



Contents lists available at ScienceDirect

## Women's Studies International Forum

journal homepage: [www.elsevier.com/locate/wsif](http://www.elsevier.com/locate/wsif)

# What excludes women from landownership in Turkey? Implications for feminist strategies

Ece Kocabicak<sup>a,\*</sup>,<sup>1</sup>*Department of Sociology, Bowland North, Lancaster University, Lancaster LA1 4YN, United Kingdom of Great Britain and Northern Ireland*

## ARTICLE INFO

**Keywords:**

The Turkish civil code 1926  
Landownership  
Property  
Ottoman empire  
Feminism  
Islam

## ABSTRACT

This article investigates the reasons for women's exclusion from landownership in Turkey. Landownership is a crucial element in enabling greater gender equality in developing countries. I argue that the Turkish civil code (1926–2001) discriminated against women in inheriting small-scale agrarian land, and the lack of alignment between separate feminist agendas weakened their capacity to challenge the gender-discriminatory legal framework. Historical analysis of the Ottoman and the Republican periods identifies the diverse implications for women's property rights of transition from the Islamic-premodern to the modern legal framework. The selected period reveals that rural and urban women were divided by changing forms of patriarchal domination, gendered landownership and paid employment. This division of women, alongside attacks and manipulation by the state, prevented the first-wave feminist movement from acting collectively. Consequently, the civil code granted education, employment, and inheritance rights to urban women but discriminated against rural women inheriting small-scale land under cultivation.

## 1. Introduction

This article investigates the reasons for women's exclusion from landownership in Turkey. Women's access to landownership is significant for achieving greater gender equality. In her work analysing the correlation between gendered landownership and the gendered path of agrarian transition in South Asia, Bina Agarwal finds that women's limited access to ownership and control of property contributes to the gender gap in economic well-being, social status and empowerment (Agarwal, 1994; Agarwal, 2003). She further demonstrates that women's ownership of land serves as a prevention against domestic violence (Agarwal & Panda, 2007; Panda & Agarwal, 2005). Studies in other regions also reveal that women's exclusion from landownership puts women at greater risk of health, poverty and violence (Deere, Oduro, Swaminathan, & Doss, 2013; Fonjong, Sama-Lang, & Fombe, 2012; Mishra & Sam, 2016; Muchomba, Wang, & Agosta, 2014). Acknowledging the significance of women's landownership, the Food and Agriculture Organisation (FAO) has started to provide sex-

disaggregated data on ownership and control over agrarian land (since the 2000s). However, the evidence provided by the FAO does not include Turkey (GLRD, 2010). This article contributes to the initiatives assessing gender gaps in landownership by investigating gender discriminatory land inheritance law in Turkey.

Development scholarship investigates the role of agriculture in financing the early stages of industrialisation (Kalecki, 1955; Lewis, 1954; Rosenstein-Rodan, 1943; Rosenstein-Rodan, 1961; Rostow, 1956; Rostow, 1960). According to this scholarship, capitalist transformation leads to land dispossession amongst peasants, large-scale farms, and agrarian wage labour. Therefore, while agriculture played a necessary role at the initial stages of development, it is predominantly non-agricultural sectors that shape trajectories of development. Engaging with these theories, existing analyses on capitalist transformation in Turkey focus on industry and finance rather than agriculture (Boratav, 2011; Kazgan, 2002; Kepenek & Yentürk, 2010; Köse & Yeldan, 2006). Furthermore, empirical analyses tend to obscure the significance of agriculture for social transformation.<sup>2</sup>

<sup>\*</sup> Department of Gender Studies, London School of Economics and Political Science, Houghton Street, London WC2A 2AE, United Kingdom of Great Britain and Northern Ireland  
E-mail address: [e.kocabicak@lse.ac.uk](mailto:e.kocabicak@lse.ac.uk).

<sup>1</sup> Present address: Department of Gender Studies, London School of Economics and Political Science, Houghton Street, London, WC2A 2AE, United Kingdom of Great Britain and Northern Ireland.

