

**Franz von Liszt Institute Working Paper 2017/01**

Seda Kalem

**Gender and what is made of it: Being a woman judge in  
Turkish judicial culture**

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### **Comparative Legal Gender Studies-Network (CoLeGeŞ-Net): The Emilie Kempyn-Spyri of the past, present and future**

In January 2016, Prof. Dr. Thilo Maruhn, M. Phil. and Dr. Ayşe-Martina Böhringer launched a legal research project on women in the legal profession.

Over the project period of two years, a focal point of the project is the analysis of the role of law in women's career processes from university studies to the professional career.

The project has a comparative approach analyzing the development and the current state of women in the legal profession in Germany, the United States of America and Turkey.

The project is supported by the Executive Board of Justus Liebig University Giessen (based upon an initiative launched by the Women's and Gender Equality Representative of Justus Liebig University Giessen).

Named after Emilie ("Emily") Kempin-Spyri who, among others, opened the path to legal professions for women, the project aims at integrating women and gender issues into legal research and teaching at the Faculty of Law. In particular, the project seeks to raise awareness of gender issues in the legal profession among junior academics and students. It will identify career opportunities in academia and practice as well as related challenges by means of a comparative analysis. Making use of various dynamic and interpersonal means of communication the project aims at establishing a network among a broad variety of actors.

The project contributes to the development of expertise in gender issues by identifying country-specific development stages and by demonstrating future options for governmental and non-governmental norm setting at the national as well as at the international level.

Seminars and colloquiums – as appropriate – are offered by visiting scholars and practitioners. Students and junior academics will benefit from frequent interaction with experts in the field of legal gender studies. Throughout the project, a broad spectrum of legal materials from selected countries – focusing upon Turkey, the United States of America and Germany – will be subject to comparative analysis.



## Index

I. Introduction.....	1
II. Gender distribution in the Turkish judiciary .....	2
III. Professional rigor and effects on family life: stories of “sacrifice” .....	5
IV. Work harder, work more: Challenges creating “better judges” .....	9
V. Male judicial culture.....	11
VI. Conclusion.....	15
Bibliography .....	16

## I. Introduction

In this working paper, I will be sharing preliminary results of my study among women judges in Turkey. The results are preliminary because I am yet at the stage of exploration of common themes and explanations among women judges hence I do not have a specific group under study.

I have so far interviewed 7 women judges from different courts in Istanbul and one judge from Ankara. Even though low in numbers, these interviews have allowed me to decipher certain issues of womanhood that seem to be shared among these judges which are also meaningful in context of larger literature.

Hence, this study is basically an exploration of how gender is constructed, experienced and performed in professions in the legal field with an initial focus on women judges. It has a feminist methodology in the sense of listening to narratives of women judges but also a feminist objective in the sense of expanding the scope of feminist research given that studies on higher status women are still quite limited in Turkish feminist academia.

Objectives:

- *Listening to narratives and making them visible*
- *Situating narratives within other stories from other places*
- *Contemplating and acting upon narratives*

### ***Listening to narratives and making them visible***

It is important to listen to these narratives and to make them visible because they have never been told before. There is almost no written literature on what it means to be a woman in the legal field in Turkey except for a small number of memoirs or commentaries, both social sciences and the legal academia have been distant to this field.

### ***Situating narratives within other stories from other places***

In the near future, my objective is to be able to situate the stories of these women in the context of the existing literature. But also I intend to contribute to the expansion of the field of feminist research in Turkey because currently the scholarship seems to be dominated by studies of violence against women, of economic and sexual exploitation and of any similar instance of visible domination. Studying women of upper strata, women of power, women with authority is a rather neglected area in feminist research in Turkey.

