

International Norms and Women's Rights in Turkey and Japan

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Abstract: In 1985, the final year of the UN Decade for Women, 20 countries ratified the Convention on the Elimination of All Forms of Discrimination Against Women. In this article we examine the decisions of two non-western states' decisions to ratify the Convention as part of this flood of ratification: Japan and Turkey. We find empirical support for the main hypotheses advanced in the literature on norm cascades in international relations, but we also find important evidence that suggests that scholars must be sensitive to context in determining which states are "critical" in helping to bring about norm cascades.

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Recent scholarship on the relationship between international relations and international law has converged on two questions: why do states ratify international treaties, and how do those treaties influence the behavior of states? Scholarship from the constructivist tradition in international relations has suggested that large numbers of states can suddenly decide to ratify and implement a treaty when international norms underlying the treaty “cascade” across the international system (Finnemore and Sikkink 1998, 901). Rationalist scholars do not use the language of norm cascades, but they have pointed to the “the social and political costs of remaining aloof from a multilateral agreement to which most of their peers have already committed themselves” in explaining the social nature of treaty ratification (Simmons 2009, 13).

This paper addresses both of the above questions—why do states ratify treaties, and how do ratifications influence domestic policy—through an examination of the way that two countries responded to the same “norm cascade.” In 1985, the final year of the UN Decade for Women, 20 countries ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Why did these countries decide to ratify this treaty at this particular historical moment, and how did these ratifications influence the behavior of the ratifying states?

In this article we examine the decisions by two very different countries—Turkey and Japan—to ratify the Convention as part of this 1985 cascade.¹ We trace the process through which Turkey and Japan decided to sign and ratify the treaty, as well as the process through which aspects of the treaty were brought into domestic law in each country, through an examination of government documents, parliamentary debate

¹ Turkey went on to ratify the Optional Protocol in 1999 which, among other things, gives individuals the right to make complaints against Turkey to the international Committee on the Elimination of Discrimination Against Women. As of June 2010, Japan has not yet ratified the Optional Protocol.

transcripts, and secondary sources. Ultimately, we make three arguments. First, we argue that Finnemore and Sikkink's constructivist account of a norm cascade is useful in explaining the ways in which Turkey and Japan signed, ratified, and implemented the CEDAW. Second, we argue that the ratification of international treaties can cause states to alter their behavior in order to comply with those treaties. In particular, the legal language underlying a human rights treaty can cause domestic political changes in subtle but important ways. Third, we argue that scholars need to be sensitive to context in determining which states are "critical" in causing a norm to spread into particular countries. Elites in Japan and Turkey have a long history of debating the extent to which "westernization" is desirable, and both Japanese and Turkish elites looked "west" when debating signature and ratification of these treaties.² Thus, both Japanese and Turkish elites looked "west" when debating signature and ratification of these treaties. Scholars of international politics should pay careful attention to this kind of background when examining norm cascades.

This paper will proceed in four parts. First, we will review the literature on the human rights treaties in two parts: one focused on ratification, and the other focused how human rights treaties influence the behavior of treaty parties. Second, we offer a brief justification for selecting the cases of Japan and Turkey. Third, we examine the Turkish signature, ratification, and implementation of the treaty, and finally, we examine Japan's signature, ratification, and implementation.

² The "west" is an extremely geographically, politically, and culturally diverse region, including all of Europe, America, Canada, Australia, and New Zealand. However, the *idea* of "the west" is extremely important politically, both in countries traditionally identified as "western" and in those countries traditionally identified as "non-western." The importance of the *idea* of the west in Japanese and Turkish politics will be clear when one reads our case studies. Moreover, while CEDAW is an international treaty (not simply a western treaty), it will be clear in viewing our case studies that both pro- and anti-CEDAW forces in Japan and Turkey viewed the norms embodied in CEDAW as western norms. Finally, at least in the Japanese case

Why do States Ratify Human Rights Treaties?

Finnemore and Sikkink's influential 1998 article on norm cascades is more concerned with the spread of international norms than with the decision to ratify international treaties. However, they argue that large-scale treaty ratification can be evidence that a norm has spread (1998, 901, note 57), and they point to the widespread ratification of the Ottawa Treaty to argue that the norm against landmines has cascaded (1998, 901). Finnemore and Sikkink argue that norms cascade for three reasons. First, leaders push states toward adopting norms because the leaders want their countries to be seen as members of the club of states; they want "to demonstrate that they have adapted to the social environment—that they 'belong'" (1998, 903). Further, leaders desire esteem; "they want others to think well of them, and they want to think well of themselves" (1998: 903). Thus, norms sometimes work because leaders attach a particular identity to themselves—as leaders of "states" in the international system—and come to associate certain values and behaviors with that identity. Third, states adopt norms in order to establish domestic legitimacy (1998, 903).

Beth A. Simmons' (2009) book about domestic implementation of international human rights uses rational choice theory rather than constructivism, but she makes a similar argument regarding the importance of social pressures in convincing states to ratify international treaties. Simmons argues that social pressures are essential in convincing states to ratify treaties. While Simmons argues that states ratify treaties primarily because they have a commitment to the values in the treaty,

(t)he single strongest motive for ratification in the absence of a strong value commitment is the preference that nearly all governments have to avoid the social

and political pressures of remaining aloof from a multilateral agreement to which most of their peers have already committed themselves. As more countries – especially regional peers – ratify human rights accords, it becomes more difficult to justify nonadherence and to deflect criticism for remaining a nonparty. (Simmons 2009: 13)

In addition to these pressures arising through interaction with other countries, Simmons also argues that variation in domestic institutions, including “legal traditions, ratification procedures, and the degree of decentralization” also have a major influence on state decisions about treaty ratification (2009: 13).

While there is widespread agreement about the importance of social pressures in determining state decisions to ratify human rights treaties, there is less agreement about the relative importance of democracy. Theoretical and large-N studies of the determinants of human rights treaty ratification have produced contradictory findings about the relationship between democracy and the decision to ratify human rights treaties. Landman’s study of eight human rights treaties suggests that democracies are almost always more likely to ratify than non-democracies (2005, 88). However, while Simmons argues that democratization makes *compliance* with human rights treaties more likely (2009: 24-26), she also notes that the data is less clear on whether democracies are more or less likely to ratify human rights treaties in the first place.

Simmons’ data do suggest that mature democracies—those that have been around since at least World War II—are actually less likely to have ratified the Convention on Torture (CAT) and CEDAW than states that are not mature democracies (including newer democracies and non-democracies) (2009: 85). Similarly, Landman found that “fourth wave” democracies (democracies formed between 1990 and 1994) were more

likely to ratify human rights treaties (and to make fewer reservations) than other democracies (2005, 89-92).

These findings are consistent with Moravcsik's (2000) argument that the ratification of human rights treaties has a cost in terms of sovereignty, and that leaders are most likely to be willing to pay that cost when they are newly established democracies. This is because the leaders of newly established democracies can use the ratification of human rights instruments to “‘lock in’ and consolidate democratic institutions, thereby enhancing their credibility and stability vis-à-vis nondemocratic political threats” (2000: 220). However, Goodliffe and Hawkins' study of the CAT did not find any support for this argument that new or unstable democracies might be more likely to ratify than other states (2006, 365). In short, there is no consensus among scholars of human rights about the relationship between democracies and human rights treaty ratification.

Do Human Rights Treaties Matter?

If human rights treaties do not affect the behavior of member states, as some scholars claim, then the question of ratification is not all that consequential. Indeed, some scholars go farther than this, arguing that states that ratify human rights treaties might actually have worse human rights records than those that do not ratify. For example, Vreeland argues that “dictatorships that practice higher levels of torture appear more likely to enter into the UN Convention Against Torture than dictatorships with lower levels of torture” (2008, 83).³ Similarly, in a time series analysis of 17 regional and universal human rights instruments, Hathaway finds that after ratification, states either do not improve their human rights performance or their performance declines

³ Vreeland argues that this is a spurious correlation, and that the real cause is the strategic calculus of multi-party dictatorships, where leaders are both more likely to practice torture and more likely to ratify international treaties.

(2002, 2002-20).

