

## In What Ways is the State Gendered? Devlet Hangi Yönleriyle Cinsiyetçidir?

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### ABSTRACT

Social daily events are shaped under the influence of various factors. However, among the most crucial factors is the state, formed by the society itself and tasked with maintaining order. The state can shape the routines in our daily lives with the rules and laws it establishes, direct through educational policies, and reinforce the intended messages through media channels. In this context, there exists an organic connection between the gendered state policies and the gendered society. This study originated from the idea of measuring how the state exerts an impact on social daily events through the judiciary and media. Proceeding from here, the aim is to examine how divorce, a phenomenon that could be considered a social daily event and concerns both genders (men and women) equally, is portrayed in judicial decisions and the media. In this way, by analyzing Supreme Court rulings, the intention is to seek answers to questions about what criteria are used to determine fault, and whether a gendered policy effect exists for the party deemed at fault. Similarly, by examining the news provided by the official broadcasting organ of the Republic of Turkey (TRT), using the keyword "divorce," the study aims to find answers to the research question. The study data covers the years 2018 to 2023, and due to the abundance of Supreme Court results, a random selection of 100 verdicts was made, and a thematic analysis was conducted. In the media image analysis, 135 news articles were obtained and all were examined. Headlines were analyzed thematically, and images were examined through visual analysis. In conclusion, the findings support the claim that in Turkey, regarding social daily events, the judiciary and media possess an indirect yet influential role in direction.

### ÖZ

Sosyal günlük olaylar, çeşitli faktörlerin etkisi altında şekillenir. Bununla birlikte, en önemli faktörlerden biri, toplum tarafından oluşturulan ve düzeni koruma görevi üstlenen devlettir. Devlet, kurduğu kurallar ve yasalarla günlük yaşamımızdaki rutinleri şekillendirebilir, eğitim politikaları aracılığıyla yönlendirebilir ve medya kanalları aracılığıyla amaçlanan mesajları pekiştirebilir. Bu bağlamda, cinsiyet temelli devlet politikaları ile toplum arasında organik bir bağ bulunmaktadır. Bu çalışma, devletin yargı ve medya aracılığıyla sosyal günlük olaylar üzerinde nasıl bir etki yaptığını ölçme fikrinden ortaya çıkmıştır. Buradan hareketle, hem erkekleri hem de kadınları eşit şekilde ilgilendiren boşanma gibi toplumsal günlük bir olayın nasıl tasvir edildiğini incelemeyi amaçlamaktadır. Bu şekilde Yargıtay kararlarını analiz ederek, kimin kusurlu olarak kabul edildiğini belirlemek için hangi kriterlerin kullanıldığını ve kusurlu/ağır kusurlu olarak kabul edilen taraf için cinsiyet temelli bir politika etkisinin olup olmadığı sorularına yanıt aranmaktadır. Benzer şekilde, bu çalışma, Türkiye Cumhuriyeti'nin resmi yayın organı olan TRT tarafından sunulan haberleri inceleyerek, "boşanma" anahtar kelimesini kullanarak araştırma sorularına yanıt bulmayı amaçlamaktadır. Çalışma verileri 2018'den 2023'e kadar olan yılları kapsamakta olup, Yargıtay kararlarının fazla olması nedeniyle 100 kararın rastgele seçimi yapılmış ve tematik bir analiz gerçekleştirilmiştir. Medya görüntü analizi kapsamında 135 haber makalesi elde edilmiş ve hepsi incelenmiştir. Başlıklar tematik olarak analiz edilmiş ve görsel analiz yoluyla görüntüler incelenmiştir. Sonuç olarak, bulgular, Türkiye'de sosyal günlük olaylar konusunda yargının ve medyanın dolaylı ancak etkili bir yönlendirme rolüne sahip olduğu iddiasını desteklemektedir.

