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Religion As An Analyzing Factor In the Structuralization of the Mentality Leading to Domestic Violence As A Crime

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ABSTRACT

The institution of family is heavily influenced by the rules, customs and traditions of the society in which it exists. As a result, the family structure cannot be isolated from social institutions and other social influences. Since the family is the cornerstone of society, the family also undergoes changes as a result of this interaction. Therefore, family and society interact with each other. However, the family is not like any other community of interest because of its functions and characteristics. Society and family are like parts of a whole. The family also has the task of social control in society. Sociologists have noted that there is a similarity in structure between the individual organism and society. The smallest unit or cell in society is the family. If the family is strong, the society and the state are also strong. The main purpose of this study is to investigate how the phenomenon of violence occurs in the dimension of domestic violence and the effect of religion on the structuralization of this phenomenon.

Key Words: *Domestic Violence, Religion, Legitimizing Factor, Analyzing Factor, Crime.*

EXPANDED SUMMARY

The family is the smallest social unit of society. In all societies, the family is the center of life for the individual. It is the most important and primary group in which the individual lives.(Arslantürk & Amman, 1999:265)The family has a strategic importance in society. It is not only a biological unity, but above all, it has the characteristics of a social institution. Since the family is a social institution in society, it is an organization that establishes the communication ties between the individual and society. The rules, customs and traditions of the society in which the family is established have a great influence on the family institution. As a result, the family structure cannot be isolated from social institutions and other social influences. Since the family is the cornerstone of society, the family also changes due to this interaction. Therefore, family and society interact with each other. However, the family is unlike any other community of interest because of its functions and characteristics.(Ercal, 1983:77)

Given the importance of the family for society, some changes in the family directly affect society and some changes in society directly affect the family. In the modernization process, many changes that directly affect the family have taken place and continue to take place.

In the context of Turkish society, one of the problems within the family, which is on the one hand a part of the general social system and on the other hand a system in itself, is the structuralization of relations between spouses in the traditional and modernization process.

In this process, "the understanding that a woman is equal to her husband is gaining strength. Since the eighteenth century, when the idea of marriage as a life partnership began to become valid among the middle and upper classes, the trend has been towards unions that are more egalitarian. Since the nineteenth century, when women fought for and won the right to study in public and private schools and universities, they have increasingly been able to share intellectual, economic, social and political challenges that were once considered exclusively male. Today, with women bringing home the paycheck and men changing diapers, the inequality between the husband's world and the wife's world is much less than it has ever been. Laws and education have certainly played a very important role in this transformation. It is no longer legal for a man to beat his wife, even with a stick much smaller than a thumb. It is no longer rare for a married woman to have a bank account in her own name. She has the right to be educated in every field and can now enter the marriage relationship

with the same job opportunities as her husband. Today men are looking for wives who can not only provide them with sex, love, children and household services, but also earn money and participate in social life."(Yalom, 2002: XVII)

IS RELIGION A LEGITIMATING FACTOR OR A ANALYZING FACTOR IN THE STRUCTURALIZATION OF THE MENTALITY LEADING TO DOMESTIC VIOLENCE AS A CRIME?

The family is the smallest social unit of society. In all societies, the family is the center of life for the individual. It is the most important and primary group in which the individual lives. (Arslantürk & Amman, 1999: 265) The family has a strategic importance in society. It is not only a biological unity, but above all, it has the characteristics of a social institution. Since the family is a social institution in society, it is an organization that establishes the communication ties between the individual and society. The rules, customs and traditions of the society in which the family is established have a great influence on the family institution. As a result, the family structure cannot be isolated from social institutions and other social influences. Since the family is the cornerstone of society, the family also changes due to this interaction. Therefore, family and society interact with each other. However, the family is unlike any other community of interest because of its functions and characteristics. Society and family are like parts of a whole. The family also has the task of social control in society. Sociologists have noted that there is a similarity in structure between the individual organism and society. The smallest unit or cell in society is the family. If the family is strong, the society and the state are also strong.(Erkal, 1983: 77)

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In the context of Turkish society, one of the problems within the family, which is on the one hand a part of the general social system and on the other hand a system in itself, is the structuralization of relations between spouses in the traditional and modernization process.

In this process, "the understanding that a woman is equal to her husband is gaining strength. Since the eighteenth century, when the idea of marriage as a life partnership began to become valid among the middle and upper classes, the trend has been towards unions that are more egalitarian. Since the nineteenth century, when women fought for and won the right to study in public and private schools and universities, they have increasingly been able to share intellectual, economic, social and political challenges that were once considered exclusively male. Today, with women bringing home the paycheck and men changing diapers, the inequality between the husband's world and the wife's world is much less than it has ever been. Laws and education have certainly played a very important role in this transformation. It is no longer legal for a man to beat his wife, even with a stick much smaller than a thumb. It is no longer rare for a married woman to have a bank account in her own name. She has the right to be educated in every field and can now enter the marriage relationship with the same job opportunities as her husband. Today men are looking for wives who can not only provide them with sex, love, children and household services, but also earn money and participate in social life."(Yalom, 2002: XVII)

These changes in the institution of marriage and family bring about some dissolution in the family institution. The main reasons for these dissolutions in the family institution are as follows.

- As a result of the modern notion of sexual freedom and the sexual liberation of individuals, the bond of marriage, which is based on sacrifice and devotion, is gradually weakening and divorces are increasing as a result¹(Doğan, 1991: 523-524; Prime Ministry Family Research Council Publications, 1991:523-524)
- With the increase in the proportion of childless families, the reasons for maintaining marriage are thought to have disappeared (Meriç, 1991: 472-473),
- As a result of modern life, the family's time allocated to the child has decreased(Musgrave, 1968: 45),
- Again, the increase in individualism as a consequence of modern life(Beck, 1999: 38-44),
- A constantly tense atmosphere at home due to economic problems and its negative reflection on the relationship between spouses(Kanyılmaz, 1991: 446-447),

For all these reasons, serious dissolution has begun to occur in the family institution. One of the most important problems experienced during this dissolution is domestic violence.(Prime Ministry Family Research Institute, 1995: 139-141; Vatandaş, 2003: 63-91; Morçatı, 1998: 48; Kocacık, 2004: 107-110)

Whether domestic violence takes a religious form has always been debated. It is a long-standing social phenomenon that men base their various restrictions on women on religion(Davis, 2003:88-89). The main purpose of this study is to investigate how the phenomenon of violence occurs in the dimension of domestic violence and the effect of religion on the structuralization of this phenomenon. In other words, this study seeks to answer the questions of whether there is a relationship between the phenomenon of domestic violence and religion, if there is, in what direction this relationship takes place, and what the effect or role of religion on domestic violence is or can be.

In this research, reference will be frequently made to the phenomenon of "domestic violence". Therefore, we would like to state that what is meant by this concept is 'all kinds of violent behavior directed from one individual to another within a

group that defines itself as a family, in order to force, humiliate, punish, show strength, release anger and tension'. (Güneri, 1996: 87) In a sense, based on this general definition of domestic violence, it can be said that religion is the last thing that should be at the root of domestic violence, which is the hurting and harming of family members.

However, there is a dimension of religion that is far from the primary religious texts, a dimension that has been closely intertwined with social life since the first emergence of religion in social life, namely a ritual dimension, and this ritual dimension can sometimes praise, even approve domestic violence. From this perspective, it will be easier to establish the relationship between domestic violence and religion.