In a statistical examination of six human rights treaties, Hafner-Burton and Tsutsui found further support for Hathaway and Vreeland's argument that the ratification of human rights treaties does not lead to better human rights performance, and actually can lead to worse performance (2005, 1395-98). However, they also found that states with a citizenry that is more involved with global civil society (measured by citizen involvement with INGOS) have better human rights records than those states with a less involved citizenry (2005, 1398). This latter finding is consistent with constructivist scholarship on the relationship between international society and human rights performance.

In an influential edited volume that uses constructivism to analyze the role of human rights treaties in domestic politics, Risse and Sikkink argue that a human rights violator might initially ratify a human rights treaty as a "tactical concession"; an attempt "to use concessions to regain military or economic assistance, or to lessen international isolation" (1999, 25). In short, states might ratify human rights treaties with no intention of complying. However, once states have ratified, they can be drawn into true (i.e. not merely instrumental) dialogue with elements of international and domestic society (1999, 29-31), and this dialogue can sometimes lead to rule compliance (1999, 31-35).

Simmons similarly argues that ratification of human rights treaties "can be important to popular mobilization to demand compliance" (2009, 15). Simmons also argues that ratification of human rights treaties can improve human rights performance through two other mechanisms. Ratification of human rights treaties can put new issues

on elite agendas, and ratification can “provide a resource for litigation should the government be less than eager to comply” (2009, 14).

Case Selection

The above survey of the literature on human rights treaties suggests three specific scholarly debates that our paper addresses. First, do socialization, identity, and/or the desire for esteem shape political leaders’ decisions to support new international norms? Japan and Turkey provide ideal empirical case studies for addressing this question. Despite stark differences in culture, religion, and levels of economic development, Japanese and Turkish political elites have, since the late 19th century (to varying degrees) adopted the west as a model for political, economic, and social modernization. The selection of these cases for closer analysis, therefore, provides us with two instances where political leadership has self-consciously identified with goals of modernization understood as westernization. Finnemore and Sikkink’s account of norm cascades suggests that, in countries with such a history of looking west, we should expect to see leaders justify the decision to ratify CEDAW by referring to the desire for the esteem of the west and/or the importance of identification with the west. If we do not find such evidence in examining the Japan and Turkish cases, then that would suggest that Finnemore and Sikkink’s theory of norm cascades is not analytically useful in explaining human rights treaty ratifications.

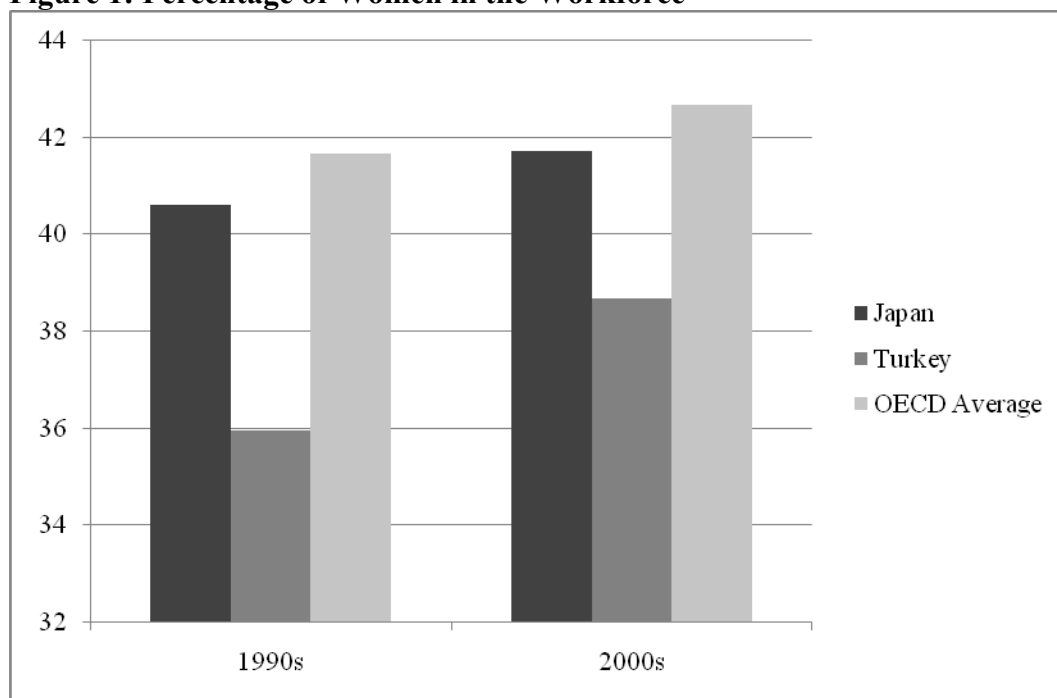
Second, is there a difference between the way that democracies and a non-democracies approach human rights treaties? In 1985, Japan was a democracy that protected civil and political rights, and that had held free and fair elections since the end

of the American occupation in 1952.⁴ Turkey, on the other hand, was emerging from a period of military rule, part of whose legacy involved forced depoliticization of civil society, and the imposition of an illiberal constitutional framework. How did these differences influence the way that each country approached CEDAW?

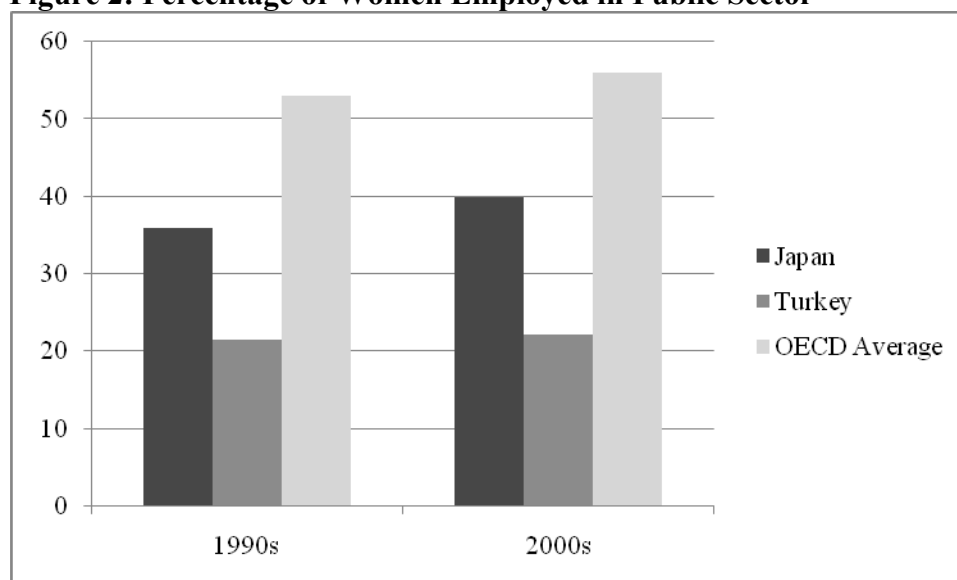
Third, do human rights treaties cause ratifying parties to improve their human rights records? Regarding this latter issue, both Turkey and Japan are hard cases for the argument that CEDAW leads to improvement in women's rights in ratifying countries. In her examination of Japan, Simmons cites Alice C. L. Lam's suggestion that "Japan is often regarded as representing an extreme case of sexual inequality" (2009, 237). And, in the Turkish context, Yeşim Arat recently concluded, "As close observers of Turkish politics note, the poor human development record of Turkey is mainly due to lack of women's empowerment" (2008, 418). Both Japan and Turkey have relatively small numbers of women in parliament; as of 2010, only 13.3% of legislators in Japan and 9.1% of legislators in Turkey are women. Both of these figures are substantially lower than the OECD average of 26.2% women legislators.⁵ Moreover, as **Figure 1** and **Figure 2** demonstrate, women in Japan and Turkey make up smaller percentages of the total labor force and the public sector labor force than women in the average OECD country. A cursory glance at Japan and Turkey thus suggests that these countries are both relative outliers among members of the OECD in the status of women in politics and society. Thus, if we can show that, even in these countries, CEDAW had an important impact in

⁴ Japan held elections with partial male suffrage as early as 1890 and Japan had also held elections between 1945-1952, under the American occupation.

⁵ Data from Inter-Parliamentary Union 2010. We calculated the percentage of women legislators in countries with two legislative chambers (such as Japan, but not Turkey) by dividing the total number of seats in each house by the total number of seats held by women.