### ***Contemplating and acting upon narratives***

I do not consider this research to be a purely academic study. The objective of revealing common stories of womanhood and making common struggles visible through a feminist

methodology is at the same time a political objective revealing that all the discrimination, exclusion, harassment due to womanhood, all the inequalities stemming from an embedded political, cultural and institutional mentality that sees woman as belonging to the private sphere, and all the battles that go along with these in fact have a commonness that transcends class, ethnicity or cultural differences. Hence, it is important to undertake this task with regards a profession that holds the highest position in terms of using public authority which was expressed as “*not receiving orders or directives from anybody*” by one of my respondents (Judge #1).

## II. Gender distribution in the Turkish judiciary

Gender studies in the legal profession and the judiciary seem to take off with numbers. Debates on judicial diversity first look at the current distribution of women in the profession. Numbers, although never explanatory on their own, motivate us to ask the why question. *Why is it that women are usually less in number in the legal profession and the judiciary? Why is it that there are fewer women judges and even less women prosecutors? Why is it that women almost never get to be equally represented with men in positions of authority?* Hence by presenting the unequal distribution of women and men in many areas of the social, economic and political life, numbers motivate us to question why this is so.

So let us start by looking at the current distribution of women and men judges in the Turkish judiciary. In Turkey, students who successfully finish four years of legal education can decide whether they want to continue with the Bar apprenticeship or if they will continue with the civil service track for which they have to take a written and an oral exam. That is to say, students who wish to become a judge or a prosecutor take a written exam followed by an oral exam in order to qualify as candidates for the service. Upon successful completion of the exams, candidates continue with their two yearlong professional training offered by the Justice Academy of the Ministry of Justice which is the official education institution that provides professional training for judicial, administrative and military judges and prosecutors, as well as for attorneys, notaries and support personnel for the judicial services.<sup>1</sup>

The 2015 numbers on the distribution of women and men in the judiciary show that among a total of 10,072 judges, 37 % are women. Women prosecutors, however, only constitute 7% (342 prosecutors). When combined, women judges and prosecutors make up 27% of the whole judiciary.

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<sup>1</sup> [www.mevzuat.gov.tr/MevzuatMetin/1.5.4954.pdf](http://www.mevzuat.gov.tr/MevzuatMetin/1.5.4954.pdf), last accessed on 10 April 2017.

<b>Total judges</b>	<b>Year</b>	<b>Men</b>	<b>Women</b>
	2012	65,6%	34,4%
	2013	63,7%	36,3%
	2014	63,4%	36,6%
	2015	63,4%	36,6%

<b>Judges &amp; Prosecutors</b>	<b>Year</b>	<b>Men</b>	<b>Women</b>
	2012	75,2%	24,8%
	2013	73,9%	26,1%
	2014	74%	26%
	2015	73,3%	26,7%

With regards the distribution of women and men judges, Turkey rates at 35 among 42 states that have provided data for the 2014 report by the CEPEJ (European Commission for the Efficiency of Justice) which shows overall average for all states or entities is 51% for men and 49% for women.<sup>2</sup>

Then again numbers need to be complicated beyond rather crude comparisons. One possible way to do this is to accompany the question of *how many* with *which positions*? Hence, the numbers showing the percentage of women judges in Turkey need to be followed by an inquiry into the particular positions occupied by women in the judicial hierarchy.

Regarding court presidency, for instance, the numbers seem to paint a clear picture. At Superior Criminal Courts which have jurisdiction over serious felonies and other crimes with heavy prisons sentence (of over 10 years), hearings are conducted and decisions are made by a three-judge panel, with one presiding judge. In Turkey, at the end of 2015, there were 305 Superior Criminal Courts and only 17 of them were presided by women judges.<sup>3</sup>

<sup>2</sup> CEPEJ, Report on “European judicial systems – Edition 2014 (2012 data): efficiency and quality of justice”, [www.coe.int/t/dghl/cooperation/cepej/evaluation/2014/Rapport\\_2014\\_en.pdf](http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2014/Rapport_2014_en.pdf), last accessed on 10 April 2017.

<sup>3</sup> Hâkimler ve Savcılar Yüksek Kurulu, 2015 Yılı Faaliyet Raporu, Strateji Geliştirme Bürosu, Şubat 2016, p. 120.

