

## **“Virginity Control and Gender-Based Violence in Turkey: Social Constructionism of Patriarchy, Masculinity, and Sexual Purity”**

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### **Abstract**

*The social construct of honor and shame are at the core of virginity control and gender based violence in Turkey. An integral part of this construct is the social construction of femininity and masculinity, which renders women powerless and, at the same time, manages to create and maintain a powerful social control apparatus aimed at dominating, exploiting, and in extreme cases, killing women. Thus lending legitimacy to gender based violence. Virginity control best illustrates the workings of this social control apparatus. This paper examines the complex reality of virginity control. Further, it will focus on the attitudes and the efforts of the government of Turkey and the medical establishment in failing to put an end to the practices associated with virginity control. The basic premise of this paper is that the lack of decisive action on the part of the government and the medical establishment in putting an end to this blatant form of human rights violation reflects their complacency and acceptance of these systems of honor and shame that legitimize gender based violence against women.*

The social construct of honor and shame are at the core of virginity control and gender based violence in Turkey. An integral part of this construct is the social construction of femininity and masculinity, which renders women powerless, and at the same time, manages to create and maintain a powerful social control apparatus aimed at dominating, exploiting, and in extreme cases, killing women. Thus lending legitimacy to gender based violence. Virginity control best illustrates the workings of this social control apparatus. This paper will examine the complex reality of virginity control in Turkey. Further, it will focus on the attitudes and the efforts of the government of Turkey and the medical establishment in failing to put an end to the practices associated with virginity control. Virginity control as practiced in Turkey is closely linked to the notion of the culture of honor. A brief discussion of this culture of honor is imperative to our understanding of virginity control and gender based violence. The assumption is that in order to fully understand the complex reality of virginity control, we have to first explain the intricate workings of this culture of honor and most specifically its link to the phenomenon of gender based violence.

The culture of honor is a carefully constructed political, social, and economic ideology aimed at controlling and dominating a segment of society that is powerless and deemed socially inferior because of its gender. The culture of honor plays a pivotal role in creating the normative consensus in regard to what it means to be a male and a female within the confines of a specific culture (Baker, Gregware, & Cassidy, 1999). One can conclude then that this culture of honor leads to the existence of all forms of violence including gender based violence and even homicide in the name of family honor. In research on male aggression and homicide in the southern regions in the United States, theorists explained the relationship of the notion of culture of honor and the social psychology of aggression, particularly male aggression, as a response to insult and injury to one's social status.

In their research comparing the northern with the southern regions of the United States, researchers attempted to explain the “slightly” higher rates of homicide in the south by linking it to this culture of honor, which was found to be most prevalent in the southern region of the United States (Nisbett & Cohen, 1999; Cohen & Nisbett, 1997; Cohen, Nisbett, Bowdle, & Schwartz, 1996; and Nisbett & Cohen, 1996). Although their research focused on the phenomenon of male aggression and homicide rates in the United States, it has contributed to our understanding of violence and, most importantly, the social psychology of male aggression and its link to this notion of the culture of honor in other parts of the world. Further, these researchers concluded that this culture of honor continues to exist at both the individual and the institutional levels, perpetuating a culture of violence based on honor and shame throughout the United States (Cohen & Nisbett, 1997).

A central theme gleaned from this research that is relevant to our study is the normative component of this culture of honor that contributes to male aggression and violence as well as definitions of what it means to be a man within the confines of this culture of honor (Cohen, Nisbett, Bowdle, & Schwartz, 1996). Although their research is relevant to understanding violence and homicide in the United States, the focus here is on the ideological nature of the social control apparatus aimed at subjugating women, thus, lending legitimacy to gender based violence. The question to address next is what are the normative components of this culture of honor and how it contributes to gender based violence. The social construct of honor and shame are closely linked to femininity and masculinity and to the concept of social status. Hence, honor is a social status bestowed on individuals and social groups of all sizes, including the family. There exists a double standard in the social construct of honor and shame closely associated with the concepts of femininity and masculinity. This duality is quite clear within the Middle Eastern culture that is patriarchal and patrilineal in orientation (Baker, Gregware, & Cassidy, 1999). The social construction of femininity and masculinity must be explained in order to shed light on this duality involved in the social construct of honor and shame.

