

RESEARCH ON
REASONS FOR DIVORCE IN TÜRKİYE
TBNA 2014



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**THE MINISTRY OF FAMILY AND SOCIAL POLICIES
GENERAL DIRECTORATE OF FAMILY AND COMMUNITY SERVICES**

**RESEARCH ON REASONS FOR DIVORCE IN TÜRKİYE
TBNA 2014**

T.R. Ministry of Family and Social Policies
General Directorate of Family and Community Services

Research on Reasons for Divorce in Türkiye

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PREFACE

Family is the smallest unit and the core of society which has never made concessions on its improving role on people and the society, although it has been exposed to major changes due to modernism and globalism. The family as a social institution is very significant in terms of the auto-control system, solidarity and support environment, social and economic functions such as labor division and economic order it provides and to understand people and the society in general. What is more, this institution has important roles in organizing the relationship between its members and the society such as feeling more responsible and organizing different aspects of their lives and helping transfer the humanistic and cultural values to future generations; and it offers an environment where the individuals can get the social support and psychological intimacy that they need. Maintaining the healthy families which are the first environment to socialize for generations and will shape the future generations is therefore very important for a healthier and more peaceful society.

The family, which is established through "the union of marriage" in our country, gains a legal status with civil marriage, besides the social and economic dimensions mentioned above. Knowing the influence spheres of this legal relationship on the individual and society, being aware of the individuals' responsibilities to each other arising from this relationship and having a sound basis of love and respect in the family are important to actually maintain this relationship. Within the frame of civil law, in order for this legal relationship within the boundaries of the marriage law to be maintained, it is very important that the family fulfills its functions in a proper way as well as establishing its foundation.

Thus, the studies investigating the reasons for the breaking of this bond, that is, for divorce, are invaluable to understand the factors affecting the union of or diminishing the family institution. When the aforementioned individual and social roles of the family are also considered, these studies are very helpful in that they guide our Ministry for the precautions to be taken and for possible relevant solutions to be found, as well as social policies to be applied.

In this vein, I would like thank all the personnel contributing to the publication of "Research on Reasons for Divorce 2014", and hope that number of these studies increase and become our main references for making social policies.

Assoc. Prof. Ayşe Nur İslam
Minister

Termination of the union of marriage, which is the basis for the establishment of the family, can be considered as a social problem around the world and in our country, when its social functions are considered. Although the institution of family is still significant in our country, the number of divorce cases has been increasing day by day and this problem deeply affects the society. Therefore, it is very important that the reasons for divorce are investigated and relevant social policies are made in order to prevent it. Since the reasons cannot be understood just by looking at numerical data, the stories of the divorcees need to be interpreted using qualitative research techniques. Examining all these reasons in light of social and demographic data proves useful information for understanding the patterns of cultural, economic and psychological reasons in which the state is interested and for developing relevant social policies.

The divorce process and its aftermath has various effects on family members' lifestyle, habits, duties, and responsibilities. When we consider the family's functions such as establishing the social order income and expense balance, protecting and watching over individuals, providing social and psychological support, raising future generations, transferring the cultural and value judgments of the society, it becomes obvious that divorces cause new problems for individuals and societies. Thus, understanding the reasons preventing families functioning properly and leading spouses to divorce, and taking the necessary precautions, suggesting solutions to be used in the making of social policies will not only positively affect the individuals, but the society in general.

This study, conducted to understand the reasons for divorce, which means the breakdown of marriage, will help understand a very important social phenomenon and produce policies to prevent this issue. As anyone who appreciates the family-society relationship would agree, divorce is not just a personal matter and the studies on this subject are beneficial for the divorced individuals and spouses thinking about divorce, and for the society in the final analysis. Therefore, this study, setting off on individual stories and obtaining pre- and post-marital data, will help understand different problems leading to divorce, especially under the provision of "irreconcilable differences", and help prevent it.

I hope this study carried out in 2014, which is the more elaborate version of the first study in 2008, becomes a guiding light for the social policies that will be made in order to protect the unity of the family.

Tacettin GÜNEŞ
General Manager

We had conducted The Research on Reasons for Divorce in 2008, setting off with the fact that the number of detailed studies related to divorce in Turkey was very low. In the first study, a quantitative method was used to analyse divorcees. In our second study, whose field work was completed in 2014, we used both qualitative methods and conducted face-to-face interviews with divorcees as well as judges, lawyers, psychologists, and social workers who are experts in their field. In this regard, we would like to take this opportunity to thank all those who contributed to this study.

This significant study was designed by the esteemed managers, experts, and personnel of the Ministry of Family and Social Policies, General Directorate for Family and Community Services.

We would like to thank the project executive Semiha Feyzioğlu, the researchers Vildan Samancı Peksezer and Neyir Zerey from Ipsos Social Research Institute for their successful accomplishment of discussion guides preparation, training of moderators, fieldwork execution, analysis and reporting. We also thank field manager Bahar Kabaoğlu, and Esengül Kaşmer, Özlem Tekin, Alev Avcı, Sercan Safı, Nurten Çakır and İlnur Uysal for their hard work in recruiting participants;

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Mustafa TURĞUT
Department of Research and Policy

CONTENT

1. DESCRIPTIVE FRAMEWORK

1.1. Subject and Purpose.....	14
1.2. Research Design	14
1.2.1. Data Collection Tools	15
1.2.1.1. Discussion Guide for Divorced Individuals.....	15
1.2.1.2. Discussion Guides with Law enforcement bodies (Judges, Lawyers, Court Experts)	16
1.2.2. Sample	18
1.2.3. Implementation and the Project Team	20
1.2.4. Analysis, Control and Report Phases.....	21
1.3. Definitions and Concepts.....	21

2. JUDICIAL TRANSFORMATION IN TERMS OF DIVORCE, THE REASONS FOR DIVORCE AND THE DIVORCE SERVICES THROUGHOUT THE HISTORY OF THE REPUBLIC

2.1. Family, Marriage, Divorce	24
2.1.1. Family Concept	24
2.1.2. Marriage Concept	24
2.1.3. Reasons for Dissolving the Marriage and Divorce	24
2.2. Divorce In Pre-Republic Period	25
2.2.1. Divorce in Islamic Law (Talâq)	25
2.2.2. Divorce in the Ottoman Empire	25
2.3. Divorce During The Republic Period	26
2.3.1. Turkish Civil Code No. 743 and Divorce	26
2.3.1.1. Reforms in the Family Law as brought by Turkish Civil Code No. 743	26
2.3.1.2. Reasons for Divorce Accepted in the Turkish Civil Code No 743	26
2.3.1.3. Reasons for Divorce Added to Turkish Commercial Code No 743 by the Law No 3444 of 1988	27
2.3.2. The New Turkish Civil Code No 4721 and Reasons for Divorce	28
2.3.2.1. Reforms in Family Law as Brought by Turkish Civil Code No 4721	28
2.3.2.2. Reasons for Divorce as Accepted in the Turkish Civil Code No. 4721.....	29
2.3.2.3. Divorce Proceedings in Family Courts	32
2.3.2.4. Criticism and Suggestions Related to the Reasons for Divorce Accepted in the Civil Code Number 4721	33
2.4. The Effects of Divorce on the Individual and Children and the Role of Law in Divorce	35
2.5. Mediation on Divorce.....	36
2.5.1. Definition and Functions	36
2.5.2. Advantages of Mediation on divorce	36
2.5.3. Qualities Required for the Spouses to Benefit from Mediation on divorce	37
2.5.4. Recommendation on Family Mediation Council of Europe	38
2.5.5. Divorce Counselling Services and Mediation on divorce in Turkey	38
2.5.5.1. Duty of Family Court Judges to Promote Conciliation and Family Mediation	38
2.5.5.2. Family and Divorce Counselling Services Offered by the Ministry of Family and Social Policies.....	39

3. CONCEPTUAL FRAMEWORK

3.1. Introduction	42
3.2. Overview of Divorce Rates in the World and in Turkey.....	42
3.3. An Estimation On The Divorce Rate In Turkey	43
3.4. Studies Recently Conducted On Divorce In Turkey	45
3.5. A Theoretical Overview of Divorce: Attribution Theory.....	46
3.5.1. Limitations of the Attribution Theory	49

4. DEMOGRAPHIC AND FAMILY CHARACTERISTICS OF THE DIVORCED INTERVIEWEES

4.1. Demographic Profile of The Divorced Interviewees.....	52
4.1.1. Gender	52
4.1.2. Age.....	52
4.1.3. Residence area	52
4.1.4. Education Level	52
4.1.5. Number of Marriages	53
4.1.6. Period of Marriage.....	53
4.1.7. Status of Having Children	53
4.2. Household Profile of The Divorced Interviewees	54
4.2.1. Household Size When Married vs. Current	54
4.2.2. Number of Dependents When Married vs. Current	54
4.2.3. Monthly Income and Livelihood When Married vs. Current	54
4.2.4. Ownership of House When Married vs. Current	55

5. ASSESSMENTS DIVORCED INDIVIDUALS RELATED TO PREMARITAL PERIOD

5.1. Age of Marriage.....	58
5.2. Marriage Decision	59
5.3. Knowing the Spouse Before Marriage	60
5.4. Expectations from Marriage Before Marriage.....	63

6. EVALUATION OF MARRIAGE AND DIVORCE PROCESSES

6.1. Evaluation of Marriage -Stage.....	68
6.1.1. Meeting the Expectations from Marriage	68
6.1.2. Problems Encountered in the Marriages Resulted in Divorce	69
6.1.3. Analysis on the Relation Between the Problems Encountered in Marriage and the Reasons for Divorce.....	71

6.2. Reasons For Divorce.....	73
6.2.1. Reasons for Divorce According to Individuals.....	73
6.2.2. Reasons for Divorce According to the Attribution Theory.....	90
6.3. Phases of Divorce Process	94
6.3.1. Formation of the Decision to Divorce.....	94
6.3.1.1. Cases Where the Idea of Divorce Appears First.....	94
6.3.2. Issues Facilitating and Complicating the Decision to Divorce	96
6.3.2.1. Personal, Cultural and Social Obstacles.....	96
6.3.2.2. Effect of Legal Issues on the Decision to Divorce.....	98
6.3.3. Decision-Maker on Divorce.....	100
6.3.4. Attitude of Spouses towards the Decision to Divorce.....	102
6.3.5. Relation with the Spouse before the Divorce.....	102
6.3.5.1. Leaving the House.....	102
6.3.5.2. Reconciling.....	104
6.3.6. The Mood of Individuals and Difficulties Encountered During Divorce Process.....	105
6.3.7. Methods to Handle Divorce Process – Assistance Mechanism	107
6.3.7.1. Informal Assistance: Inner Circle/Close Relatives.....	107
6.3.7.2. Formal Assistance: Participation in Marital Therapy or Couple Therapy	108

7. INDIVIDUALS' WORLD OF EMOTION AFTER DIVORCE AND THEIR ATTITUDE TOWARDS DIVORCE

7.1. Individual's World of Emotion After the Divorce.....	112
7.1.1. Analysis on the Relationship between the Individuals' Reasons for Divorce and Their Emotions after Divorce according to the Attribution Theory.....	116
7.2. Tendency to Recommend Divorce.....	118

8.COMPARATIVE ANALYSIS ON DIVORCED INDIVIDUALS

8.1. Status of Couples Before Marriage and Their Expectations from Marriage	124
8.2. Comparative Analysis on the Problems Encountered by Couples During Marriage and Their Reasons for Divorce.....	125
8.3. World Of Emotion After Divorce and Tendency to Advise Divorce	130

9.EVALUATIONS BY DIVORCED INDIVIDUALS RELATED TO LEGAL PROCESS

9.1. Divorce Application	134
9.2. Ground For Divorce Submitted to Court	136
9.2.1. Type of Case: Uncontested / Contested Divorce.....	137
9.3. Period of Judicial Process and the Number of Hearings	139
9.4. Effect of Law Enforcement Bodies (Judges, Lawyers, Court Experts) on Legal Process.....	141
9.5. General Evaluation Related to Judicial Process	143
9.6. Legal Issues Coming up During Judicial Process.....	145
9.6.1. Maintenance	145
9.6.2. Parental authority	147
9.6.3. Compensation	150
9.6.4. Division of Marital Property.....	152
9.7. Assistance Mechanisms During Legal Process (Court Experts)	153
9.8. Evaluations of Social Care Centers.....	155

10. EVALUATIONS OF LAW ENFORCEMENT BODIES AND EXPERTS ON DIVORCE AND THE JUDICIAL PROCESS OF DIVORCE

10.1. General Comments On The Civil Code	160
10.1.1. Negative Aspects about the Civil Code.....	160
10.1.2. Effect of the Law No 6284 on Protection of the Family and the Prevention of Violence Against Women on Divorce.....	162
10.1.3. Detailed Examination of Articles of the Civil Code	162
10.1.3.1. Comments on the Articles Related to the Division of Marital Property	163
10.1.3.2. Comments on Articles Related to Parental Authority.....	165
10.1.3.3. Comments on the Articles Related to Maintenance	168
10.1.3.4. Comments on the Articles Related to Compensation.....	170
10.1.3.5. Decision of Separation.....	171
10.2. Reasons For Divorce According To Law Enforcement Bodies (Judges, Lawyers) And Court Expert	172
10.2.1. General Perception of Divorce in Turkey.....	172
10.2.2. Reasons for Divorce Submitted in Divorce Cases	175
10.2.3. Reasons for Divorce Officially Submitted in Divorce Cases.....	180
10.3. Evaluations on Legal Implementations of the Divorce	181
10.3.1. Period of Divorce Case	181
10.3.2. Tendency to Guide the Couple to Uncontested Divorce	183
10.3.3. Guiding the Couples to Reconcile	184
10.3.4. Evaluation of Mediation Mechanism	184
10.4. Evaluations on Court Experts.....	185
10.4.1. Duties of Court Experts and Their Contribution to the Process	185
10.4.2. Submitting Detailed Information to the Court.....	185
10.4.3. Providing Parties with an Opportunity to Express Their Opinions and a Platform for Uncontested	
10.4.4. Making the Right Decisions for Children and Protecting Them	186
10.4.5. Determining the Cases That May Require Intervention.....	186
10.4.6. Prevention of Divorce	187
10.4.7. Performing Other Duties Assigned by the Court	187
10.4.8. Differentiation Between the Court Experts Having Different Areas of Expertise	188
10.4.9. Opinions of Law Enforcement Bodies (judges, lawyers, court experts) on Court Experts and Whether Judges and Lawyers Benefit from the Court Experts	188
10.4.10. Working Conditions of the Experts	191
10.4.10.1. Interview Methods of the Experts	191
10.4.10.2. Logistics and Security Matters	191
10.4.10.3. Suggestions for Expert Development	192
10.4.10.4. Need for Training	192
10.4.10.5. Report Formats.....	193
10.5. Evaluation on Social Care Centers	194
CONCLUSION AND RECOMMENDATIONS	196

REFERENCES

TABLES

1. DESCRIPTIVE FRAMEWORK

Table 1a. Sample Distribution of Interviews with Divorced Individuals	18
Table 1b. Sample Distribution of Interviews with Divorced Individuals	19
Table 2a. Sample Distribution of Interviews with Law Enforcement Officers and Experts	19
Table 2b. Sample Distribution of Interviews with Law Enforcement Officers and Experts	20

2. JUDICIAL TRANSFORMATION IN TERMS OF DIVORCE, THE REASONS FOR DIVORCE AND THE DIVORCE SERVICES THROUGHOUT THE HISTORY OF THE REPUBLIC

Table 3. Number of Family Courts and Judges by Regions	32
--	----

4. DEMOGRAPHIC AND FAMILY CHARACTERISTICS OF THE DIVORCED INTERVIEWEES

Table 4. Gender of the Interviewees	52
Table 5. Age Groups of Interviewees by Gender	52
Table 6. Residential Areas of Interviewees by Gender	52
Table 7. Education Levels of Interviewees by Gender	53
Table 8. Number of Marriages of Interviewees by Gender	53
Table 9. Period of Marriages of Interviewees by Gender	53
Table 10. Status of Having Children of Interviewees by Gender	53
Table 11. Household Size When Married vs. Current by Gender	54
Table 12. Number of People to Look After When Married vs. Current by Gender	54
Table 13. Monthly Income When Married vs. Current by Gender	55
Table 14. Earning When Married vs. Current by Gender	55
Table 15. Household Ownership When Married vs. Current by Gender	55

5. ASSESSMENTS DIVORCED INDIVIDUALS RELATED TO PREMARITAL PERIOD

Table 16. Age of Marriage by Various Demographic Characteristics	58
Table 17. Decision of Marriage by Various Demographic Characteristics	59
Table 18. Period from Meeting to Marriage by Various Demographic Characteristics	61

6. EVALUATION OF MARRIAGE AND DIVORCE PROCESSES

Table 19. Problems Encountered in Marriages	69
Table 20. Problems Encountered in Marriage by Various Demographic Characteristics (First 5)	70
Table 21. Reasons for Divorce	73
Table 22. Reasons for Divorce by Various Demographic Characteristics (First 5)	74
Table 23. Coding of Reasons for Divorce According to Attribution Theory	90
Table 24. Reasons for Divorce According to Attribution Theory	91
Table 25. Period of Time from Making the Decision for Divorce to Making the Official Application by Various Demographic Characteristics	96
Table 26. Decision-maker on Divorce by Various Demographic Characteristics	100
Table 27. Attitude of Spouses towards the Decision to Divorce by Various Demographic Characteristics	102

7. INDIVIDUALS' WORLD OF EMOTION AFTER DIVORCE AND THEIR ATTITUDE TOWARDS DIVORCE

Table 28. Feelings after the Divorce	112
--	-----

8.COMPARATIVE ANALYSIS ON DIVORCED INDIVIDUALS

Table 29. Comparison of the Reasons of Couples for Divorce	126
Table 30. Comparison of Feelings of the Couples after Divorce and Their Tendency to Advice Divorce.....	130

9.EVALUATIONS BY DIVORCED INDIVIDUALS RELATED TO LEGAL PROCESS

Table 31. Divorce Application by Various Demographic Characteristics.....	134
Table 32. Divorce Application by the Type of Case	135
Table 33. Type of Case by Various Demographic Characteristics.....	137
Table 34. Type of Case by Marriage Decision	138
Table 35. Period of Judicial Process and Number of Sessions by Various Demographic Characteristics	139
Table 36. Period of Divorce Case by the Type of Case	140
Table 37. Having Legal Issues Brought up in Court by Various Demographic Features.....	145
Table 38. Maintenance Having Brought up in Court by Various Demographic Features	146
Table 39. Maintenance Having Brought up in Court by Various Demographic Features	148
Table 40. Compensation Having Brought up in Court by Various Demographic Features	151
Table 41. Division of Marital Property Having Brought up in Court by Various Demographic Features	152
Table 42. Referral to Court Experts by Judges by Various Demographic Characteristics.....	153
Table 43. Referral to Court Experts by Judges by the Case Type	154
Table 44. Awareness of Social Care Centers by Various Demographic Characteristics	155

10. EVALUATIONS OF LAW ENFORCEMENT BODIES AND EXPERTS ON DIVORCE AND THE JUDICIAL PROCESS OF DIVORCE

Table 45. Comments of Law Enforcement Bodies on the Reasons for Divorce Stipulated in the Civil Code.....	160
Table 46. According to Law Enforcement Bodies, Do Legal Issues Make the Individuals' Divorce Decision More Difficult?	163
Table 47. According to Law Enforcement Bodies, Do Legal Issues Make the Individuals' Divorce Decision Easier?.....	163
Table 48. Comments of Law Enforcement Bodies on the Division of Marital Property Practices Stipulated in the Civil Code.....	165
Table 49. Comments of Law Enforcement Bodies on Parental Authority Practices Stipulated in the Civil Code	167
Table 50. Comments Law Enforcement Bodies on Maintenance Practices Stipulated in the Civil Code	168
Table 51. Comments of Law Enforcement Bodies on Compensation Practices Stipulated in the Civil Code	170
Table 52. Reasons for Divorce Submitted by the Individuals According to Law Enforcement Bodies.....	175
Table 53. Law Enforcement Bodies Guiding the Individuals to Uncontested Divorce	183
Table 54. Law Enforcement Bodies Guiding the Individuals to Reconcile.....	184
Table 55. Comments of Law Enforcement Bodies on the Reports Prepared by the Court Experts	188

FIGURES

Figure 1. Change in Divorce Rates (1970-2008).....	42
Figure 2. Change in Divorce Rates of Selected Countries from 1920 to 2010.....	43
Figure 3. Number of Divorce and Rough Rate of Divorce from 1982 to 2013.....	44
Figure 4. Problems Encountered in Marriage and Grounds for Divorce According to the Multidimensional Scaling Analysis	72
Figure 5. Feelings After Divorce and Attributions of Reasons for Divorce	117
Figure 6. Number of Cases Heard at Family Courts between 2003 and 2013 and Average Days of the Cases.....	181

ABBREVIATIONS

ADNKS	Address-Based Population Registration System
ASAGEM	General Directorate of Family and Social Research
MFSP	Ministry of Family and Social Policies
ATHGM	General Directorate of Family and Community Services
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEFL	Commission of European Family Law
MDS	Multidimensional Analysis
f.	item
NUTS	Nomenclature of Territorial Units for Statistics
SCC	The Swiss Civil Code
MERNİS	Central Civil Registration System
OECD	Organization for Economic Co-Operation and Development
SES	Socioeconomic Status
SGK	Social Security Institution
TAYA	Research on Family Structure in Türkiye
TBNA	Research on Reasons for Divorce in Türkiye
TNSA	Turkey Demographic and Health Survey
TURKSTAT	Turkish Statistical Institute



Section 1

DESCRIPTIVE FRAMEWORK



Subject And Purpose

Research Design

Definitions and Concepts

1.1. Subject and Purpose

The Research on Reasons for Divorce attempts to identify social, cultural, economic and psychological reasons leading to divorce in Turkey and to reveal the positive and negative angles of the judicial process in divorce cases. The research conducted in this scope was incorporated into the following objectives:

- To conduct a qualitative research on reasons for divorce; to identify perceptions and attitudes of divorced individuals towards reasons for divorce in terms of various factors and their experiences in the judicial process.
- To introduce legal transformation, reasons for divorce and divorce services throughout the Republic history in Turkey.
- To obtain comments of law enforcement bodies (judges, lawyers, court experts) and divorce experts on articles and practices of the Civil Code on divorce; as well as on whether the judicial process is effective to rigorous execution of the divorce process.
- To explore divorce figures in Turkey and in the world and to analyse advanced statistics to project the divorce figures by building on the numbers obtained from 2003 to 2013.

1.2. Research Design

The Research on Reasons for Divorce was conducted by Ipsos Social Research Institute, on behalf of the General Directorate of Family and Community Services of Ministry of Family and Social Policies. The project coordination, preparation of discussion guides, project training, recruitment and conducting interviews with divorced individuals, decoding, analysis, reporting and book layout design were conducted by Ipsos Social Research Institute.

The research encompasses three research approaches including literature review, qualitative research and advanced statistical analysis.

Literature review: Literature review includes

previous research, reports and articles in fields of divorce and law and evaluates the judicial transformation of divorce over the history of Republic in Turkey. Literature review also covers academic studies and discussions on the scope and effectiveness of country-based comparative legal and consultancy services.

Qualitative research: The qualitative research intended to reveal the experiences of divorced individuals in marriage and divorce process and the factors leading to divorce from the perspective of divorced individuals. Also, their ways to deal with the divorce decision before they actually took the decision, the details about when and how they started the judicial process and the experiences they had during this process were questioned in greater detail. In this scope, data on demographic, economic, sociological and psychological states of the divorced individuals were collected using a structured questionnaire prepared with closed-ended and semi closed-ended questions in the first section of the interviews conducted with divorced individuals. Reasons for divorce and experiences related to the judicial process were questioned in greater detail by using a flow that consisted of open-ended questions. In-depth interview techniques were applied to make sure that the individuals express themselves more easily and narrate their experiences in a story flow.

The negative and positive angles of the judicial processes and the system were evaluated from the perspective of law enforcement (judges, lawyers, court experts) officers and experts specialized in divorce. In this scope, how the Civil Code covers the divorce phenomenon and whether it was effective on rigorous execution of the divorce process was analysed. In the flow created by using open-ended questions asked during in-depth interviews conducted with law enforcement bodies (judges and lawyers) and experts, judicial process and roles in this process were scrutinized.

Advanced statistical analysis: Within the scope of this research, Turkey's divorce statistics were projected by using an advanced statistical analysis.

The projections are especially important as they enable to make a comparison with other countries in divorce and they contribute to make proactive social policy recommendations to suit the family structure and the needs of divorced individuals. In this scope, vital statistics and other research in national scale were also applied.

1.2.1. Data Collection Tools

Structured questionnaire and in-depth discussion guides based on the research were developed by Ipsos Social Research Institute and finalised after having been evaluated in a workshop session with the participation of project consultants and the ministerial team. Validity and reliability tests of the final flows were conducted on 1 and 2 October 2014 by conducting five pilot interviews with different profiles. The questionnaires and question flows forms were revised according to the pilot scheme results and the fieldwork started on 13 October 2014.

1.2.1.1. Discussion Guide for Divorced Individuals

The **structured questionnaire** used at the beginning of the interview with the divorced individuals consisted of three main sections with closed-ended and semi closed-ended questions.

Demographic questions: These questions included the queries regarding the interviewees' residential city, place of birth, date of birth, education level, and work life and whether they have children as well as questions regarding their current and the previous - at the time of divorce - family structure, socioeconomic level and welfare status.

Marriage process: Questions on how many times they were married, how old they were when they were married, how long they were married and other issues regarding the divorce decision.

Divorce process: Questions about who decided to divorce and judicial process, number and time of hearings are included.

The qualitative discussion guide which consists of six main sections of 60 minutes in total employed in in-depth interviews with the divorced individuals.

Understanding the lifestyle: In this part, the questions were mainly related to the daily life of the interviewees with the purpose to get to know them in order to prepare them for the interview and to make them feel more comfortable.

Pre-marriage period: This part covered the questions on how the interviewee met the ex-spouse, how long it took them to get married after having met, the reason(s) for marriage, the extent to which they knew the ex-spouse, and the expectations encouraging the individual to get married.

Marriage process: In this part, the positive and negative comments on marriage, expectations from the ex-spouse during marriage, questions on how to deal with the problems and how the individual and the ex-spouse actually dealt with the problems encountered were covered. In addition, information related to the first decision-maker of divorce, the reasons leading the individual or the ex-spouse to decide for divorce, the frequency and the duration of these problems, the reactions by the individual and the ex-spouse related to the ground for divorce, whether the issue was shared with third parties and the positive or negative effects of these parties, whether any marriage counsellor or couple therapy was held during the process of divorce and the results of these visits were explained in the same part.

Grounds for divorce: In the nine categories stated below, this part questioned the problems that were not mentioned spontaneously in marriage process and reasons for divorce sections but may play a role in divorce decision:

1- Duties and responsibilities: Domestic duties and responsibilities, parental roles, effect of these problems on the decision to divorce.

2- Effects of emotional relationship on divorce: The emotional relationship during the

marriage and the effects of these problems on the decision to divorce.

3- Effects of work life and economic situation on divorce: Household economy during marriage, economic independence of the woman, work life, ex-spouse's attitude towards the woman's work life, work life of the man during marriage, effects of these issues on the divorce decision.

4- Effects of lifestyle and values/world-view on divorce: Effects of world-view of the spouses, compliance of lifestyles, bad habits of the ex-spouse (alcohol, gambling, drugs, lying, lack of personal hygiene etc.), having different education levels and age difference between the spouses, age of marriage, the extent to which the spouses knew each other before the marriage, compliance of the spouses on beliefs/sects and consanguineous marriage on divorce decision.

5- Effects of relationship with the inner circle/close relatives on divorce: Intervention of inner circle/close relatives and families during marriage, feelings of the divorced individual and the ex-spouse within this regard and effect of this issue on the divorce decision.

6- Effects of sexual relationship on divorce: Sexual harmony with the ex-spouse, question of not being able have children/not wanting children and effects of the problems within this regard on the decision to divorce.

7- Effects of violence on divorce: Behaviours involving physical, psychological and sexual violence inflicted by the parties to control the ex-spouse during marriage, their frequency of occurrence, reasons and effects on the divorce decision.

8- Adultery: Occurrence of adultery during marriage and the effect of this on the divorce decision.

9- Diseases: Occurrence of serious diseases in spouses or inner circle/close relatives and family members during marriage, problems related to this and effects of the situation on divorce decision.

Divorce process: This part includes the questions related to the first time the idea of divorce was brought up, whether the individual or the ex-spouse wanted to get divorced, but could not during marriage, the exact moment where the decision of divorce was made, behaviours of the individual or the ex-spouse after the decision to divorce, the reactions of the inner circle/close relatives related to the decision to divorce, whether the individual or the ex-spouse left the house before the divorce, whether the couple visited any marriage counsellor or therapist in the divorce process, the situation to reconcile with the ex-spouse after the decision of divorce and whether there are any other divorced individuals/close relatives in the inner circle/close relatives.

Judicial process: The issues covered in this part included the effects of judicial issues (maintenance, parental authority, division of matrimonial property, compensation, etc.) on the decision to divorce, the role and the direction of the lawyer during the process of divorce, the reason for divorce submitted to the court, the general evaluation related to the judicial process, the evaluation of the period from the divorce petition to the decision of divorce, the evaluations related to the judicial processes such as maintenance, parental authority, division of material property and compensation, whether the judge directed the individual to any pedagogue, social service expert or family counsellor and the effect of these people on the process of divorce, the issues related to the information level on Family Counselling Centres.

1.2.1.2. Discussion Guides with Law Enforcement Bodies (Judges, Lawyers, Court Experts)

During the in-depth interviews conducted with the law enforcement bodies (judges, lawyers and court experts), three different qualitative discussion guides of sixty minutes which included general questions and also specific questions according to the professional profiles (judge, lawyer, court expert) of the interviewees were employed. Each questionnaire consists of the parts having general questions and the questions specific to the expertise.

Introduction: This part includes the questions intended to prepare the interviewees for the interview

and to understand the interviewee's area of expertise; and the evaluations regarding the period of working in the area of expertise, professional experience and period in the city of the interview, and whether the judges married with children are preferred in family courts.

General perception of divorce: The views of the law enforcement bodies (judges, lawyers and court experts) on divorce and reasons leading people to divorce as well as comments of the law enforcement bodies (judges, lawyers and court experts) on the rates of divorce in Turkey were included in this part.

Evaluation of the Turkish Civil Code text and its application by judges and lawyers: The positive and negative comments of judges and lawyers on the articles regulating divorce in the Civil Code and their suggestions for changes were taken in this section; their evaluations related to the articles 161 to 166 defining the grounds for divorce in the Civil Code; the information provided by the lawyers to the people applying them with the request to divorce; the tendencies of lawyers, judges and court experts to mediate between the couples or to refer them to uncontested divorce; the views on mediation service in courts; the general reasons for divorce given by the couples; how these reasons vary in different profiles, the reasons for divorce driven forward or never included on the files by the lawyers; the period of the uncontested or contested divorce; the average number of hearings; the cases in which the judge decides to divorce the couple in the first hearing are covered in this part.

Divorce decision: This part examines the positive or negative evaluations of lawyers or court experts on the files which the decision of separation was made; opinions of judges, lawyers or court experts on the effect of the decision of separation on the continuance of the marriage and their considerations related to the period of separation indicated in the law; and the decision of general period of separation made by the judges.

Parental authority: In this part, the effects of parental authority on the divorce decision made by the individuals; the positive and negative comments

of the articles related to the parental authority in the Civil Code; the conditions in which the father is awarded with parental authority; the good practices or challenges faced in the parental authority practice; and the recommendations to offer solutions were examined.

Division of matrimonial property: This part includes the effects of the division of matrimonial property on the decision to divorce made by the individuals; the negative/positive comments of the articles of the Civil Code related to the division of matrimonial property; good practices or challenges faced in the division of matrimonial property practice; and the recommendations to offer solutions.

Maintenance: The effects of the maintenance on individuals' divorce decision, the positive and negative comments about child support and welfare allowance related to the child maintenance regulation in the Civil Code, the conditions in which the lawyer requests maintenance; the good practices or challenges faced in the maintenance practice and recommendations to offer solutions; the questions related to the people who could not have maintenance although it was decided so were included in this section.

Compensation: This section addresses how compensation affects the individual's divorce decision, the positive/negative comments on the articles on compensation in the Civil Code, the conditions in which the lawyers claim for damages, and the compensation decisions made by the judges. Evaluation of legal counselling services: In this part, it was questioned whether the individuals in the divorce process are provided with counselling, assistance services by the public in Turkey, the types of services provided, whether judges and lawyers refer files to the court experts, if they do, to which experts they refer these files, the reasons for not referring to these experts frequently, whether they want to refer the couples to these experts, the contribution of psychologists, pedagogues and social service experts to the divorce process, their level of knowledge, their reports and comments on the relationships established with the divorced individuals, the level

of information on Family Counselling Centres, whether the lawyers have any files referred to Family Counselling Centres.

Institutional capacity evaluation by judges:

This part includes the comments on the average number of cases heard by judges and the ideal number of cases, the average working time on a case and the level of knowledge of law enforcement bodies (judges, lawyers and court experts) on the law.

Institutional capacity evaluation by court experts:

The authorities and responsibilities of court experts on the divorce cases they work on; the roles of psychologists, pedagogues, social service experts and family counsellors; the comments of the court experts on private rooms for themselves, personal benefits, number of employees, vehicle allocation, travel expenses, working issues related to safety; problems related to formal and on-the-job trainings of the court experts were covered in this part.

Duties and authorities of the court experts: In this part, court experts were asked to comment on their position within the judicial system; the perception of judges, lawyers and various experts towards the court experts; the conditions in which the judges involve the court experts in the process; the contribution of the court experts to the process; the investigation and analyses conducted on the reasons of conflicts between the parties; the number of sessions they have with the parties as well as the conditions and period of time of these sessions; the questions they

asked to the parties, the topics for which they provide counselling, the differences in counselling based on different profiles; their reports based on investigation findings and the extent to which the judges take these reports into consideration; expectations from the court experts in hearings, whether they have any right to take the floor at the court and the duties assigned to them by the court.

1.2.2. Sample

The research universe encompasses the individuals over the age of 18 in Turkey who were divorced in 2002 or later, and whose marital status is still divorced. The interviews were tried to be expanded nation-wide considering that the reasons for divorce and experiences the divorced individuals had during the judicial process would be different based on their gender, education, socioeconomic status and region. Based on the Level 1 of Nomenclature of Units for Territorial Statistics (NUTS - 1), the interviews were conducted in 29 cities representing the 12 regions. In the selection of the cities representing the region, the divorce rates in the region were reviewed and the city with the highest divorce rate was selected. In case there were multiple cities having high divorce rates in the region, the cities which were considered to yield more reliable results for the sake of the research and to have ease of fieldwork implementation were chosen. Where the targeted number of interviews was not achieved, the interviews were conducted in the other cities of the same region. The cities included in the research and the number of interviewed divorced individuals is given in Table 1.

Table 1a. Sample Distribution of Interviews with Divorced Individuals

NUTS 1 Region	Selected City	SAMPLE-TARGET			REALIZED		
		Male	Female	Total	Male	Female	Total
TR1 - Istanbul	Istanbul	21	21	42	21	23	44
TR2 - West Marmara	Tekirdag	7	7	14	3	7	10
	Balikesir	7	7	14	11	7	18
TR3 - Aegean	Izmir	11	11	22	16	11	27
	Mugla	9	9	18	4	8	12
TR4 - East Marmara	Uzak	8	8	16	8	9	17
	Eskisehir	9	9	18	9	7	16
TR5 - West Anatolia	Duzce	8	8	16	8	10	18
	Ankara	11	11	22	15	10	25
TR6 - Mediterranean	Karaman	7	7	14	4	10	14
	Antalya	9	9	18	11	7	18
TR6 - Mediterranean	Mersin	9	9	18	8	11	19
	Hatay	7	7	14	6	8	14

Table 1b. Sample Distribution of Interviews with Divorced Individuals

NUTS 1 Region	Selected City	SAMPLE-TARGET			REALIZED		
		Male	Female	Total	Male	Female	Total
TR7 – Central Anatolia	Kirikkale	7	7	14	4	3	7
	Kayseri	7	7	14	10	11	21
	Zonguldak	6	6	12	9	3	12
TR8 – West Black Sea	Sinop	5	5	10	3	7	10
	Corum	7	7	14	5	9	14
	Giresun	6	6	12	6	4	10
TR9 – East Black Sea	Artvin	-	-	-	0	3	3
	Erzincan	5	5	10	0	4	4
TRA – Northeast Anatolia	Erzurum	-	-	-	4	2	6
	Igdir	5	5	10	6	5	11
	Tunceli	6	6	12	2	9	11
TRB – Central East Anatolia	Van	5	5	10	9	4	13
	Gaziantep	7	7	14	12	8	20
	Sanliurfa	6	6	12	3	5	8
TRC – Southeast Anatolia	Batman	5	5	10	0	4	4
	Mardin	-	-	-	3	1	4
	Total	200	200	400	200	210	410

At the beginning of the research, it was planned to reach 50 couples for interviews in order to analyze the divorce story and how the parties commented on what happened in the process. However, a total of only six couple interviews were able to be conducted because in most cases, the couples had gone through a nasty separation; they were unwilling to share the contact information of the ex-spouse; they did not have the contact information of the ex-spouse after divorce; in some cases the ex-spouse was remarried; very few ex-spouses reached rejected our request to interview; lawyers and

judges did not support our case to realise the couple interviews due to the lawyer-client privilege.

The research universe in the case of law enforcement bodies (judges, lawyers and court experts) consists of the lawyers who are specialized in divorce, family court judges, pedagogues-psychologist court experts and social service experts working in the city of the divorced individual interviewed. Table 2 shows the distribution of interviewed judges, lawyers and court experts by city.

Table 2a. Sample Distribution of Interviews with Law Enforcement Officers and Experts

NUTS 1 Region	Selected City	SAMPLE-TARGET				REALIZED			
		Lawyer	Judge	Court Expert	Total	Lawyer	Judge	Court Expert	Total
TR1 - Istanbul	Istanbul	2	1	1	4	2	1	1	4
	Tekirdag	1	1	1	3	1	1	1	3
TR2 - West Marmara	Balikesir	2	1	1	4	2	1	2	5
	Izmir	2	1	1	4	2	1	1	4
TR3 - Aegean	Mugla	1	1	1	3	1	1	1	3
	Usak	2	1	1	4	2	1	1	4
	Eskisehir	2	1	1	4	2	1	1	4
TR4 - East Marmara	Duzce	2	1	1	4	3	1	2	6
	Ankara	2	1	1	4	2	3	1	6
TR5 - West Anatolia	Karaman	1	1	1	3	1	1	1	3
	Antalya	2	1	1	4	2	1	1	4
	Mersin	2	1	1	4	2	1	1	4
TR6 - Mediterranean	Hatay	2	1	1	4	2	1	1	4
	Kirikkale	1	1	1	3	1	1	1	3
TR7 – Central Anatolia	Kayseri	2	1	1	4	2	1	1	4

Table 2b. Sample Distribution of Interviews with Law Enforcement Officers and Experts

NUTS 1 Region	Selected City	SAMPLE-TARGET				REALIZED			
		Lawyer	Judge	Court Expert	Total	Lawyer	Judge	Court Expert	Total
TR8 – West Black Sea	Zonguldak	1	1	1	3	1	1	1	3
	Sinop	1	1	1	3	1	1	1	3
	Corum	2	1	1	4	2	1	1	4
TR9 – East Black Sea	Giresun	1	1	1	3	1	1	1	3
TRA – Northeast Anatolia	Erzincan	1	1	1	3	1	-	-	1
	Igdir	1	1	1	3	1	1	1	3
TRB – Central East Anatolia	Tunceli	1	1	1	3	1	1	1	3
	Van	1	1	1	3	1	-	1	2
TRC – Southeast Anatolia	Gaziantep	2	1	1	4	2	1	1	4
	Sanliurfa	1	1	1	3	1	1	1	3
	Batman	1	1	1	3	1	1	1	3
Total		39	26	26	91	40	26	27	93

In addition to these two groups, a total of nine scholars specialized in law, psychology and sociology and conducting research on divorce and family were interviewed to cognitively investigate the sociological, psychological and legal aspects of the divorce phenomenon.

1.2.3. Implementation and the Project Team

Recruitment and training of the moderators (research assistants), field plan and implementation, data entry and control within the research's scope were performed by Ipsos Social Research Institute. Data collection of the study was completed between the dates of 13 October and 11 December. During the field study, the ministerial team attended some of the interviews conducted in different cities as supervisor.

Field supervisors, field controllers, data and coding coordinators in the project team included full-time employees of Ipsos. 18 moderators (research assistants) with formation in social sciences and experience in face-to-face interviews were employed during data collection process. Prior to the study, project managers and counsellors provided the research assistants with specific technical trainings with desk-based and field practices used in research having sensitive subject of study, and trainings on legal and sociologic aspects of divorce as well as qualitative interview skills. Also, collective and individual feedbacks were given to the research assistants by listening to audio recordings of the interview during the field study.

A team of two supervisors and five interviewers employed at Ipsos headquarters conducted logistic works including the recruitment of divorced individuals and law enforcement bodies (judges, lawyers and court experts), making appointments and setting daily quotas within the scope of this research. As the subject of research is a delicate and specific one, face-to-face interviews were conducted by making appointments in advance and at the most convenient time and in the most convenient places for the interviewees. In recruitment process, in order to make sure that they fit the target audience of this study, the participants were asked whether they were officially divorced, the year of divorce and whether they were actually married at the moment.

Ipsos database was mainly used for individual interviews and recruitment of the participants was performed by contacting associations, foundations, foundations of social help and solidarity, social media groups created by divorced individuals. Also, interviewees were asked to refer to other divorced individuals (the snowball method). Interviews with the judges and lawyers were conducted with the authorisation of High Council of Judges and Prosecutors.

Interviews were audio-recorded where the participants allowed; otherwise interviews notes were taken. In the end of each interview, research assistants uploaded general notes of the interview as well as the audio-recording and identification form comprising of interview date, city of residence of the interviewee, age, gender, status of having children, marriage period and education level to Ipsos database.

Daily interview schedule of the research assistants was set up so as to have maximum 3 to 4 interviews per day considering the logistic conditions. With the end-of-day reports shared by the project assistants, field performance was monitored daily.

1.2.4. Analysis, Control and Report Phases

All the interviews conducted within the scope of the qualitative study were digitally decoded mot-a-mot from the audio recordings. Also, to make analysis of the decoded interviews easier, individual interviews were transferred to an Excel file on question base.

Data entry of the closed-ended questions filled out in the individual interviews was performed. Also, data entry of identification forms prepared by the moderators (research assistants) on interview base was performed. These forms contained basic demographic data of the interviewee as well as the date and time of the interview.

Data entry of the code key filled out by the moderator at the end of each interview was performed. In individual interviews, the reason for divorce, type of the divorce case (contested / uncontested), whether maintenance, parental authority, division of matrimonial property, compensation were brought up in the judicial process and awareness of the interviewees in Social Care Centers, formerly known as the Family Counselling Centres were all coded and transformed to numeric data. In interviews conducted with the law enforcement bodies (judges, lawyers, court experts), the most frequently encountered reasons for divorce, the obstructive and facilitative effects of maintenance, parental authority, division of matrimonial property and compensation on the divorce decision, comments on the practice, referral of the couples by the interviewed law enforcement bodies (judges, lawyers and court experts) to reconcile or agreed divorce, comments of the court experts' reports were coded and transformed to numeric data.

For reliability and validity tests of the study, 15% of the already entered identification forms, code keys and closed-ended questionnaires were re-entered to double-check the data entry and 14%

of the audio-recordings were listened to check the decoding quality. Also, the validity of the numeric data was tested through logic controls in the data. In this scope, inter-correlation of the answers to the questions related to the period of knowing the ex-spouse before getting married, the period of marriage, the period between the divorce decision and application to the court and the period of trial; the correlation between the individual's current age and the period of marriage and their age of marriage; the correspondence of the status of having children and the number of children with the individual's age; and age difference between the spouses were checked.

1.3. Definitions and Concepts

Answers given by the divorced individuals were also reviewed based on their demographic profiles:

Divorced individual: Divorced individuals who officially ended their marriage as of 2002.

Gender: Gender of the interviewee.

Age groups: Interviewees were categorized into four age groups as 25 and below, 25-34, 35-49 and 50 and more.

Education level: Interviewed individuals were categorized in three categories based on their education level. The first group is comprised of uneducated, primary school and elementary education graduates. The second group contains high school graduates and the third group is comprised of individuals with a two year degree, university or graduate education graduates.

Marriage period: Interviewees fall into four groups determined by the period of their marriage as less than 1 year, 1-5 years, 6-10 years and more than 10 years.

Status of having children: Interviewees were categorized in three groups based on their status of having children: without children, 1-2 children, more than 2 children.



Section 2

**JUDICIAL TRANSFORMATION IN
TERMS OF DIVORCE, THE REASONS
FOR DIVORCE AND THE DIVORCE
SERVICES THROUGHOUT THE HISTORY
OF THE REPUBLIC**



Family, Marriage, Divorce

Divorce in Pre-Republic Period

Divorce in the Republic Period

*The Effects of Divorce on Individuals and
Children and the Role of Law in the Process of Divorce*

Reconciliation in Divorce

In this section, the literature on divorce field was introduced. Firstly, the concepts of family, marriage and divorce were shortly explained and a brief summary of divorce in the Turkish law was introduced to suggest the judicial transformation in divorce. Divorce in Islamic law and its implementation in the Enacting the Turkish Civil Code after declaration of the Republic regime and revolutionary modernity brought by this law to divorce as well as the law's development process since 1926 were covered in this section. Also, problems caused by the articles of the Turkish Civil Code related to divorce were pointed out and solutions were offered accordingly.

The effects of divorce – especially contested divorces – on spouses and children were emphasised and the system of “mediation on divorce” was examined as a mechanism guiding parties to uncontested divorce and saving them from high legal expenses and long years of litigation processes. In this scope, regarding family mediation on divorce mechanism, the broad-scale services offered by the Ministry of Family and Social Policies were introduced.

2.1. Family, Marriage, Divorce

2.1.1. Family Concept

Family as a social phenomenon is the first type of community emerged when the human life began. Throughout its historical development, the family concept emerged in different forms in different cities. For instance, small and big families, monogamy, polyandry and polygamy, patriarchal, matriarchal and modern democratic family types (Kılıç, 2014: 21).

The social, economic and cultural developments in a community significantly influence its family structure which forms that community. Despite all these developments, the family still remains as a truly resilient community. Although its duties were greatly undertaken by the state through social security, social welfare policies or national education services, the family yet plays a very important role in the society. In Turkish society, the family has been assured and its development has been promoted by the state, taking its vital importance into consideration. In

the Constitution of Turkish Republic of 1982, the basic principles to protect the family were stipulated. They are part of the articles 41, 10, 20 and 174 of the constitution. (Öztaş, 2004: 4).

2.1.2. Marriage Concept

Marriage is a legal union of two people of the opposite sex to create a complete and perpetual life partnership (Akıntürk ve Karaman Ateş, 2013: 3). Marriage constitutes a complete life partnership between spouses. It does not only intend sexual partnership. Spouses are willing to establish a life partnership encompassing all bitter and sweet aspects of life (Akıntürk ve Karaman, 2013: 59).

The legal character of marriage is a controversial topic. According to the prevailing opinion, the marriage is a sui generis civil law contract (Akıntürk ve Karaman, 2013: 59; Feyzioğlu, 1979: 102). During the union of marriage, parties must comply with the liabilities stipulated in the law; this does not mean that they have the authority to end the union of marriage as they wish. The union of marriage can only be dissolved upon the application for a divorce and based on the limited number of grounds for divorce defined in the law (Akıntürk ve Karaman Ateş, 2013: 59; Feyzioğlu, 1979: 102).

2.1.3. Reasons for Dissolving the Marriage and Divorce

The reasons for dissolving the marriage include death, the request to dissolve the marriage in the case of declaration of absence, the annulment of marriage, gender transition undergone by one of the spouses, and divorce, which is the subject of our research.

Annulment of marriage refers to the termination of the union of marriage based on “absolute nullity” or “relative nullity” grounds stipulated in the law. With the annulment order, the marriage is proactively terminated (Dural, Ögüz ve Gümüş, 2013: 91).

In case one of the spouses undergoes a gender transition, the marriage is automatically void.

One of the reasons ending the marriage, except

death, is divorce and it refers to the dissolution of the union of marriage upon court order as a result of a lawsuit filed by one of the spouses based on a ground stipulated in the law (Gençcan, 2013: 113; Akıntürk ve Karaman, 2013: 235). According to the Turkish law, divorce is a legal right granted to both men and women. However, before the republic, the right to divorce was different for men and women in the Ottoman Empire, which was under the influence of Islamic law. The development of the divorce law is studied as pre-republic and republic periods in the following part.

2.2. Divorce In Pre-Republic Period

2.2.1. Divorce in Islamic Law (Talâq)

Talâq (divorce) in Islamic law refers to the unilateral divorce power; the decision of kadı (qadi; Muslim judge) is not required to perform the divorce here. Essentially, there are two types of divorce in Islamic law as talâq-i rici (revocable divorce) and talâq-i bâyin (irrevocable divorce), which produce different results. Talâq-i selâse, a type of Talâq-i bâyin, may be considered as the third type of talâq (Velidedeoğlu, 1965: 8 - 9; Uluç, 2014: 58).

With Talâq-i rici (revocable divorce), the union of marriage is not definitively dissolved. The divorce result becomes definite as the waiting period ends. The marriage relationship may continue in the waiting period and spouses may be heir to each other. The man is still responsible of assuming the woman's care and accommodation. The man can give up on divorce, if he wishes to, before the waiting period is over. Upon withdrawal, the marriage is re-established (Cansel, 1977: 72).

Talâq-i bain (irrevocable divorce) may emerge under two circumstances: 1) When the man divorces his wife, he uses wordings or signs stating that the divorce is irrevocable: such as "I divorce you", "you are no longer my wife" or "I divorce you with talâq-i bâin". The marriage is terminated upon pronouncements of such wording. 2) In divorce with talâq-i rici (revocable divorce), if the husband does not withdraw his decision of divorce, the divorce is definitive when the waiting period is over. The woman is required to

pass the waiting period in irrevocable divorce as well. During the waiting period in irrevocable divorce, spouses cannot be heir to each other as in revocable divorce. If the woman is pregnant, the husband is liable to take care of his wife (Cansel, 1977: 72).

Regardless of revocable or irrevocable divorce, if a man divorces his wife three times, the divorce is definitively established upon the utterance of the wording stating the third divorce and rules of talâq-i selâse (triple divorce) apply. In triple divorce, if the divorced man and the woman would like to remarry, the woman has to wait until the waiting period is over, marry another man, divorce him, wait until the second waiting period is over and finally remarry her ex-husband with a duly organized marriage. This is called "hülle" (Cansel, 1977: 73; Velidedeoğlu, 1965:8 - 9; Uluç, 2014: 58).

2.2.2. Divorce in the Ottoman Empire

Prepared by Ahmet Cevdet Pasha and came into force in 1876, Mecelle-i Ahkam-ı Adliye or mecelle in short is the first civil code in the Islamic world. Based solely on Islam, mecelle was a progressive step when its period is considered, but it only governed family and succession law and was utterly incompetent in terms of real law.

The special legal regulation regarding marriage and divorce in the Ottoman Empire is entitled Decree of Family Law (Hukuk-i Aile Kararnamesi) (Kayabaş, 2009).

This decree ensured the state control over marriage and divorce by completing the course of progress since the foundation of the Ottoman State and brought the principle to perform marriages before judges or their delegates and to be registered by the court as well as the principle to register the divorces at the court by the husband within a certain period of time.

This decree also, to certain extent, constrained polygamy for the first time in the Ottoman history of law. It stipulated that the wife might require the husband to remain monogamist during the marriage when they got married. The decree was revolutionary

so as to indirectly generalise monogamy and this new system was followed by many other Islamic states.

According to the decree, the right to divorce (*talâk*) generally belonged to the husband. There had been no reforms in the husband's power of divorce (*talaq*) except for a couple of aspects. Pursuant to the articles 102 and 103 of the decree, all men appeller and of full age have the power to divorce.

Between the articles 119 and 131 of the decree, under the section of the right of option under certain circumstances, women were also granted the right to apply to judge to dissolve the union of marriage. It is one of the most significant reforms brought by the decree. This regulation is very much similar to divorce with the judge's order, a condition whose grounds are stipulated in the law.

If the woman would like to divorce her husband, without any faults attributed to him, just because she does not love him anymore and she feels alien to her husband, she can get divorced by stating before the judge that she does not request the bride price. If the husband is at-fault, she can even request the bride price. In either cases, dissolving the union of marriage on the woman's part is conditioned to file a lawsuit to avoid any disputes regarding the bride price debt (Kayabaş, 2009; Aydın, 1985: 152).

The Decree of Family Law was effective for less than two years and repealed on 19 June 1919. Before the Treaty of Lausanne, Ankara Government adopted "mecelle" as the Civil Code and re-enacted the Decree of Family Law in February 1921. Comparing the re-enacted text to the Decree of Family Law of 1917, it is observed that the two texts were quite the same in terms of form and material law, except for a couple of small amendments (Velidedeoğlu, 1965: 8 - 9, Uluç, 2014: 58).

The decree was then used as a model for family law drafts made in the republic period in 1923 and 1924; and although it was based on religious principles, it also led to the partial secularization movement in the family law as it legalized these principles (Kayabaş, 2009; Cin ve Akgündüz, 2012: 81; Ünal, 1977: 211).

2.3. Divorce During The Republic Period

2.3.1. Turkish Civil Code No. 743 and Divorce

2.3.1.1. Reforms in the Family Law as brought by Turkish Civil Code No. 743

The revolution in the Turkish family law started with the first Turkish Civil Code no. 743 which entered into force in 1926. This regulation secularized the family by making it independent of the religious authority (Dural, Ögüz ve Gümüş, 2013:7).

Statements of the then Minister of Justice Mahmut Esat Bozkurt on the necessity of reforms in law and his comments on secularization in especially the family law were effective in occurrence of such a reform. It was decided to abandon the previous law and to adopt the Swiss Civil Code with a couple of amendments (Üçok, Mumcu ve Bozkurt, 2011: 375; Bozkurt, 1944: 7 - 20; Bozkurt, 1996). The Turkish Civil Code no. 743 was accepted in Turkish Grand National Assembly on 17 February 1926 and put into force on 4 October 1926 after being published in the Official Gazette on 4 April 1926.

Upon the reception of the first Turkish Civil Code, the most significant reforms in the family law included performing and certifying the marriage before an official authority (civil marriage), monogamy and an equal right to divorce. The procedure of liberty was repealed and the divorce was made possible only in the case of occurrence of the limited reasons stipulated in the law and with a court order (Feyzioğlu, 1979:17). With the reforms including prohibition of polygyny, granting equal rights to men and women in divorce and boys and girls in succession, the law attempted to reshape the Turkish family based on the western model and to offer a contemporary lifestyle (Özdemir, 2009).

2.3.1.2. Reasons for Divorce Accepted in the Turkish Civil Code No 743

The reasons for divorce in the Turkish Civil Code No.743 are limited to the reasons stipulated in the article 121 to 134. The reasons for divorce are

defined in the law as follow: adultery (article 129); plot against life and grave assaults (article 130); crime and insult (article 131); desertion (article 132); mental diseases (article 133); incompatibility (article 134). Only if one of these reasons is present, the divorce is possible by a court order. It is impossible to petition for a divorce case and grant a divorce for the grounds other than stipulated here.

The reasons for divorce are split into two groups as general reasons for divorce and specific reasons for divorce. The specific reasons for divorce include adultery, plot against life and grave assaults, crime and insult, desertion and mental diseases. The general reasons for divorce on the other hand refer to breakdown of the union of marriage, mutual agreement by the spouses and failing to resume cohabitation.

The reasons for divorce are also categorised as absolute and relative reasons for divorce. Proving the reason for divorce at court is sufficient in the absolute reasons for divorce. The judge is not liable to investigate whether the mutual life is unbearable (Feyzioglu, 1979: 286).

The absolute reasons for divorce include adultery, plot against life and grave assaults, desertion and failing to resume cohabitation. In the case of other specific reasons for divorce, i.e. crime, insult and mental diseases, proving these phenomena is not sufficient per se and the judge is liable to in fact investigate whether such reasons make the cohabitation unbearable.

2.3.1.3. Reasons for Divorce Added to Turkish Commercial Code No 743 by the Law No 3444 of 1988

When compared to the Turkish Civil Code No.4721 in force, the Law No.743 only excludes the uncontested divorce and divorce on the grounds of de facto separation which were added to the Law No.743 with an amendment of law No. 3444 in 1988.

The law no. 3444 amended the article 134 of the Turkish Civil Code No. 743 and its title as follows:

“VI - The irretrievable breakdown of the matrimonial relation or the failing to resume cohabitation

Article 134 - If the matrimonial relation is shaken from its foundations to such a degree that the spouses cannot be expected to continue cohabitation, either spouse can petition for divorce.

In the above circumstances, if the fault of the petitioner is the more serious, then the respondent can contest the petition. If this objection is regarded as an abuse of rights and there is no benefit worthy of protection in the continuation of the matrimonial relation for the respondent and the children, then a divorce may be granted.

If the marriage has lasted at least one year, the matrimonial relation is considered to be shaken from its foundations either on the joint application of the two spouses or the acceptance by one spouse of the divorce suit of the other. In this case, in order to grant a divorce, the judge hearing both sides, must be convinced that they freely express their wills and must accept as proper the arrangements made by the parties for the financial consequences of the divorce and the position of the children. The judge can make any necessary alterations in this agreement, taking into consideration the interests of the parties and the children. When these amendments are accepted by the parties, divorce is granted. In this case Art. 150/3 is not applicable.

Upon the rejection of a divorce case based on anyone of the divorce grounds and the lapse of three years from the finalisation of this decision, if cohabitation could not be resumed for whatever reason, divorce is to be granted upon the request of either spouse.”

Prior to this amendment, mutual agreement by the spouses was not regarded as a reason for divorce. In practice, the spouses were based on the grounds for divorce stipulated in the law and called witnesses who gave unrealistic depositions at the court which led the spouses to be granted for divorce. Considering that it would not be logical to force the spouses to remain married under these circumstances, a third provision regarding uncontested divorce was added to the article 134 of the Civil Code in 1988

(Oğuzman and Dural, 1994: 127; Öztan, 1990: 111 - 137; Burcuoğlu, 1988: 110 - 127). In the case of the uncontested divorce, which is regarded as one of the general reasons for divorce, the judge does not need to weight the circumstances and decide if the cohabitation has become intolerable. The judge however has to hear the parties in person and ensure that they agree on other conditions of divorce. In this sense, the agreed divorce is regarded as an absolute reason for divorce.

Another amendment brought in the article is acceptance of the de facto separation, in other words failing to resume cohabitation, as a ground for divorce. According to the ground for this amendment, the spouses actually live in separate houses for a long time and the union of marriage continues only legally because they cannot petition for divorce based on the reason of incompatibility although one of the spouses has shaken the union on marriage at his fault and mutual consent by the spouses is not sufficient to grant a divorce. Living in separate houses for a long time is regarded as an important indication showing that resuming the union of marriage does not have benefits for the parties considering all the circumstances of the situation. Therefore, if earlier attempts to divorce based on any of the grounds have failed and the cohabitation have not been able to be resumed although three years have elapsed from the rejection of the earlier divorce case, either one of the spouses can successfully petition for a divorce.

2.3.2. The New Turkish Civil Code No 4721 and Reasons for Divorce

2.3.2.1. Reforms in Family Law as Brought by Turkish Civil Code No 4721

The Turkish Civil Code No. 743 which was in force for 76 years from 1926 to 2002 was repealed with the article 1028 of the new Turkish Civil Code No. 4721 put into force on 1 January 2002. The law's wording had become complicated and incomprehensible over time and some of its provisions did not meet the economic and social requirements of the present day. As of 1950's, commissions had been established attempting to innovate the civil code and as a result,

preliminary drafts and bills were made (Dural, Öğüz ve Gümüş, 2013: 7 - 9).

Family law provisions taken from the Swiss Civil Code of 1912 and transferred to the Turkish Civil Code No. 743 of 1926 were accepted in Switzerland based on the family model of over a century ago. In this family model, the husband and wife had predefined roles. The husband was the head of household and he had the right to choose the domicile house. He also had to bear the expenses of the house. The wife, on the other hand, was given the traditional housewife role and her work life was subject to the permission of her husband; the parental authority of the children belonged to both of the spouses but the husband had the last saying.

Some of these provisions violating the principle of equality between man and woman were rescinded¹ or amended by various laws on grounds that they violated the constitution. Such amendments, however, were not able to establish the equality between men and women before the law. Also, attempts on global-scale to spread the equality between men and women across every aspects of the social life within the scope of the international conventions obliged some countries to innovate their civil codes (Gören, 1995: 39).

Developments in science, technology and industry since early twentieth century had led major social changes especially in western civilizations. These changes and developments in social and economic life also resulted in changes in domestic roles (Ceylan, 2006: 17 - 19). The concept of family which was based on fixed roles was abandoned and the marriage started to be regarded as a life partnership based on equal rights and superior and privileged position of the men in court orders and matrimonial relationship was put to an end while equality between the spouses was assured. These developments took a long time in western societies as well. Scandinavian countries led other countries and were followed by

¹ The article 159 of the Civil Code number 743, requiring the husband's permission for his wife's work life, was repealed because it was regarded as a violation of gender equality rule in the article 10 of the Constitution with the Constitutional court decision of 29.11.1990 published in the Official Gazette number 21272 of 02.07.1992.

Belgium and Federal Germany in 1950's; later, many western countries including France, Luxembourg, the Netherlands, Austria, Italy and Switzerland implemented major amendments on their civil code and granted equal rights to the spouses in the union of marriage (Koçhisarlıoğlu, 1988: 251; Cansel, 1977: 30).

Furthermore, pursuant to the Convention on Elimination of All Forms of Discrimination against Women – CEDAW, states party to the convention undertake to ensure granting equal economic, social, cultural, civil and politic rights to men and women. The article 2/a of the treaty reads: “The states parties... declare intent to enshrine gender equality into their domestic legislation and other relevant laws and to ensure implementation of this principle by laws.” The treaty was recognized in the United Nations General Assembly on 18.12.1979 and put into force on 3.9.1981 (Moroğlu, 2003: 881; Alpkaya: 17; Burcuoğlu, Altop ve Ünan, 1983: 22; Prime Ministry General Directorate of Women's Status and Problems, 2000).

Attempts to establish gender equality in Turkey have resulted in signing several international treaties, amendments in the Civil Code implemented in different periods and acceptance of the Turkish Civil Code No.4721 on 1 January 2002. In this scope, innovations in the family law implemented in the Turkish Civil Code No. 4721 have been based on ensuring the gender equality in line with the international conventions and protecting the family (Ceylan, 2006:19).

Fundamental changes brought by the Turkish Civil Code No.4721 were mainly related to the family law. The equality between spouses principle added to the article 41 of the Constitution in 2001 had resulted in major changes in the field of family law. These changes were especially effective on the general matrimonial provisions and the provisions on matrimonial property.

The Turkish Civil Code No. 4721 reserved nearly all the grounds for divorce stipulated in the previous law while small amendments and additions were

implemented in the law. In the preamble of the draft bill, it was stated that abolishing the specific reasons for divorce from the law would be misunderstood by the Turkish society (General Preamble of the Civil Code, 1999: 253). The reasons for divorce in the new law are limited to the grounds stipulated in the articles 161 to 166.