When we look at the Court of Appeals, the picture does not seem to be very different. Figures show that women judges make up 35% of investigation judges at the Court of Appeals whereas they constitute only 14% of the member judges.

	<b>Men</b>	<b>Women</b>
<b>Member judge</b>	86%	14%
<b>Investigation judge</b>	65%	35%

Distribution of judges at the Court of Appeals

Investigation judges get to review cases first and then submit them to the relevant chamber at the Court which gets to decide on the case. Investigation judges are mostly engaged in desk work which they even get to do at home most of the time (Judge #3). Hence, it is also the less prestigious position at the Court which mostly explains the preceding numbers. This is also visible in the absence of women at chamber presidency. Among 23 civil chambers, only 4 are presided by women, whereas among 23 penal chambers there is no women president. The Court of Appeals has never been presided by a woman in its history of 92 years.

Similarly, among 161 judges commissioned at the High Council of Judges and Prosecutors (HCJP), which is the sole authority on regulation of judges' and prosecutors' personal rights as well as their assignment and promotion, there are only 7 women judges. The Council has been presided by the Minister of Justice and hence has never had a woman president since its founding in 1982.

These figures then reveal that not only the number of women judges in Turkey is far from being equal to their men counterparts but also that their presence in higher positions in professional hierarchy such as court presidency or membership at Court of Appeals and in administrative positions that carry a significant degree of authority such as HCJP membership is almost non-existent.

Then the inquiry needs to move further into visible and invisible, formal and informal barriers that women judges experience in their professional lives. This inquiry requires us to see beyond numbers, to study gender as a "social relationship"<sup>4</sup> that is always in the making. Hence, the study of what it means to be a woman judge in Turkish judiciary

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<sup>4</sup> Sally J. Kenney, *Gender and Justice: Why Women in the Judiciary Really Matter*, New York 2012, p. 16.

needs to be a study of experiences and struggles, which can only be revealed through narratives.

In Turkey, according to official documents the first woman judge was appointed in 1936 although some unofficial sources claim that a woman judge was appointed as early as 1922. These dates are compatible with most western European countries if not earlier which is a direct consequence of the westernization efforts of the new Republic that has paid particular attention to the modernization of women. Women have been granted crucial political and social rights long before their western counterparts mainly because the new regime considered women as the window of the new and modernized nation. Hence, women were legally allowed to become judges in the newly established Turkish judicial system ever since its inception. Except for a period of 10% threshold for women in the 1970s, women have not faced legal barriers while entering law schools, legal profession or the judiciary. Yet, preceding numbers concerning the percentage of women judges as well as their presence in authority positions reveal the reality of glass ceiling effect.

The effect is nothing new or surprising. However, in the case of the Turkish judiciary it is untold. Hence it is unseen, unknown and unspoken.

That is why I turn to women judges and let them speak. I have asked my respondents what it feels like to be a woman judge in Turkey and how they have experienced being a woman in their professional life.

### **III. Professional rigor and effects on family life: stories of “sacrifice”**

All of my respondents have commented on the professional rigor of being a judge. With a considerable judicial caseload, judges in Turkey deal with an average of 20 to 30 cases per day. Hence, long working hours, heavy caseload, “taking case files home” and insufficient institutional support are usually cited as the most compelling features of this profession.

When women judges talk about these difficulties, they usually tell stories of “sacrifice” which is almost always explained in the context of family life and the challenges of keeping a balance between work and family. Hence, professional rigor is always imagined in relation to family responsibilities. For instance, women judges always talk about how they have spent less time with their children, how they have neglected their needs while growing up, how they have left them with young, incompetent baby sitters, how they have not even been able to attend Parent-Teacher Association meetings etc.

