

“Prostitutes ask for a home from the Prime Minister”¹ – Historic Embeddedness and Present Day Political-Societal Ramifications of Prostitution in Turkey

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The main focus of this article is the analysis of the structure of prostitution in Turkey, especially in Istanbul. The one-year empirical research is embedded in the particular legal and historical background to explain the current trends in a comprehensible way. Unfortunately Turkish criminology and sociology still neglect the field of legal and illegal forms of today's prostitution. The Turkish government is working on the dismantling of the remnants of the legal Turkish prostitution industry. This is paradoxical, since illegal prostitution is much more competitive, popular and lucrative. The strict rules of legal prostitution make it less competitive.

Keywords: prostitution policies, transgender prostitution, turkish brothels, biopolitics, Middle East Criminal Policy

The title³ of this article is also the title of a Turkish newspaper article, which deals with prostitutes in Ankara protesting against their desperate situation. These women, although seemingly demanding social services from the state, are actually just asking to be allowed to make a living. In this article I intend to unveil the qualities of the process of criminalization that occurs as a result of the Turkish government's unclear stance on the issue.

Following the theoretical turn in criminology as a result of the crisis of the welfare state, new approaches in the field now take into account the significance of gender divisions in victim protection. Societal gender divisions gain more importance when discussing prostitution, since transgender prostitutes often try to form alternative protective coalitions. Holding Turkey to European standards would not be beneficial

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- 1 Hayat kadınları Başbakan'dan 'ev' istiyor. *Radikal*, Source: www.radikal.com.tr/turkiye/hayat-kadinlari-basbakan-dan-ev-istiyor-1064382/ (2011.09.25.) A building that has long been rented by an Ankara brothel is being demolished. Resident prostitutes ask the Prime Minister for a new venue, as they have been diligently paying taxes.
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 - 3 I would like to thank my friend, Balázs Szóllóssy: poet, translator.

for the people concerned. The criminological practices and notions⁴ now emerging in Europe took time to evolve as well.⁵ The development of European human rights had its own ambiguities and uncertainties before it became what it is today. This applies for women's equality rights as well, as pointed out in gender literature.⁶

Despite the use of gender neutrality when talking about subjects in human rights documents, women only gained voting rights⁷ when they became symbols of maternity and parenthood in democratic and dictatorial states alike.⁸ The bio-politics⁹ of modern nation states, which aimed to rein disenfranchised parts of society, created a new ideal: the productive and easily controllable woman. In other words, the modern nation state sees fertile women capable of exercising self-control and self-restraint as a constituent element of its societal structure.

The post-World War II societal aims of West European countries laid the foundations of a more developed concept of the welfare state. These societies conceptualized social policies to include elements of criminal policy from the get-go. The primary goal of such policies was to eradicate the causes of criminal behaviour at the very roots. Scientific research related to these policies regularly and dutifully legitimized this approach. The detailed and meticulous elaboration of the practicalities of these policies inevitably led to the bloating of the bureaucratic organizations involved. This might lead to the social-psychological issue of expert domination over the policy domain.¹⁰ Following the crisis of the welfare state, and the subsequent neoconservative responses, the focus of governmental approach in policy making shifted from crime prevention to public safety policies.¹¹ Criminal policies related to prostitution in Turkey have diverged greatly from Western European policies, mainly due to cultural and religious differences. Assuring controllability and the obedience of women was always in the centre of the Turkish approach towards prostitution. Today, the unification of many ad hoc policies in the Turkish legal order is highly necessary, whereas in Scandinavian countries, policies concerning prostitution are more comprehensive and follow the

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- 4 See: Mireille DELMAS-MARTY: *The European Union and penal law*, European Law Journal, 4(1998), 87–115.
- 5 Frieder DÜNKEL, Hanns VON HOFER.: *Crime policy in Europe: Good Practices and Promising Examples*, Council of Europe Publishing, Strasbourg, 2004, 9.
- 6 Jean Bethke ELSHTAIN: *Power Trips and Other Journeys: Essays in Feminism as Civic Discourse*, University of Wisconsin, Wisconsin, 1990, 134–148.
- 7 Carole PATEMAN: *Equality, difference, subordination: the politics of motherhood and women's citizenship = Beyond Equality and Difference: Citizenship, Feminist Politics and Female Subjectivity*, eds. Gisela BOCK, Susan JAME, Routledge, New York, 1992, 17–31.
- 8 Gisela BOCK: *Equality and difference in National Socialist racism = Beyond Equality and Difference: Citizenship, Feminist Politics and Female Subjectivity*, eds. Gisela BOCK, Susan JAME, Routledge, New York, 1992, 89–109.
- 9 RÁCZ József: *Biopolitika = Biopolitika – Drogprevenció. Tanulmányok a kábítószer-fogyasztás megelőzéséről*, ed. BÍRÓ Judit, L'Harmattan – ELTE TáTK, Budapest, 2006, 13–14.
- 10 A commonplace example of this: a patient believes his or her doctor to have special knowledge, however the latmus test of how much the patient actually trusts the doctor, is how much he or she actually obeys the prescribed treatment. See: Paul F. SECORD – Carl W. BACKMAN: *Szociális hatalom. Szociálpszichológia szöveggyűjtemény*. Lengyel Zsuzsanna, eds. Osiris Kiadó, Budapest, 2002.
- 11 GÖNCZÖL Katalin: *A nagypolitika rangjára emelkedett büntetőpolitika*, Jogtudományi Közlöny, 5(2002), 197–205.; GÖNCZÖL Katalin: *Pesszimista jelentés a posztmodern büntetőpolitika klimatikus viszonyairól*, Mozgó Világ, 4(2010), 12–22.

common aims of crime prevention and social planning.¹² Even so, the Turkish government and local municipalities seem to perpetuate this fragmented and seemingly temporary situation. A further complication for prostitutes is that the state does not see them as integral parts of the country's bio-politics regime, leading to further difficulties in various segments of their everyday life.

