truly democratic Turkish society, half of the MPs must be women. The State Minister, a woman lawyer, stated as a response that “in Rwanda the rate of the women’s representation is 54 percent. Can you say that Rwanda is a democratic society?”

**Conclusion**

Nobody would deny that the rise in the numerical representation is one factor among many for women’s efficiency in politics; however, this does not guarantee the substantive representation of women’s issues. In the Turkish context, since the number of women MPs is so few, it is very hard to monitor the impact of the elected women in the Turkish political life. In addition, the strong party discipline and the leadership cult, which precludes intra-party democracy, and the recalcitrant tokenism adversely affect women’s political attitude in the Turkish Parliament. Yet still, in the last decade, we have witnessed the substantive representation of women through the amendments of legislation in the Turkish Parliament.

The Turkish women’s movement’s efficiency in changing the legal structure confirms the findings of Banaszak, Beckwith and Rucht in their *Women’s Movements Facing the Reconfigured State* (2003). In this study, the authors argue that the reconfiguration of the state allowed women’s movement to impact the policies and legislations in a women-friendly manner. The reconfiguration of the state retains vertical and horizontal shifts and make possible, first, the downloading of power and responsibility to lower state levels; second, uploading of power and responsibility to higher state levels; third, offloading of state power to non-state actors and lastly, the lateral loading by the delegation of competencies to non-elected state bodies (2003:7). In the last decade, Turkey’s integration into the EU and its commitments to the global agencies as well as the internal political dynamics demanding reformation in the municipalities and the rise of NGOs brought about reconfiguration of the state and the state and society relations. In this connection, the women’s movements become the participants of state reconfiguration. Following Banaszak, Beckwith and Rucht’s arguments on the

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interaction between the women’s movements and states, Lovenduski (2004) claims that the efficiency of the women’s movement is possible when the following conditions exist:

1. When women’s movements are in a position to form alliances with other movements,
2. When women’s movements have a sympathetic carrying agent such as a left-wing political party,
3. When women’s movements operate in a policy areas that are specifically related to women’s issues or are of specific concern to women,
4. When the setting is an implementation stage, rather than a new policy,
5. When the political discourse has in some sense been feminized, and gender differences are recognized as important to the debate (Lovenduski 2004: 310).

In the Turkish context, we could add another condition:

6. When the media are affectively used by and responsive to the women’s movement.

After studying political representation of women in the Turkish context, we have come to the conclusion that the numerical minority of women in parliaments does not necessarily lead to the suppression of women’s concerns and perspectives just as the numerical increase of women in parliaments would not guarantee the substantive representation of women. As soon as an egalitarian legislative structure is secured, and a strong women’s movement persistently seeks an alternative way in making politics for women to animate the democratic climate, without disregarding the importance of women holding public office, and when global and national developments push the transformation of the state to offload the power—all of which occurred simultaneously in the last two decades in Turkey—then the substantive representation of women does not require the descriptive representation of women, which is the main assumption of the critical mass theory. Yet, the presence of women in the Turkish parliament together with a strong women’s movement as the interlocutor of the feminist perspectives seems significant for the substantive representation of women. Put another way, when Turkish feminists in the 1990s were faced with the dilemma expressed perfectly by Anne Phillips as follows: “Should feminists simply refuse to engage with this dreary universe[of parliaments, government, political parties and formal representation] or do we have to engage in order to transform?” (1998:2), their answer was taking the side of the
“transformation” through engaging in the universe of parliaments, representatives, parties and government, and yet they never gave up making and searching for alternative ways of doing politics. Thanks to their meticulous and multi-dimensional efforts, which connect the national with the international, parliamentary with the extra-parliamentary, streets with the offices, Turkish women now inhabit a more democratic and egalitarian society.
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