The fact that judging is seen as a highly difficult, time consuming and tedious profession usually leads judges to find their partners from within the profession. This is particularly

significant for women judges because more often than not they are the ones who seek understanding, compassion and support from their partners whereas men judges even prefer to marry teachers or housewives because women judges have a tendency to neglect household and family tasks because of their work:

*“It is troublesome even if your husband is from the profession. It is especially difficult for women judges when their husband is not their colleague. Rightfully, the man wants to have people over, he wants to go out. My husband would not bring cases home, but I would... But a different profession is too difficult. But not for men judges, they marry women teachers. They want a partner who can organize housework, take care of the children. They marry colleagues as a second option. The women judges around me are all married to their colleagues”.*<sup>5</sup>

Hence, even in marriages where both parties are judges, the sacrifices are always seen as belonging to the woman.<sup>6</sup> For example, one of my respondents told how her husband who is also a judge would react against her workload and tell her not to bring cases home:

*“...I always prioritized my work. My husband would say enough, do not bring files back home. I would leave my child burning with fire and come to work. I would go to the field, come back home with my breast filled up with milk only to find that my husband fed the baby thinking that I was not coming home...But the woman has to keep this balance. Your husband says the child is sick what are you doing and you respond I have files and he says the hell with your files!”*<sup>7</sup>

Sacrifices become even more challenging in the context of insufficient institutional support or mechanisms for childcare. Women judges either talk about how having a successful career and raising kids at the same time is not possible, how they have left their children behind for the sake of their work, how they have prioritized their work over their families.

Even in the interview where the respondent felt she had a relatively easier experience with child rearing, she explained it was because she had kids while she was still an intern, hence in the big city. She said that by the time she finished her internship and was assigned to her initial post as a judge, her kids were already big enough to go to some sort of childcare facility. She explained this whole experience as one of “good luck” because she always worked in big towns where she could actually have access to such

<sup>5</sup> Seda Kalem, Study on women judges in Turkey, interview Judge #7.

<sup>6</sup> Ibid, interview Judge #3.

<sup>7</sup> Ibid, interview Judge #3.

facilities.<sup>8</sup> Or in the case where the respondent talked about her husband's -who is not a judge- support for her regular work as well as her involvement in the Association of Judges and Prosecutors (YARSAV)<sup>9</sup>, the story is never one of complete equality in terms of division of labor among partners:

*"He said 'I am completely backing you up in these struggles'. But he did not make my life that easy. When I am away, he calls me in the morning to ask me where the children's socks are... If I am going somewhere, I always organize my back".<sup>10</sup>*

The appointment procedure in the judiciary also seems to pose challenges that are usually faced by women judges in the sense that relocation during their professional life is always a major distress for family life. It is also one of the major reasons for marrying someone from within the same profession since as a couple they can benefit from "couples lottery" where they get to be appointed to the same place:

*"I mean when you look at it logically it makes sense. Why? At the end of the day, he is your colleague, you have common interests, it will be to your advantage in the places you are appointed. So, if you also have a mental agreement of some sort, more or less, there isn't really any reason for why you should not be married."<sup>11</sup>*

These narratives are always accompanied with stories of how women judges struggle to be successful in this world in the sense of "proving" that they can be good judges. Prejudices regarding family and child care responsibilities almost always constitute the larger framework within which women judges are evaluated professionally not only by their colleagues but also by institutional mechanisms as well as by other state agencies. One of the judges openly stated that in Ankara, and particularly at the Court of Appeals "they do not like women who give birth".<sup>12</sup> She talked about how especially men judges always have prejudices against their women colleagues thinking that they always "go to tea parties, give birth and take maternity leave, lay their work upon men". Another judge explained how she always felt like she should never reflect her motherhood upon her work:

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<sup>8</sup> Ibid, interview Judge #7.

<sup>9</sup> YARSAV is a civil initiative founded in 2006 and organized by judges and prosecutors who lacked the legal status to take part in organizational activities related to their profession. Politically the Association has assumed an oppositional position vis-a-vis the AKP government and has maintained the strengthening of judicial independence as its primary objective. YARSAV has been shut down after the July 15, 2016 coup attempt.