In the following, I wish to examine the state of affairs of prostitution in Turkey, with regards to the relevant legal infrastructure and criminological theories. I look at how today's normative policies are rooted in the country's history, thus wishing to avoid an isolated and simplified perspective. My historic perspective is based on taking stock of ethical and religious principals found in the country's past, these being the most influential elements in the process of politicizing everyday societal interactions between members of Turkish society. I conducted interviews with ten men that regularly use the services of prostitutes. I received their explicit permission to quote them in this article and any subsequent works. I received the same permission from the men and women I interviewed, who were involved in operating illegal prostitution rackets, or were prostitutes themselves. I did not, however, receive permission to reveal any information about my interviewees working in legal brothels. I think this variety of responses reflect the bizarre anomalies surrounding prostitution in Turkey. Nonetheless, I did incorporate the interview materials from subjects working in legal brothels into this article anonymously.

Historic Background

Protection of the female body was an integral part of the nation building process in both the 19th century Ottoman Empire and the 20th century Turkish Empire. In relation to Ottoman abortion policies, Tuba Demirci and Selçuk Akşın Somel clearly state that in order to secure the uninterrupted supply of military recruits and in order to maintain the integrity of the nation, the regulation of the usage of female bodies was of utmost importance. Keeping this tradition in mind, the post-World War I Turkish state maintained similar abortion policies to those of the Ottoman era. The effects of this policy paradigm – so long embedded in Turkish society – lived on in the 21st century.¹³ Turkish social scientists focusing on Turkish sexual rights are usually highly critical of the country's education system as well. Their main point of contention is that the traditional family model presented to children during primary education normatively identifies women as the cohesive unit in family structures.¹⁴

In the pre-World War I period, many authors dealt with the "ungodly abortion tactics" employed by women. It is worth noting, however, that the topic polarized the

12 Raimo LAHTI: *Towards a Rational and Humane Criminal Policy? Trends in Scandinavian Penal Thinking*, *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 1–2 (2000), 145–146.

13 Tuba DEMIRCI, Selçuk Akşın SOMEL: *Women's bodies, Demography, and Public Health: Abortion Policy and Perspectives in the Ottoman Empire of the Nineteenth Century*, *Journal of the History of Sexuality*, September 2008, 418.

14 H. Burcu BABA: *The Construction of Heteropatriarchal Family and Dissident Sexualities in Turkey*, *Fe Dergi*, 1(2011), 56–57.

scientific community even back then. Salahaddin Asim discussed the role of women in Turkish society in 1989 and concluded that the high tendency for women to turn to abortion was in fact a response to the religious composition of Turkish society, which emphasized the importance of separating the two sexes.¹⁵ In his monograph, entitled *Ottoman Traditions, Ceremonies and Tradition*, Abdülaziz Bey argued that women living in Islamic societies understood the importance of preserving their honour above anything else, in the face of earthly pleasures. However, he did concede that Islamic societies, as any other society had, had their own deviants as well – in this case women, who did not accept such a perspective.¹⁶ Even though Bey's argument is undoubtedly idealized and biased, it is a fact that most present day Turkish prostitutes are indeed foreigners. This is well illustrated in policies following World War I, when the number of underground brothels skyrocketed in the parts of the country supervised by the allies. Supply and demand were equally high owing to the presence of a large number of foreign soldiers,¹⁷ especially in the former Ottoman capital city. Local authorities adopted a proactive supportive stance towards these illicit establishments in order to protect the dignity of Muslim women, and to make sure that sexual tensions were vented, thus to avoid the assaults against, and rape of the local populace.¹⁸

This was a sharp change in comparison to the policies of Osman Bedri Bey, police protectorate of Istanbul during the World War I, who launched a ruthless fight against the popularization and spread of prostitution. During his investigations he found that out of approximately two hundred suspects, the kingpin of the Istanbul prostitution scene was a Hungarian Jewish couple by the name of Julie and Anton Hirschfeld. Other Hungarian, Romanian and Odessa Jews were implicated as well.¹⁹ According to the work of Edward J. Bristow, most prostitutes working in Turkey at the time were trafficked into the country from the Russian port city of Odessa.²⁰ Local Jewish brothel owners knew Istanbul Jews operating brothels in the Beyoğlu district of the city. This Jewish prostitution network spanned from Istanbul to Alexandria. Police statistics from the early 1900s clearly document the Russian, Galician and Bukovinian origins of the women working the Egyptian streets.²¹ As a result of the clear Russian-Jewish connection, these entrepreneurs were eventually deported from Egypt and trafficking for prostitution was banned.²²

In Turkey changes in the prostitution landscape came only after the declaration of the Republic of Turkey in 1923. The new leadership closed down the brothels operating on the Asian side of Istanbul, and only allowed the continued operation of a selected

15 Salahaddin ASIM: *Osmanlı'da Kadınlig'ın Durumu*, Arba Yayınları, İstanbul, 1989, 56.

16 Abdülaziz BEY: *Osmanlı Adet, Merasim ve Tabirleri*, Tarih Vakfı Yurt Yayınları, İstanbul, 2000, 331.

17 Mark David WYERS: "Wicked" *Istanbul: The Regulation of Prostitution in the Early Turkish Republic*, Libra, İstanbul, 2012, 84–92.

18 *Ibid.*, 113.

19 Edward J. BRISTOW: *Prostitution and Prejudice, The Jewish Fight Against White Slavery 1870–1939*, Shoken Books, New York, 1982, 285.