2.3.2.2. Reasons for Divorce as Accepted in the Turkish Civil Code No. 4721

Adultery

The Turkish Civil Code deems adultery committed by one of the spouses as a reason for divorce. Indeed, the article 161/f.1 of the Civil Code reads: “if either one of the spouse commits adultery, the other spouse may petition for divorce.” As this expression indicates, the Turkish law accepts the adultery committed by man and woman as a ground for divorce and does not discriminate the spouses in this regard.

In the case that either of the spouses has sexual relationship with someone other than their spouse, even once, this causes for divorce on the grounds of adultery (Dural, Öğüz ve Gümüş, 2013: 104). However, if the spouse forgives the adulterous party or does not petition for divorce within six months following the date in which it was committed (or within five years from the date of such adulterous act) his/her right to file such lawsuit will expire. In case the adultery repeated, this will prevent these legal processes (Dural, Öğüz ve Gümüş, 2013: 106). The adulterous spouse needs to be at fault. If the spouse was subject to sexual relationship against his/her will, for instance being forced or put to sleep, this act will not cause a fault; therefore the other spouse will not be able to petition for divorce (Akıntürk ve Ateş, 2013: 246; Dural, Öğüz ve Gümüş, 2013: 104).

Divorce on the grounds of adultery is a specific and absolute reason for divorce. In case the divorce case is based on the ground of adultery, the judge will freely assess the evidences and if he deems that the act of adultery is held, he grants for divorce. He will not further weigh on the circumstances to decide whether the union of marriage has been shaken from

its foundations (Dural, Ögüz ve Gümüş, 2013: 106). Pursuant to the article 236/f.2 of the Civil Code, the adulterous party who cause the divorce cannot take a share of acquired property of the blameless spouse or this share may be reduced by the judge on an equitable basis.

Divorce on the ground of plot against life, grave assaults or severe humiliation

The article 162 of the Turkish Civil Code reads:

“Either one of the spouses can petition for divorce if the other party deliberately attempts on his/her life or maltreats him/her or humiliates him/her severely. The party eligible to petition for a divorce case has six months starting from the date in which such act is conducted and if five years elapse from the occurrence of such act, the right to file such lawsuit will expire.

The forgiving party loses his/her right to file a lawsuit.”

This section actually governs three reasons for divorce.

Plot against life refers to the acts of either one of the spouses with the intention to kill the other for example, attempting to kill the spouse, inciting them for suicide.

Grave assaults includes the torture inflicted on the spouse, conducts which put their physical and mental health in danger, for instance, locking him/her in a room, leaving him/her hungry, inflicting violence, forcing to abnormal sexual intercourse.

Severe humiliation includes severe insults, acts and conducts which degrade the spouse and attack them.

Divorce on the ground of committing crime and leading a dishonourable life

Pursuant to the article 163 of the Turkish Civil Code, *“If either one of the spouses commits a humiliating crime or leads a dishonourable life and the other spouse can no longer be expected to live with the faulty divorce, then the other spouse will be entitled to file a lawsuit for dissolution of the union of marriage.”*

This section defines the reasons for divorce as humiliating crimes, i.e. disgraceful or shameful crimes. For example theft, embezzlement, abuse, forgery, swindle (Dural, Ögüz ve Gümüş, 2013: 109). Leading a dishonourable life refers to a way of life disrespecting the morality, dignity, honour or self-respect principles of the society; e.g. drug trafficking, alcohol or drug abuse, gambling, abnormal sexual intercourse addiction (perversion) (Akıntürk ve Karaman, 2013: 253).

Divorce on the ground of desertion

Deserting the spouse and children, if there are any, by leaving the house to refrain from his/her matrimonial liabilities and not to resume cohabitation are regarded as a ground for divorce.

The article 164 of the Turkish Civil Code reads: *“If one of the spouses has deserted the other in order to refrain from his/her matrimonial obligations or due to an unjustified reason and has not come back for minimum six months, the separation is still going on and the legal notice sent by the court to the deserter spouse upon the request of the other spouse remains unanswered, the deserted spouse will be entitled to file a lawsuit for divorce. The spouse forcing the other to leave the house or prevent him/her to come back to the house without a justifiable reason is also deemed as the deserter spouse.*

Upon the request of the spouse who will be entitled to apply to the court, the judge sends a legal notice to the deserter spouse asking to come back within two months and warning him/her about the consequences if s/he refuses to come back. This notice is served by publication, if necessary. However, the request for legal notice cannot be made unless four months have elapsed and the lawsuit can only be filed after two months after having sent the legal notice.”

In the case that either one of the spouses has left for a justifiable ground (e.g. military service, education, disease, job change, serving time for imprisonment), the other spouse will not be entitled to file a divorce case (Dural, Ögüz ve Gümüş, 2013: 112).

If either of the spouses is forced to leave the house due to violent acts inflicted by the other spouse,

since it is reasonable that s/he leaves the house, the divorce case cannot be filed and the files already filed are dismissed. But the spouse who is forced to leave the house will be entitled to file the lawsuit to his/her spouse on the ground of desertion. This is expressed in the article 164 as follows: *“The spouse forcing the other to leave the house or prevent him/her to come back to the house without a justifiable reason is also deemed as the deserter spouse.”*

Divorce on the ground of mental disease

The article 165 of the Turkish Civil Code reads: *“If one of the spouses suffers a mental disease, the marriage becomes intolerable to the other spouse due to such disease and the medical committee of a public hospital issues a report to confirm that the said mental disease is incurable, the other spouse will be entitled to file a lawsuit for divorce.”*

To file a lawsuit for divorce on the ground of mental disease, one of the spouses must suffer from a mental disease, the disease must be incurable and the cohabitation must become intolerable for the other spouse due to the said disease. The disease must be medically proven to be incurable and to make the marriage unbearable (CC. Art. 145 b3).

Irretrievable breakdown of marriage

Pursuant to the article 166 f.1 and f.2 of the Civil Code; *“If the matrimonial relation is shaken from its foundations to such a degree that the spouses cannot be expected to continue cohabitation, either spouse can petition for divorce.”*

In the above circumstances, if the fault of the petitioner is the more serious, then the respondent can contest the petition. If this objection is regarded as an abuse of rights and there is no benefit worthy of protection in the continuation of the matrimonial relation for the respondent and the children, then a divorce may be granted.”

90% of the lawsuits for divorce are filed based on this reason for divorce, also known as the “irreconcilable differences” (ASAGEM, 2008: 15).

Pursuant to this provision, two conditions are sought by the judge to decide for divorce: the objective condition is that the marriage is shaken from its foundations; the subjective condition is that the cohabitation becomes intolerable.

Intolerability does not necessarily have to be in question for both parties. If the cohabitation becomes intolerable even for one of the spouses, this is sufficient for filing a lawsuit for divorce (Dural, Ögüz ve Gümüş, 2013: 117).

If the spouse filing the lawsuit based on this general and relative reason for divorce is the faulty spouse for making the marriage intolerable, then respondent can contest the divorce claim. But if this objection is regarded as an abuse of the right and there is no benefit worthy of protection in the continuation of the matrimonial relation for the respondent and the children, then a divorce may be granted by the judge (Akıntürk ve Karaman, 2013: 266).

Uncontested divorce

The article 166 f.3 of the Civil Code reads: *“If the marriage has lasted at least one year, the matrimonial relation is considered to be shaken from its foundations either on the joint application of the two spouses or the acceptance by one spouse of the divorce suit of the other. In this case, in order to grant a divorce, the judge hearing both sides, must be convinced that they freely express their wills and must accept as proper the arrangements made by the parties for the financial consequences of the divorce and the position of the children. The judge can make any necessary alterations in this agreement, taking into consideration the interests of the parties and the children. When these amendments are accepted by the parties, divorce is granted. In this case, the provision stating that the acknowledgment of the parties is not binding on the judge is not applicable.”*

This paragraph governs divorce by mutual consent of the spouses. Conditions of the uncontested divorce are specifically regulated. Judges may rule for divorce based on this ground if the marriage must have lasted at least one year, the spouses apply to court for divorce together or the lawsuit filed by one of

the spouses is accepted by the other, the judge must hear the parties in court in person and approve the protocol regarding financial consequences of the divorce and the position of children. If all of these conditions are not met at once, uncontested divorce case may become a contested divorce (Dural, Ögüz ve Gümüş, 2013: 120 - 122).

Mutual consent reached by the spouses on divorce is regarded as the way of divorce which causes the least harm on the spouses and children (Şıpka ve Gençcan, 2007).

De facto separation (failing to resume cohabitation)

Failing to resume cohabitation, also known as the “de facto separation” intends to divorce the spouses who have been living in separate houses and have not resumed the cohabitation for a long time.

According to the article 166 f.4 of the Civil Code, *“Upon the rejection of a divorce case based on anyone of the divorce grounds and the lapse of three years from the finalisation of this decision, if cohabitation could not be resumed for whatever reason, divorce is to be granted upon the request of either spouse.”*

The first condition sought to decide for divorce on the ground of de facto separation is the rejection of a divorce case based on anyone of the divorce grounds. Although the provision explicitly mentions the rejection of a case, in the decision of the Court of Appeal, if the previously filed lawsuits for divorce are renounced, the said condition is deemed to have been met. These decisions are criticized in the doctrine (Oğuzman ve Dural, 1994: 130; Dural, Ögüz ve Gümüş, 2013: 123). Secondly, three years must elapse from the date in which the rejection order

is finalised and the cohabitation have not resumed in this period. In case these two conditions are met, either one of the spouses may petition for divorce.

The spouse found faulty in the previously filed and rejected lawsuit can still file for divorce based on the ground of failing to resume cohabitation (Dural, Ögüz ve Gümüş, 2013: 124). However, as a result of the filed lawsuit, the faulty spouse may be made to pay pecuniary and immaterial compensation or maintenance to the other party.

2.3.2.3. Divorce Proceedings in Family Courts

Family courts hear the divorce cases. After the new Turkish Civil Code is entered into force, the family courts are established by Law. no 4787 in the law in relation to The Establishment of Family Courts, Duties and Proceedings in 2003. The article 4 of the Law no. 4787 defines the family courts as the specialized courts having jurisdiction for family law affairs stipulated in the Turkish Civil Code.

Established in 81 cities across Turkey, family courts serve effectively in 64 cities as of January 2015. In the remaining 17 cities where the family courts have not been established, civil courts of first instance try the divorce cases (Ministry of Justice, 2015).

A total of 180 judges appointed in the family courts in Turkey. On average, 2 family court judges are appointed for each city. Ankara (19 judges), Istanbul and Izmir (16 judges) are the cities with the most judges appointed. In 30 cities, only 1 judge is appointed as a family court judge (Ministry of Justice, 2015).

Table 3. Number of Family Courts and Judges by Regions

Regions	Number of Total Established Family Courts	Number of Active Family Courts	Number of Judges Holding Office in Family Courts
Mediterranean Region	31	30	27
East Anatolia Region	10	10	11
Aegean Region	32	30	30
Southeast Anatolia Region	14	14	14
Central Anatolia Region	39	37	46
Black Sea Region	19	19	19
Marmara Region	35	35	33
Total	180	175	180

The spouse wanting to file a lawsuit for divorce can do it in person without giving a power of attorney to a lawyer and represent himself/herself if s/he has the power of discernment (Tanrıver, 2014: 65).

In Turkey, state-supported counselling service before the divorce is not offered. Parties who cannot afford a lawyer may request a lawyer appointed for them by applying to the legal aid offices of the bars. However, the said service cannot be effectively implemented due to lack of resources allocated by the state.

When a lawsuit for divorce is filed in the family courts (the court of first instance in city or districts not having family courts) having the jurisdiction (article 168 of Civil Code), the lawsuit petition is sent to the other party (the defendant spouse) first. The defendant spouse has the right to reply and plead. In the given time, the rebuttal petition is submitted to the file. Upon the completion of the mutual petitions, the parties submit all of their evidence and evidence lists to the file so that the preliminary examination is completed (article 137 of Code of Civil Courts). Following the preliminary examination, the first trial date is set by the court. During this first trial and next trials, the judge hears the parties and the witnesses presented in the evidence lists. Then the judge conducts the case in accordance with the proceedings for divorce specifically regulated in the article 184 of the Civil Code by considering the claims and pleas of the parties.

For the divorce cases, it is obliged to respect the trial principles indicated in the article 184 of Turkish Civil Code. Accordingly, a broad power of discretion is given to the family court judge in divorce cases for the issues such as whether there is a reason for divorce, which part has the most serious fault, amount of the compensation and maintenance to be approved, parental authority of the children, etc. It is a general rule to conduct the cases in Turkish courts as open to public. However, there is an exemption for this rule in the last paragraph of the article 184 of Civil Code. Where it is deemed suitable by the judge, hearings of the divorce case can be conducted as secret upon the request by one of the parties.

2.3.2.4. Criticism and Suggestions Related to the Reasons for Divorce Accepted in the Civil Code Number 4721

General criticism and suggestions related to the regulation method of the reasons for divorce

The reasons for divorce stipulated in the Law no.743 were almost completely transferred to the Turkish Civil Code no. 4721. Whereas, the section covering the reasons for divorce and their results in the Swiss Civil Code (SCC) which is the source law was fundamentally changed and such amendments came into force in 2000 in Switzerland. The doctrine criticizes that these last developments have not been transferred to our Civil Code (Gençcan, 2013: 135; Oktay, 1996: 53; Ceylan, 2006: 20 - 21; Helvacı, 2002: 1151; Özdemir, 2003; Koçhisarlıoğlu, 1991: 431).

As a result of the amendments on divorce which came into force in 2000 in Switzerland, the general and specific reasons for divorce were abolished and only the reasons for divorce based on incompatibility of the spouses, de facto separation and irretrievable breakdown of the marriage due to severe grounds were kept (Gençcan, 2013: 135; Oktay, 1996: 53; Ceylan, 2006: 20 - 21; Helvacı, 2002: 1151; Özdemir, 2003; Koçhisarlıoğlu, 1991: 431).

The reasons for divorce accepted in the new Swiss Civil Code include: divorce by mutual consent (SCC art.111); divorce by partial consent (SCC art. 112); long-term de facto separation² (SCC art. 114); irretrievable breakdown of the marriage due to severe grounds (SCC art. 115); acceptance of the filed lawsuit for divorce (SCC art.116) (Hausser, Geiser and Aebi - Muller, 2007: 119 - 120).

New divorce regulation entered into force in 2000 in Switzerland intends to ensure mutual consent by the spouses on the divorce and its consequences and to establish cooperation between the spouses on divorce (Ceylan, 2006: 21 - 22).

This is also a leading opinion in the Turkish judicial

² The period of separation that has once been accepted to be for 4 years has been reduced to 2 years on 1.6.2004.

doctrine, based on the above-mentioned revision in Switzerland – as in many western societies – and it is in form of revoking the specific reasons for divorce and making a new regulation accordingly (Özdemir, 2003: 103; Burcuoğlu, 1988: 119; Ceylan, 2006: 20 - 21; Helvacı, 2002: 1151; Koçhisarlıoğlu, 1991: 431).

The distinction between the specific and general reasons for divorce is now regarded as an artificial separation. In practice, 90% of the filed lawsuits for divorce are based on the grounds of irretrievable breakdown of the marriage from its foundations (art. 166 f.1 and f.2 of the CC) (ASAGEM, 2008: 15), which further confirms this opinion. The reason of this implementation is the ground of irretrievable breakdown of the marriage from its foundations encompasses many facts leading to divorce. The grounds of adultery, grave assaults and insult, desertion, failing to resume cohabitation are in fact all shake the union of marriage from its foundations. Thus, it would be more accurate to ground on the reason of irretrievable breakdown of the marriage from its foundations per se (Same content: Ceylan, 2006: 27; Burcuoğlu, 1988: 119, Gençcan, 2013: 390; Hatemi ve Serozan, 1993: 229).

On the other hand, the facts based on by the parties in majority of the divorce cases meet the conditions of more than one reason for divorce stipulated in the Civil Code. In fact, these facts do not emerge suddenly. Disputes that seem unimportant to the spouses in early periods of the marriage may then cause emotional and sexual incompatibilities and further lead to infidelity, physical and psychological violence. In other words, the irretrievable breakdown of the marriage from its foundations does not occur spontaneously upon a single event but rather upon completion of a series of events (see. Gençcan, 2013: 390 for reasons of divorce and court orders as a result of emotional, physical, sexual, economic, social, visual violence).

Criticism and suggestions related to the principle of fault in divorce

According to the art 166 of the CC, both the spouse at fault and the blameless spouse can petition for divorce on the ground of the irretrievable breakdown of the marriage from its foundations. However, as the article

implies, if the spouse with the most serious fault files the lawsuit for divorce, the respondent spouse has the right to object to dismiss the case. But the said right of objection must not be regarded as an abuse.

The Court of Appeal dismisses the lawsuit for divorce if there are no faults attributable to the respondent spouse who makes the objection although the plaintiff is at fault. In practice, the respondent spouse insists on not getting divorced in lawsuits filed by the spouse with more serious fault. Women are usually the insisting party for various reasons: the husband commits adultery or falls- in love with someone else and the wife objects because she seeks for revenge, punishment, making his life miserable (psychological reasons) or more economic interest (Şıpka ve Gençcan 2007).

In the doctrine, the necessity of keeping the element of fault stipulated in the art 166 f.2 of the CC is emphasised considering the reality in our country and also because the inability to meet the matrimonial requirements usually results from either or both of the spouses (Ceylan, 2006: 27). Nevertheless it is very difficult and pointless to resuscitate the marriage which has been shaken from its foundations on the basis of the principle of fault. Therefore, Turkish law – as the case in Swiss law and many modern law systems – obliges that the concept of fault is not effective on the divorce and the fault is to be regarded as influential in terms of pecuniary and immaterial compensation. In other words, even though the plaintiff spouse is at serious fault, the divorce must be granted if the respondent spouse is less seriously at fault and resuming the marriage will bring no benefits to the spouses and children (Şıpka ve Gençcan 2007).

Criticism and suggestions about the reason for divorce related to de facto separation

The doctrine also criticizes the art 166 f.4 of the CC governing the divorce on the ground of de facto separation and seeking a previously filed and dismissed lawsuit as a prerequisite (Özdemir, 2003: 164).

In practice, the faulty spouse seeking for divorce files a lawsuit for divorce at first; but then s/he revokes the case before trial and start the three-year separation period from the date in which the revocation occurs.

When the three-year period has elapsed, the said spouse can divorce by filing the lawsuit based on the art. 166 f.4 of the CC. This way of divorce is commonly called the automatic divorce. This makes the art 166 f.4 of the CC, which seeks the presence of a dismissed lawsuit, ineffective in practice.

Whereas based on the developments in European countries, living in separate houses for a defined time period should be regarded as a reason for divorce without seeking for a previously filed and dismissed (or revoked) divorce case as a prerequisite (Özdemir, 2003: 164; Şipka, 2006: 168 - 171). So, divorce can be granted based on de facto separation of the spouses for some time or the separation order granted by the court, without requiring a previously filed and dismissed lawsuit.

2.4. The Effects of Divorce on the Individual and Children and the Role of Law in Divorce

Conflicts between the spouses may stem from various factors. These are in general in form of psychosocial, socioeconomic, family/relative-related problems, sexual problems between the spouses. The divorce manifests itself across all welfare segments of the society. Mental or psychological disorders suffered by the spouses, getting married to gain economic benefits, alcohol and gambling addictions, age difference between the spouses, different education levels of the spouses, impossibility to have children, tendency of the husband towards polygyny, seeking for self-interests and individualism, growing up in a family with incompatibility issues are regarded as factors leading individuals to get divorced.

The divorce is indicated as one of the most stressful processes in life and many adults have hard time to adopt it. Research on divorce shows that the divorced individuals face many problems in health, economic and social aspects of life and that divorce has adverse effects on the adaptation of the child as well (Öngider, 2013: 151).

Both conflicts in the pre-divorce period and discussions during the divorce trial have negative effects on children (Öngider, 2013: 144). The research indicates that self-respect of the children is adversely

influenced by these conflicts. Some spouses may want to make the children part of their conflicts. Especially younger children may think that they cause the problems between their parents (Öngider, 2013: 152 - 153). In the post-divorce period, regular psychological consultancy may be provided to parents to eliminate the problems they face in their relationships with the children and to approach the children the most appropriate way possible. Post-divorce monitoring may be employed in family courts to minimise the effects of this process on children. It is recommended to increase the facilities to offer parenting training and psychosocial assistance in Family Counselling Centres, universities and school in order to minimise the effects of divorce on children. Improving these facilities is crucial both during the divorce trial and in post-divorce period (Aral ve Sağlam, 2012: 84 - 85).

Making the distinction of legal divorce and psychological divorce when considering the family will be helpful to solve the problems stemming from the divorce trial. If the court does not grant a divorce, the legal opinion is that the bond between spouses is intact. In reality, they may face many domestic problems which prevent resuming the union of marriage. In other words, whether a family is morally dissolved is not actually related to whether the judicial system detects the dissolution. Moral dissolution in the family therefore is as much important as the divorce in law (Doğan, 1998: 67 - 68).

In fact, low divorce rates in a country are not really a sufficient criterion to determine the well-being of the families living in that country. To be able to suggest a more solid comment on family well-being, one must consider the number of divorce cases regardless of the result, rather than considering the number of finalised divorces. If a family has gone all the way down to filing a lawsuit for divorce, one cannot say that this family is healthy (Doğan, 1998: 67 - 68). Resuming a family that has lost its functions and making the divorce difficult do not actually comply with the reality of life. Therefore, choosing the uncontested divorce by reaching a mutual consent by the spouses and lawyers in the early stages of divorce is regarded as the least damaging way of divorce on psychological states of the spouses and children (Özdemir, 2003).

2.5. Mediation on Divorce

2.5.1. Definition and Functions

Mediation on divorce refers to the practices aiming at resolving the conflicts between spouses stemming from the divorce through an independent third party, and managing and finalising the relationships between family members in the most peaceful manner during the divorce process and post-divorce period. In this sense, it is regarded as an alternative conflict resolution method (Gaffal, 2010:174 - 175).

The EU Recommendation on Family Mediation No. R(98)1 is one of the first international legal instruments in mediation on divorce and highlights the purpose of accepting, implementing, generalising and improving the mediation in the EU member states aiming at minimising the conflicts as to protect the interests of all family members and resolving the family disputes on the basis of mutual understanding (Council of Europe, 2014).

In many European countries, divorce law tends to place more importance on agreed divorce through mediation assistance. In 2001, Commission on European Family Law – CEFL was established by a group of international scholars. This independent and scientific institution intends to establish the European Family Law Principles through international partnerships. Uncontested divorce is featured in works and decisions of this institution. Mediator lawyers, mediators or other experts try to inform the spouses on the consequences of divorce and to reach an agreement on divorce process. This procedure may extend the process in uncontested divorce, but it saves the spouses from litigation process by enabling them to fully express their will and to reach an agreement on certain issues (Şıpka, 2006: 170 - 171).

Mediation on divorce is a practice that will reduce the negative effects of the long divorce trial period on spouses and children and lessen the pecuniary and nonpecuniary burden of the court. It is highly recommended to establish this practice, which is obligatory in some European countries, in our country as well. Although the expert assistance in divorce trials is accepted in the Law 4787, functions, formation and experiences of these experts serving within the

family courts are different than family mediators in its technical sense. In our case, when one of the spouses has decided for divorce, a power of attorney is given to his/her lawyer and the lawsuit is filed. Most of the time, the conflicts between spouses have reached a point where they cannot be back together and re-establish the communication between them. In practice, expert assistance during trial only helps the judge's decision-making in whether the marriage will be resumed or in parental authority and managing the relations with children (Şıpka ve Şıpka, 2007).

Making the mediator intervention obligatory in all divorce cases filed to sustain the union of marriage could bring in major drawbacks. The most significant risk in such practice is to force the women who are the victims of violence to settle with their husband, who inflict the violence through mediators. Another issue may arise, as stated above, when the spouses who psychologically completed the divorce phase are subject to mediation. Family mediation should not make the divorce process, which is already handled with great difficulty, even more intolerable for the spouses and children; on the contrary, it should aim at facilitating adaptation of the spouses and children to the post-divorce life. In this sense, it is recommended to place importance on mediation on divorce which will expand the agreed divorce practice in family mediation services.

When the marriage is really over and at the point where resuming the marriage has no benefits for the spouses and children, coming to a mutual agreement on divorce must be regarded as a way of mediation (Şıpka ve Gençcan, 2007).

2.5.2. Advantages of Mediation on divorce

Resolving the conflicts specific to family law through mediators is regarded to be more useful because it requires cooperation between the family members (Gaffal, 2010: 175). It is indicated that the negative effects of divorce on children and spouses are minimised in mediation and even completely eliminates them in some cases (Şen, 2013: 102).

In a study conducted in the UK on effects of

mediation on divorce, significant decrease in the spouses' emotional reactions stemming from the divorce process including anxiety, insomnia, and social dysfunction was observed in the post-mediation period. Similarly, the study showed the improvement in dissatisfaction and depression level in children. In addition to these positive effects on spouses, it was observed that the cooperation between the spouses and children was improved (Şen, 2013: 104).

Another research suggested a significant difference in favour of mediation when the level of satisfaction of the spouses regarding the divorce process who applied to either court or mediation. It was observed that the spouses who benefited from mediation on divorce managed the emotional aspects of the divorce process more easily, parted ways with each other with less sense of hostility and more importantly, they were able to communicate more easily for effective parenting after the divorce (Şen, 2013: 104).

Essentially, results have shown that mediation is a more practical, cost-effective and less conflicted process when compared to the court trial. Parties are more satisfied with the divorce case result because they actually take part in making the decision in respect of their lives. Also, mediation reduces the number of divorce cases heard in court because it diminishes the need to appeal. In the post-divorce period, it is observed that cooperation between the spouses is improved on children-related issues. In Europe and USA, states offer pre-mediation on divorce services to the spouses because of these advantages compared to the contested divorce process. This intends to establish an agreement between the spouses based on self-participation and to avoid state intervention (Gaffal, 2010: 186).

2.5.3. Qualities Required for the Spouses to Benefit from Mediation on divorce

Despite all the advantages stated above, the doctrine emphasizes on that mediation on divorce may not always produce successful results (Benedek ve Brown, 1997: 36; Gaffal, 2010: 188). Therefore, individuals

who may benefit from the mediation on divorce services should have the following qualities: 1) They should be determined and willing to utilize the mediation on divorce. 2) They should be aware of the responsibilities for their own actions. 3) They should be able to explain their perceptions and points of view and to object the solution offers that do not suit to their best interests. 4) They should be competent to reach an agreement (Gaffal, 2010: 188). It is stated that the conflicts between the spouses who do not have the aforementioned qualities are better off being resolved in court (Benedek ve Brown, 1997: 36; Gaffal, 2010: 188).

Individuals who think that they are the only responsible of the damages incurred on the family due to the events causing the divorce; accept to give whatever the other party wants including the issues related to children; do not claim anything during divorce because they think that they deserve nothing and should also not benefit from the mediation on divorce (Benedek ve Brown, 1997: 36).

On the contrary, mediation process is not regarded useful for those who are determined to 'win'. Because individuals having such state of mind want to pursue the divorce process like a battle and they do not agree on compromising on anything. But the success of mediation is based on whether the spouses can mutually compromise regarding their interests (Benedek ve Brown, 1997: 36).

It is pointed out that the individuals who can only communicate to each other through their lawyers; refrain from providing the necessary information for a fair mediation (especially in the issues related to division of matrimonial property); are suspected of physically and sexually abusing their children or harming them in other way (for instance, solicitation, causing alcohol – drug abuse); and finally those who are not in good mental and psychological health cannot benefit from mediation and they need to directly go to court (Benedek ve Brown, 1997: 36).

Mediation is based on the voluntary contribution of the spouses to the process. The mediator must refrain from imposing certain resolution or threatening them (Gaffal, 2010: 186).

2.5.4. Recommendation on Family Mediation Council of Europe

Considering the aforementioned concerns, basic principles on family mediation are extensively regulated in Recommendation no. R(98)1 dated 21 January 1998 of Council of Europe Committee of Ministers. In this directive, damages of domestic conflicts incurred on children and high social and economic costs of the court trials are pointed out.

The most significant principle in this directive is that the family mediation practice is not obligatory. It is indicated that the mediation service can be offered by public or private sector and it is at the state's own discretion (Art. II/a – b).

General principles of the mediation process stipulated in the art. 3 of the directive are as follow:

- i. The mediator is impartial between the parties;
- ii. The mediator is neutral as to the outcome of the mediation process;
- iii. The mediator respects the point of view of the parties and preserves the equality of their bargaining positions;
- iv. The mediator has no power to impose a solution on the parties;
- v. The conditions in which family mediation takes place should guarantee privacy;
- vi. Discussions in mediation are confidential and may not be used subsequently, except with the agreement of the parties or in those cases allowed by national law;
- vii. The mediator should, in appropriate cases, inform the parties of the possibility for them to use marriage counselling or other forms of counselling as a means of resolving their marital or family problems;
- viii. The mediator should have a special concern for the welfare and best interests of the children, should encourage parents to focus on the needs of children

and should remind parents of their prime responsibility relating to the welfare of their children and the need for them to inform and consult their children;

ix. The mediator should pay particular regard to whether violence has occurred in the past or may occur in the future between the parties and the effect this may have on the parties' bargaining positions, and should consider whether in these circumstances the mediation process is appropriate;

x. The mediator may give legal information, but should not give legal advice. He or she should, in appropriate cases, inform the parties of the possibility for them to consult a lawyer or any other relevant professional person (for English version see Council of Europe, 2014).

2.5.5. Divorce Counselling Services and Mediation on Divorce in Turkey

2.5.5.1. Duty of Family Court Judges to Promote Conciliation and Family Mediation

According to the Law on Establishment of Family Courts No. 4787, before going to root of the case, family court judges are liable to determine the problems encountered by the spouses and children for the purpose of maintaining tolerance, love and respect in the family and to encourage the parties to conciliation by getting help from the experts when necessary. The judge will proceed to trial and investigate the essential of the case unless the reconciliation is restored (art. 71).

Based on the articles 5, 6 and 7 of the law, psychologists, pedagogues and social service experts are assigned within the family courts. Family judges benefit from these experts and they must encourage the parties to conciliation pursuant to the article 7 (Tanriver, 2014: 84).

The art 195 of the CC reads: *"In case of not fulfilling the responsibilities stemming from the union of marriage or occurrence of conflict on a major issue regarding the union of marriage, the spouses may request the judge's intervention together or separately. The judge will warn the spouses on their responsibilities; try to establish mediation and ask*

for expert's assistance upon the spouses' mutual consent." This article means that the judge can actually act as a mediator and assign a mediator by seeking assistance from the experts (Tanrıver, 2014: 85).

It is indicated that in divorce cases, the judge's duty of encouraging the parties to conciliation can be executed to sustain the marriage and the family by guiding the spouses to reconsider their divorce decision (Tanrıver, 2014: 86).

Since divorce cases are regarded as the public order, the parties cannot freely dispose on it. Therefore, as principle, "family or mediation on divorce" is not possible under this law. Especially, conflicts based on the domestic violence claim are not appropriate for mediation. In this scope, if the lawsuit for divorce is based on plot against life, grave assaults, insult or committing a crime or leading a dishonourable life, the family court judge must refrain from referring the parties to a mediator. In this case, the duty of the judge to encourage the parties to conciliation is out of question (Dural, Ögüz ve Gümüş, 2013: 129; Tanrıver, 2014: 87). In fact, if any events have occurred requiring application to preventive and protective measures stipulated in the Law no. 6284 Regarding Protection of the Family and Prevention of the Violence against Women, the judge must definitely refrain from trying to mediate the parties (Tanrıver, 2014: 87).

2.5.5.2. Family and Divorce Counselling Services Offered by the Ministry of Family and Social Policies

Family and divorce counselling service is split into three categories: pre-divorce counselling, assistance and counselling during the divorce and assistance and counselling after the divorce. Provincial Directorates and Social Care Centers of the Ministry of Family and Social Policies offer counselling service by experts to assist the spouses in restructuring their relationship, to motivate them to reconsider their decisions they made under the influence of the problems and the circumstances they encountered during divorce (ATHGM, 2014).

Services offered to the spouses in divorce process who applied to benefit from the family counselling

by mutual decision are as follow: building domestic communications skills; conflict-solving and domestic assistance; referral of the individuals suspected of having a psychiatric disease to the related health-care institutions for treatment; anger management and counselling services to the families referred by the court; and counselling for single parents to handle the problems and to manage the relationships with their children after divorce (ATHGM, 2014).

Pilot scheme works for family and divorce counselling services offered by the Ministry of Family and Social Policies started in five cities in 2012. The ministerial services encompass the family counselling services to help solving the problems that the spouses and children encounter during the divorce process. Burdur, Kırıkkale, Ankara, Izmir and Karabuk were chosen as pilot cities. Counsellors assigned at the Social Care Centers affiliated by the ministry in the selected cities for pilot scheme were given training on counselling services. It is planned to generalise the training program and providing the Family and Divorce Process Counselling Services to the couples applying to family courts in cooperation with the family courts. These services started to be offered in Adana, Antalya, Bursa, Diyarbakır, Erzurum, Istanbul and Samsun. Residents of these cities can directly apply to the General Directorate of the Ministry of Family and Social Policies and be informed by the family courts (ATHGM, 2014).

A study was conducted to determine whether the Family Counselling Centres and similar institutions in Turkey had contributions to solving the matrimonial problems. 26% of the female participants and 20% of the male participants confirmed the positive effects. However, the fact that a majority of the respondents answered negatively or said that they were not aware of these centres can be explained by the fact that family assistance services are not widespread in Turkey, they are small in number and their services are insufficient. In this scope, it is recommended to create a team of consultants from the relevant professions (psychologist, sociologist, psychological counsellor, social service expert, legal expert) offering services and counselling to the families and working with the community clinics; and to establish a regular registration system (ASAGEM, 2008: 98).



Section 3

CONCEPTUAL FRAMEWORK



Introduction

Overwiev of Divorce Rates in the World and in the Turkey

An Estimation on the Divorce Rates in Turkey

Studies Recently Conducted on Divorce in Turkey

A Theoretical Overwiev of Divorce: Attribution Theory



3.1. Introduction

“Firstly, marriage is an organization, a partnership. You can think of it as a business partnership... The better you get along with your partner, the better your business is. If you don't get along, it's over. That's it.”

(Male, İstanbul, 57 years old)

Family is defined as the smallest social structure created by the union of marriage. As an institution which is a constituent of all the societies and as the smallest and most fundamental unit of social relations, this structure is formed by a legal union of the parties through marriage contract. In this sense, marriage symbolises the acceptance of legality of the relationships within the social norms and rules. Divorce, on the other hand, refers to willingly ending the union of marriage. Here, an institution legally created by a marriage contract is dissolved through legal procedures. In a social structure where the family established by marriage forms the social norms, the divorce process points out to willingly stepping out of this norm. As it is expected to attribute different meanings and roles to the family, as an institutional constituent, in every community, the effects and consequences of the divorce will be shaped accordingly.

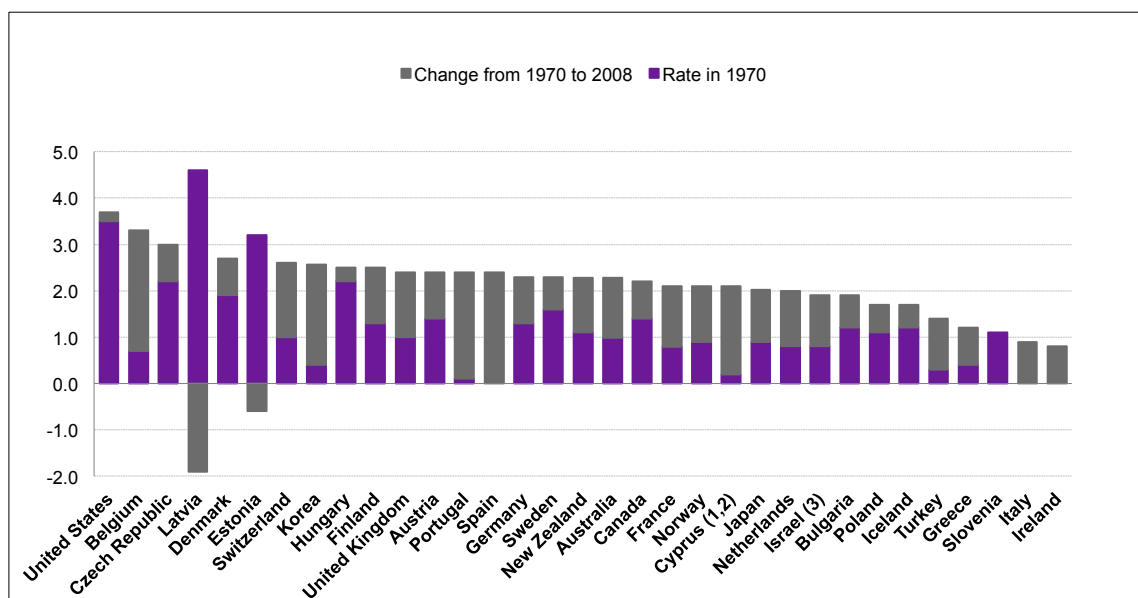
With the change and transformation that the

social structures have gone through, it is observed that the family institution is also historically in a transformation phase. Conventionally defined purposes and norms have been changing as the family has become a union focusing on individual rights. It is understood that these changes have shaped the expectations of individuals regarding domestic roles and responsibilities resulting from the marriage. In this sense, a transformation is also in question with the divorce itself and the factors determining it.

3.2. Overview of Divorce Rates in the World and in Turkey

Divorce in today's modern societies is one of the constituents of the change in the family structure. In its historical course, divorce rates used as an indication allowing the monitoring of this change tend to change over time in every country. The divorce rate indicates divorced individuals for every 1000 people within the average population. According to OECD family database statistics published in January 2014, divorce rates are significantly different from one country to another. Data presented in the Figure 1 (except for several countries) shows the increasing trend in divorce rates in all OECD countries between the years of 1970 and 2008 (OECD, 2014).

Figure 1. Change in Divorce Rates (1970-2008)

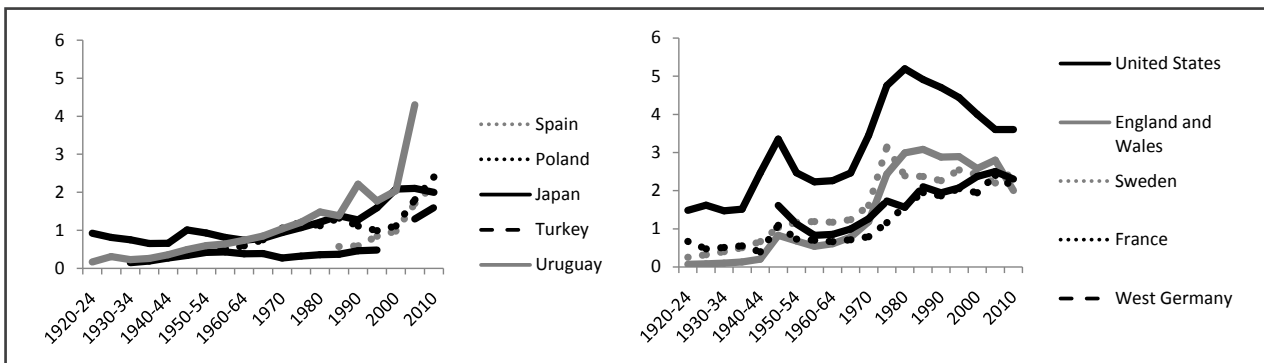


Source: Eurostat, 2010 and EU Statistical Team, 2012

Härkönen (2014) shows that the long-term trends in divorce rates differentiated from the end of the World War1 to 2010. As the Figure 2 indicates, of the two country groups differentiating based on the social structure, the left one including Turkey shows

an increasing trend in the divorce rates, which had been very low in the past; while in the other group consisting of rather more mixed countries, divorce rates increased rapidly first, but then they have been high but stabilized in the last 20 years.

Figure 2. Change in Divorce Rates of Selected Countries from 1920 to 2010



Source: United Nations (various years); National Center for Health Statistics (various years).

It is not possible to have clear analyses for interstate comparisons, but it is worth noting couple of fundamental transformations as the indicators of emerging differences and general trends. Firstly, it is considered important that the trends observed with the emphasize of more equality to women in social gender norms as of 1970s particularly in developed countries had an effect to increase the divorces through the factors such as the increase of women's participation in the economic life and the increase in economic independence of women. It is also considered that the cultural changes and transformations may provide an opportunity to increase the divorce rates by leading the families to attach more importance to the concepts including gender equality and self-realizations by the family members through more individualism, selfhood and post-material value systems. In addition, marriages occurring at young ages/before being matured, lack of experience of sharing a cohabitation, violence or psychological problems are among the factors determining the increase in divorce rates. Some studies point out that the changes in legal process may also have short-term effects. For example; it is mentioned that the divorce rates increased very rapidly for a short period of time following the change in legislation related to divorce and the facilitation of divorce in the middle of 1970s in Sweden. It is stated that this increase resulted from

the change in legislation providing opportunity for the marriages, having already fundamental problems, to easily go through the divorce process (González, L. & Viitanen, T. 2009).

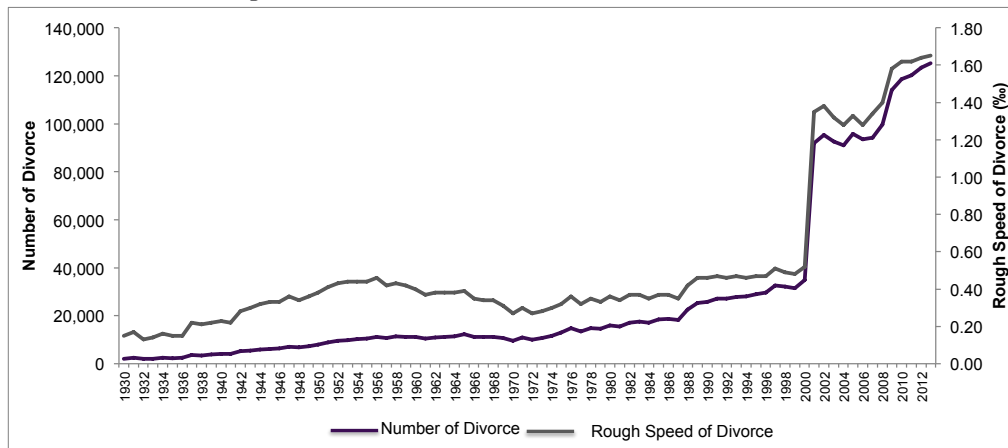
Within this general background, increases in divorce rates are observed in Turkey with the rough divorce rate, which was 0.52 per thousand in 1997, having increased to 1,33 per thousand in 2005 and to 1.65 per thousand in 2014. However, with these rates, Turkey still has low divorce rate among the European Countries where the average is more than 2 per thousand as in the case of OECD countries (Eurostat, 2014).

3.3. An Estimation On The Divorce Rate In Turkey

In terms of marriage and divorce statistics in Turkey, it would be plausible to set up two groups as before and after 2002. Until the year of 2002, divorce statistics were collected by the Turkish Statistical Institute (TURKSTAT) and compiled by the Public Prosecution Offices as a six-month period data. As of 2003, the data on divorce cases and those obtained from MERNIS (Central Civil Registration System) database are compiled by the civil courts of first instance and family

courts. Resulting from the change in divorce statistics is observed as of data collection method, a significant raise in 2002.

Figure 3. Number of Divorce and Rough Rate of Divorce from 1982 to 2013



Independently from the change in data collection model, an estimation model was developed within the scope of TBNA 2014 study by using the advanced analysis models to understand how the upward trends in divorce rate will develop. An estimation model, where macro scale data was used, was established as there is no data involving large-scale behavioural and micro scale variables covering the general population and as this kind of estimation methods are already to determine the tendency of the couples to divorce. Within the scope of macro model, the divorce statistics were compiled based on the number of divorce by age and gender, the age difference between the divorced spouses by gender, the reasons for divorce, the marriage period, the period of divorce case and the age of the bride from vital and demography statistics of TURKSTAT. Of the marriage statistics, the age of the groom, the average age of first marriage by gender, the age difference between the divorced spouses were also added to the estimation model. Statistics of population, population growth rate, median age, total fertility rate per woman and rough birth rate were used among TURKSTAT population projections. Statistics of labour force participation rate by gender and urban-rural, unemployment rate, rate of non-agricultural unemployment and employment rate were taken from the survey of household labour force conducted by TURKSTAT. For the statistics of marital status, those from 1980 to 2000 were compiled from the population census data and those from 2007 to 2013 were retrieved from the data of address-based population registration system

(ADNKS). For the estimation model, exploratory studies were initially conducted by using all of these variables before establishing the final model.

It was determined that the variables with the highest explanation rate in the estimation model were the year-end population and the dependency rate at young age (the population of 0-14 proportional to the population of 15-64) of TURKSTAT population projections; the unemployment rate of men from the data of household labour force participation by TURKSTAT; and the labour force participation rate of women from the data of household labour force participation by TURKSTAT. The variables having more impact on the number of divorce were the labour force participation rate of women with 22.2%, the year-end population with 20.4% and the unemployment rate of men with 14.2%. The dependency rate at young age made negative contribution to the number of divorce with 43.3%.

Accordingly, it is understood that the trend of labour force participation by women in Turkey underpins the increase in the number of divorces. This result is similar to that used by Bremmer and Kesselring to explain the upward divorce trend of the years from 1960 to 2001 (Bremmer and Kesselring, 2004).

The other employment variable having impact on the number of divorce is the unemployment rate of men showing that there may be problems holding the family together resulting from the economic

problems in the family due to the socioeconomic unemployment of men and that there may be an increase in the number of divorce accordingly.

Calculated by dividing the number of children at 14 and younger children to the number of people from 15 to 64 years-old, that is the possible parent population, the dependency rate at young age gives an idea about the burden of adults to look after their children. It can be interpreted that the social obstacle to divorce does no longer exist as decrease in the dependency rate at young age increases the divorce rates, there is no young children to look after or the children are over 14 years old.

According to the estimation model, it is estimated that the divorce rate which was 1.67 per thousand in 2013 will be 1.93 per thousand by 2023. Even with this increased rate, Turkey is still one of the countries having low divorce rate.³

3.4. Studies Recently Conducted On Divorce In Turkey

A series of detailed research on divorce has been recently conducted by the General Directorate of Family and Community Services of the Ministry of Family and Social Policies in Turkey. Of these studies, methods and the findings of four of them are worth mentioning herein as they are considered as milestone studies. Within the scope of “Research on Reasons for Divorce in Turkey 2008” published in 2009 that can be regarded as the first one of these studies, a quantitative research was conducted in a total of 12 cities in Turkey at NUTS 1 level with individuals who were over 18 and divorced as of 2000 (ASAGEM, 2008). In the study, the reasons for divorce that stood out were as follows: “the spouses were indifferent to the problems, so one of them had to resolve the problems”; “indifference, not being able to have enough emotional support, not being able to share”; “one of the parties always thought that his/her opinions were right related to any issue, s/he

³ In the estimation model, the projections made by Turkish Statistical Institute (TURKSTAT) until 2023 related to the year-end population and the dependency rate at young age were used. It was assumed that the unemployment rate of men would remain stable and that the upward trend in the last 6 years related to the labour force participation rate of women would continue.

didn't listen the other party enough or s/he didn't care about them”; and “generally the discussion by the spouses resulted in mutual blaming, abusing or fighting”. The divorced individuals stated that these grounds accounting for 65-68% of the total grounds were their reasons for divorce.

It is worth mentioning the Research on Families with a Single Parent published in 2010 as the second study in this field (ASAGEM, 2010). The main objective of this study was to determine the problems of parents and children in the families with only one parent present as well as to mention the effects of divorce. This research was conducted in the form of focus group meetings and in-depth interviews with a total of 473 individuals in 7 cities. The study showed that the reason of being a single parent was the main determinant in terms of social acceptance or support, for the single parents. It was then argued that the parents, who lose his/her spouse due to death or loss, are more accepted and supported by the society compared to those who were left alone due to divorce or desertion. Within the scope of the study, the divorced interviewees mentioned more about the results of divorce than its reasons and indicated that they are exposed to exclusion from society or bad reputation, and to dealing with increasing liabilities and responsibilities.

Conducted once in every five years by the General Directorate of Family and Community Services of the Ministry of Family and Social Policies, Research on Family Structure in Türkiye (TAYA) does not focus on the divorced individuals per se but it gives indications about the divorce fact in Turkey with its large sample and several basic questions related to divorce. In TAYA 2011 study, face-to-face interviews were conducted with 24.647 people living in 12.056 families who were over 18 years-old. Within the scope of the research, the reasons for divorce were asked to the individuals who were divorced at least once (5% of those interviewed in 2006 and 2% of those interviewed in 2011). The answers were differentiated mainly by age groups and education levels, but the most common answer was “irresponsible and indifferent conduct”. On the

other side, the reasons were different for women and men. While the women mentioned mainly about “violence/grave assaults”, the men indicated that “their wives disrespected their families”. Similarly, while the women highly suggested the ground of “cheating”, the men stated that “the family of their wives interfered with the family relations”. Moreover, the expressions considered to be the grounds for divorce were read to all individuals and it was asked whether these situations alone would be the reason for divorce for them. The answers here highly referred to cheating, dishonoured crimes, grave assaults and bad habits. And this shows that the answers are given in accordance with the social norms and acceptances. On the other hand, the fact that the issues such as gender norms (division of labour, etc.) and relations with other family members were indicated at a low rate as reasons for divorce per se does not mean that they are unimportant; but it means that they generally emerge in conjunction with other reasons. It is also worth noting that while the individuals were giving more realistic answers related to their own situation, they had more normative attitudes towards the issues that do not relate to them (ATHGM, 2011).

In her study entitled “Research on Family Structure in Türkiye, Findings and Recommendation”, in which the years of 2006 and 2011 were analysed comparatively, Çavlin examined divorce levels, characteristics of the marriages resulting in divorce, demographic and socioeconomic characteristics of divorced individuals, reasons for divorce, conditions and behaviours that are likely to create grounds for divorce. Çavlin argued that the divorces concentrated on the first years of marriage and that the possibility to divorce was decreased depending on the length of the marriage period and the increase in the number of children. The study also pointed out that the divorce rates were low in Turkey, but that the increase in divorce rates would continue in the upcoming years. Within this regard, the importance of creating social policies during and after divorce, giving opportunity to both couples and children to establish their individual and family lives was underlined (ATHGM, 2014).

Another national research providing data related to divorce is entitled the “Turkey Demographic and

Health Survey” (TNSA 2003 and TNSA 2008). This research provides the opportunity to make a socioeconomic and demographic analysis of the women in reproductive age group who are divorced at least once and whose marital statuses are divorced.

3.5. A Theoretical Overview of Divorce: Attribution Theory

When the research on reasons for divorce is examined, it is seen that the sociological studies try to explain this situation with structural facts and course of life cycle such as age, gender, socioeconomic status, social structure and the age of marriage of the individuals (Amato and Previti, 2003). On the other hand, the studies conducted in psychology explain the reasons for divorce through the communications of the individuals during the marriage processes and the personal characteristics of the individuals (Guttman, 1994; Leonard and Roberts, 1998).

However, these studies created different models by using some common grounds and aimed to read the divorce processes through these models (Guttman, 1993). While some models aimed to study clearly the divorce problem (Bohannon, 1968), some research progressed over the psychological models already in use (Rice & Rice, 1986; Smart, 1977; Wiseman, 1975). Psychosocial models state that the cases starting as a family crisis and the emotions and thoughts related to the problems encountered during the marriage evolve towards divorce. As these bad emotions and thoughts reduce and as the individual wants to feel better themselves, it is indicated that the resolution period is over. As Guttman mentions (Guttman, 1993), “...but all agree that divorce is not only a family crisis but also, and may be even more so, a personal one”. A part of the studies conducted on divorce progressed interpret the resolution of family relations and reasons for divorce through the values such as age, gender, socioeconomic status considered within the life course theory⁴ by approaching them with a more objective attitude. Another part of the research conducted on divorce shifted their

⁴ Life course theory is an approach based on the opinion that there is a dynamic change and interaction between the individual and his/her environment. The purpose of the life course theory is built on the research of life experiences of individuals and their effects.

focus towards more subjective reasons and aimed to understand this situation by asking the “reason for divorce” to the divorced individuals. Following the research conducted based on subjective reasons; White underlined that understanding the problems encountered between the spouses during the marriage would help to determine the reasons for divorce (White, 1990: 908).

The general results of the research conducted within this regard show that women and men experience both marriage and divorce in a different way (Bernard, 1972; Kitson, 1992; Thompson and Walker, 1989, Amato and Rogers, 1997). The research focused on understanding the divorce showed that women indicated more reasons based on relation or emotion compared to men: Disharmony between the spouses, unhappiness during the marriage, problems with the personalities of their husbands and the lack of love between the spouses generally are among the reasons frequently indicated by women. And the other issue stated by women was that the problems mostly resulted from the behaviours of their husbands. Physical violence, drug addiction, spending too much time with his friends, neglecting home by the men/indifference, not caring about the children enough, etc. were among the men-oriented reasons for divorce indicated by women (Bloom, Niles & Tatcher, 1985; Cleek & Pearson, 1985; Kitson, 1992 [Amato and Previti, 2003]). It was stated that the men generally tended to indicate exterior factors such as issues related to business or relatives. Another important point was that men indicated mostly that they did not know the reasons for divorce.

As the social sciences, particularly sociology and social psychology fields faced more “why” question as well as “what” question, the approaches aiming to learn the grounds of human behaviours were developed and different studies establishing causality relationship were conducted. What kind of relations can be established between the attitudes and the perceptions of the individuals against their course of action and the events they experience? What kind of meanings do individuals attribute to the cases, which one they mention about and which one they establish the causality relationship with, to explain the reasons of the events they experience? Developed

for aiming to answer these questions, the Attribution Theory found application areas in different fields and different branches.

The Attribution Theory is mainly interested in the way how the individual associates his/her opinions, behaviours, attitudes and values with his/her environment and how s/he interprets the events, and it aims to answer these questions. So it provides in-depth analysis on the past behaviours roots of the behaviours and their results. Mentioned first by Heider in 1958, this theory was developed by different theoreticians in years: Weiner, (1979, 1986); Jones, Davis and Kelley, (1972); Lewis & Pintrich & Blumenfeld (1985); Daltroy (1990); Daly (1996); Gredler (2001) are among those who made contribution to the development of this theory.

Widely used to interpret various field research results in sociology, psychology and social psychology areas introduced to social psychology area by Weiner, the Attribution Theory focuses on the way the individuals interpret their own behaviours and the behaviours of other people. It is known that Heider went through different phases while developing the Attribution Theory. First, he started with the “common sense psychology” and made a proposition aiming to understand the mutual relation between individuals. This proposition states that the individuals examine, analyse and interpret the events with different explanations. Heider asserts that analysing the individuals’ explanations about events in groups will help to understand the types of “attributions” made to these events and so that they can be analysed under two titles as internal (personal) or external (situational).

The Attribution Theory indicates that there is a very strong relation between the fact that individuals attribute success to a situation and the fact that they attribute this success to themselves (Winer, 1980). In the most basic sense, the relation of this theory between the opinions and attitudes of the individuals can be summarized as follows:

- If a person succeeds in a work, s/he will think that this success is achieved thanks to him/her (for example his/her skills).

- If a person sees that his/her competitor succeeds in a work, s/he will think that this success is achieved thanks to an external factor (for example a case resulting from chance without any effect of that person).
- In case of making mistake or failure, individuals mostly think that it is because of external factors instead of thinking that this situation is because of themselves.
- Where the others make mistakes, individuals interpret this with internal reasons and think that this is because of the insufficiency or failure of the person making the mistake.

Within this regard, it is seen that there are four attribution sets attributed by the individuals to their successes and failures: Capacity, effort, chance and difficulty of work. While capacity and effort are considered the internal factors associated by the individual with himself/herself, chance and difficulty of work are accepted as external factors. Again at this phase, a bipolar approach appears as internal/external.

The Attribution Theory is applied in social psychology and sociology platforms in the literature. In addition to the research conducted to understand the course of action of athletes, the success and failure concepts and the causality relationship they establish between these two matters; the theory was also used to read the qualitative field research conducted in education through a theoretical framework (Williams and Burden, 1997). Moreover, there are other studies where this theory is applied also in information systems researches (Gregor, 2006, Martinko et. al., 2007). In education, there are different studies in which the success and failure perception of students of different ages and of other individuals at learning phase (Williams and Burden, 1997; Pishghadam and Motakef, 2011), having high/low grades (Williams, Burden and Al - Baharna, 2001), the risky/easy courses (Cortes-Suarez Sandiford, 2008) and the attributions made to the concepts are analysed. Besides education, it is seen that there is research in which the relation between the reactions made

by adults against child development and failure is analysed through the lens of the Attribution Theory (Folmer et. al., 2008). The motivation analysis is another platform where the Attribution Theory is applied. There are different studies analysing the link between gender and motivation on the axis of this theory (Meece, Glienke and Burg, 2006; Fatemi and Ashgari, 2012).

It is observed that this theory has also been applied in empirical studies analysing different social issues. The Attribution Theory was also made use of in a study conducted to understand the dynamics on the triangle of AIDS, sexuality and social pressure (Badahdah and Alkhder, 2006). It is seen that the Attribution Theory was used in another study realised to support the foundations of homosexuality and the rights of homosexuals (Haider-Markel and Joslyn, 2008). Also in a different study aiming to understand the relations on the triangle of eating disorders, guilt and bad reputation in the society, the Attribution Theory was applied (DeJong, 1980; Zwickerta and Rieger, 2013). It is also employed in the field of communication (Manusov and Spitzberg, 2009). The fields where communication and the Attribution Theory are used to understand the marriage are mostly based on research conducted on the communication (speaking and course of action) between married couples (Fincham and Bradbury, 1992; Sillars, et. al., 2002). The studies conducted suggest that the individuals called as aggressive mostly communicate in a negative manner (loud noise, discussions and fights). In addition, there are other results in this research stating that the opinions of couples having aggressive relation differentiate based on the person and reason that causes the negative situation. On the other hand, they remark that external dynamics (alcohol, etc.) have effect on the relation.

The empirical studies on the axis of marriage and divorce aimed to understand the level which the individuals attribute the responsibility of the cases experienced during the marriage to themselves, their spouses or the situational factors out of the marriage (Fincham and Bradbury, 1992, Amato and Previti, 2003; Manusov, 2002). Moreover, there is a study in which the perception attributions of young adults

towards their parents are analysed in the families having divorce (McManus and Donovan, 2012). Another area directing the research is to estimate the possibility of relation to result in divorce in cases where the marriages continue and to forecast related to the period of the divorce where there is possibility to divorce (Buehlman et. al., 1992; Gottman, 1994; Gottman and Notarius, 2000). The studies of the Attribution Theory applications, conducted on the perceptions and the expectations of the adults after divorce, focus on the effects of different factors (education, SES, etc.) on the decision to divorce (Tobaccowala, 2011), the factors considered as reasons for divorce by the individuals and the issue of “intimacy” after divorce (Schneller, 2001).

3.5.1. Limitations of the Attribution Theory

Criticism related to the Attribution Theory is mainly about the mechanical and simplifying nature of the theory. The theory is also criticised

for assuming that the individuals have rational opinion and systematic frame of mind. The question flows used during the semi-structured interviews conducted within the scope of TBNA 2014, invalidate the critics about the theory specific to this research. Such that the question flows used in this research aimed to analyse, in an evolutionary approach, how the union of marriage was formed, how the relation of spouses was developed and at which phase/phases the relation became problematic, in a way similar to those applied in life story projects, instead of asking the individuals to directly establish a logic relation between the events while analysing the grounds for divorce. In this way, the applied question flows ensured the individuals to establish a relation between the problems encountered during the relation, the relation dynamics and the reasons for divorce by assessing the relation from all aspects rather than leading them to explain the grounds for divorce in a rational way.



Section 4

**DEMOGRAPHIC AND FAMILY
CHARACTERISTICS OF THE DIVORCED
INTERVIEWEES**

Demographic Profile of the Divorced Interviewees

Family Characteristics of the Divorced Interviewees

This section includes quantitative data helping to have a detailed insight on the research universe such as gender, age, education level of the individuals, type of settlements they live in, number of marriage they've had, period of marriages resulting in divorce, status of having children, number of dependents when they were married and at the present day, size of household, income level and status of ownership of the house

they live in.

4.1. Demographic Profile of The Divorced Interviewees

4.1.1. Gender

51% of 410 divorced individuals interviewed were women and 49% were men.

Table 4. Gender of the Interviewees (%)

	Percentage (%)	Number
Female	51,2	210
Male	48,8	200
Total	100	410

4.1.2. Age

Majority of the divorced interviewees (66%) was in the age group of 35 – 49. Average age was 40 for the total of interviewees, 38 for women and 42 for men.

Table 5. Age Groups of Interviewees by Gender (%)

	Total	Female	Male
<i>Number</i>	<i>410</i>	<i>210</i>	<i>200</i>
Under 25	4,5	5,2	3,5
Between 25-34	29,5	31,6	26,6
Between 35-49	52,7	53,9	51,0
50 and above	13,4	9,3	18,9
Total	100	100	100
<i>Average Age</i>	<i>40,0</i>	<i>38,3</i>	<i>41,7</i>

4.1.3. Residence Area

Nearly all of the divorced interviewees (94%) lived in city/district centres while 5% lived in towns/villages.

Table 6. Residential Areas of Interviewees by Gender (%)

	Total	Female	Male
<i>Number</i>	<i>410</i>	<i>210</i>	<i>200</i>
City/District	94,6	96,2	93,0
Town/Village	5,4	3,8	7,0
Total	100	100	100
<i>Average Age</i>	<i>40,0</i>	<i>38,3</i>	<i>41,7</i>

4.1.4. Education Level

Divorced interviewees were asked to state the last school attended. Over half of them (53%) were uneducated or primary school graduates. 29% of the interviewees were high school graduates and 17% of them were higher education graduates. In the research universe, women's education level is higher than men. Rate of higher educated individuals was 20% among women while it was 18% among men. 32% of women and 28% of men were high school graduates. Similarly, rate of uneducated or primary school graduates among men is higher than in women population.

Table 7. Education Levels of Interviewees by Gender (%)

	Total	Female	Male
<i>Number</i>	410	210	200
Uneducated –elementary education	53,2	57,1	47,8
High school	29,8	28,3	31,9
Higher education (University and above)	17,0	14,7	20,3
Total	100	100	100

4.1.5. Number of Marriages

Majority of the divorced individuals (81%) were married once. Rate of multiple marriages was higher in men's population than women's.

Table 8. Number of Marriages of Interviewees by Gender (%)

	Total	Female	Male
<i>Number</i>	410	210	200
Once	81,0	81,9	80,0
Twice	17,8	18,1	17,5
3 times	0,7	0,0	1,5
4 times	0,5	0,0	1,0
Total	100	100	100

4.1.6. Period of Marriage

Average marriage period of the interviewees was 11 years. 3% of the divorced individuals were divorced in less than 1 year, 26% in 1 – 5 years, 24% in 6 – 10 years and 47% were divorced after 10 years of marriage.