**Keywords:** Visual framing, gendered state, divorce, perceptions of gender, thematic analysis

**Anahtar Kelimeler:** görsel çerçeveleme, cinsiyet temelli devlet, boşanma, cinsiyet algısı, tematik analiz

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## Introduction

Nowadays, anthropologists reveal the significant impact of the state on our daily lives by manipulating our perceptions and values (as an example to these scholars; Elias and Rai 2018; Enloe 2004; Gal and Kligman 2000; Gupta 1995; Handler 1988; Herzfeld 1992; Taussig 1997). Particularly, regulations and policies of the governments and discourses of the leaders taking place in media could easily shape our behaviour towards each other on the framework of gender mainstreaming. Appadurai (2002) and Comaroff (1999), have argued how a state could be gendered with its policies and has a significant influence on social and cultural life, and claimed that the state is gendered with its political discourses, press, political parties, associations and regulations related to gender issues but particularly the daily life interventions. In the last twenty years, the social sciences world has been studying the gendered state from different dimensions such as the feminist political theory (Butler 1992; Young 1997; Elias and Rai 2018), history (Eley 1992; Hunt 1992) and sociolinguistics (Cameron 1997; Collins 1998; Keskinen 2012). As a result, they highlighted two essential points, firstly they pointed out the importance of the liberal democracies imposing the gendered politics with their political vocabulary and unspoken assumptions about gender. Secondly, on the context of linguistics and history, the language we use in daily life and ideologies have created the ways we imagine, consider, understand and experience the political processes.

In modern societies, the state is defined as 'father-state' and the mainland is generally considered as a 'Motherland' which mean that the mainland always needs a protection, but the father state can guarantee your safety like a father with its 'male' power. As Weber (1968) stated, the 'father-state' explains the authority relations between father and children. In contrast to 'father-state', the 'mother-land' is explained by Sirman (1990) as the authoritarian figures protecting the feminized nation with physical and material support. The language used by governments often unconsciously mirrors and sustains gender-based customs and social hierarchies. This occurrence, referred to as gendered state language, exhibits itself in various forms, such as favoring masculine terms, displaying prejudiced titles, and showcasing unequal representation. Through the adoption of gender-neutral phrasing and all-encompassing language, governments can actively challenge conventional gender standards and advance fairness. The examination of gendered state language is pivotal as it brings to light the understated mechanisms through which power dynamics and disparities are upheld in official discussions. By acknowledging and rectifying such linguistic prejudices, policymakers and society as a whole can collaborate to establish more comprehensive and just governance systems that prioritize the needs and perspectives of all gender identities, thus fostering a more equitable and progressive society.

Certainly, a multi-volume book series could be written on how the state is gendered and the various ways gendered policies can be observed. However, this study aims to primarily examine the societal manifestations of the gendered state, which can undoubtedly be observed from a broad perspective and pertain to different domains, with a focus on two fundamental areas. The selection of these two key areas is based on their inevitable societal impacts: the judicial system and media discourse. In other words, while the societal effects of the gendered state can naturally be observed and measured in diverse fields, considering that both media and the judiciary have equal influence across all segments of society and their impacts are felt by everyone, it becomes more meaningful to scrutinize these domains to foster discussions on more significant findings.

The study progresses through the concept of "divorce," where women and men can be equally evaluated within the Turkish Republic's judicial system. In this context, the study aims to evaluate divorce decisions handled in the Supreme Court. Building on this, the media aspect will examine how the state channel TRT presents news related to the keyword "divorce," including the choice of photographs and headlines to analyze how the state influences gender roles. This approach seeks to measure how the state is gendered through the keyword "divorce," both through the judicial path and via the official state channel.

## Conceptualization and Operationalization

The influence of the judicial system on society holds a profound significance as it serves as the bedrock upon which justice, fairness, and the rule of law are established. A just and impartial judicial system ensures that individuals are treated equitably, regardless of their background, status, or identity, thereby upholding the fundamental principles of equality and human rights. The decisions rendered by the judiciary set precedent and contribute to shaping societal norms, values, and behaviors. By providing a mechanism to resolve disputes and protect individual rights, the judicial system fosters social stability and reinforces the trust of citizens in the governance structure. Moreover, a transparent and accountable judiciary enhances public confidence in institutions and bolsters the overall legitimacy of the state. Thus, the influence of the judicial system resonates deeply throughout society, influencing not only legal matters but also shaping the broader socio-cultural fabric of a nation.

When the state itself is gendered, the influence of the judicial system takes on even greater importance. A gendered state perpetuates unequal power dynamics and reinforces societal norms that may marginalize certain gender identities. In this context, the role of the judicial system becomes pivotal in rectifying such imbalances. An equitable and unbiased judicial system can challenge discriminatory practices, ensure the protection of the rights of all genders, and promote inclusive policies that reflect the diversity of the population. Through its decisions and interpretations, the judicial system can actively contribute to dismantling gender-based inequalities and advancing gender justice. It serves as a critical mechanism for individuals to seek redress for

gender-based discrimination and violence, fostering a more inclusive, just, and progressive society where all individuals can fully participate and thrive, regardless of their gender.