Figure 1: Percentage of Women in the Workforce⁶

Data from Ross 2008

Figure 2: Percentage of Women Employed in Public Sector⁷

Data from International Labor Organizations 2010

⁶ Data for 2000s ends after 2003.

⁷ OECD data excludes Iceland, Austria, Czech Republic, France, Hungary, New Zealand, and the United Kingdom. Icelandic data was not available through the ILO, and the other countries did not provide a gender breakdown for their public sector employment numbers.

promoting women's rights, this will lend support to the argument that human rights treaties have the potential to improve human rights performance.

Norms and Behaviors: the Ambiguous History of Women's Rights in Turkey

The adoption by the government in Turkey of international norms regarding women's rights presents an interesting case for examining the strength of these theoretical discussions. Indeed, the oppression of women has been an important political concern dating back to the late Ottoman period. Advocates for the Tanzimat reforms (1839-1876) saw women's oppression as "an obstacle for the modernization of the Empire" (Gündüz 2004, 115). While these reforms contributed to a growing debate and a number of publications that explored the goal of women's education contributing to the emergence of a "'civilized' and 'western' population" (Gündüz 2004, 115), it wasn't until the foundation of the Turkish Republic in 1923 that major reforms designed to equalize the status of women began to take hold.⁸ In its earliest years, state officials promoted women's right to vote (first in local elections in 1930 and then in national elections in 1934)—without the prior emergence of a women's suffrage movement. State officials also sought to discourage both men's and women's Islamic dress,⁹ and sought to encourage women to take a role in shaping the emerging nation-state.¹⁰ In addition, Family Law reforms in 1924 sought to secularize and 'modernize' regulations governing marriage. Yet, during the period when a core group of western states sought to implement a UN convention designed to enshrine women's rights as human rights, Turkey did not

⁸ On the role of the 'woman question' in the Tanzimat period, see also Kandiyoti (1991, 22-28).

⁹ The so-called hat revolution of 1925 banned the fez for men and actively discouraged, although never outright banned, the veiling of women.

¹⁰ Çelik, for example, cites the Turkish ideologue, Ziya Gökalp's argument that "women could become a ruler, a commander of a fort, a governor, and an ambassador" (2004, 3). In addition, Halide Edib's novel, *The Shirt of Flame*, celebrates the role of women in the Turkish War for Independence. Moreover, as Zehra Arat makes clear, "the education and participation of women were seen as tools for national development" (1994, 59).

take a lead role. Rather, Turkey did not ratify the convention until 1985, the final year of the UN's Decade for Women. Yet, despite Turkish ratification of the convention, several indicators of inequality, including lower levels of political representation, higher levels of illiteracy, lower levels of workforce participation, and persistent concerns with violence against women, remain. Moreover, while these inequalities are not unique to Turkey, the lack of state action in the face of both persistent indicators of gender inequities and protest from women's groups raises questions about the extent to which ratification truly meant the adoption of international norms of women's rights as human rights by the Turkish state.

We argue that Turkey's decision to ratify CEDAW in 1985 both confirms the utility of international relations theory that focuses on the importance of norms and norm cascades, as well the supplemental arguments offered by Risse and Sikkink regarding the importance of domestic pressure on the implementation of international norms. The period prior to the adoption of CEDAW corresponded to a highly repressive moment in Turkish politics and there was virtually no civil society activism in Turkey before the state ratified the convention. Thus, Turkey's adoption of CEDAW reflected a concern for international legitimacy, reputation, and esteem that Finnemore and Sikkink suggest is the hallmark of a norm cascade (1998, 895). What spurred the regime's adoption of CEDAW was, therefore, the desire to remain aligned with European and western views on women's rights as human rights, especially given the historical desire of Turkish political leaders gain acceptance as part of the European community of nations.¹¹

¹¹ That elites within the Turkish political system desired to gain acceptance as part of Europe is demonstrated, for example, by Turkey's participation in NATO (1952); application for associate membership in the European Economic Community (1959); and the signing of the Ankara Agreement (1963), which created a customs union and pathway toward eventual Turkish membership in the EEC.

Still, the evidence from the Turkish case highlights the way adoption of an international norm differs from an actual change in behavior. Women's rights have often been adopted by the Turkish state without an accompanying effort to change social and cultural sources of patriarchy. CEDAW, it turns out, was no exception.¹² Moreover, for the Turkish case, domestic politics may matter more than international mechanisms for forcing a change in actual behavior. Indeed, the objections of the Turkish state to articles 15 and 16 of the convention—which contradicted existing Turkish laws governing marriage and family life—as well as the lack of enforcement of CEDAW, suggest that norm cascades ought to be examined carefully to see the extent to which they represent the real adoption of a norm with an accompanying change in behavior, and the extent to which the acceptance of a norm is merely cosmetic or strategic.¹³ In the end, we argue that the Turkish case highlights the importance of domestic politics for changing state behavior even after a tipping point is reached and a norm begins to cascade.

Turkey, as scholars and journalists are fond of pointing out, is geographically, culturally, and politically a bridge between two worlds. Almost 99% of the Turkish population are Muslim, and exhibit high levels of religiosity (Kuru 2006, 150). Moreover, the Ottoman Empire ruled as the Islamic hegemon over much of the Middle East (and a good portion of Europe) for hundreds of years. Yet, since the founding of the republic in 1923, Turkish politics has been dominated by a secular elite who have looked to the west and Europe as a model for appropriate behavior. The struggle over Turkey's

¹² See, for example, Yeşim Arat's (1997) discussion of the rise of a radical feminism in Turkey during the 1980s, which questioned the extent to which early Republican reforms had, in fact, liberated Turkish women. Zehra Arat, too, concludes of early Republican reforms: "the goal is not to free women from social control, but to transform Turkey into a 'civilized nation' acceptable to the West" (1994, 61).

¹³ Among the legal provisions that Turkish officials were concerned about were those that gave husbands greater legal power in marriage; that provided husbands the ultimate right to choose where to live; that required wives to assume their husband's surname; that made wives responsible for household management; and that privileged husbands in cases of disputed parental authority (Ç 2004, 4-5).

national identity has contributed to a stream of conflicts over ethnicity, secularism and religion, class differences, and so on. Indeed, Turkey has experienced vigorous domestic debates about the relative merits of westernization and cultural preservation. Women, symbolically, and in actuality, have been at the center of a number of these debates. Consequently, Turkey represents an interesting case when it comes to the adoption of norms of human rights in general and women's rights in particular. The Turkish case allows us to explore the struggle to implement westernizing and modernizing reforms amidst a population with 'non-western' cultural roots.¹⁴

To be sure, Turkey's relationship with human rights differs from other non-western countries. The adoption of Europe as a model for progress has meant that human rights have not been perceived by political leaders as form of cultural imperialism.¹⁵

Indeed, Yeşim Arat has pointed out,

The concept of human rights has been seen in many non-western countries as a tool of western colonialism, used self-righteously by western countries to criticize non-western ones for human rights abuses. The Turkish case, however, is different. Even though one could depict a complicated love-hate relationship between the Turks and the West, it is also true that Turks began to adopt European ways following their failure to conquer Europe in the 18th century (2001, 27).

In short, there is no fundamental incompatibility of norms of women's rights as human rights and the self-perceptions of political elites in Turkey. The early history of Kemalist reforms, for instance, brought a host of *de jure* protections for Turkish women.¹⁶ Thus, it is not surprising that Turkey, a Muslim country with roots in both western and non-western worlds, would move to ratify the Convention on the Elimination of all Forms of

¹⁴ The link between westernization and modernization, especially beginning with the 19th century reform movements in the Ottoman Empire, as well as the complexity of what these terms meant in actuality, is a central theme of Hanioglu's (2008) analysis of the late Ottoman Empire.

¹⁵ See, for example, Sirman (1989, 3-4)

¹⁶ The term Kemalism draws its name, of course, from Turkey's first President, Mustafa Kemal Atatürk.

Discrimination Against Women. Still, Turkey was not quick to adopt the convention, signing on in December of 1985, as one of the last countries to do so prior to the close of the UN's Decade for Women.

