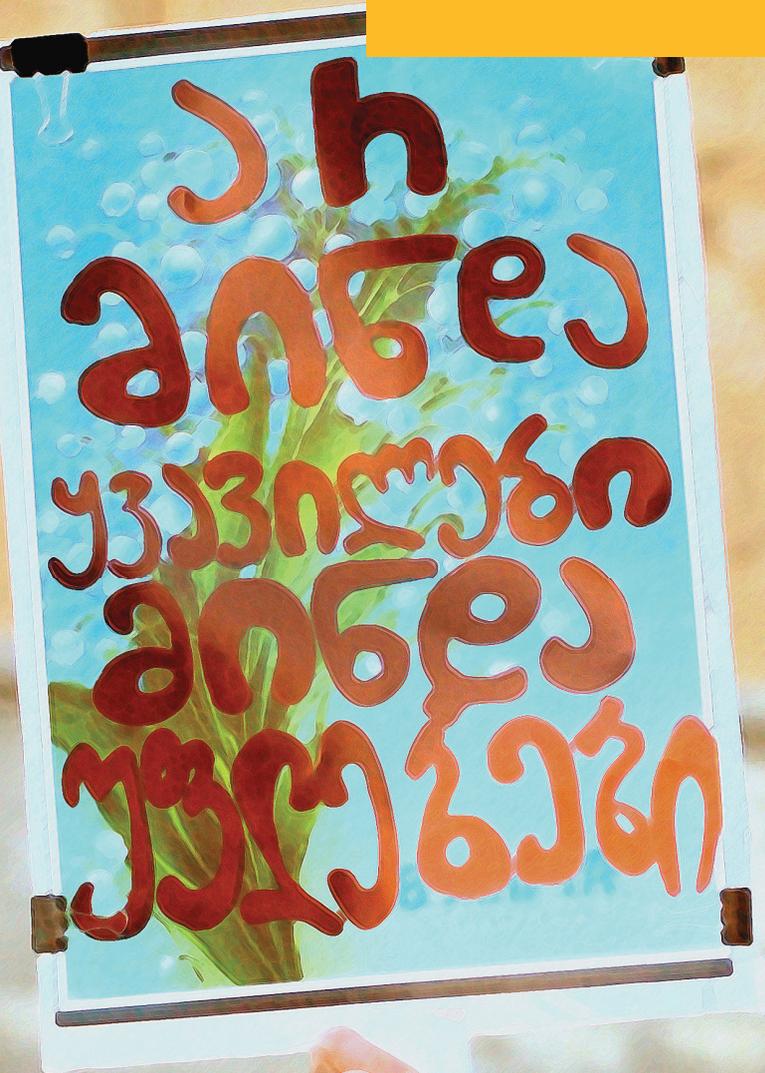


# The Fight for Public Space:

When Personal Is Political





# The Fight for Public Space: When Personal Is Political

■■■ HEINRICH BÖLL STIFTUNG  
SOUTH CAUCASUS

2016

## **The Fight for Public Space: When Personal Is Political**

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# Introduction

Public space is not gender neutral. This statement might sound provocative, but if we ask who we see most in the public space and whose interests and comfort it is tailored to, we will discover that the public space to this day remains the domain of young and healthy men of the right religious confession and sexual orientation. Women have fought and won the right to physically occupy the public space, but in the Georgian context this space is not gender sensitive or fitted to women's needs and safety concerns.

The "male domination" of public spaces is underscored by their very names: streets, squares and various institutions carry the names of men. A critical look at history shows that the achievements of women are more easily forgotten than those of men, since most societies to this day have firmly entrenched patriarchal values. The preference for men's names is further confirmation of this: women continue to face countless obstacles to finding their rightful place in official versions of history. Thus, occupying public spaces - either physically or symbolically - is unequivocally a political issue.

The title of this publication was inspired by an article published in the 2015 publication "Rise of the Anti-Gender Movement: The Fight for Gender Equality in Eastern and Central Europe" by the Heinrich Boell Foundation South Caucasus Regional Office. In the article, titled "The Fight for Public Space", gender researcher and activist Eka Aghdgomelashvili writes about the specific features that characterize anti-gay movements in Georgia: by not allowing lesbian, gay, bisexual and transgender persons to assemble in the public space but also restricting their right to physically exist in this space, society is symbolically "cleansed" of these people who have no place in the established patriarchal framework.

Amid a constantly growing wave of nationalism, the question of who should appear in the public space and how is extremely politicized. The result is a narrowing definition of "public" and gradual strengthening of the view that the public space belongs only to the majority. As such, the public space is not only male but also hetero-male. There is no place for non-normative sexualities.

## INTRODUCTION

The main axis of this collection is the question Aghdgomelashvili raises in the aforementioned article: How can we fight for the public space without waging war?

This publication brings together articles written on the basis of materials from the 5th International Gender Workshop organized by the South Caucasus Regional Office of the Heinrich Boell Foundation in Tbilisi in March 2016. The Georgian, Armenian, Russian, Turkish, Czech and German activists and researchers who contributed to the volume offer us an interesting diversity of topics and positions.

The collection is provisionally divided into three sections. The first part, subheaded "Mobilization" brings together examples of feminist activism. In this section Georgian, Turkish and Armenian feminists familiarize us with their perspectives on the challenges they face and the battles they wage locally.

Of particular interest are the examples of occupying the public space by the Istanbul Feminist Collective described to us by the Turkish activist Irem Yilmaz. Their actions were particularly brave given the current political situation in Turkey: in 2014 Turkish feminists launched a protest which took on unexpectedly large dimensions thanks to social media. "Get your legs together, don't invade my space!" - was the message of the women for men in public transport. Focusing on the specific problem, the campaign was quite radical and drew attention to the fact that women experience (physical) pressure in public transport on a daily basis.

The second part of the collection, "Transformation", goes beyond activism itself and presents a new view on architecture and art. For example, Czech expert Milota Sidorova tells us about gender mainstreaming in urban studies and the barriers faced by female architects in their careers. This topic is rather new to the South Caucasus region, where there is effectively no gender-sensitive vision for architecture and urban planning. As a result, we come across issues related to our initial problem: public spaces develop only in accordance with the outlook of the dominant group. Therefore Sidorova's article can lay the groundwork for a new discourse in Georgia.

The third part of the collection, "Becoming Law", overviews the history of the codification of feminist ideas at the legislative level. The German scholar Ulrike Schultz tells us about the case of Germany, where women needed their husbands' permission to work outside the home as late as

1977. Schultz describes the long and complicated process that made possible the creation of a legislative base for enshrining women's basic human rights and then for making these rights part of everyday reality.

Also important is Schultz's other article, where she discusses the sexism that still exists in German legislation to this day. How do gender stereotypes affect litigation processes? There must be deeper discussion on this question in the South Caucasus region, so that a proper assessment can be made of - to name one example - the decisions taken in Georgia in recent years in regard to cases of femicide.

At this point in history, it is especially important to link together the different fields of the feminist struggle, since it's never too early to raise certain topics. It can only harm the feminist movement to hierarchically divide issues and postpone "less important" topics until the right moment. This approach will only result in the achievement of formal successes while the principles of equality fail to be realized in everyday life. "Equality said, 'don't look for me'", says one of the placards featured at a feminist rally in Tbilisi on 8 March 2016. Unfortunately, these words reflect well the everyday situation in the countries of the South Caucasus, but we hope that the articles presented in this collection will once again show us that the history of feminism is a history not only of fighting, but also one of winning.

October 2016

Etuna Nogaideli, Programme Coordinator  
Heinrich Boell Foundation  
South Caucasus Regional Office



Mobilization



# Intersectionality and Georgian Feminist Movement

Natia Gvianishvili

## What is intersectionality?

More than a century has gone by since Sojourner Truth, African-American abolitionist and women's rights defender, delivered her speech at the Women's Convention in Akron in 1851 in which she posed a question that would become important for women representing various social groups - "Ain't I a woman?"<sup>1</sup> This speech became symbolic for the black feminist movement and later on for the proponents of intersectionality theory, because women struggling with multiple forms of oppression often have to ask the same question.

Intersectionality theory<sup>2</sup> studies the intersection of different systems of oppression and different social identities. This theory, indeed, stemmed from the acknowledgment and analysis of the fact that black women's experiences of typical forms of gender-based violence have been heavily racialized and different from those of white women. Later on, the theory expanded to encompass other groups and systems of oppression and became instrumental to contemporary feminist research.

Most of the work around intersectionality is based on the three different types of understanding the categorical complexity<sup>3</sup> of social identities: Anticategorical complexity – which aims at deconstructing analytical categories; Intercategorical complexity – which *"requires that scholars provisionally adopt existing analytical categories to document relationships of inequality among social groups and changing configurations of inequality among multiple conflicting dimensions."*<sup>4</sup>; Intracategorical complexity – the approach that can be seen as a bridge between the first two. Scholars

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1 <http://www.feminist.com/resources/artsspeech/genwom/sojour.htm>

2 The term was coined by legal scholar Kimberle Crenshaw in 1989.

3 McCall, L. (Spring 2005), The complexity of intersectionality.

4 Ibid

who work in this field “*tend to focus on particular social groups at neglected points of intersection – ‘people whose identity crosses the boundaries of traditionally constructed groups’ – in order to reveal the complexity...*”<sup>5</sup>

In Georgia, discussion about intersectionality is at its very early stage. To understand what the possibilities for development of the intersectional agenda are, we need to see where the movement stands at this particular moment.

## The Georgian feminist movement now

Social justice movements are quite new to Georgian society. Most of the progress achieved in improving the situation of different social groups occurred as a result of non-governmental organizations’ work and obligations undertaken by the state in the process of Georgia’s integration with European institutions.

The Georgian women’s rights activism that emerged in the late 19th century was halted with the Soviet takeover in 1921, alongside other forms of civil activism. Propaganda around the false emancipation of women (where they had to work both for the state and for the household) was so strong, that even now it is sometimes difficult to make people understand what the feminist struggle is aimed at when on paper fundamental rights of women seem to be guaranteed. When the Soviet Union collapsed, Georgia faced economic and social crisis, followed by the emergence of numerous human rights organizations that were sustained through funding from the West. In this way, the birth of the non-governmental sector can be seen both as an answer to the social crisis, and also as a response to the new financial investments in the field.

While these organizations, especially women’s rights NGOs, worked (and many of them still do) on achieving social change, which resulted in improving the legislative framework and opening up the space for the beneficiaries to enjoy their rights and future generations of human rights defenders to continue their work, this approach was never quite bottom-up. Informal, unregistered grassroots groups started to appear much later.

The first group of this kind, the Independent Group of Feminists<sup>6</sup>, was founded in 2011. The idea behind the group was to voice opinions al-

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5 Ibid

6 <https://www.facebook.com/independentfeminists/?ref=ts>

ternative to the daily sexism reproduced in Georgian media, create an alternative and combat sexism and other forms of oppression interlocking with gender-based violence and discrimination through protests and public campaigns. Another independent (and anonymous) group, Partisan Girls<sup>7</sup>, soon followed. Both of these groups helped radicalize the women's movement and bring attention to feminist narrative in the public space.

In 2014, when more than 25 women were killed by their partners or former husbands, it became clear that a larger scale protest was needed in order to convince the government and wider society that the problem was severe. This is how the "Women's Movement" group was born. It started with an organizing meeting announced on Facebook by several feminist activists and transformed into a platform with 1,000 women involved. The group mobilized for the first large-scale protest on November 25, 2014. It was held simultaneously in more than 20 cities and towns in Georgia. The agenda of Women's Movement has moved on from femicide to tackle the issue of early marriage and seek to boost women's political participation.

At the moment, NGOs and informal women's groups manage to more or less efficiently cooperate in exchanging resources and filling gaps in each other's work. However, in the dominant narrative women are still portrayed as a homogenous group (ethnically Georgian, heterosexual, cisgender, able-bodied and absent mental illnesses).

## Prospects for intersectionality in the Georgian feminist movement

We could say that the elements of intersectionality in Georgian feminism appeared in the beginning of 20th century, when socialist viewpoints emerged within the liberal feminist movement<sup>8</sup>. Kato Mikeladze<sup>9</sup> and other feminists wrote actively in the newspaper Georgian Woman's Voice (published in Kutaisi between 1917 and 1918) about the discrimination and violence that women faced in different strata of society.

The emergence of NGOs in Georgia in the 1990s did not lead to the development of an intersectional feminist agenda. The fact that donors

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7 <https://www.facebook.com/PartizanGiriz/?fref=ts>

8 Melashvili, T. (2014), *Modern Feminist Activism in Georgia*.

9 Kato Mikeladze (1878 – 1942) – Georgian feminist activist, who, among other things, contributed to the feminist newspaper *Khma Kartveli Kalisa* (Voice of a Georgian Woman).



Feminist Rally, March 8, 2016  
DF Watch

often set their own priorities when it comes to disbursing funding and organizations were (and are) often competing for financial resources with their direct partners, definitely did not contribute to building solidarity. At the same time, there was very little research on the situation of different social groups that would lead to outlining the points of intersection between different systems of oppression.

The Independent Feminist Group was the first feminist collective in Georgia to attempt intersectional approach - at least on a declarative level. The group's mission includes statements on combating oppression of women present in different social groups, as well as homophobia and transphobia. In 2012, the Independent Group of Feminists declared solidarity with striking miners in western Georgia<sup>10</sup> who had arrived to the capital in hopes of meeting with the government.

A real chance for an intersectional feminist agenda, however, emerged later, with birth of more social justice groups which pursue a feminist approach in their work and discussions. The Georgian Young

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<sup>10</sup> <https://www.facebook.com/media/set/?set=a.439202599449615.89331.393429824026893&type=3>

Greens<sup>11</sup>, a group that is formally affiliated to the Green Party, focuses on grassroots activism. They were the first group outside of the “official” LGBT and feminist movement to place feminism and LGBTQI issues at the top of their agenda. Women’s Gaze<sup>12</sup>, a women’s group that emerged recently, raises awareness about and combats the exploitation of different groups and supports grassroots movements (workers, students).

Most of these groups came together on March 8, 2016 - International Women’s Day. The demonstration planned by the Women’s Movement was aimed at demanding women’s political participation (gender quotas) through showing experiences of women from different social groups (lesbian, single mother, disabled woman, ethnic minority). The main message was the need to make women’s voices heard. Independent Group of Feminists (actually, the first group to try to make International Women’s Day about women’s rights and not about flowers back in 2012) marched with several other groups (including some of the community-based LGBT organizations) joining Women’s Movement in front of the Parliament. The flags and posters that the marchers bore gave a distinctly “queer” flavor to the protest.

We could think of the celebration of the International Women’s Day 2016 as a call for a new agenda for the feminist movement in Georgia, though in order to achieve this, we need to initiate discussion among feminist groups. This discussion at the moment is almost non-existent.

Today, in Georgia, there is more space to speak about feminism and the rights of different social groups than ever before. Feminist and queer issues are now present in the activism of green and vegan groups and lesbian feminists are beginning to discuss their own agenda. However, most of these groups are quite new and are occupied with deciding their own ideological principles and forming their own agenda, so there is almost no discussion among the groups. Each feminist/women’s rights group believes that they know “the ultimate right way” of dealing with the problems at hand.

We have started acknowledging the need for diversity, but the movement is now at a stage of superficial political correctness, rather than in-

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11 <https://www.facebook.com/georgianyoungreens/?fref=ts>

12 <https://www.facebook.com/womensgaze/?fref=ts>

depth analysis of forms of oppression faced by women belonging to different social groups. While issues like discrimination on the grounds of race, sexual orientation, gender identity, and ethnic or religious affiliation are commonly acknowledged and addressed (at least on a declarative level), discussions among feminists of different ideological backgrounds about economic exploitation, class differences are the fiercest and the least productive.

With the movements developing in Georgia as they are now, there will be a need for an intersectional agenda and there will be groups that will focus on analyzing intersectionality and focusing on it in their work. These discussions should be preceded by researchers applying intersectionality as a method, outlining key points for the movements to work on.

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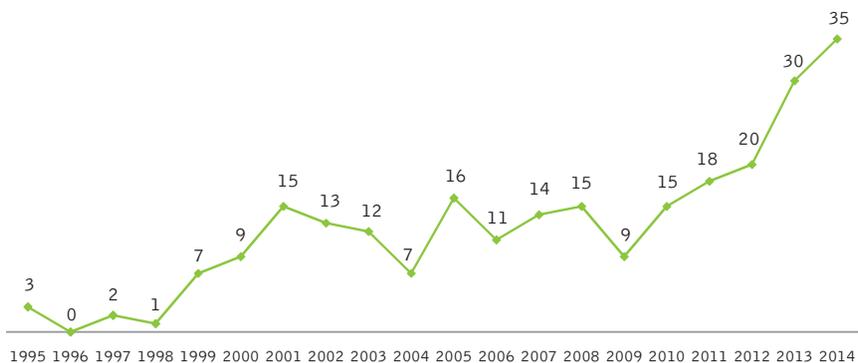
# Being Donor Funded Still Gives Space for the Gender Debate

**Nvard Manasyan**

From education to representation, from labor market opportunities to healthcare needs, the 1995 Beijing Platform for action flagged a number of areas that demanded urgent attention in order to ensure that women enjoy the same opportunities and societies have greater equality, giving the UN a structured opportunity to work with all member governments in ensuring the change is real for women and girls around the world.

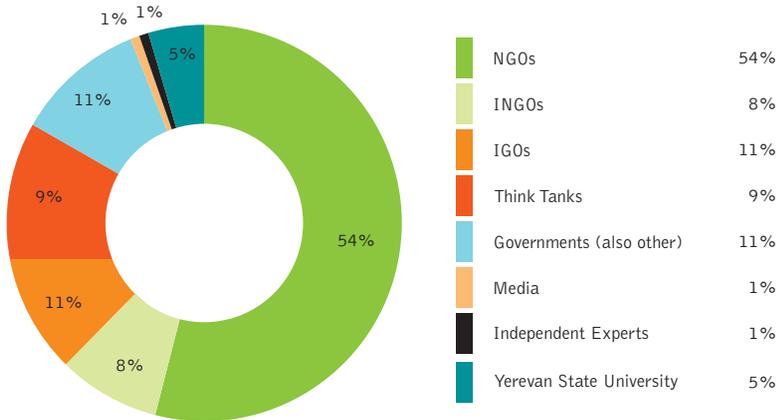
This was the moment when in Armenia women's and gender issues gradually began gaining the attention of relevant practitioners and researchers and the public at large. Locally, the discussions organized and the first country reports prepared further ignited the interest of non-governmental organizations, especially the ones established following the landmark year. While initially there was modest attention to the topic, over the last twenty years interest towards women's issues and gender-related studies has steadily increased. The first research attempts were closely linked with the assessment of the situation on the ground by the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and later on took other turns and transformations.