Undoubtedly, many studies on domestic violence have been conducted in Türkiye, especially after the 90s, and probably still continue to be conducted. Two of the most important studies are those conducted by the Prime Ministry Family Research Institute. One of these is the study titled '*The Causes and Consequences of Domestic Violence*' conducted in 1994-95, and the other is the study titled '*Violence within the Family and in the Social Sphere*' conducted in 1997-98. However, as far as we can see, neither in these two studies nor in other studies on domestic violence, the religious dimension or whether there is a religious dimension has not been emphasized or considered.

The word violence (şiddet), which has entered Turkish from Arabic, derives from the verb "şedde"(İbn Faris: 179), which means to emphasize strength and power in something. In Turkish, the word violence, which has meanings such as violence, source of force or power, harshness, and excessiveness(Doğan, 1982: 931), also means using brute force against those with whom one disagrees, acting harshly (Atatürk Culture, Language and History Supreme Council, 1988:1385).

The concept used as a complete synonym of the concept of violence in Western languages is "*violence*", used in the meaning of force, violence, harshness, excessive force in actions or behaviors, bullying and rape, derived from the verb "*violate*", meaning to break, trample, not to hold, to violate, also to break open, dirty, rape something that should be respected and not touched. The adjective form is the word *violent*, which means hard, hurtful, vicious, tough(Metro, 1993: 1685).

However, the concept of violence is a very inclusive and broad concept that includes several different concepts. The most important concept within the concept of violence is the concept of *aggression*.

Aggression (*fr. Aggressivité, ing. Aggressiveveness, Agression*) is a concept more specific to the psychological literature. In English, the word *aggression* means aggression, starting a fight without any reason. The adjective form is *aggressive* and the noun form is *aggressor*.ⁱⁱ

Another concept related to the research topic is the concept of *torture*, which is included in the scope of the concept of violence. The word torture, which means to torture, to torment, to cause cruel torment or suffering, is also used as a noun in the sense of torture and torment(Metro, 1993: 1685).

The most comprehensive, most elegant, interdisciplinary definition of violence belongs to Yves Michaud. "In an environment of mutual relations, violence exists when one or more of the parties, directly or indirectly, collectively or dispersedly, inflicts damage to the bodily integrity or ethical/moral/spiritual integrity or property or symbolic and symbolic-cultural values of one or more of the others, regardless of the rate"(Michaud, 1991: 11).

Having briefly defined the concepts of violence and domestic violence in relation to the main topic of the research, it is now necessary to mention some of the theories put forward to explain the phenomenon of violence.

To be able to talk about domestic violence first requires knowledge of the basic theories on violence. Accordingly, "we say that we frequently come across news about violence on television and in newspapers every day. We do not learn what violence is through news reports; it surrounds us in all our lives; at home, at work, on the streets, and everywhere we live.

We become part of the cycle of violence through our daily relationships, social and political interactions. Sometimes we are aware of this cycle; sometimes we live without being aware of these subtle networks. Thousands of years of culture of violence has institutionalized itself in every sphere of life; an act of violence in one sphere takes its source from another act of violence and can be the source of countless ruptures. Although violence is a phenomenon as old as human history, it is only in the world we live in that social scientists have taken it as a social problem, analyzed and defined it in different dimensions".(AMARGİ, 2005: 10)

Theories on the phenomenon of violence are divided into two main parts: theories on the origin of violence and theories on the origin of domestic violence. It is seen that the theories on the origin of violence are developed on the axis of the following basic approach or perspective:

- a) The first is the view that the source of violence is psychological, that is, it stems from the individual's nature,
- b) The other is the view that the origin of violence is social, that is, violence is a learned phenomenon.

1. Violence and its Psychological Roots

Purposive Approach

Fromm's approach to aggression can be called a *purposive approach* since he distinguishes aggression according to its goals. Erich Fromm, who defines aggression as a destructive character structure, expresses this designation as *sadism*. His definition of sadism stands out very well in the following lines. "Sadism is one of the answers to the problem of being born human when no better answers can be found. The experience of absolute control over another being, of absolute power over another being, creates the illusion, especially in those whose real life is far from productive and joyful, that they have transcended the limits of human existence. Fundamentally, sadism has no practical purpose; sadism is not something "ridiculous", it is an infatuation. *It is the transformation of powerlessness into the experience of absolute power*; it is the religion of the spiritually crippled."(Fromm, 1995: 222; Freud, 1962: 34)

What is important is the intensity of the sadistic passion within the character structure of a given person. Many people may have elements of sadism in their character structure, but these elements are so balanced by strong life-enhancing tendencies that they cannot be labeled sadistic. In such persons, the internal conflict between the two orientations often leads to an increased sensitivity to sadism and to intense reactions to all forms of sadism (traces of sadistic tendencies in these persons may still appear in trivial, non-deterministic behavior, but these traces are so faint as not to attract attention).

In some people with a sadistic character, sadism is at least balanced (not only repressed) by equal forces. They may derive a certain amount of pleasure from controlling reckless people, but they do not participate in or derive pleasure from torture and similar atrocities (leaving aside extraordinary circumstances such as mass insanity).(Fromm, 1995: 34-35)

Fromm not only identifies people with sadistic character; he also divides sadism into two according to its purposiveness.

a) ***Spiteful Destructiveness***: A spontaneous reaction to intense and unjustified suffering inflicted on a person or members of the community with which he or she identifies. It differs from ordinary defensive aggression in two respects:

- 1) It occurs after the harm has been done, so it is not a defense against a danger.
- 2) It has a much greater intensity and is often cruel, bloodthirsty, and insatiable. This particular quality of spite is also expressed in language with the term "fire of revenge".

b) ***Ecstatic Destructiveness***: Suffering from the realization of his or her powerlessness and isolation, the human being may attempt to shed his or her existential burden by achieving a state of ecstasy akin to trance, and thus regain unity within himself or herself and with nature.

There are many ways to achieve this. Nature provides such a state, which lasts for a very short time, through the sexual act. This experience can be said to be the first natural example of complete concentration and momentary ecstasy. This experience may involve both partners involved in the sexual act, but most often, it remains a self-loving experience for each of the partners, who feel a sense of mutual gratitude for the pleasure they give each other (which is often felt as love).

A notable example of this is the Balinese ecstasy ceremonies, which can take place, for example, in religious ceremonies such as the ecstasy dance, in drug use, in wild sexual revelry, or on one's own. These ceremonies are particularly interesting in their relation to the phenomenon of aggression, because in one of these ceremonial dances, the participants use a *kris* (a special kind of dagger) and, when they reach the peak of ecstasy, they stab themselves (and sometimes each other) with this dagger.(Fromm, 1995: 13-15)

Apart from this, Fromm mentions the following types of violence: *Sexual and Spiritual Sadism*. Spiritual sadism is of particular importance for our subject. "Spiritual cruelty, the desire to humiliate and hurt another person's feelings, is perhaps more common than physical sadism. This type of sadistic attack is much safer for the sadist, since no physical brute force is used, "only" words. This kind of sadism is practiced by parents on their children, by teachers on their students, by superiors on their subordinates - in other words, this kind of sadism is practiced in any situation where there is someone who cannot defend himself against the sadist. Mental sadism can take on many seemingly harmless guises: a question, a smile, a few confusing words. Who among us doesn't know someone who is a "master" of this kind of sadism, someone who can easily find just the right word or gesture to embarrass or humiliate someone else with this seemingly innocent behavior? Naturally, this kind of sadism is often even more effective if the humiliation is done in the presence of others." (Fromm, 1995: 27).