Table 9. Period of Marriages of Interviewees by Gender (%)

	Total	Female	Male
<i>Number</i>	410	210	200
Less than a year	3,0	1,6	5,0
1-5 years	26,0	21,8	31,9
6-10 years	24,0	26,9	19,9
More than 10 years	47,0	49,7	43,3
Total	100	100	100
<i>Period of marriage (year)</i>	<i>11,2</i>	<i>11,7</i>	<i>10,6</i>

4.1.7. Status of Having Children

More than half of the divorced individuals (62%) have one or two children. Rate of divorced women who didn't have children (16%) was higher than men (8%).

Table 10. Status of Having Children of Interviewees by Gender (%)

	Total	Female	Male
<i>Number</i>	410	210	200
Without children	11,3	8,3	15,5
1-2 children	62,1	61,7	62,7
2+ children	26,6	30,1	21,8
Total	100	100	100
<i>Average number of children</i>	<i>2,1</i>	<i>2,1</i>	<i>2,0</i>

4.2. Household Profile of The Divorced Interviewees

4.2.1. Household Size When Married vs. Current

Upon divorce, the average size of household of 4 people decreased to 3 people. Divorced women live in larger households (3.4 people in average) than men (2.5 people in average).

Table 11. Household Size When Married vs. Current by Gender (%)

	CURRENT			WHEN MARRIED		
	Total	Female	Male	Total	Female	Male
<i>Number</i>	410	210	200	410	210	200
One person	21,7	7,6	36,5	0,0	0,0	0,0
2-3 people	45,6	50,0	41,0	39,3	37,6	41,5
4-5 people	25,9	34,3	17,0	48,8	47,1	50,5
6 and more people	6,8	8,1	5,5	11,7	15,3	8,0
<i>Average size of household</i>	<i>3,0</i>	<i>3,4</i>	<i>2,5</i>	<i>3,9</i>	<i>4,1</i>	<i>3,8</i>

4.2.2. Number of Dependents When Married vs. Current

Nearly three out of four of the divorced individuals had dependent/dependents. Majority of these dependents were children. Upon divorce, the number

of dependents including children decreased for men while women had more responsibilities to children and other members of the family. It is understood that the divorce decreased the number of dependents (number of dependents when married was 1.9 people vs. current 1.4 people).

Table 12. Number of People to Look After When Married vs. Current by Gender (%)

	CURRENT			WHEN MARRIED		
	Total	Female	Male	Total	Female	Male
<i>Number</i>	410	210	200	410	210	200
There are/were no one to look after	23,2	14,3	32,5	16,8	26,7	6,5
Spouse/ex-spouse	3,2	-	6,5	50,7	15,7	87,5
Daughter	42,9	53,8	31,5	46,8	43,8	50,0
Son	45,4	51,0	39,5	49,3	43,8	55,0
Mother	11,5	10,0	13,0	6,6	2,4	11,0
Father	4,9	4,8	5,0	3,9	1,4	6,5
Mother-in-law	-	-	-	2,7	2,9	2,5
Father-in-law	-	-	-	1,5	2,4	0,5
Other	6,8	9,0	4,5	4,4	2,9	6,0
No answer	1,7	1,4	2,0	2,9	5,7	0,0
<i>Average number of people to look after</i>	<i>1,4</i>	<i>1,4</i>	<i>1,3</i>	<i>1,9</i>	<i>1,5</i>	<i>2,3</i>

4.2.3. Monthly Income and Livelihood When Married vs. Current

Comparing when married vs. current revealed that, upon divorce, women more or less had access to finances of their own that they could control. 46% of the women stated that they didn't have any personal income when married and only 11% of them indicated that this was the case after divorce. Although personal income of women increased, the fact that 11% stated having no personal income whatsoever means that they lean on the support

of their inner circle / close relatives. On the other hand, despite the increase of women's personal income, 70% of them had an income of 1.500 TL and less.

While the rate of men who didn't have personal income when married was very low, it significantly increased after divorce. Only 2% of men didn't have any personal income when married while this rate goes up to 8% in current state. Half of the men interviewed had an income level of 1.500 TL and less.

Section 5

**ASSESSMENTS OF DIVORCED
INDIVIDUALS RELATED TO
PREMARITAL PERIOD**



Age of Marriage ●

Decision to Get Married ●

Knowing the Spouse Before Marriage ●

Expectations from Marriage Before Marriage ●



Within the scope of the research, various questions were asked to obtain detailed information on formation and course of the marriage period. The questions related to the formation of marriage involved the age of interviewees when they got married, how they decided to get married, how well they knew their spouses before marriage and what was their pre-marital expectations.

5.1. Age of Marriage

The average age of marriage is 25 for the divorced interviewees. The average age of marriage for women is 22 and 28 for men. One fourth of women (25%)

got married before 18 years of age. Early marriage is very low (2%) among men. These rates related to the age of marriage of the divorced individuals are parallel to the results of Research on Family Structure in Türkiye (2011). According to that study 25% of women and 6% of men having marriage experience got married before 17 years of age.

As the education level increases, the age of marriage of the divorced individuals increases. While the individuals who are uneducated or elementary educated got married at the age of 23 on average, the individuals who have higher education got married at the age of 28.

Table 16. Age of Marriage by Various Demographic Characteristics (%)

	Number	17 y.o. and below	18-24 years old	25-34 years old	35 y.o. and above	Total	Average age
Total	410	13,9	41,2	38,1	6,8	100	24,6
GENDER							
Female	210	25,2	48,6	24,3	1,9	100	21,7
Male	200	2,0	33,5	52,5	12,0	100	27,6
AGE							
34 y.o. and below	105	16,5	50,4	33,0	0,0	100	22,5
35 y.o. and above	238	12,9	37,6	40,0	9,5	100	25,4
EDUCATION							
Uneducated –elementary education	224	6,0	48,3	40,5	5,2	100	23,4
High school	116	1,4	27,1	60,0	11,4	100	24,7
Higher education (University and above)	70	13,9	41,2	38,1	6,8	100	28,0

Most of the individuals, who got married before 20 years of age, particularly the women, think that they were very young when they got married. They indicated that they were aware neither their own nor the other party's needs and expectations. Looking back, they think that they didn't have any idea about the dynamics of marriage when they got married. They cited domestic duties and responsibilities in their stories and they stated that they were not ready for these responsibilities. Some of the individuals regretted about the past because they did not complete their education first before they got married. It is understood that especially in rural areas, the early marriage is promoted and that it is even a social norm, and that the individuals mostly get married without questioning it.

“18 was a very early age to get married. I had no idea how the marriage would be like. Even children are more conscious now. When I was married, I thought I could get pregnant by kissing.” (Female, West

Marmara, 36 years old)

“14 is such an early age [to get married]. When children are 14 years old, they play games whereas I was married. I should have been graduated at least. Here's the situation in our village. No one would want a girl over 20 years old; because she thinks maturely, she wouldn't consent immediately, you cannot deal with her. But if you're younger than 20, it means that you're just a child and they can control you however they want.” (Female, Southeast Anatolia, 36 years old)

“If I knew back then what I know now, I would never get married before 30. Like I said, I dated my husband for 3 years and we were married for 22 years. He was just a child, and so was I... It feels like we played house.” (Female, East Marmara, 36 years old)

“When I held my first child when I was 16, such a

young age, I asked myself ‘is this my child, is this really mine?’” (Female, Aegean, 40 years old)

Some women think that they weren't sufficiently equipped to “protect” themselves psychologically and physically from their husbands or inner circle / close relatives because they got married early. They believe that they would not remain quiet and they would show reaction when they had bad experiences in their marriage if they got married at an older age. For example, they mention that they would fight back when they face the issues such as violence or inner circle / close relative interventions.

“You are not mature enough, you don't know nothing, you're naive. I would react differently to my husband and mother-in-law. But I kept quiet and didn't say anything. I always thought what they [others] would think. I would speak my mind if it happened now, it is not a shame [to say what is on your mind].” (Female, Southeast Anatolia, 29 years old)

“You can't respond to violence, you can't fight back. I was pregnant to my daughter when I was 18. My sister-in-law kicked me in the stomach to kill my baby...” (Female, Southeast Anatolia, 32 years old)

Most of the individuals who got married after 30 years old find their age of marriage acceptable and feel themselves ready for the marriage both psychologically and financially. Also, they are motivated when they decide to get married because they want to have children. There are also those

who decided to get married due to the influence or pressure of the inner circle / close relatives with the increasing age.

“We were flirting, we had been together for three years.” (Female, Aegean, 44 years old)

“We waited until the last moment. We wanted to have this and that. I had friends at the factory who got married at the age of 20 – 25. They all went through difficult times. I told myself I wouldn't get married unless I had everything in place.” (Male, Aegean, 37 years old)

“I got married at 28. I don't think that it was early. According to my parents, I was even late.” (Male, Mediterranean, 31 years old)

5.2. Marriage Decision

The divorced individuals were asked how they decided to get married with their spouses. Accordingly, 40% of the interviewees said that they had an arranged marriage while 45% indicated that they decided with their own consent. The rate of those who got married by eloping is 13%. 11% of the interviewees stated that they had an arranged meeting without their consent; in other words, it is revealed that the majority of the divorced individuals made the decision of marriage with their own consent. It is considered important to indicate that the conditions where this consent appears differentiate.

Table 17. Decision of Marriage by Various Demographic Characteristics (%)

	Number	My own decision with the consent of my family	My own decision without the consent of my family	Arranged marriage with my own consent	Arranged marriage without my own consent	Eloping/ being eloped	Other	No answer	Total
Total	410	33,4	11,2	29,8	11,0	12,7	1,5	0,5	100
GENDER									
Female	210	28,1	13,3	30,5	16,2	10,0	1,4	0,5	100
Male	200	39,0	9,0	29,0	5,5	15,5	1,5	0,5	100
AGE									
34 and below	105	38,3	6,1	29,6	11,3	11,3	3,5	0,0	100
35 – 49	238	27,7	14,3	31,9	10,9	14,7	0,4	0,0	100
50 and above	57	47,4	8,8	21,1	10,5	7,0	1,8	3,5	100
EDUCATION									
Uneducated –elementary education	224	20,5	12,1	33,5	16,5	15,6	0,9	0,9	100
High school	116	37,9	10,3	29,3	6,9	13,8	1,7	0,0	100
Higher education (University and above)	70	67,1	10,0	18,6	0,0	1,4	2,9	0,0	100

Especially the women interviewed, having low and intermediate education level, considered marriage as a way to run away from the problems or pressure they experienced in their own families and they accepted to get married with the spouse candidates considered suitable for them by their families.

“I had a relationship before meeting my husband; I was engaged for 3 years. I broke off because he cheated on me. But I was overwhelmed because everyone around me knew about this relationship, that I had a boyfriend, a fiancé and that I was left alone. Also, it was a different thing to be in a conservative family, people weren’t sympathetic as they are today. When I was psychologically overwhelmed, I got married.” (Female, West Marmara, 62 years old, primary school graduate)

“How can I put it? It was because of pressure... My brother was a dictator... He used to get mad and beat me. I got married so that he couldn’t beat me anymore, that’s true. I wanted to be free from pressure and peaceful, that was all.” (Female, Central Anatolia, 40 years old, Primary school graduate)

“My mother passed away. My father was an aggressive and grumpy person. I didn’t want to stay with him so I went over to live with my brother. But he didn’t want me because he was married. My husband was the first person that they arranged me with. I had to marry the first person that came. Not because I wanted but because I was feeling like a parasite.” (Female, Central Anatolia, 39 years old, high school graduate)

The men interviewed mentioned that their families guided them to get married and to start a family, and that they even chose the spouse candidate for them. They decided to get married by being encouraged by their families and without having opportunity to know their ex-spouses. Men with both low and high education level indicated that

they felt family pressure on them about the decision of marriage.

“She was a decent person. We were young back then. Our families wanted us to get married instead of letting us to flirt. They said that she was a proper housewife, etc. ...” (Male, Istanbul, 57 years old, secondary school graduate)

“My parents insisted so much on me getting married maybe that was effective unwittingly. Maybe I would not get married if there wasn’t pressure as marriage wasn’t for me...” (Male, Central Anatolia, 45 years old, higher educated)

“...I didn’t see my wife during when we went to their house to ask the family to give their daughter as bride. When I was single, I used to say that I wanted to see my wife first and than to decide because [I knew that] the person to get married was important. When we saw each other, we didn’t want to get married but we didn’t want to upset our families and didn’t object.” (Male, Northeast Anatolia, 40 years old, primary school graduate)

5.3. Knowing the Spouse Before Marriage

Evaluating the formation of marriage processes, period of times in which the spouses spent time together before marriage such as flirting, engagement were taken into consideration and argued. Slightly more than half of the interviewees (56%) had spent 1 – 2 years with their spouses before marriage. On the other hand, approximately 9% of the divorced individuals stated that they hadn’t spent any time with their spouse before they had got married. Trend of spending some time together with the spouse before marriage was lower in uneducated individuals and primary school graduates (1.4 years on average). In this group, 12% of the interviewees claimed that they didn’t know their spouses before marriage. In the group of higher educated individuals, not knowing the spouse before marriage was a very rare trend with 1% of the individuals in this group.

Table 18. Period from Meeting to Marriage by Various Demographic Characteristics (%)

	Number	Those who didn't know before marriage	1 year or less (12 months or less)	1-2 years	More than 3 years	Total	Average (year)
Total	410	8,5	15,6	56,1	19,8	100	1,6
GENDER							
Female	210	9,5	13,3	55,7	21,4	100	1,6
Male	200	7,5	18,0	56,5	18,0	100	1,7
AGE							
34 and below	115	5,2	14,8	58,3	21,7	100	1,5
35 and above	295	9,8	15,9	55,3	19,0	100	1,7
EDUCATION							
Uneducated –elementary education	224	12,1	16,5	57,6	13,8	100	1,4
High school	116	6,0	12,9	56,0	25,0	100	1,8
Higher education (University and above)	70	1,4	17,1	51,4	30,0	100	2,1
PERIOD OF MARRIAGE							
Less than 3 years	67	7,5	13,4	55,2	23,9	100	1,7
4-5 years	51	9,8	19,6	56,9	13,7	100	1,7
6-10 years	97	7,2	17,5	54,6	20,6	100	1,7
More than 10 years	195	9,2	14,4	56,9	19,5	100	1,6

On the other hand, the time period spent together doesn't necessarily mean that the suitable conditions are formed for the spouses to know each other. Even in the relationships where the spouses spent certain period of time together, it was observed that most often the spouses could not establish such a relation to know each other enough before marriage. The period of time spent together provides opportunity to know the spouse more but it was revealed that the relation could be very limited even during the long-term relationships. Some of the stories pointed out to very limited communication such as not speaking even the time spent together is long, communicating from a distance or exchanging glances at each other, sending message through other people, texting or writing letter, talking for a very little time, etc. For example, a divorced woman stating that they spent 10 years before marriage said that she didn't know her husband enough: *"No, we were exchanging glances by the window. My father didn't allow me to go out and I didn't have opportunity to get to know him. We used to secretly talk when we were passing by on the streets and to send letters to each other and that was all."*

"We didn't spend time together, it was always [we always talked] on the phone. We were talking

on the phone so much that our phone bills were probably as high as our furniture costs." (Female, West Anatolia, 34 years old)

Most of the women and men indicating that they didn't know their spouses and that they had even never seen them before the marriage had an arranged marriage. Although they had a period of engagement, it was not possible to spend private time together. Some of the individuals even stated that they saw their ex-spouses at the wedding ceremony for the first time.

"I didn't know her before marriage. My parents searched and found [her] accordingly. We first saw each other when we got married." (Male, Northeast Anatolia, 45 years old)

"I wasn't even aware of him, I didn't know him. It was my wedding ceremony, I went there and I saw my husband's face one week later." (Female, Istanbul, 29 years old)

"We had an engagement period of 2 months. We never dated during this period, not even for once." (Male, Central Anatolia, 30 years old)

The fact that some of the individuals who stated

to have been married with their consent decided to get married in a very short time points out that prioritizing the issues in the process leading to marriage such as getting to know each other is not really the case.

“Our flirting period took about five months. He was someone that I used to see every evening. I was staying in dorm and he was living with his family. Of course the man I got married was not the same man that I saw on the evenings after school for 1-2 hours during 5 months... It seemed that I got married the seen part of him and that there was another unseen part...” (Female, Mediterranean, 30 years old)

“I saw her, and then we had an engagement period of 1 year. Back then, we didn't have flirting period or dating like the kids today. During engagement period, we saw each other from time to time, that was all...” (Male, Aegean, 54 years old)

Knowing the spouse before marriage is more common among the individuals who got married by eloping/being eloped. It seems that eloping means a kind of flirting for the cases of marriage “with their own consent but without their families' consent”. However, it should be indicated that flirting is not on a level to give opportunity to the spouses to know each other before marriage due to the negative attitude towards relationship before marriage by the neighbourhood or the family. On the other hand, the decision of marriage when the person is forced and being abducted is not made with the consent of the individual anyway.

“In the village, we were inexperienced... We were flirting. Now I say it was childish... We dated for 1 month. He was the first person I dated and somehow I eloped with him...” (Female, West Marmara, 31 years old)

“People must know each other. But we only talked on the phone for six months; we didn't meet and talk face to face. But everything happened in a minute. When she said “take me away”, of course we were overwhelmed by the excitement of that

moment. A moment of blindness... I jumped in the car to see her and I took her away...” (Male, Mediterranean, 39 years old)

“There is not much flirting in our neighbourhood, the villages are conservative. You cannot be in a relationship. And the girls are not allowed to go out so much anyway. We are accompanied by our parents to go to market, downtown or shopping. Of course we talked on the phone but they were all within one month, just one month. We could not meet face to face.” (Female, Aegean, 36 years old)

“I really didn't meet him. He had seen and liked me so much, and then he abducted me. It was such a silly thing. I didn't know him. We didn't have a flirting period or we were never lovers... He held me captive for five days. Then our families intervened and last thing I knew was that I was getting married...” (Female, Istanbul, 38 years old)

In brief, the majority of the divorced individuals think that they didn't know their ex-spouses sufficiently before marriage. A reason for this is that they spent very limited or even no time with the ex-spouse and got married without seeing each other before the marriage. Another reason is the idea that the spouse didn't show his/her true colours even though there was a period of flirting or engagement before marriage. It is indicated particularly that it isn't possible to know someone before living together in the same house.

“I didn't know my wife or I thought that I did so, because not being face to face [before marriage] effected our relation as she never saw my epilepsy disease before [when I had the attack]. She used to leave me alone once we got married...” (Male, West Anatolia, 31 years old)

“Young people always say what his/her partner wants to hear, so it's not possible to understand anything about the person before sharing the same house. You should go out for shopping, cook together and you should live together. Spending 1-2 hours together without doing these actually

means nothing!" (Male, Aegean, 62 years old)

"I told him that I didn't like jealousy and he told me that he wasn't jealous. After we got married, I saw that that man was not the one I had imagined. He didn't even let me go out to the balcony." (Female, Mediterranean, 47 years old)

"We saw each other for a few times, we wrote letters to each other. Can anyone know another person within one month?" (Female, West Black Sea, 36 years old)

5.4. Expectations from Marriage Before Marriage

Comments of divorced individuals on their expectations from marriage usually appear as manifestations of gender differentiation and gender norms. In other words, majority of men interviewed defined their expectations from marriage, regardless of their education status, as taking care of the house, meeting their personal needs according to the traditional division of work; while women attributed values and expectations to marriage based on their emotions.

"What a person (man) wants... well they want peace, meal, and clean the house when they are at home..." (Male, Mediterranean, 53 years old)

"Many expectations from marriage... Organizing the house, waiting for her spouse, looking after the children, cleaning..." (Male, East Marmara, 40 years old)

"At least she is a housewife, for example, what does a housewife do? At least when you are at home, you don't want to see mess around the house. What will a woman without children do else? She should take care of her house..." (Male, Southeast Anatolia, 27 years old)

"To love, to be loved and to share loneliness is the dream of every girl..." (Female, Central Anatolia, 54 years old)

"A different life; I thought that I would always be happy because I was always with someone... I loved him very much; I thought that I would be loved as much. Because I would love him much, that we would be very happy, that I would have children and a beautiful family..." (Female, West Marmara, 25 years old)

"Like every woman, a more peaceful and a happier life. I mean that you should be able to walk on the beach hand in hand with your husband. Or you should be able to have a romantic dinner with him." (Female, Mediterranean, 36 years old)

Men pointed out more abstract needs such as 'peace of mind' when they talked about their expectations from marriage. Although rarely, some of them talked about emotional expectations such as love, loyalty, sincerity. It is worth noting that the men interviewed pointed out the portrait of a smiling and welcoming wife when they were talking about their expectations from marriage.

"I said [to her] that it was sufficient to behave in a friendly manner and to look after the children! I said that I only wanted some peace of mind [when I come home]." (Male, Northeast Anatolia, 28 years old)

"My expectation from a wife is peace! It is sufficient for me if she doesn't nag at me." (Male, East Marmara, 41 years old)

"I expect that my wife smiles and shows interest in me when I come home from work. Even if she doesn't cook that day, it is not a problem. We can have diner outside. But showing interest is important..." (Male, 36 years old, Van)

"If I get married at the age of 17, I want to be together until 70, that means until death do us apart. I mean being together for a long time..." (Male, Mediterranean, 40 years old)

"What I want is a wife saying "welcome" when I'm home. A wife who is respectful, loving, caring

*and gentle... Men always want the same thing.”
(Male, West Black Sea, 53 years old)*

Individuals seem to expect the things they didn't like in their lives would change upon marriage. For women, it was usually being free from the family pressure etc. while men expected to complete the things they felt missing in their lives or to put their lives in order.

“My life was not very organized then. I wanted put my life in order. I was lewd because I was single and at mid-twenties. I decided to settle down, to have a family life. I wanted to come home and have a peace of mind there, to have my soup cooked and my laundry washed. I didn't want to be dependent so much to my own family, my parents, etc. ...” (Male, West Black Sea, 46 years old)

“I never knew my father, he was martyr. This was a very big factor for me to start a family...” (Male, Istanbul, 31 years old)

“You grow up in an oppressive family, your freedom is totally limited and you actually have no freedom. They don't even think of sending you to school... The children of an ungenerous father although he is wealthy... But you go to school under limited conditions. That's why, first thing you think is that marriage will be much better; that there will be no beating, swearing, insulting, pressure at least. You think you will be in such an environment.” (Female, Aegean, 44 years old)

“My sole purpose was to get rid of the family pressure, I thought that I could probably get rid of it.” (Female, Central Black Sea, 40 years old)

Part of the divorced individuals stated that they didn't have mature ideas about life and expectations from marriage back then. Especially for those who got married under 18, it is obvious that their expectations from marriage hadn't been formed before marriage.

“Nothing... We were just children, how we could

*know it... We got married before we turned 15.”
(Male, West Black Sea, 62 years old)*

*“I was 16 when I was engaged, I was probably assumed as a child then... In the village, you see that your friends getting married, engaged, etc. and you cannot think logically anyway... I don't know, what can a person think at that age, with that state of mind? I mean, what can a person expect from marriage at that age anyway?”
(Female, Central Anatolia, 30 years old)*

“I don't know what I expected at that age. I just said “yes”. I thought that I had my own house, that I would get permission from my husband but not from my father, I was 17 back then...” (Female, Aegean, 42 years old)

Besides their expectations before marriage, divorced interviewees were asked what were their ex-spouses' expectations from marriage. Part of the divorced interviewees thinks that expectations of their ex-spouses essentially manifested themselves in the form of financial sources and possibilities. But women seem to evaluate the expectations of their spouses with a more neutral approach.

“She had many financial expectations. She wanted a car and I bought her a car; she wanted a house and I bought her a house... Sorry but what can I do else? I'm not a magnate.” (Male, West Marmara, 51 years old)

*“As she had problems due to her family structure, my job as an officer was a good preference for her. I can say that I was a guarantee for the future. Because she had materialistic expectations.”
(Male, Southeast Anatolia, 32 years old)*

“I worked as a private security guard for two years to have an insured job and to live in the city. She wanted to experience the city life.” (Male, Southeast Anatolia, 49 years old)

“She had expectations from life, such as having a higher welfare level, etc. She was making effort

for this.” (Male, West Marmara, 44 years old)
“As he had been divorced from his wife, his expectation was a happy home and order in his life...” (Female, Central Anatolia, 37 years old)

“His expectations were also similar. He wanted to start a family, to get married, to have order in his life.” (Female, Mediterranean, 31 years old)

While interviewees expressed their expectations more clearly, they couldn't unfold much details about their ex spouses' expectations. The reason of considering the marriage unilaterally by not being aware of the other person's expectations can be explained by not knowing the other person

sufficiently before the marriage. Low level of awareness can also be attributed to the lack of open communications between spouses during marriage.

“I don't know... You think that she is so [similar] but when you see her behaviours... I don't know...” (Male, Northeast Anatolia, 45 years old)

“I don't know what he expected. He also expected to be happy and together but maybe he changed his mind later. He was not the type of person revealing his feelings much.” (Female, West Marmara, 39 years old)



Section 6

EVALUATION OF MARRIAGE AND DIVORCE PROCESSES



Evaluation of Marriage Stage ●

Reasons for Divorce ●

Phases of Divorce Process ●



This section argues whether expectations of the divorced individuals from marriage were met. Problems encountered by the divorced individuals and the relationship between these problems and the reasons for divorce were analysed. The reasons for divorce, which are the main objective of this research, were elaborated in this section. The last section includes the phases of divorce process, the approach of the person who decides to divorce and of the spouse, the factors facilitating or complicating the decision of divorce, the relationship with the spouse after the decision of divorce, the ways to cope with the emotions during divorce and the assistance mechanisms.

6.1. Evaluation of Marriage -Stage

6.1.1. Meeting the Expectations from Marriage

Expectations of the individuals from marriage were discussed in the section five; the interviewees were asked whether their expectations were met and the extent to which they were satisfied and the terms in which their expectations were not met were analysed in detail in this section. The interviews performed point out that the expectations had not been met for the majority of the divorcees. This has various reasons and frequently mentioned reasons are as follow: lack of mutual love and respect, indifference of either of the spouses, lack of communication, financial difficulties.

"My expectations have never been met, I wished a peaceful marriage. I thought that maybe I could be happy because, in the beginning, I thought we had shared the same attitude of mind but it never happened. And I had never many expectations such as "I want this or that", or "I want him to purchase that for me", etc., I wanted nothing..." (Female, Central Anatolia, 33 years old)

"We could not be a family. I wanted to be a family with him. I mean, I had my parents and my brother. I got married but we could not be a family together with my husband." (Female, Mediterranean, 31 years old)

Indicating that their expectations had not been met, some of the individuals stated that since the beginning of their marriages, they had not been able to set their life as they had wished; on the other hand, few of them

stated that their expectations had been met during the first years of their marriages but that this had changed over the years.

"He used to make such wonderful promises to me, and tell such nice things. You know what they say, it's honeymoon at first but it becomes different later. It was true in deed. I experienced many bad things. In the beginning, there were some good things but I experienced many bad things during my marriage and I could not step back." (Female, West Black Sea, 39 years old)

"Things were good for the first 2-3 years. My expectations used to be met. Everything was good, it was going right. We could even save money. We purchased a car..." (Female, Southeast Anatolia, 26 years old)

"My first expectation was to be happy and to start a family. In some way, I can say that I became more social thanks to him. It was like that [we were social] in the beginning but then it turned to hell. I mean that we made mistake to decide to get married. It was a wrong decision..." (Female, Mediterranean, 20 years old)

"Yes, my expectations used to be met in the beginning. But they were not met later, in any aspect. [talking about his marriage] You are not happy. You try to cope with your marriage that you are not happy with. What else can it be?" (Male, East Marmara, 39 years old)

Answers of both men and women regarding whether their expectations were met were similar especially in emotional subjects: having a peaceful domestic life with love and respect, having cohabitation as a family etc. It is worth noting that men talked more about the emotional relationship in their critics than other subjects. Especially they focused on having a wife who didn't smile and respect to him and not being able to be a peaceful family. Women on the other hand talked more about the social life when indicating that they could not be an ideal couple with their ex-husbands.

"What else can be expected from marriage if both spouses have good manners? I think that a husband and a wife can be happy even if they have so little..." (Male, West Black Sea, 42 years old)

"[When we were children] we used to be scared of our fathers. When they told me 'your father is coming home', he was like the king for me. I always dreamed of becoming like that [to become the king for my children]. Our children would be happy to hear that I was coming home and they would hug me. My wife would say "Welcome hubby!"... I expected such things but unfortunately they didn't happen." (Male, East Marmara, 40 years old)

"Now I look around, I see good marriages and I envy them... [I see] couples walk hand in hand with their children on weekends. They go to a café and have some tea together... Maybe, these are not very big things but actually the small things make someone happy." (Female, Southeast Anatolia, 47 years old)

The women interviewed defined their pre-marital expectations as emotional needs and when they were asked whether their expectations were met, they talked about the men's irresponsibility, financial difficulties and unemployment of men. As the section five argued, men also associated their ex-wives' pre-marital expectations to financial matters.

"I expected him to work and take care of his family. As this didn't do these things, my expectation wasn't met..." (Female, Central Anatolia, 32 years old)

"For example, I wanted him to be more organized, not

to be disordered. A regular work with minimum wage would also do but I wish he had worked ... If only I knew that he was working. I wish I had never be in that mood..." (Female, Central Anatolia, 29 years old)

"I didn't want a social life. It was sufficient for me if he took care of me, if he didn't leave his children hungry and homeless. It was sufficient for me if he paid my rent" (Female, Western Anatolia, 35 years old)

"I was married when my friends were financially worse than me, but I had the worst of it. I began to admire my friends' houses [as they were better than mine]." (Female, Mediterranean, 39 years old)

6.1.2. Problems Encountered in the Marriages Resulted in Divorce

The scopes of the problems encountered by the divorced individuals during their marriages were analyzed in this section. However, it should be taken into consideration that the problems encountered in marriages did not always constitute a reason for divorce. The most common problems leading to divorce are analyzed in the next section. Table 19 shows the list of problems encountered most in the marriages resulted in divorce.

Table 19. Problems Encountered in Marriages (%)

	Number	Total
Violence		410
Bad habits		56,6
Inner circle / close relatives		54,4
Emotional relationship		53,2
Sexual relationship		46,6
Adultery		45,1
Economic problems		44,9
Not knowing the spouse sufficiently before marriage		43,7
Domestic duties and responsibilities		42,2
Children-related problems		39,3
Working life		33,9
Values		33,2
Lifestyle		32,7
Age of marriage		29,5
Diseases		25,4
Not being able to have children		17,1
Beliefs		13,7
Education level		10,7
Age difference		9,8
Consanguineous marriage		7,8
		3,9

Top five reasons in marriages are defined as violence, bad habits, inner circle / close relatives, emotional relationship and sexual life. Matrimonial problems were most likely to be uttered by women than men. Violence, bad habits and emotional relationship were the most frequently talked about matrimonial problems by both men and women. On the other hand, women mostly talked about the problems of violence, bad habits, adultery, emotional relationship and sexual life. Women encountered a great variety of problems in their marriage but the prevalence of

violence is especially striking. Intervention of the inner circle / close relatives was the top problem that men described and they pointed out this issue more than women (Table 20).

Inner circle / close relatives and bad habits were frequently described as the problems encountered by individuals from different age groups with their ex-spouses. Violence was the most significant problem encountered specifically in marriages of divorced individuals under 50 (Table 20).

Table 20. Problems Encountered in Marriage by Various Demographic Characteristics (First 5) ⁵

GENDER		
Female		Male
Violence		Inner circle / close relatives
Bad habits		Bad habits
Adultery		Violence
Emotional relationship		Emotional relationship
Sexual relationship		Economic problems
AGE		
34 y.o. and below	35-49 years old	50 y.o. and above
Inner circle / close relatives	Violence	Inner circle / close relatives
Violence	Bad habits	Emotional relationship
Bad habits	Inner circle / close relatives	Bad habits
Emotional relationship	Economic problems	Economic problems
Sexual relationship	Adultery	Sexual relationship
EDUCATION		
Uneducated – elementary education	High school	Higher education
Violence	Inner circle / close relatives	Emotional relationship
Bad habits	Violence	Inner circle / close relatives
Adultery	Bad habits	Bad habits
Economic problems	Sexual relationship	Sexual relationship
Inner circle / close relatives	Emotional relationship	Violence
PERIOD OF MARRIAGE		
Less than 5 years	5-10 years	More than 10 years
Inner circle / close relatives	Violence	Bad habits
Violence	Emotional relationship	Violence
Bad habits	Economic problems	Adultery
Sexual relationship	Bad habits	Economic problems
Values	Inner circle / sexual relationship	Inner circle
STATUS OF HAVING CHILDREN		
Without children	1-2 children	3 children and more
Inner circle / close relatives	Inner circle / close relatives	Violence
Values	Violence	Adultery
Violence	Bad habits	Bad habits
Bad habits	Emotional relationship	Sexual relationship
Sexual relationship	Economic problems	Economic problems

⁵ On the table of Problems Encountered in Marriage by Various Demographic Characteristics, the rates highlighted in purple are significantly higher than the other. For instance, women uttered the problems of violence, bad habits, adultery, emotional relationship and sexual life-related problems more than men.

Another remarkable finding is that violence is experienced commonly not only in the marriages of the individuals having low education level but also in the marriages of those having high education level. The very first problem encountered by the individuals having high education level is about the emotional relationship between the spouses and this problem was mentioned more by these individuals compared to those having low education level. On the other hand, adultery was mentioned more by the individuals who are uneducated or who have low education level.

The problems encountered in marriage also differ based on the period of the marriage and the status of having children. Accordingly, the most encountered problem is the intervention by the inner circle / close relatives in the marriage involving individuals whose marriage period was 5 years and less, who didn't have children and who had 1-2 children. It should also be noted that the individuals whose marriage lasted at least 5 years and who had children mentioned more about the economic problems compared to the other divorced individuals. It is observed that the bad habits-related problems were experienced mostly by the individuals whose marriage lasted at least 10 years; and that adultery was encountered mostly in the marriages involving individuals over 30 years old.

6.1.3. Analysis on the Relation Between the Problems Encountered in Marriage and the Reasons for Divorce

The relation between the problems encountered in marriage and the reasons for divorce was analysed by deploying multidimensional scaling (MDS)⁶ analysis (Figure 4). The scopes in which the individuals had problems in their marriages and the grounds for divorce were summed up in twenty-one categories. The situations indicated by the individuals as problematic areas were not always pointed out as

⁶ This analysis is a tool that visualizes through a smaller configuration the relations between the items of the categories defined as the research scope. This research method aims to reach a one-dimensional or multi-dimensional projection of the items in space based upon the values of their distances formulated by their closeness and differences. A multivariate statistical analysis that designates the relation between objects is thus attained. As a result, on a one-dimensional/multidimensional level, this method helps providing an analysis of the items that are situated in different places and that correspond to different levels.

a ground for divorce. On the other hand, some problematic areas indicated by the individuals may cause a ground for divorce.

Essentially, the purpose of performing this analysis is to be able to interpret the relationship between the problematic areas that the individuals experienced in their marriage and the situations as they pointed out as the reason for divorce. Cases in which the problematic areas and reasons for divorce differentiated and overlapped are shown in the multidimensional scaling analysis chart. Problematic areas were coloured in blue and reasons for divorce were indicated in red (Figure 4).

Analysis results were split into four groups considering the close relationship between the problematic areas that the individuals experienced and the reasons for divorce. Following results were revealed when the group-based results yielded by the multidimensional scaling analysis:

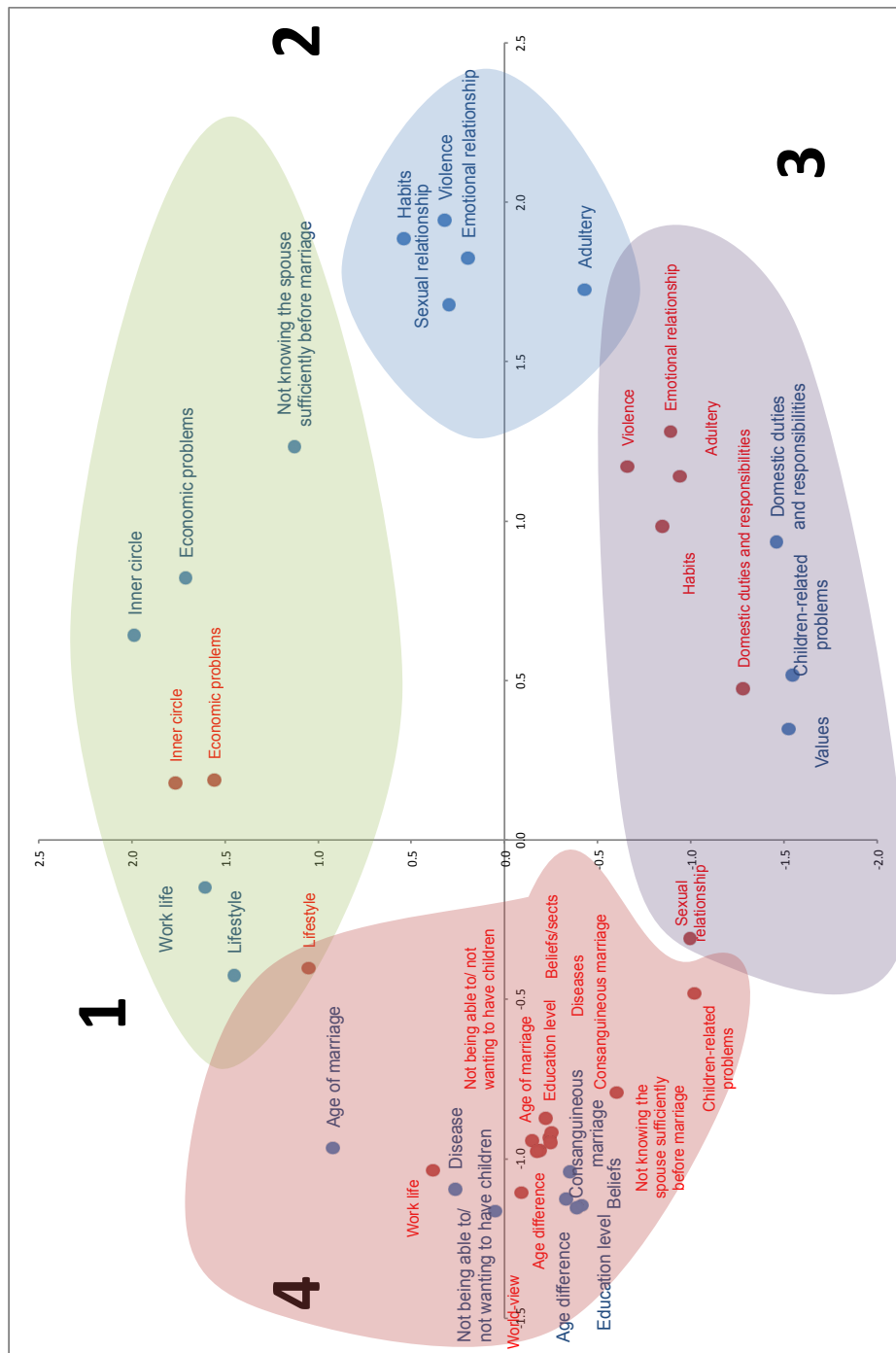
Two different results were received in the first group. When the matrimonial problems and the reasons of individuals for divorce were analyzed, the results revealed that individuals who had problems related to inner circle / close relatives, economic situations and life style also pointed out these issues when describing their reasons for divorce. If the first group is analyzed for the reasons of divorce only, it can be concluded that the individuals who got divorced on the ground of inner circle / close relatives also stated the economic problems as their reason for divorce. Similarly, individuals were most likely to experience problems related to inner circle / close relatives and economic situations (Figure 4).

The second group, rather than indicating the relationship between the matrimonial problems and reasons for divorce, gives an idea about the possible problematic areas for the individuals who encountered one of these areas included in the group. The conclusion is; an individual having encountered one of the problems of bad habits, sexual life, violence, emotional relationship or adultery, is more likely to encounter another one of these problems (Figure 4). Considering the third group, it is understood that the individuals who had problems related to domestic

duties and responsibilities got divorced on the ground of these reasons. Also, it is worth mentioning that the children-related problems encountered by the individuals in their marriage and the status of being different in terms of values / world-view don't create grounds for divorce. When this group is analyzed specifically for the grounds for divorce, it is found that the individuals who got divorced because of violence are likely to terminate their marriage because of emotional relationship, bad habits and adultery (Figure 4).

In the forth group, it is seen that the problematic areas and the reasons for divorce gather as a cluster. As a result, it is very much likely that the individuals who had problems related to not being able to have children / not wanting children got divorced based on these grounds. It is observed that the individuals who had problems in their marriages related to age difference, education level, consanguineous marriage, beliefs / sects decided to terminate their marriage based on these grounds (Figure 4).

Figure 4. Problems Encountered in Marriage and Grounds for Divorce According to the Multidimensional Scaling Analysis



6.2. Reasons For Divorce

In this section, firstly the issues leading to the termination of marriage were analyzed based on the statements of the individuals, and then it was interpreted by attribution theory within the literature to determine the reasons for divorce of the individuals, their behaviors at that time and how they make sense now of their behaviors within their world of perception.

6.2.1. Reasons for Divorce According to Individuals

During the interviews, the individuals were asked to indicate their main ground(s) for divorce and it was observed that the problems encountered in the marriage had not always led to divorce, regardless of their importance. On the other hand, it was frequently seen that some divorces had occurred due

to the accumulation of the problems encountered in the marriage and the lack of their resolution.

The most frequently encountered reasons for divorce are intervention by inner circle/close relatives (40%) and emotional relationship (38%). These reasons are followed by adultery (35%), economic problems (34%) and violence (34%). There is a significant rate of the individuals indicating that their marriages had been terminated due to their own habits or the habits of the ex-spouse (31%), lifestyle (25%) or values (20%). The fact that one of the spouses does not fulfill the domestic duties and responsibilities (29%) or that he/she does not do much in taking care of children (18%) are among the other issues leading to divorce. The other reasons for divorce coming to the forefront are sexual relationship (20%), work life / unemployment (15%) and not knowing the spouse sufficiently before marriage (14%) (Table 21).

Table 21. Reasons for Divorce (%)

	<i>Number</i>	Total
		410
Inner circle/close relatives		40,0
Emotional relationship		37,6
Adultery		34,9
Economic problems		34,2
Violence		34,2
Bad habits		30,7
Domestic duties and responsibilities		29,0
Lifestyle		24,9
Values / world-view		20,0
Sexual relationship		20,0
Children-related problems		17,8
Working life		15,1
Not knowing the spouse sufficiently before marriage		15,1
Diseases		13,7
Age of marriage		8,8
Not having children / not wanting children		6,1
Education level		2,9
Age difference		2,7
Beliefs/sects		2,7
Consanguineous marriage		2,2

Similar to the marital problems, most of the reasons for divorce were indicated by the women. While the most mentioned reason for divorce by the women is violence, inner circle is the most mentioned reason by the men. The women indicate mostly violence, habits or adultery as the reasons for divorce; on the other hand, the men indicate mostly inner circle as the reason. Economic problems come to the fore as the reasons for divorce both for the women and the men (Table 22). Considering the age groups; inner circle/close relatives,

violence, domestic duties and responsibilities, emotional relationship and habits are remarkable within the group of individuals who are under 50. Within the group of individuals who are 35-49 years old, inner circle/close relatives as a reason ranks the first as in the group of individuals under 35. In addition, the individuals of this group indicated mostly that they had divorced due to problems related to adultery, economic problems and emotional relations. The first reason for divorce is the lack or termination of emotional relationship within

the group of individuals over 50. Economic problems, inner circle, adultery or unfavorable habits and values are among the other reasons for divorce that stand out within this age group (Table 22).

When the divorce reasons are analysed by education levels, it is understood that the marriages were terminated mostly due to adultery among the people who are uneducated or have elementary education. The frequent reasons for divorce are economic problems, emotional relationship, unfavorable habits and inner circle/close relatives within this group. It was observed that the problems related to emotional relationship had most caused the divorce of the individuals having high education level. Intervention by inner circle/close relatives, difference of lifestyle, violence and non-performance of domestic duties and responsibilities are among the leading factors that caused the termination of the marriages for this group (Table 22).

As the period of marriage increases, the rate of problems related to emotional relationship and adultery increase. The individuals, whose marriage lasted less than 5 years, got divorced mostly due to the effect of inner circle/close relatives; and on the other hand, this problem leading to divorce is observed commonly among those whose marriage lasted longer (Table 22).

Moreover, there is a differentiation among the reasons for divorce of the individuals according to the number of children. Economic problems and violence are a more common reason for divorce particularly for individuals who have children. The individuals having three or more children are those who indicated most that they had divorced due to adultery and this reason for divorce is observed more frequent within this group (Table 22).

Table 22. Reasons for Divorce by Various Demographic Characteristics (First 5)⁷

GENDER		
Female		Male
Violence		Inner circle/close relatives
Bad habits		Emotional relationship
Adultery		Economic problems
Emotional relationship		Adultery
Economic problems		Domestic duties and responsibilities
AGE		
34 y.o. and below	35-49 years old	50 y.o. and above
Inner circle/close relatives	Inner circle/close relatives	Emotional relationship
Violence	Adultery	Economic problems
Domestic duties and responsibilities	Economic problems	Inner circle/close relatives
Emotional relationship	Emotional relationship	Adultery
Bad Habits	Violence	Bad habits / values
EDUCATION		
Uneducated – elementary education	High school	Higher education
Adultery	Inner circle/close relatives	Emotional relationship
Economic problems	Violence	Inner circle/close relatives
Emotional relationship	Economic problems	Life style
Bad habits	Emotional relationship	Violence
Inner circle/close relatives	Adultery	Domestic duties and responsibilities
PERIOD OF MARRIAGE		
Less than 5 years	5-10 years	More than 10 years
Inner circle/close relatives	Emotional relationship	Adultery
Violence	Inner circle/close relatives	Emotional relationship
Domestic duties and responsibilities	Violence	Economic problems
Emotional relationship	Domestic duties and responsibilities	Bad habits
Values / world-view	Adultery	Inner circle/close relatives
STATUS OF HAVING CHILDREN		
Without children	1-2 children	3 children and more
Inner circle/close relatives	Emotional relationship	Adultery
Emotional relationship	Inner circle/close relatives	Violence
Values / world-view	Economic problems	Bad habits
Domestic duties and responsibilities	Violence	Inner circle/close relatives
Not knowing the spouse sufficiently before marriage / sexual relationship / adultery	Adultery	Economic problems

⁷ On the table of Reasons for Divorce by Various Demographic Characteristics the rates highlighted in purple are significantly higher than the other.

Inner circle/close relatives

The issues related to inner circle/close relatives are the reasons for divorce most indicated by the interviewees.

It is observed commonly that the marriages were terminated due to the intervention by inner circle/close relatives or the relations with inner circle/close relatives. This issue was indicated by half of the divorced male interviewees. It can be said that the mother of the husband or the wife is the actor coming to the forefront as the third party in the marriages. Although less often, other first-degree relatives such as the father, sister or brother of the spouses may appear within this circle.

The male interviewees mentioned two main reasons within this scope: the fact that their ex-wives did not respect their families, particularly their mothers or could not get along with their mother-in-law; and that their ex-wives could not get disconnected from their own mothers and wanted to see them very often. The attitude of the female interviewees toward this issue is parallel with that of the men: that they could not get on well with the mother of their ex-husbands; that the family of husband was the main decision-maker and intervened in their private lives; that they were forced into living in with or near the house of the family of the ex-husband; and that their ex-husbands limited or did not permit them to see their own families.

“We had problems with his elder sister. He would tell me to keep quiet against her continuous insults... She overstepped so much that she started saying words that a woman could not bear. She always caused trouble and gossiped about anything related with me. In fact, she was the one who destroyed the relationship between me and my husband.” (Female, Aegean, 34 years old)

A part of the male interviewees indicated that they had been forced to make a choice in some way between their mothers and wives, and that this situation had damaged their marriages. It should be also remarked that a substantial part of the women, who explained their reasons for divorce as the intervention by inner circle/close relatives, criticized their ex-husbands

within this regard. They indicated that their ex-husbands behaved as their mothers wished in many cases and that this situation affected their marriages negatively. In other words, the women often feel themselves pushed into the background during their marriages and the men think that their families were disrespected. It is understood that this situation is more common particularly where the man lives in the same house, same building with his mother and father or at a close distance to them.

“In the simplest term, I could not sleep privately as the apartment was duplex. In the morning, my mother-in-law used to come to my room and wake me up by saying “It’s morning already, won’t you wake up?”. It happened so many times. I could not keep quiet and I told this to my husband by stating that his mother had come to my room and woken me up, and that this was unpleasant. He said that his mother would not do such a thing... There was lack of confidence and he didn’t believe in me.” (Female, Southeast Anatolia, 29 years old)

“That was not a peaceful relationship as it had been during the flirting period. We had problems with his family. They wanted to be together all the time. My family was in another city and his family was in Istanbul. They wanted to be together at least 1-2 days in a week and this was too much for me. I thought that I spent all the time with them instead of being alone with my husband. But I used to meet them in order not to upset my husband. I think that probably used to make me angry on the inside.” (Female, Istanbul, 32 years old)

It is understood that for the spouses, living together as a large family is not a preference, but rather an obligation due to economic problems. There is a large number of individuals indicating that they were happy during the flirting period or at the beginning of their marriages, but that their relationship started to be damaged after starting to live with the family of the man or at a close distance to them. It can also be said that the change of the roles or the decision-makers within the family is the start of a difficult period of time for the spouses. Where these kinds of problems could not be resolved and gained continuity, the

marriages resulted in divorce.

"If only we could have been alone and if his family had not intervened with us, we would be better off now and the divorce would not have been mentioned... I heard many insults from him. They used to underestimate me and they behaved as if they had never liked me. And they had never liked me anyway... There wasn't any other problem than this." (Female, Mediterranean, 49 years old)

"The reason [of divorce] was that we stayed with his mother during the last sixth months of our marriage. During those last six months, when I told him the shopping list for the house, he would buy the items requested by his mother instead of mine. We had been at ease together in our house. Everything changed after starting to live with my mother-in-law." (Female, Southeast Anatolia, 29 years old)

Not only the family of the men, but also the women is indicated among the factors leading to the termination of the marriage. There are two sides of the same story here. While the men state that their ex-wives used to see their own families overmuch and so they did not take care of their husbands or their home; the women indicate that their ex-husbands restricted or never let them see their own families. The men, who indicate that they got divorced due to this reason, think that the mothers of their ex-wives intervened in their lives and "envenomed" their daughters against the husbands.

"I was married not only to her, but also to her mother and brother. Her brother and mother used to call me and want something... They would say "do it this way, don't do it that way, don't purchase this," etc. Her mother used to intervene even in the shopping list of our house. I warned them by saying "It's my house and don't intervene in it". She said 'No, I'm her mother and I can intervene. Do you think you know her better than me?' I warned my wife not to let her mother intervene and that it would come to no good. But she also said that she was her mother and she would intervene. She said that she would do whatever her mother told her and that she would not listen to me." (Male, Central Anatolia, 33 years old)

"To be honest, they always came to my house. I didn't want them but they were her mother and father... I was married to their daughter and I could not tell them to come or go. They used to come to see their daughter and grandchild after all. When I started saying these, the discussions started. Every word of her was the last straw to break the camel's back..." (Male, West Marmara, 31 years old)

"I told him I would go to see my parents. He said "No, don't go". But there was no one in our house... If there were children, I would take care of them. Why not go?" (Female, Southeast Anatolia, 26 years old)

Emotional relationship

The problems related to emotional relationship are one of the leading reasons among those indicated by the divorcees. It shows up among the first five reasons for the divorce of the individuals from different demographic groups. Considering the problems related to the emotional relationship, the first reason coming to mind is the lack of mutual love. In addition, disrespect is also another factor damaging the emotional relationship between the spouses.

The interviewed individuals were asked whether there had been love between them and their spouses during their marriages. It is observed that the marriages were not already established on love in a part of the relationships having this problem. Marriage without knowing the spouse, convenience marriage, being obliged to marry that person when loving another one and the lack of mutual love can be given as examples for this kind of relationships. Particularly a part of the women indicated that their husbands had never told them that they had loved them or they had never shown their love and that this made them felt overwhelmed by this feeling.

"As I said before, I'm a romantic person but he is insensitive and never reveals his feelings. He didn't even hug me while we were sitting. I always asked myself whether he loved me." (Female, Mediterranean, 41 years old)

"Maybe he loved me but I wished he had shown his love

to me. I wished he had told his love, I wish he had said "I love you", but from the heart... How could I know that he loved me from the heart? On the other hand, he used to be unkind to me. He used to say humiliating words to me. Maybe I was not perfect, but I didn't deserve them." (Female, West Black Sea, 46 years old)

Moreover, the damage to relationships in terms of emotion can be caused by other factors. Having children, not looking after oneself, intervention by inner circle/close relatives, habits like lying, not fulfilling the domestic duties and responsibilities, sexual relationship, difference of values/world-view had a role in the decrease or termination of love partially or totally.

"When he confronted his family with me, the love was already over. Because his mother was behind everything. There was no love." (Female, West Marmara, 33 years old)

Some male interviewees indicated that love was decreased by the fact that "the role of women/wife in marriage" was not fulfilled sufficiently. They gave examples such that the wife was not a good cook, that the house was not organized/clean, that the wife did not welcome them cheerfully or that the wife did not care for her appearance. Some male interviewees mentioned that their surprises or gesticulations were not valued greatly by their wives and that this situation was of damaging quality in terms of emotional relationship. A part of the men think that their wives started to give all their love and interest to the children and that this situation damaged the relationship between the spouses.

"Before the child, everything was great and we had a loving relationship. But after the child, the love was divided into two... The relation of husband-wife is over after the child is born. Unfortunately, this is the case with our Turkish women. All of my divorced friends had the same problem. Because then, the men feel alone in the house. Why did I get married if I have dinner alone, watch TV alone or can't feel the women next to me?" (Male, Istanbul, 50 years old)

"She was a disrespectful person... I come home at 7

p.m. Should she sleep if her husband comes home at 7 p.m.? Is that so? I mean, she should cook and lay the table! She should wait for me... As she doesn't work, she can sleep at noon or 3 p.m.! Should she sleep at 7.30 p.m.? Is that so? I come home and she doesn't even say "welcome"." (Male, Aegean, 49 years old)

"A woman should give moral support to her husband who is the only employed person in the house and who earns the living. She should say "Welcome dear, how are you?. She should ask how his day was, whether there was any problem. These are my expectations from a woman..."(Male, Southeast Anatolia, 49 years old)

Another problem related to emotional relationship is the behaviours aiming to keep the person under control and pressure. A part of the women indicated that the jealousy and similar attitudes of their husbands during their marriage had been effective on their decisions to divorce. This situation refers to the restriction of social life and even the prevention to meet the inner circle/close relatives. Some of the women indicated that the jealousy of their husbands sometimes turned into violent behaviours.

"He was very jealous of me. If I said hello to someone, he would get angry with me for days. He never used to tell his problems and sulk right away. Because I'm a cheerful person and I really like having fun. I want everything to go great. My husband used to accommodate himself to me. Everything was going well but then his jealousy started and damaged us." (Female, Mediterranean, 47 years old)

"Because of jealousy, he made everything unbearable for me. As he was jealous of me, he didn't want me to go anywhere. He wanted me to be always with him and not to go anywhere, etc. He was such a troubled person. I think he had some psychological problems, he was lacking self-confidence. He used to say that he loved me very much, but there must be trust besides love. You can win if there is trust besides love..." (Female, Istanbul, 41 years old)

"Since the day I was married, there was jealousy, beating and violence... My husband was very jealous of me. He used to expect me not to talk to anyone.

He did not use to let me speak with his own family much.” (Female, Northeast Anatolia, 38 years old)

A considerable number of the male interviewees indicate within this regard that the “excessive” jealousy of them or of their wives, pressure and similar behaviours damaged the emotional relationship between them and was effective on the process to divorce.

“I can’t say that our relationship was bad. But I was a bit jealous of her. I mean that I overdid it... What can I say? Maybe I was that kind of person... I wish she had been in step with me...” (Male, East Marmara, 59 years old)

“She always used to think that I cheated on her and she used to have a quarrel with me. She used to insist that I cheated her and the quarrel used to turn into a fight. Because of this, I was very bored with marriage.” (Male, Aegean, 42 years old)

Adultery

Both the women and the men indicated adultery as among one of the first factors terminating their marriages. The individuals, who mentioned adultery as the reason for their marriage resulting in divorce, are mostly the women, the individuals having low education level, the individuals whose marriage period was over five years and who had children.

While telling the story related to their marriages, most of the individuals divorced due to adultery also mentioned other grounds; in other words, for the majority of the divorcees, adultery did not cause the divorce alone and it was called as “the last straw” by the interviewees.

On the other hand, some individuals stated that adultery was the final point for them and that it was not possible for them to continue the marriage. They indicated that adultery caused loss of trust and that it was not possible to maintain the marriage healthy.

“When I learned the adultery, first I wanted to know what had happened. I guess it happened during the last month of our marriage. He was her ex-

boyfriend... [for adultery] It was sufficient for me even if she had written to him. You cannot maintain marriage if there is no trust. It was sufficient even if she had contacted him on the Internet. There is no need to meet in person...” (Male, Mediterranean, 36 years old)

“When you pick someone up, you know who they are and how they are. You treat them as you are supposed to... But how could you perceive in an optimistic way the person from your household, the mother of your two kids? How could you trust someone whom you doubt whether she has been with someone? You smell her clothes; you search whether there is any hair on them, etc. I suffered from cardiac disease because of these concerns ...” (Male, Aegean, 54 years old)

There were also other cases where the adultery did not occur only one time, but multiple times during the marriage. Some individuals indicated that they had continued or wanted to continue their marriages with the opinion that it had not been necessary to end the marriage for “a minor incident” or as they had loved their spouses. This case is more common among the women. Moreover, a part of the individuals indicated that they had learned at the last periods of the marriage or after getting divorce that their spouses had cheated on them for a long time or for multiple times.

“He cheated on me. He cheated on me not for once, but for two times, three times... In fact, I could not believe that when my husband cheated on me for the first time. But after witnessing some kind of things... Of course this was too much to overcome...” (Female, Central Anatolia, 32 years old)

“When some kind of things happened, I used to ignore them because I loved my husband. Since the beginning, I used to tell him that I would put up with anything, but not adultery. Even so, I ignored this fault for two times. I didn’t do anything but it was too much for the third time. I saw that they met, that they slept with each other and I saw the messages. And at last, I could not bear it anymore.” (Female, Mediterranean, 32 years old)

“I think it was 5 or 6 a.m. in the morning, I answered

the phone not to make him awake. When he suddenly got into panic, I didn't think about at first... Of course I got suspicious when this happened for a few times, but I did nothing back then. I thought that it was not necessary to break up my family for such a minor incident" (Female, East Black Sea, 35 years old)

"He was cheating on me. There was nothing else, such as breaking or destroying something [physical violence]. I was so patient against his habit to go for other women, I was patient for a total of fifteen years." (Female, Mediterranean, 55 years old)

On the other hand, some of the women and men, who indicated that they had been divorced due to adultery, did not personally witness this situation or their ex-spouses did not accept this claim. In other words, adultery was rather a suspicion for a part of the divorcees.

It is remarkable that the attitudes and evaluations related to adultery are mentioned over the traditional gender roles / manhood perception. Most particularly, it was observed that the men, stating that their wives had cheated on them, used as many examples possible to describe their wives as faulty / immoral.

"To tell the truth, she was not a virgin when we got married. I was going to leave her back then but my family didn't let me do so. A person saw him [ex-wife's lover], two people saw him and then all the people in the village learned it before we heard about it." (Male, Mediterranean, 36 years old)

"When we were married, I heard that she was chatting with someone on the Internet. I didn't witness myself. I saw the messages. I requested her to leave home, otherwise it would turn into murder." (Male, Aegean, 35 years old)

Violence

Violence is the most indicated reason for divorce by the women. Half of the women indicated violence as one of the reasons of termination of their marriages. Divorce on the ground of violence is more common among the women having children compared to those without children.

Particularly psychological violence, i.e. exposure to verbal violence, is common among the women. It is understood that the ex-spouses displayed behaviours including psychological violence such as insults, swearwords, humiliation, keeping under pressure / control, threatening them or the relatives and that these behaviours increased significantly during the last periods of the marriage. Some of the women stated that verbal violence hurt for a longer time and abused their self-confidence.

"He was not a man who beat frequently. He beat me only once. But his insults were very gross. If he beat me, it would heal. The insults are not forgotten." (Female, Southeast Anatolia, 37 years old)

"For example, when we went somewhere, he always used to humiliate me." (Female, West Black Sea, 39 years old)

"I could not go anywhere without his permission. He would get angry with me. As I knew that, I used to go nowhere without having permission from him." (Female, West Black Sea, 53 years old)

"For example, he always used to say to me that the wives of other men were beautiful and well-groomed. It was hurting me so much. Such thing is like death for a person..." (Female, Central Anatolia, 39 years old)

It is also observed that the women were exposed to behaviours to destroy their physical integrity as well as psychological violence. The given examples of violence that the women were exposed to are hitting, beating, kicking, slapping, throwing items, injuring, trying to throttle, pushing, locking up the door, tearing hair, etc.

"Yes, we had it [physical violence] once. I was pregnant with my first daughter... There were even guests in the house. Think that I was pregnant, but it was such violence that I could not get out of the room. They broke the door of the room and came in to save me." (Female, Aegean, 42 years old)

"It was the third day of our marriage and the violence began. I never told this to my family in order not to

get my mother and father upset... Until the fetus died.”(Female, Southeast Anatolia, 26 years old)

The men display threatening behaviours including physical violence such as raising hand with the purpose to beat or taking out a knife with the threat to kill.

“He went to take a knife. He was going to kill both me and my child. But when I screamed, I don't know what he taught, but he returned. He tried to walk up to me. I can say that he gave up at the last minute.”(Female, West Anatolia, 29 years old)

“I can't lie, there was not any kicking or slapping, etc. between us. I mean, thanks to my family, he could not dare such a thing, otherwise he would have been able to do so. But he used to say that he would kill and cut us. He used to attack everywhere and break the furniture.” (Female, Central Anatolia, 48 years old)

Fewer women mentioned that their husbands committed sexual violence on them. There are some cases such as forcing for sexual intercourse or putting pressure on them when they refuse the sexual intercourse.

“The biggest violence to women is the sexual violence. In my opinion, verbal violence doesn't hurt one. Although hitting or breaking hurts, it heals. The violence on the bed is the biggest punishment for a woman.” (Female, Southeast Anatolia, 32 years old)

“I could not have a sexual intercourse properly. I had problems and cysts. But he used to hurt me much for sexual intercourse. I used to lay a bed for him in the living room and lock myself inside the bedroom to sleep alone.” (Female, West Black Sea, 29 years old)

Some part of the women indicating that they were exposed to violence of their husbands mentioned that they had not shared this problem with their families. The reason of this is sometimes the shame felt by the woman and sometimes the opinion that the family would not give support. On the other hand, the women who shared this problem with their families feel relaxed and even lucky.

“My family tried to persuade me not to give up on my marriage by saying that maybe it would be okay and that we had two children. And then I wanted to give it a try. I mean not to terminate our marriage right away... I withdrew my two petitions to divorce. I was exposed to violence after submitting the petitions.” (Female, Central Anatolia, 34 years old)

“Yes, he hit me a few times. Maybe we are ashamed to say this kind of things as women but no, my only concern was not to upset my family. As I said before, my mother cried in front of me for many times while telling the things she had experienced. I am one of those lucky women who could get divorced.” (Female, Mediterranean, 28 years old)

In the statements of the divorcees, it was observed that they sometimes gave justifications for violence. Particularly alcohol and drug addiction, economic problems, unemployment, inner circle/close relatives effect, adultery, jealousy, psychological problems, inferiority complex and similar problems are perceived as the trigger of violence.