20 *Ibid.*, 105–107.

21 *Ibid.*, 193–198.

22 Rifat BALI: *The Jews and Prostitution in Constantinople: 1854–1922*, The Isis Press, İstanbul, 2008, 54.

few establishments on the European side (Beyoğlu, Karaköy, Feridiye). These newly established red light districts were based on ethnic and religious cleavages. For instance, only Christian women were allowed to work in the Karaköy docks district, while Feridiye was reserved for Muslim prostitutes. However, as Beyoğlu was a multi-ethnic and multicultural district separating Karaköy and Feridiye, shared by Greeks, Jews and Russians alike,²³ it was open to women of any religion or ethnicity.²⁴

Only men were allowed to use services of prostitutes. They were, however, banned from taking part in brothel operations, and only women were allowed to open up (sex) shop. Christian brothel operators were known as *direktör* (director) while Muslim brothel owners were known as *teyzé* (aunt). Women were free to register as prostitutes after their 18th birthday, but according to a newspaper account that time, police officers tried to dissuade Muslim women from doing so.²⁵ The huge influx of Armenians – due to their continued persecution following WWI – also affected the market. While many Turkish families were willing to adopt Armenian children and raise them as their own, help was scarce for their widowed mothers. These women often took up prostitution.²⁶

The non-official doctrine of Turkish prostitution policy that time was to get Turkish women to quit the trade. If that was not possible, then the second most important (undeclared) aim of the authorities was to guarantee that Turkish women would only be visited by Turkish men. The fact that Muslim brothels were not allowed to open up shop in the port districts is also indicative of this goal. The designation of Muslim brothel owners as “aunts” is also indicative of the preservation of Muslim family ties.

The failure of the above described policy objectives became apparent by the ‘20s. Although there was an overall decrease in the number of registered prostitutes, the proportion of Turkish women showed a steady increase.²⁷ Government policies aiming to curb prostitution date back all the way to the formation of the Turkish state. The main source of international criticism toward the Ottoman Empire was centred on their acceptance of human trafficking and slavery, which were taxed by the state.²⁸ The new Turkish state tried to make some aspects of these activities controllable by, for instance, legalizing prostitution. However, the international community – mainly U.S.

23 In 1927 the League of Nations researched the women and child trafficking in which they stated that in Turkey the majority of brothels were led by people of Greek (90 brothel) and Armenian (40) descent. Muslims ran only five houses. The majority of the foreign brothels (42) were under the control of the Russian Church (22). Romanians (7), Greeks (6), Austrians (6) were in possession of a significant amount, and there was also a French-owned brothel. *Report of the Special Body of Experts on the Traffic in Women and Children*. Part I. League of Nations, Geneva, 1927. Quote: Mark David WYERS: *op. cit.*, 119.

24 Mark David WYERS: *op. cit.*, 113.

25 İstanbul'da Fuhuş MESELESİ: *Mecmuasının İçtimai Tetkiki*, Resimli Ay, 1928, 22.

26 Arlene Voski AVAKIAN: *A different future? Armenian identity through the prism of trauma, nationalism and gender*, *New Perspectives on Turkey*, 1(2010), 209.

27 Frank A. ROSS, C. Luther FRY, Elbridge SIBLEY: *The Near East and American Philanthropy*, Columbia University Press, New York, 1929, 174.

28 A government document from 1909 documents police demanding bribes from illegal brothels in exchange for letting them continue their operations. Anna SUSSMAN: *Turkey: The Brothel Next Door*, Pulitzer Center on Crisis Reporting. Source: <http://pulitzercenter.org/reporting/turkey-sex-trade-workers-prostitution-government-regulation-economy> (12.05.2012)

press – continued criticizing Turkish policies.²⁹ Although there was a significant time lag involved, even Turkish press eventually highlighted the large scale of corruption between brothels and authorities,³⁰ which eventually sparked a reaction from the state.

On March the 2nd, 1930, the government introduced its new policies (commented on by all the major newspapers: *Cumhuriyet*, *Milliyet*, *Vakit*) which rhetorically aimed at eliminating prostitution, but which *de facto* codified the status quo. According to the government decree, no new brothels could be opened, and illegal establishments had to be closed immediately. Additionally, legal brothels operating in the vicinity of mosques and schools had to be closed as well. Women who already had a valid registration could continue working in legal establishments, however, no new government permits were to be issued. Alcohol was also banned on the premises of these establishments, and all brothels were required to close at midnight.³¹

Altogether, we can say that the newly formed post WWI state first tried to regulate the prostitution industry. However, even after the failure of their initial policies, the state wanted to hold on to the informational "database" it had compiled from the registration and medical supervision of prostitutes. Altogether banning the entire industry would have raised questions about the competence of the police force for one, and it also would have gone against the initial reforms of Atatürk. Challenging his reform agenda would have sparked large debates and would have been politically unpopular.

The "protection money" collected by corrupt authorities from the Ottoman era, coupled with the stricter regulation most likely made operations quite difficult for foreign brothel owners operating in the country. We may also assume that with the decrease of legal prostitution, illegal operations flourished, and the number of Turkish women working in the trade continued to increase. In relation to later regulations, we can observe that the previously present positive discrimination of Turkish prostitutes not only stopped, but a new, negative discriminatory attitude was adopted by the authorities toward them (in comparison to foreign women). Ethnic and religious considerations undoubtedly played a part in this new attitude.