Women's Rights and the Kemalist Project of Modernity

The Turkish Republic emerged out of a tremendous period of social and political upheaval that included: the collapse of the Ottoman Empire, the devastating losses of World War I, population relocations, violent conflict over Armenian nationalism, and the Treaty of Sèvres, which resulted in the occupation of land in what was to become Turkey, by the Entente powers. Within this climate of upheaval, the nationalists began to refine the ideological principles that were to constitute a new Turkish nation. The ideological foundation of the Turkish Republic represented a rejection of tradition and religion, which was associated with the failures of the Ottoman past, and instead advanced a modern, secular, European vision for the future.¹⁷

The effort to advance this modern, secular vision was carried out through a series of modernizing and westernizing reforms known as the Kemalist project of modernity.¹⁸ Women played (at least symbolically) an important part in the practices that constituted this effort to create a modern republic. Indeed, Ayşe Güneş-Ayata argues that, "The reforms involving women's rights were some of the most important, if not the most important attempts to break away from the Muslim world and turn toward the West" (2001, 157). For instance, Turkish women were granted the right to vote in 1934,

¹⁷ On the history of the emergence of Turkey from the Ottoman Empire see, for example, Zürcher (2004, Chapters 10 & 11), as well as Çağaptay (2006).

¹⁸ The term Kemalist project of modernity is widely used to describe the reforms imposed by early Turkish Republican leaders. Reference to the Kemalist project of modernity proliferate throughout Sibel Bozdoğan and Reşat Kasaba's edited volume, *Rethinking Modernity and National Identity in Turkey*, several articles from which this paper draws upon.

ostensibly to prove the Turkish national commitment to modernity and westernization, and as a marker of a radical separation from the Ottoman past (Kandiyoti 1991, 23).¹⁹ The right to choose one's spouse, to initiate divorce, and for equal primary education were among other legal rights granted to Turkish women with the adoption of a new Family Law in 1924 and the Swiss Civil Code in 1926. Zehra Arat (1994) also notes that women were brought into the Kemalist project through a discourse of republican motherhood. Thus, Arat argues that Kemalist reformers, and Mustafa Kemal Atatürk himself, assigned to women the task of obtaining a modern education so as to better enable women to "bring up children with the necessary qualities and develop them into active members for life today" (quoted in Arat 1994, 60). In short, women, as mothers, were to inculcate in their children the values of Kemalism.

While these reforms did have important benefits for some Turkish women, patriarchy in much of Turkish society remained untouched. Thus, as Zehra Arat points out, "In spite of these reforms, the Kemalist state continued to employ a traditional definition of female roles and emphasized reproduction and child care as the primary functions of women" (1994, 72). This symbolic feminism, Arat concludes, treated "women as symbols and as tools of modernization and Westernization, rather than as the equal and full partner of men" (1994, 72). In the end, "While women were given civil and political rights equal to men in the 1920s and 1930s, they remained confined by communal norms and customs" (Gündüz 2004, 107). According to Kandiyoti, because these reforms were largely symbolic, they did not confront "the most restrictive and oppressive controls over female sexuality," and consequently it has appeared that for

¹⁹ The right for women to vote was extended first at the local level in 1930, and then at the national level in 1934, without a prior emergence of a women's suffrage movement.

most of the twentieth century Turkish women were emancipated, but not liberated (1987, 333). That is, while legal reforms seemed to emancipate women from legal impediments to their participation in the public realm, cultural practices continued to affect women in patriarchal ways in the private sphere.²⁰

CEDAW: Turkish Ratification and (non)Compliance

To reiterate, given the choice to turn to Europe and the west as the model for the Republic of Turkey, it is not very surprising that Turkey chose to ratify CEDAW.

Women's rights have played an important role in Turkey as a mechanism for confirming the identity of the state as a member of the modern, western, secular, European world dating back into the 19th century. And, in fact, members of the Turkish Foreign Affairs Ministry helped draft the language of the Convention (Acar 2000, 205).²¹

Although some Turkish scholars and activists who were engaged in feminist activism at this time suggest otherwise, the preponderance of evidence seems to point against the importance of domestic pressure in causing Turkish ratification.²² For example, Feride Acar, a professor at Middle East Technical University in Ankara, who was once selected as a member of the UN's Committee on the Eradication of all forms of

²⁰ To be fair, Kandiyoti ultimately argues that this simplified understanding of women as emancipated but not liberated is an oversimplification that fails to fully account for the agency of women even in seemingly patriarchal relationships.

²¹ According to Acar, officials within the Foreign Affairs Ministry thought that actions in support of women's rights were the "'proper' line of conduct to be followed by a state where, since the establishment of the Republic by Mustafa Kemal Atatürk in 1923, official state ideology had loudly articulated a discourse on women's equality with men and their right to be free from sex-based discrimination" (Acar 2000: 205). Participation with the drafting of the document seems to suggest a higher level of engagement with norms of women's rights as human rights. Thus, the lack of full implementation by the Turkish government is quite perplexing, and suggestive of the adoption of this norm in name only. This, of course, just drives home the point we emphasize below that it took domestic pressure prior to the state's full implementation of norms of women's rights as human rights.

²² This argument that women's activism was important for Turkey's signing and ratification of CEDAW was advanced by Nadide Karkiner in a personal interview with one of the authors in July 2008. Urun Güner also expressed these views in a recent interview for the website, Vital Voices: "In 1985, CEDAW was signed and ratified in parliament with great help from international lobbying efforts and the advocacy of the few women's organizations in the state."

Discrimination Against Women, has concluded, “While there is no clear evidence of any large scale civil society efforts, originating from women’s groups or anyone else, that specifically contributed to the ratification of CEDAW by Turkey there is evidence that the Convention was known and discussed in intellectual and feminist circles prior to ratification” (2000: 205). The lack of domestic political pressure during the ratification stage is not entirely surprising given the nature of the Turkish regime during the early 1980s. In September 1980 the Turkish military responded to political and social conflict, which had become increasingly widespread during the previous decade, with a full-scale intervention. In the months that followed the September 1980 military intervention, the National Security Council implemented a series of decisions designed to curb social activism and purge the political system. For instance, the military junta closed several labor unions, imprisoned thousands of activists, disbanded all existing political parties, restricted past political leaders from holding office, and forced through a new (and highly restrictive) constitution by severely limiting the ability to organize opposition to it during the 1982 national referendum. Thus, while civilian rule returned in 1983, the military coup of September 1980 had gone a long way toward curbing civil society and social movement activism in Turkey. Although Turkey today hosts a vibrant civil society, and has experienced Kurdish, Islamist, and feminist social movement activism (in addition to a resurgent labor movement in recent years), similar examples of widespread activism were not to be found during and immediately following the 1980 coup.

The 1980 military coup affected Turkey’s ratification of CEDAW in other ways. Since officials within the Turkish state participated in the drafting of the UN’s Convention, it seems surprising that the Turkish government did not move sooner to sign

and ratify the document. Yet, as Acar points out, “The delay has largely been attributed to the presence of the military rule during part of this period and its after effects” (2000: 206). Nonetheless, beginning in late 1984, the Turkish government began the process of ratifying the Convention.

On 24 April 1985, the Ministry of Foreign Affairs provided the members of parliament with a justification for why Turkey should adopt CEDAW (see TBMM Tutanak Dergisi 11 June 1985). In this justification, the Ministry of Foreign Affairs made clear that the Convention was designed to prevent discrimination based on gender in economics, politics, social and cultural fields, in social life, and in other aspects of life where fundamental human rights and freedoms apply. Moreover, the justification pointed out that countries that sign onto the Convention must carry out equality between men and women within their laws. The justification acknowledged that some of Turkey’s existing laws ran counter to the Convention, but that in following the example of other countries, Turkey could sign onto the Convention with reservations, as long as these reservations were made explicit. In particular, the justification stressed that changes would have to be made to Turkish citizenship laws so that women could have the same rights to gain, change, or keep their citizenship as men, and pointed out that reservations might need to be placed on parts of the Convention that ran counter to Turkish civil code dealing with marriage and family matters. For the most part, then, parliament’s own justification of the Convention provides little definitive explanation for why Turkey moved to support the convention when it did.

The Report of the International Commission of the Turkish Parliament added its take on these issues on 16 May 1985 (see TBMM Tutanak Dergisi 11 June 1985). This

document, too, does not provide a clear rationale for Turkish support of CEDAW.