<sup>10</sup> Ibid, interview Judge #3.

<sup>11</sup> Ibid, interview Judge #2.

<sup>12</sup> Ibid, interview Judge #3.

*“I mean finding a woman to take care of my child is my responsibility. I should not talk about this at the courthouse, especially among my male colleagues. It is not their business. I mean I should not talk about my child’s sickness with them. This is my problem and I am able to take care of it. Maybe it makes us see more professionally. It makes us show a special effort not to bring our personal problems, those stemming from motherhood, from being a wife, being a woman to our work environment. For example, how shall I explain, this is an interesting example, you are pregnant but you should exist in the courthouse environment without letting your nausea or difficulties be sensed by the outside. Why? Because a male colleague can have the opinion like OK she will take a leave in two months.”<sup>13</sup>*

Nevertheless, no matter how much women judges tell stories of sacrifice regarding family life and child care, of pangs of conscience for neglecting parenthood responsibilities, of extra hard work they undertake in order to prove they are equally compatible with men, the safest and most common theme to question their professional credibility always emerges as “family”:

*“...But still when your child is sick you get a medical report. If nothing else, you get a sarcastic smile.”<sup>14</sup>*

This is even true for situations where women judges in fact display professional success. They tell stories of personal sacrifice, of showing extraordinary effort to perform their professional duties in the best way possible, of paying extra attention not to let their family issues interfere with their job; yet they are always questioned in terms of their family lives, of their motherhood in particular:

*“There was an extremely conservative inspector. The respect of the people on the street towards me affected him. He asked my husband if I was planning to quit, that I should take care of my children at home...”<sup>15</sup>*

*“I come to the courthouse early in the morning and don’t leave until the end of my regular working hours. There was a more conservative male colleague. There was the expectation that I should go home when my hearings are over, that I have a small child, I should take care of him, that I did not need to stay at the courthouse.”<sup>16</sup>*

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<sup>13</sup> Ibid, interview Judge #2.

<sup>14</sup> Ibid, interview Judge #4.

<sup>15</sup> Ibid, interview Judge #6.

<sup>16</sup> Ibid, interview Judge #4.

## IV. Work harder, work more: Challenges creating “better judges”

Women judges’ professional competence and their dedication to their job is indeed a problem for the predominantly male judiciary; not because women judges perform weak or weaker in these areas, but rather because they in fact perform well. This has been expressed by some women judges as a particular source of concern on behalf of their men colleagues:

*“I guess men do not want to lose their domain. Women show more effort, work more in order to make up the gender disadvantage. This effort disturbs men”. (Judge #5)*

*“Because they cannot accept the fact that women are meticulous, and that they are better than them. This is the only reason why.”<sup>17</sup>*

Quite often women judges expressed how they always struggle to prove that they are just as good as their men colleagues and how at the end of the day this makes them better judges. One judge explained how they have a very low margin of error precisely because they are women, because any small mistake they make will be seen as a problem for the work they do:

*“Hence it will not be just your mistake; it will be the mistake of the woman judge.”<sup>18</sup>*

Another judge stressed the fact that in order to be successful, women need to work and sacrifice a lot and never give up fighting.<sup>19</sup> Yet another respondent explained how women have to be better so that they can be taken seriously as judges, so that men judges will come and ask them legal questions.<sup>20</sup>

Hence, my respondents argue that women are in fact better judges because this constant questioning of their professional capacity and dedication in fact makes them more hard working and more successful at decision making. However, professional pressures are not the only reason that women judges are in fact seen as better. Respondents quite often referred to the “enclosed” nature of the profession in the sense of judges not being socialized with the outside world. This is a common rhetoric in Turkish judiciary where judicial independence is understood in terms of “not being in touch with society at large”. Very often judges and prosecutors live quite secluded lives both professionally and personally where they only socialize with other judges and prosecutors at work and at home since most of them marry their colleagues, live at public housing facilities reserved

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<sup>17</sup> Ibid, interview Judge #2.