“Since the first years of the marriage, he was displaying violent behaviours. He used to commit violence when he was nervous. I used wait him to use drugs and black out. I used to wait hopelessly for that because he was very nervous and he was shouting, hitting when he didn't use drugs.”(Female, Aegean, 43 years old)

“He used to beat us when he had alcohol. For example, once my black eye didn't heal for about one or two months.”(Female, Central Anatolia, 36 years old)

“There was violence as my husband was unemployed.” (Female, West Black Sea, 29 years old)

“My father-in-law was the person who started beating first. He slapped me in the face and I fell down. He threw me inside on my ear. The cartilage of my ear was opened and broken. Then my husband came... He said that his father was right. My mother-in-law said “beat her son, beat her well”. She said, “I was beaten much in time, she should get used to it”... I don't know, maybe he would not beat me normally. Sometimes in the evening, my mother-in-law used to say “Son, beat your wife for once, I really want to see

this” and then my husband would start beating me.” (Female, Central Anatolia, 39 years old)

Claiming that they did not commit violence on their wives or that their behaviours did not include serious violence, some of the male interviewees criticised the precautionary warning decision made against them within the scope of the Law number 6284.

“Maybe they (quarrels) were accumulated, I don’t know. The last time, we had a quarrel as she shouted at the child. Then the quarrel became serious and I slapped my wife in the face. Then she called the police. We went together to the police station to give statement and then we returned back. I left the house... A temporary debarment fine was imposed for fifteen days.” (Male, West Marmara, 44 years old)

“Although there wasn’t a petition to divorce, they gave me a debarment fine, I didn’t know that... I had my e-government password and I learnt the debarment on the Internet for the first time. I went to the police station and I had a quarrel with the police. I said that there was no battery charges, no police report or any witness, etc. I asked them how they could send me away from my house...” (Male, Central East Anatolia, 47 years old)

Work life and economic conditions

The women and the men interpreted the problems related to work life leading to divorce from different perspectives. Some of the female interviewees stated that their ex-husbands had never worked or that they had never been a jobholder. The justification of this situation was mostly explained as the unwillingness of the men to work. The women who mentioned these problems indicated that they had been the person to struggle to make a living or that they had experienced serious financial difficulties. On the other hand, while a part of the women mention about the insufficiency of the financial earning of their ex-husbands, they used expressions such as “the main role of man is to earn living”, “he should look after her wife and children”; and the roles attributed to man in the society come to the forefront.

“I hold in high esteem for the man who works and

who wants to work and look for a job even if he is fired. But he used to avoid from working even when he was employed, he was lazy. And this is the result... His marriage is over. The marriage is over as he didn’t work, didn’t look after his child and didn’t undertake the responsibility of a man.” (Female, Southeast Anatolia, 47 years old)

“I don’t know. He didn’t want to work, he didn’t care or put his shoulder to the wheel. He used to quit his job and I used to find a new job for him. I mean, it was difficult that the responsibility was always on my shoulders. If the man doesn’t work, the woman can’t bear this. It is normal if the woman doesn’t work but it’s not so if the man doesn’t. A woman doesn’t look after the man much but it is the man’s responsibility to look after his house and child.” (Female, Aegean, 36 years old)

On the other hand, the man, who indicated that they had been divorced due to financial problems, mentioned that their ex-wives had not budgeting and always wanted more. These people could not manage the domestic economy and caused an economic breakdown by getting into more debt.

“For example, I was not able to pay the rent or electricity bills. In fact, some problems started partly because of this. Because I wasn’t employed... I’m a person doing with less, but she wanted much. And she was right... I took her from her mother’s house to live well, but we became poor...” (Male, Aegean, 46 years old)

“The child was born and I started not being able to meet the expenses of the child with my job. And I used to take care of my wife. I mean, I did everything for my wife to wait hand and foot. I started suddenly and fast. I was a hirer, but I made a mistake and I purchased much furniture and I got into debt. And this happened as a result.” (Male, Mediterranean, 31 years old)

“She had excessive expenses in terms of new clothes. It was not a problem financially, but she didn’t know the worth and she was out of taste to make some clothes to go with.” (Male, East Marmara, 32 years old)

Hiding the financial problems from the spouse and the accumulation of these problems as a big debt later can also lead to the loss of trust between the spouses.

“He was employed and he wanted to have his own business. He never told me that the business was going down and he hid the debts from me. I learnt all of them at a stroke after it was all over and when the business was broken-down. This was a big disappointment for me. Yes, this is the only thing that I can't forgive...”(Female, West Anatolia, 36 years old)

The women were asked about how their ex-husbands thought of their work outside. The women, stating that their husbands favored working women does not always evaluate this situation positively for them. The fact that their ex-husbands forced them to work and that they took their salaries are the justifications indicated by the women related to their negative evaluation.

“I stopped working because I had to work and buy him two packs of cigarettes, a horse race newspaper and even two beers. When I went home without these, he used to start shouting at me. I experienced these... While I was working with him, he used to say nothing, but when I wanted to work alone, he was extremely jealous of me.” (Female, East Marmara, 44 years old)

On the other hand, both the women and men indicated that the labor force participation of women was not considered good by the men and that even the men did not let the women work. The traditional woman-man roles shows up as an obstacle before the labor work participation of women. Particularly, it can be in question that the ex-husbands were jealous of the women and thus restricted their life outside the house.

“As the income isn't much, it's not important what you think or what you consider as requirements... I wanted to work but he didn't give permission. I used to say “go, find a job and work, then we have children and requirements, you have to work”. He was unemployed during nine months in a year. I used

to talk in the beginning; I used to say that he had been to work. Then I stopped talking because my words didn't work and had no effect.” (Female, Izmir, 44 years old)

“I didn't want her to work. Isn't it enough that I earn the living? It is sufficient. You are not hungry or homeless. Have you [indicates wife] ever wanted even one lira from your parents? No, you have not. Why will you work then? She said that she got bored in the house and she would give a support to the house...” (Male, Mediterranean, 31 years old)

A part of the men indicated that they had decided to divorce easier as their wives had been in work life.

“For example, her salary was more than mine, this became a problem during the last period of our marriage. During our quarrels, she used to say they she could stand on her own feet in case of divorce and that I was not a man...” (Male, Southeast Anatolia, 30 years old)

“My wife was working. Of course she can work. I would be glad if a woman works and stands on her own feet. However, some women think that I'm working so I won't tolerate anybody, ... I mean it is good for them to work, but I don't like them using this as a threat.”(Male, Istanbul, 38 years old)

Domestic responsibilities

One third of the individuals interviewed indicated that their marriages had terminated due to the problems related to the domestic duties and responsibilities. The rate of individuals indicating that they were divorced due to domestic responsibilities is higher among women and the individuals within the age group of 25-49.

It is understood that the perception of domestic responsibilities as a problematic topic by women and men differentiates among the divorcees. The main reason of this differentiation may be the differentiation of gender norms and of the effect of the domestic duties-sharing rules, envisaged by these norms, in terms of women and men. As it has been analysed in the section of expectations from

marriage, while men expect women to undertake all responsibilities related looking after the house, women particularly indicate that they expect their husbands to support and share these liabilities after the child is born.

While the women mention about the difficulties related to domestic duties and responsibilities, they indicate mostly the unemployment of their ex-husbands, the financial difficulties, undertaking the liability to look after the child alone or the lack of performance related to domestic duties such as repairing. As a result, the women tend to call their ex-husbands irresponsible. In addition, they also indicated the difficulty of their responsibilities resulting from marriage. And this caused them feel alone during the marriage.

“All the domestic responsibility was on me, I was both the woman and the man of the house. Once for all, my husband, the head of the household, my man should have recognized some of his responsibilities. He didn't take care of them much, he ignored them and he didn't think about today or tomorrow. He had a problem of not undertaking responsibility and so we were down.” (Female, Aegean, 36 years old)

“Alone in the crowd. It was very crowded, but I felt myself alone because no one used to ask how I was and everyone used to ask me to work in the house. Cooking, cleaning... You work all the time and they request you to make these entirely perfect. I was unhappy, always unhappy...” (Female, Aegean, 44 years old)

“His irresponsibility within the family... I could not bear that there wasn't work-sharing. Including the domestic duties. There were people that I should have looked after and I was to do this alone. As we could not share the responsibilities, I felt myself all alone...” (Female, West Anatolia, 47 years old)

“He was not very interested in my daughter. He never met her teachers or he was never interested in her education. He was not there already while I was looking after her.” (Female, Aegean, 36 years old)

“He used to do nothing with the child. He always used

to say “what will I do with her, where to take her?”. Take the child to the cinema or bowling... My friends' husbands do everything with their children... Then he takes the child to somewhere [spends time with her] for one or two weekends and then he behaves the same again...” (Female, Aegean, 44 years old)

The men who indicated that their marriage was over due to these problems criticised their ex-wives in terms of the domestic duties considered within the responsibility of woman such as cooking or cleaning. Moreover, a perception related to the gender roles about looking after the child comes to the forefront among some men. They stated negative critics related to that their ex-wives had not looked after the child sufficiently. Among the men who mentioned the problems related to domestic duties and responsibilities, there is a part of men calling their wives ineffective or imperfect.

“If I work outside all day long, what does a woman do in the house? You cook, it doesn't take even two hours. As we are two people and there are no guests, the house doesn't become dirty easily. These are her responsibilities. If her clothes are washed and ironed in the wardrobe, why are my clothes disorganized? Is it my fault if these works are not done?” (Male, Central East Anatolia, 34 years old)

“She was not very good at being a housewife; she could not do it well. Even the cooking was a problem.” (Male, East Marmara, 32 years old)

“We had some quarrels as she used to visit her family much and she used to set her house and children back... I mean she used to visit her parents four days in a week. The children were staying in the house... The children were alone in the house without having their breakfast...” (Male, Istanbul, 50 years old)

The fact that the employment of women may be referred to the postponement of domestic responsibilities by their husbands. Some male interviewees indicated that they had not wanted their wives to work for this reason.

“She used to leave the house very early and to come back tired and very late. So I think that she was

not able to spare enough time for me and her house.”
(Male, East Marmara, 32 years old)

“I didn’t want her to work and she insisted on working. She didn’t take my advice with the excuses such as “your salary isn’t enough, I get bored in the house”, etc. When she started working, the problems started to appear. We didn’t have so many problems before, our normal life had been going on, I don’t want to say, but she started to come home at late, my meal was not ready, the children were miserable, etc...”(Male, West Black Sea, 43 years old)

“My mother-in-law used to look after the child. As her house was near, we used to leave the child there before going work. I didn’t want my wife to work. I got very angry with her and I became sad. I said that no one else could look after my child.” (Male, Southeast Anatolia, 40 years old)

Sexual relationship

About one fifth of the interviewees define the problems in sexual relationship as the ground leading the divorce. The definition of sexual relationship as a reason for divorce is on a similar level among the women and the men, the individuals from different age groups and those having different education levels, but the individuals, whose marriage period was over five years or who had three or more children, mentioned more about this reason compared to those without children.

The problems related to sexual relationship are stated on an equal basis both by the male and female interviewees, but the issue is handled from different perspectives. The reason of this differentiation can be explained as the social norms related to the roles of women and men, and to their expectations from sexual relationship. The opinion is particularly that the woman set sexual relationship back due to domestic duties and responsibilities, looking after the children and that she accepted this situation as normal. On the contrary, the other opinion is that sexual relationship is a need for the man and that his expectation should be met. This differentiation in the perspective about sexual relationship also creates an obstacle before the harmonious sexual relationship

between the spouses.

“In the end, I was in need as a man. Sometimes we used to have quarrels about this and it used to affect me. At one point, I started not thinking about having sex anymore. I never thought about it for about 2,5 – 3 years, she disinclined me from it.” (Male, East Marmara, 40 years old)

“After the child was born, everything changed. In fact, some breakdowns in our relation had started before the child. I mean, the husband and wife share the same bed. It wasn’t so for us and we started to incline away from each other. Both she and I started taking care of the child more.” (Male, Mediterranean, 40 years old)

Alienation from sexual relationship due to the problems in the marriage is a common situation in the marriages resulted in divorce. A part of both the women and the men indicated that they had experienced problems due to other reasons and that this situation had affected their sexual relationship. The emotional dissatisfaction in the marriage also affects the sexual relationship negatively and may alienate the spouses. On the other hand, men referred more to the other party's sexual reluctance contrary to the number of women mentioning about the indifference and unwillingness of their ex-spouses. A woman indicated the effect of his husband's indifference on her as follows:

“Hope for it, we tried it again, but he was very uninterested in me. Maybe we had no sexual intercourse for about 1.5 years... As I had a child, I was taking care of my child. As a matter of fact, women don’t have such needs. It [this situation] only gets you very upset. You don’t feel good. You think whether you are ugly, you have gained weight and you ask yourself why he doesn’t attempt to me. These were the effects on me: He doesn’t like me and want me anymore.” (Female, Mediterranean, 25 years old)

“[Sexual life] It was not good. How can I say? For example, we didn’t have a husband and wife relationship. She was like a friend of mine and she was keeping me at a distance.” (Male, Mediterranean, 44 years old)

"I didn't want it when he tried to have a sexual intercourse after all of the difficulties (problems) we had. I didn't want him to get into my bed." (Female, Mediterranean, 36 years old)

"We had nothing sexual. No. We used to have sexual intercourse once in a blue moon... I was dissatisfied. If we had been happy sexually, our marriage would have also been happy and we would have overcome many things." (Male, West Black Sea, 42 years old)

"I did not want it either, in fact. I felt as if it was not appropriate to have sexual intercourse with a person that you didn't love and trust anymore although he was your husband... Already, he always used to think of his satisfaction. The only thing he was overbearing..." (Female, Southeast Anatolia, 36 years old)

"After the child was born, the frigidity started. They said it was normal for every woman after giving birth. Moreover, she gave birth to triplets. I think she lost her self-confidence..." (Male, Istanbul, 50 years old)

Apart from the fact that the problems experienced in the marriage, the sexual incompatibility between the spouses can also cause the termination of marriages. For example, the women complaining about this stated that their ex-husbands had not satisfied them sexually or that they had not made the effort for that. Another aspect is that the women, who did not have any sexual experience before marriage, may get feared and worried about the wedding night and this may continue during the marriages due to the attitude of their husbands. In addition, some part of the women indicated that they had been troubled with the lack of attention of their ex-husbands to their personal hygiene. On the other hand, the men mostly mentioned about the sexual frigidity of their ex-wives and that they did not have sexual compatibility. During the interviews, some examples were given that the women had experienced vaginismus during their marriages.

"From the first night, I gave up. Because he forced me [to have sex]. I got afraid at first... I cried until the morning and this caused me a big depression. Then

I was afraid [of sex]." (Female, Mediterranean, 50 years old)

"I used to cry. Of course we used to talk about it... I mean, I tried to tell that it would be better when it was mutual, but he used to ask whether he would always wait for me..." (Female, West Anatolia, 49 years old)

"He didn't think much that I might have needs. And naturally, I was offended by this. I mean, you can take the edge off your desire as a woman. Some things [sexual things] may stay in the background." (Female, Central Anatolia, 37 years old)

"She had vaginismus. We saw the psychologist to make her get well, but she gave up after even one week. She was prescribed medication, she didn't take them... We thought that if she could overcome this problem, we would be able to have a child, things would go well between us, but she could not overcome it." (Male, Central Anatolia, 32 years old)

Defining the problems in sexual relationship as one of the reasons for divorce, a remarkable part of the women explained that they had experienced sexual intercourse with their ex-husbands involuntarily or under pressure. They mentioned that their ex-husbands had considered the sexual relationship as a duty of woman. When the women could not perform "this duty" for their husbands, they were exposed to sexual or physical violence. As a result, some women had to have sexual intercourse with their ex-husbands and they call their sexual relationships a nightmare. A part of the women were forced to have sexual intercourse when they did not want to or in the way they did not wish, and they were exposed to psychological pressure or physical violence when they did not have intercourse.

"It was exactly a nightmare... He was a person who lived for his pleasure and he was selfish... I was exposed to much torture by him." (Female, Istanbul, 38 years old)

"He used to watch porn movies on the Internet and try them on me. When I refused, he used to

get angry and commit violence.” (Female, Southeast Anatolia, 26 years old)

“When he was not drunk, it didn't happen. But as he always came home drunk, he made me overwhelmed much. My husband had many bad habits, he liked to use force. He used to fasten my feet and rape me.” (Female, West Black Sea, 32 years old)

“For example, he wanted to have it every day. And I didn't want it. Daily! Really, daily! He didn't say “if you don't want it, it's okay”, etc. Quite the contrary, he pushed me too far. As I got angry, he pushed me far... He used to beat me and do it again.” (Female, Northeast Anatolia, 44 years old)

“It was how he wanted... I used to say that I didn't want it, but he used to insist. It was as he wished.” (Female, Istanbul, 42 years old)

Not being able to have children / Not wanting children

The fact that one of the spouses had not been able to have children or had not wanted to have children was stated as one of the main factors for divorce by a small group of the interviewees. Some individuals indicated that they had not been able to have children due to the reproductive health problems and that their ex-spouses had been divorced from them. For example, one of the women explained that she had had abortion for 5-6 times during her marriage, that she had not been able to have children although she had been treated, but that she had terminated her marriage of 33 years as she had not been able to bear the psychological pressure from her husband.

“I was peaceful [in my marriage], but my children were born dead, they didn't live. I stayed in the intensive care unit, I suffered so much pain. My husband was eager to marry again for a child, but my mother-in-law supported me and got angry with her son by asking whether there was no home if there was no child. But when she died... He started telling me every day that I could not even give birth to a child, that he could not hug his own child, etc. I was not able to bear his words. I could not bear it and got

divorced.” (Female, West Black Sea, 53 years old)

On the other hand, a woman indicated that their problem of not being able to have children / not wanting children had been not because of her but her husband in fact, but that she had been accused for that by her husband and his family. She stated that particularly the pressure of his mother-in-law and the threat by her husband to get married to someone else led them to divorce.

“They always taunted me why we didn't have a child, why we didn't have a child?... Was it in my power? He used to say that he would get married to someone else. I went to a doctor with my mother-in-law. She even went to the examination room with me. She didn't believe in me. I think the doctor was aware of her attitude and put the arm around my shoulder. The doctor said to my mother-in-law “this girl can have children, but not your son”. “Your son's sperm quality is low.” (Female, Southeast Anatolia, 26 years old)

The attitude towards medical treatment to have children can also be a determinant for the maintenance of the marriage. For example, a man indicated that his ex-wife had not given him enough time for treatment and another man mentioned that his ex-wife had not accepted treatment.

“The problem was on me. I was undergoing treatment, I saw the doctor two or three times. Her mother took my wife away [didn't give time for treatment].” (Male, Eastern Anatolia, 36 years old)

The fact that the ex-spouse didn't want children is also considered as one of the milestones during the marriage. A few women indicated that they had been exposed to psychological pressure of their ex-husbands to have abortion and that it had created trauma for them.

“If he had wanted children, he would not have wanted me to have abortion at least. When someone tells you to “go and have abortion”... It's a very big trauma...” (Female, Istanbul, 34 years old)

Values within the Framework of Cultural and Personal Differences

Values, world-view and lifestyle

One out of every four interviewees indicated that they had been divorced due to the differences of lifestyles. Referring to the different lifestyles between the spouses as the reason for divorce, the individuals mentioned about the conflicts related to the issues such as expectations from life, attention paid to appearance and clothes, socializing tendencies, behaviours in social environment, etc. Under the title of lifestyles and different world-views, the women mostly indicated that they had had different tendencies for socializing and enjoying life compared to their ex-husbands. On the other hand, the men referred mostly the issues related to ex-wife's appearance and clothes.

"He was different. When we visited our friends, he used to talk with no one and watch TV. He used to sit silent while exchanging "bayram" greetings. He used to cause disturbance. He used to spoil everybody's pleasure, slam the door and leave the house..." (Female, Aegean, 42 years old)

"He tends the things like the Internet more. He started to spend more time on TV and computer. He was not with us as much as the time he spent for them. He was not joining us to have a talk." (Female, Central Anatolia, 27 years old)

"She was different. I'm a person doing with less, but she wanted much. My wife liked to dress well. I'm not such a person, I do with less." (Male, Aegean, 46 years old)

"For example, while choosing clothes, when I said that it didn't suit her, she used to insist on the clothes that I didn't like." (Male, West Anatolia, 28 years old)

"Yes, it was a problem that I was wearing a bit low-cut. My clothes were not décolleté, but he thought so. The real problem was that I was a free [woman]..." (Female, Istanbul, 46 years old)

Bad Habits

One of the reasons for divorce of the interviewees is the bad habits and this reason ranks as most important reasons for divorce put forward. The given examples for the bad habits are alcohol, smoking, gambling and drug addiction. Such kinds of habits were indicated as negative effects on the house and life orders maintained mutually by the individuals.

"He used to smoke in the house and I was very troubled with it as our house was small and I didn't want him to smoke in the house." (Female, West Black Sea, 29 years old)

"His habit of betting games was a problem. I mean gambling. If he had not gambled, we would have made a living easily. We were not fond of luxury." (Female, Mediterranean, 31 years old)

In addition, the personal characteristics of the individuals were also analysed under this title. It was determined that the characteristics of the ex-spouses such as being fond of sleeping, being stubborn, lying, swearing, etc. were also indicated as reasons for divorce.

"Normally, he was a well-mannered and a perfect person. But he was just stubborn. You cannot guess the level of her stubbornness. It was the reason that ended our relationship." (Male, Southeast Anatolia, 26 years old)

Compared to the men, the rate of divorce on the ground of habits is higher among the women. It is observed that the habits of their ex-husbands such as lying, alcohol, smoking, gambling and drug addiction, etc. were considered as reason for their divorce. For the most of the cases, the mentioned habits directly damaged the relationships of the men with their ex-wives. It was observed that the confidence of the women in their ex-husbands decreased due to the lies that their ex-husbands told. The alcohol addiction of the men damages their inner circle/close relatives and wives. The habit of gambling results in the deterioration of the domestic income, and the drug

addiction results in the damage to the relationship between the spouses.

“He used to drink alcohol and go out at night. He was a real pleasure seeker... He used to drink alcohol and not come home at night. I mean, if he had wanted, he would have come home. So, he didn't want so.” (Female, Southeast Anatolia, 36 years old)

“People drink alcohol. Me also, I have alcohol. But he was always drinking. While the children were in need of something, he used to spend his money on alcohol.” (Female, West Black Sea, 40 years old)

“I was very troubled with the smell of the cigarette. That smell... He was smoking two packs of cigarettes a day.” (Female, West Marmara, 60 years old)

The unfavorable habits of the ex-wives of the men were concentrated mostly on the wife's personal characteristics, lying and smoking.

“She used to lie. When she understood that I had been aware of her lie and about to react, she used to tell the truth.” (Male, Central Anatolia, 30 years old)

“She was lying too much. To everybody... She used to say that she was not a smoker, but she was indeed an addict. Will I find money for your cigarette? I was a hiker. I used to ask her “what is your problem? Why do you smoke?” (Male, Southeast Anatolia, 23 years old)

“She was a double-tempered person... One day she is okay and the other day you cannot know her, you ask yourself whether she is her. But within five minutes, something happens to her. That woman has gone and another one has come.” (Male, East Marmara, 39 years old)

Divorce on the ground of education level, age difference, beliefs and sects, consanguineous marriage

Although it is rare, education level, age difference, beliefs and sects, consanguineous marriage are among the problems leading the marriages of the

individuals to terminate. It is possible that the one of the spouses may underestimate his/her partner when the education level of the spouses is lower.

“[In a relationship] no one should be at a lower or a higher place as education. They should be equal. But I learned this very late and sadly.” (Female, Mediterranean, 26 years old)

“As I was a graduate of elementary school, he used to think himself superior.” (Female, West Marmara, 33 years old)

The age difference between the spouses may cause them to be different in terms of either world-view or experience and it may cause a hierarchy between them.

“He used to say “you are older than me, not the woman, but the man should be older”. (Female, Aegean, 46 years old)

“He always used to humiliate us. He always used to underestimate me. It was so since the very beginning.” (Male, West Black Sea, 62 years old)

Difference of beliefs and sects is a reason for divorce for a very few individuals. The difference of sects shows up as a marital matter also intervened by the families of the divorcees.

“There were sect-related problems and it was a trouble on its own. In our village, we tell no one to pray here or there. Even her father was obsessed with [our sect difference]. When I first met her, I told her my sect and asked her not to make any trouble in the future.” (Male, West Marmara, 31 years old)

“Of course, she was not religious as I was. My mother regularly prays. Of course I was not praying then when I was married...[but later I did]. My wife didn't have such a religious approach.” (Male, West Marmara, 32 years old)

The divorce on the ground of consanguineous marriage is scarcely any. The situation mentioned by the individuals divorced for this reason is the damage to the existing relationship by affinity.

“Considering the consanguineous marriage, first it has nothing positive about it. Although it appears positive, there are stupidities corresponding to the interests of everyone to impose on each other more.” (Male, Mediterranean, 55 years old)

“Its negative aspects are: The families used to fight each other and we were mixed up in the affair. I think there should not be any consanguineous marriage.” (Female, East Black Sea, 35 years old)

Not knowing the spouse sufficiently before marriage and the age of marriage

Divorce on the ground of not knowing the spouse sufficiently before marriage mostly results from the fact that the individuals do not spend sufficient time together before marriage and that they cannot sufficiently find out the personal characteristics of each other. Differentiation on the basis of gender is observed under this section.

“I was always thinking positive. I was thinking that he would work and we would have a family. I could not know him. I got married, but then everything was revealed. I won't be able to forget what he did to me even if I die.” (Female, Aegean, 37 years old)

“If I had known her, probably I would not have got married to her. Because you need to smell the melon to know if it's good... We were different in every aspect. You can't adapt to their culture. We had difficulties until we got used to each other, but the reality was revealed later.” (Male, Northeast Anatolia, 37 years old)

It is very common that the age of marriage creates a reason for divorce. As mentioned in the previous sections, a part of the individuals believe that they were married at a young age. Although the age of marriage causes problems in the marriage, it is not directly perceived as a reason for divorce. It is observed that the divorces were mostly caused by the fact that the individuals got married before sufficiently knowing themselves and their expectations from relationship.

“Of course she was young. She was 18 years old. Maybe

everything seemed too much to her. I used to intervene a little bit with her. If a woman didn't learn many things from her family, the life is difficult...” (Male, Istanbul, 52 years old)

“How can a girl get married at the age of 14–15? I was thinking I will wear a ring, bracelets, etc... I was thinking about those. And I didn't know how to cook or clean.” (Female, Istanbul, 31 years old)

Diseases

The divorces due to health problems generally result from the health problems of the spouses or the other individuals within the family.

Within this regard, the men refer to the effect of particularly the psychological or psychiatrically diseases of their wives affecting the factors such as violence or domestic responsibilities in terms of creating a reason for divorce. On the other hand, a part of the men indicate that the decision to divorce had been made due to their own diseases.

“She was not sane. She didn't take her medications. I shouted at her and forced her to take them. And then, one morning, she had taken all the money and her suitcase and gone. She decided to get divorced due to irreconcilable difference.” (Male, Mediterranean, 31 years old)

“We learned that my wife had a psychological disorder. She could not stay where she went... She could not stay in a closed area... She could not stay alone... I mean I could not go out of the house... She used to tell me not to go to work. I didn't go to work for many times... We saw the family doctor and he advised us to see a psychologist. My wife went there three times. But that was all, she never went back there...” (Male, Northeast Anatolia, 34 years old)

Where the women refer to diseases as reason for divorce, it is observed that the psychological disorders of their husbands play an important role. Moreover, a small group of the women indicated that their reason for divorce had been the serious health problems of their own, their children or their husbands' first degree relatives.

“My main reason was that: I became ill and he was not with me during the disease. I thought that if he were not with me in bad times, I would never need him in good times.” (Female, Aegean, 38 years old)

“Because I understood that he would not be able to look after the house. I understood that he was insane. There was not a possibility for him to walk. I thought that if he could not look after me, he would not be able to look after my child in the future. Because I was pregnant...” (Female, West Anatolia, 40 years old)

“I was looking after them all the time. My father was sightless. And my sister-in-law had psychological problems. She could not even eat or get dressed. I was obliged to do all of these work. He said “what’s done cannot be undone, I will go to Istanbul to work” and he went there. He never came back...” (Female, Eastern Anatolia, 37 years old)

6.2.2. Reasons for Divorce According to the Attribution Theory

In the study, the reasons for divorce of the individuals were gathered under 21 titles and coded according to the Attribution Theory (Table 23). The mentioned 21 reasons were coded under four main titles as "resulting from the interviewee him/herself, resulting from the spouse of the interviewee, resulting from the relationship itself and resulting from external factors" according to the main criteria of the Attribution Theory and as indicated in the Attribution Theory example applied by Amato and Previti. The divorce stories were analysed on individual basis and the coding was performed according to the Attribution Theory over the person, people or relationship considered as the responsible for the divorce.

Table 23. Coding of Reasons for Divorce According to Attribution Theory

Resulting from the ex-spouse of the interviewee	Resulting from the interviewee him/herself	Resulting from the relationship	Resulting from the external factors
1 - Domestic duties and responsibilities	1 - Domestic duties and responsibilities		
2 - Children-related problems	2 - Children-related problems	2 - Children-related problems	2 - Children-related problems
3 - Emotional relationship	3 - Emotional relationship	3 - Emotional relationship	
4 - Economic problems	4 - Economic problems		4 - Economic problems
5 - Working life	5 - Working life		
6 - Values / world-view	6 - Values / world-view	6 - Values / world-view	
7 - Life style	7 - Life style	7 - Life style	
8 - Habits	8 - Habits		
9 - Education level	9 - Education level	9 - Education level	
		10 - Age difference	
11 - Age of marriage	11 - Age of marriage	11 - Age of marriage	
12 - Not knowing the spouse sufficiently before marriage	12 - Not knowing the spouse sufficiently before marriage	12 - Not knowing the spouse sufficiently before marriage	
13 - Beliefs/sects		13 - Beliefs/sects	
		14 - Consanguineous marriage	
			15 - Inner circle
16 - Sexual relationship		16 - Sexual relationship	
17 - Not being able to have children / not wanting children	17 - Not being able to have children / not wanting children	17 - Not being able to have children / not wanting children	
18 - Violence	18 - Violence		18 - Violence
19 - Adultery	19 - Adultery		
20 - Diseases	20 - Diseases		20 - Diseases

These four main titles determined were first structured by considering the internal and external reasons. The internal reasons were determined as the cases resulting from the individuals themselves. The cases occurring out of the control of the individual were determined as the external factors. The problem areas, defined as those out of the control of the individuals, were grouped based on three different factors: the "external factors" resulting from the ex-spouse of the individual, from the nature of the relationship and resulting from the factors other than these.

Table 23 shows the groups of reasons for divorce according to the Attribution Theory. Some reasons for divorce were included within more than one group due to different conditions; for example, the "domestic duties and responsibilities" were included in the group "resulting from the interviewee him/herself" if the interviewee indicated that he/she had divorced due to the duties not fulfilled by him/her, or in the group "resulting

from the spouse of the interviewee" if he/she held his/her ex-spouse responsible for this. On the other hand, "inner circle/close relatives" justification was included only in the group "resulting from external factors" as the divorcees indicated that this situation had resulted from the third parties completely independently of them.

Interviewed within the scope of Reasons for Divorce and Advanced Analysis Research, majority of the interviewees (81%) associated divorce with the issues resulting from their ex-spouses. Only one third of the divorcees (32%) indicated that the divorced had resulted from themselves. This situation also matches up with the main propositions of the Attribution Theory.

Attribution Theory suggests that when individuals meet bad results, they will mostly associate the case with external factors occurring independently of them rather than thinking that it is resulting from them.

Table 24. Reasons for Divorce According to Attribution Theory⁸ (%)

	Resulting from the ex-spouse of the interviewee	Resulting from the interviewee him/herself	Resulting from the relationship	Resulting from the external factors
Total	80,9	31,9	51,2	42,4
GENDER				
Female	90,5	23,8	51,9	30,5
Male	71,0	40,5	50,5	55,0
AGE				
34 y.o. and below	80,9	31,3	50,4	47,8
35 y.o and above	81,0	32,2	51,5	40,3
EDUCATION				
Uneducated/elementary education	80,9	31,3	50,4	47,8
High school	81,0	32,2	51,5	40,3
Higher education (University and above)	72,9	34,3	67,1	45,7
PERIOD OF MARRIAGE				
Less than 3 years	70,2	29,9	50,8	55,2
4 - 5	86,3	29,4	43,1	43,1
6-10 years	83,5	35,1	50,5	44,3
More than 10 years	82,1	31,8	53,9	36,9
STATUS OF HAVING CHILDREN				
Without children	68,1	25,5	51,1	55,3
1-2 children	81,8	36,0	54,2	42,4
3 children and more	84,9	24,2	43,4	36,4

⁸ On the table of Reasons for Divorce According to the Attribution Theory, the rates highlighted in purple refer to the significant differentiation on the confidence interval of 95.

In other words, in case of the failure in marriage, the individuals mostly prefer to attribute the responsibility to their ex-spouses as they do not want to undertake it. By holding the other party responsible for the reason of divorce, they can also define another factor as the reason for divorce. Half of the individuals, who think that their ex-spouses are the responsible of the divorce, also consider the relationship between them and their ex-spouse as the responsible of the divorce. On the other hand, most of these individuals do not hold the external factors (35%) or themselves (28%) responsible for the divorce (Table 24).

Both the women (91%) and the men (71%) consider that the grounds for divorce were mostly based on the behaviors of their ex-spouses while the tendency to hold the other party responsible is very common among the women. Although the rate of the individuals, who think that the divorce resulted from them, is lower, the tendency to accept the responsibility is higher among the men (41%). Similarly, among the individuals with children, it is more common to explain the divorce over the attitudes and the behaviors of their ex-spouses (Table 24).

Half of the interviewees (51%) indicated that they had terminated their marriages due to the problems related to the relationship. Compared to the individuals who are uneducated or have lower education level, the college-graduate individuals referred more to the relationship between them and their ex-spouses while mentioning about the reasons for divorce (Table 24).

The rate of the individuals who base the termination of their marriages upon external factors is also significant (42%). The rate of the men mentioning the external factors is higher (Table 24).

The reasons for divorce analyzed in the previous section were also analyzed in terms of the Attribution Theory and the party or the parties, held responsible for each reason for divorce, were explained.

For the divorces due to **inner circle/close relatives**, the individuals indicated that they had been responsible under no circumstances. As discussed in the previous section, the interventions by the members of their own or their ex-spouses' families are the problems occurring out of control of the individuals and resulting from the external factors.

For the majority of the divorces due to **emotional relationship**, it is understood that the love between the spouses was mutually over in time. In addition, although rare, there are other cases where the love of the individuals is over for their ex-spouses that they got divorced unilaterally.

The individuals, whose marriages were over due to **adultery**, accuse mostly the other party for this. All of the women divorced due to unfaithfulness indicated that their ex-husbands had cheated on them. On the other hand, a very few men defined the adultery committed by themselves as the reason for divorce. As the case among the women, majority of the men stated that their ex-wives had cheated on them and that this situation had been a reason for their divorce.

Economic problems are one of the most common reasons for divorce. For the most of the cases, mostly the financial problems (poverty, business not going well, bankruptcy, not being able to assist home financially) encountered by the other party caused the divorce on the ground of economic problems. Almost all of the women hold their ex-husbands responsible for this. On the other hand, the men indicated that mostly their own economic conditions had been responsible for divorce. The number of the men who hold their wives responsible is also remarkable. They indicate that it resulted from the fact that their ex-wives spent money without considering the domestic economy. Although rare, this justification by the individuals was based upon the external factors. This situation was accepted as "external factor" by the individuals stating that the general economic dislocation had affected their relationship and had been the reason for divorce.

In case of divorce on the ground of **work life**, the observed cases were mostly that the ex-spouses had

been unemployed, had left work or had not been able to find a job, etc. Compared to the women, there are more men stating that the problems in their own work life (unemployment, not being able to find a job, long working hours, etc.) were the reasons for divorce.

The **violence** causing the divorces mostly results from the ex-spouses of the interviewees. As mentioned in the previous section, violence does not show up only as physical violence. Verbal and emotional violence types were also analyzed under this title. Almost all of the women divorced due to this reason indicated that they had been exposed to violence by their ex-husbands. Although the rate of the men, showing violence as the reason for divorce, is low; only one third of them accepted that they had committed violence. And the men accusing their ex-wives for this referred mostly to the verbal violence, i.e. psychological violence. The rate is very low for those who indicate that the violence was committed by the inner circle/close relatives.

Within the scope of **values/world-view and personal differences**, the titles analyzed according to the theory are values, lifestyle, habits, age of marriage, consanguineous marriage, knowing the spouse sufficiently before marriage, education level, differences of beliefs-sects, etc.

Where the divorces occurred due to **values, world-view and lifestyle**, the individuals indicated that they thought that this situation had resulted mostly from the relationship and that both parties had been responsible for the case. It is a very common case that it was realized by both parties that they did not have the same values or world-views, or that they did not share the same lifestyle. Less than the half of the interviewees indicated that they had realized the different world-view and lifestyle of their ex-spouses or that their ex-spouses had become different.

In divorce cases due to **bad habits**, majority of the interviewees referred to the bad habits of their ex-spouses. Almost all of the women divorced due to this reason indicated that the bad habits of their ex-husbands such as alcohol, gambling or lying had

caused the divorce. Stating their divorces due to habits, the men attached notice to the habits of not their own, but of their ex-wives. The rate of accepting themselves as responsible for this case is quite low among both the women and the men. Compared to the women, the men are aware that mostly their own habits caused the divorce.

Where the **education levels** of the individuals were indicated as the reasons for divorce, it was mentioned that mostly this case had affected the relationship itself and caused the divorce. The differentiation of the education levels of the individuals (one party having higher / lower education level) causes conflicts during the marriage process and alienates the spouses. However, the tendency of the individuals is lower to hold themselves or their ex-spouses responsible for the case where the education level causes the divorce. Specific to this title, the much attribution made to the relationship can be explained that the spouses cannot collectively meet on a shared platform due to the differentiation of the education level.

Where the age difference between the spouses caused the divorce, this was explained as having resulted from the relationship. Rather than holding themselves or the other party of the relationship responsible for this, the individuals stated that it had been a problem affecting the entire relationship generally.

Where the **age of marriage** was identified as the reason for divorce, the individuals stated that this had mostly resulted from them. Accepting mostly that their age of marriage was early, the individuals believe that it caused their divorce. The majority of the women, indicating that the age of marriage was the reason for divorce, mention that their age of marriage was early. In parallel to this, the attitude among the men showed that the marriage of their ex-wives at young age had caused this situation. Where both parties had been married at young ages, the individuals defined this as a problem affecting all the relationship generally.

Stating that they got divorced due to **not knowing the spouse sufficiently before marriage**, the

individuals mostly consider themselves responsible for this. The individuals think that they were caught unprepared against the situations encountered related to their spouses during their marriages and they indicate that the reason for this was that they had not known their spouses sufficiently. Although fewer, there are other individuals stating that the other party did not introduce themselves sufficiently during the engagement or the flirting period and that they hid some negative characteristics. The case of not knowing the spouses sufficiently before marriage was stated to have affected the course of the relationship and to have resulted in the interest in different areas of interest by the individuals in time.

For the divorces due to **beliefs and sects**, the individuals mentioned that the general course of the relationship had been mostly damaged by this reason. Although rare, there are the individuals stating that the belief or the sect of their ex-spouses was different.

The divorces due to **consanguineous marriage**, indicated by very few people, were mentioned as a problem resulting from the relationship itself.

Almost all of the individuals, referring to **domestic duties and responsibilities** as the reason for divorce, accused their ex-spouses within this regard. From the given answers, it was observed that the woman and man roles actively showed up. Although at a very low rate, some individuals indicated that they had not fulfilled their own duties and responsibilities.

Where the marriages were terminated due to **children-related problems**, the interviewee could hold himself/herself, the ex-spouse, the relationship or the external factors responsible. The majority of the individuals mentioned that their ex-spouses had not undertaken the responsibility of looking after the child and they seldom behaved irresponsible themselves within this regard. On the other hand, there are some rare cases where the children, particularly the adult children created the reason for divorce.

Where **sexual relationship** was indicated as reason

for divorce, the individuals mainly mentioned about the sexual incompatibility between them and their ex-spouses. On the other hand, the violence committed by the ex-husbands was observed commonly among the women. It is worth noting that the individuals do not hold themselves responsible for the divorce on the ground of sexual relationship.

In case of marriages having terminated due to the reasons related to **having children**, the observed tendency was generally accusing the other party. Among the experienced cases, situations where the ex-spouse did not want to have children or left the other spouse with the reason that he/she was infertile can be listed.

Where the **diseases** are defined as the reason for divorce, the attributed party is mostly the ex-spouse. The disease of a family member (children, themselves or a member from the ex-spouse's family) is a reason for divorce that cannot be controlled by the individuals and that has an importance as much as the disease of the ex-spouse. Although rare, there are cases where the individuals were ill themselves.

6.3. Phases of Divorce Process

6.3.1. Formation of the Decision to Divorce

In this section, interviewees were asked to express their opinions on the process of marriage and the reasons for divorce in detail as well as the course of the divorce process.

6.3.1.1. Cases Where the Idea of Divorce Appears First

During the interviews, at which stage the individuals began thinking about divorce was interrogated. Accordingly, interviewees are classified in three groups: those who started thinking about divorce since the beginning, in the maturity period and in last years of the marriage. TBNA 2008 study also suggests a similar tendency. During the study, the individuals were asked about when they had first thought about divorce during their marriages. Accordingly, almost half of the individuals (43%)

whose marriage period was five years or less indicated that they had started thinking about divorce since the first year of their marriage. On the other hand, half of the individuals (52%) whose marriage period was more than 15 years stated that they had started thinking about divorce as of the 10th year of their marriage. It is understood that with the interviewees whose marriage period was between 6 to 15 years, the idea of divorce started to be formed during the maturity period of their marriage (ASAGEM, 2008).

"I was thinking about it almost since the beginning. When she could not get on well with my son and father, I knew that it would not go well, but I waited for her to change and get used to it myself, to give her a second chance." (Male, Northeast Anatolia, 45 years old)

"I thought about getting divorced 10 years before that. I mean I thought about it almost for 10 out of 18 years of my marriage." (Female, Central Anatolia, 39 years old)

"I was 35 years old. We got married in 1989 and it lasted until 2002. I made such a decision after 13 years." (Female, Istanbul, 46 years old)

"During the last periods of the marriage... I've been unhappy for quite some time and when I thought that all of my life would go on like that, then, I made my decision. We had the talk, I said that I was unhappy and I didn't want to continue that way..." (Male, East Marmara, 32 years old)

When the interviewees thought about the first time that they had considered getting a divorce, it is observed that most of them associated it with the date of marriage. However, some of them, mostly the women, indicated that severe conflicts between them and their ex-spouses, violent behaviours inflicted by their ex-spouses, financial problems within the family (enforcement, bankruptcy) and adultery were the factors which determined their decision-making for divorce.

"I was already living alone. It was not very logical

to continue the marriage as he cheated on me. I didn't have any problems before I found out that he had cheated on me, but I changed my mind after having found out. When I got suspicious for the first time, we were married for six years..." (Female, West Marmara, 40 years old)

"I made my mind on the day that he beat me and in the following three days. He was not at home, my mother took me away." (Female, Mediterranean, 26 years old)

"After that quarrel, we made the final decision. We were talking about the divorce before that day but we had been postponing it for the child. There had been another quarrel before that but I gave her a last chance with the support of the families." (Male, Central Anatolia, 31 years old)

"I thought about it in the second year of the marriage. The reason was that my husband was unemployed and that I had to work to earn living as he used to work involuntarily." (Female, Aegean, 36 years old)

The majority of the interviewees stated that they had finalized the decision within a short period of time after thinking about it for the first time. This period of time ranges from a few days to one year. The individuals indicated that they had made the application and submitted the petition within a short period of time after they had made this decision. Table 25 shows the relevant findings.

It is observed that 64% of the divorcees made their applications to divorce within 2 months. For the individuals whose marriage period was more than 10 years, the period of time starting from the decision on divorce to making the application is longer. In other words, it took longer for the individuals whose marriage period was more than ten years to actually act on their decision to divorce.

"In the next six months, I said to myself, 'yes, it will not get any better' and I made the decision to divorce." (Female, West Anatolia, 47 years old)

Table 25. Period of Time from Making the Decision for Divorce to Making the Official Application by Various Demographic Characteristics (%)

	Number	Less than a month	1-2 months	3-6 months	More than 6 months	Total	Average (MONTH)
Total	410	39,5	24,2	17,8	18,5	100	6,8
GENDER							
Female	210	38,1	22,4	17,6	21,9	100	7,6
Male	200	41,0	26,0	18,0	15,0	100	5,9
AGE GROUPS							
34 y.o and below	115	42,6	23,5	15,7	18,3	100	6,3
35 y.o and above	295	38,3	24,4	18,6	18,6	100	6,9
EDUCATION							
Uneducated/elementary education	224	42,4	20,5	19,2	17,9	100	6,8
High school	116	40,5	27,6	12,1	19,8	100	5,8
Higher education (University and above)	70	28,6	30,0	22,9	18,6	100	8,4
PERIOD OF MARRIAGE							
Less than 3 years	67	37,3	28,4	22,4	11,9	100	3,2
4-5 years	51	37,3	29,4	13,7	19,6	100	4,2
6-10 years	97	41,2	23,7	17,5	17,5	100	5,3
More than 10 years	195	40,0	21,5	17,4	21,0	100	9,4
STATUS OF HAVING CHILDREN							
Without children	47	44,7	19,2	21,3	14,9	100	4,7
1-2 children	264	39,4	27,3	16,7	16,7	100	6,2
2+ children	99	37,4	18,2	19,2	25,3	100	9,3

"It took me about eight months. We made the decision... We went together to the court, we talked, we filed the case. The hearing was two weeks later and we got divorced." (Male, Istanbul, 30 years old)

"I suppose it was not much. I just left the house. When I was thinking about it, there was always a final expectation whether or not to do it. How long did it take? Probably not more than a week." (Female, Mediterranean, 25 years old)

"I made the decision that day. It was made before, but the last time, it was sudden for me. I burnt the bridges that day..." (Male, Istanbul, 38 years old)

6.3.2. Issues Facilitating and Complicating the Decision to Divorce

6.3.2.1. Personal, Cultural and Social Obstacles

It is observed that although a part of the interviewees thought about divorce, they could not make the decision right away. Women exhibit this tendency more than men. They made the decision at least 1 year after they first thought about getting a divorce

and this period is longer for some women. Although part of the female interviewees were thinking about getting a divorce all along their marriage, they waited for long years before they could actually take action.

"I waited for three years. I thought that maybe he would come back home, it would all go well and he would return to his children, to us. Then I realised that this wasn't going to happen... If his family supported and took him to recover, maybe he would return, but his family left him and he left us..." (Female, Central Anatolia, 33 years old)

"Officially, it all finished in 2003. I waited him to recover. I had many expectations from him to get well if he was treated but it didn't happen so. He didn't get well." (Female, 47 years old, Istanbul)

Although the idea of divorce is formed in either or both of the spouses, the main reason, both the divorced women and men, for not making a decision of getting a divorce is that the divorce will affect the children. Similarly, TBNA 2008 survey revealed that the children were the main obstacle before the decision to divorce (56%) (ASAGEM, 2008).

"We lived, we lived for three years. No, there weren't any obstacles but I didn't want to get divorced. There were children, the biggest obstacle is them. As I didn't want my children to live with a step mother or father, I'd always been patient." (Male, Mediterranean, 34 years old)

"The children were young so we put up with each other. Then we realised that it wasn't going well, we terminated it after taking the consent of our children. I indicated on the petition that the children would stay with their father." (Male, Aegean, 54 years old)

"In fact, I had been thinking about it for a long time, but the children made me stay." (Female, Mediterranean, 39 years old)

Both for male and female interviewees, the fact that losing the status of being a family and the fear of being alone are the obstacles before deciding to get a divorce. Studies in the literature show that the fear of "being single again" and the fact that the status of "not being a family anymore" are brought up, as the obstacles before not making decision to divorce, from the private space to the social platform (Guttman, 1993). References of being married (being adult, being esteemed) are used in the studies conducted in 1980s and 1990s to explain why individuals stay further away from the idea of getting divorce.

It is observed that particularly divorced women are worried about the social pressure they will experience as a divorced woman. The common idea is that divorced women may be excluded from the society, are humiliated or exposed to undesirable sexual interest. As a result, it can be said that the women postpone divorce as much as possible. The fear of not being able to cope with the social pressure becomes apparent when they do not get assistance from their inner circle/close relatives.

"You are a woman and you are afraid that maybe something will happen. Being a woman is different in our society (...) They look at you with an evil eye or how can I say? They try to take advantage of you, sexually. For this reason, I suppressed all of my

feelings, for so long..." (Female, West Black Sea, 39 years old)

Although they encounter problems during their marriage, women cannot make the decision to divorce because of the financial problems they will encounter after divorce. Low labor force activity (TURKSTAT, 2014) and limited proprietorship of women (ATGHM, 2014) in Turkey verify these concerns.

"I had fears in terms of finance. I was afraid that I could not support my children. I don't know, in the end it was an inherited house. It is there today and can be sold tomorrow. What could I do?" (Female, Mediterranean, 39 years old)

"What can I do? What will I do if I get divorced? I don't know anything. I am illiterate. I have never worked in my life. I don't know the world outside. What can I do, how can I work?" (Female, Mediterranean, 31 years old)

During the period when the opinion to get divorced was formed, individuals experienced situations including reconciling with the spouse, leaving the house to live separately for some time or continuing the marriage without any communication although living in the same house. Marriages resulted in divorce when the opinion that the marriage would not be maintained healthily was strong enough.

"As I said, I made that decision three years before I got divorced but it took me three years. If you ask me why, because meanwhile I gave a last chance to that person. I wanted to get a divorce but in the end, anyone merits another chance no matter how faulty they are. In my own way, I gave him a chance." (Female, Eastern Anatolia, 32 years old)

"I had always thought and given up, thought and given up. Generally I had given up. Believe me, it was for the sake of my children. I didn't get divorced because I thought about them and that maybe he would settle down or break it. Then I realised that he started to commit violence. He also took a knife and

attacked me. I mean, he had done everything (...) Honestly, my patience has limits too..." (Female, Central Anatolia, 33 years old)

6.3.2.2. Effect of Legal Issues on the Decision to Divorce

Respondents were asked to what extent the legal issues were important for their decision to divorce. The majority of the interviewees indicated that the legal issues including the division of marital property, parental authority, compensation and maintenance had not affected their decision to divorce.

Many women and men stated that they had wanted "only to get divorced" and had not sought any financial claims in accordance with the decision they had made. Particularly the individuals who settled in an uncontested divorce indicated that the legal issues had not been important for them to make the decision to divorce and that they had made minimum request from each other in order to finalize the divorce process as soon as possible.

"But when I said that I would get divorced, I'd already burned all the bridges. All of them..." (Female, West Anatolia, 49 years old, uncontested divorce)

"I said, 'let me file the case, you don't have to do it. You don't have to make expenses in vain, if we settle in an uncontested divorce, we will get divorced upon the first hearing.'" (Female, Central Anatolia, 40 years old, uncontested divorce)

"No, I thought about nothing. I made such an exact decision that I told myself that I would sleep at the courthouse's doorsteps if necessary. They would realise my request in ten minutes. I had no difficulties." (Female, Mediterranean, 31 years old, uncontested divorce)

"No... I just wanted to get out of it. That was all I could think of." (Male, Southeast Anatolia, 27 years old, uncontested divorce)

Another remarkable point is that the legal issues were not effective on the decisions made by the majority

of the individuals who had gone through contested divorce. Similarly to the others, the individuals who had gone through a contested divorce indicated that they had not sought any financial claims from their ex-spouses and that they had decided to get divorced without requesting anything. This can be associated to the back-bearing nature of the situation they encountered during their marriage. Moreover, this can also be interpreted that the individuals did not prioritize these legal issues when making a divorce decision, but they made such requests once the legal process started.

"No, no, I asked for nothing. I'd never have my eyes on the property. I neither wanted nor requested anything. I mean, I never thought about getting or taking something from him..." (Female, Istanbul, 33 years old, Contested divorce)

"I personally had never asked anything from his house or any maintenance or even compensation." (Female, Central Anatolia, 42 years old, Contested divorce)

Stating that they had not attached importance to the legal issues on financial axis such as maintenance, compensation or division of marital properties while making a divorce decision; some of the individuals explained this by associating it with the fact that the family had already been poor. They generally think that even though they had requested maintenance or compensation, this request would have not been met as there was no property to be subjected to the division of marital property as well as their ex-spouses did not have the sufficient finances to meet these demands.

"No, I asked for nothing. Even if I did, he wasn't in a position to give it to me because he wasn't insured back then. The state couldn't take any money from him because he simply didn't have any as he used to work uninsured." (Female, West Black Sea, 49 years old)

"No, no, my main purpose was just to get divorced. My problem wasn't whether I'd get compensation or maintenance..." (Male, Central Anatolia, 37 years old)

"We don't have any property. We have a single-roomed apartment. We bought it with the help of our relatives and my ex-wife lives there now." (Male, Istanbul, 54 years old)

The issues particularly related to parental authority and property is determinant on the divorce decision for only a small group of the individuals. The individuals who mentioned that the legal issues were important for their decision of divorce had not started the legal process before agreeing on basic legal issues with their ex-spouses.

The individuals who were sure that their ex-spouses would not request the parental authority of the child and that the parental authority would be entrusted to them made their decision of divorce more easily. Contrary situations and concern on the parental authority lead the individuals to give up with or postponement the decision of divorce for some time. Within this regard, the individuals do not prefer starting the legal process before making sure that they will be entrusted with the parental authority of their children.

"My opinion back then was to get rid of that person. I laid down a condition: He was afraid that I would request maintenance from him while making the decision. I told him not to make things more difficult. Just give me my children." (Female, Central Anatolia, 32 years old)

"Before taking the case to the courthouse, I wanted to agree on something: I told him to take one of the children and I would take the other one..." (Female, Southeast Anatolia, 36 years old)

"No, I didn't ask for nothing. I just wanted the parental authority of the children and I said so. As long as I got a divorce, I asked for nothing. I still don't..." (Female, Central Anatolia, 34 years old)

"She gave me my child, we agreed on it. I paid the expenses, too. We went there [to the court house], we took care of it and got divorced." (Male, Mediterranean, 31 years old)

On the other hand, it was indicated that some individuals wanted to get divorced by making financial requests. Accordingly, it is observed that the individuals made this decision after reviewing the property, maintenance and compensation issues with their ex-spouses. Individuals may insist on the realization of their own requests. They even may give up with the divorce where their ex-spouses have financial expectations from them. This is a more common behavior among men as they have more financial capability than women. Men sometimes try to persuade their wives or to make pressure on them not to request have any financial claims from them by making their decision to divorce the subject of a negotiation. This may sometimes cause men or their wives to abandon their decision to divorce. On the other hand, it was determined that the individuals who stated that the legal issues had been important for the decision to divorce had mostly been the decision-makers on divorce.

"Yes. I admit that I would not get divorced if my wife requested maintenance or something else from me. Because the other party wanted to divorce. I said "okay, if you want to get divorced, I won't give maintenance". We agreed on like that." (Male, Mediterranean, 53 years old)

"Maybe we could have gotten divorced before, about 2 years before. My family requested maintenance. When I mentioned about that, he never lent himself to maintenance. He said "if you request maintenance, I won't get divorce or whatsoever", he used a bad language..." (Female, West Marmara, 36 years old)

"Of course, she filed me a claim for damages of about 100 billion. I said that I would not give even 1 lira to her. I knew that her family would spend the money freely. As their financial conditions were a bit troubled." (Male, Southeast Anatolia, 23 years old)

"She insisted on saying she wanted a maintenance of 500 liras per month and there were something else of a kind. I said that I would not pay that money. And as she was eager to get divorced, she accepted whatever we said." (Male, East Marmara, 39 years old)

“My husband didn’t accept the divorce. He always told me to go and file the case if I wanted. He said that if I would file a contested divorce he would make my life miserable. One day, he called me and said that he would get divorced if I entrusted him with the parental authority of the child I said that it was impossible and hung up. Then he started always bothering me. At last, I thought entrusting the parental authority if he would divorce. I entrusted it and got rid of him...” (Female, Mediterranean, 25 years old)

6.3.3. Decision-Maker on Divorce

During the interviews, the individuals were asked about the decision-maker on divorce that first made the decision. The individuals stating that they made the decision correspond to about the half of the total interviewees and the individuals stating that their ex-spouses made the decision correspond to about the one third of them. The situation of making the decision with the spouse is less common (Table 26).

Table 26. Decision-maker on Divorce by Various Demographic Characteristics (%)

	Number	I decided on my own	We decided together	My spouse decided	Other	No answer	Total
Total	410	48,8	14,6	35,6	0,7	0,2	100
GENDER							
Female	210	67,1	12,4	19,5	0,5	0,5	100
Male	200	29,5	17,0	52,5	1,0	0,0	100
AGE GROUPS							
34 y.o and below	115	47,8	15,7	35,7	0,9	0,0	100
35 y.o and above	295	49,2	14,2	35,6	0,7	0,3	100
EDUCATION							
Uneducated/elementary education	224	49,6	12,5	37,5	0,5	0,0	100
High school	116	48,3	11,2	38,8	0,9	0,9	100
Higher education (University and above)	70	47,1	27,1	24,3	1,4	0,0	100
PERIOD OF MARRIAGE							
Less than 3 years	67	49,3	17,9	29,9	0,0	0,0	100
4-5 years	51	56,9	7,8	35,3	1,9	0,0	100
6-10 years	97	46,4	19,6	34,0	0,0	0,0	100
More than 10 years	195	47,7	12,8	38,5	0,5	0,5	100
STATUS OF HAVING CHILDREN							
Without children	47	44,7	27,7	25,5	2,1	0,0	100
1-2 children	264	49,2	13,6	36,7	0,4	0,0	100
2+ children	99	49,5	11,1	37,4	1,0	1,0	100

Parallel to the other studies conducted ((Albrecht, Bahr & Goodman, 1983; Goode, 1956; Kitson, 1992, Kaslow & Schwartz, 1987), the rate of making the decision is higher among the women compared to the men because two third of the women interviewed indicate that they made the decision on their own, and about half of the men state that their ex-wives made the decision to divorce.

“My children were small, I was afraid of what to do. I overcame all of my fears and at last, I said “damn

the torpedoes!” Following the last beating, I made the application. He didn’t even know it...” (Female, Istanbul, 49 years old)

“As he made so many troubles, I felt that it was required for us to divorce... He didn’t care about anything already. It was unbearable. The things he did used to bother me so much.” (Female, Aegean, 31 years old)

“My wife decided. Till the last moment, I tried to make her give up. I tried not to get divorced till the

last moment. But she was mentally depressed. She was very nervous and quick-tempered. She said that she would listen to no one anymore..." (Male, Mediterranean, 53 years old)

"One morning, I came from work and she said that we would go to law. I told her that she got up in anger and would sit down with a loss. On the background, we did everything not to get divorced. But she had decided, she had gone through with it..." (Male, Southeast Anatolia, 40 years old)

Considering the demographic characteristics, the rate of individuals stating that the decision to divorce was made together and by their ex-spouses increases as age progresses. When the decision-making on divorce is analysed in terms of the education levels of the individuals, it is observed that the rate of the individuals whose ex-spouses made the decision is generally higher among the groups of education levels other than college.

"I think he thought that he could govern me. He thought that I was still pure and that he would govern me, that I would do anything he wished, etc. He told himself "if I say sit down, she will sit down; if I say stand up, she will stand up"... For example, our reason to divorce is that: we went to visit his family from village. Of course he was unemployed. He said to me, "you will stay there". He was going to attend a course for security exam there. He said to me, "you will stay there". I was married only for two months. I said that I didn't want to stay..." (Female, East Marmara, 33 years old, graduated from high school, she decided on her own)

"She had economic freedom, she had opportunities in her power. She was working as a manager of a big company. She had freedom resulting from this. Maybe she was more relaxed. I didn't bother her, but maybe she thought that she would be more relaxed." (Male, East Marmara, 39 years old, graduated from high school, his wife decided)

"She said that it wasn't going well like that and that we would appear in court. I said to her that I would not divorce. For example, she was searching for

reasons, she used to say that I didn't work. Something happened in the house and something happened to her after visiting her father. She used to say that I didn't work, etc." (Male, Southeast Anatolia, 40 years old, graduated from primary school, his wife decided)

On the other hand, the tendency to decide together is higher (27%) in the group of college graduates compared to the individuals from other education groups. It is possible to interpret the fact that making the decision together is observed more among the college-graduates can be the result of finding a common agreement way. In TAYA Findings and Recommendations study, Beşpınar reveals that there is a liaison between the education levels of the individuals and the reactions made by them during the discussions with their spouses. According to this liaison, it was stated that the rate of people making reactions by reprimanding, insulting the spouse or by using force against him/her decreases as the education level increases. The relationships, suspended for a certain period of time resulting from the increased education level, help both parties to think and reconsider the case and to find a common ground (Beşpınar, 2014). Taking this comment into consideration, it can be said that this explains the fact that the rate of making the decision together is higher among the college-graduates compared to the individuals of other education groups, i.e. the individuals within the group can find a common ground by agreeing on.

"We could not get on well with each other. We talked face to face that we were not happy. We spent some time and got divorced when it didn't go well. We were not spending pleasant time as much as in the old days. The love was over. We did not see each other as woman and man anymore, but we were like good friends living in the same house. This was the main reason for our divorce..." (Male, Istanbul, 37 years old, post-graduate)

"We were together last week. We talked about these. She sat down and her eyes were filled with tears. I said "what's done is done and there is nothing to do anymore..." (Male, Istanbul, 38 years old, graduated from high school)

6.3.4. Attitude of Spouses towards the Decision to Divorce

The individuals, who made the decision on their own or whose ex-spouses decided, were asked about the reaction made against this decision. Half of the individuals who had decided on their own indicated that their ex-spouses had objected this decision. Only one third of the ex-spouses had supported this decision. Half of the individuals whose ex-spouse decided indicated that they had objected themselves to this decision and only one fourth of them has supported it. In short, when the decision to divorce

is not made by the individuals themselves, they have a higher tendency to object the decision (Table 27).

"She didn't want to get divorced. I even gave the jewelry presented to us during the wedding, then she accepted." (Male, West Marmara, 32 years old)

"I never accepted it. I decided by means of the directions of my lawyer such as "why do you want someone who doesn't want you? Because of the fear to be a widow... And as a result of this, because of the pressure by the inner circle/close relatives etc..." (Female, East Marmara, 33 years old)

Table 27. Attitude of Spouses towards the Decision to Divorce by Various Demographic Characteristics (%)

	Number	My spouse supported / I supported	I contested / my spouse contested	My spouse/me neither supported nor contested	Total
"I decided on my own."	200	30,0	48,0	20,0	100
"My spouse decided."	146	26,0	51,4	17,8	100

On the other hand, when the decision is made by the individuals themselves or by their ex-spouses, one fifth of the interviewees stated that they neither supported nor contested this decision.