The Relationship between Religion and Prostitution

The Quran explicitly bans prostitution in all its forms.³² According to a 2007 survey, 67% of Turkish people think of the words "sin" and "crime" as being synonymous.³³ This implies two things. Firstly, that the interpretation of the law is based heavily on

29 "Wicked Constantinople as Seen by an American". *The Washington Post*, 10 June, 1923, 2.; "White slaves in Turkey". *The Washington Post*, 9 February 1880, 1.; "White Slave Trade". *The Los Angeles Times*, 2 January 1902, 3.; "Pitch of News from the Middle East". *The Los Angeles Times*, 15 November 1907, 6.

30 "Rüşvet Meselesinden Üç Polis Tevkif Edildi". *Milliyet*, 14 November 1933.; "Rüşvet İşi". *Milliyet*, 15 November 1933.

31 "Fuhuşla Mücadele Talimatnamesi". *Cumhuriyet*, 1 May 1930.

32 "And marry those among you who are single (i.e. a man who has no wife and the woman who has no husband) and (also marry) the Salihun (pious, fit and capable ones) of your (male) slaves and maid- servants (female slaves). If they be poor, Allah will enrich them out of His Bounty. And Allah is All-Sufficient for His creatures' needs, All- Knowing (about the state of the people)." 24. An-Noor (33), Quran, Helikon Kiadó, Budapest, 1987, 251.

33 Ayse ONAL: *Honour Killing – Stories of Men Who Killed*, SAQI, London, 2008, 253–254.

religious beliefs. A good example here is the case of "honour killings" where defendants often receive reduced sentences because of the embedded socio-religious belief that any male relative has the right to "cleanse" a sin committed by a woman (fornication out of wedlock, for instance) by way of murdering the sinner. The second implication is that religious beliefs are being reinterpreted with the help of legal instruments. Sharia and Kanun both permit having sexual relationships with women out of wedlock for men, if these women are their slaves. In this reinterpretation, men can justify prostitution by thinking of it as buying a slave for the period of the act, instead of paying for a sexual service. Although, to my knowledge, there is no study available on the formation of such perceptions, I make this claim based on the interviews I conducted with my clients. Eight of my interviewees openly admitted to sharing this belief, while two of my interview subjects only admitted to sharing the same way of thinking after my various attempts to make them confirm this. These were the only two interviewees who came from rural areas; the rest were born in Istanbul. All of my interviewees were between 20 and 30 years of age, and six of the ten were still completing their university studies, while the rest were already working. All of them were intellectuals.

There were two different legal systems within the Ottoman Empire: Sharia³⁴ and Kanun.³⁵ Both of these systems shared the understanding that prostitution was a crime. However, the prescribed punishments were different. While Sharia was keener on corporal punishment – including torture and mutilation – Kanun prescribed heavy fines for criminals. It should be clarified here that neither of the two systems actually recognized prostitution as such. They operate with the notion of "Zina" – out of wedlock fornication. If the parties involved in Zina were unmarried, then Sharia prescribed whipping as the appropriate form of punishment. However, if the parties were married then stoning to death was the appropriate remedy.³⁶ By law, Muslim men could only participate in sex acts with their wives or slaves. Masturbation was also permitted.³⁷

The Quran mentions and condemns the act of Zina three times. In the 17th Surah (Night Journey) Zina is mentioned as a sort of gateway crime that eventually leads to a criminal lifestyle. The same Surah also decrees³⁸ that if someone cannot support his or her accusation of Zina as committed by someone else with at least eight witnesses, then the accuser should receive 80 lashes. The Light Surah makes the third mention of Zina, prescribing 100 lashes as the appropriate punishment for those involved.³⁹ Although Turkish law⁴⁰ took account of all three mentions, it ignored the mention of (*fahişe*) in

34 *Ibid.*, 253–254.

35 Under the rule of Suleiman the Great (1520–1566) a harmonization of Sharia punishments and secular criminal codes started. In their secular versions, these punishments made reference to crimes against the state rather than God.

36 Elyse SEMERDJIAN: "Off the Straight Path" – *Illicit Sex, Law, and Community in Ottoman Aleppo*, Syracuse University Press, New York, 2008, 4.

37 There are several examples of the relationship between masturbation and birth control in these works. Basim F. MUSALLAM: *Sex and Society in Islam: Birth Control Before the Nineteenth Century*, Cambridge University Press, Cambridge, 1983, 15–33.

38 17. Al-Noor (33) Quran *op. cit.*, 199.

39 There is no differentiation between married and unmarried offenders here. This raises questions relating to Islam's legal practices.

40 For more detail see: Basim F. MUSALLAM: *op. cit.*, 7–22.

the 24th Surah, which is almost synonymous to the term prostitution, although "it is better understood as a word that refers to the continued exercise of the old custom of prostitution rather than adultery – something that Islam condemned all the same."⁴¹

According to the early new age research done by Elyse Semerdjian in Aleppo, out of 50 crimes involving prostitution, a family member was involved in 41% of the cases.⁴² (The number of crimes involving prostitutes is quite large, if we compare these statistics to some European numbers of the time.⁴³) These numbers allow us to hypothesize that if women brought shame to the family, then family members in most cases preferred to personally take care of remedying the shame. The same religious-cultural logic may explain the fact that authorities at the time were keener on prosecuting Muslim women.⁴⁴

All this leads me to believe that the 1930 rules regarding prostitution were not only enacted for rational purposes (keeping tabs on brothels, prostitutes and possibly the clients), but also because the state wanted to exert more control over Turkish women. At the same time, the increase in negative discrimination towards prostitutes may have been fuelled by the fact that men were banned from taking part in the business of operating brothels. This means that the family members of prostitutes, who were previously inclined to take part in the operation of brothels, were more exposed to challenges in broader society, as they had to find different occupations.⁴⁵ The stricter attitude of authorities may also be explained by the fact, that after the systematic decrease in the number of foreign prostitutes, Turkish women started to get involved both as brothel owners and as prostitutes. This meant that the comfortable explanation that Turkish women were just victims of foreign brothel owners was becoming less and less valid.