The Phenomenon of Domestic Violence

What is meant by domestic violence is "all kinds of violent behavior directed from one individual to another within a group that defines itself as a family, in order to force, humiliate, punish, show power, release anger and tension". Domestic violence can be experienced at the adult-adult level as well as at the adult-child level.(Güneri, 1996: 87)

It can be said that society, sociality, structures and hierarchical relations almost all involve violence. Therefore, wherever there is a relationship of domination, there is violence. Violence can have different meanings according to time, culture and society. While female genital mutilation is a cultural phenomenon in South African countries, on the other hand it may be a form of violence that requires intervention in other societies. Violence has many visible and invisible aspects. These have different effects on each other.(AMARGİ, 2005: 12)

Habits, learning styles and traditions influence domestic violence in the private sphere. However, there are a few important points such as the invisibility and unacceptability of violence, its legitimization and its impact on socialization. "Since violence in the private sphere is perpetrated by mothers, fathers, husbands and close relatives, it was an invisible phenomenon until the women spoke out about it. The private sphere, the privacy of families was not entered. It was not let out of the room. Violence against women within the family was not included in any international convention until 30 years ago.

This violence in family and kin relations became visible with the rise of the women's movement. Following the struggle of the women's movement, violence against women was addressed by official institutions, violence against women as a gender was addressed by official institutions, and measures against discrimination and violence against women began to be taken. In the intervening period of about 15 years, the causes, consequences and long and short-term effects of violence within the family have become a matter of public debate."(Güneri, 1996: 14)

The institution of the family, the most basic unit of society, is perhaps the most patriarchal. The man, considered the head of the household, controls women's sexuality, labor production, fertility and activities within the family. There is a hierarchy in which the man is supreme and dominant and the woman is subordinate and submissive. The socialization of the next generation in patriarchal values is also important in the family. Boys learn to assert themselves and dominate, and girls learn to submit and be subjected to unequal treatment in the family. The extent and nature of masculine control may vary across families, but it never disappears. The family plays an important role in creating a system of hierarchy and maintaining order in society. By reflecting the state order, the family not only educates children to conform to it, but also creates and perpetuates it.(Güneri, 1996: 14)

TRADITION-RELIGION AND DOMESTIC VIOLENCE

One of the most common forms of domestic violence in Middle Eastern and Mediterranean societies such as Türkiye is the phenomenon of honor killings. Undoubtedly, honor killings are intricate murders that cannot be explained in a few sentences, but it is a social phenomenon that cannot be ignored that these murders are based on certain cultural dynamics. However, it is thought that evaluating honor killings in two separate categories would be appropriate since they occur on two main grounds in our country

1- *The first of these is honor killings in the individual dimension, which can be interpreted as unplanned spontaneous killings that usually take place when one of the family members - usually a man - kills the other when one of the family members acts in a way that is considered contrary to social values.*

2- *The other is the so-called honor killings, which have deep historical roots and are called honor killings due to the fact that the perpetrator is killed in a particular region of Turkey (Southeastern Anatolia Region) and usually as a result of a common decision taken by the entire family of the murdered person, even though honor is cited as the reason for the killing.*

The reason for the deep historical roots here is that these murders are known to have been practiced by the communities that lived in the region in the past as a social precaution against adultery, using the punishments of killing and stoningⁱⁱⁱ. Honor killings are a social phenomenon that can be observed even today in the social life of contemporary societies living in this region, i.e. in the Mediterranean basin.

After having specified the manner in which honor killings will be discussed, it can be said that there is a cultural background that feeds honor killings in a given society. The first cultural background that can be mentioned within this cultural background is language.

a. Language

According to feminists, language has been used at the highest level in the masculine structure as an instrument of gender discrimination. Women have always been oppressed, restricted, belittled and forced to live with derogatory metaphors under a masculine language structure produced by men, and have been brought closer to divine language or silenced altogether(Pervizat, 2005: 24).

Language itself and its use excludes, trivializes and belittles women. Language is sexist and devalues women. All institutions that produce discourse, language, education or justice reflect the power of men. It portrays women as atypical and puts forward men as the definition of normal (Pervizat, 2005: 24).

Pervizat says that the best evidence of this is that in the nearly 200 court decisions she analyzed in her book, the rules set by men are always called normal. Accordingly, women are not allowed to have a voice or to exist as individuals by exercising their choices. Thus, women cannot be the subjects of their own bodies(Pervizat, 2005: 24).

Language is effective in almost every field, from the woman's body to the educational process. This influence is so great that one day a judge may find a woman unfair in a lawsuit filed by a beaten woman against her husband on the basis of the proverb "you will not spare the stick from the woman's back"(AMARGİ, 2005: 32). This is because linguistic patterns, woven by male-dominated social structures, stand in front of women and govern their social lives like an invisible hidden hand. This social organization is a social organization whose effectiveness can only be reduced by an alternative social organization that can be put in front of it.

b. Power

The second source that feeds honor killings is all the power relations that exist in the social sphere, and these relations have systematics that often do not work in favor of women. Power has always excluded women and their values. While power is identified with authority and masculinity, compassion is identified with women. The identification of compassion with women and authority with men, and this dichotomy between the two, keeps women separate from authority and the power it brings. Authority sustains its existence through rules. These rules define actions and actors. Compassion cuts the prescriptive structure in which actors and actions exist. The rules of authority distance us from the human being. Compassion, on the other hand, brings us face to face with the human being.(Pervizat, 2005: 28)

This problematic dialectical relationship between power and women will reveal itself at other points, sometimes as a slap in the face and sometimes as an honor killing. This dialectical and problematic relationship has many dimensions. This compassion, which is specific to women in opposition to power, cannot be understood under the oppressive discourse of language; it is seen as non-authoritarian, interpreted as a marginal voice and finally perceived as the actions of addicts.(Pervizat, 2005: 28)

After power, the most important source of women's historical and current condemnation is the phenomenon of honor, which everyone defines and interprets in their own way.

c. Honor

The third main dynamic of honor killings, especially according to Leyla Pervizat, is the traditional notion of honor. Pervizat's comments on this issue are as follows.(Pervizat, 2005: 33-34) The word "honor" is thought to have entered Turkish from Arabic and Persian. The root of the word "honor" comes from the ancient Greek word "nomos". The root of "nomos", which is stated to be a masculine word, is based on "nemo". Nemo means "to divide into parts". It is a word used especially for the food or pastures of animals. Therefore, nemo can be characterized as the grazing land owned by a man and the animals grazing on this land.

The definition of nomos includes: "anything that has been established, usage", "tradition law anything acquired through interpretation", "a law or rule that constitutes a state approved by God", "the fulfillment of any law", "the moral rule or commandment deemed appropriate that has been approved by God", "the rule of action commanded by reason", "the law that commands the moral teaching of the Christian religion and faith Jesus, especially the moral rule concerning love, which in the Mosaic law and the Torah corresponds to the volume or content of the law according to the circumstances".

It is accepted that honor and shame are values that, like all other values, are not believed to remain valid, that is, they are open to interpretation and change over time and space. The concepts of shame and honor are not static, settled, rigidly unchanging elements; on the contrary, they vary within themselves and over time. Even though it is thought that honor and shame have a special place in Türkiye in general - and to claim otherwise would be to turn away from the facts - this does not change the fact that we have very variable ideas about what we understand by honor and shame over time and space. How the concepts of honor and dignity are understood and how they are used can not only show the relations between individuals and groups, but also have the power to change these relations. Therefore, as much as honor and dignity are values created by society, they are also concepts that constitute social phenomena and how they constitute them needs to be explained.

In the study titled "*Dynamics of Honor Killings in Türkiye*", it is possible to clearly see how everyone has different attitudes about what these concepts are, that is, how to define them, despite the fact that almost everyone agrees on the importance of the concepts of honor and dignity and the fact that it is a concept that still preserves its vitality in society.