According to Kandiyoti (1988) and Oatner (1978), masculinity and femininity, as understood and practiced in the Middle East, created two sets of realities; one characterized by domination and control, while the other is characterized by submissiveness and sexual purity. Masculinity constitutes an achieved status. Men have to work constantly to protect and achieve a higher status of masculinity. On the other hand, femininity is an ascribed status with predetermined traits, obligations, and sets of roles that women have no choice but to accept the reality that is heavily imposed on them by the culture; specifically, the patriarchal and patrilineal culture of the Middle East. Femininity entails negative cultural traits for women in the Middle East. It involves a set of roles, duties, and obligations that limit women's chances and access to important societal resources, therefore, rendering them powerless and weak in the face of cultural struggles and, most importantly, their right to construct their own reality. An integral part of this constructed reality is woman's sexual identities defined and regulated by the patriarchal culture of Middle Eastern society. Virginity and sexual purity is expected of women in the Middle East of all ages and social statuses, married and single. Indeed, a powerful system of social control was created to protect the sexual purity of women in the Middle East (Baker, Gregware, & Cassidy, 1999 and Beyal, 1999, January 18).

This duality involved in honor and shame was first explained by a cultural anthropologist by the name of Pitt-Rivers. According to Pitt-Rivers "The honor of a man and a woman therefore imply quite different modes of conduct" (Pitt-Rivers, 1965, p. 42). A woman loses her honor when she is no longer a pure virgin; however, a man does not. Further, it is the obligation of the male to defend a family's honor and cope with the negative feelings of shame. As a result, he concludes that "honor and shame, when they are not equivalent, are linked exclusively to one sex or the other and are opposed to one another" (Pitt-Rivers, 1965, p. 43). This duality was further explained in the works of P. Schneider (1969); J. Schneider, (1971); Kressel (1981); and Ginat, (1979). According to P. Schneider (1969), family honor is used to protect the economic interest of the family within the competitive society of the Middle East. "This honor can be thought of as the ideology of a property holding group which struggles to define, enlarge, and protect its patriarchy in a competitive avenue" (Schneider, J., 1969, p. 2). Jane Schneider further states that:

shame, the reciprocal of honor, is especially implemented when one of the contested resources is women, at women's comportment defines the honor of social groups. Like all ideologies, honor and shame complement institutional arrangements for the distribution of power and the creation of order in society (Schneider, J., 1971, page 2).

P. Schneider and J. Schneider are referring to the fact that one group uses this code of honor, males, to protect its interest and advance its property holding since property is what defines the social status of the family in the Middle East. Through this code of honor, the Middle Eastern family can protect its property and lineage. This necessitated the creation of a strict code of conduct to protect the sexual purity of the female's reproductive function, and at the same time, protect family honor (Schneider, J., 1971 and Schneider, P., 1969). Ginat (1979) focused on the specific definitions of honor and shame as used in Middle Eastern society with a focus on the duality of these social construct. Shame is a "feminine quality" and it is the duty of women to prevent bringing shame to the family by protecting chastity and avoiding action that would stain a family's honor. The concept "ird" in the Arabic language refers to female honor, which is linked to her chastity (Abou-Zeid in Ginat, 1979, page 182).

To sum it up, the social construct of honor and shame are closely linked to cultural definitions of femininity and masculinity that tend to reflect the duality in terms of what it means to be an honorable man and a shameful woman within the context of the Middle Eastern culture. At the center of this duality is the emphasis on virginity and purity of the females. It is important to keep in mind that violence against women will only occur if her illicit sexual activities become public knowledge. Therefore, public accusation leads to violence against the woman who stained family honor by bringing shame to it (Ginat, 1979). A powerful social control apparatus is created to protect women's virginity at any cost since family honor is based on the chastity and the virginity of females. This is the case in Turkey where a powerful social control apparatus is created to protect women's virginity. The question that comes to mind is what is 'virginity control' and how does it function within the secular culture of Turkey?