<sup>2</sup> For example, the Turkish Statistical Institute previously perceived areas with a population higher than twenty thousand as urban areas and the rest as rural areas regardless of the main economic activity (from 1982 until 2014). Since 2014 the Institute has differentiated urban and rural areas based on the kind of governmental organisation meaning: areas with city councils (belediye) are classified as urban areas. With law 5393, areas in which the population is higher than five thousand became eligible to have city council. The following laws (6360 and 6447) have transformed many areas previously classified as rural to urban by legitimising new city councils. This change has had a substantial impact on the results: In 2012 77% of population lived in urban areas, but in 2014 the same figure jumped to 92% (TURKSTAT, 2012).

<https://doi.org/10.1016/j.wsif.2018.06.005>

Received 16 February 2018; Received in revised form 7 June 2018; Accepted 9 June 2018  
Available online 14 June 2018

0277-5395/ Crown Copyright © 2018 Published by Elsevier Ltd. All rights reserved.

In the third volume of *Capital*, Karl Marx argues that differences arise in capitalist transformation and emphasises the possibility of small producers obtaining the means and exploiting the labour of others (1976: 931). Land is a special kind of property as it enables production of surplus by producers thus functioning as the means of production. The demands of landownership by dominant sections of society allow for the establishment of the division of labour and appropriation of agrarian surplus. Gendered landownership gives rise to a gender-based division of labour and patriarchal exploitation of women's labour within small medium size farms. Women's exclusion from landownership has significant implications for varieties of patriarchy and capitalism, state formation, civil society, and the cultural and religious conditions.

The case of Turkey appears to be consistent with the above analysis on gendered landownership. The pattern of small landownership in Turkey has remained largely unchanged over the last century; only 6% of agricultural holdings have been large scale farms (fifty acres or larger) since the 1950s (TURKSTAT, 2011a, 2011b). This pattern correlates with a large gender gap in unpaid family workers in agriculture. Despite the country's economic growth, the majority of female employment was in agriculture until 2006 (WDI, 2017). As qualitative research shows, small landownership is also associated with a sharp gender-based division of labour and men's strong control over women's labour in agriculture (GDSW, 2000; Hoşgör-Gündüz & Smits, 2007; Karkiner, 2006; Karkiner, 2009; Morvaridi, 1992; Morvaridi, 1993; Onaran-İncirlioğlu, 1999). This paper identifies the reasons for women's exclusion from landownership, hitherto neglected, and explores the implications for feminist strategies.

The Turkish civil code is perceived as one of the pillars of gender equality. The code was introduced in 1926 and remained in place until the end of 2001. Existing analyses assume that the 1926 civil code granted *all women* inheritance rights equal to those of men (Arat, 2010b; Dedeoğlu, 2013; Toktaş & O'Neil, 2015). The continued male dominance of landownership is associated with village culture (Gidewell-Nadolski, 1977; Magnarella, 1973; Stirling, 1957). In this article, however, I investigate that the Turkish civil code discriminated against women inheriting small-scale agrarian land and other forms of rural property more than the previous legal framework.

This paper further analyses the respective roles of the divisions amongst women for the prolonged nature of the gender discrimination in land inheritance. Theories on varieties of patriarchy provide a detailed account of changes in the forms of patriarchal domination and differentiate gender-based segregationist strategies from gender-based exclusionary strategies (Hartmann, 1979a, 1981; Walby, 1990; Walby, 2009; Walby, 2011). Engaging with these arguments, I examine that two forms of gender-based exclusionary strategies, male dominance in landownership and paid employment, divided rural and urban women by diversifying their demands and strategies, and as such, this weakened women's overall capacity to challenge the gender discriminatory legal framework.

I use the concept of feminist strategies to refer to gender equality policies promoted by national and international policy makers, trade unions and non-governmental organisations together with the demands and strategies of women's grassroots mobilisations. This article contributes to feminist strategies by (1) investigating whether women's exclusion from landownership is significant for gender equality in the context of a high level of industrialisation, (2) assessing the extent to which women have utilised the Islamic legal framework to defend their property and land ownership rights, and (3) examining how far changes in the forms of patriarchal domination divide rural and urban women, and whether this division crosscuts class and race-ethnicity differences.