Accordingly, the following sentences of two young males from Şanlıurfa and Istanbul illustrate the importance of the concept of honor and dignity:

"Honor is the reason we are living right now. Right now we are living for honor. You might not have money, but you must have honor, that's it." (Şanlıurfa male university students group study 19-22 age group, born and raised in Şanlıurfa)

"What does a man live for? First for honor, then for bread and butter. You may go hungry, but if you eat a plate of food, you will be full. However, if you lose your honor, there is no going back. So, what is honor? Halal." (Istanbul, Male, 25 years old, Police)

The following sentences uttered by a woman from Adana on the different definability and variability of the concepts of honor and dignity by different people, in other words, how the concept of honor can be perceived differently by different people, are quite remarkable.

"We have a culture that says women mean honor. Obviously we are not against this culture, but what does it define as honor? For example, the way she looks is honor, her hair is honor, her sleep is honor, her skirt is honor, I don't know, any part of her is honor. (Adana, Female, 39 years old, University Women's Center) For us, the concept of honor was, well, it was not just having sexual intercourse. Even talking, going to the movies, asking for a song on the radio is a death sentence. One such incident happened in Urfa; when a girl went on the radio and offered her song to all lovers and loved ones, the woman was given a death sentence and executed in the middle of the street. A woman was killed in Mardin for going to the movies... Oh, I just remembered one incident in Batman, a girl was killed for wearing pants and going to a wedding. (Batman, Female, 31 years old, NGO member)

From asking for a song on the radio to going to the movies, this multidimensional definition of honor, is reflected as follows in the speech of a 70-year-old woman from Şanlıurfa.

"Honor is the best of all. It is to know the value of honor. A smart woman does not disgrace her honor, she knows the value of her honor. She protects herself from men... A woman who travels a lot is not good. She should stay at home. In other words, it is not good to go out, to go out and talk to foreign men too much. You have to protect your honor for the seheb (i.e. the owner, the woman's father, uncles, brothers)." (Şanlıurfa, Female, 70 years old, illiterate, born and raised in Şanlıurfa)

According to this seventy-year-old woman, talking to foreign men and going out are examples of dishonor. Thus, the girl who does this is stigmatized as dishonest (Kardam: 16-17).

However, this traditional concept of honor is also intertwined with the concept of masculinity. In other words, the traditional notion of honor is again based on a traditional notion of masculinity; thus, the concepts of honor and masculinity intricately shape the social life of women.

Doğu Ergil says the following about the concept of Turkish-type masculinity: "According to cultural expectations, a man is someone who defeats others with his courage and strength. In Turkish folklore, the traditional male is courageous, noble and sexually active. In other words, he is the one who fights well and makes love well. There is no compromise in the nature of such a person. He evaluates events only in a binary probability relationship, "Either...., or death", there is no middle ground and defeat is worse than death. As such, any measure to achieve the result, i.e. defeat, is legitimate even if it involves violence and death. The basic element of masculinity is not violence but rigidity, uncompromisingness. This stems from the belief that things will always be done one way". (Ergil, 1980: 79)

Such an intertwined definition of the man with the element of power turns him into a semi-monstrous being identified with violence, as in the portraits of " *İtilmiş* " and " *Kakılmış* " presented by Yasemin Yalçın and her actor friend in the program "İnce İnce Yasemince" with a semi-caricatured perspective in the eyes of the masses. Indeed, the reflection of this definition on the masses of the public is beautifully revealed in the characterization of *İtilmiş*.

Ergil explains this as follows: "One of the main qualities of masculinity is to overtake others, to subjugate them. A man who cannot do this through knowledge, skill and reason will naturally resort to violence as a last resort. If political issues are excluded, it can be understood why incidents of violence are concentrated in rural areas and in the slum areas of cities where poor groups live.

In the lower social strata, then, violence can be interpreted as the violent reaction of a pushed down, despised ego or personality. However, this violence is not supported by a coherent social analysis. It is often associated with attacks on one's masculinity or personal rights. There is no coherent social evaluation or philosophy on which the violent reaction of the marginalized personality is based. The powerlessness and helplessness caused by the inability to change the course of events that push him into second-class status that takes a fictional form in his dictionary of symbols. This fiction is based on a sexuality abstracted from the unchangeable reality. The power that cannot be brought into the life of society finds expression in the form of the power of masculinity. (Ergil, 1980: 79).

Depending on this definition of masculinity, according to Ergil, the importance attributed to different social and cultural values, such as masculinity and honor, and the level of social control over individuals to comply with these values are quite different in different social strata. For example, while in the lower urban strata, the concept of honor continues to be influential with its traditional content, the study has shown that it has decreased in the middle class and almost disappeared in the upper class (Ergil, 1980: 193).

Within the framework of Ergil's findings, when the levels of social control over individuals are different, it is expected that the reaction of individuals belonging to different social strata against the threat to their honor and thus, their value in society will also be different. In rural society and in the urban lower class, which still maintains its values,

restoring the honor is often done with blood. In the higher middle and upper classes, when news of a dishonorable act spreads outside the class, it is usually countered by divorce, court action, denial of responsibility, and mitigating the impact of the unfortunate event through public explanations (Ergil, 1980: 195).

Another important reason for honor killings is that the female body is seen as a field where men can display their sexuality. "Women as fields are the grounds where male sexuality is displayed. Women's sexuality is uninhibited, but it is not seen as insatiable; in fact, it is questionable whether women are even attentive to their own sexuality. Left to herself, she has no resistance, she is open to men. Externally imposed limits are her only protection. For example, it is thought that a woman and a man can have a relationship after twenty minutes alone. This is a reason for divorce. It is not thought that the woman is forced by the man or that she has her own desires; it is just assumed that she lacks the power to make decisions and resist. One of my close neighbors said to me, 'Women can be seduced just as easily as Eve was deceived by Satan in Eden. Because women are thought to be vulnerable to such temptations and influences, they must be socially covered or veiled. The slightest suspicion of a girl's sexual activity destroys her chances of marriage. Or at least jeopardize it, because she risks jeopardizing the safety of her husband's seed.'"(Delaney, 2001: 61-62).

The view of the woman as a mere instrument of fertilization, as described by Delaney above, always condemns the woman, depriving her of the right to be the subject of her own sexuality. Moreover, this condemnation is the main cause of honor killings.

Honor killings are not always committed because of masculinity; sometimes women are victims of honor killings because of the responsibility that national values place on women. Women exist within families, communities, nations and nation states as part of men or as part of these phenomena. Women do not have the status of being or existing as individuals on their own.(Pervizat, 2005: 55)

The relationship between sexuality and nationalism is particularly closely related to the concept of honor. Honor is the concept that is closely linked to the nation's being male and the homeland's being female. Both sexuality and nationalism are renewed and constructed every minute in a constant restructuring. One of the best examples of the relationship between honor and homeland is the sign that activist women who went to the borders of Iraq and Syria to protest the war before the Iraq War started saw on the Turkish border. The sign reads the following words. "The border is honor."(Pervizat, 2005: 56)

Since women are constructed as symbolic bearers of the community's identity and honor, both individually and collectively, they are often expected to carry this burden of representation. In the collective imaginary, women are conceived together with children and thus with the collective future as well as the family.(Davis, 2003: 92-94)

The "burden of representation" of the community's identity and future destiny on women carries with it the construction of women as bearers of community honor. Manar Hasan (1994) describes how many Palestinian women were killed by their own male relatives for behavior that brought shame to their families and communities. The case that attracted public attention and sparked campaigns in 1994 was that of Ikhlas Basam, a 38-year-old Druze woman who was murdered by her younger brother, a soldier in the Israeli army.

The woman's sin was that she appeared on Israeli television being interviewed in a short skirt (although the skirt was not too short), wearing a Western dress hound, lipstick and bleached hair. She was interviewed because she had just completed an impressive fundraising campaign for the Druze community while living in New York.