"I said: "you make this decision, but we have two children, let's have a break and live separated". He said "no, I made this decision and it will be realized". Then I said "okay, let it be" and didn't insist again." (Female, West Anatolia, 34 years old)

"She had prepared her suitcase and stuff the night before. I saw that she had called a vehicle in the morning. She emptied the house and I said nothing. I just watched. I experienced nothing. I accepted that she had gone. I mean that I didn't make effort to make her come back again, etc." (Male, East Marmara, 59 years old)

"We had a talking of about seven or eight hours. I gave time to her and I told her to think. I said that "find a reasonable history for the lie you told. Otherwise, I will go in the morning to submit the petition." And as a result, it happened so. I shook her hand, I thanked her. I took all my stuff and left the house." (Male, West Marmara, 37 years old)

6.3.5. Relation with the Spouse Before the Divorce

6.3.5.1. Leaving the House

The divorcees were asked whether they or their ex-spouses had abandoned the house before divorce. Most of them indicated that the case of abandoning home had been experienced at least one time before divorce. It is remarkable that the party abandoning the house is mostly the women and that very few men indicated that they had abandoned the house before divorce. This situation is contrary to the studies within the literature. There are studies indicating that mostly the men abandon the house within the families at the phase of divorce and so that the divorce is mostly due to the behaviours of the men (Ahrns, 1980).

Considering the reasons of the men for abandoning the house, it is possible to say that there is differentiation on the basis of gender. The reasons of the women for abandoning the house are generally violence by their ex-spouses, the mutual severe conflicts and adultery.

"I finalized it when it was the fourth or fifth time. Due to beating. On the night when I gave birth. I gave birth and came to house, etc. "My mother and

my mother-in-law had a quarrel. And I carried the can.” (Female, Mediterranean, 31 years old)

“I abandoned the house as I had been exposed to violence and as my husband was unemployed. I used to take the children and go to my mother’s home but I was always used to return back.” (Female, Aegean, 43 years old)

“It was 2002. She abandoned the house twice. We were married then. We were not divorced. (...) I was living in the village then. I remember well. I had just returned from military service. She abandoned me for one year and stayed in her father’s house.” (Male, West Black Sea, 44 years old)

“I didn’t abandon the house but she did. We had a problem, she went to her mother’s house. As of the third years of our marriage, there was a disease. She was supposed to see a doctor, but I didn’t take her there. Then she went there with her mother for about one week and didn’t come.” (Male, Mediterranean, 35 years old)

The party abandoning the house mostly went to the house of their mother/father or brother/sister. The period is different for abandoning the house. This period can vary from a short period of time to a few months. In case of abandoning the house during marriage, the individuals separated the period of time as very frequent but for a short time, and rare but for a very long time.

“Before, there was much abandonment. He used to stay in his mother’s house for one week, two weeks, three months. He used to get very angry and go.” (Female, Southeast Anatolia, 32 years old)

“He didn’t abandon. But I went to my mother’s house when I was pregnant. For the doctor’s appointments. When I went there, I stayed for 2 years.” (Female, East Marmara, 37 years old)

“Honestly, I got angry and abandoned for a few times. I abandoned the house. As I said, we used to have quarrels. I could not bear it. I took the children and abandoned the house. It was two or three times. I never left them. I stayed in my father’s house for four

years.” (Female, Central Anatolia, 37 years old)

“She used to go to her mother’s house. She used to stay there for about one month. Then we used to reconcile again. It was as her way. First, she used to abandon when I was at work. Where are you? I’m here. Let me know. She used to abandon and I used to stay at home. Then the elder members of the families used to interfere with us. They used to make us reconcile again.” (Male, Central Anatolia, 35 years old)

“Yes, it happened for many times. Maybe 10 times. Maybe more (...) I mean that it was required for us to brush off. Because she abandons, she stays there for about 1 week and then she comes again.” (Male, East Marmara, 59 years old)

On the other hand, about one third of the divorcees indicated that they had not abandoned their houses before divorce. Both the women and the men stated that they or their ex-spouses had mostly used to leave the house for a few hours and to return again. Very few divorcees mentioned that they had not abandoned the house but that they had separated the beds for a certain period of time.

“As I said, he was not good at quarreling. Instead of quarreling, he used to abandon the house. Generally he did not use to come one night, he used to go to the workplace. Or he used to return after a few hours.” (Female, Southeast Anatolia, 37 years old)

“No, he never abandons house, he is always at home on the contrary. He leaves, gets occupied with his business, he returns back; he leaves, gets occupied with his business and returns back. I mean he never abandons...” (Female, Southeast Anatolia, 38 years old)

“She used to say that she went to her sister’s house. And also the bed. She often used to separate her bed when she got angry with something. She did not use to come to me, but to get angry.” (Male, East Marmara, 59 years old)

“About 5 – 5,5 years later. It was already all one to her whether I was uneasy, depressed, etc. She didn’t already tell me... I perceived it. Our relationship

started completely to come to an end after 5,5 years. Already, our beds were separated during the last two years.” (Male, West Black Sea, 42 years old)

6.3.5.2. Reconciling

The divorcees were asked whether they had made up again with their ex-spouses after making the decision to divorce. The majority of the individuals indicated that they had not made up with their ex-spouses after making the decision to divorce. They explained the reason of this as there had been hostility between them after this decision. Only very few individuals indicated that the divorce had progressed to the legal phase while they had been in a good relationship with their ex-spouses.

“No, she never talked to me again. One year passed and she never talked to me. She tried not to meet me.” (Male, West Black Sea, 53 years old)

“We never talked to each other. Even in the court, I tried to talk to her, but she moved away. Her father intervened with us. Someone came and took me away, someone took her away, it was like that. They stared at me.” (Male, Mediterranean, 56 years old)

“No, we didn’t meet, even I didn’t see her... I didn’t already have such an intention.” (Male, West Marmara, 51 years old)

“We never made up again after the decision. He turned his back and went to never come back. It is really bad arrogance, a bad determination. I called him to meet. I said “it is the last stage, I want to talk with you about something”. I don’t know how, but he didn’t make me upset and he came to meet. Because we had also a child. I abandoned the house before divorce. He accepted and came. I offered him for the last time that I wanted to return, etc. Even my eyes were filled with tears. He was not interested. It was our last talk...” (Female, Mediterranean, 41 years old)

A small group of the interviewees stated that they had met again their ex-spouses for their children after the decision to divorce. Within this scope, the most determinant factor is the children for the

relationships of the individuals with their ex-spouses during the divorce phase. The individuals try to get on well with their ex-spouses during the divorce phase for the health and future of their children. Although the "spouse" relationship is over between them, it is understood that the "mother-father" roles come to the forefront and they take actions accordingly.

“I thought about the children, not to make them depressed more. I talk and meet him again for the children. We should do this for our children. “No matter what, the status of being parents is not over, even the spouses are divorced...” (Female, East Marmara, 44 years old)

“We used to meet for about the child or any problem. We met for a few days in a week during two months. For example, we went to the cinema or somewhere else...” (Male, West Marmara, 44 years old)

“We didn’t reconcile, but we neither became enemies because surely we have to be together for the child. But of course, we didn’t reconcile.” (Female, Aegean, 36 years old)

On the other hand, a small group of individuals indicated that they had made up with their ex-spouses after the decision to divorce had been clear. It should be particularly stated that they had made such a decision mostly considering the future of their children. It is also observed that a few situations of reconciling or “giving a chance again” had been realised with the intervention by the other elder members of the families.

“He should come and apologize. My mother and father said to me “daughter, you have three children”. They said “anyone can make mistakes, he is supposed to settle down”.” (Female, Mediterranean, 36 years old)

“We made up with the intervention of the relatives. The child was small then and it happened so.” (Male, West Black Sea, 44 years old)

“Yes, we made up after making the first decision. I mean, for the child... That was the biggest factor already.” (Male, Istanbul, 30 years old)

6.3.6. The Mood of Individuals and Difficulties Encountered During Divorce Process

It was requested from the individuals to tell the process starting from the decision-making to the divorce process in terms of what they had experienced in that period. Besides those who passed this period undamaged and relaxed emotionally, some individuals experienced emotional difficulties. Although they had overcome the emotional situations during the period before divorce, some individuals indicated that they had encountered some difficulties such as financial difficulties, struggle with the family pressure and fear of security.

A relatively large group of the individuals overcame the process after making decision to divorce without problems and they continued their daily life. The individuals stated that they had been occupied with the legal transactions required to progress to the court phase, that they had made the required house and furniture arrangements; and that they had stayed in different houses temporarily although they had not made such arrangements.

“There wasn’t a significant change in my life, I continued living in the same house. She moved to a new house. I had no change in my daily life.” (Male, Istanbul, 37 years old)

“I was already working then, I always used to go to work and come to house. My mind was tired and I was unconscious already on the day of divorce...” (Female, Aegean, 52 years old)

“I came to live with my family, my father and sister. During July, I went to the house for a few times in a week. She stayed in the house. I mean, we talked about it, both of us took our furniture. She had emptied the entire house the day before I was going to my family’s house.” (Male, Mediterranean, 56 years old)

On the other hand, a part of the individuals defined that period as sad and damaging emotionally. At this point, the individuals used expressions such as they had bottomed out in terms of the emotion fluctuations in their marriages and they indicated that they had been interrogating and seeking a

solution to come through it alright. It is observed that both the women and the men, who stated that they experienced many troubles during this period, have mostly low or middle education levels (high school graduate maximum). Regardless of how the divorces are experienced, the studies show that the physical separation phase are the most dramatic and mostly the most stressful period of time experienced during the divorce process (Crosby, Gage, & Raymond, 1983; Goode, 1956a; Kessler, 1975). It is possible to say that this period is the resolution phase of the troubles encountered by the individuals during their marriages.

“As I said, I was very miserable, I had cancer treatment. I was very obsessed with it. Even now, I am very afraid of what if I experience the same things when I get married again. I can’t hold on to life this time, it is difficult.” (Male, Mediterranean, 31 years old, graduated from high school)

“A song of Muslum Gurses [a Turkish singer] was playing and I started crying my eyes out. Normally, I can never cry in my life. I cried only when my father was dead. And then...” (Male, Aegean, 45 years old, graduated from secondary school)

“I gave myself mostly to alcohol. The relationship started breaking down more. And she totally put the chill on me.” (Male, West Black Sea, 62 years old, graduated from primary school)

“I contradicted myself very much. I struggled very much with myself. Honestly, my psychology was that: I could not bear seeing happy families outside as I was away from my children. There was the sadness and unhappiness of that. I judged myself so many times and started saying myself that I was not a good mother.” (Female, Central Anatolia, 38 years old, graduated from high school)

“I thought too much. I could not sleep for nights by thinking whether I was doing the right thing. I sought the fault in myself...” (Female, Southeast Anatolia, 32 years old, graduated from primary school)

“I passed that time stressful and nervous. I asked myself why I had been married. I always asked this

to myself.” (Female, West Anatolia, 32 years old, graduated from primary school)

Separating the houses following the decision to divorce, the individuals, particularly the women, had financial difficulties. As mentioned in the fourth section of the report, upon divorce, the economical problems increase for the individuals who already encounter financial difficulties. Upon divorce, the rate of the women having financial difficulties increases from 50% to 60% and this rate for the men increases from 35% to 46%. Both during the period of finding a new home and during the division of the furniture within the ex-house, they had severe problems with their ex-spouses and even with the mothers' of them. The fact that the work life of the women, indicating that they had financial problems, is limited or that it never exists can be defined as the main reasons of experiencing financial difficulties during divorce phase. Moreover, the women, particularly those having children, have difficulties to make their life standards remain on the same level even where they actively participate in work life.

“Was I in need of him? I had no money, no economic freedom. I wanted to work but he didn't let me. I was just feeling myself as a servant in that house... I was penniless after making the decision to divorce. My mother gave me two thousand and I moved with that money, I rented a house. My daughter was student in the university; I wanted certainly to meet her expenses first.” (Female, Aegean, 47 years old, graduated from high school, unemployed)

“I always tried to find a job. I was to work after making the decision. I needed money. I was to look after myself. We rented a house. My father paid the rent. Our neighbors gave me bed, coverlet, bowls, plates, etc. Because I had been married him without having anything. I mean, a spirit only...” (Female, West Marmara, 46 years old, graduated from primary school, seasonal worker in the fields / works when there is job.)

“I live alone. I had severe troubles then. Because I didn't want to project it much onto my family. It is very difficult to live alone with the child, even with a little baby. It is not a decision that a woman can

make easily. But what could I do as I could not bear it anymore?” (Female, Mediterranean, 31 years old, college graduate, employed)

“It was not very easy. I planned right away to go to my family's house by asking for my appointment. Then I was appointed and came here. I was thinking that I would not be economically sufficient for my child.” (Female, West Marmara, 40 years old, employed)

A remarkable part of the individuals, who had made the decision to divorce, mentioned that their families had approached in a critical way and tried to make them reconcile. Similarly, the results of TBNA 2008 also states that parents and relatives are obstacles before divorce. This case is more common for the individuals who are 25-34 years old and whose marriage period is over 5 years (ASAGEM, 2008). This determination can explain the fact that about half of the divorcees have no one divorced around them and that they do not want their families to be the first to divorce within their inner circle/close relatives, and the fact that the elder members of their families or the other members within the family have an intervening attitude. On the other hand, this situation may also be related to the importance attached to "family" phenomenon underlying the society (Metintas, 2007) and the role of healthy family in the performance of the functions attributed to family within the society (Turan, 2008). Considering also these phenomena within the literature, it is possible to say that this intervening attitude of the families can result from the fact that they are not familiar with this case as well as that the importance attached to the family within the family is generally high and as a result that the spouses are directed to try once more for the last time.

“His parents tried to talk to him. Even his relatives objected completely because they knew what kind of person I was.” (Female, East Black Sea, 32 years old, marriage period of 6 years)

“She made no objections, she made no comments. There were his father, herself and my mother there. Because everything was over then, it broke out. The elder members of the family met. They were thinking

how to save the marriage.” (Male, Mediterranean, 30 years old, marriage period of 3 years)

“My uncles didn’t accept already the things happened. They even told them to beat me and to kill me if I got divorced. But my elder brothers protected me.” (Female, Southeast Anatolia, 26 years old, marriage period of 10 years)

In addition to all these, for some women, this period passes with worries or cases of physical integrity damages as well as the personal emotional considerations. Violence both creates ground for divorce and can appear upon making the decision. For some cases, violence of the ex-spouses was committed before the divorce and sometimes the concern related to violence continued although it did not happen. It is observed that the women, who were exposed to violence or were afraid of this during this period, are those over 40 years old, graduated mostly from primary school and with a long period of marriage. It is also remarkable that these women were the decision-makers on divorce.

“Again it was the same... It passed bad. It passed with breaking, destroyinh, beating and hitting. For seven years. He invaded my workplace, crossed my path. He bothered me like that.” (Female, Aegean, 49 years old, marriage period of 20 years)

“I had to protect my child from him because he threatened me with kidnapping the child. To protect myself from him, I used to say that I would pour vitriol over me, do this or that, etc. I was always living with fear. For example, I remember the nights when I could not sleep until the morning. The apartment was on the basement floor. I thought that he would come in through the window and hurt us.” (Female, East Marmara, 44 years old, marriage period of 7 years)

“There were many violent cases. The behaviours, the quarrels were knee-deep. Then both of us started to feel ourselves justified in our own opinion. I could not sleep without reading something with the fear that he could beat, kill or cut me anytime. I started taking shelter in moral support.” (Female, Istanbul, 37 years old, marriage period of 9 years)

6.3.7. Methods to Handle Divorce Process – Assistance Mechanism

In this section, the subjects that with whom the individuals shared the decision after making the decision to divorce and the reactions of these people, whether the individuals had professional assistance or not were analysed to understand the methods of the divorcees to handle divorce process.

6.3.7.1. Informal Assistance: Inner Circle/Close Relatives

The informal assistance mechanisms contain the evaluations related to the assistance provided by the inner circle/close relatives (family, relatives, friends, etc.) of the individuals after they make the decision to divorce. Here, informal assistance means the cases where the individuals’ decisions to divorce are not responded negatively by their inner circles/close relatives. The majority of the interviewees indicated that they had shared this decision with their family members (mother, father, brother, sister) contrary to the minor party of them stating that they had shared it with both their close family members and their friends. TAYA 2011 also states that when the individuals have problems with their spouses, they share this situation mostly with the elder members of their families (21.9%). Sharing the case with elder members of the families is followed by sharing with children (4.4%).

“I shared the decision with my family and friends. I have a best friend whose name is Ahmet, I shared it with him. They said nothing during the divorce case, but after divorce, they said that I did very well.” (Male, Mediterranean, 44 years old)

“Only my family was informed about that from my inner circle. When they learned, they were shocked. They were shocked about what I had experienced. They acknowledged me to be right. Initially, I had explained the case only to my brother.” (Female, Central Anatolia, 32 years old)

“After making that decision, I shared it first with my father. He always used to respect my decisions. Because we are near to each other’s heart. We are father and

son in the end...” (Male, Southeast Anatolia, 27 years old)

The individuals having support from their families during this period thought that they were not alone. The conditions such as the education level and economic conditions of the individuals determine to what extent the informal assistance will be effective. On the other hand, there were rarely other cases where the families objected to the decisions and where they insisted and made pressure related to the maintenance of the marriages.

“Of course it gave me much confidence... My mother stood behind me. Here in our neighborhood, it is very difficult for the divorced people to have the parental authority of their children or to look after them. And even it was a boy. My mother told me “bring him here if you can, if they will entrust you with his parental authority, bring him here and we will do together whatever required”. My family supported me much...” (Female, Southeast Anatolia, 36 years old)

“My family supported me and believed in me.” (Female, Mediterranean, 31 years old)

“You feel yourself more powerful. You asked me about what I had felt during the divorce period; when you remember that you are alone, everything is broken down at that point. However, when you see the people who love, respect and support you, you feel more powerful. Of course, again it’s not possible for them to be the same with the family you started.” (Female, Central Anatolia, 38 years old)

“Maintain it for your children, don’t give up, let’s talk about it again, don’t get divorced, etc. I mean they told me these...” (Male, Aegean, 42 years old)

A part of the individuals indicated that they had shared the decision they had made with no one. This shows parallelism with the results of TAYA 2011 research. When these results are analysed, it is observed that the 62% of the individuals do not share the problems they have with their spouses with anyone else. Some divorcees indicated this as the fact that they had considered that this case would not be

responded positively within their social circle; and the other explained that they had wanted to prevent the people around them to get affected emotionally or that they had not wanted them to interfere with the decision they had made.

“No. The divorce would never be permitted, in any case.” (Female, Southeast Anatolia, 38 years old)

“No, I shared it with no one. Of course, I said nothing to anyone with the thought that sharing such family problems would be incompatible with our customs and traditions.” (Male, Central Anatolia, 49 years old)

“No. I never shared it. For example, I never shared even the things that my son experienced with my mother or family... I don’t share such things.” (Male, Southeast Anatolia, 36 years old)

“For example, the city where I live is bad... When you get divorced and if the people know it, they give a bad name to you right away. Much gossip...” (Female, Central Anatolia, 39 years old)

6.3.7.2. Formal Assistance: Participation in Marital Therapy or Couple Therapy

In this section, the participation of the individuals, who made decision to divorce, in marital therapy or couple therapy was analysed. The formal assistance contains the family counsellor or couple therapy visits. The vast majority of the interviewees indicated that they had not participated in family / couple therapy during the period before divorce. This situation shows parallelism with the low rate (2,7%) of counselling family experts when asked the possible people and institutions to get assistance when there is problem with the spouses within TAYA 2011 research. It is observed that when there is problem between the spouses, the rate of getting assistance from experts or institutions such as psychologists, family or marriage counsellors is very low as 0,6% and 0,3% respectively for the individuals within the lowest SES level and the lowest education level (TAYA 2011). The in-depth interviews show a gender-base differentiation for the perspective related to this kind of assistance mechanisms. A part of the women indicated that they

had wished to participate in family / couple therapy, but that their wishes had remained inconclusive as their ex-husbands had not leaned towards this issue or they had rejected to participate.

"I heard much about it, but my husband didn't accept to participate. He neither accepted me to go alone..."
(Female, Aegean, 36 years old)

"I wished so much to participate in it. I was telling about it such as "let's see a doctor, psychologists", etc. I was telling this not only to him, but also to her sister... He didn't want it and we didn't go there."
(Female, Mediterranean, 25 years old)

"First of all, when I suggested visiting the psychologist, he used to say "I'm not insane, you are insane and you go there"." (Female, West Marmara, 39 years old)

"He didn't already lean towards such a thing. His only thought was to get officially divorced right away..." (Female, West Black Sea, 39 years old)

On the other hand, a very limited number of the individuals indicated that they had participated in family/ couple therapy. The individuals made explanations such as that the therapies in which they had participated had not been helpful and that such kind of mechanisms were not useful after making the decision to divorce and unless the parties made effort.

The individuals stated that they had participated mostly in the sessions with psychologists instead of family counselling / couple therapy.

"No. Unless the other person changes, participate in as many sessions with psychologists as you wish. There will be no change unless the other person changes." (Female, Central Anatolia, 38 years old)

"No. No improvement was achieved. I mean, she promised, she accepted her fault and said that she had done wrong. But then we come to our house and she is the same again, the same again. I keep quiet, I stay on the good side of her, but the same again..." (Male, Central Anatolia, 31 years old)

"Two sessions. My wife asked whether we were insane and said they we could resolve the things by talking to each other." (Male, East Marmara, 39 years old)

"I visited the psychologist for once when I made the decision to divorce." (Female, Mediterranean, 39 years old)

"We went there. We visited the psychologist. Even three different psychologists. We saw them when we first separated, then in the middle of it and also when we had problems. Under my leadership." (Male, Mediterranean, 39 years old)



Section 7

**INDIVIDUALS' WORLD OF
EMOTION AFTER DIVORCE AND THEIR
ATTITUDE TOWARDS DIVORCE**

Individuals' World of Emotion After Divorce

Tendency to Advise Divorce



This section analyses individuals' world of emotion after the divorce, their adaptation to everyday life and their perspectives for future both based on their own statements and the Attribution Theory. In addition, individuals' opinions of the inner circle/close relatives, their approaches to them, their suggestions and recommendations were also analyzed.

7.1. Individual's World of Emotion After the Divorce

Literature includes studies conducted to understand the situations of the individuals after divorce, which were handled rather within the scope of the theories developed in social psychology than from the sociological perspective. These studies analyze adaptation of the individual to everyday life after the divorce. These included studies examining emotional and physical stress encountered by the individuals after the divorce and studies on how functional the individuals see themselves in their lives after the divorce (Spanier & Hanson, 1981; White & Mika, 1983). These studies reveal that the divorcees show a higher level of depression symptoms, that their satisfaction from life decreases and that they encounter health problems more frequently (Amato, 2000).

Some of the studies on the moods of divorcees envisage a relationship between the process of making decision of divorce and the adaptation to the post-divorce situation. Similarly, these studies show that thinking carefully for a long time to make a decision of divorce will create less traumatic situations in the post-divorce period (Goode, 1956; Krantzler, 1975; Weiss, 1975).

The studies conducted by Kelly, Crosby, et. al. in 1982 and 1983 indicated that a causal relation could be established between the adaptation after the divorce and the party making the decision of divorce, and mentioned that the improvement and adaptation process after the divorce would be faster for the decision-making party (active) compared to the passive individual. The readings on the gender axis conducted on the adaptation to post-divorce period show different results. In addition to the studies showing that the men overcome this process more difficult as they lose not only their houses or the communication and relationship with their children, but also their organized everyday life (Bernard, 1979); there are other studies stating that the women experience negative emotions such as depression or loss of self-confidence more frequently after the divorce (Wise, 1980).

Table 28. Feelings after the Divorce⁹ (%)

	Positive feeling	Negative feeling	Neither positive nor negative feeling
Total	62,0	45,6	12,0
GENDER			
Female	71,0	39,5	11,4
Male	52,5	52,0	12,5
AGE GROUP			
34 y.o and below	73,0	35,7	11,3
35 y.o. and above	57,6	49,5	12,2
EDUCATION LEVEL			
Uneducated/elementary education	60,3	45,5	11,6
High school	65,5	44,8	15,5
Higher education (University and above)	61,4	47,1	7,1
PERIOD OF MARRIAGE			
Less than 5 years	61,9	41,5	13,6
5-10 years	63,9	48,5	12,4
More than 10 years	61,0	46,7	10,8
STATUS OF HAVING CHILDREN			
Without children	78,7	29,8	8,5
1-2 children	59,9	49,2	12,9
3 children and more	59,6	43,4	11,1

⁹ Rates marked in purple in the Table of Feelings after the Divorce point out a significant differentiation in 95 confidence interval.

During the interviews, respondents were asked to describe how they had felt after having been through the divorce process. Their feelings, which they stated to be experienced, were categorized as positive, negative, neither positive nor negative. Some of the individuals indicated both positive and negative feelings related to their moods after the divorce. Each feeling was supported with different statements.

More than half of the interviewees indicated that their feeling were positive after the divorce. The examples given for the positive feelings were feeling good, sigh of relief, being happy and peaceful, being hopeful for the future. The divorcees stated that they had a more positive mood compared to the past, that they felt themselves more powerful as their problems were in the past and that the difficulties encountered were experiences for them. Some of them indicated that they were more positive both spiritually and mentally since the bad things that they had experienced during their marriages are now over.

"I'm so glad that I got divorced otherwise, I don't know how much I could bear it. If I didn't have a child, I would not bear it anyway, but I could bear it for four years, so glad that I struggled with it. At least I have no regrets. Thank God." (Female, East Black Sea, 36 years old)

"Thank God that I'm good now. I have nothing to feel bad. My work is good, I can see my child, I'm happy and peaceful. I believe that I'm peaceful." (Male, Central East Anatolia, 34 years old)

"I feel very well now. It is as if I was reborn after getting out of the problems and troubles caused to me and my family during that one year of divorce. I feel like I have never been married. I'm happy." (Male, Istanbul, 27 years old)

Peace, feeling of freedom, recovery of self-confidence, not feeling any regrets after the divorce and believing in being more experienced are the other emotional elements helping the formation of positive feeling. The other reason for many individuals to feel good is

related to the fact that they feel relieved.

"Now I'm free at least and I am peaceful. At least no one is bossing me around and getting me down." (Female, Aegean, 46 years old)

"Honestly, after getting divorced, I became relieved as if a large weight was off my shoulders. Because there was always a psychological problems, the question of "what is on the menu today?" Those days, I had problems in my workplace, too." (Male, Mediterranean, 30 years old)

Feeling positive after the divorce is observed more significantly among women than men. 7 out of every 10 women indicated that they had felt good after the divorce. They think that they are in a better place today thanks to the problems they encountered in their houses are over and they could "come to see these days". However, only half of the men think that they are in a better place today. It is possible to say that this is caused by the fact that men's domestic life changes after the divorce and that they feel lonelier. One of the remarkable points, which should be particularly emphasized, is that almost none of the men indicated that they felt more powerful after the divorce. This gender-based differentiation reveals itself also in the other expressions related to feelings after the divorce. Women feel more free, self-confident and happier in post-divorce period compared to men.

"I feel myself as a person who is more powerful, very powerful, who is self-developed, who knows what's what and acts accordingly. Life is going very well. In fact I have become a more mature woman." (Female, West Black Sea, 29 years old)

"I think that I'm powerful and I feel really good. The most important reason to feel good is that my family supports me. I hear about that there are many people bearing to that marriage as no one supports them. I believe that I'm very lucky of not being one of them." (Female, Istanbul, 34 years old)

And very few number of individuals indicated that they had become hopeful for the future after the

divorce. "Being hopeful" means that the individuals make plans for the future, that they consider of establishing new relationships and that they believe in the better days waiting for them. Compared to women, men stated more that they looked at the future with hope. There is an inversely proportional relationship with the increase in marriage period and looking at the future with hope.

"Honestly, my life is going great! Thank God! I will get married for the second time." (Male, Southeast Anatolia, 31 years old)

"I think I meant to live those days. I console myself in this way. I can say that I look at the future. I look at the future with hope. I'm satisfied with my life. With the help of God, it will be better." (Male, Mediterranean, 31 years old)

"After all the things considered, today I'm here as you see... I hope to get married again in the future!" (Male, East Marmara, 49 years old)

The status of having children causes a differentiation when it comes to the feelings of the divorcees. Compared to the individuals having children, those without children seem like they have generally more positive feelings after the divorce and they accept what they have been through as a life experience.

"It's all good now, there's no problem. I made peace with it and I am glad that I have no children. Now we have no connections, we don't even come across. I don't have to go there regularly. It's an obligation to visit regularly if there is a child. But I feel good and peaceful." (Male, East Marmara, 32 years old)

"I moved on with my normal life. Will I get married again? Yes. But probably it will be very different for me. What I went through, I see them as my experiences. Now, I want to know the person I will get married completely." (Male, Central Anatolia, 32 years old)

The other half of the interviewees associates the period after the divorce with negative feelings. They currently feel deficient, full of fears, alone and

regretful after the divorce. In addition, emotional disappointment, discomfort, exhaustion and uneasiness as well we struggle within everyday life create an obstacle for them, which is difficult to get over.

"How can I say? I feel deficiency. For example, If I had a wife with me, it could be different. I feel a sentimental deficiency." (Male, East Marmara, 51 years old)

"Honestly, I have not been able to get out of shock yet. I'm mentally depressed and I even had treatment for some time." (Male, Central Anatolia, 41 years old)

"Bad. I'm very tired. My husband still tries to make life difficult for me and to make me tired. I try not to break down and I have much trouble..." (Female, Central Anatolia, 40 years old)

"I am psychologically broken down. It's an exhausting period. I can do nothing emotionally. I don't have trust in people, it is over. I get worried when I become friends both with women and men." (Female, Northeast Anatolia, 35 years old)

Having negative feelings after the divorce is more significant among the men interviewed. Half of the men interviewed indicated that they felt exhausted, alone, deficient, stressful, in need of love and unsuccessful, and that they were uneasy and uncomfortable. The number of the men, who state that they feel bad and alone as they don't have a family and organization in their domestic life anymore, is higher compared to the women interviewed. Similarly, men indicated more frequently that they were treated unfairly; and they stated that all the things encountered by them had been for no reason and they considered divorce as a great injustice to them. The Research on Families with Single Parents similarly reveals that the opinions and the emotions of the mothers as single parent change mostly positively in time, but on the other hand, a significant part of the fathers as single parent feels deficient and alone due to the absence of their wives (ASAGEM, 2008).

"As long as I think about it, I get stressed. It's annoying. I believe that I've been treated unfairly." (Male, Aegean, 33 years old)

"Terrible. There is no peace, no order. You can't go home and put some hot meal in your stomach. You bring your stuff to your parents' house and your mother who is sightless, she washes your clothes. Aren't all of these a problem? Yes, they are..." (Male, Southeast Anatolia, 43 years old)

"How do I feel? I feel like a person who is defeated and could not look after his child. My daughter is desperate. I'm sure that she expects something from me and maybe she is in a bad place, but I could do nothing for my child. I tried, but I could do nothing for my daughter. This will make me feel like a loser until the last day of my life..." (Male, Mediterranean, 36 years old)

They state that negative feelings increase as the age progresses. Half of the individuals over 35 stated that they felt bad. Feeling exhausted, not wanting to fight anymore and the fact that struggling with the problems of everyday life forces them are likely to be associated with age.

"I feel very tired, it is the tiredness of 22 years. My ex-husband didn't help me, but you understand that he gave me moral support in fact. I lay the table in the evenings, I think that my husband will come and we will have dinner all together, but no one comes." (Female, Istanbul, 38 years old)

"In all honesty, I am very tired. I am tired, but I feel powerful. I can overcome it. I think that luckily I have a child. I think that my child makes me stronger." (Female, West Anatolia, 47 years old)

Decrease in the feeling of trust is one of the other feelings experienced after divorce. The individuals indicated that they had lost trust in other people due to the cases that had caused their divorce. And distrusts bring the feeling of fear with it. The divorcees, particularly the women, today act timidly and look at the future anxiously with the feeling of exhaustion caused by the things encountered.

Distrust and not feeling oneself safe is related with the things encountered not only psychologically, but also economically.

"There is no trust. Because my second marriage is also over and I will trust in no one anymore." (Male, East Marmara, 41 years old)

"I feel tired and timid. You understand the fact that being alone is very difficult and bad. It's not very possible to describe it. You are woolly-minded yet, the only thing you know is that you are single." (Female, Central Anatolia, 38 years old)

"I'm sad, unhappy, and uneasy. I have no guarantee, no future, no insurance. I have my own job, but it is temporary. I wish I had an insured employment, a guaranty. I am still afraid." (Female, West Black Sea, 39 years old)

"There is too much stress again. It is really deathlike for me to depend on your mother, on your brother for a living." (Female, Southeast Anatolia, 32 years old)

It is observed that the communication between the spouses declines or zeroised after divorce, and that the negative feelings are caused also by the fact that the individuals having children cannot see their children. Both the complaints of not being a family anymore and the hunger for the children cause the individuals be in a bad mood.

"You don't have your child, you miss her. You left such a place like Istanbul and come here. I don't have my wife or child. And the future of my daughter... I think about these. You get on board and you are surrounded on four sides by water... There is nothing." (Male, West Black Sea, 46 years old)

"For example, my child is there. I cannot see him. He is very addicted to me more than his addiction to the mother. For example, when he comes here, he doesn't want to go there. He doesn't receive the great attention I show him from the mother." (Male, Southeast Anatolia, 40 years old)

Although rare, some divorcees indicated that they were both afflicted with emotional traumas and felt uncomfortable with the perspective of the society and their families towards divorce. Stating that they stood up against both the financial difficulties and the emotional burnout at the same time, the divorcees drew attention to the fact they felt bad due to the social pressure.

"I feel alone and unhappy. I don't know, the attitude of the society becomes different to you. For example, even the neighbors are different when you are married and single." (Male, East Marmara, 45 years old)

"I feel bad but I have to look well. It would have been better if it hadn't happened. The society looks at you, the others look at you. They will say that this man got divorced from three women, that he is louse, that he would not get divorced if he was a decent person. This makes you a loser, makes you feel bad. They don't even know the things you experienced and the things you struggled with. They don't know because they were not involved in the matter..." (Male, Mediterranean, 56 years old)

"I am bad financially, but good mentally. I am happy even though they say that I'm widow." (Female, Istanbul, 35 years old)

A relatively smaller group of the divorcees consider themselves as being in complicated emotions or nonchalance. These complicated emotions of the individuals result from the fact that they have feeling up and down feelings. The fact that they feel good one day and bad the other or that sometimes they feel powerful and sometimes tired and exhausted is of quality underlying these complicated emotions.

"Neither very good, nor very bad. I didn't want my marriage of 11 years to come to end suddenly. But was such a thing bearable? I mean, it was unbearable as long as it continued like that." (Male, West Anatolia, 38 years old)

"It is up to that situation and to your feelings at that moment. I mean, sometimes you can say that you did well. Sometimes you cannot believe that you passed

those 20 years in vain. You get angry and sometimes you become sad. It is a complicated feeling, I cannot express myself exactly, it's complicated..." (Male, West Marmara, 44 years old)

Obligation to struggle is the strongest feeling among those to be defined neither positive nor negative. This feeling is observed more commonly among the women compared to the men interviewed. This situation is associated with the concerns of the individuals for future and with the fact that they do not feel safe in social and economic life.

"Now I believe in myself, I try to remain standing. I struggle for life and I want anyone to struggle for this. I will not give up on fighting till the end and as long as I'm alive. My daughter says that she won't let me work after her graduation. But I say that I will work as long as I'm on my feet." (Female, West Black Sea, 47 years old)

"Good, thank God that I'm good after the old problems. I have my warm stove, my bread. I am with my children who go to school. There are many women leaving their children and eloping with other men. I'm not such a woman. I struggle for my children." (Female, Aegean, 37 years old)

7.1.1. Analysis on the Relationship between the Individuals' Reasons for Divorce and Their Emotions after Divorce according to the Attribution Theory

Within the scope of Research on Reasons for Divorce in Turkey 2014, it was analyzed whether there was a relation between the reasons for divorce of the individuals and their feelings after divorce. The type of relation between the reasons for divorce, coded according to the Attribution Theory, and the feelings of the individuals after divorce was analyzed by using "multidimensional analysis"¹⁰.

The individuals, who think that their divorces "resulted from them", today mostly feel neither positive nor negative (complicated). These individuals

¹⁰ Multidimensional analysis is a data analysis performed by considering different relationships each corresponding to a different dimension.

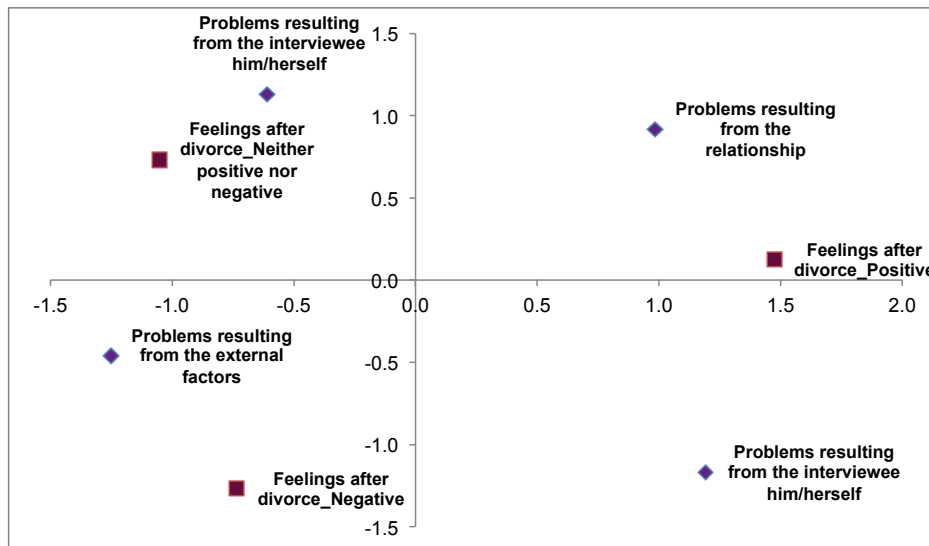
mostly have complicated emotions after the divorce, they feel empty or try to continue with their normal lives.

It is observed that the individuals, who think that their divorces “resulted from their spouses”, have a relatively higher tendency to have positive feelings. This may be related with the fact that the individual holds his/her ex-spouse responsible for the things encountered rather than accusing himself/herself. Although rare, it is observed that some individuals have negative feelings as a result of their divorces resulting from their ex-spouses. Another important result of the analysis is that the feelings of the individuals after divorce, due to problems resulting from their ex-spouses, are not complicated but on the positive or negative axis.

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Figure 5. Feelings After Divorce and Attributions of Reasons for Divorce



Another important result of the analysis is that the feelings of the individuals after divorce, due to problems resulting from their ex-spouses, are not complicated but on the positive or negative axis.

Similarly, the individuals, who indicate that their divorce “resulted from the relationship”, have mainly a tendency to have positive feelings. As mentioned before, the divorcees frequently refer that the love between them and their ex-spouses was over. Considering this, it is possible to say that the individuals feel better after divorce as they do not continue their life with the people with whom they have no love connection. Moreover, another remarkable result of the

analysis is that the individuals divorced due to the relationship do not have any negative feelings after divorce.

The individuals, who base their divorces upon “external factors”, have mainly negative feelings after divorce. For the divorces resulting from the cases out of control of the individuals, this can be interpreted as that they either got divorced involuntarily or that they could not come through it alright after divorce. Another remarkable point showed by the analysis is that the possibility of having positive feelings after divorce is very low for the individuals divorced due to external factors.

7.2. Tendency to Recommend Divorce

In this section, the divorcees were asked about their advice to the people from their inner circle/close relatives wishing to get divorced. The common answers are trying to understand the reasons for divorce, learning the ground of the case, listening to the problems and questioning the feelings and thoughts of both parties.

"I would talk to both of them face to face. I would not talk only to one of them. I would give examples from my life. I would not want both parties to be sad." (Female, Central Anatolia, 30 years old)

"I would listen to him/her over my experiences. If there were similar things with my experiences, I would say to try again but if they don't get on with, there is no need to try again." (Male, Southeast Anatolia, 26 years old)

Most of the individuals indicated that they would not advise to get directly divorced to the people from their inner circle/close relatives wishing to get divorced. This tendency is considerably in the foreground particularly among the men and the individuals having children. This suggestion is mainly given with the thought that "breaking up the family" is a situation, which is difficult to overcome, and which damages the individuals. In addition to this, the difficulty of starting a family is also mentioned.

"Of course I would not want it, I don't support divorce. But first, I would like to learn the reasons. I don't want any family to break up due to the minor reasons, particularly if there are children..." (Male, Northeast Anatolia, 45 years old)

"First, I would want them to make things better in the family. If he/she loves his/her spouse, if they have children... I would want things to get better mostly for the children." (Female, Aegean, 28 years old)

"I would say, don't do it. I would say that it would be a pity for the family to break up. I would say, "You

will go in the end. Will it be good? She is the mother of your children. I went through with it, you don't do it." (Male, Southeast Anatolia, 42 years old)

One of the most important pieces of advice given to the individuals having a potential to get divorced is to think over this decision comprehensively. The interviewees suggest that the decision should not be made fast or for just one reason. The other suggestion given to the spouses is to struggle to save their marriages. Here struggling can be defined as resolving the problems between the spouses, trying to understand each other and making the effort to improve their relationships in order to be together again. On the other hand, some part of the individuals believed that the person requesting suggestions from them probably had thought the decision comprehensively and that the decisions were to be supported for this reason.

"I would recommend you to really think it through and that it's not a piece of cake. I would recommend to try fixing things, if possible." (Female, Aegean, 38 years old)

"I never support divorce. I wish people could make things right, think it through. I don't know, it is a really difficult decision. Divorce is a bad thing." (Female, Central Anatolia, 29 years old)

"Honestly, I would advise not to hurry up. I mean, it is okay if they are separated, but both parties should think it over at least within this period. They should think about their mistakes, truths, and faults. I mean, I don't want any family to break up." (Male, East Marmara, 39 years old)

Stating that they would draw attention to the difficulties of divorce in case they are asked for advice, the individuals referred to the difficulties of adaptation to the things encountered, the backbreaking quality of the things experienced during legal process, the feeling of loneliness after divorce and the economic difficulties. It is understood that the men much experienced the changes in their domestic order and social life after divorce. It is observed that it is not easy

to overcome the situations such as trying to getting particularly a new domestic order after divorce, not finding anyone in the house after coming home from work and missing the children. It is observed that the women interviewed thought the economic problems they had frequently encountered after divorce and that they warned their women friends particularly within this regard.

"I would advise not to get divorced. Because when you are divorced, you are alone and you have more trouble. You get disconnected from the family. You don't feel good when you get disconnected from your children." (Male, Mediterranean, 39 years old)

"I would advise to think well. To think well and make a good decision. I would say that it is not a piece of cake. I would tell that each decision to be made would affect his/her life." (Male, East Marmara, 39 years old)

"I never support divorce. I wish people could make things right, think it through. I don't know, it is a really difficult decision. Divorce is a bad thing." (Female, Central Anatolia, 29 years old)

"God help you, because it's a very difficult thing. Because it requires both money and strength and also support at that moment." (Female, West Marmara, 36 years old)

The fact that the social attitude to divorcees is negative causes a tendency not to advise divorce. It is observed that the "widow woman" image mostly evokes negative opinions regardless of the area and that it affects the perspective of the women to divorce. The factor feeding most the "widow woman" concept is that the neighborhood starts to intervene in the lives, preferences and clothes of the divorced women. Although their work life has a quality to prevent the case a bit, the women indicate that they are to overcome also this kind of pressure created by the society as well as the problems within the period after divorce.

"I was talking about it to my little sister. My elder sister considers to get a divorce and she thinks that it's a piece of cake; but even I had such difficulties although I was employed... Because, honestly, our people don't think highly about the divorcees. This is the worst part of living in a small town. They think that a widow woman can take their husbands from them." (Female, West Black Sea, 37 years old)

"First and foremost, you are a widow woman. If you attempt to work, you will have forty husbands. They will interfere with your clothes. It is so difficult to be a widow woman..." (Female, Mediterranean, 31 years old)

For the advice to be given in case of divorce decision, the perceived importance level of the reason for divorce also plays an important role. Within this scope, the divorcees believed that it would be better for the spouses "to try once more" and that it wasn't necessary to get divorced for the cases other than those such as unfaithfulness, adultery, violence, dishonorable conduct, etc. Divorce was defined as "the last thing to resort to" when it was analyzed also from this perspective. On the other hand, violence, adultery and alcohol addiction were particularly defined as reasonable reasons by the women. Having such experiences can also be the reason for this perception.

"I would recommend thinking it through. I would tell not to break up the family if there is not big violence." (Female, West Black Sea, 31 years old)

"I would advise not to get divorced. And I would recommend understanding and listening to each other first. Try to talk about your problems with the elder members of your families and ask opinion on whether it is possible to maintain that marriage. The next period is a big problem. Divorce is not good if there is no adultery, etc..." (Male, East Marmara, 59 years old)

"Honestly, the only thing that I would say is that divorce is not an accomplishment. Divorce on the ground of the smallest anger is not a solution unless

one cheats on the other or there is a major problem.” (Male, Central Anatolia, 31 years old)

“I would want them to get divorced right away if there is irreconcilable difference. Because I waited for twenty years in vain with two children. Thank God. At least I have them. I would want them to get divorced right away if there is irreconcilable difference or adultery.” (Female, West Marmara, 46 years old)

“I would advise to get divorced right away if there is violence and alcohol...” (Female, Mediterranean, 39 years old)

“I would advise to get divorced if he really merits, if there is much trouble and if he behaves like my husband. I mean, in order to prevent her from suffering...” (Female, Southeast Anatolia, 32 years old)

On the other hand, the individuals referring that there had to be communication between the spouses indicated that they would direct the spouses to the professional assistance mechanisms.

“First they should receive assistance. I would talk separately to her and to her husband. It is easy to break up a family, but the next period is difficult. Many of my friends wanted to get divorced. I talked to them. I told them what would happen in case of divorce.” (Female, Mediterranean, 31 years old)

“I can tell them to visit the Family Counseling Centre at least. But of course, I can't know how much it will be helpful or sufficient.” (Male, West Marmara, 51 years old)

The individuals, who stated that marriage was backbreaking and that the problems within the relationship caused irrevocable "breaks", referred to the more positive feelings of the individuals after divorce and indicated that they would support the people from their inner circle/close relatives to get divorced. In parallel with this, it is believed that the life pushed into the background due to the problem

within the marriage can continue "although tardily".

“They should surely get divorced if it is required. Why would people want to live unhappily? Or why would they make it obligatory? If a relationship is cracked, it leaks water...” (Female, Mediterranean, 37 years old)

“I would recommend them not to be late. Because I'm 42 years old and I have never done anything I wished until today. It's wasted my life...” (Female, Aegean, 42 years old)

“I would tell them not to try to maintain something impossible. It is better to lose the saddle than the horse. I feel like I wasted eight years of my life...” (Female, West Marmara, 42 years old)

“If they can't handle it, they should get divorced right away. In fact, I'm against divorce but if it will not get well, it's not worthy because life is very short.” (Male, West Black Sea, 61 years old)

“The process is very important. If it's the last straw, my most important advice is this: The life will go on after getting divorce. You are an individual. And surely you can become self-sufficient. You are not the first person experiencing this and you won't be the last one. You have to go on with your life.” (Female, Mediterranean, 28 years old)

On the other hand, a small group of individuals indicated that they would not intervene in this process. The main reason for this is the thought that it is impossible to know the domestic life and relationship dynamics of the individuals making decision to divorce. Some individuals thought that the problems between the spouses required privacy and that the things encountered within the family had to stay within the family.

“I don't know about their domestic life and I can't intervene much in it. I can't simply say “She cheated on you, get divorced” or “Take care of it”...” (Male, Mediterranean, 45 years old)

"I can't know the things they experience within the family. The grass is always greener on the other side. But nobody can know what they really go through." (Female, Mediterranean, 28 years old)

"I would never intervene in it. I mean, it's a very personal thing. While I still have my questions related to marriage, I would try not to make any comments on the marriage or rocky family of someone else." (Female, Istanbul, 32 years old)



Section 8

COMPARATIVE ANALYSIS ON DIVORCED INDIVIDUALS

Status of Couples Before Marriage and Their Expectations from Marriage ●

*Comparative Analyses on the Problems Encountered by the Couples
During Marriage and Their Reasons for Divorce* ●

World of Emotion After Divorce and Tendency to Advise Divorce ●

8.1. Status of Couples Before Marriage and Their Expectations from Marriage

Within the scope of the study, the interviews were conducted with 6 couples who had been married each other before and their perceptions and experiences related to their reasons for divorce were analysed comparatively. Their status of knowing each other before marriage, their expectations from marriages, their general evaluations about marriage under different titles and their answers related to their reasons for divorce were questioned within this framework.

In order to interpret the finding of the comparative analysis more in detail, the general profiles of the couples were examined. The average age of divorce is 41 for women and 45 for men among the couples. Their marriage periods are over 10 years. For the couples, while the age of marriage is on the range of 14-20 for the women, it is on the range of 17-25 for the men. On the other hand, the decision of marriage differs among the couples. There are both the couples who had arranged marriage and those who got married to the person they preferred on their own or by eloping. All the couples indicated that they had been with their own consent and only 1 woman explained that she had been married off without her own consent.

The couples were asked about how much they had known each other before marriage. Among all the couples, both the women and the men believed that they had been married without sufficiently knowing their spouses before marriage. Many of them indicated that they had seen their spouses only once and the other stated that they had not had a relationship providing the opportunity to know each other in detail although they had experienced a flirting period for a few months before marriage. The most prominent reason for this is the pressure by the family and the neighborhood. The couples had seen each other secretly or for a very limited period of time for most of the time as their families or neighborhoods had not let them to flirt. The only exception for the case is a woman who stated that she had been engaged for a year and seen the negative

characteristics of her husband before marriage, but that she had hesitated to share it with her family. As the case with the others, also in this example, the family pressure or fear from them had played a negative role during the process of establishing the union of marriage.

"In fact, it was not like eloping. We were out for the birthday of his niece. We went to the birthday party to his sister's house. Then it got very dark as we were outside for a long time. As I was afraid, I could not go home. And I stayed there... We never experienced going out, playing ball with boys or having a boyfriend and going out with him, etc... My father was a kind of strict man, marriage was salvation for me." (Female, Istanbul, 49 years old)

"My mother knew her family. One day she told me that there was a girl, etc. We went to see her, but is it possible to know someone by seeing them two or three times? The conditions were like that then. My mother was a little bit ill and it was obligatory to have someone to take care of her and manage the house in the village. It was mostly due to the pressure of the family... The conditions were also like that. I accepted. Of course, when you grow up some more, you expect more different things." (Male, Central East Anatolia, 40 years old)

Not knowing the spouse sufficiently before marriage results in having major problems during marriage. The couples, who do not spend enough time together before marriage, realise that their world-views and tastes are different after marriage and they encounter situations causing quarrels within the family.

"People think that they know each other but then you learn more about the other during the marriage, things that you didn't know before ." (Female, East Marmara, 44 years old)

The other common characteristic of all the couples is that they believe that they had been married at young ages. Most of the individuals defined themselves as "illiterate" and "child" for the period of their marriages. Some individuals indicated that their early marriages had resulted in dissatisfaction

of their expectations from life during their marriages.

"I don't know, if I knew back then what I know now... I would know better. Sometimes I regret, I wish I had gone to school. I say it also to my own children. I tell them to go to school because there is nothing as beautiful as going to school. If I were literate, if I had a profession, maybe my life would be different." (Female, Central Anatolia, 37 years old)

In parallel with this, most of the individuals did not give clear answers related to their expectations from marriage and they associated the reason of the situation with being young at that time. It is observed that both the expectations from spouse and the criteria related to spouse selection are not matured enough for the marriages at young ages. The divorcees explained that they had not talked about their expectations from marriage and that they had not had time for this most of the time before marriage.

"Honestly, being 18 years old, you don't have both feet on the ground. Yes, you are legally an adult but you see the world through rose-colored glasses and you don't know the responsibility of marriage. How can I say? I thought that it would go well with him when we met. It seemed to me that everything would be fine." (Female, East Marmara, 44 years old)

"I got married at the age of 14.5 when I was very young and I gave birth to my daughter at the age of 15.5. I'm 15 years older than my daughter... Expectations from marriage? I didn't talk such things with my husband. I mean, I expected a happy family although it's a classical answer... Maybe I didn't realize what being married is about at the age of 14.5, but I began to understand maybe after 21, when the children grew up, I learnt everything within the marriage." (Female, Istanbul, 38 years old)

It is also possible to say that marriage at young age and not being able to talk the expectations from marriage with the spouse has also effects on the fact that the individuals explain their expectations mostly with traditional terms. The fact that the women

explain their expectations from marriage with terms such as "a happy family", "a happy relationship" and their expectations from their husbands with terms such as "being nice to her" and "treating her with honor" refers to the relationship order where the traditional codes are mainly dominant. For some part of the women, the marriage is performed for escape, salvation from the family. For the men, the marriage consists of meanings such as regulating their lives, juvenescence, having children, "earning their bread", having someone in the house to perform the domestic duties required to be handled in the house (cleaning the house, looking after the other people in the house). On the other hand, it is understood that neither the women, nor the men think about the responsibilities to be brought by the marriage.

"I don't know, first of all, I wanted to be happy and peaceful. You dream about having a family, children and a husband being nice to you. This is the expectation from our marriage, what else can I say?" (Female, Central Anatolia, 37 years old)

"I always expected my husband to respect me. I always wanted him to treat me with honor." (Female, Northeast Anatolia, 38 years old)

"Why does one get married? To share the loneliness, to start a family, to have a relationship and children..." (Male, East Marmara, 51 years old)

"I expected from my husband a beautiful life, a nice future for our children. I wanted these." (Female, Central Anatolia, 42 years old)

8.2. Comparative Analysis on the Problems Encountered by Couples During Marriage and Their Reasons for Divorce

Table 29 shows the main reasons for divorce stated by men and women by couples. Each group talks about different problems as the reason for divorce. And those referring to the same issue interpret it in a different way. Analyzing the examples within the literature, it is very common that the divorced couples put forward different reasons or that they rank these reasons on different significance levels

(Hurowitz, 1981; Kitson & Sussman, 1982). The comments made related to this issue have been based upon psychology. Considering that divorce is defined as a crisis affecting both the perceptions of the individuals about themselves and their

opinions about relationships, it is considered as a reasonable result that the couples within the same relationship create the causality relationship all over again in a way that they will be peaceful (Guttman, 1993).

Table 29. Comparison of the Reasons of Couples for Divorce

Decision-Maker on Divorce		Female	Male
Couple 1	Female	Adultery by the husband	Constant lies by the wife
Couple 2	Male	Having conflicts as she has to look after her mother-in-law and sister-in-law	Not having similar world-views
Couple 3	Male	No sacrifice by the husband	Disobedience by the wife Lies by the wife
Couple 4	Male	Adultery by the husband	Disrespect by the wife
Couple 5	Female	Irresponsible conducts of the husband Not asking the wife's opinion	Economic problems and objection by the wife to move to the house of the husband's family Effect of the inner circle/close relatives
Couple 6	Female	Physical, verbal and sexual violence, adultery by the husband	Alcohol addiction Intervention with the marriage by the family of the wife

The couples of Couple 1 and Couple 4 referred totally different reasons for divorce. Within these two examples, while the women referred "adultery" as the reason for divorce, the men accepted that they had cheated on their wives, but they claimed that they had not got divorced for this reason. According to the men, the reasons for divorce are "constant lies and getting into debt by the wives" and "disrespect and disobedience by the wives".

It was also observed that the problems encountered by Couple 1 within their marriage were mentioned differently by the woman and the man. And there are also contradictions in the explanations made related to their feelings for each other. The man indicated that he had negative feelings for his ex-wife and that these feelings had been the same during their marriage. On the contrary, the woman stated that her ex-husband had loved her that there had been no emotional problem.

"He used to say that I was perfect for him, he loved me very much until he abandoned me. As I said, he liked what I cooked, we had three children. We had no those kind of things, he liked me." (Couple 1: Female, Istanbul, 38 years old)

"I liked none of her characteristics. She smoked, had

lying habit. She was disrespectful to my family, to me and she was disobedient and reckless... These habits I mean..." (Couple 1: Male, Istanbul, 43 years old)

In addition to this, it was also observed that Couple 1 had experienced economic problems during their marriage. The comments of the divorced couple differ related to the economic condition during their marriage. It is remarkable that during his evaluations related to the economic problems, the man accused his ex-wife and he indicated that the economic problem within the family had resulted from not taking the required care of the expenses. On the other hand, the woman expressed a contrary opinion.

"For example, she used to take my credit card. I used to tell her not to spend more than 200-300 liras, 100 liras were extra for us... She spent 1500 liras. Though I gave her money every day, she was still lying." (Couple 1: Male, Istanbul, 43 years old)

"I was keeping the house alive. My husband came short of it, he used to give money once in a month... We didn't have much luxury, there was nothing such as buying clothes or nagging at him to buy a bag, etc..." (Couple 1: Female, Istanbul, 38 years old)

The issues where Couple 1 had conflicts were not

limited to these. The man indicated that he had been uncomfortable and that their relationship had been affected due to the fact that his ex-wife had entertained guests in the house and there had been mostly the third parties (neighbors, relatives, etc.) in the house. On the contrary, the woman stated that there had not been such kind of things. On the other hand, she mentioned that his ex-husband had been a restrictor in this regard.

“When I come home from work, I want no other people in the house, I want to put my shorts on, to be free in the house and to lie to watch TV. I mean, I don't want people to be in the house. She used to say that it was none of my business, that she was her friend and that she would come.” (Couple 1: Male, Istanbul, 43 years old)

“He told me that my family couldn't come to our house. We didn't go out, we didn't have neighbors.” (Couple 1: Female, Istanbul, 38 years old)

The decision-maker on divorce is the man for Couple 2. During the interview, the man indicated that they had got divorced due to their different world-views. He stated that they had not enjoyed the same things and that they had nothing in common. On the other hand, during the interview with the woman, it was observed that she had been aware of the reason for divorce of her ex-husband, but she had not been convinced by this explanation. According to her, their marriage had been over due to the conflicts they had encountered as she had been obliged to look after her mother-in-law and sister-in-law and due to the fact that her ex-husband had moved to Istanbul to work. It was understood that the women had not agreed on divorce for a long time as she had not accepted this reason, but that she had accepted it then as she had experienced economic troubles.

“You have different perspectives. For example, you want to go somewhere, but on the contrary, she wants to stay at home. For example, I wanted to read books. She was different than me. She was asking me “why are you reading books here?”. I mean, she didn't understand even this” (Couple 2: (Male, Central East Anatolia, 40 years old)

“My father was sightless. And my sister-in-law had psychological problems. I was asking why we were looking after them. There was always a problem. We always had quarrels... After going to Istanbul to work, the man changed a lot, I don't know. I mean, I don't know if it was because he saw that environment. He was saying that he didn't want me or love me. “We have different perspectives. You are not what I seek.” Then I said “okay, but why did you marry me if you didn't love me?” You have two children, you have been married for 14–15 years, you loved me once. But what happened now? I explain his reason for divorce as that he went to a new environment and met different people.” (Couple 2: (Female, Central East Anatolia, 37 years old)

During the interviews with Couple 3, Couple 5 and Couple 6; the women and the men mentioned similar issues as their reasons for divorce, but they interpreted the issue from different perspectives. For example, during the interview of Couple 3, the woman indicated that her ex-husband had not made sacrifice and that he had been always focused on his own desires. On the other hand, the man stated that his ex-wife had not obeyed him. Although the spouses have similar opinions related to their reason for divorce, they think that this problem resulted from the other party and not from them.

It was also determined that Couple 3 had experienced different problems during their marriage and their perspectives had been different related to the issues. They have different perspectives related to the economic condition during their marriage and the economic problems they experienced. This situation can also be interpreted as the man not taking the fault on himself, but rather tries to explain it with the behaviours of his ex-wife where he cannot earn a livelihood.

“Yes, we had many problems because we had no support when we got married. We had to make everything happen ourselves and we had ups and downs. We had many financial problems and we had many other problems.” (Couple 3: (Female, Central East Anatolia, 38 years old)

"We didn't have any financial problems. But she was constantly lying. It was her habit. She lies so much that I paid a debt of about eighty thousand liras." (Couple 3: (Male, Central East Anatolia, 42 years old)

In the relationship of Couple 3, another important case is adultery by the man. During the interviews, it was observed that the men normalized adultery and it was not defined as a reason terminating the marriage. It is seen that this perception is more dominant particularly for the extramarital sexual partnerships. The fact that the man of Couple 3 accepted that he had experienced this, but that he considered it as "no big deal" can be given example to this situation.

"I mean, most likely I cheated on her, but it was not such extreme..." (Couple 3: (Male, Central East Anatolia, 42 years old)

"It was a frequent case. We were in X city during the first week of our marriage. It was his first place of duty. I learnt there that he cheated on me. He was appointed to another place and it happened also there. It happened wherever we went." (Couple 3: (Female, Central East Anatolia, 38 years old)

Considering the interview of Couple 5, the woman has a different opinion about the cause and effect relation related to their problems within the marriage. The woman interviewed states that her ex-husband was irresponsible and that he did not ask for her opinion on the important matters. She also thinks that the irresponsibility of her ex-husband reflected on his work life and so on the family's economic condition. On the other hand, the man interviewed defines the economic condition as the reason for divorce. He believes that their marriage broke up when the economic problems started. In addition, he thinks that his ex-wife made the decision to divorce against his decision to move to the house of his mother-father due to the economic problems. And the woman associates this with the fact that he made an important decision without asking her opinion. In other words, the issues of economic condition or moving to the house of the

man's family are perceived by the man as reasons for divorce, but the woman interprets these not as the main reasons for divorce but the irresponsibility of the man and his behaviors of not sharing anything. Adultery is one of the problems encountered during the marriage of Couple 5. The woman indicated that she believed that her ex-husband had cheated on her during the marriage and that she had come across different signs related to the unfaithfulness of her ex-husband. However, the man stated that this situation was not true and he did not accept adultery accusation. In this sense, it is observed that the conflict between the spouses shows up under different titles.

"I don't know how many times he cheated on me, but I think he did so. His indifference and lack of love for me... I thought that he didn't love me; he had another woman in his life. And for this reason, my love for him was over." (Couple 5: Female, East Marmara, 44 years old)

"Lately, there's been problems because people told her that I had spent my money on other women. But adultery was never the case..." (Couple 5: Male, East Marmara, 51 years old)

As the case with Couple 1, the parties of Couple 5 have contradictory opinions about the effect of inner circle/close relatives on their relationship. When the answers given by Couple 5 were analysed comparatively, it was determined that there was not a common idea related to this and that only one of the parties had mentioned the existence of such a case.

"My wife was very affected by the other people. We were exposed to mischief-makers. I think that they came between us." (Couple 5: Male, East Marmara, 51 years old)

"Nobody interfered with us and no such thing happened. The problem was only between us. We could not get on with and we got divorced." (Couple 5: Female, East Marmara, 44 years old)

In the interview of Couple 6, the woman defined the main reason for divorce as the violence committed

by her ex-husband. On the other hand, the man mentioned about this indirectly and explained the main reason for divorce as the fact that he had drunk so much alcohol at that time and that the family of his ex-wife had intervened so much in their marriage. Although he confessed that he had had a bad attitude due to alcohol, he did not refer to the dimension of violence and he mentioned this case as an ordinary matter. During the interview, he focused on the issues such that her mother had made an amulet prepared to break up their marriage and that she had tired to separate them. The intervention by his ex-wife's family with their marriage, told by the man, was interpreted by the woman as that her family had tried to protect her and wanted to save her from the bad situation where she had been.