Rather, the Commission's report focuses more on the need for the Turkish government to be committed to carrying out the principles of the Convention. Thus, while there is a clear recognition of how adopting these norms of women's rights as human rights must necessarily affect the behavior of the Turkish state, there is no clear justification for supporting such norms in the first place.

On 6 November 1985 the Turkish parliament ratified CEDAW with near unanimity.²³ Prior to the vote, debate was asked for on each separate article of the Convention (see TBMM Tutanak Dergisi 11 June 1985). With the exception of Faik Tarımcıoğlu, from the Nationalist Democracy Party, no members asked to speak on the merits or drawbacks of the Convention. Tarımcıoğlu's remarks expressed uncertainty about the Convention, but did not necessarily provide any explanation for why parliament should either support or reject it.²⁴ Consequently, as Acar summarizes, "there was not a significant or 'heated debate in the [Turkish parliament] during the ratification of CEDAW" (2000, 206). In addition, Acar points out that there was no press coverage of Turkey's ratification of the Convention (2000, 206). Such a lack of fanfare may reflect how little Turkish politicians and journalists felt CEDAW differed from prior commitments to women's rights in Turkey.

On the other hand, the decision to ratify the convention in 1985 can feasibly be explained by considering the stance taken on CEDAW by the European countries most

²³ The final vote reports 326 in favor; 4 opposed; 1 uncommitted.

²⁴ Toward the end of his remarks, Tarımcıoğlu suggested that adoption of CEDAW might require real changes within the Turkish political system. For instance, more women would have to be placed in positions of political power ranging from the public prosecutor's office to the police and the parliament. Such gender equality might be acceptable in other countries; however, he warned that in Turkey there are villagers and other rural individuals whose conservative views might see such developments as disgraceful ("ayıp").

critical to Turkey's self-image. Of the ten members of the European Community, nine had signed CEDAW prior to 1985, three had ratified the Convention prior to 1985, and three more moved to ratify the convention in 1985.²⁵ Table 1 provides an overview of how European Community countries responded to CEDAW. With a critical mass of Western European states signing on to CEDAW, the desire of leaders within the Turkish state to be identified with the modern, European world virtually assured Turkish ratification.

Table 1: Breakdown of European Community signature to and ratification of CEDAW.

EC countries that signed CEDAW prior to 1985	
Belgium – 1980 France – 1980 Greece – 1982 Luxemburg – 1980 United Kingdom – 1981	Denmark – 1980 Germany – 1980 Italy – 1980 Netherlands - 1980
EC countries that signed and ratified CEDAW prior to 1985	
Denmark – ratified in 1983 Greece – ratified in 1983	France – ratified in 1983
EC countries that signed and ratified CEDAW in 1985	
Ireland	Turkey
EC countries that ratified CEDAW after 1985	
Luxemburg – ratified in 1989 United Kingdom – ratified in 1986	Netherlands – ratified in 1991

The important influence of prior CEDAW ratification by most major European and western nations is noted by Günseli Berik and Zuhale Gündüz, among others. Concerning the decision to ratify CEDAW, Günseli Berik argues, “The ratification of CEDAW was a defensive move on the part of the Turkish government, which was responding to the heightened international and domestic debate over women's issues and

²⁵ Only Ireland hadn't signed the Convention prior to 1985. However, like Turkey, Ireland both signed and ratified CEDAW in 1985.

rights ushered in by the U.N. Decade for Women” (1990, 82-83). Moreover, she concludes:

It is probably more accurate to attribute the government’s move to international than domestic pressures from the feminist movement which became more active, vocal, and visible in its demands after 1985 In acceding to CEDAW and demonstrating its commitment to the improvement of women’s status, the government’s primary aim was to bolster its bid for membership in the European Community. (1990, 83)

Zuhal Gündüz concurs, arguing that the ratification of the Convention “was mainly due to international pressure and concern about the international reputation of the country” (2004, 128). By ratifying CEDAW, Gündüz argues, “Turkey tried to present a positive picture, in order to justify the request for membership in the European Community from 14 April 1987” (2004, 128).²⁶ For her part, Acar believes the ratification of CEDAW represents part of the larger process of political and economic liberalization begun with international pressure prior to, but accelerated by the 1980 military coup.²⁷

In essence, it appears that the Turkish state acted precisely in the manner predicted by Finnemore and Sikkink’s understanding of how norm cascades operate. Confronted with the reality that states it identified with had already moved to adopt this new international norm governing women’s rights, and with the longstanding desire to gain full acceptance into the community of European nations, Turkey could not afford to refrain from supporting what was fast becoming a widely accepted international norm.

Yet, despite ratifying CEDAW, one can question whether ratification in this case signaled a real change in behavior that one would expect with the adoption of a norm.

²⁶ Güneş-Ayata presents a slightly modified view of this. While not specifically challenging the importance of acting like a European state, Güneş-Ayata argues that Turkey took until 1985 to ratify the Convention only “because of political instability that came with the 1980 coup in Turkey” (2001, 162).

²⁷ Acar writes, “this is a period when Turkey ratified several international and regional human rights instruments and pursued a clear policy of political and economic integration with the West, the attempt to ratify CEDAW can well be seen as a part with the government’s overall strategy of liberalization” (2000, 206).

The Turkish state's commitment to norms of women's rights as human rights can be questioned on three grounds. Foremost, at the time of ratification, the Turkish state placed reservations on two aspects of the convention that were deemed contrary to Turkish law. Specifically, the Turkish reservations involved a conflict between certain aspects of family and penal law and articles 15 and 16 of the Convention. For instance, the Turkish Civil Code, in contradiction to the demands of CEDAW, continued to identify the husband as 'head of the union' (Berik 1990, 88). These reservations, consequently, reveal hesitance on the part of some Turkish state actors to fully embrace international norms of human rights, especially if that might entail challenging entrenched cultural traditions. Indeed, despite promises to lift the reservations, and the drafting of legislation that would make Turkish law fully compliant with the Convention, the reservations were not actually removed until 1999.

In addition, the lack of serious enforcement and limited resources put toward implementation lead one to question the extent to which the Turkish state adopted this international norm expressing women's rights as human rights for anything but tactical or strategic reasons. For instance, Güneş-Ayata points out that the cabinet post created to oversee compliance with CEDAW—a post, which was not set up until 1990—the Department General for the Problems and Status of Women, has always been underfunded and led by middling members of parliament (2001, 162).

Finally, international organizations have repeatedly chastised Turkey for not doing enough to enhance women's rights. On a number of indicators, women in Turkey fare more poorly than their male counterparts. Indeed, Turkish women are overly

represented in the ranks of the poor and under represented in the ranks of parliament.²⁸

Women in Turkey, as their peers the world over, own less money, land, property, and wealth than their male counterparts.²⁹ In fact, the economic power of women in Turkey is underappreciated as two-thirds of women perform unpaid family labor (both in the agricultural and informal sectors) (Hablemitoğlu 2006, 59). Women in Turkey have and continue to suffer from education inequality. In a brief article published in 2005 by the daily newspaper *Akşam*, Cengiz Hortoğlu pointed out that 30 out of every 100 Turkish women still cannot read or write. Table 2 illustrates the persistence of gendered educational inequality over time.

Table 2: Percentage of male and female children in school in Turkey (Hablemitoğlu 2006: 127 & CIA World Factbook).

Year	Girls	Boys
1935	9.8	29.4
1940	12.9	36.2
1945	16.8	43.7
1950	19.5	45.5
1955	25.6	55.9
1960	24.8	53.6
1965	32.8	64.1
1970	41.8	70.3
1975	50.5	76.2
1980	54.7	80.0
1985	68.2	86.5
1990	72.0	88.8
2004	79.6	95.3

Consequently, as late as 2004, the EU continued to highlight persistent gender-based inequities in pay (Gündüz 2004, 128). In its report, *Women 2000: An Investigation*

²⁸ Şengül Hablemitoğlu points out that in 2006 women made up only 4% of the members of the Turkish Grand National Assembly (2006, 39), and Yakın Ertürk points out that women's workforce participation rate is low (and decreasing) and that the unemployment rate for urban women is "more than double that of men" (1997, 36-37).