The community elders are said to have met with her earlier that day and were grateful for the money. However, the same elders refused to condemn the murderer. One of Ikhlas's sisters who witnessed her murder had a nervous breakdown, but the rest of the family reportedly expressed pride that the brother had done his duty. They gave the following reason for the murder. "We have to protect our religion, our culture. She crossed the line." (Davis, 2003: 94)

The above incident, which can be summarized as women not crossing the line expected of them because they are believed to be the carriers of community identity, shows that if women cross the line, their punishment can be death. However, a woman does not have to commit a major crime to be killed. Sometimes, even a song on the radio or going to a movie can be a reason for death.

The most memorable incident of these murders in the Southeastern Anatolia region^{iv} of Türkiye is the murder of Şemse Allak in 2003. Allak was stoned to death in the town square.^v

In addition to the pressure of honor, a sense of revenge, false religious beliefs and social value judgments have a psychological effect on the perpetrator of this crime. The leading causes of honor killings and their impact on women can be summarized as follows. Regarding honor killings, it is noteworthy that women are the gender most affected by this phenomenon. It is women who are both exposed to the negative behaviors of the opposite sex and who lose their lives as a result of the incident.(Sir, 2003: 145)

They are women who are sold to strangers at a young age for the sake of dowry; who are victims of honor killings and stoning; who are forced to give birth to 5-6 children for the sake of a male child against their will; who are harassed at home, on the street and in crowds; who are denied the right to education; who are imprisoned within four walls as housewives; who are ignored because of their sexual identity; who cannot get the fruits of their labor; who cannot get rid of being referred to as the mother of their children, Ali's daughter, Mehmet's wife (<http://vwww.antimai.org/cy/8marteqsen.htm> January 2, 2006).

The main reasons why women are victimized in honor killings can be listed as follows: The girl having an emotional relationship with someone against the wishes of her family, giving birth to an illegitimate baby, the woman leaving her husband and eloping with someone else, the girl falling in love with a young man, the girl becoming pregnant before marriage, the girl running away from home with the young man she loves, the girl "going wrong".(Tezcan. 2000: 241)

In Turkish society, it is seen that the concept of honor is based only on women. This understanding is also emphasized in many movies. (Uluyağcı, 2000: 17) Gender discrimination generally works against women and as a result, honor killings occur. Women in the Southeast face intense social pressure. They have no defense methods to express their reactions. Pressure from the father before marriage is replaced by pressure from the husband after marriage. The fact that female suicides are higher than male suicides in provinces such as Batman, Şanlıurfa, Iğdır, Van, Adıyaman, Ağrı, Bitlis and Hakkari reinforces this view.(Demir, 1999:2)

Domestic Violence and Islam

Although how the phenomenon of domestic violence is handled in Islam and other divine religions can be a separate research topic, in order to explain the religious dimension of the issue, Islam's approach to domestic violence will be discussed only within the framework of the Qur'an, hadiths and the way the Fiqh literature deals with the issue of battering. In order to understand Islam's approach to domestic violence, it would be appropriate first to discuss the Qur'an's view of domestic violence.

In order to understand Islam's view on domestic violence, it is useful to first address the Qur'an's view on this issue. Understanding the Qur'an's approach to domestic violence is fundamentally based on understanding the Qur'an's view of women and marriage.

Islam's view of domestic violence is also directly proportional to Islam's view of the concept of aggression and violence itself, in the sense that the Qur'an and the Sunnah never approve of aggression and violence, teach individuals how to overcome their inner violence and reinforce this attitude with many statements praising those who overcome their anger.

A verse says, *"They spend in plenty and in want, overcome their anger, and forgive people their faults. Allah loves those who do good."*(Surah Al-i Imran: 134). This verse emphasizes how those who overcome their anger will be subject to divine forgiveness.

Likewise, another verse says, *"those who forgive when they are angry"*(Surah Shura: 37), again describing overcoming anger as a praiseworthy attitude. Islam has never condoned a vengeful, vindictive attitude. In this respect, it would be appropriate to look first at Allah's description of love and affection as the basis of marriage.

In the Qur'an, Allah Almighty says, *"It is one of the documents of Allah's existence that Allah created spouses among you with whom you can find peace, and that there is love and mercy between you. In these are lessons for a people who reflect"*. (Surah Rum: 21)

In this verse, Allah Almighty says that love is a feeling that Allah created and bestowed upon mankind, and that there is evidence of Allah's existence in the creation of this feeling. Thus, Allah Almighty says that Allah will create love between the spouses who marry. This verse will be better understood if it is explained in conjunction with the following verse, which commands spouses to get along well, to marry in a good way, to live and get along in peace and love, that is, to do good. *"O you who believe! It is not halal for you to inherit women by force. Do not press them to take back part of what you have given them, unless they commit flagrant indecency. Get along well with them. If you dislike them, it may be that Allah has made good for you what you dislike. If you wish to replace one wife with another, do not take anything from her, even if you gave the first one a load of gold. Will you take her by slandering her and committing an open sin? How can you take her when you have been united with each other and she has given you a firm assurance?"*(Surah Nisa: 19)

If you look carefully at the content of this verse, you will see that it tells men that even if they do not like the women they have at their disposal, i.e. the women are married to, there may be many blessings that Allah has made suitable for them in the qualities that they do not like. The verse also advises men not to try to get back the Mahr they have given to their wives in case of divorce, and furthermore, not to try to forcefully marry women in order to get their property, i.e. not to covet their property.

Apart from these verses commanding good relations, Allah Almighty also strictly forbids in the Quran the killing of female children and the attempt on the lives of women. In this sense, it is important to note how Allah Almighty values human life, both male and female, and how Allah condemns the custom of the Jahiliyyah Arabs to kill their daughters before they grow up. Allah Almighty, in this verse, condemns the practice of burying girls alive and wants to eradicate this practice, and in fact, in the later period of the spread of Islam, girls will no longer be buried alive.

"Do not kill your children for fear of poverty. We provide for you and them. Indeed, killing them is a great sin."(Surah Isra: 31).

"Those who blindly kill their children because of their stupidity, and those who forbid the sustenance that Allah has given them, slandering Allah, have lost. They have gone astray; they are not on the right path."(Surah Anam: 140).

"To Allah belongs the kingdom of the heavens and the earth; He creates whom He wills. He gives whom He wills a girl child and whom He wills a boy child, or He gives both a boy and a girl child, and leaves whom He wills barren. He is All-knowing, All-powerful." (Surah Shura: 49-50).

"Know that your wealth and your children are a means of testing, and that the great reward is with Allah."(Surah Anfal: 28)

Allah Almighty places the burden of maintaining the home and the obligation of alimony on the man, both before and during divorce, and forbids spending women's property unjustly, and commands men to honor the woman before marriage by giving her something, often material and sometimes spiritual, if she so chooses.

"Make the women whom you have divorced dwell where you dwell, according to your financial power. Do not try to harm them to cause them hardship. If they are pregnant, provide for them until they give birth. If they nurse the child for you, pay them their wages, and agree between you according to your means, and if you find it difficult, another woman may nurse the child."(Surah Talaq: 6)

"Give to the orphans their property and do not exchange what is clean for what is unclean. And do not spend their property by adding it to your own, for that is a great crime. If you fear injustice to the orphans, marry the women whom you like, two, three, or four in number. If you fear that you will not be able to do justice between them, then one or whatever you have is sufficient. This is the most appropriate so that you do not do injustice."(Surah an-Nisa: 2-3)

"Give to women their Mahr with pleasure. If they voluntarily give it to you, then spend it freely and with pleasure."(Surah an-Nisa: 4)

"There is no responsibility on you if you propose marriage to such women in a veiled way, or if you keep them hidden in your hearts. Allah knows that you will remember them. But do not promise to meet them secretly, except in accordance with custom. And do not enter into a marriage contract before the expiry of the definite period. Know that Allah knows what is in your hearts and beware of it. Know that Allah is forgiving and kind."(Surah Baqarah: 235).