**Figure 1:**  
Studies and Surveys on Gender and Women's Issues



## MOBILIZATION

**Figure 2:**  
Surveys and Studies Conducted by Types of Organizations, 1995-2015



Source 2: UNFPA Armenia

The second stage, witnessing increased interest in related studies and surveys, occurred in 2010. This may be attributed to two factors. First, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence that also increased the interest of intergovernmental organizations (IGOs), international NGOs (INGOs) and local organizations in this quite sensitive topic. Second, the adoption of the Gender Policy Concept Paper initiated by the Government of the Republic of Armenia reinforced the commitment at the state level to adopt cross-sectoral policies and constantly monitor progress towards sustainable development goals. This was followed by extensive discussions and stakeholder demands to adopt national legislation preventing and combating domestic violence and ensuring the equality of opportunities for women and men. The process stalled in 2013, when the so-called “anti-gender campaign” created negative public perceptions regarding these issues in the country.

In the same year, along with the previous research directions and the overall negative perception, the establishment of a research center embedded at one of the universities signaled the start of the third stage.

The final spike in the number of studies can also be attributed to that factor. The Yerevan State University Center for Gender and Leadership Studies was established in May of 2013. It was financed by USAID in the framework of “Advancing Gender Equality and Women’s Empowerment in Armenia”, a three-year project implemented together with the Melikian Center for Russian, Eurasian & East European Studies and the School of Social Transformations at Arizona State University. The primary purpose of the center within the department of Sociology was to conduct comprehensive research, training and outreach activities and engage with universities, non-governmental organizations, and international agencies with the aim of training women for careers in professional leadership. In fact, the numbers in **Figure 2** indicate that for a center established three years ago, holding a 5-percent share in the overall research is quite a significant achievement, particularly in the context of equally valuable studies conducted previously.

## Key Themes in Research

The Fourth World Conference - the key moment in initiating interest towards gender issues in Armenia - was the chief driver of the thematic grouping of studies and surveys up until the establishment of the center within the university. Over the past 20 years, the surveys conducted have, naturally, differed in the scope, depth, as well as their methodologies. However, there have been certain key themes that different groups have captured, mostly echoing the different international legal documents pertaining to this field. Most of the research has been of an applied nature.

Thematically speaking, the most popular subjects have been the political and civic participation of women, gender-based violence, as well as discrimination and health-related topics. Out of all studies 16 percent have been dedicated to the analysis of participation of women in political and civic settings. Most of these studies were conducted around elections, particularly around presidential elections. One of the key demands revealed by these studies was the introduction of a gender quota system in electoral legislation which has been fulfilled only partially, much to the consternation of feminist and activist groups. Over the years these topics have waned and now are mostly presented at conferences.

The second most popular topic and currently the most researched area is gender-based violence (GBV). More than 10 percent of all studies conducted so far have dealt with this topic. Within the range of GBV-related topics, in Armenia the most studied aspect is domestic violence. One of the reasons for this spike in the research interest is the lack of legislation regulating intimate partner relations, specifically when violence occurs, as well as fatalities recorded per annum. The topic has become more popular over the years and stirs the public towards action, making the state more inclined to act. Domestic violence has been studied for quite some time already and it has marginalized interest in other violence-related issues, such as workplace violence, and violence against refugee women. Consequently, there have been very few studies other than the ones with domestic violence focus apart from several conducted in the early 2000s.

Gender based discrimination is the third most popular topic for research. More than 10 percent of all the studies conducted in the country in this sphere have looked into this issue. Research began in the early 2000s and has expanded over the years, covering discrimination in the education sector, perceptions of discrimination, discrimination through stereotypes, and finally, discrimination faced by LGBTI persons.

Other themes that merited the attention of the researchers over the years have been health issues, specifically sexual and reproductive health rights and HIV/AIDS, which at times were linked to the recurrent reporting cycles to the CEDAW committee. In the early 2000s, the topic of women's human rights appeared on the radar of the researchers and was mostly linked to the monitoring needs stemming from the implementation of internationally binding obligations undertaken by the country. In addition, issues linked with rural women, the impact of media on norms and stereotyping, and some limited interest in women in armed conflicts emerged in this period.

Education has been and remains an area of interest for researchers in this field. Some studies concentrate on gender issues in the education system, while others focus on teaching gender as an educational subject. Initially, the focus was on the issues of gender parity in education, though attempts to research the topic were constrained by the lack of relevant data. The later studies, though limited in their scope and subject, and mostly qualitative, revealed that educational content and pedagogical practices are replete with cases of discrimination that need immediate at-

tention from researchers, policy-makers and practitioners in the field. The researchers in this field recognize the need to further study these deeper aspects of stereotyping and norming to understand further gaps in the labor market and public spheres. The issue of empowerment from this perspective needs further examination.

There are two main areas where much needs to be done. The women's movement initially attracted interest as a civic protest movement but has in subsequent years lost its prominence among other such movements. Masculinity is another area where only a few small scale studies have tried to reflect on the roles and stereotypes that impact teenage boys and young men. There is a need to widen the research and look at these areas alongside with the expansion of the other topics mentioned previously.

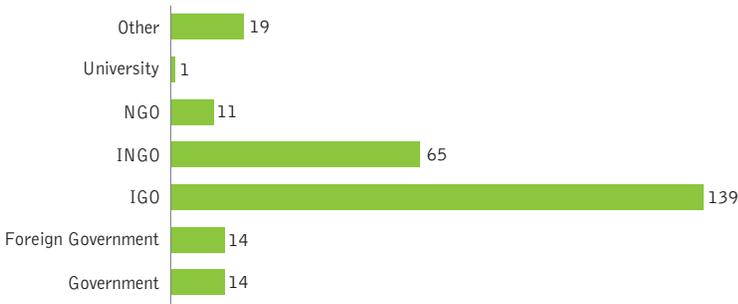
## Structure of Financing

There is much discussion about the donors driving the agenda of local organizations in terms of financing certain themes that are of interest or are within the mandate of a given organization. This argument intensified during the "anti-gender campaign". It was being used to justify the notion that gender based discrimination is not an acute problem and it is because of foreign financing that the problem of discrimination is being blown out of proportion in Armenian society. While there is much discussion in academia on how the agenda is being set, one argument gaining a lot of traction in the local media is that "gender" is associated with disloyalty to the nation and deliberate destruction of "traditional family values".

Numerically speaking the research in this area has been mostly supported by the inter-governmental organizations (IGOs), followed by international NGOs. This is used as evidence by those who assert that the research has been donor-driven. Nevertheless, given the fact that research proposals had to follow certain criteria, including language limitations, to be considered for financing, it does not mean that the research conducted can be considered externally driven. However, one can hypothesize that one of the reasons why most of the research was of an applied nature and quite frequently fed into the reporting cycle of international commitments or elections is the fact of non-diversified financing. This is one of the most important challenges facing researchers in this area, academia and the public at large.

## MOBILIZATION

**Figure 3:** Organizations that Commissioned Research in the Area of Gender and Women's Studies in 1995-2015



Source 2: UNFPA Armenia

### Window of “Challenges” in Academia

The establishment of the center within the department of sociology, though limited and funded by external benefactors, gives access to students and extends research cycles, which will gradually bear fruit. The list of already researched topics and the nascent practices of research embracing different learners could over the years create robust ground for specialized and prominent scholars further driving the agenda in this area and greatly influencing the public policy debate.

Currently, the master's level courses of study at the center alone foster areas of knowledge and research that have been largely neglected previously. In particular, the aspect of communication in identifying discriminatory practices already embedded in the acts of communication, thus, laying the groundwork for further action, such as conceptualization, everyday normative practices, policy-making and legislation, provides a new domain for collective action that could lead to never-before-explored questions and the identification of overlooked problems.

The fact that practical research has neglected the aspects of feminism while researching inequalities in the society can also be attributed to the lack of thorough knowledge concerning the feminist debate and movements throughout history. The MA program has incorporated a module on the history of feminist movements that can help to revisit the history of feminism in Armenia, as well as create the foundations for the continuation of the conceptualization of the social movements that struggle for the equality of women.

***The list of already published articles and studies conducted within the YSU Center:***

- 1) Inclusion of gender component in ICT Development Policy and Information Society building in Armenia;
- 2) Gendered power in Armenian Soap Operas: Women, masculinity and violence;
- 3) Sex-selective abortion as a part of gender discrimination in the Armenian family;
- 4) Woman in rural Armenia: economic activities, social and family status
- 5) Security issues from gender perspectives: Nagorno-Karabakh through the eyes of Armenian and Azerbaijani women;
- 6) Analysis of factors impacting rural women's labor force participation in Armenia;
- 7) Women in the Armenian Armed forces: self-perception and opportunities for better recruitment and adaptation policies;
- 8) Deciphering women in Armenian political discourse;
- 9) Promotion or prevention? Socio-cultural factors in women's academic career building;
- 10) Inclusive Medical Services for Women With Disabilities;
- 11) Strengthening Women's Political Participation in the Republic of Armenia: Existing Efforts, Challenges and Opportunities;
- 12) Women Role Perceptions in Traditional and Non-Traditional Religious Communities in Armenia;
- 13) Armenian Women in Military Affairs;
- 14) From Gender Practices to Gender Policy: A Participatory Case Study of Armenian Public School Community;
- 15) Introducing Female Authors into High School Curricula of Literature;
- 16) Political Participation of Women in the Elections for the Local Territorial Administration Bodies: Problems and Perspectives;
- 17) Investigation of Factors Associated with the Elevated HIV/AIDS Risk of Female Sex Partners of Armenian Seasonal Labor Migrants: Developing Recommendations aimed to Address the Risk;
- 18) Gender Gap in Entrepreneurship in Shirak Region;
- 19) Human Trafficking: Awareness Raising on Victim Behavior and Its Prevention;
- 20) Gender Socialization Process Analysis: Perspectives and Status of Girls and Women in Armenian Families;
- 21) Armenian's Woman Image in Mass Media (TV): From Gender Sensitivity to Gender Stereotypes;
- 22) The Impact of Migration on Transformation of Gender Roles in the Gegharkunik Region of Armenia;
- 23) Gender Inequality and Everyday Practices: Problems and Challenges;

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- 24) Sexual Harassment in the Workplace as a Hindering Factor for the Women in their Career Promotion: Sociological Analyses of the Present Situation in Armenia;
- 25) Gender Factor in Ethics of Public Service: Survey of Armenia Public Organizations;
- 26) Unearthing the Gender Discourse in Armenia: from Hysteria to Constructive Dialogue?;
- 27) Gender Aspects of Aging in Rural Armenia: Health and Well-being of Elderly Women in Rural Communities of Armenia;
- 28) Perceptions and Experiences with Contraception and Abortion among Women with Migrants Husbands in Gegharkunik;
- 29) Gender attitudes of Yerevan State University students
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# Mobilization of feminists in Turkey for their own agenda: Some of the basic issues of struggle and campaigns

**İrem Yılmaz**

## Introduction

Within the scope of this paper, I will focus on several campaigns organized by feminists in Turkey that directly relate to the presence of women in the public space. My aim is to demonstrate some of the ways through which we insert ourselves into male-dominated public spaces, while at the same time breaking the division between the private space and public space by raising our voice, both as a group of women and individually, over issues considered “private” by society in at large.

The examples and experience I will share here span a time period of almost 30 years and the physical setting for these events is streets, parks and public transportation.

I want to note that the information put down here is mainly based on the material and thoughts produced by feminists from the Istanbul Feminist Collective and Socialist Feminist Collective at the meetings and discussions and through press releases and declarations.

## A new beginning in the history of feminism in Turkey: Campaign against battering

Although neither the history of the women’s rights struggle nor the feminist movement started with it, I chose to start with this particular campaign for a couple of good reasons. In 1987, feminists organized a historic meeting at a public park.

When a pregnant woman who had been beaten by her husband filed for divorce, the judge dismissed the case referring to a Turkish proverb

saying, “One shouldn’t leave a woman without a baby in her belly and a beating on her back.”<sup>1</sup> Upon hearing this remark, feminists organized a campaign against battering and staged the first mass women-only march in İstanbul. This was the first street demonstration of the second wave feminism that started to take shape in the form of small consciousness-raising groups at the beginning of 1980s. It was also the first big street demonstration after the 1980 military coup<sup>2</sup> and the first public gathering to be addressed by a trans woman.

This campaign can be considered as an effective mobilization, firstly because it was about a common concern known to all of us as women, whatever our differences may be, without making any kind of distinction between women, such as saviors and those in need of being saved. Second, it was about male violence, which was, and to some extent still is, considered to be a matter between two people within a household.

The campaign against battering arose as sort of a challenge to the general definition of the public sphere, which leaves the household outside of it, in the private sphere, thus making male violence untouchable as a “private”, “family matter”. In this way, it undermined the conceptions regarding what is acceptable to be said and shown in public and what is not, and by which group. What had been considered personal was declared to be a political matter. Women declared themselves to be the subject of their own struggle, not against the state only, but also directly against the men that they live with who used the privilege of systematic power relations within the society. They also laid claim to the public space as an area of protest again after the coup d’etat.

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1 It’s an extremely patriarchal proverb, as it ignores women’s free will and refers to them as something that should be domesticated and controlled through beating by men. And secondly, because it reduces women to the role of constant child-bearer, as if all women should give birth just because they can and have no capacity for other work. The striking thing here is to see the fact that law is not neutral nor objective, the abstract equality that is taken for granted in the law does not meet the reality of patriarchal society, considering the actors - whether they are perpetrators or judges.

2 During the 1980 military coup all forms of expression and leftist movements in general were quashed to a great extent. It marks a turning point also regarding the political culture, organizational practice and political involvement of people living in Turkey, as it wrought terror against “political people” - thousands of people were detained, arrested, tortured, and blacklisted, and hundreds were sentenced to death. The struggle with the legacy of 1980 coup and the oppressive, authoritarian mentality continues even today in Turkey.

## Subsequent campaigns against harassment in the 1990s and 2000s

### ***Purple needle***

During the 1980s, the most important thing was to make women's voices heard in the public space. The campaigns focused on male violence and sexual harassment. Another historic campaign of the feminist movement in Turkey is the "purple needle" against harassment. It was actually a continuation of a street campaign that started 1989 under the slogan "our bodies belong to us, stop sexual harassment". A group of women came together to express their demand to be able to walk freely in the streets day and night without being on guard and use public transportation without being nervous, free from the gaze or touch of men.<sup>3</sup>

These women asserted that perpetrators of sexual harassment were not "some" men who are not educated sufficiently, but all men who choose to use the power that patriarchal society provides them. They urged all women not to remain silent, and not let their living spaces be narrowed down by men. They went out into streets, squares, bazaars, ferries, bars and backstreets -which supposedly belonged to men- to talk loudly about sexual harassment while presenting purple needles for women to use against perpetrators of harassment.

They prepared placards some of which read "My body, hands off!", "What I wear is not an invitation", and "The shame does not belong to me". It was also the first time, molesting was replaced by sexual harassment as a concept. The purple needle was chosen not for practical use necessarily but mainly as a symbol indicating that we can defend ourselves, we will not stay silent, we will expose.<sup>4</sup>

While this protest was highly symbolic, overall it is still very important for feminists to expose sexual harassment and to reclaim the public space. The purple needle is a very special and creative symbol of feminist struggle against harassment. Thanks to the purple needle, our voices are better heard when we say: The streets do not belong to men; harassers are not crazy and uneducated - they are just men; sexual harassment is male

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3 <http://morigine.blogspot.com.tr/>

4 <http://bianet.org/biamag/kadin/110595-mor-igne-kampanyasi-19-yasinda>

violence; and our bodies belong to us. Sexual harassment still exists everywhere, yet the mobilization realized via the purple needle campaign affected the process of remarkable regulations in the Civil Code. The rise of women in the streets enabled feminists to make some successful political progress in the same period, and, in the 1990s, in the legal and institutional structure as well.<sup>5</sup>

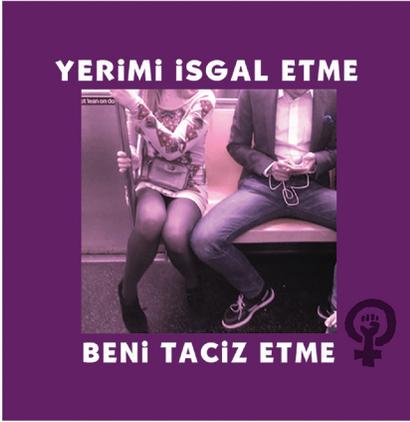
Purple needles were out in the streets in 1989 for the first time. In 2008 it was appropriated as a campaign tool again by another generation of feminists, when during new year celebrations at Taksim square a woman was sexually harassed in front of television cameras and the police. Feminists also opposed media coverage of the incident, which suggested that a few drunk vagabonds were responsible for it. In reaction, feminists organized street actions every Friday, distributed purple needles and kept claiming the nights and the streets.<sup>6</sup>

Following these two campaigns, feminists founded the Mor Çatı (Purple Roof) Women's Shelter Foundation in 1990 in Istanbul, which is still a unique independent shelter for women who are subjected to male violence and seek support.

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5 During the 1990s, apart from the struggle against male violence towards women, founding NGOs, and dealing with the state in order to transform the legal and institutional structure also became significant. Thanks to the political interventions of feminists, remarkable changes have been achieved both in the Civil and the Penal Code. In 1990, there was a campaign against Turkish Penal Code article 438, which reduced the punishment for men in cases of raping a sex worker/prostitute. This article was removed. Another article changed was the stipulation that a woman should ask for her husband's permission to engage in paid work. Adultery was legally forbidden for both sexes and it was changed for men in 1996, for women in 1998. A woman can keep her own last name when she gets married under a change made in 1997 (very recently the law was renewed and women can use their father's surname only if they wish so). In 2001, women's organizations achieved dramatic changes in the Civil Code, such as abolishment of the definition "head of the household is the husband", and the achievement of equal rights within marriage and after divorce. In 2004, another important campaign was against the article stipulating that no punishment is to be given to a rapist in case he marries his victim. This article was removed as well. (from the presentation "**Fighting Against Patriarchy in Turkey**" of İstanbul Feminist Collective Begüm Acar, Ayşegül Taştıman and Deniz Ulusoy at Feminizm in London Conference, 2014).

6 <http://www.sosyalistfeministkolektif.org/feminizm/tarihimizden/kampanyalara/761-bedenimiz-bizimdir-tacize-kars-mor-igne-2008-ocak-mart.html>



“Don’t spread your legs, don’t occupy my space!”



“Don’t occupy my space, don’t harass me!”

**campaign against manspreading.**

***“Get your legs together, don’t invade my space, don’t harass me!”***

In 2014, as we were talking about our experiences in metros and buses while traveling within the city, we realized that we were tired of trying to squeeze ourselves into the small spaces left by men. We thought that, when men ignore women within a public space and use as much of it as they can - while sitting for instance - as if it all belongs to them, is related to their will to power or a kind of demonstration of power. So, the idea was born for a social media campaign to reclaim our space against men spreading their legs in a V shape in public transportation. The stickers we prepared and shared via Twitter and Facebook attracted so much attention and we used so widely by so many women that it turned into a mass campaign almost spontaneously.<sup>7</sup>

With this campaign women registered their silent disturbance in public transportation rightly as harassment. We also found an easier way to express our disturbance as we may hold back from warning men about the way they sit sometimes. Now, we can just wear the sticker without needing a word, which says outright that it is harassment and an invasion of space.