In addition, adultery by the man was the other important variable of the relationship of Couple 6. Indicated as experienced by Couple 6, the cases related to adultery differentiate. Although the man accepted that there had been adultery cases during their marriage, he claimed that this situation had not affected their relationship and that his ex-wife had not known this. However, the woman indicated that she had been aware of the situation and that it had been a milestone for her. In this sense, adultery seems another issue where the couple does not have a common voice.

“When he brought co-wives, it was the last straw... He used to go to prostitutes and spend money on them. He brought a co-wife and things went out of hand when I saw him on my bed with that woman.” (Couple 6: Female, Northeast Anatolia, 38 years old)

“Adultery happened many times but my family didn't hear of them. My wife never heard of it. In any case, I had a girlfriend, but my family came first for me. I understood that it would not go well and that there was no better thing than my family, I broke up with her.” (Couple 6: Male, Northeast Anatolia, 46 years old)

Also the attitude of the Couple differentiates about sexuality. As is the case with the other issues, it is observed that the sexual experiences of the parties

are also different. While the woman indicated that their sexual relationship had included force, the man stated that there had not been such a thing and that their sexual relationship had been free from problems.

“He wanted sexual intercourse every day but I didn't want it. He wanted to get me into bed even by beating...” (Couple 6: Female, Northeast Anatolia, 38 years old)

“Our sexual relationship was absolutely free from problems...” (Couple 6: Male, Northeast Anatolia, 46 years old)

During the couple interviews where the women indicated that they had been exposed to violence by their ex-husbands, it was observed that apart from one man, all of the men mentioned about this case very superficially and that they sometimes mentioned about it in a way not caring about it. On the other hand, this case was considered as a problem in marriage by 5 women who had been exposed to physical, emotional, sexual violence or violence in the street by their ex-husbands, but it had been a reason for divorce only for 1 woman.

“I was obliged to get divorced because the man cut my arms. He beat me every day, once in three days, once in a month. He used to beat me, drink alcohol and insult. He was a frontrunner psychopath. For example, I still have the scars on my arms. He wanted to have sexual intercourse every day but I didn't want it. He beat me, gave me black eye and I didn't get into bed with him. And then he got really nervous and he either got drunk or beat me.” (Couple 6: Female, Northeast Anatolia, 38 years old)

“I used to go home when I was a bit drunk. When I behaved a little impolite, she opposed me. I got very nervous... Yes, it is possible that maybe I gave a kick to her. When she really overstepped the mark, then I went crazy and I beat her, but not much. In the morning, I used to get up and reconcile with her. I mean, no, I didn't beat her very severely, it was like a joke...” (Couple 6: Male, Northeast Anatolia, 46 years old)

In brief, it was determined that the couples had sometimes different comments related to the issues such as intervention of inner circle/close relatives in the relationship, economic conditions and the individual's status of working, adultery and sexual relationship. The differences within the cases described by the couples may refer the lack of communication within the relationship. Both the perspectives of the individuals to the problems they encountered during their marriages and the contradictions of the reasons they put forward while indicating their reasons for divorce refer to the fact that there is an advanced level non-communication between them. The couples explained the cases, they had experienced during their marriages, by differentiating them for most of the cases.

Considering also the suggestions of the Attribution Theory, it can be thought that it is a weak possibility for the individuals to accept them as the responsible party for their marriages resulting in divorce. From this perspective, it can be defined as a clear result that they indicate that the problems, particularly the cases stated as reasons for divorce, did not result from them. On the other hand, it is remarkable that the problems related to adultery, violence and sexual relationship between the spouses in the relationship are interpreted differently by the women and the men.

8.3. World Of Emotion After Divorce and Tendency to Advise Divorce

The feelings of the couples after divorce differentiate as in the cases under the titles of the problems encountered during marriage and the reasons for divorce. While some of the spouses felt much better compared to the period of marriage, it was indicated that their spouses felt resentment, alone and tired after divorce.

"I am at ease after divorce, I feel very good. I have a very good position today. I can say that my life changed. I'm going abroad and yes, I am very good." (Couple 1: Male, Istanbul, 43 years old)

"I feel very tired. That man didn't help me, but you understand that he gave me moral support in fact. I lay the table in the evenings, I think that my husband will come and we will have dinner all together but no one comes..." (Couple 1: Female, Istanbul, 38 years old)

"Bad. I feel really bad. No matter what happens, even if you are with your family, it doesn't work. It is not as you are with your spouse. It doesn't work in any aspects. I look after the children. I realise that the children also feel empty and lowly..." (Couple 2: Female, Central East Anatolia, 37 years old)

Table 30. Comparison of Feelings of the Couples after Divorce and Their Tendency to Advise Divorce

	Feeling after divorce		Advise to divorce	
	Female	Male	Female	Male
Couple 1	<i>She feels very tired and she misses</i>	<i>He feels very good!</i>	<i>Think well, don't get divorced if the reason is not important</i>	<i>Get divorced</i>
Couple 2	<i>She feels bad and she is also affected by that her children feel lowly</i>	<i>He is mentally relaxed</i>	<i>I would tell the difficulties of divorce, don't get divorced if you have children</i>	<i>Think well, I would tell the difficulties of divorce</i>
Couple 3	<i>She is tired, timid and thinks that being alone is difficult</i>	<i>He is at ease both materially and spiritually</i>	<i>Think well, get professional assistance</i>	<i>I would question, struggle with it</i>
Couple 4	<i>She feels good but resentment</i>	<i>Alone</i>	<i>Get divorced</i>	<i>I would question</i>
Couple 5	<i>She is happy and at ease</i>	<i>He feels spiritual emptiness</i>	<i>Think well, struggle with it, don't get divorced</i>	<i>I would question, think well, I would tell the difficulties of divorce, don't get divorced</i>
Couple 6	<i>She feels free and happy</i>	<i>He feels complicated (I smile but I am in deep sorrow)</i>	<i>If you have a reason, get divorced; I would support</i>	<i>I would show myself as example, don't get divorced</i>

*“Now, at least mentally, I can think very comfortably.”
(Couple 2: (Male, Central East Anatolia, 40 years old)*

It is neither very possible to say that there is a common voice related to the feeling after divorce on the basis of the women and the men. While half of the women indicates that they feel bad, those stating of feeling good correspond to a minority. And the case is not different also for the men. The only result appearing clearly is that the couples have very different feelings from each other upon the change in their lives after divorce (Table 30).

The suggestions to be given by the divorced couples

to their inner circles are different. The majority of the couples do not directly support the decision to divorce to be made by their inner circles/close relatives. They advise to think well before making decision to divorce; they give examples from their lives and emphasize to get professional assistance if required. On the basis of gender, it was observed that the number of the men is higher to advise "divorce" to the people from their inner circles/close relatives. And on the women basis, it is observed that the women, who feel positive after divorce, have a tendency to advise "divorce" to the people asking for their advice. It is not very possible to mention about this kind of pattern among the men.



Section 9

**EVALUATIONS BY THE DIVORCED
INDIVIDUALS RELATED TO LEGAL
PROCESS**

- 
- Divorce Application*
 - Ground for Divorce Submitted to Court*
 - Period of Judicial Process and Number of Sessions*
 - Effect of Law Enforcement Bodies
(Judges, Lawyers, Court Experts) on Legal Process*
 - General Evaluation Related to Legal Process*
 - Legal Issues Coming up During Judicial Process*
 - Formal Assistance Mechanisms During Legal Process
(Court Experts)*
 - Evaluations Related To Social Service Centres*

In this section, the interviewees were asked to share their experiences related to divorce during the legal process. Divorce application, ground for divorce submitted to court, type of case, period of judicial process and number of sessions, effect of law enforcement bodies (judges, lawyers, court experts) on legal process, evaluations related to legal issues such as maintenance, parental authority, compensation and marital property, assistance mechanisms during legal process and awareness related to Social Care Centers of MFSP (Ministry of Family and Social Policies) are among the issues analyzed within this framework.

9.1. Divorce Application

After making the decision of divorce, about half of the individuals made their applications in person without the assistance of a lawyer. While it is more common to make personal application when people are uneducated or elementary school graduate, hiring a paid lawyer is more popular when people are high

school and higher education graduates. Considering the gender basis, the only remarkable differentiation is that the people, who were provided with legal aid by the bar of lawyers, are mostly the women (Table 31).

“I made the application (to divorce). When I first appeared in the court, I saw that he was with a lawyer. The lawyer of a penniless person... The lawyer came; I appeared alone in the court. The judge was a woman and she asked me whether I didn't have a lawyer. I said “no, can't I defend myself?” She said that I could not. She said that she would refer me to the bar to have legal aid from there. The judge contacted me. I made the application and I was provided with a lawyer 1 - 1.5 months later.” (Female, East Black Sea, 38 years old)

“First, I went to the bar. I submitted the petition. About one week or ten days later, the bar provided me with a lawyer. Then I visited the lawyer.” (Female, Mediterranean, 36 years old)

Table 31. Divorce Application by Various Demographic Characteristics (%)

	Number	No lawyer, he/she made the application in person	Legal aid from bar	Volunteer lawyers	Paid lawyer	No answer	Total
Total	410	48,8	12,4	3,2	31,2	4,4	100
GENDER							
Female	210	47,6	20,5	4,3	24,8	2,9	100
Male	200	50,0	4,0	2,0	38,0	6,0	100
AGE GROUPS							
34 y.o and below	115	47,0	12,2	1,7	33,9	5,2	100
35 y.o. and above	295	49,5	12,5	3,7	30,2	4,1	100
EDUCATION							
Uneducated –elementary education	224	55,4	19,6	2,7	18,8	3,6	100
High school	116	37,9	5,2	4,3	44,0	8,6	100
Higher education (University and above)	70	45,7	1,4	2,9	50,0	0,0	100
PERIOD OF MARRIAGE							
Less than 3 years	67	40,3	4,5	6,0	41,8	7,5	100
4-5 years	51	49,0	7,8	0,0	35,3	7,8	100
6-10 years	97	55,7	11,3	1,0	27,8	4,1	100
More than 10 years	195	48,2	16,9	4,1	28,2	2,6	100
STATUS OF HAVING CHILDREN							
Without children	47	38,3	8,5	2,1	44,7	6,4	100
1-2 children	264	49,6	9,5	4,2	33,0	3,8	100
2+ children	99	51,5	22,2	1,0	20,2	5,1	100

For the contested divorced where the spouses cannot reach an agreement and progress as agreed, the applications were mostly (51%) made by the paid

lawyers. On the other hand, the spouses having uncontested divorce mostly (68%) made their applications in person (Table 32).

Table 32. Divorce Application by the Type of Case (%)

	Number	No lawyer, he/she made the application in person	Legal aid from bar	Volunteer lawyers	Associate lawyer	No answer	Total
General	410	48,8	12,4	3,2	31,2	4,4	100
Uncontested	292	56,9	11,3	3,4	23,3	5,1	100
Lawyer-driven	66	18,2	24,2	3,0	48,5	6,1	100
Agreed by spouses	226	68,1	7,5	3,5	15,9	4,9	100
Contested	118	28,8	15,3	2,5	50,9	2,5	100

The individuals who did not hire a lawyer and managed the divorce process alone, which are about the half of the individuals interviewed within the scope of the study, were asked “whether there would be any different results for the judicial process if there had been a lawyer”. The majority of the individuals interviewed indicated that the result would be different in case of involvement of lawyer in the divorce process. It was stated by the divorced individuals mainly uneducated, elementary level educated that the result would have changed in terms of parental authority and financial issues in the case of hiring a lawyer in divorce process.

“Of course, if I had hired a lawyer, it would have been different but I didn't have money. As I didn't know about it, I couldn't share it with anyone. If I had asked for advice on what to do about making the application to court, maybe there would have been someone to give advice.” (Female, West Black Sea, 42 years old, primary school graduate)

“If I hired a lawyer, it would be different but then the case would take more time. The result would be different for the parental authority of the child. My wife didn't have income then, but she was entrusted with the parental authority.” (Male, Mediterranean, 53 years old, graduated from primary school)

Analyzing the attitudes of the women having different education levels, it is observed that they consider the deficiencies, caused by not hiring a lawyer during judicial process, mostly on financial axis. The women stated of believing that they would both have had more maintenance and they would

have had better financial conditions if they had hired lawyer. In this sense, the result concluded is that they women believe that the lawyers will guide them to maintain their lives with better conditions.

“Yes, I was considering it (to hire lawyer). At least, I would have the maintenance I requested for my children. He has 100 liras for the children. What will I do with 100 liras? Will I send them to school? Will I meet their needs? What will I do? It is not paid properly anyway.” (Female, Aegean, 34 years old)

“Everything would have been different because he cheated on me. I had evidence in hand; I could have proven the things he had done. I mean, if I wanted, I could have taken all from him: the land, his car, his money, everything...” (Female, Mediterranean, 32 years old)

On the other hand, a small group of the individuals who had agreed divorce, believe that the legal results would have been similar even if they had hired a lawyer during divorce process. They mostly have lower education level (primary school, elementary school and secondary school). The individuals associated this mostly with the limited financial resources of their own or their ex-spouses'.

“It will not change, it's unnecessary money! We got divorced, what to do? There is nothing to share anyway...” (Male, Central Anatolia, 48 years old, graduated from primary school)

“No, I was going to say the same things. I mean, I didn't have an income or resources anyway...”

(Female, West Anatolia, 35 years old, graduated from primary school)

*"It would not have been different because he has no properties or anything else... The judge left the file open only for me to have maintenance, that's all."
(Female, Istanbul, 37 years old, graduated from primary school)*

The individuals, who indicated that they had progressed with lawyer during the divorce process, preferred this method with the thought that the lawyer would help them to plead and to submit their requests to the court.

*"I went to the court. It was required to hire a lawyer as I was in the opinion to receive compensation. My father referred me to his personal lawyer."
(Female, East Marmara, 39 years old)*

*"I received the notice of appearance and the date of hearing became clear. It is not good to go there without a lawyer. I made the application right away. Anyway, if I don't hire a lawyer, the government provides one. They provided me with a lawyer from X city and together, we went to the court."
(Female, West Anatolia, 34 years old)*

*"She files a claim for damages of 50.000 TRY. But I don't have 50.000 TRY... Once she made the decision to divorce, I hired a lawyer. I could not have defended myself; that was the reason..."
(Male, Aegean, 46 years old)*

The individuals submitted the petition to divorce within a short period of time after hiring the lawyer. The explanations made at this point can be interpreted as that the individuals had made the final decision by hiring the lawyer and that they had exactly started the judicial process to get divorced.

*"From making the decision to hiring a lawyer, it took me about one week. We visited the lawyer, gave power of attorney and signed it..."
(Male, West Marmara, 60 years old)*

"I made the decision to divorce and visited the lawyer

*right away."
(Female, West Anatolia, 30 years old)*
*"I gave it (the petition) right away that day. The lawyer was my friend. She talked to me that day right away and I told the situation. She asked me whether I was sure and I said that I was. She wrote the petition and I gave it to the court."
(Female, East Marmara, 44 years old)*

9.2. Ground For Divorce Submitted to Court

The individuals were asked about the ground they had made application to the court. It is observed that the majority of the individuals had indicated the reason for divorce as irreconcilable difference, but that it had not been the main reason for divorce. Using the term "irreconcilable difference" for the grounds submitted to court can be defined as a rather template application. It is observed that there are different reasons for this situation. The individuals had hesitated to give details related to their emotional experiences in the court and they had wanted to keep some cases encountered in the marriage (violence and adultery cases, sexual abuse or sexual incompatibility situations) as secret between them. In addition, the results appear that the expression "irreconcilable difference" is used as template adopted almost every case in order to accelerate the process for uncontested divorces and not to have problems in the court.

*"Failure to agree; we indicated that both parties could not get along with each other. There wasn't such a thing of failing to agree..."
(Female, Southeast Anatolia, 38 years old, uncontested divorce)*

*"Irreconcilable difference. There are things underlying it, but you can't tell them one by one to the judge."
(Female, West Anatolia, 46 years old, uncontested divorce)*

*"Irreconcilable difference, but I think financial incompatibility. Money covers most of the things. If we had had money, we would have been more peaceful then."
(Male, Mediterranean, 53 years old, uncontested divorce)*

"Irreconcilable difference. But I could have indicated

the world-view and also the sexual relationship as the main reason.” (Female, Northeast Anatolia, 24 years old, uncontested divorce)

“Honestly, there wasn’t irreconcilable difference, but you can’t write that our love is over on the court petition, you have to write something. For the uncontested divorces, I think that it’s no matter what you write. I was directed that I would get divorced anyway if I had already come to an agreement.” (Male, Istanbul, 37 years old, uncontested divorce)

“Irreconcilable difference. For example, we didn’t put forward adultery as it was uncontested.” (Female, West Anatolia, 31 years old, uncontested divorce)

On the other hand, some individuals indicated that they had stated their reasons for divorce as “irreconcilable difference” in their applications because they had been referred to do so by their lawyers. Lawyers make this kind of guidance in order to have an easier judicial process for uncontested divorces.

“Irreconcilable difference. We made the things as directed by the lawyer for the uncontested divorced. I mean, it was told that when it (irreconcilable difference) was stated, it was not interrogated much or etc. and we stated it (as the reason) accordingly.” (Female, West Anatolia, 47 years old)

9.2.1. Type of Case: Uncontested / Contested Divorce

It is observed that three out of four individuals interviewed (71%) went through uncontested divorce and that the majority of these divorces had been performed upon the mutual agreement of the spouses. Particularly for the long-term conflicts and for the marriages having financial, emotional or inner circle/close relatives-related problems, the spouses have uncontested divorce in order to leave this difficult period behind. Table 33 shows the answers given by the individuals when asked the type of their divorces.

Table 33. Type of Case by Various Demographic Characteristics (%)

	Number	Lawyer-driven uncontested divorce	Uncontested divorce with mutual agreement of the spouses	Contested divorce	Total
Total	410	16,1	55,1	28,8	100
GENDER					
Female	210	13,8	55,7	30,5	100
Male	200	18,5	54,5	27,0	100
AGE GROUPS					
34 y.o and below	115	16,5	51,3	32,2	100
35 y.o. and above	295	15,9	56,6	27,5	100
EDUCATION					
Uneducated –elementary education	224	14,3	59,4	26,3	100
High school	116	19,0	45,7	35,3	100
Higher education (University or above)	70	17,1	57,1	25,7	100
PERIOD OF MARRIAGE					
Less than 3 years	67	17,9	53,7	28,4	100
4-5 years	51	13,7	51,0	35,3	100
6-10 years	97	12,4	59,8	27,8	100
More than 10 years	195	18,0	54,4	27,7	100
STATUS OF HAVING CHILDREN					
Without children	47	17,0	57,5	25,5	100
1-2 children	264	15,5	56,1	28,4	100
2+ children	99	17,2	51,5	31,3	100

Analyzing the type of cases considering the way of making the decision, the mutual agreement of the spouses and making a mutual decision to divorce seems more common for all marriage decision types. Particularly it is more common to make a decision to have an agreed divorce when the individuals are married to the person they preferred with their

Table 34. Type of Case by Marriage Decision (%)

	Number	Lawyer-driven uncontested divorce	Uncontested divorce with mutual agreement of the spouses	Contested divorce	Total
Total	410	16,1	55,1	28,8	100
I chose to get married, my parents consented	137	17,5	61,3	21,2	100
I chose to get married, my parents did not consent	46	19,6	60,9	19,6	100
Prearranged marriage, I consented	122	18,0	47,5	34,4	100
Prearranged marriage, I did not consent	45	15,6	44,4	40,0	100
Eloping/being eloped	52	5,8	61,5	32,7	100

For the uncontested divorces, it was observed that most of the time it had been aimed not to prolong the time more and to finalize the judicial process as soon as possible. On the other hand, the rate of uncontested divorces with mutual agreement of the spouses is higher both for the women and the men as age progresses and education level increases.

“Uncontested. I talked to him. In the end, it was harmful for both of us. I don't know if he accepted for this reason. Maybe he accepted for this as he left and never made a big deal about it.” (Female, Central East Anatolia, 29 years old, high school graduate)

“We got divorced with protocol anyway. We signed a protocol before filing the uncontested divorce case.” (Female, Mediterranean, 25 years old, higher education graduate)

“It is uncontested divorce anyway. We even prepared a petition together to determine how to divide the properties. As I said, I took my bag and left. I mean, we didn't have such troubles...” (Male, Istanbul, 30 years old, college graduate)

It is observed that there are individuals, particularly the women, who requested almost nothing from their spouses during divorce process. Within this scope, uncontested divorce was preferred not to have any legal conflicts during divorce process.

“We had a car. I wrote it also as uncontested. The car

own consent. It is noted that the individuals make progress by agreeing on the same platform both before marriage and on the point to terminate their marriages. Compared to the marriages realized with the own consent of the individuals, the rate of contested divorce is higher in arranged marriages (Table 34).

money was to be shared between us equally. Plus, I had already the loan of 40.000 TRY that I had used for the car. For example, I didn't even claim for it. It was only to have uncontested divorce at least.” (Female, Aegean, 39 years old)

“When I said that I wanted to get divorced, he said that he would get divorced if I didn't claim for damages. And I accepted it and I said it was okay as long as he gave it for his children. We made an agreement like that and got divorced.” (Female, West Anatolia, 30 years old)

It is observed that for the uncontested divorces, the guidance of the lawyer was more common with the individuals who got divorced mostly as they had no communication or very little communication, or as they got divorced following the big quarrels and resentment as a result of irreconcilable difference.

“I never met him face to face. We contacted for once and I said that I would get divorced. I said that I would sue him, get divorced and hire a lawyer. We didn't talk to each other as it was already an uncontested divorce. Because we can't talk, we have quarrels... The lawyers talked to each other.” (Female, Istanbul, 46 years old)

“No, the lawyer made the agreement. My wife attaches a little importance to material things. My lawyer had said to her “you husband would divorce but if you make trouble after divorce, he can claim

right on mutual properties". Because I had registered everything on her. But the properties purchased after marriage are shared between the wife and the husband. He told her "He claims right on the shared properties. If you have uncontested divorce, we give the properties to you and claim nothing. But if you don't get divorced, we claim right on all of the properties." And my wife accepted it in order not to leave the properties. For this reason, it was over in one session." (Male, Istanbul, 50 years old)

It is concluded that where the requests of the individuals cannot be resolved with agreement, it leads to contested divorce cases (29%). Requests of maintenance, applications for compensation and division of marital properties can be given as examples to these requests sometimes formed over financial axis. In addition to these requests, another important variable is the parental authority of children.

"It was contested, the other party didn't want it. I wanted uncontested divorce as there is a child involved. She is the mother and I am the father of that child. The other party didn't accept it. They tried to make life very miserable for me." (Male, Southeast Anatolia, 32 years old)

"Contested. There were many quarrels, the man tried to shoot me in the courthouse. They asked whether the parental authority was to be entrusted to the mother

or the father. It was revealed that my husband was drunk. I had witnesses, two judges directly entrusted me with the parental authority. My lawyer requested maintenance on behalf of me. I said that I didn't want it, that it was enough for me if he would not interfere with me." (Female, Northeast Anatolia, 38 years old)

"Contested, I mean they wanted also the divorce, but they requested material compensation. It wasn't such as "I love my husband and I don't want to get divorced" but as "we request material compensation", etc." (Male, East Marmara, 32 years old)

9.3. Period of Judicial Process and the Number of Hearings

Interviewees were also asked to comment on the period of judicial process and the number of hearings. The period of judicial process to be concluded is given by various demographic characteristics on Table 35 and by the type of divorce cases on Table 36. The period from divorce application to conclusion of case is 9 months in average. The divorce cases of a significant part of the interviewees (39%) were concluded in less than a month and the individuals appeared at the court two times in average. The period of case is longer for the individuals having three or more children and those having a marriage period of less than a year (11, 2 months and 13 months respectively).

Table 35. Period of Judicial Process and Number of Sessions by Various Demographic Characteristics

	Number	1 month or less	2-3 months	4-12 months	More than 1 year	Total	Average (Month)	Average Number of Sessions
Total	410	39,0	17,8	14,9	28,3	100	9,2	2,3
GENDER								
Female	210	38,6	18,6	16,7	26,2	100	8,8	2,2
Male	200	39,5	17,0	13,0	30,5	100	9,7	2,5
AGE GROUPS								
34 y.o and below	115	34,8	18,3	17,4	29,6	100	8,1	2,5
35 y.o. and above	295	40,7	17,6	13,9	27,8	100	9,7	2,3
EDUCATION								
Uneducated –elementary education	224	41,5	18,8	15,2	24,6	100	9,0	2,1
High school	116	34,5	19,8	10,3	35,3	100	8,8	2,6
Higher education (University and above)	70	38,6	11,4	21,4	28,6	100	10,9	2,6
PERIOD OF MARRIAGE								
Less than 3 years	67	38,8	16,4	16,4	28,4	100	7,7	2,4
4-5 years	51	35,3	23,5	9,8	31,4	100	9,0	2,5
6-10 years	97	40,2	18,6	13,4	27,8	100	7,9	2,3
More than 10 years	195	39,5	16,4	16,4	27,7	100	10,5	2,3
STATUS OF HAVING CHILDREN								
Without children	47	44,7	14,9	12,8	27,7	100	7,1	2,5
1-2 children	264	38,6	18,9	12,9	29,6	100	8,9	2,3
2+ children	99	37,4	16,2	21,2	25,3	100	11,2	2,4

Table 36. Period of Divorce Case by the Type of Case (%)

	Number	Within 1 month or less	Within 2-3 months	Within 4-12 months	More than one year	Total
General	410	39,0	17,8	14,9	28,3	100
Uncontested	292	52,4	21,6	14,7	11,3	100
Lawyer-driven	66	45,5	24,2	13,6	16,7	100
Agreed by Spouses	226	54,4	20,8	15,0	9,7	100
Contested	118	5,9	8,5	15,3	70,3	100

"We appeared at the court about 14-15 times, maybe it's more, I don't know... My judicial process lasted from 2008 to 2012." (Male, Aegean, 50 years old, with 3 children)

"Honestly, we went there about 7-8 times, maybe 10 times." (Female, Mediterranean, 26 years old, marriage period of 6 years)

The individuals were asked to comment on the period from submission of the application petition and to conclusion of the judicial process. The individuals whose judicial process had been concluded in less than 1 month make mostly positive comments. They indicated that they had overcome this process quickly and the judicial process, which they had wanted, was concluded as soon as possible. It is observed that it is mostly agreed divorces, which were concluded within a short period of time. The process is far less backbreaking for the individuals during the agreed divorces concluded in one session. Having a judicial period of one month concluded in one session, the individual stated the following related to the period of judicial process: "I mean, I think it's sufficient, it's enough for a person who doesn't want (to continue being married)..." (Male, West Black Sea, 42 years old, uncontested divorce)

"A very short period of time, of course it's good as I wanted it to get over with it quickly. I mean it's good that it ended in such a short time... I don't know what could happen if it lasted long, I think one can get depressed... Because you want it to be over as soon as possible..." (Female, West Anatolia, 42 years old, uncontested divorce)

"I wanted the case to be concluded as soon as possible. It is enough for me as soon as it's written "single" on my ID card and she doesn't have my name anymore.

That was my thought..." (Male, West Anatolia, 36 years old, uncontested divorce)

On the other hand, the individuals stating that the divorce process had lasted for a long time spreading over months and years indicated that they had been afflicted with this situation. Following the decision to divorce, the request to progress on this road in a fast way is a situation indicated by almost all of the individuals. For the contested divorces, the extension of judicial process causes the individuals not to conclude their decision to divorce at the time they wish. "Wanting to be divorced" is a concept frequently stated by the individuals following the decision to divorce and they indicated that they had not been able to have this status and so that they had encountered some social problems as the extension of the judicial process. The divorced individuals mentioned that they had been affected negatively in their social environments by continuing their lives under the status of being married although they had lived separately from their spouses and that, although rare, they had felt pressure, humiliation and social exclusion within their relationships with other people from their environment.

"It lasted for two years. A long time, I don't have a purpose or an expectation to get married right away... There are problems you encounter while having his surname, he requests a credit card for himself... He has already three executions and the bank says me that I have been showed as the guarantor." (Female, West Marmara, 39 years old, contested divorce)

"During this process, I stayed in my mother's house for two years. I was lowly. My sister came from Diyarbakir, the house was crowded..." (Female, Northeast Anatolia, 38 years old, contested divorce)

Particularly the fact that the divorce case had not been concluded fast caused financial troubles for the women. During the contested divorces, the women had been in a disadvantageous situation in terms of economy, particularly for the cases where they had undertaken to look after the children, due to the fact that the issues such as maintenance, compensation, the division of marital property had not been made clear and that the judicial process had lasted for a long time.

“Very long, tiring and boring. Let something be named; if a woman wants to get divorced, there should be a reason. Nobody leaves a happy family and looks after three children. Nobody wants to shoulder that burden. Looking after children is a very big problem no matter one or three children...” (Female, West Marmara, 36 years old, contested divorce)

“The judicial processes are very long. Also I was already getting paid. I was able to look after my child for a period of time. But what can people do without salary? The judicial processes are very long...” (Female, West Marmara, 40 years old, uncontested divorce)

9.4. Effect of Law Enforcement Bodies (Judges, Lawyers, Court Experts) on Legal Process

In this part, the divorced individuals interviewed were asked about the general attitude of the lawyers where they had hired them. In addition, the evaluations of the individuals were asked also about the judges who had heard their cases.

It is observed that the lawyers guided the individuals before divorce mostly about the division of marital property, maintenance and parental authority. Basically, the lawyers provide support to the individuals for the preparation of protocols between the parties. For some cases, they seek for uncontested divorce by making an agreement between the parties and for some other cases; they guide the individuals to contested divorce in order not to make their clients devoid of basic rights such as maintenance, parental authority, division of marital property and compensation. The guidance on the

axis of maintenance and compensation were mostly mentioned by the women. Moreover, it is seen that a small group of the men had gotten legal guidance for the similar issues.

“The lawyer said many things at that time. That I could be entrusted with the parental authority and that my right was higher. Because my husband threatened me for maintenance and my child. The lawyer told me not to get afraid and that he (my husband) could do nothing to me. The lawyer gave me this kind of information.” (Female, Mediterranean, 26 years old)

“The lawyer mentioned about maintenance. I said that I didn’t want it, that I would give the parental authority to my husband as long as he looked after my child.” (Female, Central Anatolia, 38 years old)

“The lawyer said “you cannot think logically now, but you will understand in the future”. I didn’t want to pay the maintenance. He said “what will the children do? Will they die of starvation?” (Male, Central Anatolia, 34 years old)

“The lawyer guided me for the probable things such as the division of marital property, maintenance etc.... I explained the situation and he acted as I wished. He directed me that it was this or that.” (Male, West Black Sea, 40 years old)

“My lawyer told me not to give up and that it was a very important step. He said, “Don’t give up, you have been working for seventeen years. You can divide all the property in half and you can file a case for maintenance and compensation. Let’s get everything, all of your rights”.” (Female, Aegean, 44 years old)

The majority of the individuals indicated that their lawyers had guided them to reconcile with their spouses. Mainly the women among the individuals who had preferred divorce through a lawyer stated that their lawyers had not made such an attempt as the women had been very decisive to get divorced. Within this regard, it is possible to say that the guidance had been mainly rested within a legal scope.

"No he didn't say. I mean he said this: "Do you really think that you can reconcile? Is it your real decision?" I said that I was really decisive." (Female, East Marmara, 41 years old)

"No, at first, I told that I was decisive. Sometimes the lawyer asked me questions about whether I wanted to get divorced or not and whether I wanted to lengthen the proceeding. I rejected and said that I certainly wanted it to be concluded." (Female, Mediterranean, 28 years old)

"No. The lawyer asked me many times whether I was sure or not. As he saw my determination, he had nothing much to say." (Female, Mediterranean, 26 years old)

On the other hand, it is rarely seen that the lawyers try to make the spouses to reconcile with each other. Although the majority of the individuals indicate that they had not seen such kind of guidance, it is possible to say that mainly the individuals having children had been directed by their lawyers to reconcile.

"They said whether we thought well. "You have children. You have a small child, too." They didn't tell to me to get divorced in any case." (Female, West Black Sea, 39 years old, having 3 children)

"Of course, may God bless him that he wanted us to reconcile. He proposed the other party to discuss the divorce. But they had already made the decision to divorce." (Male, Southeast Anatolia, 40 years old, having 1 child)

It is observed that the knowledge level of the individuals interviewed related to judicial process, their legal rights, corporate processes and relevant actors are formed related to their education level and socioeconomic status. Considering the interview-width conducted with the individuals, it is remarkable that the divorce processes have many different and subjective details to require evaluations on the basis of each case.

The evaluations of the individuals were asked also about the judges as the law enforcement bodies

(judges, lawyers, court experts) during the divorce process. The majority of the individuals indicated that the judges had not made any attempt to make them reconcile or give up before the divorce. For the marriages of more than one year and for the individuals without children, the tendency of the judges is higher not to try to make the individuals reconcile and to conclude the case in a fast way. The judges generally do not have such a mediator role to direct the individuals having uncontested divorce to reconcile.

"We were never asked about why it had happened so. We got divorced in two minutes anyway. It didn't take five minutes to get divorced. He read and read and asked whether I accepted and that was all." (Female, Aegean, 42 years old, marriage period of 14 years)

"The judge read the petition. He asked whether there was a child and we said that there wasn't. He said that he wanted to hear it again from us verbally. First, he asked whether he wanted to get a divorce, he said yes. Then he asked me the same and I said yes. He asked him whether he wanted any maintenance or compensation, he said no. He asked me the same question. I said no. He said "okay, you are divorced." (Female, Southeast Anatolia, 26 years old, without children)

"No, there was nothing. He asked whether we wanted to have uncontested divorce and we said yes. He asked whether I wanted (the parental authority of) my children or not. I said that I wanted them. He asked nothing." (Female, Central Anatolia, 37 years old, Uncontested divorce)

Although it is not very common that the judges direct the individuals to think about the divorce again and want them not to decide it right away, it is observed that the judges mostly guide the individuals having children. Within this regard, it is observed that the judges interfere with the individuals to make them think about being together again in order not to break up the union of family. As is the case with the lawyers, it is another evaluation indicated that where the judges make attempt to make the individuals to reconcile, the judges are not very

insistent on reconciling when one of the parties is very determined or resist against reconcile.

“The judge made much effort to conciliate us, but he could not convince us and we terminated it [the marriage]. He wasn’t convinced by us. The judge also begged us and invited us to his own room. He talked to us separately. He advised to think about it well. He didn’t want us to let him make the decision to divorce us. He told not to make that decision. He said that I didn’t want to get divorced and asked her why she wanted it so much. And she said that she would get divorced...” (Male, Istanbul, 41 years old, with 2 children)

“Of course, he said, “You have children, don’t get divorced.” He talked to us separately. Then we made the decision, we said that we didn’t want it (to continue being married).” (Male, East Marmara, 39 years old, with 3 children)

“He guided us. I mean, he advised to give some time for the decision. I said right away “Your honor, I will appear in the court even if it will last for 10 years. But I can’t live with this person under the same roof.” (Female, Mediterranean, 39 years old, with 2 children)

“He said, “You have a child, don’t let your family break up, think well.” I said, “Your honor, I don’t want to get divorced.” He said the same things also to her, but my wife said that we wanted to get divorced. She didn’t want to reconcile.” (Male, Southeast Anatolia, 40 years old, having 1 child)

9.5. General Evaluation Related to Judicial Process

Interviewees evaluated the legal process to the extent they could remember the details as certain amount of time had passed after the divorce. When addressing to the parts of the process that worked and did not work for them, they did not actually focus on all the phases, legal issues and the actors; but they did evaluate the process whether it was contested or uncontested.

Individuals who went through a contested divorce

essentially criticise the process for being too long. Other criticisms include judicial disruptions, number of hearings, longer time between the hearings, involvement of the witness in the process and the process of hearing the witnesses which cause the ultimate stress on the individuals. It was indicated that other legal issues (maintenance, parental authority, compensation and the division of marital property) prolonged the process in contested divorces.

“The procedure is very slow. Those hearing the witnesses and those making the decision are not the same people.” (Male, West Marmara, 37 years old, contested divorce)

“The process was longer because my husband didn’t get the petition on time. He didn’t receive it to make [the process] longer. [The petition] is delivered to the village headman and he was late to pick it up. I was the one who opened the lawsuit, but the first hearing was five months after my application, it should have been sooner. Then it was the judiciary recess.” (Female, Aegean, 42 years old, contested divorce)

“Litigation process was awful; it was the worst thing that one can experience, I wish I’d never attended the hearings. It was a major stress for me, it’s better be over sooner rather than later.” (Female, Central Anatolia, 33 years old, contested divorce)

Individuals who went through an uncontested divorce were able to get over this phase smoothly because it took less time. This was mainly due to the fact that individuals got divorced upon a single hearing and therefore the process of divorce was finalized in a short period of time. Agreeing upon legal issues such as parental authority, maintenance, compensation before actually having appeared in the court and not speaking about them during the hearing in case of agreed divorces help speed up the process.

However, it is observed that topics such as parental authority and compensation were sometimes brought up in the court, but they did not really have an impact on the divorce process because the couples had come to an agreement on the said topics.

"It was uncontested [divorce]. He asked me whether I wanted a divorce. I gave up on compensation; I said I didn't want anything. He said, 'It is OK if you don't want compensation. It took a single hearing... It was uncontested [divorce]. We went to the courthouse; the judge asked me whether I wanted to get a divorce. I said yes, he said yes and we got divorced.'" (Female, Mediterranean, 36 years old, uncontested divorce)

"We got divorced with protocol anyway. We signed a protocol before filing the uncontested divorce case. The judge was first reluctant to give the parental authority [to my husband]. He said that the child was very young [to give the parental authority to the father]. I filled out an additional protocol and stated I give parental authority willingly. There were conditions such as, if he gets married I will get the parental authority or if I get married, I can't claim parental authority." (Female, Mediterranean, 25 years old, uncontested divorce)

"We never had a legal process... I met the lawyer, signed the petition, give the parental authority and come home. The court date was established to 20 days after the application; we went to the courthouse, signed, got divorced. We left there hand in hand; it's over. Without any legal procedures." (Female, Southeast Anatolia, 38 years old)

Although the majority of the interviewees consider uncontested divorce as a positive process because it helps to recover quickly from this challenging phase, in some cases, especially men point out that in the case of uncontested divorces, legal process is finalized quickly without giving them any opportunity to give up on their decision or allowing them to speak their mind at the courthouse. It is worth mentioning that individuals have such idea mostly in case the couples decided to get divorced together or their ex-spouses did. It can be considered that the men making these comments, although they showed consent to get a divorce, expected that an authority [the judge] convinced their wives not to get divorced and listened to them hoping to be deemed right in some points in their marriage or what they went through. On the judge's directions to reconcile the couples, one of the interviewees said, *"It didn't happen so. They should have given us one day or two. You know, to think it (Male,*

East Marmara, 59 years old) (Decision of divorce made together.)

"I think that judges need to have training on this issue, I'm not referring to myself an example here. He made me sign [the papers] immediately. Not everyone has to make their final decision right away; imagine he did the same thing to them." (Male, West Black Sea, 46 years old) (Decision of divorce made together.)

"It was over quickly. I think the judge could have referred us to a family therapist. He could have advice us to think it through. I think they [the judges] shouldn't end one year of marriage just like that." (Male, Mediterranean, 37 years old (Decision of divorce made by his wife)

Some men stated that they were less advantageous before the law. Some men believe that the current law mostly protects women and bears more responsibilities on men.

"It's all negative in general. I mean you're the man of the house, the household head so you have to give [something] and to do what the other part wants you to do. I think that [as a man] I have no rights." (Male, East Marmara, 55 years old)

"The judge who decided to divorce us should have at least seen us in person. Pecuniary and non-pecuniary gains resulted from this marriage should have been equally distributed to their rightful owners. This was the biggest blow that the law gave me." (Male, Istanbul, 33 years old)

"I believe that the law is in favor of women. In very simple pecuniary and immaterial compensation cases, simple decisions are made protecting women." (Male, Aegean, 42 years old)

"This justice system is just so wrong... When men delays maintenance payments, they are sentenced to prison immediately. Why doesn't this apply to women? This is no justice!" (Male, Central Anatolia, 26 years old)

9.6. Legal Issues Brought Up During the Judicial Process

Interviewees were asked whether legal issues were brought up during the divorce process. Majority of them (68%) stated that at least one of the following issues was brought up: maintenance,

parental authority, compensation and division of marital property. These issues were brought up more frequently when marriages lasted more than 5 years and children were involved. Moreover, in contested divorce cases, parental authority, maintenance, the division of marital property were brought up more than uncontested divorce processes (Table 37).

Table 37. Having Legal Issues Brought up in Court by Various Demographic Features (%)

	Number	Legal issues were brought up	Legal issues were not brought up	Total
Total	410	67,8	32,2	100
GENDER				
Female	210	69,5	30,5	100
Male	200	66	34	100
AGE GROUPS				
34 y.o and below	115	69,6	30,4	100
35 y.o. and above	295	67,1	32,9	100
EDUCATION				
Uneducated –elementary education	224	64,3	35,7	100
High school	116	75,9	24,1	100
Higher education (University and above)	70	65,7	34,3	100
PERIOD OF MARRIAGE				
Less than 3 years	67	56,7	43,3	100
4-5 years	51	58,8	41,2	100
6-10 years	97	72,2	27,8	100
More than 10 years	195	71,8	28,2	100
STATUS OF HAVING CHILDREN				
Without children	47	40,4	59,6	100
1-2 children	264	69,7	30,3	100
2+ children	99	75,8	24,2	100
TYPE OF CASE				
Uncontested	292	59,9	40,1	100
Uncontested, Lawyer-driven	66	78,8	21,2	100
Agreed by Spouses	226	54,4	45,6	100
Contested	118	87,3	12,7	100

9.6.1. Maintenance

As expected, maintenance was brought up mostly by women and individuals with children (Table 38). It was observed that the maintenance claimed by women was mostly for meeting the children's needs and rarely for their own livelihood.

“I claimed maintenance for children. I claimed for myself as well. Then, I gave up on mine at the courthouse.” (Female, Aegean, 34 years old, with 2 children)

Maintenance is one of the most challenging legal issues for the divorcees. The fact that the assigned maintenance mostly remains unpaid is the most major

issue emphasized by women. This problem occurring in maintenance payments can be mostly attributed to the insufficient financial capacity of divorced males. On the other hand, within bureaucracy, maintenance payments are not subject to any control mechanisms and the fact that no sanction is imposed on the party responsible of paying the maintenance when s/he does not can be considered among the factors causing this problem to persist.

“I wanted to claim for maintenance, but the lawyer said he couldn't apply for it. Because my ex-husband told the lawyer that he couldn't pay maintenance. The lawyer claimed for it anyway. Then the judge ruled for maintenance. Here it's indicated, he's supposed to pay 150 TL for me and 150 TL for my

daughter. But he has never paid so far.” (Female, Northeast Anatolia, 38 years old, with 2 children)

“I’m the victim here, the state gave me nothing. There is actually nothing positive about it. They told me that they would pay for my child and me as long as we stayed [there], but we got nothing, no money. During the divorce, I guess it’s called ‘maintenance pending suit’... I got nothing.” (Female, Central Anatolia, 36 years old)

“No, no, I couldn’t get [anything]. I could get nothing. No. I expected [from him] to provide for his child, but he didn’t even do it for his child.” (Female, Istanbul, 47 years old)

In addition, the amount of maintenance ruled by the court usually seems far from meeting the needs. In the case women have the parental authority, the maintenance paid for the children usually covers very limited portion of their monthly expenses of clothing, school and food.

“The first maintenance for my daughter was 200 TRY. Now it’s 400 TRY and it’s for one year, I can’t

change that but I pay 700 TRY only for sending her to the kindergarten. And this is an affordable place; usually it’s more expensive. Children have many needs: food, clothing etc. The maintenance money doesn’t cover them [these expenses]. (Female, Mediterranean, 31 years old)

“My maintenance money is 250 TRY. I pay 250 TRY house rent, what will I do for the rest of the month? Why didn’t anybody think of that? This is because my ex-husband claimed that he worked on minimum wage. (Female, Central Anatolia, 46 years old)

“I wish the maintenance money would be more because I live with my 2 children. I think that 700 TRY is very little money.” (Female, Mediterranean, 31 years old)

“There are many challenges in terms of maintenance because when I applied for maintenance later, I was given 250 TRY. The guy [husband] is not concerned about your level of income, your livelihood. I don’t know but I think there is great injustice there. They don’t pay enough maintenance money.” (Female, Istanbul, 34 years old)

Table 38. Maintenance Having Brought up in Court by Various Demographic Features (%)

	Number	Maintenance was brought up	Maintenance was not brought up	Total
Total	410	45,4	54,6	100
GENDER				
Female	210	51,4	48,6	100
Male	200	39	61,0	100
AGE GROUPS				
34 y.o and below	115	47,8	52,2	100
35 y.o. and above	295	44,4	55,6	100
EDUCATION				
Uneducated –elementary education	224	40,6	59,4	100
High school	116	53,5	46,5	100
Higher education (University and above)	70	47,1	52,9	100
PERIOD OF MARRIAGE				
Less than 3 years	67	32,8	67,2	100
4-5 years	51	47,1	52,9	100
6-10 years	97	43,3	56,7	100
More than 10 years	195	50,3	49,7	100,0
STATUS OF HAVING CHILDREN				
Without children	47	25,5	74,5	100
1-2 children	264	47	53,0	100
2+ children	99	50,5	49,5	100

There are actually two sides of the key problem in maintenance amounts: Socioeconomically conditions of both parties – maintenance payer and receiver – are not taken into consideration when determining maintenance amounts. Economic capacity is generally considered to be the main reason for not paying the maintenance money.

“I normally didn't have regular income. 1500 TRY was not the net income; when you are based on the minimum wage – for instance if it's 1000 TRY now, the maintenance is calculated as 480 TRY. This is half of my income.” (Male, Istanbul, 27 years old)

On the other hand, some of the women pointed out that the court did not have a good information on their ex-husbands' level of income because they understated their assets or salaries before the courthouse. This seems to be an obstacle for the determination of a realistic maintenance by the court.

“Yes, it is [the maintenance money] is low. It could be more. He constantly lied [about it] at the court. He saved himself like he always did. He said he was unemployed, he had to pay rent, he had no job. But he was employed back then. He saved himself [from the maintenance].” (Female, Aegean, 34 years old)

“The system doesn't work properly. [Those who don't pay maintenance] They are sentenced to prison for three months, but they don't actually serve that time. Then they don't pay the maintenance although he can. [My ex-husband] He works with his brother in ready-made garment shop, his income is at least 1.500 TRY.” (Female, Central Anatolia, 37 years old)

9.6.2. Parental Authority

Parental authority is a legal issue that is brought up at the courthouse rather when the marriage lasts more than 5 years and children are involved. When it comes to parental authority, no differentiation is observed among individuals by age or education; it is common that this issue is brought up in longer-term marriages as having children is usually related to the period of marriage (Table 39).

Previous chapter mentioned that children in the family are a great barrier to make the divorce decision and to actually execute it. Similarly, women at the courthouse stated that what they essentially wanted was to take the parental authority of their children and majority of them underlined the fact that they “didn't want anything else.” So, the “child” is actually is the key point when executing the divorce decision as well as making the final requests from the ex-spouse at the court. The bond between the mother and the child becoming a need for both parties can be indicated as the reason for women want parental authority of their children. This may be paraphrased as in case the parties are separated, they both experience deprivation, a sense of absence.

“I made the decision of parental authority, I wanted the parental authority [of my children]. I said I didn't want anything else from him, just give me the parental authority of my children.” (Female, Central East Anatolia, 32 years old, with 2 children)

“I, for one, didn't ask for maintenance or compensation; all I wanted from him was to leave me alone with my child. I didn't get anything and I didn't request anything; he couldn't have provided them had I asked.” (Female, East Marmara, 44 years old, with 1 child)

“Yes, I have the parental authority [of my children]. I said I only wanted the parental authority of my children and I didn't want any maintenance or compensation. Not for the kids or for me.” (Female, Mediterranean, 36 years old, with 2 children)

“Everyone knew that I would never leave my children, ever. He wasn't any good to anyone anyway, not even to himself; he only threatened [me].” (Female, Southeast Anatolia, 32 years old, with 2 children)

“I would never want to leave a child from his/her mother. Children may live without a father for some time, but they cannot do it without a mother; of course I didn't totally abandon my daughter, I go over there and see her as much as I can but I can't be her mother.” (Male, Southeast Anatolia, 30 years old, with 1 child)

Table 39. Maintenance Having Brought up in Court by Various Demographic Features (%)

	Number	Parental authority was brought up	Parental authority wasn't brought up	Total
Total	410	48,1	51,9	100
GENDER				
Female	210	50	50	100
Male	200	46	54	100
AGE GROUPS				
34 y.o and below	115	48,7	51,3	100
35 y.o. and above	295	47,8	52,2	100
EDUCATION				
Uneducated –elementary education	224	46,4	53,6	100
High school	116	50,9	49,1	100
Higher education (University and above)	70	48,6	51,4	100
PERIOD OF MARRIAGE				
Less than 3 years	67	28,4	71,6	100
4-5 years	51	43,1	56,9	100
6-10 years	97	54,6	45,4	100
More than 10 years	195	52,8	47,2	100
STATUS OF HAVING CHILDREN				
Without children	47	0	100	100
1-2 children	264	55,3	44,7	100
2+ children	99	51,5	48,5	100

Although the majority of mothers asked the parental authority of their children unconditionally, they still wanted to make sure that they could financially look after their children. Considering their condition during divorce, whether the women are employed or have good financial capacity plays an important role to provide a resource to take care of the children. When women are not employed or do not have sufficient income, the maintenance for children or these women becomes more important. In case financial security of the children only depends on the maintenance, women especially emphasized on the importance of allocation of sufficient amount of maintenance as well as continuous and timely payment of maintenance thanks to the control mechanisms.

“The judge asked me ‘which one of your children do you want the parental authority of?’ I said to her, ‘Well, of course I want all of my children with me, but my finances are bad, I live with my parents and my child takes medication, he’s sick. So one of them stays with his father and the other stays with me, but the father pays maintenance.’ He also agreed and we signed the divorce papers. It’s over.” (Female, Central

East Anatolia, 38 years old, with 4 children)

“I said I wanted my children. I packed my children’s stuff and no one helped me, not the state, not the justice system. I asked for maintenance so that my children won’t lean on to anyone.” (Female, Northeast Anatolia, 38 years old)

“I filed a maintenance case because the child is young, for increase to the maintenance because what they allocated me was absurd. They told me that my child was young and his expenses would be minimal and they increased it from 150 to 175 TRY. My ex-husband made up excuses and said that he was living up with the support of his parents and he didn’t have money; the result is a 25 TRY raise! Isn’t it very absurd!?” (Female, West Anatolia, 29 years old)

Other than emotional reasons, there are obviously some more concrete reasons for mothers/women to seek for parental authority of their children. Some women (although few) pointed out that men/fathers could not take responsibility of their children. They stated that they decided to take of their children considering that their ex-husbands could not assume

such responsibility because they were using alcohol, drugs or they were violent and irresponsible.

"I didn't want to leave my children to my husband because he is a heavy drinker; he couldn't have taken care of them anyway. My children wanted me, they didn't want their father. I didn't encounter any problems regarding parental authority. (Female, West Black Sea, 36 years old, with 3 children, elementary school graduate)

"Of course I didn't leave my children to such man. He can't take care of a child, I would never give the parental authority anyway..." (Female, Istanbul, 38 years old, with 2 children, elementary school graduate)

"Even though he worked and was insured; the state deducts [taxes] even though he doesn't pay the maintenance. He's already unemployed. What can you take from a man who's unemployed? He said he wasn't working and couldn't take care of his children..." (Female, West Black Sea, 39 years old, middle school graduate)

Moreover, there are divorcees who negotiated themselves or in company with their lawyers and who came to an agreement on easier conditions. In this sense, it is revealed that the parental authority is not always a matter of conflict and the couples come to an agreement through protocols / agreements within the scope of contested divorces. Majority of the individuals indicating that parental authority was brought up at the courthouse actually went through an uncontested divorce.

"I have the parental authority, he gave me the parental authority himself." (Female, Southeast Anatolia, 38 years old, uncontested divorce)

"Of course, the parental authority was included in the uncontested divorce protocol." (Female, Aegean, 39 years old)

"We both wanted to keep the children. The judge decided that I [as their father] should have them in summer." (Male, Mediterranean, 53 years old)

When more than one children are involved, women usually ask for parental authority of all of their children if they think that they can take of them. However, when their financial capacity is insufficient, they stated that they asked the parental authority of younger children and their daughters. In a similar situation, men / fathers seem to have a same perception. Court decisions giving the parental authority of younger children and girls to mother seem to be most satisfying outcome of the divorce process, especially for women.

"The judge gave it [the parental authority] to me directly based on my petition. My child was six-month old when we got divorced. She was very young and needed her mother." (Female, West Black Sea, 29 years old, with 1 child)

"My wife wanted our girl and they gave me the boys. They told me that if I took the girl, my wife would come over to my house. They said that women couldn't stay away from their daughters. The judge asked her first which one of the children she wanted to take. She told that she wanted the girl. The judge asked whether she didn't want the boys and my wife answered no. So the judge gave [the parental authority of] the boys to me and the girl to her [my wife]." (Male, Southeast Anatolia, 42 years old, with 3 children)

"She [ex-wife] wanted to have the parental authority of our children. I decided that since we had girls, it was important that they stayed with their mother. I gave [the parental authority] to the mother." (Male, Istanbul, 50 years old, with 5 children)

"I couldn't take such a young child, s/he needs her/his mom anyway..." (Male, Aegean, 46 years old, with 1 child)

"Prosecutors investigated both families' finances. Sure my family's finances were better, maybe that helped as well. And because I am the mother... They were all young children after all, so I got the parental authority of all of them." (Female, West Black Sea, 40 years old, with 3 children)

"Parental authority of my younger son was given to me; my other son was older, but I was

given the parental authority of the little one." (Female, Central East Anatolia, 40 years old, with 2 children)

Within the scope of the parental authority topic, there are some cases where the party with the parental authority does not let the other party see their children. Although rare, there are men who indicated that they encountered challenges to see their children.

"The court allows me to see my children. But since the mother gets the parental authority, she can do whatever she wants. She has to let me see my child, but the system is not working." (Male, Central Anatolia, 31 years old, with 2 children)

"The parental authority must be shared by two parties; mother or father shouldn't do whatever they want. It is not right to give the parental authority to one of the parties. That person [having the parental authority] may use the child against you. Until 1 month or 2 months ago, I couldn't see my child. I went to the police station; they told me that I should go the prosecutor on call. The prosecutor on call told me to go the execution office. I told the police to go ahead and take my child; they said they couldn't come because it meant committing a crime as the mother has the parental authority." (Male, Central East Anatolia, 34 years old, with 1 child)

"As the parent who doesn't have the parental authority, seeing the child once in every 15 days, it's ridiculous. This is such nonsense. This is a shame, the whole world can see your kid but you can't, you're banned." (Male, West Black Sea, 53 years old, with 1 child)

9.6.3. Compensation

It is determined that majority of the divorcees did not claim for damages. Compensation is mostly brought up in judicial processes of individuals who are younger than 34 years of age, have high school and higher education and have no children. Maintenance, the division of marital property and compensation were mostly brought up in cases involving individuals with higher education rather than people with lower education level; and this may be associated with the awareness of legal processes or individuals' socioeconomic statuses.

It was observed that mostly women claimed compensation usually for the grounds of "attrition". As indicated in Table 40 (Legal Issues Brought up in Legal Process by Type of Case), individuals claiming compensation mostly went through contested divorces. It is indicated that the compensation claims were mostly pecuniary and immaterial compensation. The Claim for damages of the Individuals with no children who reconcile a small part of the divorcee claiming compensation can be explained as the desire to secure their lives in the post-divorce period.

"She claimed compensation. But the court didn't rule so. She wrote in her petition that we was a student, didn't work and her dreams about the future were shattered." (Male, West Anatolia, 33 years old)

Some of the interviewees, whose ex-spouses claimed compensation, although a few, think that the amount of compensation is not reasonable and they question the realism of the "attrition" concept. In addition, some of them criticize high compensation amounts.

"She claimed compensation. It was called the attrition compensation. She claimed that her physiology was deformed because she gave birth to my child and she claimed compensation." (Male, Northeast Anatolia, 28 years old)

"He claimed 20 billion TRY of compensation because I wore him down..." (Female, West Black Sea, 50 years old)

"I was asked 75.000 TRY of compensation, they claimed maintenance. They think I'm a dupe. Thank God, they reduced 75.000 TRY to 10.000 TRY." (Male, Central East Anatolia, 31 years old)

"I refused the compensation [decision] and I appealed against it. I thought the amount was too high. Someone who has kids and is unemployed has to pay 10.000 whereas I had to pay 40.000 TRY." (Male, West Marmara, 37 years old, no children)

"I was asked to pay 80.000 TRY compensation. Also, 750 TRY maintenance although we didn't have any

Table 40. Compensation Having Brought up in Court by Various Demographic Features (%)

	Number	Compensation was brought up	Compensation was not brought up	Total
Total	410	19,3	80,7	100
GENDER				
Female	210	17,6	82,4	100
Male	200	21	79	100
AGE GROUPS				
34 y.o and below	115	25,2	74,8	100
35 y.o. and above	295	17	83	100
EDUCATION				
Uneducated –elementary education	224	11,2	88,8	100
High school	116	31	69	100
Higher education (University and above)	70	25,7	74,3	100
PERIOD OF MARRIAGE				
Less than 3 years	67	26,9	73,1	100
4-5 years	51	17,7	82,3	100
6-10 years	97	17,5	82,5	100
More than 10 years	195	18	82	100
STATUS OF HAVING CHILDREN				
Without children	47	27,7	72,3	100
1-2 children	264	20,1	79,9	100
2+ children	99	13,1	86,9	100

children. The judge didn't agree with it of course..."
(Male, Mediterranean, 30 years old, no children)

Individuals who did not claim for damages stated that this was because they thought the other party did not have enough finances to cover their request for compensation. On the other hand, individuals who claimed for compensation but never received it or received a lower amount of compensation than they claimed for also mentioned similar reasons.

"Compensation, maintenance, the division of marital property... I had never applied for any of these. My husband said, 'Don't claim for them because I can't give you anything. I'm already unemployed, you can't take anything other than my life.'" (Female, West Black Sea, 36 years old)

"I sued him and the judge ruled for compensation: 50.000 TRY. I didn't get it. He has nothing, no property, nothing to take." (Female, West Black Sea, 29 years old)

"I couldn't get the full compensation, I've just started getting paid. And it's in dribs and drabs. And that's through execution..." (Female, Central Anatolia, 49 years old)

"I also claimed for the attrition compensation. He finally accepted it and we got divorced at the courthouse. But I couldn't have any. Because he's missing now." (Female, Central Anatolia, 30 years old)

On the other hand, many divorcees (men) who are liable to pay compensation pointed out that the amount of compensation ruled by the court was way more than their financial capacity.

"I was asked to pay compensation, its total is 200.000 TRY. If you ask someone who is paid 1.400 TRY per month to pay 200.000 TRY, it's a reason for murder. How can he pay it?" (Male, Central Anatolia, 26 years old)

"They first asked me to pay compensation, it was 50.000 TRY. There was gold jewelry given to us at the wedding, they asked them back. That jewelry given to us at the wedding weren't ours to begin with, but according to them, they were. I said, 'There is nothing to take, I only have a salary; on top of that, I have debts that you caused, you can get them by execution.'" (Male, Southeast Anatolia, 30 years old)

"I said that I wanted 100.000 TRY. [He said] How

can I get 100.000 TRY? Then I said, 'OK, give me 50.000 and my parents can give the rest so that I can buy my own house of one bedroom.' My husband said, 'Of course, yes. This is her right, I will pay for it.' And now there's nothing." (Female, Istanbul, 22 years old)

9.6.4. Division of Marital Property

It is observed that the division of marital property is mostly brought up when individuals have higher education, marriage period less than 5 years and no children. It is worth noting that in longer marriages with children, the division of marital property is less likely to be brought up although they probably have more marital property (Table 41).

"They asked me to return the jewelry given to us in our wedding. They also asked me to pay 10 or 15 thousand TRY in cash. She asked [me to pay for] half of my house that I lived in. Back then; my father bought me a car as a wedding present. They wanted me to give my car. They also asked me to give my furniture." (Male, Mediterranean, 30 years old, contested divorce)

"She sued me for the division of marital property; we had already asked her to remove her own stuff so we won the case; in fact, I didn't even hire a lawyer, I defended myself at the court." (Male, Aegean, 37 years old, contested divorce)

Individuals who did not claim for the division of marital property stated that the main reason for it was that they did not have any properties to divide.

"No. What do I have; will I go after a fridge and a washing machine?" (Female, Aegean, 34 years old)

"There is no property to share. She's already taken what her parents bought. Those [what her parents bought] rusted away anyway, what did she have?" (Male, Central Anatolia, 49 years old)

Part of the individuals who did not claim for the division of marital property chose to leave the house only by packing their personal items that they needed. Considering the situation based on gender, it is observed that the majority of both men and women

Table 41. Division of Marital Property Having Brought up in Court by Various Demographic Features (%)

	Number	Division of Marital Property was brought up	Division of Marital Property was not brought up	Total
Total	410	11,5	88,5	100
GENDER				
Female	210	10	90	100
Male	200	13	87	100
AGE GROUPS				
34 y.o and below	115	14,8	85,2	100
35 y.o. and above	295	10,2	89,8	100
EDUCATION				
Uneducated –elementary education	224	8,5	91,5	100
High school	116	11,2	88,8	100
Higher education (University and above)	70	21,4	78,6	100
PERIOD OF MARRIAGE				
Less than 3 years	67	16,4	83,6	100
4-5 years	51	15,7	84,3	100
6-10 years	97	5,2	94,8	100
More than 10 years	195	11,8	88,2	100
STATUS OF HAVING CHILDREN				
Without children	47	19,2	80,8	100
1-2 children	264	11,4	88,6	100
2+ children	99	8,1	91,9	100

are ready to get divorced without making any claims from their spouses during the judicial process. At this phase, women express their claim for their children's parental authority once again. Many individuals stated that they did not make any claims for the division of marital property during divorce case and they left the shared house without taking anything. This is mostly expressed by saying, "I only took my clothes / my personal stuff and left."

"I requested nothing. All I wanted from the judge was my personal items, my clothes, my shoes; they were enough for me." (Female, West Black Sea, 29 years old)

"I didn't take anything, just my clothes and I left." (Female, Southeast Anatolia, 44 years old)

"No. I took my coat. And I said goodbye and left." (Male, Istanbul, 51 years old)

"I didn't take anything, not so much as a fork... I even cleaned the house. I left the house without taking anything." (Male, Southeast Anatolia, 40 years old)

"I didn't take anything, I left everything; I just got my clothes..." (Male, East Marmara, 37 years old)

9.7. Assistance Mechanisms During Legal Process (Court Experts)

Very little number of divorcees formally had access to the support mechanisms during the divorce process. Also a few of the interviewees stated that they had psychological support during this time. These individuals included individuals with higher education and income level as well as those with lower education level and social status who received psychiatric treatment for various reasons during the process of the resolution of the marriage. However, considering the general divorce process, it is understood that the negative psychosocial impacts that might be experienced by spouses and other members of the household were not actually supported in a formal way.