Examining divorce decisions rendered by the Supreme Court and its ultimate determination of who is deemed at fault holds profound significance in unraveling the gendered state's imprint on the judicial system. These decisions illuminate how deeply ingrained gender norms and biases can impact legal proceedings and outcomes, reflecting the broader societal attitudes towards gender roles and relationships. By dissecting these judgments, we can uncover subtle nuances, patterns, and biases that might otherwise remain hidden. This analysis sheds light on how the gendered state's influence permeates even the most intimate aspects of individuals' lives, such as marriage and divorce, underscoring the need for a comprehensive understanding of how gender dynamics intersect with legal processes. Furthermore, studying the Supreme Court's final determinations in divorce cases provides a lens through which we can gauge the extent to which the judicial system challenges or perpetuates gender inequalities, ultimately contributing to the broader dialogue on the pursuit of gender justice and equality within the framework of the state's governance.

On the other hand, the influence of the media on society holds its own vital significance. Media, as a powerful tool of communication and dissemination, plays a pivotal role in shaping public perceptions, attitudes, and behaviors. In the context of a gendered state, media often reflects and amplifies existing gender norms and stereotypes, contributing to the reinforcement of unequal power dynamics. Examining how the media portrays and represents different genders provides valuable insights into the prevailing societal narratives and the state's impact on these narratives. By analyzing media content, including news coverage, entertainment, and advertising, we can discern the subtle ways in which the gendered state's perspectives infiltrate public consciousness, reinforcing certain gender roles and marginalizing others. Understanding this dynamic allows us to critically assess how the media both reflects and influences societal perceptions, paving the way for informed discussions on the need for media reform and the creation of more inclusive narratives that challenge the status quo and contribute to a more equitable and just society.

Studying the intricate relationship between the gendered state and its influence on media is imperative for a comprehensive understanding of the broader socio-political landscape. The media serves as a reflection of societal norms, values, and power dynamics, and when intertwined with the gendered state, it becomes a lens through which we can discern the intricacies of gender inequality and discrimination. Delving into this subject offers insights into how state policies, attitudes, and biases are perpetuated and reinforced through media narratives, thereby shaping public perceptions and attitudes. By examining how media content may amplify or challenge the gendered state's paradigms, we gain a nuanced understanding of the mechanisms through which cultural norms are maintained or transformed. Furthermore, studying the gendered state's influence on media facilitates the identification of opportunities for change and transformation, advocating for more equitable representations and fostering an environment where diverse gender identities are respected and empowered. Ultimately, this interdisciplinary exploration contributes to the advancement of gender justice, serving as a catalyst for societal progress and the dismantling of structures that perpetuate gender-based inequalities.

The manner in which news is presented and visually depicted by the official state television holds profound significance within the context of the gendered state. This platform serves as a powerful vehicle for the dissemination of information and the reinforcement of societal norms. The carefully curated visuals, headlines, and narratives are not merely neutral conveyors of facts, but rather potent tools that shape public perceptions and influence collective consciousness. In the realm of the gendered state, where established power structures and norms often favor certain gender identities, the way news is framed and visually represented can perpetuate or challenge these dynamics. By examining how the official state television portrays gender-related issues and events, we can discern the extent to which the gendered state's ideologies are ingrained within the very fabric of media discourse. This scrutiny enables us to uncover hidden biases, stereotypes, and imbalances that may otherwise go unnoticed, shedding light on the underlying mechanisms that contribute to the persistence of gender inequalities. In this way, analyzing the delivery and visuals of news on the official state television unveils the intricate ways in which the gendered state's influence permeates the media landscape, emphasizing the critical importance of media reform in promoting a more inclusive and equitable society.

Divorce is intricately linked with gender issues, as it often exposes the underlying power dynamics, social norms, and inequalities prevalent within a society. The dissolution of a marriage can reveal deeply ingrained gender roles and expectations that shape the experiences and outcomes of individuals based on their gender identity. Investigating divorce within the context of gender is crucial because it offers a unique vantage point to examine how societal attitudes and structures intersect with personal relationships. Divorce decisions, including determinations of fault and alimony, can reflect and perpetuate unequal power imbalances, economic disparities, and social expectations related to gender. Analyzing these aspects can uncover biases and discrepancies within legal systems and provide insights into the broader gender dynamics at play. By delving into the nuances of divorce, researchers and policymakers can identify areas for reform and advocate for changes that promote gender equality, fair treatment, and the dismantling of gender-based discrimination within the realm of family law. Investigating divorce through a gender lens is, therefore, an essential endeavor that contributes to fostering a more just and equitable society.