The campaign gained extreme visibility and popularity in the media, among men as well as women. Everybody heard about it and it had a positive impact regarding men’s careful attitude (mixed with fear of public

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<sup>7</sup> Although I do not have solid information, similar exposure of men taking up too much space is probably happening in many places around the world, whether it’s covered in mass media or not -New York, London subways are two that we know about.

shaming) about their boundaries in public transportation, as well as women's self-confidence and comfort about appropriating their space. The visibility of the campaign also encouraged and empowered more women to raise their voices when they are harassed or witnessed such forms of harassment, which is most important of all.<sup>8</sup> It was easy to participate in it and share the experience wherever the person was.

## Campaign for a feminist candidate at local elections<sup>9</sup>

Before the local elections in 2009, feminists started to talk about what could be done in the election process. They organized forums to discuss entering the local elections with a feminist candidate in Beyoğlu -Istanbul, where most feminist organizations are located. They formed a "feminist collective for elections" to run a campaign. Women decided that a feminist candidate would be a good idea for a couple of reasons. First, it was significant to put forward feminism as an independent ideology, through which a whole set of policies can be designed, and feminist women as independent political subjects of the feminist struggle as equal to other political actors. And elections could provide a platform to raise the visibility of feminism. Moreover, local politics was very attractive as they affect women's lives directly. Local governance is closely related to what women live in the "private" as well as public spaces. The way water, electricity, heating is used and the extent to which they are accessible are just as political as sexual harassment and male violence in the streets and at home.

The campaign provided women the space to dream about what kind of change they want regarding their living spaces. The campaign focused mainly on urbanization and policies about the city, women's access to safe shelters, child and elderly care, collectivization of carework and house work, and social centers that are designed for women's needs and demands as much as men's.

I want to point out two characteristics of the campaign process which I consider more important than the others. One of them is that, the streets

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8 <http://bianet.org/english/women/155006-stop-spreading-your-legs-don-t-occupy-my-space>

9 <http://sosyalistfeministkolektif.org/feminizm/tarihimizden/kampanyalara/754-2009-yerel-secmiler-bey-oglu-na-feminist-soezuemuez-var.html>

<http://sosyalistfeministkolektif.org/feminizm/tarihimizden/758-neler-yapt-k-neler-yapabilirdik.html>

and bazaars featured heavily, because we wanted to transform all aspects of them, including the design of the sidewalks, the sexist ads and the male dominance hiding women's labor and voices. Yet, still there is diversity and freedom and it is an action space. It is a space full of chances to build and strengthen women's solidarity by doing something collectively, hearing and understanding each other's stories. The other characteristic was that not only the candidate but the whole campaign was feminist. The whole process was open to participation, support and criticism of all women who were willing to do so. Everything was decided and done collectively, including forming a budget, and shunning the conventional political model.

Overall, with this campaign, for the first time feminists in İstanbul came up with a plan for a comprehensive transformation for the city they lived in. It was also the first time that the movement made such an explicit connection between neoliberal policies regarding women and living spaces. We expressed both our dreams and the feasibility of policy changes for improving the existing conditions for women.

## Feminist interventions during Gezi uprising

Although this is a different category as Gezi was already a collectively created alternative space, I still want to emphasize how the presence of feminists within the park had an effect on the use of language, slogans and the division of labor.

Feminists were deeply involved in the summer 2013 Gezi Park resistance, which started with protests mainly over the illegal urban gentrification in İstanbul, yet changed form and became a more vocally anti-government rebellion as a result of heavy police violence. As for us, we took the streets against the patriarchal system trying to confine women to families and houses and leave the public space to men; against interventions of the ruling Justice and Development Party (AKP) on how and with whom we live with, how many children we have, our abortion rights, what we wear and how we laugh.<sup>10</sup> During the Gezi resistance, feminists ran a feminist camp and held women's forums throughout the city. The demonstration was organized by some groups against the overall transformation of Beyoğlu where most of the feminist and LGBTI organizations also re-

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<sup>10</sup> <http://www.sosyalistfeministkolektif.org/english/543-we-are-in-the-streets-for-a-life-without-harassment.html>

side. The composition of the protesters in the Gezi uprising was strikingly broad and half of the protesters were women.

Feminists played a significant role in the uprising and sought to transform the sexist approach some groups had. We immediately spread the slogan “Resist with persistence, not with swearwords” and changed the sexist, phobic tone -against LGBTI people and also sex workers- of the resistance.<sup>11</sup>

We built a “feminists’ tent” after the occupation of the park, as all other groups and individuals did, and held workshops there.

We took to the streets primarily in reaction against the police violence. It was not only against gentrification of the city but also against the results of the authoritarian, misogynist and homophobic, divisive regime of the AKP. The women forums which started with the call of the İstanbul Feminist Collective spread to different parts of the city and became local platforms where women discussed the ways of struggling against sexism. One of the women’s forums in Kadıköy has continued meeting every week since then.

Besides, it was important that we made our demonstrations as women, despite the divisive discourses against the resistance and against women in the resistance over nationalism and religion. One example is the demonstration against male violence against women after headscarved women were targeted.

Certainly, there is a lot more to say about the Gezi process. What I mentioned here is limited to the swearword and harassment dimensions of male violence against women, which were ameliorated thanks to feminists’ intervention.

## Feminist night march

The last example I want to mention is the feminist night marches that are organized by the İstanbul Feminist Collective every year on March 8, International Women’s Day. Another demonstration for March 8 takes

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11 “While you say ‘son of a bitch’ to Tayyip [president and former prime minister, Recep Tayyip Erdoğan], think about the sex workers and also all the women who are attacked with the very same word ‘bitch’ who are resisting shoulder to shoulder with you. How would you feel in their position? While you call the police, the government and Tayyip ‘faggots’, you push LGBT resisters out of the squares. While you chant that you are somebody’s ‘soldiers’, you curdle the blood of an entire generation still living with the memories of a torturous military coup, of peace activists and conscientious objectors to mandatory military service. As feminists, we are shouting at the top of our voices. We raise our voice against sexism, police violence and the government. **Resist with persistence, not swearing!**” (<http://www.sosyalistfeministkolektif.org/english/535-resist-persisting-not-swearing.html>)

place at the weekend of that week during the daytime, with the participation of political parties, unions and professional organizations all getting in line with their own flags and symbols. What makes the feminist night march different and worthy of mention here is that it is purely feminist. The only color is purple and the only symbol we use is femina. No other sign indicating a specific group or political party is used, as we want to be together as women to voice our common concerns, to shout our rage and spread our words - not so that different groups can compete for visibility. In the last few years we have also been organizing feminist parties after the march as well.

The first feminist night march was in 2003, through Taksim square to İstiklal street. The theme of the march then was war and invasion, "Hitler, Mussolini, Sharon, Milosevic, Bush, Saddam... All men. Is it a coincidence?" - read one banner. In the following years the themes carried on the banners focused on femicide, male violence and state protection in 2004; disobedience to the male system in 2005; "feminist rebellion" in 2006; feminist struggle against capitalism, militarism, nationalism and patriarchy in 2008 and 2009. In 2010, along with the campaign against women's murders, we said "feminist rebellion, we revolt against femicide". In 2012 we had the family policies of the AKP on our agenda, as the ruling party identified women only within the family as the child bearer, caregiver, and cook and did not acknowledge any of the problems women face as individuals, such as male violence, poverty, and unemployment. And the following years' agendas also demonstrated reactions to the government's extremely misogynist policies and women's appropriation of their lives, bodies and decisions, from raising a loud laugh in public, to wearing a miniskirt, to being out at night, to having sex, to defending the right to abortion, to divorce, to saying "No".

The feminist night march that started with approximately 100 women in 2003 reached nearly 10,000 in 2013. It is a very symbolic space for feminists in İstanbul to struggle against male violence and patriarchy, showing a collective will to appropriate our lives. It is like a celebration of our feminist struggle in the heart of İstanbul. The purpose of the night walk is best illustrated with the slogan "We are not leaving the nights, the streets, or the squares!"

## Challenges and conclusion

As you might have noticed from what we wrote on our banners on feminist night marches and other material you read or hear, the political environment in Turkey is not friendly to any of its dissident voices. Moreover, the continuation of warlike conditions and constant threat of state terror leaves us in a vulnerable and at times hopeless situation, because it blocks and smashes every other political issue. The neoliberal and conservative policies of the AKP have already done great damage to women with the discourse of *fitrat*<sup>12</sup>, which naturalizes gender roles through “family-strengthening” policies - namely making it difficult to divorce, glorification of motherhood, marginalization of women who do not fit into AKP’s chaste and moral definition of what a woman should be.<sup>13</sup> Also employment policies for women make it near impossible for us to work at a job that will earn us a decent living, which is essential to diminishing the material inequality between men and women, and empowering us when we want to leave our family, husband or partner and take control of our lives - whether it is for survival against male violence, security, to travel, to be with another person or to be on our own.

Both transforming state institutions and fighting for them is difficult in the existing political environment. Yet we will keep finding ways to make ourselves heard in the streets, exposing male violence and the state as its supporter. We will do this for as long as there is an insufficient number of women’s shelters, as long as there are laws that look for women’s consent in cases of rape, as long as there are “unjust provocation” verdicts for men who murder women, as long as we lack supportive mechanisms when we want to work or divorce.

Whether at home or in the streets, the oppression of women through violence preserves the current patriarchal system of relations. The higher the public visibility of women’s mobilization for feminist causes, the stronger we become in our private spheres, be it home, school, union or workplace.

As far as I’m concerned, we can only be strong if we can overcome the divisive, polarizing discourses and practices against women by the state and within the society and remember that the feminist liberation struggle is for all women regardless of our differences.

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12 An Arabic word with heavy Islamic connotation which describes the ‘pure’ and ‘natural’ human disposition.

13 <http://www.sosyalistfeministkolektif.org/english/919-erdogan-is-right-we-do-not-care-about-f-trat.html>

# Kurdish women and the struggle for liberation and equality

**Hacer Ozmen**

The Kurdish liberation movement has set the fire of freedom for Kurdish people as well as for all people who live under various kinds of oppression in the region. Naturally, this applies to Kurdish women, who have gradually become the backbone of the freedom struggle as they sought to spread the sweet smell of liberation to all women. The women who take part in this movement first and foremost fight against rigid traditional and sexist rules, which prevent them from being considered fully-fledged members of the community.

The history of Kurdish women can be divided into two eras: before and after the start of the Kurdish liberation movement. Kurdish society is a typical patriarchal society based on rigid sexist rules and traditionalist gender roles. Women are confined to their domestic duties as mothers, sisters and wives.

Kurdish women who seek to break out of this paradigm must fight not only rigid notions of gender roles but also racist and dismissive attitudes from people outside their community.

The Kurdish people's native land spans over four countries whose borders were drawn after the First World War: Turkey, Syria, Iran and Iraq. In each of these countries, they have been forced to assimilate and their basic rights have been denied, particularly in Turkey, where Kurds are concentrated in the eastern highlands. "The Kurds received especially harsh treatment at the hands of the Turkish governments, which tried to deprive them of Kurdish identity by designating them 'Mountain Turks', outlawing their language and forbidding them from wearing traditional Kurdish costumes in the cities. The government also encouraged the migration of Kurds to the cities to dilute the population in the highlands. Turkey continues its policy of not recognizing the Kurds as a minority group."<sup>1</sup>

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<sup>1</sup> <http://www.washingtonpost.com/wp-srv/inatl/daily/feb99/kurdprofile.htm>

The Republic of Turkey has had problems with minorities since its founding. Its official ideology is ethnocentric and not conducive to a unifying multi-cultural social structure. Kurdish and other minority groups have not had right to organize or establish their own political parties.

Pressure on Kurdish and leftist groups escalated with the coup of 12 September 1980 and in the early 1990s the discrimination and pressure reached its peak. A large number of Kurds were arrested and tortured in prison. This brutal wave of oppression served as a catalyst for young Kurds, particularly ones studying at university, to stand up for their own civil rights. Soon, women became vital part of the Kurdish liberation movement.

## Kurdish women and the hurdles they face

Women involved in the Kurdish liberation movement soon realized that the realization of their aim required gender equality and gender-sensitive social constructs. Groups focusing on women's issues took shape within the broader movement and gained influence within it. The Kurdish liberation movement turned into a civic organization focused on social issues, including those affecting women.

In this context, Kurdish women started questioning socially constructed gender roles and began promoting the notion of gender equality through various forms of activism that serve to promote gender equality-based consciousness to the whole community as well as promote the peace talks process with the Turkish state.

The Women's Initiative for Peace (Barışçinkadınlar), the Saturday Mothers (Cumartesi Anneleri) and the Mothers of Peace (Barış Anneleri) are but three examples of Kurdish women's groups committed to the cause of peace. In addition, the Free Women's Democratic Movement (DÖKH), created in 2003, unites hundreds of activist Kurdish women from civil society, women's organizations, youth groups, political parties and local government bodies. It has organized women's assemblies, set up women's cooperatives and academic organizations and established shelters for victims of gender-based violence. The DÖKH also established the Women's News Agency (JİNHA).<sup>2</sup>

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2 <http://www.awid.org/news-and-analysis/women-and-kurdish-movement-turkey-there-will-be-no-turning-back>

“JİNHA was founded on March 8, 2012, which was International Women’s Day, in the city of Amed (Diyarbakir). Its goal is to cover women’s issues from a woman’s perspective with only female reporters. Since then, a network of reporters has developed all over the Kurdistan. We now have 40 staff. Legally, we are a company but we work as a women’s collective. Most staff are Kurdish women, but as it is grown it has tried to engage more with women’s problems around the world el. We have a website that sends coverage from around the region to different channels, and we also supply reports to many newspapers in the region.”<sup>3</sup>

JİNHA staff face many difficulties and are frequently detained but they fearlessly persist in their mission to provide the public with objective information. On February 2, 2015 DÖKH held a conference at which it changed its name to the Free Women’s Congress (KJA). It also launched a magazine called KJA, which is printed sporadically and covers various women’s issues. KJA activists continue working as before under the new name to build a society that is gender-sensitive in terms of mentality and morality. Its arena of activism includes not only politics but also ecology, diplomacy, economy, law, culture/art, language education and local government. It holds weekly workshops for women in cities across the country (for more information visit <http://jineoloji.com>).

The first target of these women is elimination of the system and ideology that stems from the patriarchy. This is no easy task, as in that system, ironically, the cultural traditions that imprison women are the ones that in large part are preserved by women. Conservative social mores and the sexist legal system were significant burdens for women to overcome.

Many women’s organizations, gathered together in the Women’s Platform (Kadınplatformu) stage annual events on International Women’s Day, March 8, and the International Day for the Elimination of Violence Against Women. Women’s platform also organizes ad hoc public demonstrations in cases of violence against women. Kurdish women are a crucial part of this struggle. They attach great importance to collaboration and cooperation in fighting problems such as racism and prejudice and promoting minority rights.

The problems women face in every sphere of life stem from the patriarchal system and the male-dominant mentality. Only women’s solidarity and collective struggle can combat this problem.

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<sup>3</sup> <https://corporatewatch.org/news/2016/jan/21/women-frontlines-kurdish-struggles-interview-jinha-womens-news-agency>

## HDP (People's Democratic Party) puts its purple mark on Turkey's politics

The People's Democratic Party (HDP) was founded on October 15, 2012. Figen Yüksekdağ and Selahattin Demirtaş are currently co-chairs of the HDP. It is a democratic party that believes in honest and transparent politics, freedom and equality, human dignity and a clean environment.

Achieving peace in Turkey is HDP's top priority. It seeks peace not just for Turkey, but also for everyone else in the world, opposing imperialism and militarism and promoting workers' rights. It also believes in strong local government as a vital part of a functioning democracy.

HDP opposes the male-dominated order and supports the struggle for women's equality, as well as the rights of LGBTQ individuals. Women are inherently an essential part of the party's decision-making apparatus, so it can be said that HDP is led and shaped by women's perspectives.

In the last election one of HDP's campaign slogans was "A call for a new life for Women!" During the campaign, Demirtaş said: "Every day at least five women are murdered. In this patriarchal society that allows women neither a voice nor a share in power, the oppression and slaughter continue unabated. We have taken a principled stand against all forms of discrimination and violence against women. We will continue doing so. Only if women take a leading role will we be able to achieve our new way of life. Every society is only as free as the women in that society. We will establish assemblies of women, youth, the disabled, different religious groups, cultural and ethnic groups, farmers, workers and laborers. Instead of increasing the powers of the presidency, we will undertake a presidency which will guarantee the increased power of the people. This means ruling together and making everyone a partner in government. This determination not to be ruled, but for all to take part, will mean gains not for certain individuals, but for the people. A new life will grow through the participation of the excluded and those voices against ethnic, religious, sexual and class discrimination which have not been heard up to now."<sup>4</sup>

HDP consistently spoke out for women's interests in parliament in late November 2015 the party dedicated its first parliamentary faction meeting to women's rights, coming as it did right before the International Day for the Elimination of Violence against Women. At the event only women MPs

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4 <https://hdpenglish.wordpress.com/call-for-a-new-life/>



Member of the Kurdistan Workers Party (KPP)

spoke, including Leyla Zana, who had been jailed for 10 years for supposed membership in the outlawed Kurdistan Workers Party (KPP). Similarly, MP Hda Kaya had done prison time for defying a ban on the Islamic headscarf at universities. MPs Sabahat Tuncel and Selma Irmak had also been imprisoned for several years each over their political activism.<sup>5</sup>

These brave women, who fought for a peaceful country and civil and women's rights, in different ways and at different times, now struggle together for the same aims. They suffered from the current social system based on male domination and patriarchal ideology. HDP expends great effort to enhance women's positions and introduce pro-woman changes to the constitution.

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<sup>5</sup> <http://www.hurriyetdailynews.com/hdp-highlights-violence-against-women-in-first-meeting.aspx?pageID=238&nID=91619&NewsCatID=338>

## Conclusion and current situation

HDP won 80 seats in the 7 June 2015 parliamentary election, of which 32 went to women. The MPs were of various ethnicities, reflecting Turkey's multi-cultural, religious and ethnical identity. This colourfulness and diversity frightened the ideologists in power, who resorted to violence and oppression, nearly triggering a civil war. The Turkish authorities declared a curfew in several Kurdish-populated areas in southeastern Turkey that lasted for months. Many civilians were killed in clashes in these areas and thousands of people were displaced.

The election result was nullified and a repeat poll was held five months later in an atmosphere of deliberately created chaos - so that voters would pin their hopes on the ruling AKP to ensure stability. In the repeat poll, AKP won an outright majority and HDP lost seats, ultimately sending 59 members to parliament, 23 of whom are women. HDP has the highest number of women in parliament of all the parties numerically and by far the highest proportionally.