In addition, the Qur'an contains many different rulings on whether or not to take this money in the event of divorce if the amount of mahr is substantial, and what to do in different situations(Surah Baqarah: 236-237-240-241).

If there is severe discord between the spouses that makes it impossible for them to live together, Allah Almighty does not favor the continuation of such marriages to the detriment of both parties; Allah Almighty also makes it clear that a man should not forcibly keep a woman in his marriage with the intention of harming her, and in this sense, He forbids men from using this status to oppress women simply because they have a stronger social and biological status, and He explains that this is an evil and unpleasant situation in his sight.

"When you divorce women, when they have finished their waiting period, either keep them in kindness or let them go in kindness. Do not keep them with the intention of violating their rights and harming them. Whoever does that is unjust to himself. Do not mock the signs of Allah. Remember Allah's favor upon you and the Book and the wisdom which He has sent down to you as an admonition. Respect Allah and know that Allah knows everything."(Surah Baqarah: 231). Thus, divorce must be favorable in the sight of Allah, and it is wrong for spouses to oppress each other to continue the marriage.

However, although the following verse 34 of Surah al-Nisaa may seem to contradict the verses and hadiths of the Qur'an that command good treatment of women and condemn violence, in reality there is no such contradiction.

"Men watch over women because Allah has favored some over others and men spend out of their wealth. The good women are respectful from the heart and guard what is hidden in return for Allah's protection of them. Admonish women whom you fear to be irresponsible, leave their beds and strike them. If they obey you, seek no other way against them."

Allah is the Great, the Almighty. If you fear that the spouses are at variance, send an arbitrator from his family and an arbitrator from her family. If they wish to reconcile, Allah will reconcile them. Allah is All-Knowing, All-Knowing." (Surah Nisa: 34).

There is no contradiction between this verse and the general commands of Islam because when all the details of the verse are taken into account, this verse actually wants to limit the act of beating women, which already existed in the ignorant society. However, before making personal interpretations and deepening these interpretations, it is necessary to look carefully at the reason for the verse and the hadiths on the subject.

Before trying to understand how this verse is applied in practice in the Fiqh literature, especially since our research is a sociological study, it would be appropriate to look at the reason for the verse.

The narration about the cause of the revelation of verse 34 of Surah al-Nisa is as follows. "Muqatil said: This verse was revealed about Sa'd b. Rabi, one of the elite of the Ansar, and his wife Habiba b. Abi Zubayr, also from the Ansar. She was disrespectful to Sa'd and he slapped her. So her father went to the Prophet with her and said, "I have made my daughter his bedmate and he has slapped her!" The Prophet said, "Let the woman retaliate against her husband." So she returned with her father to retaliate against her husband. The Prophet immediately said, "Abandon retaliation, this is Gabriel coming to me. Allah revealed this verse." Then the Prophet said: "We have willed one thing and Allah has willed another. Allah's will is better." So the Messenger of Allah abolished retaliation (Ibn Hajar al-Askalani, 1995: 359).

The two different versions of the narration are as follows. "Said ibn Muhammad ibn Ahmad ez-Zahid narrated to us from Zahir ibn Ahmad, who narrated from Ahmad ibn Husayn ibn Junayd, who narrated from Ziyad ibn Ayyub, who narrated from Khushaym, who narrated from Yunus, who narrated from Hasan al-Basri: "A man slapped his wife. She complained to the Prophet. The woman's family came with her and said: "O Messenger of Allah, so and so slapped our man". Then the Messenger of Allah began to say: "Retaliation, retaliation". He did not give any other ruling. Finally, this verse was revealed. The Prophet said, "We have decreed one thing and Allah has decreed another."

The other version of the narration is as follows. "Abu Bakr al-Harisi reported to us from Abu Shaykh, who reported from Abu Yahya al-Razi, who reported from Sahl al-Askari, who reported from Ali ibn Hashim, who reported from Hasan al-Basri that he said. "When the verse about retaliation between Muslims came down, a man slapped his wife. She went to the Prophet and said: "My husband slapped me. I want retaliation." The Prophet said, "It is true that retaliation is necessary." As he said this, Allah revealed this verse. The Prophet said, "We intended one thing and Allah Almighty intended another. O man, take the hand of your wife." (Wahidi, 1994: 122-123).

If these two narrations are considered, the Messenger of Allah thought that the man who beats a woman should be beaten and ruled accordingly. In contrast, Allah permitted such an attitude only in the case of a case of mischief and only after other precautions have been taken, as a kind of reproach to the woman without hurting her. This is because if Allah had decreed that the woman can beat the man at the same time as the man beats the woman, He would have legitimized violence against violence, and thus violence against violence would have been legitimized in the social sphere, and this legitimacy would have been provided through the word of Allah.

However, this narration about the reasons for its occurrence must be understood in conjunction with the other hadiths that reveal the Prophet's attitudes towards the beating of women. This is because it is important here whether the Prophet applied this verse in his own life or what his attitude towards the beating of women was.

The Prophet's first hadith on the beating of women is a hadith explaining verse 34 of Surah al-Nisa. According to this, the Messenger of Allah said. "...*It would be good if you listen to women; they are your helpers with you. You have no other authority over them except if they commit prostitution. If they have done that, leave them alone in their beds and beat them. If they submit to you, seek no other way against them. You have a right over your wives and your wives have a right over you. Your right over your wives is that they should not trample on a person whom you dislike, and that they should not enter your houses. And their right over you is that you treat them well in clothing them and feeding them.*" (Ibn Majah, 1984: 1841)

Hazrat 'Umar (r.a.) said, "O Quraysh, our men used to dominate their women. When we came to Medina, we saw their women dominating their men. Our women became intimate with their women. Therefore, they rebelled against their husbands. So I came to the Prophet (s.a.w.) and said, "The women are rebelling against their husbands." He gave permission to beat them. Then many women began to appear around the rooms of the Prophet's wives complaining about their husbands. Then the Prophet (s.a.w.) said, "By Allah, all night seventy women were circulating around the family of Muhammad, each one complaining about her husband. However, those who beat their wives are no better than those who do not, but you do not see it." (Abu Dawud, 1998: 42; Ibn Majah, 1984: 52)

Thus, the Prophet clearly stated that those who beat their wives are not good people. Beyond the Prophet's statement that wife beating is not good behavior, the fact that women surrounded the house of the Messenger of Allah is perhaps

the first time in history that women rebelled en masse. This clearly shows us that the women of the Era of Bliss were aware of their rights and freedoms and demanded them, and that the Prophet's authority met their demands. The Prophet also opposed the beating of women in his oral Sunnah with the following hadiths. "Do not beat your women." (Abu Dawud, 1998: 41-42; Ibn Majah, 1984: 52) "Let not any of you beat his wife, whom he will sleep with at night, as if beating a slave." (Buhari, 1986: 93; Muslim, 1956: 49).

In these hadiths, the Messenger of Allah commands not to beat women and says that he cannot understand how men beat their wives like slaves and still sleep with them at night.

While this is the hadith dimension of verse 34 in Surah al-Nisaa, the Fiqh dimension of the verse is as follows. One of the key concepts in this verse is the concept of nushuz. The concept of nushuz in the verse has been interpreted as rebellion and insubordination against one's husband in most of the commentaries and the Fiqh rulings on the verse have been based on this concept of rebellion. Accordingly, the word "nushuz" means rebellion and is derived from the word "nafs", which means a bumpy place on the earth.