'Virginity control' includes forced virginity exams and false virginity, which entails a medical procedure to restore the hymen. The questions that come to mind are: how does virginity control function within the secular culture of Turkey? And what are the implications of the cultural values placed on women's virginity for women, men, and the Turkish society in general? Mernissi (1982) attempts to explain the preoccupation Turkish culture has with virginity. She is able to link virginity to honor, and most importantly, to patriarchy:

Like honor, virginity is the manifestation of a purely male preoccupation in society where inequality, scarcity, and the degrading subjection of some people to others deprive the community as a whole of the only true human strength: self confidence. The concepts of honor and virginity locate the prestige of a man between the legs of a woman (Mernissi, 1982, page 183).

The author links virginity to the social construction of patriarchy and to the oppressive nature of patriarchy and further argues that in "some" of the marriages, when consummated, are done so based on the false and/or artificial virginity of the bride. Meaning, that a simple medical procedure has transformed some of these women to the most "treasured commodity." Mernissi raises the following interesting question: why do women continue to play a "crude trick" on the men by deceiving them about their virginity or their false virginity? This question indicates the power of gender socialization and gender inequality and is a perfect illustration of the double standard placed on men and women when it comes to the question of virginity. Is the author concerned with women's or men's self-esteem and confidence? More appropriate questions are: why is there a preoccupation with women's virginity? And what impact does false virginity have on men?

Schlegel (1990) addresses the value placed on women's virginity. This value is seen in terms of bride wealth to be paid to the women's family by the groom. This is referred to as a form of dowry. Therefore, it is argued "the virginity of daughters protects the interests of the bride's families where they use marital allowance to maintain and enhance their social status" (page 720). Therefore, the connection between virginity and scarce resources are made. Dowry giving and marriage transactions are also tools of social control used by the patriarchal society to exploit and dominate women's sexual identity and freedom.

Schlegel draws her own conclusion regarding the fact that virginity is valued from a famous study carried out in 1980 by Broude and Green in which they tested the attitudes regarding female premarital sex of 141 societies. Their analysis of the data yielded "six levels of values" associated with this attitude regarding female premarital sex. These are: "1.) premarital sex expected; 2.) premarital sex tolerated; 3.) premarital sex mildly disapproved of but not punished; 4.) premarital sex moderately disapproved of and slightly punished; 5.) premarital sex disallowed except with bridegroom; and 6.) premarital sex strongly disapproved of (Broude and Green, 1980, in Schlegel, 1990, page 721). Schlegel concludes that the first three levels of values emphasize the theme of virginity as not valued and the remaining levels emphasize the fact virginity is valued (Schlegel, 1990). The Middle East and Turkey fall under the second category of attitudes.

Thus, virginity is valued and premarital sex by females is strongly disapproved of and therefore punishment is severe. This is why women take extreme measures to prove their virginity or conceal their false virginity in the face of mounting pressure by society. To these women, the wedding night could be their worst nightmare, especially if they fail the virginity test and no visible blood stains the sheets to display to the public as a proof of virginity. It is fair to conclude that Turkish society, just like many other Middle Eastern societies, places a great deal of value on virginity and is willing to sacrifice women's lives and self-esteem to protect a family's honor. This preoccupation with female virginity has created a powerful social control apparatus aimed at subjugating women and therefore lending legitimacy to this form of gender-based violence.

The critical question at this point is what are the attitudes and efforts, if any, taken by the government of Turkey and the medical establishment in addressing the injustices associated with forced virginity exams and false virginity? Kandiyoti (1987) singles out Turkey as the only country in the Middle East that attempted to address women equally in its legislation and political culture. Kandiyoti (1987) attributes this movement of modernization to the leadership of Mustafa Kemal Ataturk who shifted the orientation of the country from Islam to a secular republic. These reform and modernization efforts on behalf of women were soon carried out after the war of National Independence from 1918 - 1923. This era of modernization brought about the Turkish civil code in 1926, following in the spirit of the Swiss code, which eliminated practices of polygamy, provided equal rights in divorce to both spouses, including child custody rights. Cindoglu (1997), Kandiyoti (1987) and Toprak (1994) point out that following the establishment of the Turkish Republic on October 29th, 1923, important legislation was introduced that gave women equal status in the areas of divorce, child custody, education, and work. It also gave women political rights, including the right to vote and hold public office, which were granted with the passing of the civil rights legislation on December 5th, 1934, and the new civil law.