In spite of the chaotic political atmosphere in Turkey, HDP is a beacon of hope for those who suffer from the affects of exploitation, racism and sexism.



Transformation



# Successful woman architect, urban planner?

## Vienna-Prague Comparative Baseline Study

**Milota Sidorova**

As stated by architecture theoretician Helena Doudova in her recent article: *Czech women architects, where do you go?* (2015), although the feminist tradition in Czech Republic is not a very strong one, the increased confidence of the new generation of young women architects can be recognized. Nevertheless she keeps asking whether this will be reflected at the institutional and practical level as well.

Although we suspect that many women are practicing architecture without official authorization, there are no clear relevant data. We keep tracking numbers of the authorized ones - members of Czech Chamber of Architects. They account for 22% of all authorized members<sup>1</sup>. Since 2008 women have accounted for more than 50% of graduates on Czech faculties of architecture. We are left with questions: *Where do we lose women in these professions? Why is it so and how can we overcome these obstacles?*

### Obstacles in professional life of woman architects and urban planners

There has been no complex and comprehensive research on this topic held in Czech Republic and Slovakia. In this case we rely upon foreign sources to outline the obstacles that women architects and urban planners face in their professional lives.

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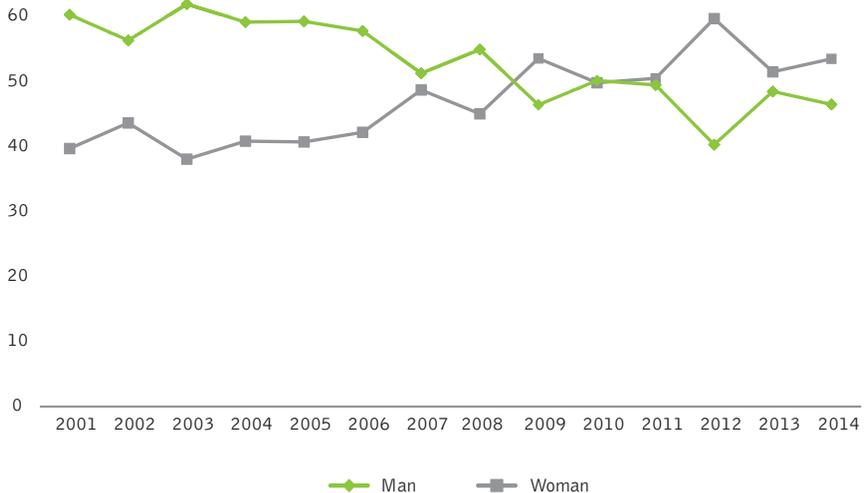
<sup>1</sup> WPS Prague (2015), Mapping of Prague Women Experts in Architecture, Urban Planning and Other Professions Related With Urban Development.

## TRANSFORMATION

**Figure 1:**

Gender ratio of graduates at public and private Czech universities in programs

35 - Architecture 36 - Construction, Geodesy, Cartography and 4109, 4111 - Garden and Landscape Architecture (between 2001-2014 at faculties of architecture)



Source: MSMT CR, processed: Milota Sidorova, PhD. 2015

Graft-Johnson, Manley and Greed in their study *Why do women leave architecture* (2003) state that there is no definitive answer. The reasons why women leave tend to be a combination of a number of factors and or a 'final straw' moment. Some of the key issues are as follows:

- Low pay
- Unequal pay
- Long working hours
- Inflexible/family-unfriendly working hours
- Sidelining
- Limited areas of work
- Glass ceiling
- Stressful working conditions
- Protective paternalism preventing development of experience

- Macho culture
- Sexism
- Redundancy and or dismissal
- High litigation risk and high insurance costs
- Lack of returner training <sup>2</sup>
- More job satisfaction elsewhere

On the university level it was:

- Lack of women professors, role models
- Discouraging environment and behavior of male academy staff towards women students

Frequent comments were that *architecture is tough business not suitable for women*, or that *it is very difficult for women to survive in this business*. There was little evidence that women left because they were incompetent designers or no longer wanted to be architects. One major concern is the extent to which some architectural practices are operating outside current legislation in relation to employment practice.

## Survival strategy? Recipe for successful career? Baseline comparative study Vienna-Prague

Vienna is one of the leading cities in quality of life. It is the leader in adopting gender mainstreaming as a tool for urban planning. But the discussion goes further - while architecture and urban planning are traditionally male-dominated professions where 'men design and decide for men and women', we find exceptional women leading architects, urban planners and experts in urban-related professions being actively involved in these processes in Vienna. It is not news that Prague's leading competitor in urban planning is Vienna. This, along with the relative proximity, made Vienna an appropriate city in which to conduct the research.

Through the program genderSTE I spent summer 2015 in Vienna on a short-term scientific mission. The aim of my research was pilot mapping of obstacles and their possible solutions in the professional lives of women architects. During this phase I conducted seven in-depth qualitative inter-

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<sup>2</sup> Training required for the employee to regain the full working capacity provided usually after childcare leave or long illness.

views with relatively well known, established women architects at different stages of their lives also working at different positions (Director, Partner, Co-founder, Freelancer, Academic Staff). Viennese interviews are now being completed with their seven Prague counterparts and conclusions are being made.

Meanwhile I was able to identify preliminary areas and topics that I will share in this paper.

### Austrian paradox

In regards to obstacles in professional life, respondents agreed with the outcomes of the British study and added that Austria was an even more conservative society with stiff working morals. Women account for 16% of all registered authorized architects in the country<sup>3</sup>. On the other hand, Austria has had more than 25 years of experience of applying gender-mainstreaming, including in architectural design and urban planning. How could there be such understanding of gender equality in urban planning practice while the representation of women practitioners remained low? This paradox was outlined by one respondent. While the public sector took gender-mainstreaming principles into practice in Vienna by positive EU law enforcement in the 1990s, the private sector remained immune when it came to gender equality at work.

Gender mainstreaming set strong precedent in the urban planning of Vienna (Bauer 2015), fostered feminization of policies<sup>4</sup> and applying informal quotas (e.g. it is seen as good practice to invite at least one woman architect to a public tender).

### Individual success vs. quotas

I have experienced different levels of gender sensitivity during interviews. Some respondents claimed that success was an individual choice and everyone (whether man or woman) could achieve a successful career if they *worked hard*.

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<sup>3</sup> [https://en.wikipedia.org/wiki/Women\\_in\\_architecture](https://en.wikipedia.org/wiki/Women_in_architecture)

<sup>4</sup> One of the most significant steps was the establishment of the Women Coordination Office within Urban Planning Department in the City of Vienna that focused strongly on women's needs in urban planning.

While this remains true, it does not represent the full spectrum of professional options. Working hard and ignoring other aspects of life was not stated as an ideal solution for everyone. Not every architect wanted to be like the iconic *Zaha Hadid*<sup>5</sup>. Freelance architect, researcher and professor Sabina Riss-Retschitzegger says:

*“I don’t think we should be all like Zaha Hadid. We are fighting for competence. We are different, but it doesn’t mean we would be less equal in our profession. However, architecture is a part of building an economy that remains heavily male-dominated.”*

Quotas remained a controversial topic despite of the fact that all respondents agreed they were necessary. Quotas should open opportunities for professional success, but it shouldn’t be the criteria for preference of female work.

Architect, Director of Elsa Prochazka studio, Elsa Prochazka summarizes:

*“Nobody likes them, but I know they are needed, otherwise the situation won’t change and progress. Understanding of equality should be self-evident, but it can’t be achieved without quotas first.*

*“I would like to live in society where it is natural to have men and women in ratio 3:2 or 3:3. I would like to live in society where the main criterion is not being female, but doing quality work.”*

Gabu Heindl, architect, owner of Gabu Heindl Architects perceives quotas as a tool for institutional change in all professions<sup>6</sup>.

*“Yes, I am for quotas. I do think it is a matter of visibility and as long as it is a self-perpetuating system that basically keeps men visible and reproduces their presence (by reciprocally reproducing) the invisibility of women’s work, it is a perpetual condition that can be changed only with quotas and active political support. Most certainly there are women with equal qualification to that of men in other professions. So it goes the other way around. I also don’t see any reason why men shouldn’t work in kindergartens or as stewards, etc.”*

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5 Possibly the best-known world-class woman architect, famous for her dedication to her work - including public rejection of sleep -and statements that success can be always achieved when it is a person’s top priority.

6 Sidorova, M. (2015).

## Independence

One of the essential conditions for remaining in the profession was professional independence. Women who are owners, founders, co-founders, partners of their studios, departments or freelancers managed to maintain independence in regard to finances, working time, studio matters and team structure. Eva Kail, the former head of the women's coordination office of the urban planning department of the City of Vienna, articulated this as follows<sup>7</sup>:

*"I achieved a position so I was paid well. My husband is also working, so we have never had financial problems. But we have been rather lucky - you reach higher position with higher wages, so you have the luxury to work part time and still live well. If you are at a lower level, it is much harder, which is the case for many younger people and freelancers."*

## Flexibility

*"I worked 30 hours a week, well not really, I worked bit more. In my office it was possible. I was the head of the department, so I could really make flexible arrangements. But nobody thought I was working part-time. I created such presence and visibility that I was fully accepted. Sometimes I would work overnight, but the next day I would leave for a kindergarten event. I remember I was at a theme party with kids and my secretary just brought me papers from work. I signed them and she took them back to the office."*

Eva Kail, urban planner, the City of Vienna

Flexibility of working time proved to be essential tool in harmonizing work and family life or work in different professions eg. academic, cultural, research, business.

Flexibility can be achieved in one's own firm (*you set the rules*) or in a smaller structure (*you are significantly dependent on each other and seek consensus*) or at a high position (*you set the rules*).

Regina Loukotova, co-founder and dean of private architectural university ARCHIP states that flexible time would be beneficial not only for women, but also men.

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<sup>7</sup> Sidorova, M. (2016).

*“It is normal to work part time, it is normal to come to work in the afternoon or work in shifts. It is common abroad and it works. My generation works full time, but many women in their 40s or 50s would like to change their profession and work on two different projects or in two different fields. Part-time jobs are painful for women of the younger generation, especially with kids. If they don’t set up their own business, they don’t get the offer to work part time from their employers. Employers should be educated about the benefits of part-time and flextime jobs above all.*

*“It doesn’t matter whether woman or man, everyone would like to work according to this model. One relative of mine says: Get your work split, and Sunday comes to you more often.”*

## Collective support

Many respondents mentioned that work in a female collective brought significant benefits into their professional and personal lives. In case of young architect Julia Nuler, it was a catalyst that fostered the establishment of the studio miss-vdr architektur<sup>8</sup>.

*“At the beginning we were thinking: What would it be like if there were a network of women supporting each other? We didn’t like always seeing women only as partners besides a male architect and just few standing alone.*

*“Our idea was to empower women as architects. All of us had similar ideas about the wish to balance work and private life. The idea to found the studio was also to help each other in balancing that.”*

Eva Kail mentions friendly atmosphere emerging in Women Coordination Office:

*“We made personal friendships. We were women working together in a very cooperative, dialog-oriented environment. When I returned to a mainstream office I realized how much more competitive and less cooperative environment it was. After we were separated my colleagues remained in touch and we advised each other. For example, one of us would write a text and send it to others. We would immediately sent it back so it was a really effective way of working.”*

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<sup>8</sup> Sidorova, M. (2016).

## Leadership

However this question remains highly individual, respondents spoke a lot about autonomy, horizontal structures and invisible leadership when they described their own way of working. A representative response was that of Gabu Heindl, who after being asked what kind of leader she considered herself to be responded:

*“I think I can be determined, very clear in expectations, formulation of goals and I try to be organized and also communicate tasks and roles through the organization.*

*“The supposed freedom in contemporary working conditions in claims there is no hierarchy actually creates more stress for everybody. There is a simple structure. I run the office, which basically means I have the responsibility which maybe is the reason I work seven days per week. My employees can leave and they should - and don't take the work home with them.”*

## Partner

It is self evident that the characteristic shared by all Viennese and Czech women was their high working pace heavily influencing their personal lives. Some of them were in a partnership or marriage, some of them stayed single, some of them had children, while others not.

Women with partners claimed to have very tolerant or equally busy partners who understood their working pace (doctors, architects, and filmmakers). Some of them were also collaborating with them, but mostly outside of their own business (they were not co-owners). Collaboration with the partner while keeping independence and space was mentioned as a rather positive factor in the relationship.

Respondents with children mentioned that it was essential that child or family care be split between both partners. Fathers were not seen as sole financial providers but as active parents, taking paternity leave, helping with housework and contributing to the family budget. Respondents said that fathers playing an active role in rearing children was essential to creating equal conditions at work.

## Return to work /parenthood

All mothers claimed they were much more organized and focused after maternity leave. They claimed it made them more aware of time-consuming activities and tended to be more effective while spending a shorter time at the office, especially compared to male colleagues who were maintaining their old behavior.

Elsa Prochazka mentions:

*“I was much more disciplined. A lot of time is totally and unnecessary wasted. Meetings. Men like to discuss, discuss, discuss without any necessity. I was more disciplined, which led my office to prosper.”*

## Conclusions

The baseline comparative study Vienna-Prague has not been completed. Extracts and themes should be seen as preliminary results. Nevertheless they clearly show that the debate has been shifting from perceived understanding of women in architecture as experts producing special *female* designs towards experts seeking more balanced and equal working conditions in which all kinds of architecture can emerge. While gender is one of criterion influencing lifestyles, design differences can be applied both by men and women experts. Such is the case in Vienna, where gender-mainstreaming became a common working practice.

Gender gaps within professions are present, however, and can be perceived by women themselves, especially after they start caring for their families. Child and family care tends to be the major obstacle in mainstream architectural practice. With a view towards overcoming these obstacles, we can mention a few principles: possibility of flexible working time, satisfactory financial rewards, equal salaries, financial security or independence, possibility of creating their own working structures, and a supportive atmosphere at work. Regarding work-life balance, respondents stressed the importance of equal share of duties, mutual moral support and joint financial contribution in romantic partnerships.

Cases of individual success cannot be perceived as evidence that the problem doesn't exist or can be overcome by individual effort only (whether by men or women). Debate about equal working opportunities in architecture and urban planning should become a structural and political one.

*Material for this paper was collected during short-term scientific mission sponsored by genderSTE in august 2015. The study Vienna\_Prague was supervised by Gabu Heindl and will be published in 2016 on website WPS Prague – [www.wpsprague.com](http://www.wpsprague.com)*

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# Practicing feminist art – how and what is it for?

Victoria Lomasko

## “Women” and professional art

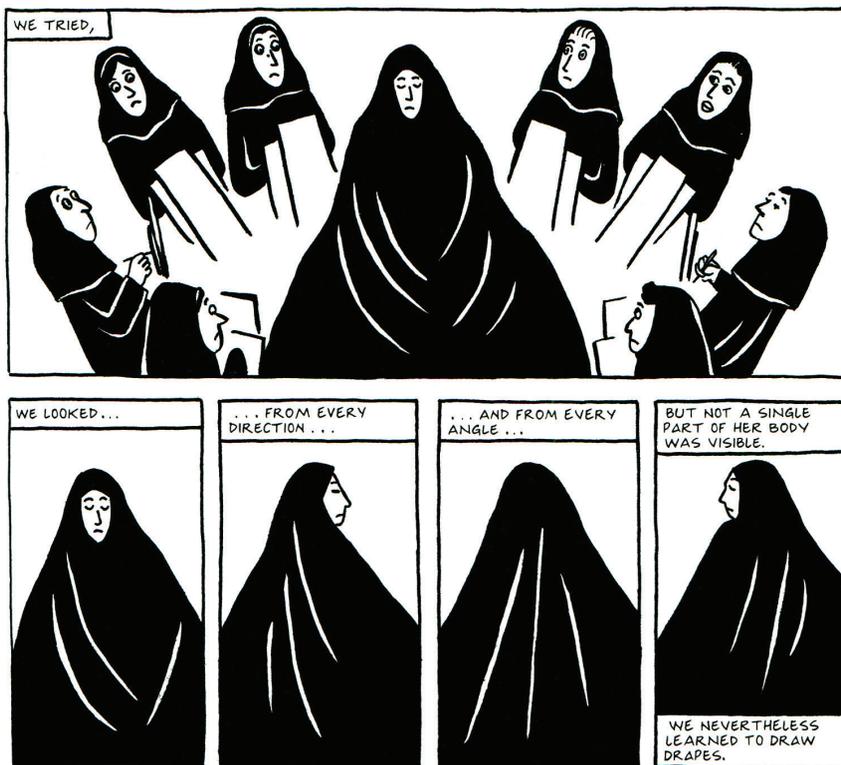
In Russia, as probably in other post-Soviet countries, many female artists still refuse to participate in the so-called “women’s” and feminist exhibitions, without distinguishing between the two labels. It suffices for a show to exhibit only women artists for many to perceive it as a marginal space; only since the middle of the 20th century, and not in all countries, did women start to come out of the “ghetto of women’s art.” For centuries, the normative for women has been the utilitarian arts and crafts (embroidery, lace, carpets, etc...), or the art of small forms and chamber subjects - drawing of flowers or fruit, children, or parts of nature in ladies’ albums using portable materials such as pencils, watercolors or pastels. The main distinction of “women’s” art was its lack of competitiveness with a professional, a real (male) art.

Women who tried, despite the condemnation of society, to work professionally in art, still did not have access to resources such as education in the arts, nude models, competitions, commissions, workshops, working visits. This is discussed by Linda Nochlin (1971) in her famous article *Why have there been no great women artists?*

For concrete examples of the types of discrimination faced by artists in the early 20th century, one can cite the *Autobiographical Notes* (1974) by Anna Ostroumova-Lebedeva, one of the first professional artists in Russia.

Anna was admitted to the Academy of Fine Arts in 1892, the second year that the Academy allowed women to apply. She had to give up marriage twice, as both potential husbands expected her to reject the profession. Anna accepted third proposal with much doubt: “I was tormented by the thoughts of the future – will I be able to work? ... If I have to give up art, I would perish. Nothing would comfort me – neither husband nor children, nothing ... Of course, the main thing depended on my future husband”. Her parents asked that the famous artist did not sell her work, because it was improper for a

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A fragment from the book Marjane Satrapi "Persepolis".

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Published by arrangement with L'Association

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Publisher "Bumkniga" ("BOOM" Company), 2013

woman. "I tried to argue that were I a man, and especially a family man, it would not seem strange that I am selling my prints to feed the family". In 1916, when Ostroumova-Lebedeva was put forward as a candidate for the title of Academician, a scandal whether it was legal to assign that rank to a woman broke out that lasted a few months. Being a professional artist 100 years ago, even doing work outside of political and social issues, actually meant being a feminist. When approached by a friend with the offer to join the League of Women's Equality, Ostroumova-Lebedeva responded: "My defense of women's rights will be carried out in my work and its success. With this I will best prove women's right to equality".