Legal Background

Paragraph 128 of the previously mentioned Public Health Law from 1930 (Law No. 1593) dealt with brothels and prostitutes for the first time. Detailed regulation, however, was only introduced in 1933 and it was in effect until 1961 (until a new constitution came into force). However, a Health Ministry decree from 1930 already defined prostitutes as: "women who receive monetary compensation from various men in exchange for providing (sexual) pleasure".⁴⁶ As this definition illustrates, only women could be considered as prostitutes. Transgender people were eligible to register as such, only after having completed the full transition to the female sex.⁴⁷ According to the law, prostitutes were allowed to work in three different kinds of places. Firstly, Article 16 mentions brothels

41 SIMON Róbert: *A Korán világa*, Helikon, Budapest, 1987, 116.

42 Elyse SEMERDJIAN: *op. cit.*, 120.

43 Alain Corbin: *Women for Hire: Prostitution and Sexuality in France after 1850*. Harvard University Press, London, 1986, 69.

44 This paper has no agenda to prove that most prostitutes were Turkish. 93% of investigative documents relating to prostitution make mention of Turkish women. Elyse SEMERDJIAN: *op. cit.*, 121–122. Of course, it is possible that special attention was given to Muslim women.

45 Mark David WYERS: *op. cit.*, 119–123.

46 Hasan Dursun: *Fuhşa ve fuhus hakkındaki temel türk hukuk normlarına genel bir bakış*, Türkiye Barolar Birliği Dergisi, 93(2011), 425. This law was amended in 1973.

47 Seks Ticareti Bilgilendirme Dosyası – 8. *Cinsel Eğitim Tedavi ve Araştırma Derneği (CETAD)*, Tarih, İstanbul, Source: www.cetad.org.tr/CetadData/Book/35/269201116920-bilgilendirme_dosyasi_8.pdf (2007)

and defines them as: "places where various prostitutes (*genel kadın*)⁴⁸ live and practice prostitution, or gather for the same purpose".⁴⁹ Article 17 mentions "closed places for gathering (*birleşme yeri*), that may be used for prostitution for short periods of time."⁵⁰ Article 18 talks of individual houses where women "practice prostitution individually". The law also deals with sanitary issues. Article 25 prescribes a general rule that women have to attend medical screenings every two weeks. However, for women between 18 and 21 years, the screenings are mandatory every ten days. This rule is enforced by sanctions as well. According to Article 100, if a brothel neglects to obey these medical stipulations, its operation might be shut down for one month. In the case of repeated offense, this may be raised up to two months. Article 29 defines prostitution as a final solution for desperate women, which produces an irreversible situation. Similarly, Article 62 speaks of the general necessity to rescue women (*kadın*) and virgins (*kız*) from prostitution if possible.

According to Article 57, women involved in prostitution may only refuse to work in case of illness. In all other cases they are required to obey the brothel leaders. Article 77 prescribes that children under 18 should not enter brothels. Although the laws do not explicitly forbid the entry of women into these establishments, during the six months of participant observation (I went to brothels on a daily basis) I never encountered any outside women in these brothels, who did not work in prostitution. The entrances of brothels were guarded by controllers mandated by the government. As one guard told me, they did not let women in, as they had nothing to do there.

Article 80 strictly forbids any marketing activities, with the exception of a minimal amount of neon lights, if the establishments are in dark streets or locations. In the Karaköy district, for example, most brothels were located next to car repair workshops and metal dealers. The walls of the brothels on the streets' side have to be two meters high, in order to prevent that people on the streets can look inside.

Article 94 stipulates that auxiliary staff members in brothels have to be at least 25 years old. In the case of women, the minimum age is 35. This is where we find some evidence of gender discrimination. If female auxiliary staff members are deemed to be attractive by the authorities, then police have the right to investigate whether or not these women are actually illegally working as prostitutes. If they find that this is the case, then these people may be arrested.

All other aspects of prostitution are regulated by the Criminal Code. Article 77 categorizes forced prostitution as a crime against humanity. Article 227 specifies the legally accepted forms of prostitution. According to the very first paragraph of this article, "if someone forces a child into prostitution (or assists to such an act in any way), he or she should be sentenced for 4 to 10 years in prison".

According to the second paragraph of the same article, "if someone encourages an individual to become a prostitute, helps her to do so in any way or form, provides a venue for the practice of prostitution, or is involved in any other act that serves his or her

48 Literally translated, it means "general woman"; however, this is the accepted denomination of prostitutes, instead of the word *fahişé*, which is considered to be more offensive (often translated as bitch).

49 Hasan DURSUN: *op. cit.*, 425.

50 Hasan DURSUN: *op. cit.*

personal enrichment, then he or she is should be sentence for 4 to 10 years in prison". According to the third paragraph, if someone "sends someone abroad, or brings someone in (to Turkey) with the intent to practice or facilitate any of the above, then the same sentences apply".