The interviewees were asked whether the judge referred them to a court expert who is a pedagogue, psychologist or social service expert or ruled for support from such experts during the divorce case. 15% of the interviewees mentioned of such referral. Especially younger age groups, educated individuals, couples whose marriage lasted 1 to 5 years, couples with no children were most likely to be referred to these experts than other groups (Table 42).

Table 42. Referral to Court Experts by Judges by Various Demographic Characteristics (%)

	Number	Yes	No	No answer	Total
Total	410	14,6	83,4	2,0	100
AGE GROUPS					
34 y.o and below	115	17,4	80,0	2,6	100
35 y.o. and above	295	13,6	84,8	1,7	100
EDUCATION					
Uneducated –elementary education	224	12,5	85,3	2,2	100
High school	116	17,2	81,9	0,9	100
Higher education (University and above)	70	17,1	80,0	2,9	100
PERIOD OF MARRIAGE					
Less than 3 years	67	17,9	80,6	1,5	100
4-5 years	51	13,7	76,5	9,8	100
6-10 years	97	15,5	83,5	1,0	100
More than 10 years	195	13,3	86,2	0,5	100
STATUS OF HAVING CHILDREN					
Without children	47	19,2	76,6	4,3	100
1-2 children	264	15,2	83,3	1,5	100
2+ children	99	11,1	86,9	2,0	100
GENDER					
Female	210	12,4	85,7	1,9	100
Male	200	17,0	81,0	2,0	100

It is observed that law enforcement bodies (judges, lawyers, court experts) are most likely to refer the individuals to court experts in contested divorces. As Table 43 indicates, only one in every 10 uncontested divorce cases was referred to the court experts

while this number increases to 4 out of 10 in case of contested divorce cases. This can be construed as needing the court experts for correct assessment of the matters of parental authority and maintenance by the court in contested divorce cases.

Table 43. Referral to Court Experts by Judges by the Case Type (%)

	Number	Yes	No	No answer	Total
General	410	14,6	83,4	2,0	100
Uncontested	292	10,6	87,7	1,7	100
Uncontested, Lawyer-driven	66	12,1	87,9	0,0	100
Agreed by Spouses	226	10,2	87,6	2,2	100
Contested	118	24,6	72,9	2,5	100

The answers reveal that the court experts who usually step in when children and parental authority are involved do not work directly on psychosocial aspects, except for reporting. In this sense, it can be said that the judges need court experts' assessments in cases where children's parental authority is brought up to the court's agenda and this result is also in line with the statements made in the following sections (10.4.1 Duties of Court Experts and Their Contribution to the Process).

"Yes, I asked the parental authority of my child; he [court expert] came to my kid's room, took a look around the room and the house. He spoke to my mother; they discussed about how my child was doing. He understood and reported us really good." (Male, Central Anatolia, 31 years old)

"The judge referred us for parental authority. We went there for the parental authority case of the children. We both didn't want to give up on the parental authority. They [court experts] spoke to the kids and asked them with whom they'd like to stay. They spoke to me and my ex-husband. Then my ex-spouse gave up the parental authority. Otherwise it could last longer." (Female, Central Anatolia, 34 years old)

"Only a social worker came by during the divorce case, s/he talked about the parental

authority of the child. (Male, Mediterranean, 36 years old)

"The judge assigned us a pedagogue and we spoke to her/him separately." (Male, Central Anatolia, 43 years old)

"They spoke to the kids alone. 10-15 minutes with my son and 10-15 minutes with my daughter... It is not a long time, I don't know what they asked and did." (Male, Central Anatolia, 43 years old)

Comments of the individuals who were referred to court experts - although very small number of people - were generally positive. It is noted that the sessions held with the court experts helped the individuals to relieve and to make them take action to resolve their problems.

"The psychologist listens to you and takes notes. My psychological condition was normal but his [referring to her ex-husband] wasn't. We talked about my childhood, it was like a conversation, without hurting one another, it was clear." (Female, West Black Sea, 29 years old)

"It is good that someone listens to you because you cannot talk to the judge at the courthouse the way you want to. But it's easier to talk to an expert." (Male, West Black Sea, 40 years old)

“The court expert listened to us in the courthouse separately. I even said, ‘I’d pass if we will be here at the same time. Because we can’t get along, we fight here.’ They called us in separately. I went over there, talked to the expert and told [the expert] what I went through.” (Male, West Black Sea, 40 years old)

9.8. Evaluations of Social Care Centers

Divorcees were asked whether they were familiar with and benefited the services of the Social Care Centers, formerly known as the Family Counseling Centers.

Only one third of the interviewed divorcees

stated that they had not heard about these centers. However, it is worth noting that none of them benefited services of these centers (Table 44). The majority of the individuals indicated that they heard about these centers from their colleagues / friends. Rather smaller portion of them said that their source of information was various media channels such as the radio, television and internet. Very rarely individuals pointed out that other divorcees in their circles informed them about these centers.

“It’s all over the news, on the radio, television and the internet; everything is out there.” (Female, Southeast Anatolia, 38 years old)

Table 44. Awareness of Social Care Centers by Various Demographic Characteristics (%)

	Number	Yes	No	No answer	Total
Total	410	63,9	35,4	0,7	100
AGE GROUPS					
34 y.o and below	115	62,6	37,4	0,0	100
35 y.o. and above	295	64,4	34,6	1,0	100
EDUCATION					
Uneducated – graduated from elementary education	224	56,7	43,3	0,0	100
High school	116	68,1	31,0	0,9	100
Higher education (University and above)	70	80,0	17,1	2,9	100
PERIOD OF MARRIAGE					
Less than 3 years	67	70,2	29,9	0,0	100
4-5 years	51	68,6	31,4	0,0	100
6-10 years	97	65,0	34,0	1,0	100
More than 10 years	195	60,0	39,0	1,0	100
STATUS OF HAVING CHILDREN					
Without children	47	68,1	31,9	0,0	100
1-2 children	264	65,9	33,3	0,8	100
2+ children	99	56,6	42,4	1,0	100
GENDER					
Female	210	62,4	36,7	1,0	100
Male	200	65,5	34,0	0,5	100

"I heard about my friend in Konya. I heard about it a lot from the divorced women. I also heard about people going there. But I've never been there..." (Female, Southeast Anatolia, 37 years old)

"I have relatives in X. They've been there and their cousins have been there. I heard about it from them." (Female, Aegean, 42 years old)

"Municipalities usually have these centers. I heard about them because we used to work with the municipalities in my former workplace." (Female, Mediterranean, 31 years old)

Almost half of the interviewees indicate that they are aware of these center's functions while the other half indicate that they do not know about these functions. Similar topic titles were unfolded when statements of the individuals who said that they had heard about these center and they were aware of their functions as well as individuals who had not heard of these center before.

The most common comment points out that these services are a mechanism that listens to both parties and a unit aiming at solving the problems between partners. According to the statements, these units support and guide individuals by giving them an opportunity to think one last time before they get divorced and to save their marriage. It is usually perceived that these center carry out sessions that are similar to psychiatric therapies.

"Marriage-related issues; they tell couples to behave this way, that way to each other; they try to reveal a common path [for couples]." (Male, Istanbul, 38 years old)

"It's like therapy, why do you want to get

divorced, give another chance etc." (Male, West Black Sea, 46 years old)

"[They serve] to save marriages. You become aware of those when your marriage is going through rough times and you try to fix it. You think about going to therapy, to see a psychiatrist etc." (Female, Mediterranean, 25 years old)

"They try to solve marital problems by talking them through like a psychiatrist. They try to solve the problems of a certain period, to figure out which one of the spouses has problems and try to solve them." (Female, Aegean, 44 years old)

Relatively a small number of individuals think that these center aim to save the families. These center were defined as facilities where necessary guidance counseling services were provided so that the family unity is preserved and that individuals remain being a family. The difference of this definition from the first one is that it mentions about protection of the unity of a family rather than the relationship between individuals.

"They aim at reintegrating us to the society and reestablishing the unity of a family." (Male, Istanbul, 27 years old)

"They serve to put the family back together. I heard that they give advice." (Female, West Marmara, 60 years old)

The least encountered definition states that these center are shelters for women who are subject to violence.

"They probably help people with domestic problems, women subject to violence or fix differences, if any. They must have

*therapists, how else can they help people?”
(Female, Istanbul, 50 years old)*

“I’m aware of their [these center] functions. They

*protect the women who are subject to domestic
violence, they guide them and tell them what to do.
Things like that...” (Female, Southeast Anatolia,
36 years old)*



Section 10

**EVALUATIONS OF LAW ENFORCEMENT
BODIES (JUDGES, LAWYERS, COURT
EXPERTS) AND EXPERTS ON DIVORCE
AND THE JUDICIAL PROCESS OF
DIVORCE**

General Comments On The Civil Code

Reasons for Divorce According to Law Enforcement Bodies and Experts

Evaluations On Legal Implementations of The Divorce

Evaluations On Court Experts

Evaluation On Social Care Centers

Judges, lawyers and court experts were asked to comment on the related articles of the Civil Code in detail. In addition, divorce phenomenon in Turkey was discussed and their opinions on the reasons for divorce were analyzed. They were also asked to evaluate the organizational capacity.

10.1. General Comments On The Civil Code

This section evaluates the competence and effectiveness of the articles of the Civil Code in practice. There are two aspects standing out in evaluating articles of the Civil Code. First of them is the competence of the law and the other is ease and difficulty of application. Generally speaking, interviewees think that articles of the Civil Code are competent. However, some difficulties are experienced in practice, especially in parental

authority and compensation.

Law enforcement bodies (judges, lawyers, court experts) mostly think that the Civil Code is competent enough to complete the divorce process without damaging the parties. At this point, it is worth noting that the judges are more positive about the law than the lawyers. Only a small portion of the interviewed judges thinks that the Civil Code must be improved while quarter of the lawyers think so. What the lawyers criticize the most about the law, as indicated in section "Negative Aspects about the Civil Code", is seeking for faults in contested divorces. It is observed that court experts do not consider themselves equipped enough to comment on the Civil Code (Table 45).

Table 45. Comments of Law Enforcement Bodies on the Reasons for Divorce Stipulated in the Civil Code (%)

	Number	Positive	Not positive or negative	Negative (needs to be improved)	No answer	Total
All law enforcement bodies	93	25,8	21,5	11,8	40,9	100
Judge	26	46,2	26,9	7,7	19,2	100
Lawyer	40	25	25	22,5	27,5	100
Court Expert	27	7,4	11,1	0	81,5	100

As examined in the next section, interviewees indicate that use of specific articles is limited while general articles are more likely to be preferred. In general, law enforcement bodies (judges, lawyers, court experts) do not think that the law has an effect on making the divorce process more easy or difficult.

"Our Civil Code, after the amendment on 1 January 2002, has been enacted as a reformist and truly civil law that is modern and even beyond the European civil codes. As long as the practitioner understands and implements it. Our Civil Code is very functional." (Judge)

"The most positive aspect of it [the Civil Code] is the decision of refusal in a case opened by the party without fault accusing the other party in order to claim a right." (Lawyer)

"Our method of divorce is the most important positive aspect of it. I really like it in practice. Before, you had to work 6 months to 1 year for a divorce case; now, parties come to an agreement in irreconcilable difference cases, they appear at court if they complete one year, they say they want to get divorced and they get a divorce." (Lawyer)

10.1.1. Negative Aspects about the Civil Code

One of the common criticisms of the law enforcement bodies (judges, lawyers, court experts) on the Civil Code is the rule of fault in contested divorces. According to law enforcement bodies (judges, lawyers, court experts), seeking and proving faults as a ground for divorce makes the parties more aggressive and damage the relationship between the spouses. Seeking fault also brings in the necessity of submitting evidence and witnesses and this causes

troubles especially in cities with socially closed environments. Particularly lawyers complain about the process of seeking and proving “fault”. They generally suggest that if the parties request the termination of marriage and one of the parties has left the house, the marriage should be ended first; then, faults should be sought in compensation and parental authority.

“He accuses his wife of 40 years of being unfaithful to him, witnesses are heard and they confirm the allegation. We dissolve the members of family by turning them each other instead of handling the process normally. Parties hate each other and they don’t want to see each other anymore. If the marriage institution, the unity of family has to come to an end... The law makes people to fall out with each other. It asks to prove the fault. I submit my petition to the prosecutor’s office for listening to telephone records all day. It’s the violation of private life and it causes many problems.” (Lawyer)

“It seeks for the fault; party with and without fault. As this discussion finds place in the Supreme Court practices, we also have challenges in receiving immaterial compensation and maintenance. Are you a little faulty, or much faulty? I personally think that the judges find the one having much fault as faultless. We claim for immaterial compensation and they refuse it.” (Lawyer)

“There aren’t any problematic articles in the divorce law. Proving the fault is an issue, which was brought up in the new version of the law, especially in small towns and cities. When the woman wants to get a divorce, we tell her to prove the irreconcilable differences. Let’s say she didn’t call 155 or there haven’t been any serious problems between the spouses involving violence. Things didn’t end up at the police station or hospital. But parties don’t get along and there is risk. How can they prove it? By calling up witnesses. Women say they cannot bring in the witness. (Lawyer)

Another criticism of the law enforcement bodies (judges, lawyers, court experts) to the Civil Code is the divorce for the reason of “leaving the house”.

They think that three years is a very long period. If a divorce case filed three years after one of the spouses has left the house extends one year, individuals may be married on paper for 4-5 years without living together. This delays and challenges people to build a new life.

“Article 166 is about ruling for divorce if the individuals haven’t been back together for 3 years. Those cases may be referred to the Court of Appeal and the period extends; as a result, individuals spend 5-6 years without getting divorced although they are separated. We shouldn’t make people depend on each other for such a long time.” (Lawyer)

“When one of the spouses leaves the house in order not to fulfill their responsibilities arising from the union of marriage or s/he hasn’t come back to the shared house without a justified reason, if the separation period has lasted 6 months and is still ongoing, I believe that this 6-month period should be further reduced. For instance it can be limited to 3 months.” (Lawyer)

Law enforcement bodies (judges, lawyers, court experts) criticize the Civil Code on the grounds that in the case that spouses forgive each other, the negative situations are not eligible as the reason for a divorce case. Especially when the forgiven act (assault, violence, adultery) is repeated, the victim's hand is weakened during the divorce process. Also, they criticize the fact that even though the negative acts in the past are not repeated, they can still be used as “faults” during the judicial process.

“So it was the last straw and they were separated. In a couple of months, families intervened and made them up. The woman had to return to her home. Just so she didn’t have to leave with her family or she said [to her husband] she gave him one last chance. To me, considering that as reconciling and refusing the case seem absolutely absurd. On the other side of the spectrum, cases with men, let’s say the husband only slapped his wife on the face once throughout the entire marriage. Only once... Then, they went to holiday; they lived 4-5 years happily. During the case, the husband can be severely punished

for this one slap on the face.” (Lawyer)

“Look at the literal of the article 162; it means that the forgiving party actually accepts the fault. A more protective approach would be better. The phrase saying ‘Forgiving party doesn’t have the right to sue’ must be removed from the text because this actually gives the faulty party to behave more selfishly.” (Lawyer)

10.1.2. Effect of the Law No 6284 on Protection of the Family and the Prevention of Violence Against Women on Divorce

Law enforcement bodies (judges, lawyers, court experts) and experts usually think that this law has positive aspects. Independently from the divorce, they deem important that the law protects women against violence. Positive effect of this law on divorce is that women who are subject to violence feel protected and therefore it allows them to end their marriage in which they are constantly victimized.

“In the first two meetings with the women who are subject to violence, there is always a sense of reservation in this 15–20-day period. They cannot express themselves well, they are scared. They just want to take shelter somewhere. I can say that this law on violence against women prevents that a little. It at least helps them to free from these feelings [of desperation, scare]. We make cautionary judgment. Lawmaker also made this easier. After couple of meetings, when they know that we made the cautionary judgment, they feel a little bit more relieved. They move on with their normal life.” (Lawyer)

Some law enforcement bodies (judges, lawyers, court experts) think that the law no. 6284 increased the number of divorces. They express negative effects of this law on divorces in two ways. Firstly, the fact that the law does not seek evidence to protect the women or to make a cautionary judgement against men can be misused during divorce cases. Some law enforcement bodies (judges, lawyers, court experts) indicate that some malevolent women apply to the relevant authorities to make preventive or protective

judgments to gain leverage and then judges condemn the husband because the file includes a judgment demonstrating the violence in the past. Another negative aspect of the law is that it allows removing the husband from home. Some of the experts say that when men are removed from home, they become more aggressive and that the couples lose the common grounds on which they can actually talk to each other and come to an agreement.

“I think the law is positive, but this is Turkey. There are people who misuse the law. They end up in divorce process, the woman says that she’s been subject to violence. When the woman applies to court for having been subject to violence, the case is automatically filed and the husband is sentenced by the criminal courts of peace. The worst-case scenario, he is sentenced for 6 months. That sentence is included in the divorce file and he starts the process as the faulty party. But, I can’t say anything for the women subject to violence. The law is good for them.” (Social Services Expert)

“If you make these decisions properly, I think that it would be less likely for men to hold a grudge against women. Because all of a sudden, you remove people from their home and they cannot get into their own house, their own bed; they can’t even take their clothes from home. This normally causes men to become more aggressive, their claims on children to be more extreme as well as it increases the grudge between parties.” (Lawyer)

10.1.3. Detailed Examination of Articles of the Civil Code

Law enforcement bodies (judges, lawyers, court experts) were asked whether the implementations of parental authority, maintenance, the division of marital property, compensation or different issues have effects on making the divorce decision more difficult or easier. The articles of parental authority, compensation, the division of marital property and maintenance included in the Civil Code are not deemed problematic in terms of their structure. Although they are deemed competent, some problems encountered in practice were indicated. These articles

may cause conflicts during divorce and extension of the process, but for those who want to get divorced, they do not have any effects of making the divorce decision easier or more difficult. Another point which is worth noting is that majority of the law enforcement bodies (judges, lawyers, court experts) stated the effects of articles of the law making the divorce decision both more difficult and easier. Generally speaking, most of the law enforcement bodies (judges,

lawyers, court experts) think that there are legal issues making divorce more difficult. The most important of the legal issues making divorce more difficult is parental authority (Table 46). This challenge points out to the critical role of children in divorce rather than an inadequacy of the law. Existence of a child and possibility of losing their parental authority are the factors, which may make people, give up on their divorce decision.

Table 46. According to Law Enforcement Bodies, Do Legal Issues Make the Individuals' Divorce Decision More Difficult? (%)

	Number	There are issues making it more difficult	There are not any issues making it more difficult	No answer	Total
All law enforcement bodies	93	77,4	12,9	9,7	100
Judge	26	61,5	30,8	7,7	100
Lawyer	40	85	7,5	7,5	100
Court Expert	27	81,5	3,7	14,8	100

In addition, law enforcement bodies (judges, lawyers, court experts) were asked whether there are any legal issues making the divorce decision easier. Almost half of the interviewees did not express any opinions on that parental authority and the division of marital property was most likely to be mentioned as the legal issues making the judicial process easier (Table 47).

Generally, they think that the fact that parties are aware that they will not have any problems other than social, psychological and economic burden brought by the divorce in the post-divorce period makes the process smoother. For instance, the parental authority system does not make the decision of divorce easier, but it prevents people being the victims during divorce process.

Table 47. According to Law Enforcement Bodies, Do Legal Issues Make the Individuals' Divorce Decision Easier? (%)

	Number	There are issues making it easier	There are not any issues making it easier	No answer	Total
All law enforcement bodies	93	46,3	3,2	50,5	100
Judge	26	38,4	3,9	57,7	100
Lawyer	40	50	5	45	100
Court Expert	27	48,1	0	51,9	100

The articles of the Civil Code on parental authority, maintenance, and division of marital property prevent the women to become victims in this process. However, it is observed that many people do not know their rights even if they ended up in divorce and that their lawyers inform them. This indicates that the laws do not have influence on making the decision of divorce easier or more difficult for those who would like to divorce.

"We try to explain them their rights after divorce. There's the maintenance issue. What they get, what they give. What are the children's rights? We explain such issues. They want to get divorced right away. They give up on their rights just to get divorced. Then,

the troubles begin. Many problems arise." (Lawyer)

"Although I'm a lawyer, my first question to people is 'Why do you want to get a divorce?' If they don't have very convincing reasons, I tell them they need more time to think about it. Especially I provide women with information on parental authority and maintenance. Then, if they decide to get divorced, I proceed their divorce cases." (Lawyer)

10.1.3.1. Comments on the Articles Related to the Division of Marital Property

According to the 2013 data of the Ministry of Justice, division of marital property cases only constitute 3%

of the settled divorce cases. However, law enforcement bodies (judges, lawyers, court experts) value this provision deeply. They think that the new marital property provision prevents a major injustice against unemployed women. It is considered that housewives, even though they are not paid employees, contribute to acquire property by reducing domestic expenses with activities such as cooking and taking care of the children. In divorce process, it is expected that women take share of these property, as it is their right. Generally speaking, it is considered that the law is encouraging people to get a divorce. This legal regulation is considered to prevent women from being obliged to maintain a marriage that they want to get out from because of the fear of deprivation. The law is a success in this sense.

“We don’t encounter any problems regarding the marital property. Because the division of marital property in the Civil Code is, as I indicated before, is a reformist law. On paper, the division of marital property ensures the equality of men and women completely.” (Judge)

“There used to be a separation of property in the law. Back then, it was your property vs. my property but now it’s the division of marital property. I don’t think anyone would decide to get a divorce because of the concern of division of acquired marital property between parties. I think that when the property is divided, women have to be included equally in this division. I don’t think it’s unfair to allocate smaller portion of the property to women just because they are housewives.” (Lawyer)

“In the separation of property law before 1 January 2002, unemployed women were completely victimized. Let me give you an example, in a case involved an unemployed woman, there was a shanty house built on the Treasury’s land. The woman says she carried water from the river everyday. She says they were mixing the cement, she was serving them tea. There is a shanty house built that way. Then it was turned to a three-storey building. In the divorce case, she couldn’t get anything from the house because her husband owned the house and she couldn’t prove her contribution in building the house, as she is a housewife. I found it odd and I felt sorry for her.” (Judge)

“Women have just begun to be aware of their rights and they claim for them, they push the men. [The law] makes the women more self-confident about getting a divorce and makes men more reserved about it.” (Lawyer)

Some law enforcement bodies (judges, lawyers, court experts) think that the regulation is actually unfair to working women. In divorce cases involving unemployed men who do not contribute to the domestic activities, experts think that it is not fair for these men have equal shares on property acquired by the woman’s own income. The difference of this situation from the divorce cases between working man – housewife is that men in this case, as a result of the social roles, do not contribute to the domestic activities and they only consume.

“Amendments of the articles on marital property after 2002 protect housewives by giving them half of the property. This is nice but I think there’s kind of injustice here. Considering that the woman is earning more and the man is staying at home and not contributing much, this time the woman is victimized. It would be better if the lawmaker allowed to make an adjustment according to the level of income.” (Lawyer)

“I think the current martial property is good as to sharing what the spouses acquired during marriage, but the law is against the working women.” (Psychological Counsel)

Similarly, there are judges who think that it is not fair to equally divide the marital property when housewives do not contribute as much as they are expected.

“Back then, the parties were getting share from the acquired property to the extent they contribute, but now, the husband is gambling, both parties have the same income, but the man spends all of his money on gambling while the wife works, takes care of the house and acquires property. And the husband gets half of it. This is a problem; back then, it was at least the principle of contribution. Or we shouldn’t always look from the women’s perspective, us judges, we need to keep our distance to both parties in order to treat them equally. Sometimes women don’t fulfill their domestic duties. We’ve seen garbage houses, kids suffering from

lice. Or there are women who cannot cook so much as a bowl of soup for their husband as they are sick because of going to cooncan parties.

And the husband is a businessman. She shouldn't have equal share, I think it would be unfair.” (Judge)

Table 48. Comments of Law Enforcement Bodies on the Division of Marital Property Practices Stipulated in the Civil Code (%)

	Number	Positive	Not positive or negative	Negative (needs to be improved)	No answer	Total
All law enforcement bodies	93	10,8	23,7	36,6	29	100
Judge	26	23,1	30,8	38,5	7,7	100
Lawyer	40	10	27,5	50	12,5	100
Court Expert	27	0	11,1	14,8	74,1	100

The major problem about the marital property occurs in practice. Especially lawyers criticize it. Particularly men having properties sell or transfer the ownership of them before the divorce in order not to lose them because of this law. This practical problem is brought up by the law enforcement bodies (judges, lawyers, court experts). Lawyers who are responsible of proving the properties' existence state that this process is challenging for themselves and for their clients and delays the process. In some cases, property evasion cannot be avoided.

“They get divorced, but property evasion occurs anyway. They find a solution that way. He sells them, liquidates them.” (Psychological Counselor)

“Property evasion occurs of course. But how is this prevented? There is nothing we can do. Before you say you want to divorce, the husband may think this through and transfer these properties to someone else's name. Your husband may have done that before you even ask to make the cautionary judgment. So, I don't know what kind of measure we can take here.” (Lawyer)

“The general problem in marital property is: There is no problem with properties acquired in Turkey. Sources and places are known and clear. But in cases where people worked and retired abroad, it is really difficult to be able to have access to the resources and those documents, to investigate their finances and this may cause delaying of the judicial process.” (Judge)

“The court doesn't know what to do. After the ruling for compensation, the court says half of the property

is yours and the other half is your spouse's and then we need to track down the marital property. If it's registered to the deed, you look for it. There are many challenges to track them down and to divide them. Marital property cases take longer time.” (Lawyer)

10.1.3.2. Comments on Articles Related to Parental Authority

The 2013 data of the Ministry of Justice suggest that parental authority cases are the second most common case type in settled divorce cases. They reconcile 27% of the total cases (Ministry of Justice, 2013b). Having children is an important motivation for many families to continue the marriage. Experts indicate that individuals try to maintain marriages, which have long lost their function so that their children are not affected by the divorce.

“Many people don't get divorced because of their children. They put up with the negative settings. Things need to be unbearable [to make the divorce decision]. Otherwise men or women, they mostly stand up to challenges and they decide to get divorced when they cannot bear it anymore.” (Psychologist)

Applicable provisions on parental authority stipulate young children's parental authority to be given to their mothers. This provision is essentially based on the fact that younger children need their mothers and the mothers can provide a better care for their children because they usually do not work. However, if the mother does not live a life abiding by the moral rules, has problems of substance addiction or violence or she does not want the child, the parental authority of the child may be given to father as well. Children's

opinion becomes important when they are 10-12 years of age.

"If the child is young, the mother is a housewife and the child needs his/her mother's care, we usually give parental authority to the mother because it is less likely for women to work and more likely to take care of their children. If the child is older and can look after himself/herself, according to children's right convention, we ask the child with whom s/he wants to live." (Judge)

"To a certain age, the court usually doesn't separate children from their mothers but if both parents' finances are equal and the child is older, the parental authority is arranged provided that the child's comments are asked. In this case, mothers are more concerned because they fear that they lose their children. Or I've seen some cases where the parental authority was taken from the mother because she had faulty actions. It's obviously difficult for the mother, but the law and the court need to consider the child's interests." (Lawyer)

"For example, when the mother gets the parental authority and she won't send the child to school or she will make them beg for money or sell something to contribute to the family or the mother is involved in some illegal situations in front of the children, there are someone coming to the house [creating inappropriate situation for the child], then the [parental authority of] this child is not given to the mother. Otherwise, the child usually stays with the mother until s/he is disciplined." (Judge)

Mothers who are not aware of their right for parental authority think that their children can be taken from them because their economic situation is not good. Correcting the misinformation and lack of information on this matter make feel them relieved and safer to file the case. Law enforcement bodies (judges, lawyers, court experts) talk about the situations where mothers who are unaware of their rights and have an unhappy marriage cannot get divorced because they fear that they will lose their children.

"There are also social superstitions. Let's say the child is three years old, the mother becomes paranoid or it is

imposed on her: If you divorce me, I'll take your child from you. Then the woman avoids getting a divorce. She continues to put up with the misery she's been living. We are trying to explain them that the judges don't give [the parental authority of] a 3 year-old child to the father unless there's an extreme situation. They cannot. It is impossible in terms of the child's development." (Lawyer)

"As I observe, the parental authority is very effective on women's decision of divorce. Although not certain, I've seen women who stepped back from divorce when they felt that they were going to stay away from their children. But I've also seen some emotional men. They gave up the divorce because they were afraid that their children would lose their father." (Psychological Counsel)

Another issue on the parental authority is the child's material needs. As stated above, the parental authority is usually given to the mother unless her lifestyle is inappropriate or she makes such demand. However, law enforcement bodies (judges, lawyers, court experts) point out that the majority of the mothers are housewives and have no income except for their spouses. In this sense, law enforcement bodies (judges, lawyers, court experts) emphasize the importance of having a good working parental authority and maintenance system.

"I think the state should deduct automatically from the father who is the income earner. Some sort of application is a must in parental authority and maintenance practice for the sake of the child's future. Or the state may increase social assistance." (Lawyer)

"Mothers want their children. But with what? Of course with providing her with necessary finances. Mothers want to take of their children; they don't want to be separated from them. This is also important for the children. No one can take up the slack of a mother, but the state here has to provide some sort of guarantee. Like I said, the maintenance decision should not be left to the mercy of judges." (Lawyer)

With articles on parental authority, it is indicated that the challenges are usually with the

implementation rather than the provisions themselves. Judges and lawyers equally mention the problems of parental authority practice. Almost half of the interviewed law enforcement bodies (judges, lawyers, court experts) state that the implementations have problems (Table 49).

Regardless of who gets the parental authority, law enforcement bodies (judges, lawyers, court

experts) think that the parental authority should be followed up by social services experts. It is suggested that they should monitor the families to see whether the environment becomes unsuitable for the child because the party having the parental authority does not allow the other party to visit the child in their rightful time or living conditions of the child changes due to other various reasons.

Table 49. Comments of Law Enforcement Bodies on Parental Authority Practices Stipulated in the Civil Code(%)

	Number	Positive	Not positive or negative	Negative (needs to be improved)	No answer	Total
All law enforcement bodies	93	18,3	29	39,8	12,9	100
Judge	26	26,9	26,9	42,3	3,9	100
Lawyer	40	20	30	45	5	100
Court Expert	27	7,4	29,6	29,6	33,3	100

“Not monitoring the parental authority is a problem. We don't hear about it unless it is taken to the court. We give [the parental authority] to the mother or the father. Maybe the mother is remarried and the child remained with the grandmother. Or you give it to the father by evaluating the case under the current circumstances. Maybe the father is married. And there is no one taking care of the child etc.” (Social Services Expert)

“Families need to be definitely inspected to see whether the parental authority is executed correctly. If the family cannot fulfill its duties about the parental authority, I think it should be directly sued.” (Social Services Expert)

It is observed that many fathers are victims of not seeing their child because the implementation of child visit remains incompetent. Interviewees demand to take measures to reconcile for this unjust treatment.

“The party having the parental authority can use it unjustly. In this sense, I believe that there should be a sanction or enforcement on the party having the parental authority. The parental authority is left to the mercy of the mother or whomever it is given. A social services expert may assigned to inspect it occasionally. When the complainant father tells me that the mother doesn't let him to see his child and that he begged for it.

What should we do? As a lawyer, all I can do is to try to take it by execution.” (Lawyer)

“They don't let [the father see] the child. [The father] complains and sues the mother. He has to have a court order from the execution officer to see his children. If the man is out of the city and when he comes back to see his child, the spouse shouldn't say ‘What kind of father are you, go away.’ In another case, the father has only leave on weekends and since there is no open execution court on the weekend, he cannot get the decision. I think that he should take the court order and submit to the police. The police don't make explanations, they only say, ‘Here is the court order and you give the child, if not I'll take him/her by force' and this accelerates the process.” (Lawyer)

Some law enforcement bodies (judges, lawyers, court experts) state that waiting until the child is 10-12 years of age to get his/her opinion is late. They believe that the child's opinion on with whom s/he wants to stay must be taken earlier by the expert pedagogues and psychologists.

“It is said that the decisions of a 12 year old kid can be valid. I think this is wrong. You work with the pedagogues, they can determine the level of development of a child whether s/he is

5 or 7 when granting the expert report. Because sometimes a 15 year-old child can act foolishly. Therefore, the maturity of a 7 year-old or a 10 year-old can be based solely on the pedagogues decisions, but not on judicial opinions.” (Lawyer)

10.1.3.3. Comments on the Articles Related to Maintenance

According to the 2013 data of the Ministry of Justice, maintenance cases are the most common case type in settled divorce cases. They reconcile 59% of the total cases (Ministry of Justice, 2013d). This high rate shows the importance of the maintenance in the divorce process.

Generally speaking, law enforcement bodies (judges, lawyers, court experts) and experts find the maintenance system positive because it protects the women. According to them, articles on maintenance have no adverse effects on individuals in encouraging them to divorce. However, the existence of maintenance provisions prevent women who think they cannot continue the marriage from being obliged to stay married due to the fear of insufficient finances. Execution of the law shows that women do not get rich with the maintenance money and have a wealthier life; it indicates that they can only cover their needs.

“Having such assurance makes women get divorced much more easily. It eases the process, but one doesn’t get divorced just for the maintenance!” (Psychologist)

“Women become more comfortable. If the court rules the parental authority to be given to the mother and she’s not employed, she gets maintenance. This is nice. Because back then, women didn’t want to get divorced

due to lack of economic independence, but now they act more freely because they are aware of this [their rights]. But of course, the maintenance is not always received from the other party in timely manner.” (Lawyer)

“They [women] know that they can go through with it, we have many maintenance cases. But getting maintenance doesn’t affect the divorce very much. In general, women don’t want to divorce unless their finances are good.” (Judge)

“Sometimes, women say they can get divorced if he [the husband] pays maintenance because she doesn’t have enough finances, she’s not educated and she is in need of care. Therefore, these women can consider the divorce when satisfactory amount of maintenance is paid for her and the children.” (Judge)

“For instance, a woman wants to get divorced, but she has financial difficulties. She says, if I file for divorce, my husband will leave his job, work uninsured and go to work somewhere else. And maintenance is important. Not the maintenance, but if that woman receives another type of financial aid, she will have a more decent life.” (Social Services Expert)

Some of the law enforcement bodies (judges, lawyers, court experts) claim that on the contrary, women give up on divorce because the maintenance is not sufficient.

“Women can be affected by the idea that the maintenance will leave them poor and make them go hungry.” (Psychological Counsel)

Maintenance is the issue for which law enforcement bodies (judges, lawyers, court experts) and experts state the most negative comments (Table 50). More than half of the interviewed judges and lawyers point out the problems in implementation.

Table 50. Comments Law Enforcement Bodies on Maintenance Practices Stipulated in the Civil Code (%)

	Number	Positive	Not positive or negative	Negative (needs to be improved)	No answer	Total
All law enforcement bodies	93	5,4	19,4	54,8	20,4	100
Judge	26	15,4	15,4	61,5	7,7	100
Lawyer	40	2,5	22,5	65	10	100
Court Expert	27	0	18,5	33,3	48,2	100

Problems encountered in practice cause women, in some cases, avoiding the divorce although they want to. Spouses who leave their insured jobs, understate or hide their income just to not pay maintenance cause the system to malfunction. Law enforcement bodies (judges, lawyers, court experts) expect various measures to be implemented so that these malevolent actions are prevented. Some of them suggest that the state should pay the maintenance and collect it later from the maintenance debtor so that the maintenance creditor does not suffer.

“When the maintenance is concerned, some illegal activities may occur to relieve from the liability. He [the husband] doesn’t get registered to SGK [Social Security Institution]. He works but the other party face challenges to prove it. Therefore people face problems to prove it.” (Judge)

“The husband’s salary is actually 3.000 TRY.. But his employer, very commonly, understates his salary and declares him as a minimum wage worker. The court gives 300 – 350 TRY maintenance because the husband’s [registered] income is 896 TRY. Normally, I need to investigate the issues which break up this couple’s union of marriage, but I also try to prove the husband’s salary.” (Lawyer)

“Maintenance is allocated so that the recipient covers the needs of food, accommodation etc. When the husband doesn’t pay it, sometimes the child is deprived from a good education. Sometimes maintenance money is not regularly paid. The state can monthly pay the maintenance money to the women and collect it from the man.” (Lawyer)

It is also stated that the maintenance system is misused by some of the women. There are some cases where women postpone getting married the second time so that they can get more money from their ex-husbands and they live with their new spouses without an official marriage.

“The woman lives with someone else illegally just to be able to get the maintenance. She doesn’t get married and hides the situation. For example, when the husband is remarried, she asks for an increase in maintenance money. She keeps on being stubborn and says ‘You’re

sending her child to private school and not mine,’ and things go on like this.” (Lawyer)

According to law enforcement bodies (judges, lawyers, court experts) and experts, the lack of comparison and being left to the discretion of judges cause problems in determining the maintenance. Some lawyers and judges feel uncomfortable due to lack of rules. They suggest to have a system, just like the taxation system, determining the amount of maintenance.

“The most important issue in divorce cases is that the woman’s finances are not sufficient. The maintenance must be stabilized by the law. Just like the taxation system, there should be a maintenance system. There should be predetermined amounts of maintenance for public level [for base population] and for middle-income group and individuals need to know that before hand. This would guide many divorce cases.” (Psychologist)

“Difficulties about the maintenance practice are associated to the fact that there is no proportion. The Article 174 of the Civil Code covers pecuniary and immaterial compensation; but there is no proportion mentioned there about the personal assault or losing the spouse’s support. Sometime there are some really absurd proportions and the Court of Appeal abides by them.” (Judge)

Some of the law enforcement bodies (judges, lawyers, court experts) and experts think that the women should receive social aid, in addition to the maintenance, in case the spouse’s registered income is very low. When the maintenance is lower than the income level that the women had during marriage, women become victimized. Obliging mothers who are responsible to set up a home without a husband and take care of the children, to receive a very limited amount of income is considered to punishing them for getting divorced.

“They came up with a notion called subsistence. An unemployed woman having a mediocre level of life needs at least 500-600 TRY per month. Now, you separate the woman from her house. You want to make sure she and her children live elsewhere. And you only give 200 TRY maintenance. She leaves the house because she or her child are subject to violence. You punish this woman; you reduce the allowance of

500–600 TRY when she lives with her husband to 200 TRY. 150 TRY of maintenance is allocated to a child going to primary school.” (Lawyer)

Some of the law enforcement bodies (judges, lawyers, court experts) complain about the welfare maintenance. This type of maintenance which men oblige to pay to women unless the women find a job and get married actually victimize the men who pay the welfare maintenance. It is suggested that the state assists the divorced women with unemployment compensation after a while in order to prevent this unjust treatment and that the welfare maintenance is stopped.

“Of course, there is a marriage life that lasted for a while. On the other hand, the husband may require to pay welfare money for a while. But the social state needs to contribute to that. The man cannot bear it anymore, [he pays the maintenance] for 15–20 years, every year it increases... So, as a social state, it needs to intervene after the husband has paid the welfare maintenance for a year or two. For example, unemployment compensation is paid by the state in Europe, so the welfare maintenance should be covered the same way.” (Judge)

10.1.3.4. Comments on the Articles Related to Compensation

According to the 2013 data of the Ministry of Justice, compensation cases only constitute 4% of the settled divorce cases (Ministry of Justice, 2013d). This low rate indicates that the compensation right is not really influential on people’s decision of divorce. Law enforcement bodies (judges, lawyers, court experts) state parallel opinions. They think that the compensation practice is not influential on the divorce and that individuals are not encouraged to divorce by

this law. They find people getting the right of compensation positive but they consider that it does not cover the financial deprivation caused by the divorce.

“The woman asks 10–15.000 TRY, she cannot put it together in her entire life, she already stays at home. 15.000 TRY after the marriage doesn’t mean anything.” (Lawyer)

Some problems encountered in practice are mentioned. It is observed that law enforcement bodies (judges, lawyers, court experts) have little information on this because it is not included in all the cases. But those who claim opinion, especially lawyers, they indicate the problematic areas regarding the compensation practices. One third of the interviewed lawyers and one fifth of the interviewed judges state that there are problematic issues in compensation practices that need to be improved (Table 51).

As in maintenance cases, law enforcement bodies (judges, lawyers, court experts) and experts criticize the law to the extent that it does not propose any criteria. A compensation system in which some faults are equal to certain amounts.

“There are extremely different, various numbers suggested. This hurts people. Cases of two colonels; both include adultery. Compensation for one case is 25.000 TRY while it’s 100.000 TRY for the other one. They have the same income levels, they are from different cities. This causes problems because there’s no standardization.” (Judge)

“Just like those committing violence is removed from the house for six months, the law must stipulate the compensation amount of divorce on the ground of violence. This must be standardized and everyone should be aware of it.” (Psychologist)

Table 51. Comments of Law Enforcement Bodies on Compensation Practices Stipulated in the Civil Code(%)

	Number	Positive	Not positive or negative	Negative (needs to be improved)	No answer	Total
All law enforcement bodies	93	11,8	23,7	25,8	38,7	100
Judge	26	15,4	34,6	19,2	30,8	100
Lawyer	40	15	25	37,5	22,5	100
Court Expert	27	3,7	11,1	14,8	70,4	100

Law enforcement bodies (judges, lawyers, court experts) think that the immaterial compensation system is not working. In this sense, individuals who committed crime against and harmed their spouses physically and psychologically for the entire marriage period, pay very small, nominal amount compared to what they had done wrong. Some of the law enforcement bodies (judges, lawyers, court experts) criticize that.

“Generally, material compensation is ruled, not immaterial compensation. It is evaluated based on the level of fault – and not based on the income – but in Turkey, immaterial compensation is not at the desired level. A very ridiculous amount of compensation is ordered because enrichment is not the goal here. (Lawyer)

Law enforcement bodies (judges, lawyers, court experts) point out that the compensation paid based on the fault sometimes causes problems in the divorce process and that the parties try to reflect the fault on each other.

“[The spouse] will not be faultier than or have the equal fault as the other spouse; so the spouse’s fault will be smaller than the other. Then s/he is entitled to have compensation. Material compensation is explained as the deprivation of the spouse from the rights granted by the union of marriage. For immaterial compensation, in addition to the fault, there must be some actions occurred to damage the personal rights of the man or woman.” (Judge)

“The fault is such a broad term. Whoever outperforms the other in reflecting the faults gets more compensation. This requires being aggressive.” (Lawyer)

10.1.3.5. Decision of Separation

In general, law enforcement bodies (judges, lawyers, court experts) appreciate the decision of separation provision in the Civil Code. Such provision is deemed useful in cases where either of the parties does not want to get divorced or the spouses do not have a problem to require definite divorce such as violence, adultery; they want to divorce on the grounds of lack

of communication, difference of opinions. In such cases, it is considered that the couple is separated and they miss each other in the separation period and consequently, they want to get in touch with each other more reasonably. There is no follow-up mechanism to know more about the separated couples’ marriages after the judicial separation.

“If there’s an impression of parties being able to get along and work on their problems in a while, judicial separation is the right thing to do. Being separated from each other for a while and realizing the severity of the situation can lead the couples to get back together.” (Judge)

“I think that the decision of separation is convenient because I know that having some time apart from each other produce more positive results in fixing this [the marriage]. Even if it’s a financial problem, it becomes a communication problem in a while which causes the lack of communication between the spouses, that’s the problem. They start to listen to themselves only and of course the other party tries to tell something. After spending some time apart, they feel the need of listening to each other. They wonder what the other party thinks and says.” (Psychological Counselor)

“If the judge sees hope in the couple, if they don’t have very serious problems, then I think the decision of separation is more logical. In that time of separation, if couples go to couples’ therapy, they receive guidance; they may stop negative behaviors towards each other. Like I said, it was very rare, two or three at most.” (Psychologist)

“I think it’s necessary so that the parties think about their decision once more and realise their feelings for each other in their time apart.” (Lawyer)

But it is observed that the judges rule for separation very rarely. This has various reasons: Many judges believe that the couples who want to divorce have already made their mind and ruling for separation will only make things more unbearable. Some of the judges state that they rule for separation only if one of the parties’ requests so.

"It is there in the civil code but I haven't seen anyone implement it. I inform my client on this but I've never experienced it." (Lawyer)

"There are reasons for divorce but if the spouse filing the case doesn't want to divorce and wants the separation, then we rule for separation. Or if the judge sees hope to get back together, s/he can make the decision of separation. But we don't really do it without getting requests." (Judge)

"It is not really in practice in divorce cases. We usually tell them not to get divorced and move pass. Separation should be more important actually." (Judge)

Another reason for not using the decision of separation is the long period of separation stipulated in the law. Law enforcement bodies (judges, lawyers, court experts) think that the period of separation must be 1 year at most and there should be options of 3 months and 6 months. It is indicated that a period of separation that lasts 1 year is not useful and such practice is almost never adjudged. The general belief is that if parties do not get back together within 1 year, it is pointless to continue the marriage.

"The period is too long. Minimum period is one year and it's just too much. Imagine, parties want to divorce but in a week, [they get back together like] nothing happened. In this sense, the minimum period of 1 year is a long time, I think that the court must be flexible on that and rule for 3 months or 6 months. I believe that the judge can use this provision in divorce cases with no violence involved." (Judge)

"Separation period is from 1 year to 3 years. I believe that 1 year is enough. If they are not back together in a year, it's not logical to wait for another 2 years." (Judge)

"3 years is too much. Because you can start a new life, everything moves really fast now, a lot can change in 3 years. I think 1 year is ideal. Separation period should be between 6 months and 18 months." (Psychological Counselor)

Some of the court experts claim that the judges do not

prefer to rule for separation because they would like to close the case as soon as possible. Or many judges, this is just a case; it's not someone's life, people's lives. They see it as files and try to close them as soon as possible. Decision of separation is an unclosed case for them, unfinished business." (Psychologist)

10.2. Reasons For Divorce According To Law Enforcement Bodies (Judges, Lawyers) and Court Expert

10.2.1. General Perception of Divorce in Turkey

In general, law enforcement bodies (judges, lawyers, court experts) think that the number of divorces has increased. Such increase is explained based on two factors. The first one is that the phenomena causing the divorce have become more common or effective. This section covers some of the issues such as increase in economic problems in some regions, prevalence of relationships that break up the union of marriage through social networks. Another factor used to explain the increase in divorce rates is that the factors making the divorce possible have become stronger and more effective. These include women's participation to workforce and claim economic independence, individualization increased with modernization, divorce becoming more common and acceptable in the society. One of the most significant reasons of divorce is economic problems. Some of the law enforcement bodies (judges, lawyers, court experts) and experts believe that some regions experience economic crisis, which impose pressure on families resulting in increase of divorce rates. This problem is mostly emphasized in certain cities. They are mostly expressed in Istanbul, East Marmara and Central Anatolia regions.

"As people's welfare level drops, divorce rates are going up. For instance, if the economic situations are very bad, couples show less tolerance towards each other. People can be offended by just a word or look and come see us." (Psychologist)

"There is a hidden economic crisis. I believe that when people are getting more prosper, rate of divorces will be reduced. One of my male clients came to me once and said, 'I cannot even buy a toy for my child,

my wife is putting pressure on me because of that.' And families need to interfere less with the couples." (Lawyer)

Moreover, law enforcement bodies (judges, lawyers, court experts) state that even though real economic conditions are not worsened, the richness displayed in television and public spaces creates a perception of deprivation which affects marriages adversely.

"Opening that much shopping malls is a factor as well. Individuals living in big cities go to shopping malls on the weekends. People with small income, newlyweds, having young children. That woman desires to eat upstairs [in the food court], to be given presents for her and her child, to shop in a magazine afterwards – just like everyone else. Those who cannot have that life start to think why their life is the way it is and they concern about it. This causes alienation in time." (Judge)

According to law enforcement bodies (judges, lawyers, court experts) and experts, one of the reasons for the increase in divorce rates is increasing adultery cases. They believe that these cases increase both in men and women. This raise in adultery cases is especially associated to media and social media consumption. In men, different quests resulting from enrichment are considered the reason for adultery. In certain cities, women who came from abroad are mentioned as a factor having adverse effects on the men living in that region. In cases where the women commit adultery, using social networks is most likely to be mentioned. Unemployed women who spend most of their time at home can establish friendships with other people through social media channels.

"Adultery seems to have been gone beyond the economy [economic conditions]. [It's] not only men [anymore]. When family courts first established, women adultery cases were exceptions. Men adultery cases were more common. Men who are occupied with trade, have income can easily do such things [adultery]. The internet takes people to other places regardless their culture, education. I believe that the internet is influential on women's adultery." (Judge)

"The first reason is economic. The second one is

adultery; which results from the extensive use of social media channels. We use Facebook, Whatsapp messages as evidence in cases." (Lawyer)

Some social changes have been influential in the creation of the ground required for divorce. As mentioned above, none of these factors by themselves results in divorce. They make people be able to realize a divorce when it appears as a need. Many of the law enforcement bodies (judges, lawyers, court experts) accept that the divorce is traumatic for both parties, but they also think that being able to get divorced when necessary is a positive development.

"There are dysfunctional aspects of the relationship which are likely to cause damage to other healthy parts. It is not right to put them together by force. There are families experiencing serious problems, [these couples] they need to get divorced. They cannot make a decision of marriage due to economic problems, social pressure. This is followed by violence against women, domestic violence, and violence against children. Couples who are not divorced although they need to cause as much, even more social problems than those couples who got divorced." (Lawyer)

"We see that this institution which forms core of the society is not established correctly. We don't think that a core institution that hasn't been established correctly is not going to help much to the society. Think about a family with 1 child. When his/her parents fight all the time, we think that the child will be adversely influenced by this. So will the society, ultimately." (Lawyer)

According to law enforcement bodies (judges, lawyers, court experts) and experts, the most significant element is women's active participation to workforce and consequently becoming financially independent. Women who are not employed, have no income other than their husband and consider their husband as the only means to cover her needs feel obliged to maintain the marriage even in case where they are committed to psychological, economic or physical violence and their marriage do not function anymore. However, as the participation of women to workforce increases, this sense of "obligation", "consenting", "acceptance" disappears. Women can

act more bravely in ending their marriage, which has lost its function and damages to the parties. While some of the law enforcement bodies (judges, lawyers, court experts) emphasize on “intolerance” of women in some cases, they believe that women’s economic independence is a positive development for the sake of the family.

“I think it’s because women are braver. I’ve read a petition recently and it made me surprised a little. The woman stated that she didn’t feel anything to her husband anymore and she wanted to divorce. This tells us that some things have changed. Back then, women who were subject to violence couldn’t dare to get divorced; but now they can file a divorce case claiming that they don’t love their husband anymore. In this sense, women are getting more powerful.” (Psychological Counsel)

“I think that both men and women have less tolerance now. Since women have economic independence, they choose to divorce thinking that they don’t need anyone, but they also have rightful reasons. They [couples] cannot tolerate each other like they used to. If you ask me the old order was good, I’d say it wasn’t good either! Women without economic independence suffered this time.” (Judge)

Law enforcement bodies (judges, lawyers, court experts) and experts think that another element ensuring the economic independence is the expansion of the state-provided services. Thanks to legal assurances that women can benefit when they decide to terminate the marriages in which they are victimised, they now feel more secure. State salary and compensation prevent women to become financially incompetent after divorcing the husband.

Social state mindset is also becoming to spread at the public level. You don’t have to go too far, 15–20 years ago, women used to think what they were going to do and how they would support their children if they got divorced. [Now] women are aware of this: If I get divorced, the state can take of me. We do this as an institution, if the divorced mother has no income, we put her on salary so that she can cover education expenses and take care of her children.” (Psychologist)

Law enforcement bodies (judges, lawyers, court experts) and experts all indicate that one of the factors making divorce possible is that it has become more acceptable in the society. They believe that media and the mass media have a significant role to play in this change. Through these channels, individuals realize that divorce is something that other people go through. It is stated that the period where the divorce was perceived as a crime is over.

“It [the divorce] is more legitimate. The society is now in a place where it accepts [the divorce]. As the divorce is becoming more legitimate, divorce rates are up. Women don’t put up with beating up at home.” (Lawyer)

“The society thought divorce was a negative thing. The divorced mother used to be treated badly after the divorce. Women used to be afraid of this [bad treatment] but lately, with the progress in modernization and communication, people started to come out of their shell. This is an international interaction and as communication is more widely used, it changes the social life and the world-view.” (Psychologist)

Although not as commonly mentioned, another factor increasing the divorce rates is the increase in individuality. Especially with the increasing education level, individuals have claimed their right to be self-sufficient and self-realization without including to a social structure. This tendency is observed in a very limited portion of the society, which includes highly educated and young individuals; so it may be considered as a trend.

“People’s self-sacrifice limits is somewhat related to their own strengths. Powerful people can handle not to bear some things.” (Judge)

“I’ve seen cases of a variety of range: from couples who got divorced right after the wedding ceremony to those who were divorced before even having the ceremony and couples who had been married for 40 years. No one puts up with anyone anymore. No one would like to bear with anyone.” (Lawyer)

Table 52. Reasons for Divorce Submitted by the Individuals According to Law Enforcement Bodies¹¹ (%)

	Number	Adultery	Economic problems	Violence	Inner Circle/ close relatives	Domestic Duties and Responsibilities	Bad Habits	Not knowing the spouse sufficiently before marriage	Emotional relationship	Sexual relationship	Values / world-view	Lifestyle	Age of marriage	Work life	Education level	Age difference	Consanguineous marriage	Child-related problems	Dis-eases	Other
Total	93	66,7	62,4	61,3	47,3	20,4	15,1	15,1	14	14	12,9	10,8	10,8	7,5	4,3	3,2	3,2	2,2	1,1	26,9
Judge	26	76,9	69,2	69,2	50	19,2	19,2	11,5	7,7	7,7	11,5	7,7	3,9	7,7	3,9	0	3,9	0	0	30,8
Lawyer	40	65	52,5	60	45	20	2,5	17,5	17,5	12,5	15	10	10	7,5	5	2,5	2,5	0	0	25
Court Expert	27	59,3	70,4	55,6	48,2	22,2	29,6	14,8	14,8	22,2	11,1	14,8	18,5	7,4	3,7	7,4	3,7	7,4	3,7	25,9

¹¹ The total number exceeds 100 because the law enforcement bodies (judges, lawyers, court experts) mentioned more than one (average 4) reasons for divorce.

10.2.2. Reasons for Divorce Submitted in Divorce Cases

Law enforcement bodies (judges, lawyers, court experts) were asked to comment on their observations regarding the reasons for divorce submitted by the parties in divorce cases. Accordingly, the most commonly submitted divorce reasons are adultery, economic problems, violence and impact of the inner circle respectively (Table 52).

The most commonly suggested reason for divorce is economic reasons. Generally, experts think that repeated economic problems disrupt the communication and dynamic between the couples. Since women are not working in majority of the families, it is the men who are responsible of meeting the family’s financial needs. When the man do not or cannot fulfill these duties for one reason or another, the couple starts to understand and respect each other less than they normally do and this can evolve to physical and verbal assaults. In this sense, law enforcement bodies (judges, lawyers, court experts) think that there is a correlation between economic problems and the phenomenon of violence.

“In general, I believe that 90 percent of it [divorces] are caused by economic problems; economic problems equal to lack of education. They both go hand in hand and they trigger each other. Lack of education leads to economic problems which then lead to lack of education and they end the marriage. This [economic problems] is what lies underneath. There are many reasons for divorce such as infidelity but it's the economic problems and lack of education that lie at the bottom of all of them.” (Judge)

It is stated that in some cases men think that women should work and contribute to the family, but the women do not agree with that; so couples get divorced due to difference of opinions.

“The husband says, ‘I’m working, but it’s not enough, I work on minimum wage, I’d like my wife to work as well but she doesn’t want it’. I’ve seen such cases as well.” (Judge)

Adultery is a reason for divorce, which has emerged especially in the last years. No significant difference has been stated between men and women in terms of

adultery cases. In general, adultery is not mentioned by itself. It is considered that the adultery occurs as a result of many elements that can cause divorce such as economic problems, lack of communication, couples not seeing each other as man and woman, difference of opinions etc.

“In my career as a lawyer, 10 or 15 percent of the cases that I’ve had included the element of adultery. In general, it’s the economic problems, family interventions etc.” (Lawyer)

“Education level, economic factors are effective; considering this region, then comes the fidelity. In such cases, marriages turn to very troubled process; couples inflict violence etc.” (Psychologist)

It seems that infidelity can occur in both sides. However, it is indicated that it is usually men who file for divorce on the ground of adultery. Women seem to be more understanding when it comes to infidelity and do not divorce their husband as long as they fulfill their duties to the house; but men, in case of adultery, chooses to divorce right away.

“In general, if a man files for divorce, he usually submits the differences as a ground... Perhaps women are more understanding in this. Women choose to continue the marriage although a third person is included if their husband doesn't neglect his house and make his wife and children dependent on others.” (Judge)

Intervention in the marriage by the inner circle/close relatives is considered as another significant reason for divorce. It is stated that the suggestions and pressures from elderly of the family prevent couples to communicate to each other and to have a dynamic marriage relationship. Influence or pressure of elderly of the family result from many elements. First of all, being in close contact with parents after getting married and parents having say in many aspects of life are considered to be a part of the Turkish culture. This is independent from education level and economic status and applies to majority of the families. However, economic problems encountered by the couple increase the

influence of families on the couple. Couples who need their parents' support to meet their economic needs become open to the influence and pressure of elderly of the family. Another element of the family influence is the “family building” order of life encountered in some cities. Usually, women are married into these family buildings and try to find their place in a setting, which accommodates elderly of the family including the mother-in-law, father-in-law, aunt, uncle etc. Then they have to undertake many other roles before they can understand and assume their role of man-woman, husband-wife with their spouse. In this setting, it is more difficult for individuals to see each other as partners to support each other. Spouses cannot be independent because they have to listen to and take into account elderly of the family rather than listening and caring about each other. Lack of privacy also challenges the husband – wife relationship in terms of sexual relationship.

“I think that when couples get married without knowing each other, both economic problems and families play the determinant role. Generally speaking, 60 percent of the cases, influence and intervention of the families on couples play an important role rather than disagreement between the couples. At this point, if economic problems are also included, families become more intervening. Because the married couple needs to seek for help from their parents.” (Lawyer)

“None of the households are independent. Families practically live together and relatives, even the entire neighborhood are involved in the marriage. And we have many congregations and cults; people say, ‘My wife became like this because she’s been going to congregation [meetings]’ and ‘my husband joined that cult.’ We don’t have nuclear families here.” (Social Services Expert)

“It is very common in this city. Usually, there are family buildings. The family reserve a floor for their children. In majority of the files, majority of our client’s state that their mother lives upstairs or their father lives downstairs. This is the primary [reason for divorce] here... The fact that the family

is extremely involved [in the family]" (Pedagogue)

Another negative aspect of the family-related problems is that they tend to last longer and are more difficult to fix than the problems between the couples. Spouses can easily reconcile after a discussion between them but intervention of elderly of the family in this discussion makes the crisis spread.

"Imagine that the husband argues with the mother-in-law or the father-in-law, he can maybe fix his problems with his wife or ignore her but he cannot ignore the mother-in-law or the father-in-law, he cannot handle what they have said, and there's a disconnection" (Lawyer)

Some of the expert thinks that the most fundamental problem is the lack of communication. It is considered that if couples can communicate correctly, they can face the problems encountered in life more strongly and divorces can be avoided. Experts think that this can be associated with the intervention of elderly of the family with the couple. External interventions in the marriage make it harder for couples to communicate with each other.

"I think the most fundamental [reason for divorce] is communication and the other is sexual problems. I believe that economic problems have little influence on divorce. Because one's finances are the same as the time s/he is married. For example, if I'm a peasant, what would I do, I go ahead and marry a peasant. My finances are obvious. It wouldn't cause a problem. If you have decent communication, you get along with 100 TL; but if the communication is bad, a trillion is not enough to avoid the divorce..." (Social Services Expert)

According to law enforcement bodies (judges, lawyers, court experts), another reason causing the divorce is **not to fulfill domestic duties and responsibilities**. As far as the women are concerned, their job definition includes maintaining the domestic order, taking care of the children, meeting the husband's needs of clothing and food, in some cases, taking care of members of the extended family

such as father-in-law and mother-in-law. Men's job definition is usually to earn the bread for their family.

"In many houses, not being able to meet the household's needs or to achieve the expected lifestyle with the income earned causes the divorce." (Judge)

Some of the court experts point out that the claim of not to fulfill the domestic duties and responsibilities can be an excuse to cover up other reasons.

"When the husband files for divorce, I've seen that he's actually with another woman. He cannot say 'I'm with another woman so I'd like to divorce my wife.' Thus, he files the divorce on the grounds that his wife doesn't fulfill her duties as a wife." (Psychologist)

Violence is suggested as one of the major reason for divorce by the law enforcement bodies (judges, lawyers, court experts). In general, experts state that the violence against women persists for a long time before it comes to divorce. Although violence can occur in every family, it is more common in families with lower socioeconomic status. The violence causes divorce under many forms including physical, psychological, economic and sexual.

"What we've seen the most is adultery and violence. The third reason that we encountered is psychological violence. Yes, psychological violence inflicted at home. Humiliation, belittlement, despising. Definition of adultery or physical violence is clear and it's a concrete reason for divorce; but we have difficult time to define and objectifying the psychological violence; all the same, we have many psychological violence cases." (Lawyer)

"We definitely need to raise awareness in people, especially in men about violence, we need to educate them. Violence is, in my opinion, is one of the most important reasons [for divorce]. Women are inflicted violence, they are not given money. If they are not working, then how they can support themselves; they are not paid to support their children. There is also sexual violence." (Judge)

Some of the law enforcement bodies (judges, lawyers, court experts) think that *early marriages* are another reason for divorce. Early marriage refers to both getting married before they were of full legal age – i.e. before 18 years of age – and before they established their own identity - irrespective of age - and *without knowing the other person completely*. To avoid such problems, individuals are recommended not to get married before they know themselves and their future spouses.

“This is caused because of the mentality of ‘let’s marry a 17-year-old girl or boy so that they don’t go astray.’ Then the couple lives together with the mother-in-law, father-in-law, sister-in-law all together. A 17 year-old person who used to be the apple of her parents’ eye is now obliged to keep up with this role as well as the role of a bride, one of the relatives of the groom and his wife. When the girl stumbles, there is no support that she can get. Then things get more tense and divorces occur due to very simple reasons. There must be a counseling service prior to marriage.”
(Social Services Expert)

“In arranged marriages, young people don’t have much say. Families raise children whose individual characteristics or personal features have not developed. Then they crush their marriage! They can’t handle it.”
(Psychologist)

Habits like nightlife and alcohol abuse are listed as one of the determinant reasons for ending the marriages; especially experts state them more often than law enforcement bodies (judges, lawyers, court experts).

“The most important issue is the night life. Individuals don’t spend on their children, but they spend on nightclubs etc. This is one of the main reasons [for divorce]. Especially in certain regions, all the marriages end because of this reason [night life]. I don’t want to give the name but in one of the districts, alcohol abuse and nightlife are the reasons for all the divorce cases.”
(Psychologist)

Law enforcement bodies (judges, lawyers, court experts) were asked whether there were

any differentiations in divorce reasons of individuals based on socioeconomic status, economic status, education level, age and gender. Law enforcement bodies (judges, lawyers, court experts) do not think that divorce cases are most often encountered in some part of the society having certain socioeconomic status. But, education level and financial status have influence on individuals’ reasons for divorce. In general, women with lower SES group have stronger will not to get divorced due to financial dependency and social pressure. According to law enforcement bodies (judges, lawyers, court experts), domestic violence, early marriage, financial problems are the most often encountered reasons for divorce in this group. Although domestic violence can occur in all the segments of the society, it is considered to be more common in families with lower SES. Divorce on the ground of violence occurs in these families more often than others. Another factor triggering the divorce in families with lower SES is that the couple gets married without knowing the other party. In this type of marriages, individuals can be disappointed to see that this is not what they had expected at the early stages of the marriage and may choose to get divorced.