<sup>18</sup> Ibid, interview Judge #2.

<sup>19</sup> Ibid, interview Judge #6.

<sup>20</sup> Ibid, interview Judge #2.

for the judicial staff, ride in the same shuttles to the courthouse, and go to same summer facilities.

In case of women judges, this seclusion also has a resonance of social conservatism that is maintained by typical gender roles and expectations. One of them, for instance, argued that women judges are more “inaccessible” because *“they are dedicated to their homes, they go to work and come back home in the afternoon.”*<sup>21</sup> This statement is not about women working harder than men; rather, it implies how women are less distracted than men and as such it is in fact inclusive of a larger reference to differences between socialization patterns of women and men judges and the effects of these patterns on their professional lives. Hence, the respondent mentioned how socialization is the primary key to step up in the professional ladder and how women are always less preferred for positions of authority because they have “fewer opportunities” to introduce themselves to the selection committees, which are predominantly men.<sup>22</sup> Men are always depicted as being more successful at lobbying practices because they can easily arrange “Ankara visits”, or they get to establish contacts and promote themselves over dinners or when they go out for drinks, or they can even go to Friday prayers together. All of these occasions are predominantly women free.

Yet, it is at the same time precisely this exclusion from beneficial socialization opportunities that makes some women judges believe that women are better judges because they are less open to manipulation. Since, the profession is in essence a closed one and since women get to experience this closeness much more heavily than men, the chances that they will follow directives from outside or serve extra judicial interests are seen as less probable. One of the respondents expressed this in terms of women being more successful at “protecting the profession”:

*“They cannot approach women easily. Women protect the profession. It is easier to approach men. It is easier to detect their weaknesses and approach them.”*<sup>23</sup>

Nevertheless, although this exclusion that goes hand in hand with a particular social conservatism is said to contribute to women being better judges, it also prevents them from being more successful in terms of promotions. Their lack of opportunities for socialization and the pressure of gender specific social expectations may lead women judges to work harder and more diligently, to examine case files more meticulously, and to protect themselves from possible offers that can impair their decision making.

<sup>21</sup> Ibid, interview Judge #1.

<sup>22</sup> HCJP-President- man; Deputy President- man; Chamber 1- all 7 members are men; Chamber 2- 1 woman out of 7 members; Chamber 3- 1 woman out of 7 members.

<sup>23</sup> Kalem, interview Judge #5.

However, when it comes to being assigned to positions of power within the judicial hierarchy, they remain way behind:

*“They are very good especially in judging. The fact that the profession is a closed one, that the social circle is not wide made women more successful. They did not receive directives from anybody, they have been more successful. They are better judges in terms of decisions. But this success did not have a consequence. How many women judges preside at Commercial Courts or how many women judges sit at the Court of Appeals? They are in fact better professionally.”<sup>24</sup>*

## V. Male judicial culture

Rackley talks about a “default judge” who is perceived to be impartial, anonymous, dehumanized, authoritative and always male.<sup>25</sup> In fact, these qualities shape the ways in which we imagine the legal world and especially decision making. Hence, when a woman sits on the bench, her professional performance is always measured against a backdrop of her “feminine qualities” that can possibly impair her judgment.

Women judges in Turkey talk about how they are always addressed as “Mr. Judge”, especially in the early years of their career when they usually serve in the rural areas. One of the judges talked about how the people in these regions see women judges as “temporarily occupying the seats that in fact belong to men judges”, as “sitting in their place”.<sup>26</sup> Another respondent said that this does not bother her because it is an established habit<sup>27</sup> which is in fact another indication of the taken for granted image of the judge as a man. One of the judges explained how this expression is in fact an indication of the suspicion towards her capacity as a judge:

*“Mr. Judge is the usual expression. Even if you are a woman, they continue to call you Mr. Judge...It is like you feel the suspicion that you will not be able to succeed. But if they can feel that power in your attitude, or if they see you on top of the tractor on the field, then they think oh there is no difference.”<sup>28</sup>*

The default judge always has the upper hand in professional life precisely because of the opportunities that being a man in this world has to offer. Particularly in reference to socialization opportunities, women judges always talk about their exclusion from many

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<sup>24</sup> Ibid, interview Judge #6.