According to paragraph 5, the sentence has to be increased with a multiplier of 1.5 if the victim of the perpetrator is his or her: "wife, relative, teacher, trainer, doctor or any other person who is charged with the protection or development of the victim, or if he or she is a civil servant or any other person wielding state authority". The same multiplier applies if the crime is perpetrated in organized criminal manner – Article 6 – and if the perpetrator is a legal entity, then separate provisions apply.⁵¹ According to the closing article – Nr. 8 – "anyone who has been forced into prostitution is eligible for therapeutic counselling".⁵²

The legislation in question starts with discussing the morality of crimes committed against children. The special place allocated to this question in this law highlights that the principal aim of Turkish crime policy is to protect the integrity of future generations. The current Turkish constitution's paragraph 58 stipulates the responsibility of the Turkish State in protecting the youth from alcohol, drugs, gambling and other crimes. Knowing the history of Turkish prostitution policies, it is no surprise that Turkish laws are especially strict in providing protection for foreigners. The main focus of these laws is to disrupt the flow of human trafficking pipelines spanning from the Balkans to Egypt.⁵³ The law facilitates the expulsion of people from Turkey that enter the country in relation with human trafficking.⁵⁴

The paragraph 5 is designed to stop the re-emergence of Ottoman Empire-era practices. This clearly means that the secular Turkish state sees past practices and traditions as problematic as organized criminal activities. Finally, it is also important to make note of the fact that there are many civil organizations⁵⁵ and programs⁵⁶ that are designed to help the victims of trafficking and forced prostitution.

Research Findings Related to Prostitutes

In 2007, the centre for sexual education and the cure of related diseases (*Cinsel Eğitim Tedavi ve Araştırma Derneği; CETAD*) in conjuncture with the Mimar Sinai University published a study entitled *Sex Ticaret* that provided a broader overview of the Turkish prostitution industry. In that year, there were 56 brothels operating legally in Turkey,

51 In this case, the law either mandates the dissolution of the company, or a large fine.

52 Official Gazette, n. 25611. Source: <http://legislationline.org/documents/action/popup/id/6872/preview>

53 International media still sees the country in this fashion: UN highlights human trafficking. BBC News Source: <http://news.bbc.co.uk/2/hi/6497799.stm> (27.03.2007)

54 Pasaport Kanunu law - 5682/1950. Source: www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=1.3.5682&sourceXmlSearch=&MevzuatIliski=0

55 Pasaport Kanunu – law: 5682/1950. Source: www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=1.3.5682&sourceXmlSearch=&MevzuatIliski=0

56 This message even permeates popular Turkish TV shows. Therapy for rape victims with Turkish TV series. Hürriyet Daily News, Source: www.hurriyetdailynews.com/therapy-for-rape-victims-with-turkish-tv-series.aspx?page-ID=238&nid=15462 (08.03.2012)

and there were 3000 legal, registered prostitutes. A further 12 thousand women had official prostitution licenses, but claimed not to have any workplace at the time (i.e. they were inactive). All in all, this means, that there were 15 thousand registered prostitutes in Turkey in 2007. Administrative work regarding these women is divided between the regional government offices – *valili* – and municipalities – *belediye*.⁵⁷ The fight against prostitution, and the administrative tasks related to legal prostitutes are, somewhat perversely, the job of the regional government offices. The data that the study mentions – as cited above – comes from these offices. These offices register brothels and prostitutes alike, and they are also responsible for enforcing the health requirements as stipulated by law, and they also keep a separate list of solitary prostitutes under 21 years old.

On the basis of CETAD study the number of registered prostitutes is decreasing. In 2007, Istanbul only had 126 registered women. One of the possible reasons is that if a woman wants to move to a different city, and continue her work there, she has to register again. One very positive development – as highlighted by the prostitutes I interviewed – is the decrease in the number of forced prostitution cases. By all accounts, the number of women forced into prostitution by others has decreased dramatically in the past 30 years. This inversely means that the number of women entering into prostitution willingly has increased.⁵⁸

The Anti-Prostitution Committee is the regional body tasked with issuing new government licenses to brothels. The number of new licenses has practically dropped to zero in past years. This is one of the hottest topics in Turkish media. Indeed, many protests have taken place to demonstrate against this policy.⁵⁹ A detailed article published in the *Milliyet* newspaper on the Zürafa Street brothel found in the Karaköy district of Istanbul clearly shows some of the shortcomings of Turkish laws.⁶⁰ Firstly, the reporter was not allowed to go inside the brothel to conduct interviews with the women working there. She was only allowed to speak with the proprietor of the establishment. The proprietor told the reporter that the biggest problem for them was the *de facto* stop in the issuing of new licenses. This means that there are more or less 100 women for the 6 thousand daily crowds that frequent Istanbul establishments. Another point of conflict is the increased interest of real-estate developers in the Karaköy district. These developers are helped by the Committee mentioned above,⁶¹ although the official standpoint of this Committee and of the government is that brothels are not in danger of being closed.⁶² Regional Committees are organized by local citizens. Nonetheless, they are

57 *Valili* has gained importance compared to *belediye* over the past twenty years or so.

58 Seks TİCARETİ, *op. cit.*, 29–30.

59 Karaköy Genelevi'nde eylen. *Yeni Safak*, Source: <http://yenisafak.com.tr/gundem-haber/karakoy-genelevinde-eylen-07.11.2007-80258> (07.11.2007)

60 Karaköy genelevi kapatılıyor! Zürafa Sokak park olacak. *Milliyet*. Source: www.milliyet.com.tr/karakoy-genelevi-br--kapilarini--font-color-darkblue-kapatiyor---font-/gundem/gundemdetay/24.06.2009/1110210/default.htm (24.06.2009)

61 There is at least one similar example from Ankara: Hayat kadınları Başbakan'dan 'ev' istiyor. *Radikal*, Source: www.radikal.com.tr/turkiye/hayat-kadinlari-basbakan-dan-ev-istiyor-1064382/ (25.09.2011)

62 The irony of this statement is obvious considering the Committee had closed down two brothels just days before. Karaköy genelevi kapatılıyor! Zürafa Sokak park olacak. *Milliyet*. Source: www.milliyet.com.tr/karakoy-genelevi-br--kapilarini--font-color-darkblue-kapatiyor---font-/gundem/gundemdetay/24.06.2009/1110210/default.htm (24.06.2009)

tasked with representing government policies, since these Committees form part of the official state infrastructure.⁶³ According to the paragraph 26 of the Medical Decree dealing with prostitutes, these Committees are eligible to keep secret lists of all the women that have ever registered as prostitutes. According to this paragraph, the police can perform medical screenings on all women on such lists. In theory and practice this means that the police could even oblige women to take part in medical screenings, even if they have been inactive for several years. The cynicism of this Committee is highlighted by such policies. Although they do not help in providing the proper infrastructure necessary for women to continue working, they do assume that women that once registered as prostitutes continue working illegally.