Female artists in many countries still face various obstacles in their work. In the famous autobiographical comic book “Persepolis” (2007), Marjane Satrapi tells how she received her art education in modern Iran. Girls studied separately from guys. First, they had a fully draped woman model, and instead of studying the structure of the body, students learned to draw folds in her draperies.

Their professor tries to get his female students allowed to draw fully dressed male model. However, the institution’s warden interferes:

- Why are you looking at him?
- Because I’m drawing!
- Yes, but you have no right to look at him, it’s immoral.
- What should I do? I have to draw this man without looking at him?!
- Yes.

## Feminist art

If a work of fine art is judged exclusively on visual merits such as composition, rhythm, building space, and so on, then the gender of the author is undeterminable. But if the same work is analyzed for its subjects and their interpretation by the artist, it can be understood that the work was created by a woman. First of all, it is the works in which the artist reflects on her personal experience. As an example you can cite a number of self-portraits by Frida Kahlo, in which she reflects on her physical injury, infertility, betrayal of her husband and the creative will that allowed her to overcome these circumstances.

Feminist art is a segment of socio-political art. It is closely connected with defense of rights, because it does not only show the types of discrimination, but also ways to overcome it, its main themes being countering various violence against women, reproductive rights, labour rights of women, female sexuality, the issue of prostitution, and others.

Of course, men also do projects on these topics sometimes. However, most of them either do not involve such “small” stories, or they act from a position of power. In any case, if a female artist makes a work about her own personal experience as a woman (abortion, childlessness, rape, single mother, etc.), its self-advocating statement is more accurate and deeper.

Often in social issues not directly related to gender, a feminist agenda comes out nonetheless as women from discriminated groups receive a double portion of oppression. For example, the gender theme came to the forefront in my graphic reports about migrants, HIV-positive people, and rural life in the North Caucasus.

How the subject of war is represented through feminist lens? Female artists show it mostly without any romanticism. You can recall the work of German artist Kathe Kollwitz about children dying of hunger during the war, about the parents who lost their sons (the youngest son of the artist and one of the grandchildren were killed at the front during the First and Second World Wars). In contemporary Russian art only a few artists opposed the war in Ukraine, almost all of them - women. Posters by Elena Osipova with texts such as “Do not go, my son, to the war,” “Mothers and wives, stop the war” and monumental “Do not believe in the justice of war” interpret the war not as an abstract evil, but as a personal tragedy of women who have lost their sons and husbands. Feminist group Gandhi that made the mural “Broads Will Give Birth to New Ones”, explain their work as follows: “Our subject is a woman holding a Molotov cocktail. Glowing inside her is an infant soldier, doomed to fight for the money and power of strangers. The woman has chosen to rebel, knowing that if she fails, her child will himself, in the future, go after her with a gun.”<sup>1</sup>



From the Victoria Lomasko series HIV: Unequal © Oxfam

1 Album “Broads Will Give Birth to New Ones”, page of Gandhi group on Facebook.

## A concrete example

As part of the Tbilisi conference *Women in Public Spaces: When Personal Becomes Political*, I held a series of master classes entitled *Feminist Stencil on Paper*.

The basic idea was that the participants began to consider feminist stenciling as a social poster transferred on to the wall. It is obvious that a social poster requires analytical work: what specific audience is the message made out to, what reaction do we want to elicit, what type of message - informational, critical, agitation? What artistic techniques will help to make explicit the social idea of the poster? Unfortunately, many female activists believe that when stenciling on the street you do not have to ask such questions; it is enough to draw some familiar symbol and write “Away with violence!” or “Death to capitalism!”.

Participants of the master class chose themes for their stencils themselves. Most were concerned with control over female appearance and sexuality by the community, the family and the church. They talked about how hard it is in Georgia for a young unmarried woman leading a sex life to get help of a gynecologist, with stencils that read “Google instead of gynecologist”; on the lack of psychological care one said “A priest instead of a psychologist”.

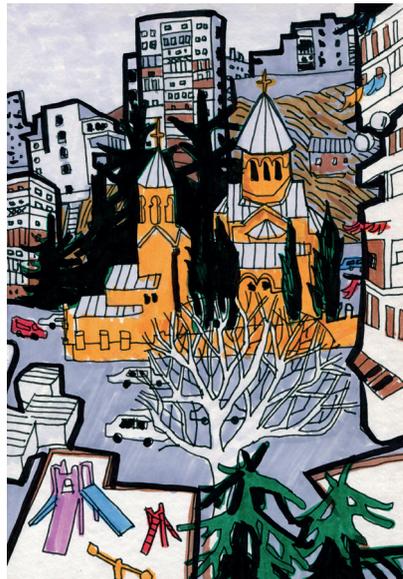
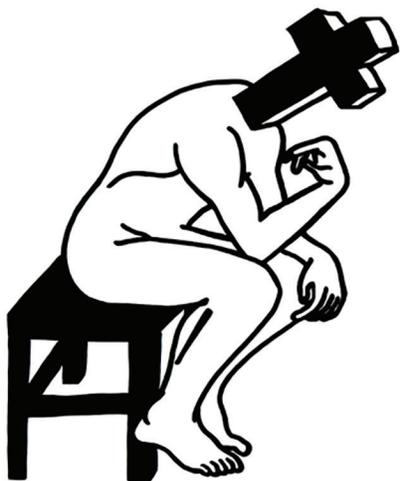


Figure in the graphic reportage by Victoria Lomasko, *A Trip to Tbilisi*

## THINK OUTSIDE THE CROSS



Stencils made at the master class.  
Photo: Victoria Lomasko

Pressure from the church as a subject was reflected in one of the stencils: a man with a cross instead of a head sitting on a stool, under an inscription “Think outside the cross”. In Tbilisi society a stool is now almost a symbol - a stool was used as a weapon by one of the priests during the pogrom on an LGBT protest of May 17, 2013.

Another subject that proved popular was early marriage. The problem concerns primarily the Azerbaijani families residing in Georgia, whose girls are married at 13-14 years of age. The workshops were not attended by Azerbaijani participants who could tell us about the situation from the inside, but later I visited one of the Azerbaijani families living in Tbilisi and interviewed my own contemporary, who became a grandmother at 32 years.

It seemed curious that the participants avoided the topic of domestic and sexual violence. Participants did not join discussions on these problems nor offered personal life examples. At the same time, when met in private,

one of the participants who earlier hotly debated early marriage and the position of women in politics, spoke about the heavy domestic violence in her extended family and her own encounter with sexual harassment. It seemed as though public conversation about domestic violence is taboo in the Georgian society.

Furthermore, the issue of women's work at home did not resound with the participants. In similar workshops I conducted in Bishkek and Yerevan, the participants singled out domestic violence and heavy house work as their main problems. In the project "Feminist pencil", which I co-curated together with the art critic Nadia Plungian, half of the artists (from Russia, Ukraine, and Belarus) made work on domestic violence, and a third of the artists chose the theme of women's work at home. It seemed that the Georgian feminists are less willing to talk about personal experiences and more focused on their connections with and the protection of other social groups. For example, in the master-class activists made several stencils in support of miners on strike in Tkibuli. Support for the miners was on the agenda at a feminist rally March 8, 2016 as well.



Figure in the graphic reportage by Victoria Lomasko "A trip to Tbilisi"

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Feminist Rally on March 8, 2016  
Photo: DF Watch

All stencils on paper made at the master class were used for decoration of the feminist rally which took place in the center of Tbilisi on March 8th. I am convinced that the rally as a space is the best place for feminist graphics.

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# “Women’s Cinema” or the Cinema of Women Directors?

**Teo Khatiashvili**

It’s still too early to talk about the emergence of a new wave of Georgian cinema, let alone to attempt to ascertain whether the special role of women directors in this process is merely accidental or has occurred logically. Still, the ascendance of women in Georgian cinema in recent years is an undeniable fact.

Before we start talking about Georgian cinema, let’s consider how advisable it is even to talk about ‘women’s cinema’ - a notion from which many female film directors frequently distance themselves. This is more or less understandable, given that such a categorization places women in a virtual cultural ghetto. Additionally, ‘women’s cinema’ often bears an ironic connotation, usually signifying a syrupy, sentimental narrative and overly ‘arty’ aesthetics.

The very emergence and usage of the term suggest the existence of a problem. No matter how masculine or brutal a film is, no one would label it as ‘men’s cinema’, since this is considered a tautology. It is almost taken for granted that cinematography (as well as everything else) is a men’s business, and women are occasionally permitted, or given the opportunity, to dabble in film-making, thereby creating ‘feminine’ or ‘girly’ (read ‘weak’) and less significant movies.

To paraphrase Truffaut<sup>1</sup>, there is no ‘feminine’ or ‘masculine’ cinema, but only good and bad cinema. Yet, can we discern a unique vision, angle, and aesthetic in ‘women’s’ films (i.e. films made by female directors) which are beyond stereotypical representations and expectations? It is essential to affirm from the outset that women film directors, just like their male counterparts, are not a monolith. An author being female does not automatically imply that she cannot be part of a traditional cultural discourse or conform to gender stereotypes. Needless to say, we are talking here

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<sup>1</sup> In his program article (2016) *A Certain Tendency of the French Cinema*, which heralded the so-called Author’s Theory, Truffaut writes: “There are no bad or good films, there are bad or good directors”.

about those authors who do not belong to this discourse. So, just what is the place of women on the cinema map?

The first conspicuous detail to note is that the majority of female directors work in documentaries and experimental cinema. This can be explained by two main factors:

1. Women are rarely entrusted with the larger budgets necessary to make a full-length feature film; since there are stereotypical doubts about their managerial skills (documentaries and experimental films are usually significantly cheaper to produce).
2. One of the distinctive features of female authors is their attention to, and emphasis on, daily life and daily realities. Classic examples include the films of Chantal Ackerman, and in particular, her best work "Jeanne Dielman", 1975.

This is the theme Virginia Woolf notes in her classic text "A Room of One's Own" (1929), which contains a description of a social gathering in a house. Woolf emphasizes that male authors would usually narrate the scene based on the dialogues around the table, which primarily serve the purpose of displaying their mental prowess, while for women the details of the table setting and the way dishes are prepared might prove a more interesting theme for description. Later on, Woolf expounds on the subject: "Yet it is the masculine values that prevail. Speaking crudely, football and sport are 'important'; the worship of fashion, the buying of clothes 'trivial'....This is an important book, the critic assumes, because it deals with war. This is an insignificant book because it deals with the feelings of women in a drawing-room. A battle scene is more important than a scene in a shop."

It is no coincidence that in recent Georgian films, an extended focus on routine realities has emerged primarily in documentary film-making ("Bakhmaro" by Salome Jashi, 2011, "Above the Clouds" by Mari Gulbiani, 2010, "Altsnei", 2008, and "English Teacher", 2012, by Nino Orjonikidze). A leisurely pace of observation helps uncover difficult social backgrounds and the characters of protagonists through nuances and minute details.

Experimental cinematography is of a more "cellular" nature, which allows the thoughts and personal dispositions of the author to be conveyed without concealment, and this is also a means of their identification and self-representation.

The identification of the woman, the way she sees herself and not the way man sees her (by which she is necessarily construed through an “androcentric lenses”<sup>2</sup>), is one of the main themes of films made by women. Even when the author is the process of exploration, and no distinct contours are offered, one principal feature is nonetheless clearly articulated: that of the woman trying to escape the frame of the “pretty toy doll” into which she was ‘packaged’ by patriarchal culture. This culture views women as ‘second class’ others, who are less important than men, and who are subject to the masculine world view, masculine preferences and men’s desires. The woman is not an active subject, but rather a supplement - an object - which is responsive (only) to the desires of others.

From this standpoint, it is interesting to study how female authors represent the body and sexuality – notions that were strictly controlled for centuries on order to preserve a patriarchal order. It is not by coincidence that in films by female directors, the body, sexuality and identity of women are intertwined. Katrin Bria’s “cinema of the body” (as it is often called) is particularly noteworthy for its radical and oftentimes naturalistic style. The depiction of women’s sexual desires is ironic and even grotesque, as the director frequently employs erotic images that are entrenched in and representative of patriarchal imagery, but in such a way that they acquire novel, often inverted meanings (for instance, a woman spying on a dancing man – and not vice versa – as an erotic object, or taking the initiative when choosing a sexual partner; or the man’s traumatic ‘first night’, with a woman character persuading him that he is going to get used to it and that subsequent sexual experiences will not be painful etc.).

With regards to the representation of women, the notion of the ‘erotic fetish’ represents a powerful and influential theory. The foundations of the theory were laid by Laura Mulvey, who believes that the image of women in cinema is based upon a traditional binary principle of voyeurism and exhibitionism<sup>3</sup>, which immediately places her in the position of a passive,

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2 This term was coined by the American feminist author Sandra Lipsitz Bem, and implies the andro-centrism of thinking, or focusing exclusively on men’s views and perceptions of the world.

3 Voyeurism (from the French word ‘voir’ – to see) is a sexual practice whereby satisfaction is achieved by looking at the naked body or a sexual, or other intimate, activity. It is regarded to be characteristic of men, in contrast to exhibitionism (exhibeo – showing, demonstrating), which is viewed to be women’s feature. It means obtaining sexual satisfaction by displaying naked parts of the body and genitals to others.

expectant and publicly-displayed object. She is supposed to be flawless, feminine and attractive - both appealing and non-traumatic for men to gaze at.

The more beautiful and attractive the woman is on screen, the stronger the fear of castration she engenders<sup>4</sup>, since perception of the threat emanating from her is directly proportional to the strength of attraction towards her. To neutralize this panic, an erotic fetish is made of the woman – she is transformed into a beautiful doll that can only be looked at. The body of the woman is fragmented and ‘dismembered’ (long legs, full breasts or lips etc.), which breaks up the “Renaissance wholeness” of the body<sup>5</sup> and precludes the existence and perception of the woman as an integral personality and an active subject. She is no longer a living creature (and therefore one may no longer expect any threat from her), but a perfect, beautifully-crafted toy or, in the best case, a goddess – abstract, arrogant, unattainable; something which can only be adored. Being constantly gazed upon, a woman is deprived of this very right – to gaze - which is symbolic of power and is the exclusive prerogative of men. She is looked upon, and is therefore placed in the custody of the masculine gaze, while she herself has no right to look, observe or study.

When Laura Mulvey was working on her well-known text “Visual Pleasure and Narrative Cinema” (1975), her work was addressed mainly towards classical Hollywood, which at the time was successfully circulating on-screen characters which were based on traditional models of women and men. Needless to say, much has changed in cinema since then (including a definite transformation in Hollywood). Chantal Ackerman and her creative work is a fascinating example of women’s “emancipation from the gaze”. In her films, the body is identified with a room, and both become a means of self-identification, while at the same time generating the metaphor of a prison - the place where women are culturally confined. Ackerman’s camera observes her character (in the same way it studies and observes every individual detail of the interior), yet the woman is no longer

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4 The term was introduced by Sigmund Freud and gained currency thereafter. It describes the third, phallic stage of the boy’s development. During this stage the boy becomes conscious that men and women have different sets of genitals, and that women, and specifically his mother, do not have a phallus, which in turn engenders the fear of losing the latter. On this very stage his love towards the mother transforms into an incestuous desire – to possess his mother thus replacing his father, which in turn begets the fear of being castrated.

5 Mulvey, L. (1975), *Visual Pleasure and Narrative Cinema*.

a mere object, but rather a woman/person, who responds to the camera's gaze with her own steady gaze. One must also take into account the fact that, in her earlier films, Ackerman often played the protagonist herself, and so the gaze directed to the character is a gaze in her own direction: a self-immersion and a self-searching around the question: who is Chantal Ackerman, the woman?

In this regard, the film "Keep Smiling" (2012) by Rusudan Chkonia offers a very interesting example. The beauty contest around which the entire plot develops is both unusual and somehow typical at the same time, since it differs from the show-business contest norm of young girls that fit the standard mould. The contest depicted in the film, "The Mother of Kartli – 2010" is held in order to find the best mother. Although, notwithstanding the "sanctification" of the mother in Georgian culture, the main purpose of the contest remains intact: to undress, to ogle, to judge.

"We are wives, we are women, we are mothers of Georgia..." – this is the main slogan of the contest. The placement of the word "women", almost and after-through between the words "wives" and "mothers" is significant, and is indicative of the clearly-defined role and confined space attributed to women in Georgia. The function of women in Georgia is still restricted to getting married and giving birth. No matter what degree of self-realization and success is achieved, if a woman is unmarried and has no child(ren), society still deems her to be defective in some way.

Along with the bodies of the women, the film exposes the problems of the mythical "cult of the mother" itself. Participants of the contest vary in age, social standing and interests (including their interest in the contest itself) – some are engaged in the contest only for the satisfaction of their egos, while for others, the outcome is of vital importance. However, the commonalities among the participants are still far more essential than the differences – the status of mother and wife brings happiness and social realization to no one. The film attacks the myth of the family as the main repository of "womanly happiness". Bombastic slogans on the glories of motherhood only accentuate the cynicism of society's attitude towards the character Gvantsa. The fact that she is a single mother of three renders her the target of incessant barbed comments, gossip and moral censuring.

If the contestants are driven by mutual animosity at the beginning of the film, a sense of solidarity is forged among them as the plot develops, and as they come to realize that they are all victims. All that is required

from them is obedience and a frozen, fake smile, even when they want to sob. It dawns on them that no one is interested in them performing Bach's "Chaconne", in a society where it is deemed far more entertaining for them to expose their breasts, where one of them is humiliated as the mother of "illegitimate" children, and where one's dignity is only achieved through the status of wife and mother. All of this contributes to the creation of a pharisaical image of wellbeing and success, and conceals real problems.

But in the film, the characters are no longer willing to take part in such a farce.

Nor are the two protagonists of Nana Ekvtimishvili's film "In Bloom" (2013) going to stay within the confines of patriarchal laws. On the face of it, the film depicts the poignantly familiar theme of post-Soviet Georgian cinema – the chaos and lawlessness of the 1990s. But it is also important to look at how the film's authors assess our most recent history and look for a way out of the current impasse that they perceive. The film goes beyond a mere statement that a 'phallo-centric' system controlled by weapons is in profound crisis<sup>6</sup>, and that the "law of fathers" no longer guarantees order. It also affirms that the characters are no longer willing to remain within this order.

Although alarm bells were sounded about the defectiveness of the patriarchal system earlier in Georgian cinema, this theme entered the mainstream only in the 1990s. As a result of the collapse of the Soviet system, the need for a new authority or authoritarian power arose in society. This craving finds its representation in cinema as nostalgia for the father figure, including the trauma caused by his death on the one hand ("Gospel of Luke" by Goderdzi Chokheli (1998), "In the Lake" by Kakha Kikabadze (1998)), and as the re-animation of the strong father ("Double Face" by Levan Anjaparidze (1997), "Here Comes the Dawn" by Zaza Urushadze (1997)) on the other. In these films, the fathers have their own debt of sin, which is paid through sacrifices made to their children. Their children are often ill, and therefore doubly helpless, requiring yet more care. "I won't leave you, father" – is the thematic refrain of both types of films, which can be interpreted as a projection of the subconscious of a society lost in chaotic uncertainty. This is a society that is so accustomed to being carelessly battered by the waves of totalitarianism – a system founded on paternal, patriarchal order.