<sup>25</sup> Erika Rackley, *Women, Judging and the Judiciary: From Difference to Diversity*, New York 2013.

<sup>26</sup> Kalem, interview Judge #1.

<sup>27</sup> Ibid, interview Judge #5.

<sup>28</sup> Ibid, interview Judge #4.

occasions only because they are women. Hence, this exclusion is almost always explained in reference to typical gender codes in the sense that women judges believe it is harder for them to leave their homes, their children, their husbands and go out to socialize with other men or travel to Ankara to promote themselves for higher and more powerful positions in the judicial world. It is harder not only because of their assumed responsibilities, but also because of social acceptability of such conduct.

In fact, this social conservatism becomes even deeper in the separation between divorced or single women judges and married ones. One of the respondents was a single woman and she explained how akin to men colleagues married women judges also have better chances of networking since they go to Ankara with their husbands:

*“They go together; they can more easily introduce themselves to those people who will do the selection. They go out to dinner together, they socialize. We are more timid about this matter. Is this because of us? No...It is because of the ways in which those men friends look at us.”<sup>29</sup>*

The respondent then went to explain how, as in other areas of social life, women in the judiciary are also under pressure to act in certain ways. She told how she has to turn down dinner invitations because she would be concerned about gossip or other reactions that could possibly harm her professional life. In fact, such self-control mechanisms regulating the boundaries of socially -not professionally- acceptable behavior are quite common among judges. Another judge explained how she tried to normalize the incident of “a man entering her chamber” for her court staff. She talked about how the moment a strange man enters your room, either someone from the clerk office or a male colleague would inquire about the identity of the guest asking if he is your brother or your cousin and how she would always speak the truth in order break these prejudices.<sup>30</sup> In fact, women judges quite often referred to these “appropriate” modes of entering each other’s chambers and gave examples of how these depended on gender as well as marital status of the judge:

*“Women judges do not like other women judges entering their husbands’ chambers. This is even more drastic for single women judges because they are scared of gossip... You pay more attention to this in the rural areas. You do not go to a man judge’s chamber.”<sup>31</sup>*

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<sup>29</sup> Ibid, interview Judge #1.

<sup>30</sup> Ibid, interview Judge #3.

<sup>31</sup> Ibid, interview Judge #6.

Yet another respondent was a divorced woman and she explained how being divorced is in fact even worse than being single both for men but also for other women judges. She explained how after her divorce she developed a tougher shield because as a divorced woman she was always seen as a “potential threat”.<sup>32</sup> Hence, as in other areas of social life, marriage is also seen as an advantage for women in the judicial world. One of my respondents explained how if you are a married woman in Turkey you would have a protective shield that allows you to communicate more comfortably with men.<sup>33</sup>

Narratives on the predominance of the male culture are intertwined with references to acting like men in order to be accepted into this world and more importantly in order to be stripped off your femininity so that you can be taken seriously as a judge. *Schultz* argues that “*the robe that attracts respect from the outside world helps women to adapt to the ruling image thereby turning themselves into asexual beings.*”<sup>34</sup> She explains how expected “female qualities” such as “empathy, mercifulness and tolerance” in fact lead women judges to try to look and act like their men colleagues.<sup>35</sup> Similarly, *Kenney* talks about how women judges struggle to prove that they are equally “good judges” by proving that they can be rational, that they do not decide with emotions, that they are impartial.<sup>36</sup>

*“..you have to give the ‘I am not a woman, I am doing my job, I am a judge’ message. The moment your femininity comes to the fore, you think they will not consider you a judge... you do not want that to shine. I did not want it as a woman. Why? Because the moment they are interested in your beauty, womanhood, motherhood, your identity as a judge will remain in the background.”*<sup>37</sup>

Being “first woman, judge second” in the eyes of their men colleagues makes women judges even more willing to embrace man like behaviors in order to introduce themselves as “one of them” and hence nonthreatening.<sup>38</sup> In one of the cases where the respondent wanted to join her men colleagues when they were invited by the District Governor to an evening entertainment with a belly dancer, she explained how she insisted that she would also go because she is a judge.