According to the CETAD study, the fact that the women are under strict medical surveillance, and are less prone to violence is positive features of the Turkish system. Because of the high visibility of these women, the NGO sector has been especially active in helping and assisting prostitutes, mostly focusing on victim prevention tasks. The most negative features of the current system, however, is that although these women pay income taxes, they are not eligible to receive state medical insurance – as every other Turkish citizen is. Additionally, the children of prostitutes are not eligible to apply for certain jobs (mostly law enforcement). The paragraph 29 of the medical decree enforces this tendency, when it declares that “being a prostitute” is irreversible in the eyes of the law. Children of prostitutes have to face these restrictions due to the prostitution status of their mothers.

Women working in brothels are not allowed to choose their clients. The work hours of women are also set by the brothel. Prostitutes may only leave their resident cities with a special permit, and women working in Istanbul are legally obliged to live within the premises of the brothel. Another negative aspect of the system is that there is no paragraph dealing with these women in the labour codex – thus the fact that they are not eligible for healthcare benefits. The only medical service that they can use for free is sexually transmitted disease (STD) screening. This means that the legal protection of these women is very scarce. In the past years prostitutes have been fighting for the right to demonstrate in public areas and spaces.⁶⁴ Participants in these public protests are mostly women who work outside the legal system – i.e. as illegal prostitutes – and ex-sex workers. Legally registered women are only visible to government officials that have access to the lists. The CETAD study was the only study that had official access to these brothels.⁶⁵ The mentality of the state becomes apparent when considering the name of the government body that is responsible for the registration of women – the above mentioned Anti-Prostitution Committee. Even their victim protection policies are ambiguous: as mentioned above, these women have to live in the brothels where they work. Although it should be mentioned, that the broader anti-trafficking policies

63 Seks TİCARETİ, *op. cit.*, 30.

64 *Ibid.*, 3–4.

65 One of the best examples is to be found in the work: Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder. Turkey is the only country not dealt with in the report, since access to information was denied to the authors. *Journal of Trauma Practice*, n. 3–4, 2003, 33–74.

of the government provide educational and social services for those, who are forced into this trade.⁶⁶ The human rights cabinet of the Prime Minister's Office is responsible – among other things, like prevention of anti-Atatürk propaganda, and the fight against illegal gambling – for the evaluation of claims of forced prostitution.

Legal brothels are indeed in a very difficult situation. With the bans on alcohol consumption, gambling, night-time closing hours, etc. it is very difficult for these legal establishments to compete with illegal ones. Of course, the quasi-ban on the opening of new brothels also puts a limit on the competitiveness of legal establishments.

The operating procedures of the Anti-Prostitution Committee are also quite counterproductive in the fight against illegal establishments. Women between 18 and 21 years of age are only eligible to work in hotel rooms or private homes, but not in brothels. For this they need special permissions that may only be issued by the above mentioned commission, which has practically stopped issuing any license, as explained above. This has led to these young – and probably most desirable – women to work illegally, advertising "all night entertainment" online.⁶⁷ Another way of circumventing the law is hiding behind the façade of massage salons. The Beyoğlu district contains a high density of massage salons, where most of the women – according to my interviewees – are prostitutes from Russia, Egypt, Serbia and Romania.⁶⁸

The CETAD study also looked at illegal brothels. According to the estimate of the study, there were 85 thousand prostitutes working illegally in the country in 2007. Foreigners and men were not included in this estimate. In 2010, Aliye Kavaf, the minister responsible for women and families said that gays were sick people.⁶⁹ This one sentence is enough to affirm the notion that the government does not even consider the social integration of homosexuals and transgender people as one of the aims of their social policy. The Turkish criminal codex does explicitly say that discrimination based on sexual preferences is banned, there is no sanction prescribed for such discrimination. Furthermore, there is no specific law⁷⁰ against sexual discrimination, so employers can easily fire homosexual or transsexual employees without the fear of sanctions.

In Istanbul Tarlabası Street is the place to go if one hungers for the company of homosexual or transgender prostitutes. This street is located right next to the Beyoğlu district. Another curious place is the Avcılar neighbourhood located on the European side of Istanbul as well. This district is full of particular niche of sexual minorities, whose conflicts often result in violent fights with the surrounding Muslim inhabit-

66 Ministry of Foreign Affairs of the Republic of Turkey Source: www.mfa.gov.tr/turkey-on-trafficking-in-human-beings.en.mfa

67 A popular example www.escort24h.net/escorts/turkey

68 Interview with Atanur Koç, 2012, October 3rd; Interview with Mustafa Sabange, 2012. September 29th; Interview with Irem Gülşen, 2012. October 7th.