### **Women in Household and Social Life**

Sex is a biological locution, which entitle people based upon on their sexual organs and genetics such as female and male, while gender mainstreaming uses the terms femininity and masculinity (Stoller, 1968). As Stoller states that gender mainstreaming means the feelings of the person about the femininity and masculinity. In this manner, gender mainstreaming carries the meaning of the gender identity. On the other hand, according to Basow (2004), gender mainstreaming means that society considers the behaviour depending on the masculinity and femininity. Looking from this perspective, gender mainstreaming points out the gender role in society. As Ann Oakley describes the biological difference between men and women based upon sex, she also claims that gender mainstreaming refers to the class division and differentiation in the regard of society and parallel to this difference between manhood and womanhood. As Kirman (2011) highlights that the 'gender mainstreaming' term firstly used in 1972 in order to make an explicit way to describe the term as both the biological differences between men and women, and at the same time socially and culturally structured definition. Gender expresses the roles and responsibilities of men and women which are already determined by society (Dökmen, 2004). Gender streaming is not defined with the biological differences, but how the society perceive, think and expect to behave as men and women. According to Scott (2007), gender mainstreaming is a way of refer to cultural constructions which are totally structured with the socially structured roles of men and women.

As stated by Elias and Rai (2018), following ongoing debates in feminist studies since the 1970s, women have been predominantly associated with caregiving tasks in everyday social events, thus being confined to a social sphere. Based on this, not only in Turkish social life but also in other societies, it is observed that the idea of considering household chores and other tasks related to the home as a woman's "duty", and perceiving it as a fault or deficiency when not done, forms the basis of such situations. As emphasized by Cynthia Enloe (2017), when women's experiences and voices are centered, the constructed unequal relationship with authority becomes more clearly understood.

As highlighted by Elias and Rai (2018), women are often labeled as a threat due to the inherent danger that arises when they are situated in a position different from the expected norm or when they make their voices heard. According to Ahmetbeyzade (2008), in Turkey, women are classified as "homo-sacer" due to the uncontrollable rise of honor killings and violence against women, suggesting that they are systematically rendered invisible, with the involvement of the hegemony in the process. In a study conducted by Arslan (2022) examining the societal daily life in Turkey, it was revealed that women spend nine times more time than men on family reproduction and reproductive tasks. State discourse and policies burden women with the responsibility of reproduction, confining them to specific roles through conservative patriarchal and gender-biased policies (Arslan 2022). Due to the High Court's role in policy-making, unraveling the embedded moral, social, and political values in its decisions is equally important as understanding the Court's legal explanations. Such a focus can uncover unresolved ideological tensions and inconsistencies while also indicating potential areas of future debate (Lens 2003).

Traditional gender roles are taught by the family, peers, school and media. In nearly all cultures, children behave differently from early age depending on the gender, as an example, the 'pink for girls, blue for boys' ideology can be seen all over the world (Kirby, 1992). On the process of socialization, girls are encouraged to be naïve, soft and renunciative, while boys are competitive, spunky and sociable (Pomerleau et al., 1990). Despite the fact that the roles of men and women can differ from culture to culture, most societies have the mentality that men are more powerful than women, in addition to this, men's roles are generally more valuable, and the value of the role is greater (O'NEIL, 1981). As Giddens (2013) highlights, there are lots of theoretical studies which examine the hegemony of men over women in economy, politics, family and other aspects of life. Hence, as a result of the male-dominated society where negative attitudes towards women reflect as gender discrimination, women have a low position in social, cultural, political and economic fields as compared to men's position.

According to Taylor (1996), maternity is constructed by the society, and legitimized with the way of three societal discourses; religious, military and semi-scientific discourses. At this point, it is important to emphasize the definition of religion as a cultural system by Clifford Geertz (1966). According to this definition, religious symbols are basically coherent with the specific life style and metaphysics, and makes them stronger with their power. As a result, religion in Muslim countries could be limitative for women in the society due to its restrictions. In addition to this ideology, the dilemma of the 'ideal women' in postmodern times still seems insurmountable, and religion is not enough to provide the theoretical framework (GENZ, 2010). Consequently, women in the society and family are still seen as only mothers, and have different characteristics from men due to the socially and culturally structured perceptions. Even in modern societies, the ideal place for women is still considered to be the house where she could look after her baby and cook for her husband.