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<sup>6</sup> A perceptive and cognitive perspective, which is unequivocally masculine. A phallo-centric system is the system of male domination and control.

The emergence of dysfunctional male characters in the films of that decade is also symptomatic of this uncertainty (“Rat” by Paata Milorava (1991), “Empty Space” by Mikho Borashvili (2001)), and these films herald the onset of a crisis in masculinity<sup>7</sup>. Weak and cowardly men hide behind women in order to survive. However, this is less about fracturing the gender hierarchy in order to comprehend a changing cultural context than it is about a crisis in the relevance of the “bread-winner father”, a crisis laid bare by economic factors. In these films, the weakness of the man is offset by the image of an active woman, but this is to be interpreted as a mere reflection on the irrational level – in other words, there is no awareness of the crisis. It is simply a statement about “a man losing his manhood”, and is more a source of resentment than a true recognition that a hierarchical, violent system and relations are no longer viable. The activity of women is presented, not as their attempt at self-affirmation in space that is denied to them (by the patriarchal male figure), but rather as a cruel vengeance on (weak) men. Therefore, women with strength are still presented as a destructive phenomenon, as well as a threat.

It is important to note that in “In Bloom” the men or father figures are virtually absent. Of the fathers of the two protagonist girls, one is serving a jail sentence and the other is an unbalanced violent alcoholic. In reality, the appearance of men in the film bears the mark of destructiveness: the quality traditionally “assigned” to women.

The 1990s, as depicted in the film, are permeated with violence. As violence is normalized in society, no one protests it. No one confronts the armed men who brazenly intrude into bread lines. No one challenges the boys when they are abducting a young girl. And this happens not only because society is afraid of arms. They have simply become immune to the violence.

Just one character – an ordinary, young and slightly swarthy girl called Eka – seems to understand that the vicious circle of violence has to be broken. It all has to stop somewhere, without any revenge, lest the latter sets another chain reaction into motion.

Eka’s conflict against this repressive and self-satisfied system becomes evident, when she dances ‘Kintouri’ (a traditional urban dance of Tbilisi) at her best friend’s wedding, a dance which is usually performed by men.

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<sup>7</sup> Breaking the norm of the ‘strong man’ male figure.

Eka performs this male dance with a certain irony, with the precise mannerisms of an assiduous student. In this protracted episode of the film, however, the authors are less interested in showing the choreographic outline of the dance. For a static camera, focused on the center-piece, it is important to convey the emotional disposition of the character, who simultaneously expresses both despair and revolt.

One can argue that the film has two endings: One when Eka and her best friend together throw away the revolver the second, the actual end of the film, when Eka goes to prison to visit her father. It is no coincidence that the visit to her father is preceded by the symbolic act of throwing away the weapon, since this act signifies the rejection of, and revolt against, violence and the phallic-masculine system<sup>8</sup>. This means that Eka's visit to her father is not simply the usual reenactment of the prodigal daughter myth, but rather the onset of a battle – the battle against fathers, patriarchy, phallicism and weaponry.

I have focused on these two films, because the authors express an explicitly rebellious position, not only towards a difficult social reality but also towards a traditional cultural paradigm. As I mentioned at the very beginning of this article, recent Georgian cinema is noted for the multitude of films by women directors. They vary in their artistic merit – be it “Salt White” by Ketvi Machavariani (2011), “Credit Limit” by Nutsa Aleksi-Meskhishvili (2014), “Brides” by Tuna Kajrishvili (2014), “Anna’s Life” by Nino Basilaia (2015) and others – but the common feature of these films is the protagonist – a woman in the contemporary Georgian reality, a woman who is humiliated, who is virtually alone in confronting problems and who is on the brink of despair, but who nevertheless summons all her inner strength, refuses to give up, acts and, though stumbling at times, still forges ahead.

Even in this short review, we have seen a snapshot that is totally at odds with the prevailing view of ‘woman’s cinema’ and of women in this cinema. Surprising as it might be, the latter - rather than being veiled or gilded by an aesthetic frame (in the manner of traditional depictions in ‘masculine’ cinema) - is quite coarse, bold, daring and evokes in viewers embarrassment rather than pleasure. In reality, this ‘feminine view’ is not

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<sup>8</sup> It has to be noted that we come across this pointedly Freudian metaphorical gesture in “No, my Friend” by Gio Mgeladze. However, in the latter, the rejection of arms as a phallic symbol has a more precise meaning, being more of a pacifist statement than the contextualization and conception of war as a feature of an aggressive, masculine culture.

designed to please or entertain, or function as a light 'painkiller'. Rather, it is focused on problems that are themselves painful and troublesome. It pushes beyond the familiar discourse of the masculine order and from the traditional narrative of the relationship between men and women, beyond characters constructed with traditional 'masculine' and 'feminine' features, as well as conventional perceptions of body, sexuality and beauty. This novelty, brought to us by female directors, creates a certain discomfort, as it asks questions that had never really been asked before.

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# Women in Soviet and Post-Soviet Art: the example of Georgian Imitative Art

**Sophio Kilassonia**

“The Revolution liberated women. It gave them the right to labour alongside husbands, fathers and brothers. The women’s issue has been resolved, once and for all.” – With these words Stalin ended years of discussion around the issue of women’s rights and the difference of opinion between Bolshevik-Revolutionaries. Yet, the front line of these different ideas was drawn at point when the issue of how far the development of women’s rights had come should have been defined. Definition was needed as to whether the issue was discussed generally as a gender-related issue of women’s rights, or whether it remained in the realm of class issues? “For women there is no problem other than the problem of bread. There is no problem, other than the class problem.” – wrote Alexandra Kollontai in her letters, when discussing “the issue of women”. For her, and for other revolutionaries of the 1920s, speaking about women generally and not about the working woman, was considered a purely bourgeois sacrilege, as an attempt at “bourgeois revisionism”.

The discussions of the 1920s no longer had a place in the 1930s. The 1930s was a period of individual and radical decisions in every sphere, not least for the “women’s issue”. Additionally, while at the very foundation of the many theories of the Soviet Union’s culture (culture in the general sense) there were doubts and skepticism, in terms of gender issues, criticism of the Soviet Union is still weak. It could be said that even today, it’s still fashionable to talk about the fact that the Soviet Union brought about women’s complete emancipation. But this argument is undone by simple facts and statistics:

In the Stalinist repressions, 2.5 million women of the bourgeoisie lost their lives; 1.5 million peasant kulaks, 1 million “enemies of the people”; 5 million women were re-settled to places where living conditions were

extremely difficult, and where they carried out hard labour. During Stalin's rule, abortion was forbidden. Contraception didn't exist. Divorce was banned. They couldn't say no to work or change jobs according to their own wishes and preferences.

It's clear that all of the above-mentioned didn't happen only based on gender. Everyone was a victim of repression and terror, regardless of sex and social status. The regime obliterated everyone based on only one common factor – they were people who dissented from the common ideological order and held different opinions, people who were generally somehow distinguished, or else those who were suspected of being somehow distinguished or different. Therefore, we're not talking about settling scores based on gender. We have brought up the above-mentioned facts in order to oppose the stereotypical view of the growth of women's rights and emancipation in the Soviet Union.

The portrayal of women in Soviet and post-Soviet imitative art is completely linked to the formation of Soviet ideology and culture, and to their various phases. At the same time, the woman's face is one of the key components of the 'iconography' of Soviet socialist-realist art and subject-matter.

In the imitative arts, the 1920s represented the tandem of an avant-garde worldview and Bolshevik revolutionary euphoria. This tandem was also physically incarnated by the so-called Высшие художественно-технические мастерские. (*Higher Art and Technical Studios*) founded by Lenin in 1920, where the most active and distinguished representatives of the Russian avant-garde movement were gathered, and where they started working on a synthesis of the avant-garde trend and the Bolshevik revolutionary ethos. The closure of the Vkhutemas in 1930 is one sign of the beginning of Soviet ideology's propagandistic methods in Russia and the declaration as without alternative of what Stalin did at the 1934 meeting of the Soviet Writers' Union. This method was called Socialist Realism.

This rapid transition from an old to a new and totally different system demanded a new cultural environment and a new system of art; a culture which could assist the ruling ideology to flourish and transform, as well as assist the process of propagandising. This ideology, or illusion, needed to be embodied in the field of art before it could be carried out in reality, and so, a homogenous new world model needed to be created. In most cases, challenges spoken in rhetoric did not represent real challenges,

but in order to make them believable, the system used art. Socialist Realism was a systematic method, which was composed of many forms of imagery. Soviet culture turned into the visualization of soviet ideology and the future goals and pseudo-goals of the Soviet Union from their reality to their realization. Accordingly, art carried forward social processes and introduced the standards according to which people should live. It introduced the homogenous model-portrayal for which they should fight and to which they should aspire. They were supposed to be guided by the subject matter which was constantly dragged into cultural forms all the time: when creating families and raising children, even when thinking and wishing. For precisely this reason, the content and form of soviet art shared the soviet system's central and concrete concepts and became what the Soviet ideologies' present or future face or character was supposed to become. The art of Socialist Realism is art about the will of the ruling force, visualization and realization, which is actually in conflict with the idea of realism. In fact, based on the concept of realism we're discussing, socialist realism is a classic and model form of anti-realism, which subsists not on truth but on ideologically dictated imagination, fantasy and politico-ideological mythology.

However, the demands imposed on art were not limited to mere mythologizing. War, terror, repressions – all demanded strong mechanisms for governing society and the thus the bar was raised higher, in political rhetoric and in art alike. The bar was raised to the level of faith. The people's trust in the communist future and system, which was in the services of "building" this future, was gained not by rationalism, but by faith. The rule of the Soviet Union was carried out not through communication between the people and the ruler, but through distance. Yet from this distance, as the supreme force, it carried out judgement, demanded sacrifice, selflessness, suffering, obedience and as a counterbalance to this, depicted an abstract future.

Did Soviet ideology replace religion? This is a very broad theme, which I won't tackle in this article. However, in support of this idea we can truly say that in Soviet art if the 1930s-1950s, the imagery created in Socialist Realist art and its subject matter is, in many cases, inspired by or feeds, on Christian iconography (meaning themes, forms and content from Christian imitative art) and its fundamental principles. Starting from Khrushchev's so-called period of "thaw" we notice some changes in the contexts of the

particular features of faces and subjects. Of the icons of Socialist Realism, I will concentrate on just one – on the depiction of women in Georgian imitative art, looking at ongoing trends.

In Socialist Realist painting, the first aim was to create the collective face of the proletariat. In this context, the image of the working woman was also formed. The variations of this image were most widely found in Russian painting.

From 1926 in Russia, Russian artists living in Moscow and St Petersburg were sent to the peripheries of Russia - to Siberia, to the Urals, to Bashkiria and elsewhere - so that, in painting, they could depict new Soviet enterprises, and the work of the people in industrial development and construction. These veritable (although not of a punitive nature) exiles of the artists were paralleled by their exhibitions. Accordingly, at the end of the 1920s and the beginning of the 1930s, the form and purpose of Socialist Realism was already set. The topics discussed at the 1932-34 sessions of the Union of Soviet Writers, which addressed the group's mission and acceptable artistic styles, no longer represented any novelty. There already existed experience. The works of Ilya Mashkov, Aleksandr Karev and Konstantin Karigin and others are exemplary of this.

The 1930s began with an effective silence for Georgian art. Georgian modernist artists returning from Europe at the end of the 1920s were criticized for their European formalism and “incomprehensible” bourgeois artworks. They opted for neutrality, which meant the depiction of landscapes (Elene Akhvlediani 1901-1975) and the development of fairy-tale themes (Lado Gudishvili, 1896-1980) where thematic and formal clarity can be found on the surface and, importantly, subtext and experiments in form are not present. Subject matter was also “innocuous” in the 1930s: Tbilisian scenes, Georgian nature and on the background of this nature, the labourer. Labour and the idea of the model individual in Georgian art, from the very beginning was still linked to the image of the Georgian peasant, at a time when, in Russian soviet art, the face of the party, the proletariat, and the Soviet peasant, youth and student had already been established.

Georgian art of the 1930s lent particular importance to the figure of the Georgian peasant woman. Even artists whose art demonstrates transformation, as well as openness to new methods (Kornely Sanadze 1907-1985, Ucha Japaridze 1906-1988), frequently address the Georgian peas-

ant and often, the depiction of women, largely against the background of a typically decorative landscape. Considering the political context, we can justifiably consider the unification of the idea of the Georgian mother and the peasant as being the influence, also, of a crisis in the identity of the Georgian people. Even more, we see, in the face, how Georgian artists reacted to conditions of transformation and political-historical difficulties: The woman's face in following years is equated with the image and idea of the mother. Georgian artists' depiction of the woman's face attaches particular importance not only to a search for national identity, but also to the woman's face as a source of energy, new life and a new order, as does Socialist Realism. The woman as the parent of Socialist Realism and the soviet people often features in Soviet imitative art.

We can't view the depiction of people in art from the 1930s to the 1950s as being without a particular mission. Every figure is the bearer of ideology and challenge. The depiction of people in space and in landscapes brings in first the revolutionary idea, then, it becomes a medium for establishing the reality and success of the system. As we have said above, the depiction of women is given a doubly great importance, which might be further accentuated by the trace of Christian culture and the influence of the Virgin Mary's image.

Also of interest is Georgian sculpture of the 1930s, which was much bolder in creating the themes of Socialist Realism. The first professional Georgian sculptor, Iakob Nikoladze (1876-1951), created portrait sculptures of Georgian public figures and at the same time – busts of Lenin. The works of Giorgi Sesiashvili (1893-1990), Silamon Kakabadze (1885-1993) and Tamar Abekelia (1905-1953) are also interesting: Rounded, relief sculptures, which generally depict labour processes in which women stand shoulder to shoulder with men. In the figurative art of the 1930s, the woman does not feature as an individual, a hero or a personality. Artists created the general face of labourers and the subject matter depicted consists of processes – of building, creating and transforming. Of the works of the artists named above, the relief friezes of Tamar Abakelia, which were applied to the façades of the 'Imeli' Building (Tbilisi's Institute of Marxism-Leninism, by the architect Alexey Shchusev) in 1938, are the most exemplary.

The woman, as the image of an idea, becomes especially important during the 1940s in Soviet imitative art, and war was decisive in formulat-

ing this idea: a war which would demand from society self-sacrifice and suffering. The culmination of Soviet patriotism called on the nation to take part in the war through the depiction of women. This woman's face was created by a Georgian artist, Irakli Toidze (1902-1985). Toidze's art can be considered the classics of socialist realism, and either a close reading or just a glance at his artwork can serve as its textbook. The artistic description of the budding symbols in Soviet culture can be linked to precisely this artist. With this woman, this mother's face, her expression and the text – "The Motherland is Calling You!", sons were called to self-sacrifice. Depictions of women in the 1940s and 1950s preserve the content of the icon. Most often, this is an icon of the Soviet Union as motherland. The depiction of women in Georgian art returns time and again to the symbolic representation of the motherland. The first thing that will come to the reader's mind is the statue of the 'Mother of Kartli' erected in 1958 (designed by Elguja Amashukeli, 1928-2002). A similar phenomenon can be noticed in many other ex-Soviet countries, and this conforms to the preeminent idea of the period – that of the Soviet Union carrying its multiethnic population forward (Stalin as the father of many ethnicities), which had great political importance. The woman's face, as a sweeping and universal purity, which became a symbol of the nation and protector, assumed the role of the nation's protector and source of blessing from the 1980s and 1990s, when society was looking for signs of its own identity and uniqueness in culture, religion, history and traditions. This search once again makes the woman as mother of the nation and universal symbol relevant.

In the 1940s in Georgian imitative art, the search for the woman's, or militant mother's image, yields one of the most interesting images. This is Tamar Abakelia's 1944 sculpture "We will be victorious". The composition calls to mind two themes from depictions of the Mother of God as formulated in Christian iconography – the Virgin Mary holding the Infant in her arms and, even more so, the 'Mourning of Christ'. This latter image is more resonant in Roman Catholic culture, but if we observe the woman's build, composition and the character created through them, we can see that she looks like a warrior-soldier.

In the 1930s and 1950s, gender and sexuality in art didn't exist. The issue was totally banished from cultural space, just as it was from Christian iconography. Therefore, even within different genres, a theme emerges that cuts off eroticism. Needless to say, this discourse has influenced the

formation of a feminine image. At this stage of Socialist Realism, the image of the woman is bereft of sexuality and of erotic subject matter.

For this reason, only the roles of mother and worker remain acceptable and relevant ones – both in daily life and in art alike. And imitative arts enact these roles. In this connection, the works of I. Toidze (1902-1985), U. Japaridze (1906-1988), I. Kutateladze (1899-1972) and R. Sturua (1916-1972) are interesting.

It is impossible to talk about the development of the feminine image without mentioning the historical periods of “thaw” and “stagnation”. The changes in artistic themes and genres were not slow to emerge. As far as general trends are concerned, one can observe a greater intimacy and aestheticism. As for the form, there is a fascination with European impressionism, which gave rise to a generation of Georgian impressionist painters. Starting from the 1960s, imitative art in Georgia reveals a tendency to protest former trends in the depiction of women. On the one hand, artists of that period create a Georgian appearance and the subject matter is often ethnic and national features, and on the other hand, a female image appears that is no longer encumbered by ancient brutality and mission (Zurab Nizharadze (1928), Tengiz Mirzashvili (1934-2008), Radish Tordia (1932) and others). In their works, we come across romantic, poetic and lyrical female characters. The woman is an object of delight. Even in nude images, the woman is an object, not a subject.

In conclusion we can state that two cultures shape the image of women in Georgian painting – Christian and Soviet cultures. In both cases the role, and, correspondingly, the image of women (and of people generally) is not free from religious and ideological purpose. Despite the desire of women to free themselves from this trend and acquire the characteristics of an individual and an active subject, the woman became an object of delight: an object equipped with all the features of sentimentalism.