Despite the good intentions and the great legislative victory introduced under the leadership of Ataturke, Cindoglu (1997) believes that this legislation addressed women's public role but failed to challenge the existing duality in gender roles in general, and specifically, the oppressive practices associated with virginity control. But, who is subjected to these cultural practices? And, what is the official position of the state and the medical establishment regarding the powerful social control apparatus involved in the practices of virginity control?

According to Pelin (1999), in general, the parents of the bride are the ones to request virginity exams for their daughters before marriage in order to prove to the groom's family that the daughter is pure and, therefore, such a marriage transaction is in full compliance with societal norms of virginity, chastity, and female premarital sex. However, parents are not the only ones to request virginity exams. Head teachers, hostel directors, employers, correctional authorities of women prisoners, justice department and law enforcement agents also request such exams (Pelin, 1999, page 257). In the eyes of these individuals requesting virginity exams, female virginity is an important social norm used to control women's behavior. Female virginity equates sexual purity with the honor of a woman, her family, the community, and the state (Frank, Bauer, African, Fincanci, and Iacopino, 1999).

In general, virginity exams are conducted upon the request of individuals and state officials for "social reasons" suspecting behaviors deemed immoral, such as premarital sex, adultery, and prostitution. The justification for such exams can be traced to "several articles" in the Turkish criminal code and the normative interpretation of such codes. The problem lies in the Turkish government's definition of what constitutes sex crimes. Definitions of sex crime tend to create a distinction between crimes against the individual and crimes against public decency and family order. For example, sexual assaults against women are viewed as felonies against public decency and family order. Therefore, protecting family honor is at the expense of sexually assaulted women. Article 418 of the Turkish criminal code best illustrates the powerful relationship between the state, particularly its legislative role and the social norms that exist. This article of the criminal code is used to justify forced virginity exams of women who were sexually assaulted because the general view is that if the hymen is ruptured, it is considered an "irreversible" physical defect. Article 418 of the Turkish criminal code states that "where such offenses have caused the possibility of a disease to the victim, or a serious impairment of the victim's health or physical disability or defect to the victim, the punishment shall be increased by one half" (Frank, Bauer, African, Fincanci, and Iacopino, 1992, page 2 from Turkish penal code, in the American series of foreign penal codes, 9, 1976).

In general, Turkish criminal codes tend to support the social norms surrounding virginity and family honor. Therefore, lending legitimacy to the powerful social control apparatus aimed at protecting family honor and, at the same time, sacrificing women's rights and self-esteem in the name of family honor. Despite the good intentions of the modernization efforts of Mustafa Kemal Ataturke, the republic of Turkey has not only failed to take a strong stand against virginity exams, but has also provided legitimacy to such practices and thus reinforcing social norms surrounding virginity. The medical establishment provides the state with the necessary support to further lend legitimacy to these social norms. Physicians, in particular, who conduct these gynecological exams and surgery to restore the hymen, are an integral part of the social control apparatus aimed at controlling women's sexual behavior. Their reluctance in refusing to conduct these exams and surgeries reflects their complete compliance and acceptance of the social norms regarding virginity, and at the same time, lending legitimacy to gender-based violence against women.

According to Pelin (1999), the attitudes of these physicians seem to fall under the following categories: acceptance of the desires of the laws, policemen, and the individuals who consult them; acceptance of applications made by the justice and police departments; acceptance of any application made by the justice department; examining women who want to be examined; and refusing such consultation because it is not their responsibility (Pelin, 1999, pages 259-260). The Turkish Medical Association outlined its position regarding virginity exams in a statement released in 1992. In their official statement, they first condemned the practices of forced virginity exams. The Association believes that such exams are legitimate only in cases of criminal sexual assault and no other rationale is to be acceptable, certainly not family honor. The Medical Association perceives these exams as lacking legal grounds and unethical in nature and orientation. Despite the official condemnation of these virginity exams, physicians continue to provide these forced exams and the surgical procedure to restore the hymen, disregarding the Medical Association's official position regarding virginity control.