*“The District Governor calls everyone and for instance they go to a belly dancing venue. I put a lot of fight for this! I said I will come too! If you are going as prosecutors*

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<sup>32</sup> Ibid, interview Judge #2.

<sup>33</sup> Ibid, interview Judge #6.

<sup>34</sup> Ulrike Schultz/Gisela Shaw (eds), *Gender and Judging*, Oxford 2013, p.25.

<sup>35</sup> Ibid, p. 20-25.

<sup>36</sup> Kenney, p. 144.

<sup>37</sup> Kalem, interview Judge #2.

<sup>38</sup> Kenney, p. 140.

*and judges, I will come too. At the end, one of them said 'Mrs. Judge' is one of us". That is how I could join them.*"<sup>39</sup>

She further explained how "being chattable" was in fact an earned trait that becomes very handy when communicating with men. The moment that she was no longer seen as a woman, she no longer was a reason for men to constrain their subjects of converse or control their language in her presence. In yet another instance she talked about how she does not allow her men colleagues light her cigarette and even lights theirs which is seen as an act that does not really agree with generally accepted rules of social conduct between men and women. All of these are carefully chosen, strategic acts that are performed in order to undermine their perception of her as a woman first, then a judge.<sup>40</sup> Hence, these narratives of "acting like men" rather seem to be performed along the lines of social relations and gender shaped expectations than assumed qualities of the default judge. Men are seen as making women feel like they are always in a race with them which is not professional but rather a "race with your gender".<sup>41</sup> The race can be managed along the way as previous narratives demonstrate; however, it seems to come to an end when these women are no longer seen as a "sexual object".<sup>42</sup> Women judges set themselves free from the pressures to act like men when they no longer pose a sexual threat:

*"I guess it happened when I no longer had a problem with getting married. It was the moment when I said I can now talk comfortably with everyone, they will not think of me in those terms, they will not think that I have a weakness for them."*<sup>43</sup>

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<sup>39</sup> Kalem, interview Judge #6.

<sup>40</sup> Ibid, interview Judge #6.

<sup>41</sup> Ibid, interview Judge #2.

<sup>42</sup> Ibid, interview Judge #6.

<sup>43</sup> Ibid, interview Judge #1.

## VI. Conclusion

This paper is only an introduction to what I have aspired to turn into a larger project on women occupying high positions in professional life, civil and private, in Turkey. Given that women with professional power fail to attract the scholarly attention they deserve with regards to their experience of gender in professional life, I have hoped to contribute to the development of literature on studying gender in rather less obvious, less expected, less debated areas. Nevertheless, the political situation in Turkey after the July 15, 2017 coup attempt has resulted with the dismissal as well as the detention of thousands of judicial staff including serious number of judges. Following July 15, 3659 judges and prosecutors have been banned from the profession in 2016. Only in the first couple of months of 2017, as of 22 April, a total of 474 judges and prosecutors have been added to this list.<sup>44</sup> Hence, the project is reluctantly paused due to increasing political uncertainty and pressures, which have created an atmosphere of intense professional insecurity within the judiciary. Judges, facing the risk of dismissal from the profession and even worse the risk of being arrested and sentenced, are wary about commenting on any issue albeit in the context of an academic project. On that note, I hope to continue with this exploration the moment I catch the appropriate opportunity to re-enter the field.

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<sup>44</sup> <http://www.hsyk.gov.tr/Arsiv/2017.aspx>



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