According to Qurtubi, the meaning of the verse means women who you fear that they will rebel, disobey their husbands, whom Allah has made obligatory for them. Abu Mansur al-Lugawi said: Nushuz means that one of the spouses dislikes the other. If the letter "sad" is substituted for the letter "ze" here, then it becomes a verb for a woman who is hard to get along. Ibn Faris says that a woman's nushuz means that she becomes harsh and difficult towards her husband. Ibn Jariraj says that this verb means the same thing whether the last letter is "ze" or "sad" (Qurtubi, 1997: 173).

According to Shafi'i, "Insubordination is sometimes in word and sometimes in deed. For example, in words, it is when she says, 'Sir, come in' when she is called and listens when she is addressed, and then changes her behavior. By deed, it is when she used to stand up when you entered her presence, run to his command, and come to his bed with a smiling face when you asked for her, and then suddenly changes. According to Shafi'i, these are proofs that she is incompatible. In this case, it is understood that she is incompatible. (Fahreiddin er-Razi, 1990: 21)

Süleyman Ateş has the following to say on this subject. "Nüşuz: It means to rise up, to rebel, to be irritable. In addition to women who obey their husbands, there are also women who disobey their husbands and leave no peace in the house with their constant nagging. In the second part of the verse, Allah Almighty shows the method of educating and disciplining such women." (Ateş, 1997: 276).

However, the verb "to hit" in the verse does not refer to violence against a woman; it is not a beating that would leave a mark on the body and cause damage. (Yaman, 2002: 47) Qurtubi, one of the commentators of the Ahkam tafsir, commented on the meaning of beating in the verse as follows. "The beating in this verse is a beating that does not leave any marks or scars. This is a beating that does not break a bone or disfigure a limb. It is poking and the like. Because the purpose of this is salah. It is nothing else. A beating that will lead to destruction will undoubtedly require compensation. (Qurtubi, 1997: 176)

Jassas (Jassas, 1985: 268-269) and Ibn al Arabi (Ibnu'l Arabi, 1988: 535) are of the same opinion that the beating in the verse is a beating that does not hurt the woman in any way, because such a beating is a crime that requires compensation, as Qurtubi says.

Thus, the nushuz in verse 34 of Surah al-Nisa is generally understood by commentators and jurists as the rebellion of the wife against her husband, and the verb "to beat" in the verse is generally explained by scholars as a verb that does not harm the wife, such as poking her for educational purposes. The scholars with different interpretations on this issue are usually contemporary scholars. After presenting the classical views on this issue, let us discuss some of the contemporary scholars' views, which do not coincide with the classical scholars.

Ömer Özsoy and İlhami Güler focus on the word *kavvam* when explaining verse 34 of Surah Nisa. "The word *kavvam*, which indicates the status of men vis-à-vis women, means 'one who watches over', 'one who protects and governs'. In the verse, this status of men in the family is based on two points. The first is that Allah has made some superior to others. To understand this as superiority in terms of the honor and dignity of being human is contrary to the basic idea that the Qur'an has been advocating from beginning to end. What is meant here is the inherent differences between men and women. It is the physical and mental endurance of the man that imposes the responsibility of protector and headship on him. Fighting, physical labor and enduring difficult environmental conditions require such a physical and mental structure. These are qualities that women do not possess and that men therefore possess in excess. Women are superior to men in other respects as well, such as love, compassion, childbearing, etc. The second reason is that all the needs of women, such as shelter, food and clothing, are assumed by men. Since this second justification is conditional, the man will share the burden of providing for the woman to the extent that he shares the burden of providing for her. The word nushuz, which appears once more in the Qur'an (4/An-Nisa/128), essentially means rebellion. In this verse, nushuz has been understood and translated as disobedience as a negative behavior that a married woman can exhibit, usually due to the understanding of the word kavvam as a ruler. However, this word is used in the Qur'an in a context

that does not refer to the wife's rebellion against the husband or one of the spouses against the other, but rather the rebellion of one of the parties against the marriage contract and the responsibilities that this contract entails. What is suggested here is not that the husband should impose all of these punishments at once or as he wishes. When the matter is approached with common sense, it is clear that the punishment is meant to vary according to the type of irresponsibility of the woman. Those who take it upon themselves to attack the Qur'an because of the recommendation to strike in this verse should know that these forms of punishment are based entirely on the family structure of the society of the time when the Qur'an was revealed. The second form of punishment, sexual boycott, is the clearest indication of this. In a society where almost all men are married to more than one woman, it would be a meaningful punishment for a husband to deprive any of his wives of sexual intercourse. To do the same in a society where only one woman is married would be to punish not only the woman but also the man himself."(Özsoy & Güler, 2004, p.467).

The above comments by Özsoy and Güler characterize the ruling of this verse as rather historical and emphasize that the ruling of this verse is a verse that was revealed as a hadd punishment for women, especially since polygamy was prevalent in the time and society in which it was revealed, and that, contrary to this verse, polygamy is not common in today's society, so this hadd punishment may not be a deterrent punishment to the same extent as in a society where polygamy is common.

It would be appropriate to look at other interpretations and verses on this subject. However, before looking at these verses, it is important to emphasize that just as Allah commands men to be calm and content with what they have, He commands women to be calm, patient and content with what they have. This contentment is a process of contentment and patience, not just waiting, but a process of contentment and patience in the sense of striving for a mutual peace in certain phases and taking different initiatives to achieve contentment.

"If a woman is tired of her husband's irresponsibility or indifference, there is nothing preventing them from reconciling with an agreement. It is better to agree. But covetousness is implanted in the souls. If you behave well and honor Allah, surely Allah is well aware of what you do."(Surah al-Nisa: 128).

In the light of these Qur'anic provisions on marriage and divorce in Islam, the verse on battering reopens itself to us - as in Ahmet Tekin's interpretation - in a way that is consistent with the overall perspective of the Qur'an.

Ahmet Tekin, who translated the verse differently and made it much more understandable to the believers, translates it as follows. *"Men are the heads of the family with a legitimate authority over their wives, with a legitimate authority over the family, who are responsible for the maintenance of the family, with service and responsibility, and who maintain order in the family, because of the qualities that Allah has favored and made them superior to each other, and because men provide for the maintenance and needs of the family from their own property, and spend their property voluntarily, without expecting anything in return. Muslim salihah women, who are pious, moral, good deeds, are obedient women who pray with a sense of responsibility, who stand on their knees for a long time, who are respectful, who do not talk back to their husbands, and who fulfill their religious, humanitarian and conscientious responsibilities in the family. They are the ones who protect what Allah has commanded them to protect - themselves, their children, their husbands' rights, their honor - in the absence of their husbands. If you fear that a woman may disrupt the established family order and resort to violence by being defiant and acting on her own, first win the hearts of women, admonish them, tell them of the undesirable consequences of their behavior, and if they continue to disobey, leave them alone in their beds. If they continue to disobey you, hit them lightly on their rough places with something that will not leave a mark or hurt them, and continue your relations with them by not leaving your house. If they obey you, then do not take what has happened for granted, and do not look for ways to hurt them verbally or in deed. Allah is great and exalted."*(Surah al-Nisa: 34).