There is a definite contradiction between the attitudes of forensic physicians and the reality surrounding virginity control. For example, 68% of forensic physicians believe virginity examinations are inappropriate when conducted for social reasons and, at the same time, 45% of the physicians still continue to conduct virginity exams for social reasons. The rationale here is that these physicians are under pressure to follow societal norms regarding virginity that equates virginity with honor and an intact hymen. At the same time, only 13% of the physicians surveyed actually believe that virginity exams are "beneficial" for the maintenance of family honor (Frank, Bauer, African, Fincanci, and Iacopino, 1999, page 490). Amnesty International and various human rights watch groups, have challenged and continue to challenge the existing practices of virginity control on the grounds that such practices violate the basic human rights of women, characterizing such practices as discriminatory against women. In their view, such practices are aimed at controlling the sexual behaviors of women because such practices are not conducted against men. Therefore, one can conclude that virginity control as practiced in Turkey lends legitimacy to gender-based violence, and since men are not subjected to such horrific crimes, there is a clear double standard. Hence, this duality supports the social norms of virginity and family honor that continue to flourish in Turkey.

The effort to save women's lives was galvanized especially after school girls committed suicide so as not to be subjected to forced virginity exams. These efforts were taken up by feminist and human rights activists who wanted to challenge the existing legal codes that subject women to these exams. A 1994 Human Rights Watch Report characterized such practices as a form of power control dynamics to be initiated and carried out by the formal state and medical establishment that provide the supporting role in carrying out these practices despite the official condemnation of the Turkish Medical Association. Forensic physicians and physicians who continue to conduct the gynecological examinations are solely motivated by profit (Human Rights Watch Report, 1994, entitled, "A Matter of Power: State Control of Women's Virginity in Turkey"). It is ironic that Turkey is one of the countries that ratified important human rights initiatives, such as the Universal Declaration on Human Rights; the European Convention on Human Rights; and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), aimed at promoting women's basic human rights. Yet it continues to lend legitimacy to practices that discriminate against women which are condemned by these human rights initiatives (Human Rights Watch Report, 1994).

Despite the diligent efforts and the countless campaigns launched by feminist and human rights activists in challenging the oppressive practices of virginity control, the position of state officials is that it is the state's "prerogative" to continue on the practices of virginity control because it enables the state to uphold the Turkish customs and traditions. According to Isilay Saygin, the Minister in charge of Women's Affairs, these practices are needed in order to protect women's virginity and, at the same time, to protect family honor. She was completely opposed to the campaign launched by the activists in 1997 introducing an amendment to the law, which would specifically give women the power to refuse forced virginity exams. Consequently, the refusal on the part of the woman to be subjected to forced virginity exams will brand her "not a virgin" in the eyes of society in general and her family and the legal system in particular. Therefore, we can assume that the passing of such an amendment is a legal victory that lacks social and cultural backing (Human Rights Watch, June 1994; Panla, Spring 2001; and Frank, Bauer, African, Fincanci, & Iacopino, 1999).

In conclusion, this paper attempted to shed light on the complex reality of the social control apparatus of virginity. It remains to be seen whether the Turkish state and the medical establishment will comply with the bans on virginity testing which was the official statement of Minister Hansan Denizkurdo, who said such exams “hurt the dignity, modesty and feelings of women” (this statement by the Justice Minister was announced on January 6<sup>th</sup>, 1999). In 1991, the Turkish Medical Association, in their official statement, condemned the abuses of virginity control and emphasized that such examinations are to be used in cases of criminal sexual assaults and not to be used to further the social norms surrounding virginity and family honor. However, we have seen that despite this official condemnation, physicians continue to conduct these gynecological exams as well as the surgeries to restore the hymen. The possible motive could be greed since such procedures cost money. Further, certain physicians and state officials still believe that such exams are necessary and it is the “prerogative” of the state to continue on conducting such exams so as to protect family and community honor while at the same time continue to sacrifice women’s dignity. Therefore, the reluctance of the state and the medical establishment in putting an end to such horrific practices leads us to conclude that the official position of the state and its supporting apparatus is to continue such practices because it is needed to protect family and community honor. That is the irony of virginity control in Turkey. It is full of contradictions in terms of the official position and the actual reality of virginity control.

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