### **Language of the Media**

The patriarchal structure and the values of the society which weaken women in the family and gives control and authority to the men, create an environment that legitimizes the femicide morally on the sociological context. Specially, the behavioral differences between the roles of men and women are defined as a contrast, in this context of human relations also classified in terms of power relations. The representation of violence in the media is dependent on the discourse which claims that men are stronger than

women in terms of the biological differences, so women are intrinsically passive, obedient, dependent and powerless; while the men are powerful, active and aggressive. The feminist media studies argue the representation of the women in media with different dimensions. As Lundgren (2009) claims, the process of banalization, trivialization, normalization and genderization has started to argue on the dynamics of the reality of men and women. It is important to highlight the ethic and social responsibility of the media towards the prevention of all gender discrimination against women including violence and the settlement of equal gender mainstreaming. On this concept, the studies and policies related to how media produce the male dominated language and how it should be transformed to equal framework, should be stimulated and developed.

The media is the most convenient and effective way to provide the mass communication (Sezgin and Senol, 2010). The beauty for the women is designed as a goal which is mandatory to reach on the direction of consumption economy directing women to sacrifice themselves for the beauty (Stice and Shaw, 1994). On the daily life, women are all imposed with the 'size-zero, face-lifting, silicon boobs and lips' presented by the media (Guzel, 2013). As Gramsci (1971) stated that women have a role as an actor in the consent oriented hegemonic process with the effect of the internalization of the discourses and practices. According to Gramsci (1971), hegemony is the consent of the large mass to general tendency imposed by the dominant group (Crehan, 2006). Therefore, the idea of beauty has been imposed by news, ads or even in magazine programmes particularly through celebrities' lives to women who are already adapted to the new phenomena. At this point, it is important to emphasize that women are both shown as a beauty Meta and victim of the honor in the media. So, this situation drives women to different sociological dilemmas and confusions. Consequently, women are forced to be beautiful but also be 'modest' as well.

### **Methodology and Literature Review**

Gender studies have been examined and are ongoing in diverse ways across various fields. This section of the study will commence with a review of the existing literature, followed by an exposition of the research approach employed.

The question of how gendered policies govern our everyday lives in social domains has been explored by Elias and Rai (2018) without being grounded in empirical fieldwork. While feminist and gender studies often examine the individual's relationship with states on an analytical level, studies on how daily social life is gendered remain scarce. Ahmetbeyzade (2008) evaluated the Turkish judicial system, criticizing the inability to prevent systemic violence against women. Particularly, he criticized the Turkish legal system, emphasizing the lack of deterrent effects of laws on perpetrators (Ahmetbeyzade 2008). In her study examining women's daily lives in Turkish societal life, Ayşe Arslan (2022) similarly observed that the system perceives women as responsible for family production and reinforces this structure through policies. Kastlelec (2016) conducted research on the abortion rights of women in the American judicial system, examining federal and state courts' decisions. The research revealed significant limitations on representation at the state level in the USA, pointing to a democratic gap between public opinion and laws (Kastlelec 2016). In a study by Robinson (2014) that focused on a case study, the influence of cultural factors on legal doctrines was examined, revealing a direct bidirectional relationship between them. A study by Patton and Smith (2017) concentrated on gender roles in the American judicial system, specifically investigating whether the assigned speaking times for attorneys are related to their genders. The study found that female attorneys were interrupted earlier, given less time between interruptions, and subjected to more and longer speeches by judges compared to their male counterparts (Patton and Smith 2017). Lens (2003) explored discussions on gender roles in Supreme Court decisions, revealing that the language of the decisions distinctly portrays men as outside and women as associated with a domestic position in relation to children. Upon reviewing the literature, no study has been found that examines the influence of the judiciary on gender roles in Turkish society using a thematic analysis method based on Supreme Court final decisions. In this context, this study maintains its originality.

Adam and Coltreat's (2006) study asserts that judicial decisions attributing blame to one party and victimhood to the other in divorce proceedings, as witnessed in Turkey, are detrimental to the institution of marriage. They claim that the portrayal of marriage as idealized and utopian by the dominant power does not accurately reflect the reality from a female perspective. Research into gender discourse and visibility in the media has noted that after the collective rape incident on New Year's Eve 2015/2016 in Germany, media coverage predominantly focused on the identity of the perpetrator, fueling Islamophobia through references to their skin color and religion (Vieten 2018).