Ahmet Tekin's interpretation of the verse in the light of his translation is even more remarkable:

"With verse 4/19, the Qur'an has prevented women from being treated as property and taken advantage of by leaving them in a difficult situation and has ensured that they are treated as human beings. With verse 4/34, it has determined her status within the family without prejudice to her equality as required by the social order. In verse 9/71, the right to be a public administrator and to govern society by recognizing the right to be elected, and in 60/12, the right to choose and participate in the social contract. It has also regulated the unpleasant relationship between spouses, which was abused before Islam and during the Islamic period, by minimizing it. Even when the wife rebelled against the family order or even committed a violent act against her husband, the husband's response by raising his hand was disapproved. He first gave the husband the duty of counseling and reminding him of the bad consequences of the act. If this did not help, He ordered the punishment of leaving the wife alone in her bed. If this does not help, the husband is given the right to beat her. However, Allah, who knows His servants well, has also specified the dose of beating in verse 38/44 so that this right is not abused and it is not overdone. A comparison of the beating in 4/34 with the dose of beating in 38/44 shows that it is not a beating in the sense we understand it. Between two people who love and respect each other, even an attempt to hit by shaking a soft cloth on a table is more than enough to hurt a loving and respectful person. As a matter of fact, the late Hallacı Mansur laughed at those who threw stones at him, and made him feel that he was hurt by a rose thrown by his dervish."(Tekin, 2003: 815).

Ahmet Tekin goes on to say that this commandment intends to remove the negative energy in the man by touching the woman with a soft cloth (Tekin, 2003: 815), not by hitting her roughly. We can understand these statements of Ahmet Tekin only if we know the verse in 38/44 and interpret these two verses together. We also said, "Take a bundle of straw in your hand and hit your wife with it. We said, "Do not break your oath." Indeed, We found him patient against calamities. What a sincere, Muslim, respectful servant he was, who recognized us as God. He always turned to Allah in sincere obedience (Surah Sad: 44).

As can be seen, another commandment in the Qur'an directed towards Ayyub is Allah Almighty, who states that the oath of Ayyub, who swore that he would beat his wife by touching a piece of stick, would be fulfilled; thus, He determined the dose of this beating incident and never mentioned the woman's beating to death. Those who beat women to death against the will of Allah are in line with the understanding that many tribes and communities whose religious traditions have hardly changed from the patriarchal Hebrew society to the present day, especially in line with the understanding that "a woman should always be beaten and impregnated" that they keep alive in their social memory. As seen in the applied part of the research, they have taken this verse to legitimize their injustices against women. In addition, the striking aspect of the verse is that beating women, which already existed in the Arab society, is permitted only on the condition that it is not hurt with a stick and only in case of nūşuz and only when other measures do not work, that is, Allah has brought a solution to the barbarism that existed in the ignorant society, but those who do not understand the divine wisdom have used this verse as a means of abusing women.

AbdülaAziz Bayındır interprets the phrase "beating" in this verse as one of the punishments given by the Qur'an for the adultery of a woman in the case of her adultery, and says that it can only be understood when the Qur'an's punishments for the crime of adultery are taken into consideration as a whole: This means that a husband whose wife is clearly a prostitute has the right to leave her alone in her bed and beat her. The fact that the verse mentions that the husband should admonish his wife, while the hadiths do not mention it, shows the difference between fear based on knowledge and fear based on conjecture. Sexual behavior may not occur between every man and woman who are alone together. Therefore, there must be a difference. If the wife corrects her behavior in both cases, the husband should not resort to any other means. If adultery is detected, the husband is torn between concealing it and taking it to court. If he proves it in court, his wife will lose her dignity and will receive 100 strokes of the cane^{vi}. However, except in these two cases, the Prophet never struck a woman or a slave with even a flick.

Indeed, if we look at the actual Sunnah of the Prophet, the Prophet never once in his life struck his wives, and even in the most difficult situations, he preferred to stay away from them and not resort to fighting with them. In his dialogues with his wives, when he was in a challenging situation, the Messenger of Allah only went away from his wives, did not fight with them or beat any of them. The following verses in Surah Al-Ahzab are also very important in showing how the Prophet behaved in his dialog with his household.

"O Prophet, say to your wives. If you want the life of this world and its adornment, then come, I will equip you and let you go in goodness. But if you want Allah and His Messenger and the abode of the Hereafter, then know that Allah has prepared for those of you who do good deeds a great reward. (Surah Ahzab: 28-29) These verses were revealed as a result of the following incident. When the Prophet's wives saw that the state was becoming richer, they expressed their desire to live a prosperous life like other women. The Prophet, tired of these desires of his wives and their jealousy of each other, vowed not to approach them for a month (al-Hazin: 448).

CONCLUSION

It is important to include an anecdote about Mevlana Celaleddini Rumi's view on the subject to see that there are different views in Islamic literature. From His Holiness Mevlana: "God created the woman to be in love with the man. How can Adam be separated from Eve? Even if a man is Zaloğlu Rüstem in valor, even if he surpasses Hamza in valor, he is still the slave of his wife in terms of ruling. Although on the surface, water is superior to fire, but when it is placed in a pot, the fire boils it. When there is a pot or a pot between the two, the fire destroys the water and turns it into air. As water is superior to fire in appearance, so you are superior to her, but in reality you are defeated by her, you want her. Such a characteristic is only in humankind because humankind has love. The animal has little affection and that is because it is defective. The Prophet said: "Women are more and more victorious over those who are wise, those who have a tongue. But the ignorant prevail over women. Because they are harsh and rude in their treatment. There is little pity, kindness and love in them. Because in their nature, in their creation, animalism is superior. Love and pity are human qualities; rage and lust are animal qualities. The woman is the light of God, not the beloved... It is as if she is the creator, not the created!" (Mevlana Celaleddin Rumi, 1990: 195) We hope that some of the shortcomings of this research will be overcome by further research in the future, and we hope that it will make a small contribution to those who will work on this subject.

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ⁱRegarding the increasing divorce rates, see Republic of Türkiye Prime Ministry General Directorate of Family and Social Research, General Statistical Data on the Family, 2006 <http://www.aile.gov.tr/tr/?Sayfa=Gostergeler>, (24 March 2006).

ⁱⁱAggression (*agressivité*), conscious or unconscious, the concept of aggression is ambiguous or has several meanings. Aggression can arise from a vital need, linked to the life instinct; it can arise from the death instinct, a destructive impulse. According to Anna Freud, aggressive forces can support sexual impulses (*impulsionssexuelles*) and help them to achieve their goals. These impulses then become constructive. Or these aggressive forces can oppose the sexual instincts, in which case they are insidious and harmful." La Psychologie Moderne de A-Z, Paris 1967, pp.23; Longman Metro, pp. 22.

ⁱⁱⁱFor sociological evidence that honor killings also existed among past tribes living in Mesopotamia, see. Wikipedia Free Encyclopedia, the Code of Hammurabi, http://tr.wikipedia.org/wiki/Hammurabi_Kanunlar%C4%B1, (January 15, 2006); Mebrure Tosun & Kadriye Yavaş, Sumerian, Babylonian and Assyrian Laws and the Edict of Ammi Saduqa, Ankara, 1975, pp. 40, articles 5-7; Samuel Noah Kramer, History Begins at Sumer, translation. Muazzez İlmiye Çığ, Ankara: Kabalıcı Publications,1990, pp. 70-72.

^{iv}Suat Anar, "'Blood Feud in Turkey", Turkish Family Encyclopedia, V: II, Family Research Institute Publications, Ankara, 1991; Oktar, Aykut, "The Practice of Honor Killings in Turkish Law", Honor Killings Panel, Ankara, Turkish Prime Ministry, General Directorate of Status of Women and Problems,.1999.

^vFor the aforementioned honor killing by stoning, see Milliyet Newspaper Official Web Site, "Stoned woman in Mardin due to honor dies 8 months later..." news article dated 2003/06/09, <http://www.milliyet.com.tr/2003/06/09/> (January 25, 2006).

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