²⁹ Part of this inequality in Turkey results from women's status as housewives, where their work at home and in the informal economic sector goes unrecognized by indicators of economic power. "In Turkey," she writes, "here are more than 12 million 'housewives'" (2006, 51).

into the Status of Women's Rights in Central and South-Eastern Europe, the International Helsinki Federation for Human Rights concluded that "one cannot ignore the persistence of patriarchal customs that are frequently tolerated by the law" (2000, 443). And, in January 2005, the organization, Women for Women's Human Rights, issued a shadow report to the U.N. Committee on the Elimination of Discrimination Against Women. In the report, a number of NGOs raise six areas in need of critical reform, including: aspects of the penal code that continue to permit "women's human rights violations such as honor killings" (2005, 2); the threat of funding reductions for women's shelters as responsibility for them was transferred from the central government to local governments; the under-representation of women as candidates for office in all major political parties; and persistent inequalities in marriage and the workplace.

For these reasons, nearly five years after Turkey ratified the Convention, Günseli Berik was able to assert that because of "the absence of concrete measures . . . towards the implementation of CEDAW, we conclude that the Turkish government's ratification of CEDAW does not indicate a step towards greater equality between men and women in Turkish society or the dismantling of legal discrimination against Turkish women" (Berik 1990, 90). She laments, "the government's stalling of changes in the Turkish Civil Code for almost a decade, even after the ratification of CEDAW, bodes ill for women's rights and status in Turkey" (1990, 95).

CEDAW and Reform in Turkey

Nonetheless, CEDAW was critical to Turkish women's rights activists precisely because the Convention provided a language and agenda for women's rights advocates. Arat writes, "CEDAW provided a language of rights, which was useful for forming

solidarity and mobilizing contentiously” (2001, 29). Toward this end, in a recent interview with the Vital Voices website, Turkish feminist activist, Urun Güner, points out that “In Turkey, international conventions and activities are very effective in influencing national movements for reform.” Because the Turkish Constitution requires that international conventions take precedence over national law, conventions like CEDAW provide domestic activists with leverage against the state. Thus, in March 1986 about 7,000 women joined a petition campaign in Istanbul and Ankara with the goal of compelling the Turkish state to enforce the convention that had been ratified the previous December.³⁰ As Arat points out, these signatures “did not mean that these women had all read the CEDAW document and expected the government to abide by it, but rather that women were ready to speak up in their own name in pursuit of their rights” (Arat 2001, 30). Moreover, Acar argues that although CEDAW itself “is not very visible or recognized as a major motivating force by the majority of [Turkish] NGOs,” the impact of the Convention involves the “seeping through” of the principles it embodies (2000, 209). The petition campaign was the catalyst for more feminist activism, which included public demonstrations against domestic violence.

It was only after this increased activism that political parties and state actors began to change their behavior. Yeşim Arat points to changes emphasizing women’s issues within parties from all sides of the Turkish political spectrum (1994, 246). In fact, in 1991, the leader of the Motherland Party—the party that had been in power at the time of Turkey’s ratification of CEDAW—“announced that the party would implement [the Convention]” (1994, 246). In addition, concerted feminist activism pushed the Turkish state to change Article 438 of the Turkish Criminal Code—a legal provision that

³⁰ See, for example, Sirman (1989: 16-17), Erol (1992: 113) and Arat (2008, 397).

“provided for a reduced sentence to a rapist, if the injured woman was proven to be a prostitute” (Ertürk 1997, 23). CEDAW was also the catalyst for educational programs ranging from Women’s Studies departments on university campuses to community-based programs designed to teach women about the rights they have.³¹

That the Turkish state’s behavior seemed to indicate an acceptance of norms of women’s rights without an accompanying change in behavior reflects important divisions within Turkish politics and culture. Of this contradictory tendency, Güneş-Ayata notes, the Turkish state has been “squeezed between the progressive demands coming from pro-western women’s rights groups, the standards imposed by the international institutions including the United Nations and the European Union, and popular electoral reactions opposed to the westernization movement” (2001: 157-158).³² Yet, following years of concerted feminist activism and with revived prospects for ascension into the European Union, recent legislative changes are indicators that of the Turkish state’s increasing willingness to implement international norms of women’s rights. Among the significant changes to Turkish family law in recent years were the 1998 Family Protection Law (Law #4320), which provided greater protection for women against domestic violence; the 2001 changes to the Civil Code that abolished the superiority of men in marriage, and allowed women to keep their maiden names upon marriage; and the 2004 revisions to the Penal Code that, among other things, criminalized marital rape and ended practices that considered ‘honor killings’ as different from other forms of homicide (Women for

³¹ Personal interview with Nadide Karkiner, July 2008 and Çelik (2004, 5-6).

Furthermore, Güneş-Ayata highlights the split that emerged in the mid-1990s between secular and Islamist feminists. This conflict was stoked by the Islamist Welfare Party that undertook several policy changes that were seen as a threat to the secular tradition and western notions of women’s rights. These included efforts to relax restrictions on headscarves, limits on participation in paid employment, proposed changes in the civil code to allow more power to religious officials, and an attempt to close women’s shelters, “arguing that they threaten family solidarity” (2001: 168).

Women's Human Rights & Hortoğlu 2005). This more recent implementation of norms of women's rights represents a reaction to domestic, as much as international pressure. As Yeşim Arat summarizes, "with local feminists demanding change and officials finding themselves committed to international pacts . . . the state and politicians enacted various reforms" (2001: 31).

CEDAW and women's rights in Japan

Many Japanese elites have long treated "the west" as a model to aspire to and emulate; this line of thought can be traced to 19th century intellectual Fukuzawa Yukichi's³³ suggestion that Japan "leave Asia and join the West." However, there has been another important current of thought among Japanese intellectuals that has suggested that Japan has an extremely valuable culture that is distinct from both the rest of Asia and the West. In the words of an anonymous government critic of Japan's proposed signature of CEDAW, "is this not plagiarized from American 'women's lib?' This is very much irreconcilable with Japan's sense of family customs" (Horie 2005: 237).

The Struggle for CEDAW's Signature in Japan

The UN General Assembly passed CEDAW as a resolution in December 1979, and countries began to sign and ratify the treaty in 1980. In particular, there was a major signing ceremony scheduled to occur during the World Conference of the UN Decade for Women in Copenhagen on 17 July 1980.³⁴ As the conference approached, it was not clear whether or not Japan would participate in the signing ceremony. On 7 June, a little over a month before the signing ceremony, *Asahi Shimbun*, a major Japanese newspaper

³³ Japanese names are written in the Japanese style, with family name followed by given name.

³⁴ Advocates of women's rights in Japan had been involved very involved with efforts to shape CEDAW as early as 1974. See Flowers 2009, 78-9 for a detailed discussion.

with a moderate left editorial policy, reported that Japan would not sign the treaty in Denmark (Nuita 2002: 60). Shibata Tomoko, who was serving as the head of the Prime Minister's Office Desk of Women's Issues, said that a representative from the Ministry of Foreign Affairs came to the Prime Minister's Office to officially say that Japan would not be able to sign the treaty (Nuita, 2002: 61). As this discussion was going on, Ōkita Saburō, the Minister of Foreign Affairs, indicated that he was particularly concerned with the fact that Japan's Ambassador to Denmark, Takahashi Nobuko, was Japan's first woman Ambassador. Ōkita said that he did not want "Takahashi to have painful memories of the Copenhagen Conference" (Horie, 2005: 138).

Shortly after the Japanese media reported that Japan would not sign the treaty, a coalition of more than 10 women's groups had a meeting at which both signature drives and hunger strikes were organized. Shibata heard from an anonymous source that "the government sees the actions of these women's groups. If there are some kinds of actions (like this), then it is not necessarily the case that signature will be impossible" (Horie 2005: 237). Shibata passed this information along to Socialist Diet Member Ichikawa Fusae. In addition to being a Diet Member, Ichikawa was also the head of an umbrella organization of 46 women's groups called the International Women's Year Liaison Group, and she told related officials, including the Prime Minister and Minister of Foreign Affairs, that:

If we send a representative to this World Conference [in Denmark] and don't attend the signing ceremony, it will be a truly shameful, and strong criticism from women in Japan would be inevitable. Even if we have to make a temporary reservation because of a problem with domestic law, we should attend that signing ceremony (Horie 2005: 237).