A historical sociology based case study method is used to identify the reasons for women's exclusion from landownership. Avi Rubin (2012a) emphasises that the perceived opposition of the secular versus the religious courts obscures the integrated nature of the nineteenth-century Ottoman legal system. Engaging with his argument, I propose

that thinking through the similar opposition of the secular versus the religious civil code limits assessment of continuities and discontinuities within the patriarchal character of the legal systems. In this article I compare women's inheritance rights in the Islamic-premodern legal framework with the modern legal framework. The period considered is from the sixteenth century Ottoman Empire until the Republican period (1923–2014) which encompasses the transition in legal frameworks and allows examination of their diverse implications for women's property rights. Considering this period also enables analysis of how far changing forms of patriarchal domination divided rural and urban women, and reveals the possible reasons for the lack of alignment between separate feminist agendas.

The following sections revise existing accounts of the Turkish civil code and the first wave of the feminist movement, and describe the methodology (Sections 2, 3 and 4). My analysis starts with an assessment of the extent to which Ottoman women had access to landownership and how far women utilised the Islamic legal framework to defend their rights. Later I investigate that the 1926 civil code excluded rural women from property and land ownership to a greater extent than the previous legal framework (Section 5). I then consider if changing forms of patriarchal domination have divided rural and urban women. This is followed by an investigation of the reasons for the failure of the first wave of the feminist movement to align separate feminist agendas (Section 6). Finally, I conclude by summarising the key findings and contributions of this research (Section 7).

## 2. The Turkish civil code

The Turkish Civil Code and the Obligations Law (1926–2001) is perceived as one of the pillars of gender equality and Turkish secular modernisation. During the early decades of the Republic, law experts glorified the 1926 civil code by assuming it granted all women inheritance rights equal to those of men (Belgesay, 1944; Velidedeoğlu, 1938, 1944b; Velidedeoğlu, 1944a). The civil code thus became “a taboo that was not criticized effectively by women for long years” (Arat, 2010b: 238). One of the first feminist critiques of the code was the 1975 Women's Congress, but even this assumed that the Turkish civil code of 1926 granted equal inheritance rights to all women. However, its demands were limited to the following aspects of gender inequality, predominantly in urban areas: “[t]he status of family head should not be confined solely to the husband”, and “[t]he prerogative of a husband to forbid his wife the practice of a profession or employment should be abolished” (Abadan-Unat, 1981: 15).

During the late 1990s, the civil code was heavily criticized by feminist grassroots organisations. The critique addressed several elements: the codified role of the husband as the head of household who was responsible for providing for the family; the discrepancy in the minimum age for marriage (seventeen for boys and fifteen for girls); the lack of inheritance rights for children born outside wedlock; and the property regime of the 1926 civil code which did not recognise women's unpaid domestic labour (i.e. if the property was acquired during marriage and registered in a husband's name, a wife could not claim her share in the case of divorce) (Arat, 2010b). The feminist grassroots organisations achieved considerable success in challenging the patriarchal character of the early civil code (Aldikacti Marshall, 2009). However, their critique neglected the gender-based discriminatory character of the code regarding land inheritance, and as such, contributed to the assumption that the modern civil code “allowed women... to be liberated from the restrictions that traditional Islamism interpretations had imposed on them” (Arat, 2010a: 870).

Existing analyses of the implications of the civil code emphasise differences amongst women. For example, Deniz Kandiyoti (1989: 126) suggests that gender equality reforms during the early Republican period benefited women of the urban bourgeoisie. Engaging with her argument, Saniye Dedeoğlu claims that the civil code granted rights to upper and middle class women or “urban bourgeois women” and the

Download English Version:

<https://daneshyari.com/en/article/6852327>

Download Persian Version:

<https://daneshyari.com/article/6852327>

[Daneshyari.com](https://daneshyari.com)