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**Legal Foundation**



# Equal Rights for Men and Women in Germany

## How a constitutional principle was transformed into reality

**Ulrike Schultz**

### History of the equal rights clause

The first constitution in Germany which contained a section on fundamental rights was the Constitution of the so-called Weimar Empire which was passed after the First World War in 1919 by a national assembly which had a social-democratic majority. It gave - and this was exemplary at the time - women the right to vote. In France and Italy women only got the right to vote after WW II, and e.g. in Portugal only after the end of the Salazar regime in 1978. The Weimar Constitution also contained a clause (Art. 109 WRV) stipulating that men and women principally have the same civic rights and duties. This clause however was considered to be a program sentence which still had to be transformed into law and not a basic right which could be directly claimed by everybody. Art. 119 dealt with marriage as the foundation of family life and the nation and ruled that it should be based on the equality of the sexes. The Constitution was in force only until 1933, when the Nazi regime took over. There were only few women lawyers at the time who could influence legal developments. It is only since 1900 that women have been able to enroll in law schools in Germany, only since 1912 has it been possible for them to take part in the first legal state examination, only in 1919 were they allowed to do the preparatory courses for the second qualifying examination and only after a special law on the admission of women to legal functions and occupation in 1922 could be admitted as judges and prosecutors or practice as lawyers (advocates). By a decree passed by Hitler in 1936 they were eliminated again from legal occupations (Schultz 1990,325; 2003b).

After the Second World War the Bonn Republic (West Germany) needed a new constitution. The 65 members of the Parliamentary Assembly which passed the new constitution had been elected by the Parliaments of the Län-

der. Only four of them were women, and they were called the mothers of the constitution. Only one, Elisabeth Selbert, an advocate, fought for the inclusion of the famous Article 3 Section 2, which states that “Men and women shall have equal rights”. The other three had concerns that the better part of family law, which disadvantaged women, could be unconstitutional and lead to a legal vacuum. After “fighting the power”, as Elisabeth Selbert wrote in her memoirs and supported by proverbial clothesbaskets full of protest postcards from women throughout the republic, the article was passed and a transition period of four years was set out to allow the legislature adapt family law and other discriminatory rules to the equal rights clause (Schultz 2003a).

For four years nothing had happened. Some jurists and politicians started to doubt that art. 3 sec. 2 was a legal norm giving individual rights to women (and men) and claimed that it too was a program sentence. The newly set up Federal Constitutional Court (Bundesverfassungsgericht, BVerfG) ruled in a decision of 18.12.1953 (BVerfG 3, 255) that art. 3 is a genuine legal norm which substantiates the general equality clause. As the transition period had expired, the court also ruled that since that date men and women have had equal rights in marriage and family.

In 1958 the first Equal Rights Act was passed. It abolished the husband’s right to terminate his wife’s working contract and established a new matrimonial property regime (community of acquisitions) but confirmed the female housewife-male breadwinner paradigm as matrimonial model. Ultimately took the legislature 25 years to pass a new family law.

## Equal rights decisions of the Federal Constitutional Court

A group called the German Women Jurists Association djb<sup>1</sup> took one family law rule after another to the constitutional court. Famous is the case which proclaimed the husband’s final say in questions of custody- on the basis of a patriarchal marriage model. At the Federal Supreme Court it was still being argued in 1954 that “in respect of human and personal dignity man and woman are completely equal but that they are different not only in their biology and sex but in the order of family resulting from creation and endowed by God”. Therefore “man protects the outside existence, development and future of the family, he represents it, and is its head. And that the woman consecrates

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1 Description in English <https://www.djb.de/verein/german-women-lawyers-association/>

herself to the interior order and organization of the family.” These ideas were derived from the Catholic legal philosophy of natural rights. In 1959 the Constitutional Court soberly decided in applying art. 3 sec. 2 that husband and wife are equal in their custody over their children.

Other hallmark decisions were:

**1957** about tax advantages for married couples by tax splitting, a principle that has been highly contested for years. This decision led to legal regulations which have been a headache ever since.<sup>2</sup>

**1963** abolishing privileges for male heirs of farmyards.

**1963** proclaiming a constitutional duty to take into account the value of the services rendered by mothers and housewives in social security law.

**1967** establishing “equal maintenance”, i.e. equal pay, for female and male civil servants.

**1974** deciding that German nationality for children is not only derived from their fathers’ but also from their mothers’ nationality.

**1975/1992** abortion decisions<sup>3</sup>.

**1991** equality in the right to a family name for men and women.

**2011** decision on alimony against a federal act which had reduced the availability of alimony for spouses.

## Other Agents of Change

The decisions of the constitutional court were accompanied by vivid discussions about women’s rights. The postwar German society, the Adenauer republic, was very conservative. Although women had helped to clear the

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<sup>2</sup> Tax splitting, together with the principles of a derived old-age pension and health insurance via the earning spouse, creates a high threshold of bonuses for the non-earning spouse (who in more than 90 percent of cases is the woman).

<sup>3</sup> In 1974 the Federal Parliament with the majority of the social liberal coalition (SPD and F.D.P.) had passed an act to limit the punishment for abortion (§ 218 of the Criminal Code) within the first three months of a pregnancy after an obligatory advice procedure. The Federal Constitutional Court held the act as unconstitutional under the argument that the protection of the life and dignity of an embryo stands above a woman’s right to self-determination. The female judge at the court dissented. In 1976 a new act on abortion was passed with an indication rule (requiring certification that the abortion was necessary e.g. for health reasons or that the woman had been raped). In the GDR the “time limit solution” (identifying a point in gestation after which abortion may not be performed) was introduced. After German reunification a new act was passed also with a time limit solution but stipulating mandatory consultations and a three-day waiting period between consultation and abortion. It was again taken to the Constitutional Court which in 1992 decided abortion was wrong but shall not be punished.

debris after the war - to use the often cited image of the "Tümmerfrauen" (debris women) - the prevailing image of the family was that of dear mother and housewife and breadwinner father. It was rooted in tradition informed by religion, mainly of the Catholic Church, and reinforced by the bourgeois family ideal, as promulgated in the German classical period and in the 19<sup>th</sup> century the Biedermeier period. The students' movement of 1968 initiated a re-thinking of German society which moved Germany out of the "leaden time", to use the title of the famous 1981 movie by Margarethe von Trotta. Another factor for change was the gradual reckoning with the Nazi past, its male imagery and culture and its patriarchal family ideology. The second wave women's movement finally forced society to discuss women's rights and women's place in society. It started with the battle cry: "My body - my business", fighting the punishment for abortion and demanding a redefinition of private and public and an opening up of the public sphere to women.

The improving economic situation in the 1970s brought more women into the higher educational system. Starting in the mid-1980s institutional structures for women's advancement were set up. In all instances of government, local community and also in some parts of the private economy, equal opportunity offices were set up. In the following 15 years profound changes in German law took place to adapt the legal rules to the demands of gender equality. The expertise of the growing number of female jurists<sup>4</sup> helped to discover flaws in all fields of law, also in pension law, tax law, and social law - subjects which are hardly taught in the general syllabus of legal education. Since the late 1990s the Women Jurists' Association was regularly included in expert hearings in the lawmaking process whenever gender implications were to be expected. The many women NGOs organized in the German Women's Council (Deutscher Frauenrat) raised their voices as well. Although their aims differ considerably, they were able to unite on many important issues. A non-partisan alliance of women politicians and women in Parliament fought for women's rights.<sup>5</sup> Although differing in general political opinions and not unanimous on all women's rights issues, they were able to initiate change in many areas.

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4 Meanwhile about 45% of the judiciary and prosecution are female and a third of the legal profession, since the turn of the millennium more women than men have studied law (Schultz 2013).

5 The proportion of women in parliament has risen considerably over the years. It has been above 30% since 1998 and in the last election of 2013 it reached 37%. The Left and the Green parties have a 50% quota for women, the Social Democrats a somewhat lower quota, and the Conservatives have a women's quorum.

## Changes in the interpretation of equality

One by one the blank spots on the legal map for gender equality disappeared or were filled. The most contested question in the 1990s was the introduction of a quota regulation<sup>6</sup> for hiring and advancing of women - and men - in the civil service. It gave the women's question enormous publicity, heated discussions in the media and the population at large brought a lot of aversion to the surface and finally after many years of quarreling the principle was more or less accepted. Over time it became clear that the much-feared negative effects for men did not materialize or were much milder than expected. Reality soothed the emotions.

In 1994 after reunification of East and West Germany, art.3 sec. 2 was amended, as the constitution had contained a clause that it should be changed after reunification. As the German constitution was considered to be a model for the world, ultimately only a few articles were altered. Art. 3 sec. 2 got a second sentence: "The state shall promote the actual implementation of equal rights for women and men and take steps to eliminate disadvantages that now exist." This finally was considered as justification for women's advancement measures and quota regulations. Since 1989 women's advancement acts with quota regulations have been passed in all federal states and on the federal level.

The legal situation for women in the former communist part of Germany had differed considerably from that in the West - in the East there was a much higher participation of women in the labor force - and it was felt that some convergence was necessary.

It is still an open question as to whether quotas can also be introduced in the private economy. In the EU the fight is for quotas for women on company supervisory boards. The German Women Jurists' Association is leading a campaign titled "Women in Red Robes" for more female judges in the Supreme Federal Courts.

In analyzing the decisions of the constitutional court, it is interesting to see the shift in the interpretation of art. 3 sec. 2 in line with the develop-

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<sup>6</sup> In 1989 Northrhine-Westfalia introduced the first such regulation which was taken over in all state equal standing acts: In case of equal qualification, suitability and professional competence women have to be given preference in hiring and promotion in the civil service as long as there are fewer women than men in a status group (in a department) unless a male competitor has special characteristics which give reason to give him preference (including age, years of service, time since last promotion, development of performance, and disability).

ment of the concepts of equal work opportunities and gender justice. The constitutional court is not bound by its own decisions but can adapt its rulings and underlying theoretical approaches to social developments (dynamical interpretation of the constitution):

-In the 1950s and 1960s: equivalence (equal value) but difference (biological and functional difference);

-In the 1970s and 1980s: equality through equal treatment;

-Since the early 1990s: legislator's duty to work towards an adaptation of men's and women's living conditions (compensation of disadvantages and active advancement of women)<sup>7</sup>.

## Law Reform

To sum up the major changes in **family law** under the influence of art. 3 sec. 2:

**1970** Act on Legal Position of Children born out of wedlock (illegitimate children)

**1978** (finally) reform of matrimonial law

- no-fault divorce
- right to alimony
- egalitarian model of marriage

**1994** Reform in name law<sup>8</sup>

**1997** Child Reforms Act: full equality for legal and illegal children

**2001/2004** introduction of same sex marriages<sup>9</sup>

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7 In gender theory in Germany we had the adaption of the Anglo-American model of a splitting of sex and gender in the 1980s with a stress on difference theory, in the 1990s German feminism committed itself to structuralism and the deconstruction of gender. Its aim was to overcome social gender with its traditional gender roles and character constructed by the patriarchy. Since the turn of the millennium individualized approaches prevail which to my mind deconstruct the problem and make it difficult to frame a theoretical approach for the explanation of disadvantages due to female (and male) sex. The German language only has one word for sex and gender "Geschlecht", which has made the principle difficult to approve and many still struggle or stumble over the concept of gender mainstreaming.

8 In former times women were obliged to adopt their husband's name, then they could add the maiden name by a hyphen, although the husband's name remained the family name which meant that the children got his name as well. This is why for centuries families considered it important to have a boy who would carry on the family name. Now couples can choose what they want, each can keep their name, they can take either the woman's name or the man's name. They can choose their children's names, which can differ if they so decide.

9 Meanwhile full equality of homosexual and heterosexual marriage is at hand.

**2008/2013** change in alimony law<sup>10</sup>(Schultz 2011)

In **criminal law** the second wave women's movement had pushed for a change of the abortion rules and after reunification a new reform was necessary as Eastern Germany had had very liberal abortion rules. In 1976/92/95 the abortion rules were changed after decisions of the Federal Constitutional Court. Another hot topic was marital rape, which was made punishable in 1997. In 2002 the Domestic Violence Act was passed, which combined police competence with jurisdiction of the family courts and criminal courts. In 2005 new liberal rules on prostitution came into force though they are under revision now. There is a trend in some European countries to punish the client, which is highly contested in Germany. Opponents criticize a kind of re-moralization of society. The status quo is that the focus of reform will be on adding rules in administrative law dealing with health security measures, adequate furnishings of brothels, etc. The most topical and hotly contested discussion is on the extension of the rules of sexual harassment in accordance with the Istanbul Convention of the Council of Europe on Prevention and Combatting of Violence Against Women and Domestic Violence of 2011.

### Influence of European law: EU legislation, the European Court of Justice and the European Court of Human Rights

Changes in **labor law** and **social law** in Germany happened later and were mainly spurred by **European law** in line with a consequent application of the rule on gender justice in art. 3 sec. 2.

-1958 the EEC Treaty had already had a provision on Equal pay for Equal work.

-1975 an Equal Pay directive followed, in 1976 the Equal Treatment directive, later on directives on Social Securities (1976/1986), Maternity

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<sup>10</sup> As Germany had been a traditional society with a strong housewife-breadwinner model, divorced spouses (including men) were entitled to alimony. In 2008 the rules were "modernized" in the sense that in a gender-equal society women should be economically independent and unmarried mothers and married mothers should be treated equally and basically only get alimony for the first three years after the birth of a child and in special cases. The courts found these new regulations unjust and modified them in the application on individual cases, and a new law in 2013 extended again the rights to alimony.

Protection (1992), Parental Leave (1996), Part-Time Work (1997)<sup>11</sup>, Burden of Proof in Cases of Discrimination Based on Sex (1997)<sup>12</sup>, Limited Working Contracts<sup>13</sup>(1999).

-Since 2000 four anti-discrimination directives have been passed, the fifth is still pending. These directives deal with equal treatment in relation to racial or ethnic origin, religion or belief, disability, age or sexual orientation as regards access to employment or occupation, vocational training, promotion and working conditions, access and supply of goods and services (Schultz 2011).

The translation of the directives into German law was done after earlier changes in the service contract law in the civil code that were finally introduced by the German General Equal Treatment Act, also called the Anti-Discrimination Act of 2007, which is the legal basis for compensation in cases of discrimination. Since 1980 the courts have been successfully applying the principle of indirect discrimination.

The multitude of directives and the time span over which they were passed show the scope of the challenge. There was a lot of discussion about the directive on access and supply of goods and services and an outcry of protest against the Anti-Discrimination Act, which finally proved to work in practice and to cause less cost to employers than expected, although anti-discrimination cases still give rise to frowns and friction.

The European Court of Justice has passed a string of judgments on equal treatment issues in Germany. The question always was: does the issue fall into the jurisdiction of the European Court or the German Federal Constitutional Court. The EU Court took two major decisions on quota regulations (Kalanke and Marschall), one on admission of women to the army (Tanja Kreil), and one on a pension for a partner in a same-sex marriage.

However, Considering EU-induced change, it must always be kept in mind that the aim is still less to achieve gender justice for the sake of justice but, according to the Lisbon strategy 2010, the economic aim is “to

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11 Against the discrimination of part-time workers and for an advancement of voluntarily chosen part-time work and flexible organization of work. Since 2000, workers in Germany have had the right to part-time work.

12 It regulates a shift in the burden of proof. The employee who has suffered discrimination has to make it plausible and once he/she does so, the burden of proving that it has not happened lies on the employer.

13 Giving rights to employed in petty working contracts, like continued payment of wages in case of sickness and paid holidays.

make the EU the most competitive and most dynamic knowledge-based economy in the world which secures an ongoing growth and more and better work places and higher social responsibility"- and this means activating women's potential for the economy. A lot of political measures, campaigning and tools have been the backbone of change - such as action plans with a lot of funding program, like the Roadmap for Gender Equality 2006 - 2010, the Women's Rights Charter 2010 and the Gender Equality Engagement Strategy 2016-2019.

After the turn of the millennium the European Court of Human Rights, which oversees the application of the European Convention on Human Rights, gained influence and took important decisions on gender issues. This in turn influenced German law, including regarding the rights of fathers of illegitimate children.<sup>14</sup>

## Changes in Labor and Social Law

The major changes in **social and labor law** under the influence of art. 3 sec. 2 and later on European law were:

In 1955 wage reductions for women were abolished, although special women's tariffs in collective bargains lasted until the 1980s. Only in the mid-1950s was the "celibacy clause", which forced women civil servants who married to quit their positions, held to be unconstitutional. Other milestones were an act which gave the right to part-time and educational leave to female civil servants (1969). It was extended to male civil servants in 1974; in 1985 came the Employment Advancement Act, ensuring financial support for women reentering the labor market, in 1986/1992 the Federal Education Allowance Act increased the pension entitlement for time spent on education. Since 1992 occupations which had been exclusively reserved for men (night labor, work with heavy machines, etc.) have been gradually opened up to women, in 1994 a legal right to placement in Kindergarten was introduced, in 2005 a Day Care Act was passed. In 2001 benefits for parents were extended: parental leave with a guarantee

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14 Fathers of children born out of wedlock in former times only had to pay for them. Later, they got the right of access to their children, now can be given joint custody over the children, even against the mother's will. This includes cases where the father never had a relationship with the mother. What matters is the child's interest and well-being, as seen by the law. Many feminists strongly opposed this measure.

of the work for 3 years, since 2006 “fathers’ months” (two-month paternity leave), a legal right to work part-time (Schultz 2011).

Integration of women into the labor market and securing equal rights for them was a top priority, so it was important that a lot of financial aid was available on the national level and backed up by EU funds.

## Constitutionalism and the rule of law in Germany: legal dogmatic

It has been shown how important the application of art. 3 sec. 2 underpinned by decisions of the Federal Constitutional Court was and is for the development of society. In Germany we do not speak of constitutionalism but of the “Rechtsstaat” - a state which is governed by the rule of law.

We have a strict hierarchy of norms and jurisdiction of courts in Germany.

At the bottom is communal law, above that state law, above that federal law, which is on the same level as international law resulting from signed international treaties including the European Convention of Human Rights.

Above German law stands European law as far as our constitution has transferred rights of sovereignty to the EU in art. 23. Above European law are the EU Treaties: The Treaty on the EU, the Treaty on the Functioning of the EU, and the Charter of Fundamental Rights of the EU.

Any German norm must be in accordance with those on the level above and its interpretation and application has to be weighed and measured against the fundamental rights in the constitution and the equality clause. In cases of doubt, courts have to submit the relevant rule to the Federal Constitutional Court to have it checked. The procedure is set out in the act on the Federal Constitutional Court. The court has enormous authority and credibility in Germany. Although the parties can propose judges according to a kind of quota, they do not necessarily propose party members, and half of the 16 judges who sit in two senates/chambers are elected by the German parliament (Bundestag), the other half by the Federal Council (Bundesrat). Worthy personalities with a special competence in public law (constitutional and administrative law), as a rule high judges and law professors, get the seat for 12-year term. It is considered to be the most prestigious office for jurists in Germany. The percentage of women at the court is still too low: only 5 of the judges are women.

Decisions by the European Court of Human Rights can in theory be overruled by the Federal Constitutional Court. So far no competence struggle or other problems have arisen and the judgments of the ECtHR have been accepted. The application of EU norms has to be safeguarded by the EU Court.