69 "Homosexuality is a Disease" says Turkish Minister". *Hürriyet Sunday Supplement*, Source: www.hurriyetdailynews.com/n.php?n=8216homosexuality-is-a-disease8217-says-minister-2010-03-07 (10.03.2010)

70 Discrimination on the basis of sexual orientation is not mentioned. *ECRI REPORT ON TURKEY (fourth monitoring cycle)*. Source: www.coe.int/t/dghl/monitoring/ecri/country-by-country/turkey/TUR-CBC-IV-2011-005-ENG.pdf (08.02.2011)

ants.⁷¹ Based on my interviews I surmise that the number of transgender prostitutes in Istanbul is more than one thousand. These people are heavily marginalized on the "labour market", but they have some islands of seclusion where they can practice their trade in secret. Two of my transgender interviewees – working in a secluded brothel on Istiklal road – admitted to me that authorities knew about their operation, but left them alone in exchange for a bribe each month.⁷² Since prostitutes here do not observe the laws, they are constantly in the windows, shouting and soliciting passers-by.

A further problem is the hidden agenda of illegal prostitutes. Many of them – especially those working in Osmanbey, North of Beyoğlu – want to be arrested by authorities, so they can stand before the Anti-Prostitution Committee, and present their cases. In the past the Committee regularly offered alternative jobs for illegal prostitutes that were arrested. However, in recent years the number of available jobs has dried up, so less and less women are being offered jobs.⁷³ The best solution would be bringing illegals into the legal work,⁷⁴ however, the Committee is still undecided on what to do. *Sevval Kılıç* – a former prostitute is attacking the government and the Committee publicly for this very reason, arguing that the Committee is contributing to the growth of unemployment instead of helping to create new taxpayers.⁷⁵

There are several widely held views on prostitution in Turkish society. Ayşe Tükrükçü, another ex-prostitute, wanted to stand for office (Member of Parliament) in order to represent the interests of prostitutes: "I stopped working in a brothel eleven years ago, and nothing has changed since then. They don't see us as humans! I wanted to represent women and their mothers."⁷⁶ She wants to put an end to the registration system, and she wants to get the Turkish state to minimize its presence in the industry. However, *Tükrükçü was not elected. Her overall stance may best be described as the liberalization of the Turkish sex industry. She wanted private companies to dominate the scene.*

Mehmet Şevket Eygi is a dedicated pro-republican public writer arguing for the complete ban on prostitution claiming that this would help authorities fight drug and burglary crimes associated with prostitutes today.⁷⁷ Those arguing for the ban of prostitution usually do not consider the possibility of vocational training for these women.

In any case, the government seems adamant not to modify any of their policies as of now. Indeed, many journalists speculate that the local Anti-Prostitution Committees are working in conjuncture with real estate developers to eliminate even the few legal brothels that exist today. However, a full ban is unlikely, as prostitution still provides a sizable chunk of revenue for the local municipalities and the government.

71 Nester is a TV program that gives account of the harassment of sexual minorities in Avcılar. <http://t.co/z1DaEre>

72 Interview with Mert Cetin, 2012. October 13th; Interview with Ozan Guney, 2012. November 24th.

73 Interview with Gokce Kaya, 2012. November 20th; Interview with Çiğdem Atalayman, 2012. November 12th.

74 Interview with Pinar Oğuzer, 2012. December 4th; Interview with Yıldız Çalışkan, 2012. September 30th.

75 Sibel Ateş Yengin: Seks işçileri kafalarına copla vurunca yok olmaz. *Aksam* Source: www.aksam.com.tr/pazar/seks-iscleri-kafalarina-copla-vurunca-yok-olmaz--159656h/haber-159656 (12.10.2013)

76 Bir kadının mücadelesi; Ayşe Tükrükçü. *Kadınlar Sokakta*. Source: <http://kadinlarsokakta.org/a/?p=114> (08.03.2011)

77 Mehmet Şevket Eygi: Vesikalı, Serbest, Resmî, KDV'li Fuhuş. *Haberkalem* Source: www.haberkalem.com/yazarlar/1031-vesikali-serbest-resm-kdv-li-fuhus.html (10.07.2012)

Summary

Turkish government policy is working on slowly dismantling the remnants of the legal Turkish prostitution industry. This is paradoxical, since illegal prostitution is much more competitive, popular and lucrative. Thus, the strict rules surrounding legal practitioners seem pointless. Dismantling the traditions of Atatürk have led to the state showing its paternalistic side trying to dissuade women prostitution, but by doing so they are actually forcing them into illegality. "Winning back" women into mainstream Turkish society, to serve the purposes of reproduction might be the underlying dogmatic aim of these policies, however, the real life results of these policies is that women, who try to make a living in the sex-industry, are finding themselves in an increasingly difficult and exposed position with limited public advocacy options. The government's policies and mentality is undermining the institutional framework that is supposed to help these vulnerable women.

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ABSZTRAKT

„Prostituáltak otthont kérnek a miniszterelnöktől” – a prostitúcióra vonatkozó török kriminálpolitika sajátosságai és történeti beágyazottsága

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A kutatás fókuszba a török prostitúció struktúrájának vizsgálata Törökországban, különös tekintettel Isztambulra. Egyéves empirikus kutatóprogram során vizsgáltam a legális prostitúció történeti beágyazottságát, amely révén a jelenlegi trendek sokkal inkább megérthetőek. Sajnálatos módon a török szociológia és kriminológia mind a mai napig figyelmen kívül hagyja a legális és illegális prostitúció megismerését. A kutatás arra kíván rámutatni, hogy a legális török prostitúció lassú elorvasztásán munkálkodik a kormányzati politika, miközben az illegális prostitúcióval szembeni versenyképtelensége, illetve az állam mint fenntartó által hozott szigorú rendelkezések a prostituáltak munkavégzésével kapcsolatban céltalanná teszik az egész tevékenység legális működtetését.

Kulcsszavak: prostitúciós szabályozás, transzgender prostitúció, török bordélyházak, biopolitika, közel-keleti kriminálpolitika