It is considered that reasons for divorce such as adultery, difference of opinions and not being able to manage the property are most likely to be encountered in higher SES groups than families with lower SES group. Some law enforcement bodies (judges, lawyers, court experts) and experts indicate that individuals in this SES group make divorce decision easier because they have the sufficient finances. They point out that uncontested divorces occur more often in the higher SES groups.

“In lower cultural levels, meeting simpler needs can be sufficient to maintain the marriage; but if couples with higher education level don’t share their minds, their opinions anymore, this can cause ending the marriage.” (Judge)

“University graduates are most likely to get divorced. Because they can dare to. Otherwise, as far as the problems are concerned, a stay-at-home individual can face the same problems as well. An unemployed

woman also faces the same challenges but she doesn't say anything and let anything go further. (Lawyer)
"In lower income group, couples get divorced because they are married without knowing each other well, getting along well, marrying quickly." (Lawyer)

Perceived reasons for divorce differentiate based on age. Law enforcement bodies (judges, lawyers, court experts) generally think that young people are more inclined to get divorced. It is considered that middle-aged couples avoid getting divorced to protect their children, but they get divorced under highly challenging circumstances. Law enforcement bodies (judges, lawyers, court experts) and experts also point out that aged couples wait for their children to grow up and leave the house before they get divorced. In this sense, children play a significant role in making the divorce decision. According to law enforcement bodies (judges, lawyers, court experts), the period where couples have not had children yet or the period where they raised their children and they leave the house are the riskiest periods for getting divorced.

"This is what we usually encounter: In [the first] five years, rate of divorce is high because the adaptation period of couples is not happening when one of the parties has more rough edges than the other which cannot be smoothed. In aged couples, it goes like this: There has been problems, violence, insults from the beginning of the marriage, but they haven't been divorced because they have children. Now, they are grown-ups, they work; wife or husband of the family get divorced saying that they don't want to put up with it anymore." (Psychologist)

Law enforcement bodies (judges, lawyers, court experts) point out that reasons for divorce vary based on age groups, as divorce frequency. In young couples, reasons for divorce standing out include adultery, sexual dissatisfaction / incompatibility, not being able to meet the premarital expectations, differences in world-view and culture, economic problems, adverse effects of families on the newly-wed couple. In older couples, problems such as ongoing differences, violence, tiredness can cause divorce.

"In cases that I've filed, in the case of couples

married for less than 1 year, the problem is usually inability of the husband to keep his promises and family intervention. And I believe that people from different cultural backgrounds cannot maintain the union of marriage for more than 1 year." (Lawyer)

"We observe serious traumas in those who got divorced in the first year [of marriage]. It's either extreme violence or pervert behaviors... We encounter such cases in which couples make divorce decision in those three months. It can also be sexual. Sometimes, actions which cannot be acceptable by the other party can end short-term marriages." (Lawyer)

"In middle-aged individuals, we observe tiredness resulting from being together for a long time. We don't hear them saying, 'He beats me everyday.' But they come to see us bearing the psychology of having lived together for such a long time; we end the marriage with uncontested divorce." (Lawyer)

Law enforcement bodies indicate that there are some differentiations between **men and women** as far as filing the case is concerned. Accordingly, women file divorce cases more often than men. In general, the most common reason of men for filing a divorce case is that the wife does not fulfill her duties to himself and to her family. Some law enforcement bodies (judges, lawyers, court experts) and experts criticize men's such expectations on the grounds that they do not respect egalitarian relationship between men and women and that men consider women to be liable of serving them. Women file divorce cases on the grounds of psychological, physical and economic violence and the husband's inability to fulfill his financial liability towards the family.

"Women have economic expectations from their spouses, naturally. Men consider women as their subject and think that they have to get along with their family. She will take care of the children and family, but she will have no expectations. On the other hand, a woman wants to be accepted as a woman. When the husband doesn't accept it and see the wife as a second-class person, problems occur." (Lawyer)

“Women’s reasons for divorce are mainly violence; while men’s reasons are women not fulfilling their domestic duties. They never comply with each other.”
(Psychologist)

10.2.3. Reasons for Divorce Officially Submitted in Divorce Cases

Law enforcement bodies (judges, lawyers, court experts) state that divorce cases are mostly filed on the grounds of irreconcilable differences stipulated in the article 166. Ministry of Justice data indicates that “the breakdown of the union of marriage” is 97% of all reasons for divorce as of 2013. Specific reasons for divorce including leaving the house, inability to re-establish the mutual life, adultery, de- facto separation, plot against life, insult constitute only 3% of the total reasons for divorce in divorce cases settled in 2013.

This results from various reasons. First of all, since the article has a broad content, it includes many reasons for divorce. As the case is filed based on a general clause, the need for evidence becomes less important and this makes general clauses such as the article 166 to be preferred and specific clauses are not really used. Filing the case based on a general clause is criticized because it extends the judicial process. For example, since the evidence process will be difficult and backbreaking even in divorce cases involving adultery, irreconcilable difference due to adultery clause is used rather than the specific adultery clause.

“We don’t really encounter articles regulating the specific in practice. Whereas, if specific reasons for divorce are proven, they have more practical consequences, lead to quicker results and produce better results for the complainant. Adultery for instance... When we consider adultery in a house as a concrete evidence, this should be the reason for divorce based on adultery, but it is submitted to court as irreconcilable difference due to adultery.” (Judge)

“You need to have evidence to prove the divorce clauses other than the clause on irreconcilable difference. If you take adultery for instance, it is matter of whether

[the person committing the adultery] is caught somewhere... You need to take pictures and have solid witnesses. When you file the case solely based on this specific reason, you constraint yourself. But the irreconcilable difference is easier because it covers them all...” (Lawyer)

In most cases, law enforcement bodies (judges, lawyers, court experts) think that the article on which the divorce case is based is consistent with the problem that the couple faces. However, some delicate issues are exceptions because parties do not want to discuss them at the court. Women inflicted with violence seem not to include this reason to the divorce case when they do not want their social circles to know about it. Similarly, issues such as sexual problems, sexual harassment or adultery which may put individuals to shame in their social circles, damage that relationships with their children and status of the children in society and are avoided from mentioning at the court are not included in the case files. Lawyers seek for confidentiality order in such cases, but they get approval from their clients to include them in the file. Especially in uncontested divorces, couples may choose to divorce submitting reasons such as the irretrievable breakdown of marriage without talking about the problem they face at the court.

“There may be sexual harassment problems at home, women don’t like to talk about them, obviously. This is very important input for the process, for the complainant; but you have to be very careful when using it. Because you may harm the children or relations within the family. Of course, we get the client’s permission, but most of the cases, they prefer not to talk about it.”
(Lawyer)

“[Divorce cases] they mostly based on irreconcilable difference. If I were a lawyer, I would file the divorce case based on the irreconcilable difference clause. Because other reasons are very difficult to prove.”
(Judge)

“First of all, s/he has children. Children are most

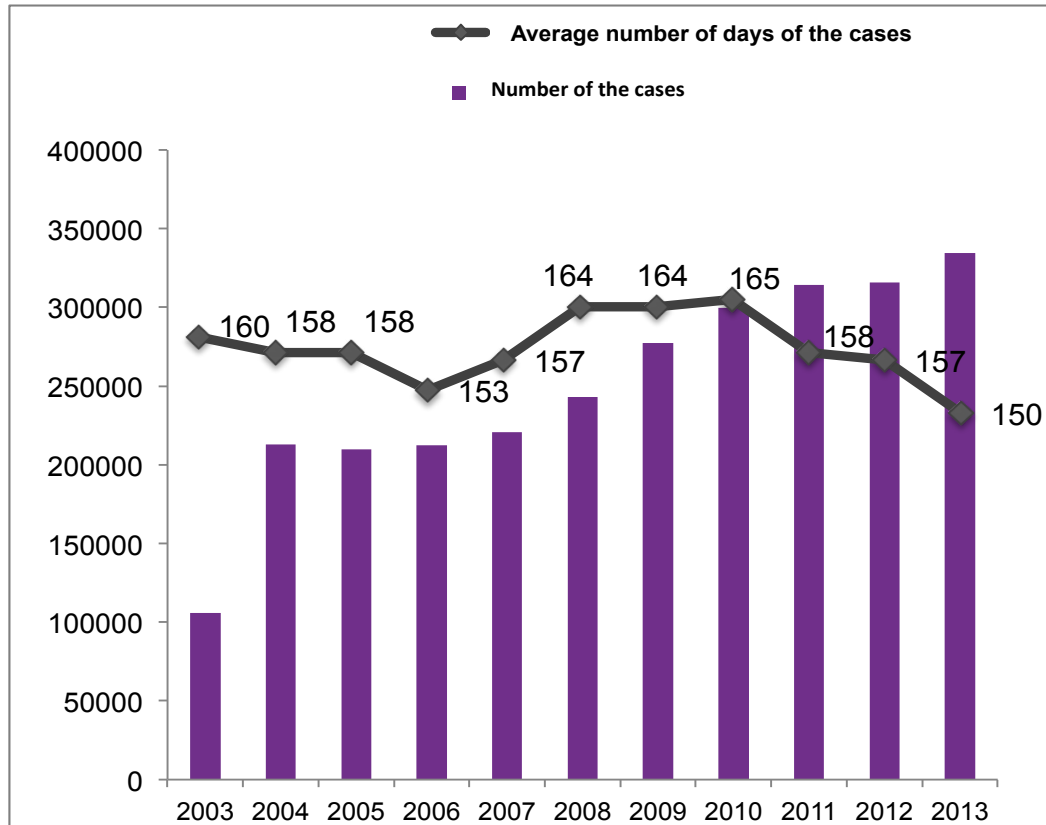
likely to see these files. The second reason is to end the process the short way. The third [reason] is the shame. At the court, there is a large podium with panel of judges and the clerk writing [everything they say at the court]. Both men and women are ashamed of talking about this. Why would they talk about their private life? They have many sexual problems...” (Social Services Expert)

10.3. Evaluations on Legal Implementations of the Divorce

10.3.1. Period of Divorce Case

Based on the Ministry of Justice data (2014a), number of cases heard at family courts increased in the 2003-2013 period.

Figure 6. Number of Cases Heard at Family Courts between 2003 and 2013 and Average Days of the Cases



This number, especially after the jump in 2003-2004 (from 106.006 to 213.130 cases), has consistently increased since 2007 and reached 334.426 cases as of 2013. In response to this significant increase in the number of cases, the duration of cases has decreased since 2010. However, considering the total number, the work load of family courts has significantly increased in the last decade. As of 2013, a judge is assigned to an average of 1858 cases per year (Ministry of Justice, 2013a).

Considering this work load, it can be deduced that especially contested divorces create burden on the courts. Generally, all law enforcement bodies (judges, lawyers, court experts) agree that the contested

divorces take longer than desired. Uncontested divorces are usually completed upon a single hearing. This can take up to 2 months depending on the period between the claim date and the hearing date. Another type of divorce case finalized in short time is the one where one of the parties commits gross negligence which can be proven at the court.

“Uncontested divorces usually settled upon one hearing, if they have witnesses. Indeed, if they [parties] have very solid evidence – which you know the law is all about evidence. For example, if the woman is seriously subject to violence and has a report. Or sexual reverse intercourse, it’s settled in single hearing.” (Judge)

Divorce cases other than those mentioned above are contested divorces. Such cases along with pre-investigation hearing, listening to witnesses can be extended to 5 - 6 hearings. So they can be delayed to 1 to 1.5 years, even 2 years in extreme cases. Law enforcement bodies (judges, lawyers, court experts) point out that as the divorce period is extended, parties' resentment increases, children are used as a leverage to gain advantage in the case, and individuals cannot have a functioning relationship in the post-divorce period. During the case period, the parental authority is not yet determined so the child remains in the middle of the fight between spouses. Another negative aspect of long-term divorce cases is that women who do not have any livelihood find themselves buried in economic problems because they do not get any maintenance. In divorce cases involving violence, as the period prolongs, complaints stated that women may be inflicted more violence and harassment and raped. Many of the law enforcement bodies (judges, lawyers, court experts) think that the ideal period is 2 – 3 hearings without exceeding 6 to 12 months.

“As we investigate the compensation, e.g. pecuniary and immaterial compensation, and evaluate the parental authority, maintenance etc. the process is extended. The cases that we would normally settle in 3 hearings can be extended to 5 to 6 hearings which can go up to 1.5 years. And it's 1.5 years in this city, in Istanbul it's 2 years.” (Lawyer)

“I'd like this process to be finalized within maximum 1 year; because otherwise couples have a lot of grudges against themselves. As they go to the court, they hold more grudges against each other. This then causes more violence and femicides etc. We must prevent those.” (Psychologist)

“If you can't get a right when you need it; for instance, you file a case and if it takes 2 years, this is difficult... In this period, parties will get remarried and establish a life for themselves. But it's constantly in delay. So [divorce cases] taking such long time wear people out, hurt them and upset them.” (Lawyer)

“Uncontested divorces should be finalized in 2

hearings at most and contested divorces should go up to 4 hearings. In that period, especially women are harassed and raped.” (Psychologist)

“Contested divorce cases last 14 months in average, if not appealed. This is a very long time. What do the children do in 1.5 years? They stay with the mother and then with the father. In that period, the mother speaks badly of the father and vice versa and they both cause damage to the children.” (Psychological Counsel)

Some lawyers request skipping the pre-investigation hearing and starting the process listening to witnesses in order to keep the judicial process short. Lawyers claim that if this period extends, the couple who tries to get divorces becomes more tense and judges are detached from the case.

Referring the cases to the Court of Appeal is another factor, which cause extension of the divorce period. If the Court of Appeal breaks up the case, this period is even further delayed.

“The Court of Appeal can break up the cases. When it does so, 1-year period increases to 2 years. 2-year period to 2.5 years; I've had such files. If you add up the Court of Appeal period, the process is delayed even further.” (Lawyer)

Judges think that the claimant and the lawyer have also an important role to play in collecting the evidence and bringing the evidence together. They believe that under such circumstances, contested divorces can be handled in a shorter time.

“The court collects evidence in advance and schedules a pre-investigation hearing. If it is able to call the witnesses and they all appear at the court during this pre-investigation hearing, then the process may take shorter time. Otherwise, it doesn't... It takes at least 6 to 7 hearings.” (Judge)

In addition, the recently enacted article no. 241 authorizes the judges to reach a final decision without listening to all the witnesses and it is stated that this article shortens the case periods and considered as a positive development.

“Civil courts have introduced the article 241 of the code. It is very useful. If the judge understands the matter, s/he may choose not to listen to the remaining witnesses and reaches a final decision. As long as this article remains enacted, I think that divorce cases should last three hearings at most.”
(Judge)

10.3.2. Tendency to Guide the Couple to Uncontested Divorce

Generally, all the law enforcement bodies prefer uncontested divorce. Three out of four of the interviewed law enforcement bodies state that they guide them to uncontested divorce.

Table 53. Law Enforcement Bodies Guiding the Individuals to Uncontested Divorce (%)

	Number	Yes	No	Total
All law enforcement bodies	93	74,2	25,8	100
Judge	26	53,9	46,2	100
Lawyer	40	95	5	100
Court Expert	27	63	37	100

Nearly all the interviewed lawyers indicate that they guide the couples to uncontested divorce (Table 53). With the efforts of judges and lawyers, 42% of the divorce cases in 2013 were uncontested divorces according to the Ministry of Justice data (2014b). It is observed that this percentage has remained stable since 2009. On the other hand, 55% of the divorce cases were contested in 2013. The fact that this rate has also remained stable since 2009 indicated that there has been no effective change in guiding the couples to uncontested divorce.

The most significant advantages of agreed divorces are that these cases are finalized in a single hearing and short time; and because the parties reach an agreement, the marriage can be ended without having to go through a process such as seeking for evidence that wears both parties out and makes them more aggressive. Another upside is that individuals let the case to be settled by protecting the privacy of the reasons leading to divorce. It is observed that agreed divorce is filed in some divorce cases involving violence or adultery in order to protect the privacy. It is stated that in such cases, children are less likely to be affected by the case.

Lawyers assume the most important role in performing uncontested divorces. Lawyers, when they get a divorce case, usually discuss the matter with the complainant first to see whether the marriage is likely to continue and suggest uncontested divorce if parties are insisting on getting divorced. The

Frequency of uncontested divorces differs based on different social segments. Law enforcement bodies (judges, lawyers, court experts) state that this type of divorce is more common in higher SES groups. Although judges prefer uncontested divorces, they have less chance to guide the couples to uncontested divorce because they can be involved in the case once it has been filed and set. As required by law, judges invite individuals who request a divorce case to negotiate, unless there is violence involved. In uncontested divorce cases, judges consider themselves responsible of checking if the couples have been married for at least 1 year and have reached the decision without prejudice. Although some of the judges, in this type of cases, would like to be convinced that divorce is necessary, they usually do not question the reasons for divorce in depth. Reasons such as the irretrievable breakdown of marriage, irreconcilable differences are deemed sufficient. Therefore, uncontested divorce files are not usually referred to court experts.

“I make efforts for uncontested divorce to keep the judicial process short and to protect [the couples] from being more overwhelmed if both parties request to get divorced in a civilized way, children are involved, there are marital property to be shared or no marital property, and there is no situation that can cause conflict.” (Lawyer)

“The first reason is that contested divorce takes long time and wears out the family members in this period. With the witness statements, parties tell each

other things that they've never told before, so it's very backbreaking. As they experience it, they become more willing [to get divorce]. They get angrier with each other. This means that the society is badly affected [by this]. We believe that the uncontested divorce is a healthier and more civilized process so that people don't walk away from each other when they see themselves on the street. (Lawyer)

"Lawyers assume an important role in negotiation. Because they discuss it with the client and try to come to an agreement by saying 'let's not keep this up for years, let's not let the case period be delayed, let's negotiate.' They sort of act as a mediator." (Judge)
"I think that the uncontested divorce is an easier way to divorce without making [the parties] suffer more, delaying the process; it's a more friendly way." (Lawyer)

10.3.3. Guiding the Couples to Reconcile

Two out of three of the interviewed law enforcement bodies (judges, lawyers, court experts) state that they guide the couples to reconcile. Mostly lawyers indicate that they guide the spouses to reconcile (Table 54). This may be because the lawyers are the individuals' first point of contact before filing a divorce case.

"One of the parties say that the other one has broken their heart and they want to get divorced; the husband says he doesn't want to, that he made a mistake, but he loves his wife and he will make it up to her. Then I say, 'Go ahead, take your wife to dinner, I'll give you some time.' If for instance, I listen to all the witnesses and I'm about to reach a final decision; but if I see hope in the situation, I suggest them to talk it through." (Judge)

Table 54. Law Enforcement Bodies Guiding the Individuals to Reconcile (%)

	Number	Yes	No	Total
All law enforcement bodies	93	71	29	100
Judge	26	69,2	30,8	100
Lawyer	40	80	20	100
Court Expert	27	59,3	40,7	100

Although court experts are considered as the least effective group to guide the couples to reconcile, they think that the couples must be assisted by counseling services.

"Mediation service can produce positive results. Because it's possible to eliminate the differences. People can hurt each other for very simple things. They perceive simple things as very important... and their social circles add fuel to the flame... Such problems occur because the families are very close in this city. Problems can go away with short-term psychological assistance, counseling." (Pedagogue)

Court experts cannot act as negotiators to guide people to reconcile mainly because the files are usually referred to them after the divorce case is filed and the files are prepared. At this stage, individuals are at a point of no return and they do not consider negotiation.

10.3.4. Evaluation of Mediation Mechanism

In general, it is observed that the mediation mechanism is not known and therefore used by the law enforcement bodies (judges, lawyers, court experts). Mediation is confused with guiding people to reconcile. Many law enforcement bodies (judges, lawyers, court experts) state that the mediation is making two people up rather than "resolving the disputes resulted from the divorce through an unbiased mediator and managing the relations between the parties in an amicable manner during divorce."

Those who are aware of the mediation system think that it is mostly positive. They believe that the system is successfully used in courts other than the family courts; it will shorten the judicial period and cause less problems for the parties by increasing the rate of agreed divorces and when implemented

in family courts. It is generally considered that the mediation system can be used in divorce cases that do not involve violence. However, since it is not implemented in practice, experts did not deliver observational comments on this.

“The case is resolved by a mediator to protect the interest of both parties by considering the children, as on abroad, without hurting the parties. [The parties] they face challenges when seeking for witnesses and they have to open up their entire private life. When there is no agreement [between parties], we actually advise something bad to your clients. We tell them to record their last fight.” (Lawyer)

“Mediation mechanism is in use but I haven’t seen any file which was referred to the mediation mechanism by our family court.” (Pedagogue)

“Yes, mediation mechanism exists. I didn’t apply for it. I have colleagues who did but I don’t know to what extent it is working. As far as I know, there have been no applications. They probably discuss between themselves.” (Lawyer)

Some of the law enforcement bodies (judges, lawyers, court experts) think that this system will not work properly for couples with low education level. There are concerns indicating that choosing to negotiate in contested divorces can be interpreted as accepting the fault before the Court and losing the leverage.

“Sometimes it has to do with the cultural level; because no matter how hard you want to explain, they still think that mediation is bad. They think that if the same things happen again, they are deemed to have accepted them because they were once negotiated.” (Lawyer)

“There is a mediation mechanism, and in fact I’m one of the negotiators. Will it work in family courts? It’s rather controversial topic. If the violence is involved, the mechanism cannot be used, but maybe it can be recommended so that the courts’ work load is reduced. Otherwise, I don’t think that it’s a solution.” (Lawyer)

10.4. Evaluations on Court Experts

10.4.1. Duties of Court Experts and Their Contribution to the Process

This section inspects the perceived deficiencies related to court experts’ duties and job definition stipulated and governed by the law, the problems and the distinction between these court experts.

All court experts have valuable contributions to the divorce process. Inclusion of the experts to family courts is important in order to make more accurate determinations in cases involving difference of opinions on parental authority, compensation or maintenance; to minimize the negative experiences that the children go through during divorce; to provide a platform where the parties can express themselves outside the court; to set a ground for uncontested divorce; to ensure that judges can understand the process leading to divorce more in detail. Especially social service experts deem counseling to those who would like to divorce and keeping families together, if possible, as their contribution to the process. However, this function is not currently performed.

10.4.2. Submitting Detailed Information to the Court

Experts more often contribute to the process by submitting reports including deep and extensive information to the judge that cannot be obtained at the court. Some experts think that this is their sole function. Judges find the information obtained from the reports very valuable as well.

“The judge cannot go to the root of the problem. Why? First of all, their time is limited. Second, it’s the court room and it’s very crowded. As we see the parties here alone, they can express themselves more easily.” (Social Service Expert)

“We start from the beginning of the marriage in our sessions. How did the parties come to this point [divorce] from what they went through and the last process? This helps the judges

to really understand the matter emotionally.”
(Pedagogue)

“In introduction, development and conclusion sections, experts provide very concrete information regarding the parties’ wills and positions. Even though we don’t rule according to the conclusion section of the expert reports, they still contain very valuable data for us as evidence.” (Judge)

10.4.3. Providing Parties with an Opportunity to Express Their Opinions and a Platform for Uncontested Divorce

Experts hold one-to-one sessions and house calls with the respondents and have an opportunity to talk to them outside the court's intense setting. Such communication can help the parties to express themselves better and to break the ice from time to time.

“They need to talk [to each other]. They can only easily express themselves during the judicial process is when they are with us. They cannot speak up their mind at the court. They can’t take the stand as they want... At this point, their anger toward the other party is even slightly cooled off.” (Pedagogue)

Experts also aim at ensuring an agreement between parties and finalizing the divorce process without wearing each other out. Coming to an agreement for divorce conditions is important for the psychology of the parties and children as well as the time consumed by the court to the case. Especially social service experts are working on this.

“I’m striving to cool off their anger towards each other or to resolve conflicts about the parental authority and personal relations before they get divorced because otherwise, once the case is filed, they take their gloves off.” (Social Service Expert)

10.4.4. Making the Right Decisions for Children and Protecting Them

Experts mostly become part of the divorce cases where children are involved and parental authority

issue is discussed. Not only pedagogues, all court experts consider preventing the children from being adversely affected by the divorce as their one of their duties. This function includes providing the parent with guidance on the communication that they will establish with their children during divorce, preparing children to depose at the court and ensuring that they are not under pressure or influence, collecting evidence to make a choice that looks after the children’s maximum interest in parental authority cases. Judges benefit the services of experts mostly in matters involving children.

“I think that the party that is the most crumpled is children. Parents act unconsciously. They are really angry with each other, they use the children as leverage. This unavoidably affects them. Parents should be assisted how to act in order to prevent their children.” (Psychologist)

“My area of expertise is children. If you’re a pedagogue, you need to take care of the children. This means you have to push the parents to the background [and deal with the children].”
(Pedagogue)

“Pedagogues visit the house to see how and where the children live, whether they have a house of their own, a room of their own, what is their living spaces etc. They examine all of these and report. This is one of the most important reports for the court. You can’t take the children to court. They present their opinion after the report and the court usually reaches a final decision accordingly.” (Lawyer)

“We are asked to present our opinions on whether the child’s statements comply with his/her age or s/he is under pressure; we are asked to report our observations. Not focused on the parties. Whether the child’s statement can be trusted, what the child needs at that age...” (Psychological Counsel)

10.4.5. Determining the Cases That May Require Intervention

Experts observe the dynamic between spouses as they

see parties of the divorce case in place. Experts also provide services of informing the court regarding the problems that may occur in the post-divorce period.

“Couples may harm each other after the divorce. We specifically indicate such situations verbally. We don’t include that in our report because the party which will cause harm may try to rush into it when they see it on the report.” (Court Expert)

10.4.6. Prevention of Divorce

In cases referred by the judges, social service experts and some other experts, apart from their duty of determination, also aim at counseling to solve problems of the individuals who want to get divorced by interviewing them. But the qualitative interviews indicate that social service experts have limited marriage-counseling capacity of this type.

One of the major reasons of this is that the experts can only see the individuals after the case is filed. The cases referred to the experts are mainly uncontested divorce cases. In other words, in these cases, parties prepare the case by impeaching on each other. Once this process is started, it is not likely that individuals will fix their relationships through counseling and give up on getting divorced. Another challenge that prevents social service experts to provide a negotiator and counseling service is the period of time spent with the individuals. Experts usually see the defendant once. In addition, the fact that these sessions are mandatory by the court order makes the individuals shut down to get marriage advices. In some cases, social service experts guide the individuals to go to Family Counseling Centers to get long-term assistance at their own request.

“They come to see us after the application [for divorce]. They actually need to come before the application in order to prevent divorces. You make the application before the court starts the process; I need to tell you, “you first have to see the court expert for 6 months before I can accept your case.” (Social service Expert)

“We really talk about the individuals’ problems and

solution offers maybe. But we can’t tell them what to do. We can’t tell them this would happen if you did this or that; because this is also violation of personal rights. Because every man for himself. We can only say, ‘there’s a solution like that. Or there are these solution offers, would you like to use them?’ (Social Service Expert)

“Being a family consultant is to make them [spouses] up in divorce process or to help the parties giving up on divorce by changing their perspective in cases that are already brought to the court. But we don’t have that much time.” (Pedagogue)

Many experts do not see family counseling in their job definition. Couples show no efforts to reach an agreement in order to prevent the divorce.

“We usually don’t provide consultancy services, we provide determination services [we investigate to determine the state of the parties and children]; we don’t provide assistance service either; as our position is close to an expert, we don’t inform, guide the parties. We only conduct interviews. We make observations and try to help the court.” (Psychologist)

“Experts don’t act as negotiators, individuals already make their decision before coming to us, but in rare cases, when judges indicate that the spouses don’t have major problems which can lead to divorce, we try to guide them to reconciliation.” (Pedagogue)

10.4.7. Performing Other Duties Assigned by the Court

Other than the duties mentioned above, the job definition of the court experts includes “performing other duties assigned by the court.” This provision seems to cause various problems in practice. It causes the court staff to make the court experts to “run their errand” which is not exactly complied to their areas of expertise. Experts who cannot find a legal ground to object these demands are adversely affected by this interaction.

“Normally what we are told is that we are the judge’s assistants etc. According to what is told, we are superior than managers and judge’s subordinate.” (Pedagogue)

10.4.8. Differentiation Between the Court Experts Having Different Areas of Expertise

In general, other than the job definition stated for all court experts, the job definition of certain court experts (psychologists, pedagogues and social service experts) is differentiated. Although many experts recognize this differentiation, it is not implemented in practice. Some courts do not employ all three of these experts. In these cases, social service experts can prepare a report about children that is actually in the job definition of pedagogues. In many courts, all three experts mostly assume to prepare expert reports in parental authority cases and to have the children ready to depose at the court.

“In the job definition prepared by the Ministry of Justice, the pedagogue is the expert responsible of the child. I can also interview with the children. Because in the court where I work, we don’t have pedagogue or psychologist and as a social service expert, I assume all of these files.” (Social Service Expert)

“Psychologist must evaluate the personal traits, points of view and problems in the marriage. An expert pedagogue must provide their expert opinion on parental authority and divorce after having talked to the child on mother-father relations. A social service expert must gain insight on divorce and parental authority by making house visits and interviewing the neighbors and relatives and put these data on their report. But the system doesn’t always

work like that.” (Pedagogue)

It is also observed that judges do not always comply with the differentiation between experts. Various jobs are assigned to experts working outside the relevant area of expertise. Other than the pedagogues being experts on young children, no other significant differentiations have been made.

“If the divorce involves parental authority, I usually refer the case to the pedagogue. But other than that, we refer the cases both pedagogue and our social service expert. Because they both have the same formation, same competency.” (Judge)

“Actually, the judge wants to make everyone do the same job. It’s like that in Turkey. A psychologist, a pedagogue and a social service expert have completely different jobs to do... It’s a team work.” (Social Service Expert)

“We do the same job. Areas of expertise are different but what’s required to do is the same. It occurs rarely, for instance there are files coming and they say, ‘I want the pedagogue to see it.’ If it’s about the child’s opinions, the judge can specifically ask for the pedagogue.” (Psychologist)

10.4.9. Opinions of Law Enforcement Bodies (judges, lawyers, court experts) on Court Experts and Whether Judges and Lawyers Benefit from the Court Experts

Generally, the contribution of the court experts to the process and their reports are considered positive. However, apart from this general positive evaluation, it is worth noting that there are some differences of opinions between experts and law enforcement bodies (judges, lawyers, court experts) in quantitative evaluations (Table 55).

Table 55. Comments of Law Enforcement Bodies on the Reports Prepared by the Court Experts (%)

	Number	Positive	Negative	Total
All law enforcement bodies	93	83,9	16,1	100
Judge	26	96,2	3,9	100
Lawyer	40	70	30	100
Court Expert	27	92,6	7,4	100

Interviewed judges usually indicate that the reports by court experts are valuable for them. These reports are actually valuable sources of information because the experts spend longer time with the individuals in their own house, get to know them better and give an opportunity to communicate and express themselves better. Judges examine the reports, but they reach the final decision according to their own arguments.

“Answers to the questions of their problems are very interesting. Why? Because when you ask these questions in her house, she can be more explicit and comfortable to talk about the problems with her husband. It is obvious that she can't do this at the court. Some things remain hidden, but these reports unfold them with details, so they are quite useful.”
(Judge)

“These reports are guiding us. They are not binding alone. Sometimes I comply with them but sometimes I don't. They and I think differently. Of course, the quality of the experts is important.”
(Judge)

Judges usually refer to the experts in contested divorce cases involving children. In such cases, judges ask for the expert report to better understand the conditions of the divorced couple and to make the right parental authority decision. Another type of file referred to the experts by judges is the files of the couples who are likely to give up on divorce. Judges aim at saving the marriage by referring these individuals to the experts. Uncontested divorce files usually are not referred to the experts. Such cases are settled in a single hearing without an expert report. Also, divorce cases that are not uncontested, but do not turn to contested divorce as one of the parties accepted the requests, are mostly not referred to the experts either. In cases where one of the parties is clearly and severely faulty (violence, adultery, harassment etc.) and such fault can be proven at the court, judges may reach a final decision without getting the expert assistance.

“We don't really refer all the cases to them [court experts]. Which cases do we not refer? We

don't refer the cases where the violence can be proven by a medical report, photographs, video records or other computer print outs; and the insult is obvious with the witness statements. But we do refer these: If there are conflicts regarding the children's education etc. If the family can be saved.”
(Judge)

“Uncontested divorce cases or cases where one of the parties accepts the requests are not referred [to the experts], but if one of the parties says that they don't want to get divorced, we refer them to the experts and ask them whether they have a chance to save the marriage.”
(Judge)

“If both parties don't want to make peace and they mutually state their intention of getting divorce, there is no need for experts. But let's say, spouses face conflicts regarding parental authority or maintenance – compensation, we may refer them [to experts].” (Judge)

Apart from the judges, lawyers also think that the expert reports are positive. But the lawyers' approach to court experts is more critical. Nearly all the interviewed judges and two out of three of the lawyers think that expert reports are positive. Some of the lawyers criticize competence of the experts.

“It is like they are there formally. For instance, a child will depose at the court, there is a pedagogue, a psychologist or whatever, but they just stand there. The fact that they are there will be written on the minutes. Therefore, they are not very active. I don't think that they are effective here (at the family court). They exist because they need to fulfill a mission.”
(Lawyer)

“I believe that in their reports, experts pretty much act upon recklessness of the reality of Turkey. They don't really engage in a dialogue with the child or clearly define his/her condition. They interview with the parties and tell somewhat the same thing that the parties wrote in their petition. I believe

the important thing is they talk to the child here...
(Lawyer)

Court experts usually think that their contribution to the process is valuable. Nearly all of the interviewed experts think that their reports are considered positive. But, during the interviews, some of the court experts point out to the difficulties they had until they established their positions at the court and effective use of their services depends on the cities and judges.

Court experts' integration to the system solely remains dependent on the person because there are no strict rules on which case files are referred to the experts, on which issues expert reports or consultancy for mediation purposes are asked, how the reports are used etc.

"I've heard all the judges referred to divorce cases [to experts]. For instance, there was a judge here who used to refer even the uncontested divorce cases. That's the problem, things are shaped based on the world-view [of the person]." (Psychological Counsel)

"If the judge likes you, it's all good; if they don't, you're bad. Some judges refer all the cases, but there are others who refer to us once a month. Since this is not standardised, people don't think that we are respectable. We need to earn our own respectability." (Social Service Expert)

"It is actually all about what's the judge had in mind. This is how I see it. They don't refer all the cases. Cases are referred if children are involved... It would be wrong to give a rate..." (Social Service Expert)

According to some of the experts, the extent to which taking the reports into consideration and using them varies depending on the judge. Some state that the judges ask for these report out of formality and they do not take them into consideration in practice. Many experts stated their wish to work closely with the judges, to be

informed on the beginning and end of their cases, to get feedback indicating that their reports have been used.

"It is out of formality. This is how I see it. One of the main reasons why the judge asks for a report is to avoid the case being rejected by the Court of Appeal. This perception dominates at the moment." (Social Service Expert)

"What the judge needs to do is to meet with the experts to discuss each referred file with them. Asking questions to the psychologist - what did you observe? -, the pedagogue - what do you think about it? - and the social service expert - what are your comments? This doesn't happen. But this is the ideal [situation]." (Social Service Expert)

"In general, since the judges consider the evidence, they usually base on witnesses and other concrete evidence in documenting the ratio of fault. Our professional assessments don't influence them." (Psychologist)

"It changes depending on the judge. Some judges sit with you side by side. They ask 'Can you help me on this?' Some of them make you sit on the audience seat at the court. They say, 'Alright, is there anything?' Then they ask us to leave the room!" (Pedagogue)

In general, it is stated that there is a decrease in such problems in time. Judges and other court experts are beginning to understand the functions and importance of court experts. However, this is a long process, which does not progress at equal speeds in every city.

"We had many challenges at first. Seven years ago, when we started to attend the hearings, they were asking what we were doing there. You know what they used to say: They'd call us the social lady. At first, judges and prosecutors at the courthouse need to be educated on this. They don't know us." (Social Service Expert)

Some experts think that their position has been

more secured in time mostly because the Court of Appeal decrees are based on the expert reports. It is mentioned that when the judge rules against the expert reports, the cases are broken down at the Court of Appeal. Such experiences helped judges – who did not accept the experts' functions at first – to take these reports into consideration.

“In the report, we conclude for instance to give the parental authority to the father, but the judge gives it to the parental authority. Then the file goes to Court of Appeal and broken down, it asks the court to abide by our decision. As such files come back to the court, judges say, ‘OK, experts are important now, we must take them into consideration.’”
(Pedagogue)

10.4.10. Working Conditions of the Experts

This section covers working conditions of court experts, how they interview with the defendants, whether their offices are suited to what they do, physical working conditions, logistics and security matters related to house visits.

10.4.10.1. Interview Methods of the Experts

Experts mostly conduct face-to-face interviews with the individuals involved in the files referred to them. In this case, lack of logistic facilities for house visits (interview room, allowance for travel expenses etc.) is also influential. In some cases, 3 to 4 interviews can be conducted, but this is very rare. Number of interviews is usually sufficient for experts' determination function but not sufficient for their consultancy function. Interview periods range between 45 minutes to 1.5 hours. Experts usually indicate that the ideal period is 45 minutes. They think that exceeding this period may distract the interviewee.

“In some cases, we see the parties once while in others, we can see them twice or 3 to 4 times. It depends on the file and whether we can find the answer to our question in mind. For example, in a parental authority case, we interviewed the child

four times which is extreme for us.” (Pedagogue)

“Ideally, there must be at least 2 interview sessions. Because, you talk to the person and they can be excited and they keep on talking about their complaints; you conduct one interview and in the next one, you ask them about the other party's allegations and there may be something that they forgot, told and didn't tell, important things that came to their mind later on.” (Pedagogue)

“If the findings that I obtained, interview notes and my observation show me that I can maintain the union of the family, I increase the number of session to 2 or 3. But 2 – 3 is the maximum number... But if they really have broken the ties, I prepare my report upon a single interview.” (Psychologist)

10.4.10.2. Logistics and Security Matters

In the study, it is observed that logistic problems including working place of experts and transportation have adverse effects on the number and quality of the interviews. Experts usually complain about not having their own room at courthouses or at least the sufficient number of interview rooms. During the interviews conducted within the scope of divorce cases, parties usually share intimate details about their lives. Not having proper interview rooms reduces the effectiveness of these interviews. In some courthouses, all the experts share the same room. When one of the experts conducts an interview, others step outside and wait in the hall. In some cases, experts do not have their private rooms and they use judges' chambers or common spaces. This causes challenging situations as to establish trust with the interviewee as court staff, clerks enter the room at inappropriate times. Private interview rooms are also necessary for conducting interviews with children. Experts indicate that interviewing with children in the cold setting of the court is very difficult and there must be more colorful rooms in which children feel themselves comfortable.

“We don't have a room, we write our reports

at home. When we come to the courthouse, we conduct interviews in the judge's chamber. When the judge adjourns the hearing, we take the interviewee outside. Sometimes, we face challenges because of disruption at the most heated moment where there are intense emotions unfolding.” (Pedagogue)

“Walls are unpainted, there is a cheap curtain on the window. There are some toys here and there; fine, kids can play, but there is nothing else. I should be able to play with the children when needed. My room must be suited to that purpose. How am I going to put the child on the floor? I cannot perform Denver 2 development scanning test for instance because there is nowhere I can sit the child.” (Pedagogue)

Another logistic problem that experts face is the allocation of vehicles. There is no allocation of vehicle to the experts. Experts usually take a taxi to make house visits and pay the taxi fee themselves; then they try to take the money back. Since there are no clear definitions within the Ministry of Justice, reimbursements still face bureaucratic problems. Some of the experts indicate that their allowance is not sufficient considering the frequency of interviews. Such logistic challenges may reduce the number of observation / interview in place.

“The judge orders to observe the child, their house, social environment. They tell us to go observe the child's home and prepare a report. You say, 'Alright, but there is no allowance.' S/he says, 'There is the car fee, transportation fee to be allocated and you can take a taxi and do the house visit. But you go ahead and arrange a car from the courthouse'. You then go to the administration and they tell you that the court house doesn't have such car allocated for these tasks.” (Pedagogue)

“The judge says, 'You pay the fee yourself, take the receipt and I will have them reimbursed.' We sometimes go to 20 house visits every month.

I don't have to spare 200 -250 or even 500 TL for this job every month. In that case, we call the parties. They take the child [to the courthouse].” (Pedagogue)

Another issue that court experts mention is the security issue. Although it is more common in criminal courts, experts in family courts also have to go the neighborhoods that are not considered safe. In addition, it is likely to face individuals that are prone to violence when they perform house visits. In such cases, experts are concerned that there is any police force that they can reach fast.

“There is no security. We provide our own security. We face challenges because of it. There were those who put a gun against our head. We moved past these, but there is no guarantee of what's going to happen next.” (Social Service Expert)

“You deal with children pushed to crime in juvenile courts. They usually live in unsafe outskirts of the city. You don't take the police to accompany you. You somehow go to that neighborhood... We cannot demand security because we don't have employee personal rights.” (Pedagogue)

10.4.10.3. Suggestions for Expert Development

Formation of the court experts, on the job trainings that they need to improve their area of expertise and standardization of their reports are covered in this section.

10.4.10.4. Need for Training

Training is yet another issue that the experts have to face. Most of them have not had any training other than the training on general rules of the civil service that they took when they first started to work. Experts expect to have specific trainings related to their area of expertise as well as trainings on the law system. They are not equipped to fulfill their function as experts

although they received higher education on their specific areas of expertise. It is revealed that many experts have had challenges when they first started working as a court expert and they learned what they know "gropingly" in time. The fact that the court expert system is newly adapted to family courts and the lack of senior experts who introduce the interviewees and convey information both increase the severity of this problem.

"When we first started working, there's an orientation training, but it is not related to what you do in here. It's just a training on civil service. What is civil service, how to perform it, how to work at the court house... the training shows these. You are from the field, you graduated; they tell you to start working directly because they assume that you know. We don't get any trainings related to divorce." (Social Service Expert)

"You are asked to conduct interviews in the judicial system, but you also need to have an idea of the process. We can't know the process as much as a judge or a prosecutor. We do not know the law. Because we weren't trained to know these. We weren't trained to know about the condition of a child in the justice system. Our evaluation is that how to reintegrate problematic children to the society. There has been no evaluation other than that." (Pedagogue)

Some of the experts living in smaller cities indicate that the trainings are held in big cities and they have not had the chance to attend these trainings.

"I have young children. Trainings are held in X. I can't go there all the time. My husband works here as well. I wish there were online trainings and e-seminars. We need more training. We lack information." (Psychologist)

Some of the experts have had the trainings provided by the Ministry of Family and Social Policies; but they indicate that these trainings need to be continuous and diverse.

"Ministry of Family is organizing trainings on consultancy to families on the verge of divorce. The first training was held last year. It was a short-term training. These trainings need to be continuous." (Psychologist)

Experts think that the Ministry of Family organizes trainings, but they are left out because they are not affiliated with the Ministry of Justice.

"I perform duties on behalf of the personnel who is not there. I don't perform the main duties of my own institution. This is why I can't ask training from the courthouse. Even though they were to give training, they wouldn't invite us." (Psychologist)

"Ministry of Justice has created its own training team with newly assigned experts. I have a couple of friends who are trainers. I follow them on Facebook and saw that they provided trainings to the newly assigned [experts]." (Pedagogue)

10.4.10.5. Report Formats

Court experts also face the problem of not having a defined report format in terms of style and content. Each of them creates their own format and most of the time, they cannot get any feedback from the judges about the functionality of their reports.

"Here is the case. How can I write this report? The child is with his family for two years... should I write 'two' in figures or in words? There are so many things like that... Should it be the first-person singular or the second-person singular? There are no rules." (Pedagogue)

"You can't get specialized. This is all about self-development. When we started working, there were no report samples. We created the reports and shaped them on our own. It was the same thing at the juvenile court." (Social Service Expert)

10.5. Evaluation on Social Care Centers

Law enforcement bodies (judges, lawyers, court experts) and experts have not been informed on the assistance services provided to families during or before the divorce. The only service that they are aware of is assigning a lawyer to those who cannot hire one and the legal consultancy service. ‘Gelincik Project’ offered to women who were subject to violence is especially known by the lawyers.

“I don’t know such services in Turkey. The bar offers attorneyship and legal consultancy services to those who can’t afford them. There is the ‘Gelincikler Project’, but it is not only for divorce, it’s for all legal situations.” (Lawyer)

“These are positive services. ‘Gelincikler’ has a very encouraging effect on women to make a divorce decision if they are really overwhelmed.” (Lawyer)

“We have ‘Gelincik Project’ for women who are subject to violence. I think there are projects of the Ministry of Family but they are all for the victims of violence.” (Lawyer)

Court experts indicate that they cannot provide any consultancy service to save the couple's marriage who wants to divorce because the divorce cases are mostly referred to them after the case is proceeded and their duty is mostly determining who will get the parental authority of the child.

“When the process begins, as I observe, if there are no children involved, the case doesn’t leave the court house. I mean no one knows about it. No one seeks outside assistance.” (Psychologist)

It is determined that Family Counseling and Social Care Centers are not known especially by the lawyers. The lawyers do not think of these institutions as reliable and functional ones. They are the experts with whom the parties first make contact to in divorce cases and who give them advice before the divorce process becomes hurtful.

In this sense, it is important that lawyers employ family centers and guide their clients to these centers.

“I don’t know how these centers function and which personnel is employed. At this point, we haven’t been informed.” (Lawyer)

“I don’t know about it, it maybe because of my ignorance, but we haven’t been informed about it either.” (Lawyer)

“As far as I know it, family counseling centers haven’t been established yet or they are being established. I can’t say it for sure. The state must definitely provide it as health-care service and it must be free.” (Lawyer)

It is observed that the court experts are more aware of Social Care Centers / Family Counseling Centers and they believe in the benefits of these institutions. However, the court experts see the couples at the divorce stage before the case has begun and they think that it is late to provide counseling services to help to save the marriage at this point.

“We haven’t been able to refer anyone [to these centers] because when they come to us, they’re already past that point [of reconciling]. Because as soon as the case starts, both parties take their gloves off and fight about who did what to whom... And when the families intervene, some things become more difficult to fix. But I think that if we can intervene before the case is brought to court, they may be able to get more assistance.” (Pedagogue)

“Family counseling centers have been around for a long time. I don’t think that they are new, no they are not. But I don’t think that people are guided there, especially not for marriage. I wish they were though. Maybe the divorce rate would drop then. But there is one thing to avoid divorces: Families need to be educated!” (Social Service Expert)

Court experts think that this service is useful, but

they suggest that it should be solely volunteer-based. Making it mandatory would make such service pointless.

“There is no assistance during divorce. If the individuals want to get assistance, we have Family

Counseling Centers [providing free services] of the Ministry of Family and Social Policies. We have such service if they request it. But these services must be provided based on volunteerism. You can't get benefit from it unless you want to go yourself.”
(Social Service Expert)



CONCLUSION AND RECOMMENDATIONS



In Research on Reasons for Divorce in Turkey, the formation and development of marriage and the factors leading to divorce were examined in a story pattern. Apart from the reasons for divorce, the study included the process that individuals went through during the legal process and course of the relationship during the legal termination process of the marriage as well as practical effects of the legal practice. “Law enforcement bodies” (judges, lawyers and court experts) who are the actors of the legal practice evaluated by the individuals’ experiences during the legal processes and determined the legal text and problems in practice; then their advice were obtained on how to improve the current situation. In addition, individuals’ opinions regarding life and themselves in the post-divorce period and the entire process from occurrence of divorce to the current situation after the divorce were examined.

Factors leading to divorce can rarely be attributed to a single direct reason; on the contrary, divorce is generally an issue arising from the accumulation of problems from the beginning of marriage on and presenting itself in “the final straw”. The spouses not getting to know each other well enough before the marriage seems to be the one of the most important reasons for having marital problems. The fact that spouses do not know each other well before marriage is not only associated with the fact that there is limited time between their meeting for the first time and marriage, but also with that couples do not spend enough quality time together so as to understand each others’ personality, family structure, and perspective on life. The individuals not having enough ideas on what to expect from themselves and their partners, and the conflicts between expectations cause marriages to start away with potential problems. Conducting awareness-raising studies, which aim to eliminate the pressure from the family and the social circle, will enable the spouses to know each other better before marriage and make healthier decisions. What is more, it is of vital importance to sustain the public policies in order to prevent early marriages.

The top five marital problems stated by divorced

individuals are focused on violence, bad habits, inner circle / close relatives, emotional relationship and sexual relationship. Though these reasons vary according to different demographic features, the problems related to violence, bad habits and emotional relationship are the most uttered ones both among men and women.

The top two reasons for divorce are intervention of the inner circle / close relatives to marriage and emotional relationship. These grounds are followed by adultery, economic problems and violence. Ex-spouse’s bad habits or self-habits, lifestyle or values are also common reasons of divorce. Age difference, belief/sect differences and consanguineous marriage are ranked in lower places in the list of reasons for divorce. In the examinations based on gender, it is demonstrated that women mostly get divorced because of violence and men because of inner circle / close relatives.

The key factor for inner circle / close relatives-related divorce is the intervention of the wife’s or husband’s family – especially mother – in the relationship. While men particularly point to the reason that their ex-spouse mistreated their family, women talked about the intervention of their ex-spouse’s family to their marriage. These problems were mostly encountered in extended families. In addition, the wife’s relation with her own family was a matter of controversy. While the husband defined this situation as a breakup of the wife from marriage, the wife felt herself restricted. Therefore, the educational activities related to marriage should not only include the spouses, but also first-degree relatives such as the parents of the husband and wife.

The main reason for emotional divorce is the lack of mutual love. The lack of love from the beginning of the relationship, marriages built on lack of love, and with the contribution of external factors (inner circle / close relatives, having children, the division of domestic duties and responsibilities) deem divorce inevitable.

Particularly exposure to psychological violence,

i.e. verbal violence, is common among women. However, these are not the only types of violence that lead to divorce, behaviors damaging physical unity is also a reason. When the reasons of spouses for marriage were comparatively analyzed, it was observed that the men who engaged in violence mentioned their behaviors in a shallow and dismissive manner. On the other hand, it was found that although some of the women were exposed to violence during marriage, they waited a long while to get divorced. In this sense, the law numbered 6284 must be implemented effectively in order to protect women's psychological and physical health when they are exposed to domestic violence and there must not be any efforts for mediation by the law enforcement bodies (judges, lawyers, court experts) during divorce.

Another outstanding reason for divorce is economic problems and work life. In the instances where the husband is unemployed or does not have a regular job, the burden is on the wife. This means for a significant number of the women in the study that the men cannot fulfill their responsibilities, in other words, the social roles attributed to men come to the fore here. What men criticize about this situation is that the ex-spouse was not frugal enough and always wanted more. In addition to this, the husband not letting the wife be employed is among the reasons for divorce.

Domestic responsibilities are another ground for divorce for men and women, but the reasons differ. The main reason for this differentiation may be the differentiation of gender norms and the effect of the domestic work-sharing rules envisaged by these norms, in terms of women and men. While the men expect women to undertake all responsibilities related to looking after the house, the women particularly indicate that they expect their husbands to support and share these liabilities after the child is born. In this section, women mostly point out that their ex-husbands were unemployed, had economic problems and did not share the burden of child care or did not handle any domestic works such as repairs. The men who indicated that their marriage was over

due to these problems criticized their ex-wives for cooking, cleaning and – although rarely - child care. Nation-wide awareness-raising projects for men and women on social gender roles before establishing the matrimonial relation and during the marriage would contribute to individuals to live a healthy family life.

In the study, divorced couples were also interviewed. It is interesting that ex-spouses mention different reasons for divorce. For instance, the attitude of men and women towards adultery and sexuality is different. In addition, the intervention of the inner circle / close relatives to the relationship, economic and employment situation of the individuals were still a matter of conflict for divorced couples. It is likely that the parties point to different reasons because of the lack of communication. Therefore, it can be said that when there are marital problems, it is helpful if the supportive mechanisms step in and contribute to the improvement of the communication while it is still intact. Using psychological assistance mechanisms and handling the problems between couples by unbiased experts in situations where child/children are involved will help all the family members to be psychologically supported.

Thoughts related to divorce can be related to ongoing marital problems, but they can also emerge as a result of economic problems or adultery. What is striking is that the individuals can only make the decision of divorce after a while when they first thought about it. It was understood that majority of women thought of getting divorced from the early stages of marriage, but they waited too long to act. It is observed that both men and women postpone divorce with the fear that it will badly affect their children. Especially negative perception of divorced women in the society, not having their economic independence or have insufficient finances are the main obstacles of divorce. On the other hand, it is worth noting that it's usually the women who end the marriage against all these difficulties.

For many individuals interviewed, legal issues such as division of matrimonial property, compensation,

maintenance, or parental authority were not an obstacle. This aspect can be associated with the backbreaking quality of the situation that the individuals encountered during marriage. Especially the couples settled at an uncontested divorce decided to make minimum demands from each other in order to speed up the divorce process. A part of those who stated that rather financial issues such as maintenance, compensation, division of matrimonial property did not have any effect on divorce, also claimed that their ex-spouses did not own any property after all. On the other hand, men sometimes try to persuade their wives or put pressure on them not to have any financial demands from them by making their decision to divorce a subject of negotiation. The parental authority of children is among the main issues that affects the decision of divorce. It was detected that in the situations where the both parties demand to have the parental authority of the children or think they will not be given the parental authority, they either give up on divorce or suspend it for a while.

The execution of divorce decision is an extremely backbreaking process for both men and women and desired to come to end as soon as possible. At this stage where the idea of divorce has grown and the negativities experienced are on an unbearable level, the individuals generally do not believe that the relationship will be better again or even the comments and guidance from their inner circle / close relatives. The psychological support and counseling services that a limited number of individuals get is in the form of individual psychological assistance more than a marriage therapy. In this scope, the social care centres providing marital counselling with the participation of both the husband and the wife before and during marriage will render the marital communication stronger and enable the individuals to manage crisis moments in a healthier way.

Nearly half of the interviewees within the study carried out the divorce application by themselves without the service of a lawyer. Majority of the individuals who did not hire a lawyer, especially the ones from lower socio-economic status, believe

that the divorce case would have ended better for them if they had had a lawyer. Especially, a number of women demanded almost none from their spouse in the divorce. The main ground for this is that they did not want to cause legal conflicts with their ex-spouses. In practice, the judges refer the individuals to the legal aid service of the bar; on the other hand, the number of interviewees who received free of charge legal aid is limited. Particularly, undereducated individuals need to be informed in a more clear and comprehensible way about the legal aid mechanisms.

Uncontested divorces are usually concluded in a single hearing and take about a month in average. The process is far less backbreaking for the individuals during the uncontested divorces concluded in one hearing. In contested divorces, the sessions consist of 5-6 hearings, and most cases last for 1 – 1.5 year(s) or even 2 years. Thus, the work load of Family Courts has substantially increased in the last decade. The average number of cases per judge is 1858 as of the year 2013. These numbers do not only result from individual conflicts, but also from the work load burdened on the courts.

It is pointed out that as the divorce period is extended, parties' resentment increases, children are used as a leverage to gain advantage in the case, and individuals cannot have a functioning relationship in post-divorce period. During the case period, the parental authority not yet being determined and the child remaining in the middle of the fight between spouses cause a severe problem. Another negative aspect of long-term divorce cases is that women who do not have any other means to make a living find themselves buried in economic problems because they don't get any maintenance. In marriages with domestic violence, extended periods for divorce can cause the woman to be exposed to every kind of violence. Ideal period is 2 – 3 hearings without exceeding 6 to 12 months for contested divorces.

Although the legal issues are not at the fore during the stage of making the divorce decision,

many divorced individuals encountered many legal issues after the application for divorce. In nearly half of the interviewed divorced individuals, parental authority and maintenance was an issue, and for a smaller number of divorced individuals, compensation and the division of property was an issue.

As expected, maintenance was brought up mostly by women and individuals with children. Maintenance is one of the most challenging legal issues for divorced individuals. The court decisions reached with the maintenance-paying party hiding information regarding their financial status or without considering the socio-economic status of the persons seem to be far from meeting the needs. On the other hand, it can be said that a number of women does not have enough information as to how the sanctions are applied when the maintenance is not paid.

There is need for various practices in order to prevent malicious acts such as the party supposed to pay the maintenance not paying it or understating their income, leaving their insured job and starting to work informally without affiliation with the Social Security Institution. Besides, it should be suggested that the state should pay the maintenance and collect it later from the maintenance debtor so that the maintenance creditor does not suffer. Establishment of a system such as the taxation system for the determination of the maintenance to be paid can prevent leaving the matter to the judge's initiative. It will also be helpful to provide social aid for the woman in cases where the reason why the maintenance is not paid results from insufficient income.

Parental authority is a legal issue that is brought up at the courthouse more when the marriage lasts more than 5 years and children are involved. Parents are especially content when younger children and girls are left to their mother's parental authority. On the other hand, the economic care of the children raises concerns for some mothers. Therefore, the control mechanisms as to the amount of maintenance and its regular payment

are very important for mothers. In this sense, law enforcement bodies (judges, lawyers, court experts) have pointed to the importance of a well-functioning parental authority and maintenance system.

Another unjust practice on parental authority is that the party holding the parental authority doesn't let the other party to see their children. Especially fathers experience this problem. Thus, no matter which party holds the parental authority of the children, the social services experts should monitor the parties and impose sanctions when the general terms are not met.

It was determined that the majority of the divorced individuals did not claim for damages. Compensation is mostly brought up in the judicial processes of individuals who are younger than 34 years of age, have high school and higher education and no children. Maintenance, division of matrimonial property and compensation were mostly brought up in cases involving individuals with higher education rather than people with lower education level; and this may be associated with the awareness of legal processes or individuals' socio-economic status.

Compensation is demanded mostly for "wearing down" and in contested divorces. The individuals who do not claim damages or do not get it generally point to the fact that the other party cannot afford to pay the compensation. On the other hand, those who are supposed to pay the compensation, mostly men, think that the compensation amount is way more than their income. It is commented that in immaterial compensation system, it is not fair for people who physically and mentally harmed their spouses to pay very small, symbolic amount compared to their faults.

On the other hand, the court decision taken in relation to the fault principle can cause the parties to try making each other look faulty. As in maintenance cases, law enforcement bodies (judges, lawyers, court experts) and experts criticize the law in that it does not propose any clear criteria

for compensation. Therefore, determining precise amount of compensation can be considered a solution.

While the division of matrimonial property is a rarely brought up legal issue, it is demanded by higher education graduates, those who were married less than five years and those without children. Individuals who did not claim for division of matrimonial property stated that the main reason for it was that they did not have any property to divide. On the other hand, it was determined that majority of the individuals chose not to demand any property from their ex-spouses in order to finalize the judicial process quickly and with minimum problems. What is more, a number of men owning property hide their property during the divorce process and register it on somebody else's property before divorce. The challenge the woman goes through while trying to prove the property of her spouse is one of the factors that cause the judicial process to take longer.

The legal regulations related to divorce were also examined in detail within the scope of this study. In Turkey, there were revolutionary changes to the divorce law as the first Turkish Civil Code dated 1926 and numbered 743 was enacted. The most striking changes were the divorce cases moving to independent courts, the marriage ending with the court order, the women getting the equal right to divorce and the divorce reasons decreasing to the limited number of reasons in the law and all these abolished arbitrary divorce cases.

The regulation for divorce reasons adopted by the Civil Code numbered 743 were kept as it was in the Turkish Civil Code numbered 4721, together with the changes in 1988. Within this frame, the distinction between the specific and general reasons for divorce was kept. According to this, the specific reasons for divorce are adultery, plots against life, grave assaults and indignity, committing crime, insults, and leaving the house. General reasons for divorce are irretrievable breakdown of marriage, uncontested divorce and de facto separation.

Today, when the practice is examined, it is

determined that 90% of divorce cases were filed with the irretrievable breakdown of marriage being the main reason and that therefore there is no distinction left anymore between the specific and general reasons for divorce in practice. This situation may be due to the fact that the reason "irretrievable breakdown of marriage" includes all the cases (adultery, grave assaults, insults, leaving etc.) which might be the cause for divorce. Considering the actual situation, it is suggested that the specific-general reason distinction is eliminated and a more simple regulation is made with a change to the law. In this scope, the reduction of the divorce reasons to the irretrievable breakdown of marriage, uncontested divorce and inability to establish a shared life will be plausible.

According to the article 166 and item 1 and item 2 of the Civil Law, every faulty or faultless spouse can file the divorce case based on the reason irretrievable breakdown of marriage. However, in this article, it is indicated that if the spouse having more fault files the case, the defendant spouse without fault can provide the rejection of the case by making objection. It is determined in practice that in the cases filed by the faultier spouse, the defendant spouse resists to divorce. These objections are generally based on psychological reasons such as vengeance, punishment or economic interests. - On the other hand, it is not possible to sustain a marriage that broke down on fault factor only. As adopted in Swiss and many other modern legal systems, restricting the effect of the fault to the financial or mental compensation and ruling out the objection of the less faulty spouse as a reason for rejection is the fair approach.

According to the article 166, item 4 of the Civil Law, there needs to be a previously filed and rejected divorce case in order to grant a divorce based on the reason lack of shared life experience. In practice, in order to go around this provision, the faulty spouse wanting to get divorced first files a divorce case then withdraws it even before the trials take place. Thus, it is recommended that this term that becomes ineffective in practice is omitted from the article 166, item 4 of the Civil Law. As

in all modern legal systems, separating houses for a certain period of time should be sufficient to grant the divorce.

Since contested divorces take too long, the parties, children and even parents of the parties experience mental depression and psychological disorders. Negotiation mechanism during the divorce process will help the spouses agree on legal matters and render the judicial process easier while protecting the spouses from the negative psychological effects of the divorce and give them the chance to divorce in a peaceful way. However, there is not yet a state-supported counselling service which tries to mediate between parties for them to agree on divorce terms. The current services provided by the state are generally for reuniting the spouses and maintaining the matrimonial relation. The expansion of state-supported divorce negotiation mechanisms will therefore be the right approach to end the marriage in a peaceful manner and in short time and protect the freedom of the spouses and mental development of children. Therefore, it is recommended that the psychological aspect of divorce be also considered and divorce lawyers undergo special trainings and become specialized in their fields.

In this scope, it is obvious that there is a need for legal revision related to the trials taking place in family courts. Such revision can be made by

preparing a special code of civil procedure for the cases related to family law. The family privacy in divorce cases should be taken into account and the trials being held private should become a rule and their being open to public should become an exception. It should be born in mind that the family law-specific disputes cannot be disposed and therefore, the rules that must be obeyed by the judges and mediators in family and divorce negotiations should be made clear. Within this frame, in order to prevent the possible harms, the person and family profiles such as violence victims, who should not be guided into negotiation, should objectively be determined.

Inclusion of the experts to family courts is important in order to make more accurate determinations in cases involving difference of opinions on parental authority, compensation or maintenance; to minimize the negative experiences that the children go through during divorce; to provide a platform where the parties can express themselves outside the court; to set a ground for uncontested divorce; to ensure that judges can understand the process leading to divorce more in detail. However, this is often not the case in practice. It is required that the court experts' institutional capacity is improved, they undergo regular trainings, and their authorities and responsibilities defined in the law are implemented in practice.



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