The day after Ichikawa made this statement, there was a General Meeting of the Women's Issue Advancement Committee, which was attended by private experts as well as contact people from various bureaucratic agencies. Many attendees of the meeting made statements asking Japan to ratify the treaty. After the meeting, the committee sent the Prime Minister a letter requesting that Japan sign the treaty, and five members of the committee went to visit the Foreign Minister and personally request that Japan sign the treaty (Horie 2005: 238). Moreover, around the same time a non-partisan group of 200 Diet Members petitioned Prime Minister Ōhira, asking that Japan sign CEDAW (Horie 2005: 238). Shibata remembers attending a Diet Meeting shortly after the UN General Assembly had passed CEDAW in which members of the Socialist Party grilled her on Japan's position on the treaty. She remembers this being particularly difficult because the Ministry of Foreign Affairs had not yet received an official copy of the treaty from the UN (Nuita 2002: 59-60).

In the period leading up to the Denmark Conference, the proponents of Japan's signing CEDAW were extremely active. Where, however, were the political opponents of ratification? In particular, where were the conservative members of the ruling party—the center-right Liberal Democratic Party (LDP)—and the organizers of the Japan Federation of Employers' Associations (*Nikkeiren*) and other groups representing the management of Japan's large businesses, who later came out against ratification of CEDAW? In order to understand the silence of conservatives from the LDP, it is necessary to say a little bit about the domestic political context of the time.

On 12 June 1980, Japan's Prime Minister, Ōhira Masayoshi, died suddenly and unexpectedly. A general election for both houses of the Diet was scheduled for 22 June;

Japan announced that it would sign CEDAW on 15 July, and the new cabinet took office on 17 July, the day of the signing ceremony. Horie Takashi argues that immediately after the general election, conservative LDP members were busy vying for position in the new government and lacked incentives to organize collective action against Japan's signature of CEDAW. Horie's argument is plausible, as the conservative LDP members who would be most likely to oppose CEDAW were also the LDP members who were most likely to be considered for cabinet positions (because the LDP is a conservative party), while the more liberal members of the LDP and members of minority parties who would be more likely to support CEDAW were also the members least likely to be considered for cabinet positions, and were thus able to focus their attentions on CEDAW. In short, in this somewhat unusual circumstance, pro-CEDAW Diet Members benefited from their relative powerlessness in the government.

Unlike conservatives in the LDP, *Nikkeiren* and other interest groups representing business were not vying for cabinet positions in 1980. Rather, the head of *Nikkeiren's* Labor Management Division at the time argues that *Nikkeiren* did not get involved in 1980 because they did not understand the significance of the treaty at the time: "although there were reports [of the significance of CEDAW], it is a fact that it did not stay in our minds. The only people that had an enthusiastic appreciation of the problem were the members of women's groups and members of the bureaucracy" (Horie 2005: 242). While interest groups representing business did not take up the fight against Japan's signature of CEDAW in 1980, the following year they strongly lobbied against a proposed law that would have required Japanese businesses to offer parental leave to

employees. After the four largest interest groups wrote a letter opposing such a leave policy, the LDP withdrew its support from that policy (Lambert 2007: 22-23).

Women's groups, pro-CEDAW Diet Members, and pro-CEDAW bureaucrats organized quickly and effectively to ask Japan to sign the treaty. Their efforts were made more effective by the failure of *Nikkeiren* to understand the Convention's significance and by the cabinet post-seeking behavior of conservative and mainstream members of the LDP, who might have strongly opposed Japan's signature of CEDAW had the signing ceremony occurred at a different time on the electoral calendar. However, as was noted above, pressures from Japanese domestic political forces to sign and ratify the treaty were supplemented by the perception by many elites that the norms underlying CEDAW had already cascaded throughout the west, and that signature and ratification was necessary if Japan wanted to aspire to westernization. In the words of journalist Naita Yōko, "while there were extremely important efforts from women Diet Members, experts, and NGOs, the fact that there was a signing ceremony, and particularly the fact western countries were planning on signing the treaty, meant that there was a great deal of face at stake for Japan" (2002: 65).

The Ratification Struggle

Once Japan had signed the treaty, the terms of debate shifted to when Japan would ratify the treaty and whether that ratification would be unconditional or with reservations attached. Central to both issues was the question of what other countries were doing – particularly western countries. In a 1985 meeting of the House of Representative Foreign Affairs Committee, Yamada Chūsei, a representative from the Ministry of Foreign Affairs, concluded a discussion of the reasons that various developed

countries had not yet ratified the treaty with the statement “I don’t know about the activities of developing countries” (Yamashita 2006: 158). In 1985, aside from Japan, the only developed countries were those countries commonly identified as the west. It is clear that Yamada had focused his attention on the behavior of these western countries, ignoring what the rest of the world was doing. This is not surprising when considering the role of “the west” in Japanese elite discourse.

In a subsequent meeting of the same committee, Diet Member Tanaka Michiko asked the following of Minister of Foreign Affairs Abe Shintarō: “regarding the fact that Japan has not yet ratified [CEDAW], it must be called too late. Will we not be about the 70th country to ratify?” (Yamashita 2006: 162). In his reply, Abe reaffirmed that the government was working to ratify the treaty, but he also said “America and the United Kingdom have also not yet ratified this treaty. It can be said that the Japanese stance on this is advanced, and we are making preparations to change various systems, which takes time” (Yamashita 2006: 163).

This exchange between Tanaka and Abe is interesting because both parties reveal a guiding concern with how Japan’s stance might be compared with the rest of the world, and particularly the west. It is interesting to compare this Tanaka/Abe exchange with Finnemore and Sikkink’s discussion of the tipping points that precede norm cascades. Finnemore and Sikkink identify two possible indicators that a tipping point has been reached: when a “critical mass” of states adopt the norm, and when “critical states” adopt the norm (1998: 901), and this discussion mirrors the concern of the Tanaka/Abe exchange with both the total number of states that have ratified the treaty and the position of western states regarding the treaty.

There was a consensus underlying these discussions about CEDAW's ratification that, if Japan ratified the treaty without reservation, three major policy changes would be necessary. First, Japan would have to change its patrilineal citizenship policy, whereby fathers, but not mothers, had the ability to pass on Japanese citizenship to their offspring. Second, Japan would have to change the curriculum in primary and secondary schools, as before CEDAW, girls, but not boys, were required take home economics. Third, Japan would have to revise its labor law to outlaw discrimination against women. Ultimately, Japan ratified the treaty without reservation in 1985, the final year of the UN Decade for Women, and eventually made all three sets of changes.

The first issue—Japan's patrilineal citizenship policy—was already being challenged even before CEDAW was opened up for signatures. There had been talk about revising this law as early as 1979, when Minister of Foreign Affairs Sonoda Sunao said during a House of Representatives Foreign Affairs Committee meeting that the Ministry of Foreign Affairs would talk with the Ministry of Justice about the possibility of eliminating gender discrimination from Japan's citizenship law (*Nihon Keizai Shimbun* 1979). In 1981, the year after Japan signed (but did not ratify) CEDAW, the Ministry of Justice announced that it would change Japan's citizenship policy so that either parent could pass on citizenship by 1985 (*Nihon Keizai Shimbun* 1981a).

In an opinion piece critical of Japan's patrilineal citizenship policy, Kanamori Toshie argued that this policy was unconstitutional, and noted the dissatisfaction of the Japanese women's movement with the current policy. She also argued:

Also, globally, various countries that had previously had a patrilineal citizenship policy, such as West Germany and France, have, with the rise of the women's liberation movement in the 1970s, one by one changed to a policy whereby citizenship could be passed on by either parent. (1981: 5)

While this purports to explain a global trend, both of Kanamori's examples come from Western Europe, and other Japanese critics cite western examples to criticize Japan as well.³⁵ Officials at the Ministry of Justice seemed to agree with Kanamori regarding the importance of western examples to Japan's citizenship policy. In a move reminiscent of the Iwakura Mission of 1871-1873, when Meiji Era elites went to western nations to study their governing institutions, the Ministry of Justice sent delegates abroad in 1980 to examine how other countries have dealt with the problems stemming from the abolition of patrilineal citizenship. They seemed particularly concerned with the problems stemming from dual citizenship (*Nihon Keizai Shimbun* 1981a).