## Equal Rights for Women: The status quo and conclusion

In the years since 2000 the focus in legislation and judgments moved from women's advancement to gender and anti-discrimination, in 1989-99 the German government adopted gender mainstreaming as a binding principle in politics and administration. Ministries have to check the constitutionality of a proposed bill, including a gender check of legislation, although there are still deficits in the application of the principle of gender-responsive budgeting<sup>15</sup>. An act allowing same-sex marriage was passed, the legal status of transsexuals was changed several times after decisions by the Federal Constitutional Court, a current issue being how to legally deal with intersexuality. Here again it seems that reality belies fear and finally makes people accept the rules and carry on as usual. But also old issues tend to come back on the agenda, like abortion, sexual harassment, prostitution, and alimony. With the changes in society adaptations may become necessary.

Since art.3 sec. 2 came into force, a lot in the law has been changed, many decisions been taken by the Federal Constitutional Court and the European Courts in questions of women's rights and gender equality and German society has gone a long way down the path of change. It is difficult to weigh what influenced what to which extent. Court decisions as well as public discussions and demands by NGOs pushed legislation, which had to take into account the needs of individuals and families. The media, the images they create and the discussions they generate play an important part too.

Germany meanwhile has the highest participation rate of women in the labor force in Europe, although a fair proportion work part-time and in mini-jobs. The old gender conceptions have softened, but not yet disappeared. More and more men learn to take an active part in family work. We have rules on

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<sup>15</sup> Which means that public spending has to take into account the aims of gender equality and that women should benefit as much from it as men.

parental leave, parental allowances. Since the introduction of paternity leave for child rearing -which is only paid if the father takes it- more than a third of young fathers choose to stay at home for at least these two months, a growing proportion also longer. Local authorities have a legal obligation to offer child care for a third of all children under three years of age and for all children between ages three and six till they have to go to school. The sacred cow of having school only in the morning (which created an enormous burden for working women) has disappeared and now children can stay at school all day. There are many financial aid opportunities for families.

In evaluating the process of change it is difficult to answer the question as to what extent social change is the result of law and to what extent social change gives rise to legislative change. Whatever the balance, it is important to have a strong legal framework under the value system of a constitution which is accepted by people and strong institutions and clear procedures to guard it.

This article is based on lectures I give regularly on issues of women's rights and gender equality.

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# Sexism in law and the impact of gender stereotypes in legal proceedings

**Ulrike Schultz**

## Sexism and gender stereotypes: scope and origins

Sexism is based on gender stereotypes, which ascribe men and women fundamentally different, often contradictory qualities. These gender stereotypes are embedded in legal rules and to this day continue to influence lawmaking. The question is whether the legal regulations are appropriate to the situation of women and men in society and do them justice. In the application of law, particularly in legal proceedings, the question arises as to whether, how and where gender prejudice and preferences influence litigation.

The Oxford English Dictionary defines sexism as “prejudice, stereotyping, or discrimination, typically against women, on the basis of sex”.<sup>1</sup> It is related to gender discrimination, though sexism is prejudice based on biological sex while gender discrimination specifically addresses discrimination towards identity-based orientation.

According to gender stereotypes, women are emotional, affectionate, nurturing, nice, helpful, forgiving, tidy, modest, home-oriented, and men are strong, brave, decisive, self-assured, matter-of-fact, competent, career-oriented, authoritative (Schultz 2003, 303, 313). These stereotypes are rooted in religion, culture, history and the economic situation, which means that they differ by society but share the common basis that men are considered to be superior and tend to be more socially valued while women are seen as subordinate.

The contested question is whether there are biological differences on which stereotypes may be based too. In Germany gender stereotypes were reinforced in the classical period of German literature. In Schiller's poem of the bell, which each German schoolchild has to learn by heart, women's role is confined to the domestic sphere, women are described

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<sup>1</sup> [http://www.oxforddictionaries.com/us/definition/american\\_english/sexism](http://www.oxforddictionaries.com/us/definition/american_english/sexism).

as indefatigable and hard-working housewives while the man on the other hand has to go outside into the “hostile” world, hunting, creating and earning. In the Biedermeier period in the first half of the 19<sup>th</sup> century, the halo of idyllic domesticity was added to this blissful image. In the German empire in 1871 – 1918 the middle class orientation was strengthened. The Nazi period (1933 – 1945) brought about the glorification of the mother as child-bearer and the heart and soul of the family. In the Adenauer republic in 1949 – 1967 the conservative family model with the dear-mother image and the housewife as a status symbol for a man was cultivated – to name some of the important factors of influence.

## Consequences of gender stereotypes: impact in law

As a consequence of gender stereotypes, women are considered to be more vulnerable, in need of protection, less reliable due to family obligations and - due to male dominance - subjected to physical, economic and psychological violence. (comp. Violence Against Women in the EU Survey<sup>2</sup>) Therefore women are disadvantaged at the labor market. They are paid less than men, are more threatened by unemployment than men and are considered a “reserve army” for unstable economic situations. We have a horizontal segregation, with women’s areas or corners and men’s turf, and a horizontal segregation with women in the lower positions and the famous glass ceiling on the way to leading positions. Historically the legal status of women and men differed considerably: The husband had full custody over the children and extended rights over his wife’s assets, and the workshare in the family was based on the housewife/breadwinner model. In labor law a husband could terminate his wife’s working contract, women were legally protected from hard bodily work and thereby excluded from well paid positions. (For more details also from other fields of law comp. Schultz: Equal Rights for men and women in Germany, in this collection).

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2 <http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>

## Criminological issues

Sexism and gender stereotypes also cause of differences between men and women in delinquent behavior and the reactions thereto of the judicial authorities. A historical example of criminalizing women based on sexist views and beliefs is the witch trials in the early modern period (approximately 80 percent of the trials were against women). (e.g. Behringer 1990) Male homosexuality in Germany was a crime until 1971, abortion a crime for which the pregnant woman and the person performing the abortion were both punished. Today's worldwide criminal statistics show that women commit considerably fewer crimes than men. According to the European Sourcebook of Crime and Criminal Justice 2014 (26, 78 ff) the proportion of female offenders for total criminal offences in 2010 varied between four and 25 percent, (in Germany this figure stands at 25 percent while the median for European countries is 15 percent). Perpetrators of violent crimes are overwhelmingly male. The only offence committed more often by women than men is neglect of minors.<sup>3</sup> Due to women's less favorable financial situation there is a still low but in comparison to other offences higher percentage of theft, fraud, and particularly social security fraud being committed by women. (Köhler 2012, 37f.)

Female conviction rates are even lower: between 4 and 22 percent (Germany - 19 percent, European median - 11 percent) (European Sourcebook of Crime, 176)<sup>4</sup>. Regarding the prison population, women's share is very low. Female prisoners generally constitute between 2 and 9 percent of the population in European prison systems. The European median is 4.45 percent while in Germany this figure stands at 5.6 percent. (Walmsley 2006, 1)

Does this mean that there is positive discrimination in favor of women by benevolent men or are women more virtuous than men - the latter being an assumption promulgated by the second wave women's movement at its beginning in the 1970s and 1980s? There are many reasons postulated for the gender disparity in crime and criminal proceedings. The question is whether and to what extent these results can be related to

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<sup>3</sup> An explanation may be that more women than men stay at home with children.

<sup>4</sup> Many cases in Germany against women concern minor crimes and are dealt with out of court which may not be included in the statistics of other countries. In approximately 400 cases I have observed in local and regional criminal courts over 35 years, I have only met two women defendants.

sexism and gender stereotypes. One theory is that due to the ascribed gender characteristics, different socialization and lived gender roles as caregivers (role theory) women are more law-abiding. Another states that historically criminal codes were made by male legislators giving sanctions to typical male behavior (androcentric, patriarchal order). A third one is that due to gender stereotypes women are treated differently by the male police, prosecution and judges. None of the explanations accounts for the total disparity (Oberlies 1990, 330; Heidensohn 2012, 350 ff, Köhler 2012, 79). Regarding imprisonment, the positive balance for women does not indicate that they are treated better by the prosecution and the courts but rather that they have committed less serious offences. (Karstedt & Moldenhauer 2012, 37).

It is interesting to note that in Germany and many other countries the number of female offenders has risen in recent years. Is it due to the process of emancipation and greater participation in the public sphere that women are prone to commit more crimes previously committed almost exclusively by men? Are women getting more violent as consequence of the modernization of gender roles? Is it due to changing gender roles and perceptions that women are more often being investigated by police and charged by prosecutors and receiving fewer pardons because the image of the obedient, well-behaved woman has cracked? Or has more light been shed on a dark field? These are questions which so far cannot be answered and require thorough analysis.

## Gender stereotypes in legal proceedings

Below, a closer look shall be taken at the role of gender stereotypes in legal proceedings. Who applies which stereotypes? Do women make a difference? Do they as judges judge differently – are they more likely to take into account an individual women's needs?

Stereotypes are necessary to get to grips with the complexity of life. But stereotypes have to be questioned to avoid biased decisions.

## Do judges have preconceived opinions?

In Germany, the judge is considered the neutral and objective tool of the third estate. The French judiciary upholds the so-called universalism prin-

principle which stresses the predominance of general norms and principles. In all civil law countries<sup>5</sup>, with their tradition of written codified law, judges show a strong aversion to discussing any kind of personal factors that could swing their decisions, as this might touch on their professional ethics (Schultz 2013). Prejudice and preconceived opinions in the application of law and the passing of judicial sentences related to the factors of race, class and gender<sup>6</sup> was an issue in Germany only in the 1970s and 1980s, when the sociology of law was flourishing and sought to come to terms with the unjust and inhuman decisions of judges during the Nazi regime. In common-law systems where judicial decisions are based on distinguishing case from precedent and where the personality of the judge matters more than in a civil law system (where the application of the codified law leaves less room for individual interpretation), it is easier to discuss judicial subjectivity. There the gender- and colorblind judge is considered a myth (Chew & Kelley 2009).

Where do the differences come from? Women and men have different life experiences which can lead to different world views. They will be modified individually by education, life circumstances, financial situation, family status, political views and, as stated, ethnicity and social stratum. The question lies in to what extent these different experiences and conditions factor into a judge's decision. Basically, a strong assimilation process takes place in the course of a legal education, which in Germany with its unitary jurist model<sup>7</sup> and lasts between 7 and 10 years, and this training is geared towards ensuring the image of the neutral judge.

In analyzing decisions by our Highest Federal Court (Bundesgerichtshof) of the 1950s and 1960s, very drastic examples of stereotyped judgments by the "old men" at the court can be found, e.g.: One decision in

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5 In comparative jurisprudence the legal world is divided into legal families which share legal traditions. In the old Western world there are two big "families", the civil and the common law countries. The legal system of civil law countries is based on Roman law, with its hierarchical logical structuring of norms gathered in codes. The role of the judge is to apply the law and interpret it according to fixed rules. The codification of law took place in central Europe in the course of nation building in the 19th century. The common law countries, which comprise the Commonwealth and North America, derive their legal system from England and Wales and its tradition of oral law which is found by the judges in their decisions. In a sense the judge is more of a lawmaker than in civil law countries, although the results in cases may be similar.

6 'Race' is a taboo word in Germany, it was replaced by 'ethnicity' and instead of 'class' the term 'social stratum' is used.

7 Which means that judges, public prosecutors, attorneys, notaries, lawyers in the higher civil service have to go through the same two-phase legal education.

1954 states that the husband is the head of the family (comp. Schultz: Equal Rights for men and women in Germany, in this collection); another gave a sentence of aggravated procurement to a woman who had let her pregnant daughter's fiancé stay in her room shortly before the wedding, also in 1954; and a decision in a divorce case in 1966, stated, "The wife does not fulfill her conjugal duties if she lets the cohabitation happen listlessly."(Schultz 2013, 587 f.)

So what about women judges' stereotypes or evaluations? (Schultz, Shaw 2013)

When US President Barack Obama nominated Sonia Sotomayor as judge for the Supreme Court in 2009, she countered her critics by saying: "I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life."

Brenda Hale the first and still only female judge at the Supreme Court of the U.K. stated: "The incorporation of difference on the bench subtly changes and ultimately improves the judicial product."

## Gender in gender-coded cases

Empirical research in common law as well as in civil law countries has shown that the gender of a judge may matter in gender-coded case, e.g. in family law, in labor law, administrative law, or criminal law but also pension law and social law. In family law, female judges tend to be less generous than their male colleagues to female applicants who ask for alimony, (e.g. results from research in Brazil, Poland, France and Germany), an effect which can be easily explained: Women judges as working women expect other women to earn their own living too. Research in France and Israel showed however that women judges tend to have more empathy for women in custody matters. Women judges also wrote their decisions in a more pro-woman fashion. It is interesting to note that women judges in France considered their work at family courts to be more important than their male colleagues did. The latter tended to consider it just as a necessary step in their careers. (Bessière, Mille 2014)

In labor law, sexual harassment and sex discrimination cases in the USA a panel effect was found, i.e. that male judges tended to decide with their female colleagues - perhaps because they expected them to be more

competent in these matters. In administrative law women judges were more willing to grant asylum than their male colleagues. Women judges were also more likely to accept the threat of genital mutilation as a cause for granting asylum. In South Africa, when at the end of apartheid black women judges were nominated to the constitutional court, they left clear traces in judgments e.g. in dealing with cases of abortion and prostitution. They also widened the definition of rape from strictly vaginal to include also non-consensual anal penetration. In pension law they e.g. granted widows' benefits to non-married partners.

In social courts in Germany, female and male judges voted differently on the question of whether the health insurance should cover the cost of the erectile dysfunction drug Viagra.

In criminal law it was initially expected that women would be milder and more lenient than men. This would fit in with the gender stereotype hypothesis of women's greater emotionality, compassion and sensitivity to offenders' specific situation. There is some evidence for this (Schultz 2016) but no clear proof. Women judges tend to be stricter in cases of sexual violence because they have greater empathy and a different kind of understanding of these offences, though in Israel the opposite was found to be the case. Here the explanation can be that women counteract what is expected from them in these cases. Again it is interesting to note that in German research, female criminal judges had a distinctly more negative opinion of their work in this realm than their male colleagues did (Drewniak 1993).

### Gender of parties to the proceedings: witnesses, victims, defendants

Criminal proceedings open a broad gateway for sexist arguments or stereotyped notions as the perpetrator's – and also witnesses' and victims' – personality and acts are evaluated.

Empirical research from the 1980s and 1990s in Germany has shown a gender bias in the case of male policemen vis-à-vis female offenders and of male judges towards female defendants. Women received favor when they showed a behavior conforming to stereotypical gender roles (being subservient, gentle, helpless), while role breakers ("tough women") ran the risk of less sympathetic treatment and stiffer sentences. Female of-

fenders experienced criminal proceedings as an investigation not merely into their legal conduct but also into their compliance with expectations regarding their role as women (Schultz 2003, 315). This means that cross-gender prejudice and preferences work and can work both ways: from men to women and women to men. There are ample examples of sexist judgments (e.g. Schultz 2013, 587 f.). The famous example is a case where a rapist was given a relatively mild sentence because he claimed he was provoked by the tight shirt his female victim was wearing. Today, with almost 50 percent female judges and prosecutors and 30 percent female police, it has to be asked whether these mechanisms still work, whether women have adapted to male practices or whether both men and women are more open to judge in a clearly unbiased way taking into account the individual person and circumstances of a case.

Disturbingly, old stereotypes and sexist images persevere in popular culture. In the German Sunday TV series "Tatort" (Crime Scene) and in court room series, women are far more often wrongdoers or defendants than in reality - or else their presence, in tight or revealing clothes, serves only to sexually titillate audiences. Does this serve the viewers' expectations, and in what way does it work on their minds?

## Gender in the communication process at court

The Israeli sociolinguist Bogoch has taken a closer look at communication processes in lawsuits in the 1990s. Overall, women are considered to be better communicators than men. Do women judges therefore listen better? Is their style of leading the proceedings and their style of interrogation friendlier? She discovered that female prosecutors had a more agreeable style of cross examination and female attorneys were more likely to deal with the emotional needs of their clients during the court proceedings than their male counterparts. During divorce proceedings and in divorce mediation cases, it was rather obvious that female attorneys discovered and named disadvantages for the women involved more quickly than male attorneys (Bogoch and Schultz, Shaw 2013, 33 with further references), which shows that they better understood their clients' needs. Similar results were reported from Bessièrè and Mille (2014) about family court proceedings. Bogoch had also found in her research from the 1990s that male judges', prosecutors' and lawyers' statements addressed to the female

parties to the proceeding were geared towards establishing male power and hierarchical status. But women judges were also less respectful towards other women at court than they were towards men. They imitated the demeaning behavior of men and met statements by women with less consideration. (Bogoch 2003, Schultz & Shaw 2013, 42) This kind of disparagement of women has not disappeared - instead, to my experience, it has become more subtle.

Oberlies (1995) analyzed 177 sentences in German manslaughter cases against women and men and came to the conclusion that the participation of female professionals sometimes influenced the outcome of a case. Defendants with female lawyers were more likely to be convicted of murder (instead of the less serious crime of manslaughter). The participation of female prosecutors and women in juries had a moderating influence on the sentence, while the participation of female professional judges did not influence sentencing (Oberlies 1995, 188 ff). These results are not necessarily proof of differing attitudes of women in the proceedings, but instead show the difficulties they may have in achieving their desired result. The prosecutor's aim is basically to gain a stiff(er) sentence while the aim of the defense lawyer is to achieve a mild(er) sentence or an acquittal.

## Importance of gender awareness

These examples show how important it is to take gender aspects into account as well in law making as in legal proceedings to eliminate sexism against any person. Gender issues are not a matter of bygone days which have been sorted out over time.

To give just a few examples of current cases in Germany where notions of gender and images of femininity and masculinity play a role:

- Cuts in alimony for divorced partners (disadvantaging mainly women);
- Child care rights of non-married fathers and mothers;
- Rights in same-sex marriages;
- Legal positions of transsexual and intersex persons;
- Wearing of a headscarf or burqa in public;
- Legal questions around the status of non-married partners;
- Interpretation of stalking, and domestic and sexual violence.

The problem is that there are massive deficits in gender awareness in the legal field.

There is practically no discussion of gender issues in the mainstream legal press. Although we have had many gender studies at many universities in Germany in the meantime, gender does not play a role in legal education. I have written a gender curriculum for law faculties<sup>8</sup> which is happily ignored. Dealing with gender in judicial training is a delicate matter, as it easily comes to be suspected of being an attempt at ideological reeducation. The solution is to actively practice gender mainstreaming, i.e. to include gender questions in any kind of legal education and training.

In conclusion, a comment which I hope will depict the necessity of improving gender sensitivity in the judiciary. I had written an editorial for our Journal for Judges and Prosecutors. The male editor-in-chief reluctantly agreed to publish it, but made the following remark, which an employee of his passed on to me:

“Herewith the corrections for the editorial whose editorial style strikes me as masculine and harsh rather than feminine and gentle.”

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<sup>8</sup> <http://www.gender-curricula.com>, an English version is also available

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All websites retrieved March 9, 2016

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