In regards to the second issue—equality of education—the Ministry of Education held out longer than the Ministry of Justice had in the patrilineal citizenship issue. The Ministry of Education revised the middle school curriculum in 1981 to allow boys to take some home economics and girls to take some industrial arts classes (Mackie 2003: 191), and as late as 1982, two years after Japan had signed CEDAW, the Ministry of Education's official position was that "because it is good to consider boys and girls differently in education, there is no problem with the present system" (Horie 2005: 239). In 1989, the Ministry of Education finally revised the curriculum to make home economics mandatory for both boys and girls (Mackie 2003: 191).

In regards to the third issue, the Ministry of Labor had to deal with a major economic actor: the Japan Federation of Employers' Associations (*Nikkeiren*). *Nikkeiren* was not opposed to Japan's ratification of the treaty. *Nikkeiren* and other groups

³⁵ A *Nihon Keizai Shimbun* editorial (1981b) notes the policy changes in France, West Germany, Switzerland, Sweden, and Canada.

representing management, as well as labor unions and women's rights groups were active in negotiations over the new Equal Employment Opportunity Act (EEOA), which was under consideration in order to bring Japan into compliance with the Convention. The final product of those negotiations is widely considered to be a toothless law, and it "has been referred to by employers, off the record, as strengthening, rather than weakening, their prerogatives vis-à-vis female employees" (Upham 1987: 153).³⁶ Moreover, *Nikkeiren* and other business interest groups won another policy fight in 1985; the government sided with those groups to cut childcare services, over the objections of childcare groups and parents' groups (Lambert 2007: 24).

CEDAW had substantial opponents in Japan, including *Nikkeiren*, other management groups, and the Ministry of Education. However, Japan signed and ratified the treaty in spite of this opposition for three reasons. First, the Diet was able to give business interest groups what they wanted, by passing a weak law prohibiting employment discrimination. Second, the norms underlying the treaty had cascaded across western states in a manner that caused anxiety for the substantial cohort of Japanese elites who believe that Japan should westernize. Third, particularly at the signature phase, supporters of CEDAW were extremely well organized, while some of CEDAW's eventual opponents did not learn about the treaty until much later than the legislative process.

Women's Rights in Japan After CEDAW

In the years after Japan ratified CEDAW, women's rights activists have drawn on the rhetoric of international human rights treaties and conferences like CEDAW to

³⁶ As one of our anonymous reviewers reminds us, Japan is not alone in having relatively weak non-discrimination law; non-discrimination laws without legal sanctions for first time offenders are fairly common.

reframe a variety of seemingly unrelated women's rights issues as human rights issues (Chan-Tiberghien 2004, 5).³⁷ NGOs have used this issue reframing to legitimize these issues in domestic politics, and ultimately won a number of policy victories in the 1990s, including the passage of laws prohibiting domestic violence and stalking, and the legalization of the birth control pill (Chan-Tiberghien 2004, 50-52).

Japan has also passed a number of laws relating to parental leave. As of 2005, working mothers and fathers are entitled to a one-year job-protected leave at 40 percent of their income. Moreover, parents are entitled to five days of leave per year to take care of a sick child, and "firms are encouraged to allow parents to extend leave for an additional six months if the employee is unable to find a place at childcare" (Lambert 2007: 27). However, despite these relatively generous policies, Japan still has one of the lowest birthrates in the world.

Japan's low birthrate has several causes, which stem from the contradictory messages that Japanese society sends to women: "women are encouraged to become highly educated but are not encouraged to use to use this human capital in long-term employment" (Roberts 2008, 86). First, Japan's tax system discourages both parents from working full-time, and thus women end up deciding between having a career or children (Boling 2008: 313). Second, while the government has made efforts to provide subsidized childcare, there is a severe shortage of such childcare options; as of 2002, the waiting list for subsidized childcare was 25,000 (Schoppa 2006, 172). Third, there is a

³⁷ The ratification of CEDAW was not the first time that Japan formally committed itself to women's rights. Article 14 of Japan's 1947 Constitution also prohibits "discrimination in political, economic or social relations" on the basis of sex. However, CEDAW gave activists a new tool to use in pursuing women's rights.

strong informal expectation from employers that women should quit rather than taking the family leave that they are entitled to under the law (Boling 2008: 313).

Comparison and Conclusion

The phrase “norm cascade” describes a phenomenon that is commonly observed but difficult to understand. In societies of the smallest scale—an individual American middle school—and the largest—the society of all states in the world—the formal and informal rules governing appropriate behavior go through sudden shifts. This paper takes as its subject the norm cascade whereby countries rushed to ratify CEDAW in 1985, thereby formally codifying changes in norms and laws governing gender relations. More specifically, in order to strengthen our understanding of norm cascades, we looked closely at two very different countries that ratified CEDAW as a part of that norm cascade.

Our paper suggests that Finnemore and Sikkink’s account of norm cascades in international politics largely holds up when examined against the decisions to ratify CEDAW in both Turkey and Japan. In both cases, leaders were concerned with demonstrating that “they have adapted to the social environment—that they ‘belong’” (Finnemore and Sikkink 1998, 903), and that they wanted “others to think well of them, and they want to think well of themselves” (1998: 903). Indeed, the similarities in the concerns of Turkish and Japanese elites as ratification was debated are even more striking given the large differences between Turkey and Japan in terms of religion, level of development, and style of government. The similar concerns of Turkish and Japanese elites in debating CEDAW lend support to the generalizability of Finnemore and Sikkink’s theory of norm cascades.

Despite these similarities between our cases, there was also an important difference. Finnemore and Sikkink suggest that norms also cascade because leaders are concerned with domestic legitimacy (1998, 903). The question of domestic legitimacy seems to have been more important in the Japanese case, and this difference speaks to the importance of democratic governance in human rights treaty ratification. Although there is evidence that Turkish civil society organizations were aware of CEDAW, the 1980 Turkish military coup (and subsequent military government), in seeking to rein in Turkish civil society, fettered legitimate means for these organizations to become involved in the political process. However, in Japan, pressure from civil society organizations was extremely important in pushing the state to sign CEDAW in 1980. Once Japan had signed the treaty (thus committing themselves to eventually ratify), the question of when to ratify, and whether to make reservations, were taken up in the Diet. Even though both Turkey and Japan ratified the treaty, the political process leading to ratification was quite different, and these differences can be traced to differences in institutions. Thus, our paper suggests that democracies and non-democracies approach ratification decision in quite different ways.

Regarding the impact of treaty ratification on domestic politics, our research provides further empirical support for Risse and Sikkink's argument that, while a state might ratify a human rights treaty as a "tactical concession" (1999, 25), once a state has ratified, it can be drawn into true (i.e. not merely instrumental) dialogue with supporters of human rights (1999, 29-31), and this dialogue can sometimes lead to rule compliance (1999, 31-35). In particular, our case studies find support for one of the paths to rule compliance outlined by Simmons; ratification can "provide a resource for litigation

should the government be less than eager to comply” (2009, 14). Just as Michael McCann’s (1994) work on the pay equity movement highlights how the language of rights and legal discourse can provide a means for refiguring the past and inspiring alternative visions of gender equity in the U.S., the language of CEDAW has been useful to women’s rights activists in Turkey and Japan. In both countries, activists have been able to use the human rights frame provided by CEDAW to form new activist networks and to push for changes in new ways.

Finally, these cases suggest that scholars need to be sensitive to context in determining which states are “critical” in causing a norm cascade, and for what reasons. Finnemore and Sikkink argue that critical states are states whose compliance is central to the success of the norm (for example, a state that uses many landmines is a critical state with regard to the landmine treaty). Critical states may also be states with “a certain moral stature,” such as South Africa under Nelson Mandela (1998: 901). However, leaders in Japan and Turkey were not sensitive to the behavior and judgment of western states because western compliance was particularly important to success of the norm; unlike landmines, women exist in every country. Leaders in Turkey and Japan were also not sensitive to the west because they believed that western states had a certain moral stature; Turkish and Japanese elites supporting ratification did not make reference to the moral authority of the west. Instead, western states were critical states for both Turkey and Japan because in each country, the state was built as part of a project of westernization, and there persists a substantial proportion of the elite in each country that treats emulating the west as an end in and of itself. For countries with a different kind of

history—for example, countries such as Iran and Zimbabwe, governed by regimes whose founding ideology is anti-western—the set of “critical states” might look quite different.

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