While studies on women's media representation worldwide often center on unequal representation, specific studies within Turkey, especially concerning women's media depiction in relation to divorce, remain scarce. However, in this section of the study, a general overview of the discourse surrounding women in Turkey is provided, aiming to depict the official image of women in Turkey. Ayata and Tütüncü (2008) discuss the potential impact of the approximately 20 female members of parliament in Turkey on policy-making processes, highlighting that an increase in the number of female MPs does not necessarily guarantee substantial representation. In a study conducted by Mercan Küçükakın and Engin-Demir (2022) on gender equality in education in Turkey, they analyzed 252 newspaper articles, official reports from government institutions, and conducted interviews with 13 teachers. The findings indicated that while gender equality is officially emphasized and supported by the government, there is still a tangible presence of gender inequality in policy implementation.

In a study by Meral Uğur Çınar (2002) examining First Lady news coverage in Turkey, news articles from the Zaman and Hürriyet newspapers between 2002 and 2007 were analyzed. It was found that both newspapers emphasized and normalized women's domestic roles. In the study conducted by Burul and Eslen-Ziya (2018) investigating the representation of women in daily television talk shows in Turkey, they concluded that the program established a normative discourse based on conservatism and gender, serving as the government's communicative center.

As observed in recent studies in Turkey, as well as in various examinations through different channels, women's roles are often confined to domesticity, and any attempts to take on roles beyond that are seen as contrived. The subsequent sections of this study highlight the methodologies employed and emphasize their significance in the research process.

Thematic analysis is a systematic qualitative research approach employed to dissect and interpret textual or narrative data. Comparable to assembling an intricate jigsaw puzzle, this method facilitates the coherent arrangement of multifarious elements, such as concepts or lexical fragments, into discernible patterns. Through meticulous engagement with the data, akin to scrutinizing individual pieces, commonalities and recurring motifs are identified and subsequently grouped under thematic categories denoting overarching concepts or ideas. These emergent thematic categories serve as interpretive frameworks, unveiling the latent threads that traverse the analyzed material and affording a coherent narrative synthesis. In essence, thematic analysis fosters an enhanced comprehension of complex textual data by uncovering prevailing themes and deciphering their import within a structured analytical framework.

Examining the keywords "divorce" and "gross defective" in Supreme Court final decisions holds considerable significance within the realm of thematic analysis. These keywords serve as semantic portals to the broader discourse surrounding gender dynamics and societal norms. By meticulously scrutinizing how these keywords are deployed, contextualized, and interact with the judicial reasoning, thematic analysis unveils the intricate web of gender-related connotations, power differentials, and normative expectations embedded within the legal discourse. The choice of words such as "divorce" can provide insights into how marital dissolution is conceptualized within the legal framework, potentially shedding light on gendered assumptions about marital roles and responsibilities. Similarly, the term "gross defective" holds the potential to expose underlying societal perceptions of gender norms, suggesting a critical lens through which to decipher judgments that hinge on fault attribution. Thus, through a focused thematic analysis of these keywords, we can unearth the tacit gender biases, stereotypes, and cultural influences that inform the Supreme Court's final decisions, thereby advancing a nuanced understanding of the intricate interplay between gender, law, and society. Due to the High Court's role in policymaking, unraveling the embedded moral, social, and political values in its decisions is equally important as understanding the Court's legal explanations. Such a focus can uncover unresolved ideological tensions and inconsistencies while also indicating potential areas of future debate (Lens 2003).

In this manner, the study employed a thematic analysis approach using a comprehensive deductive methodology to explore the keyword "divorce" within the context of final judgments issued by the Supreme Court. A deliberate selection of 100 cases resolved between 2018 and 2023 was subjected to a systematic and random assessment, resulting in the creation of an Excel spreadsheet. This structured framework was then scrutinized through a holistic interpretive process. The generated spreadsheet encapsulated crucial variables, prominently featuring the classification of the "gross defective" party and the attributed cause of fault. The primary objective of this inquiry was to discern prevalent trends in assigning blame to the parties, with particular attention to any discernible gender-related patterns manifested in the data. Of notable consideration was the examination of gender-based tendencies in designating parties as "gross defective," thus aiming to uncover potential gendered implications within judgments delivered by the Supreme Court. Elaborated findings stemming from this examination are comprehensively expounded in the ensuing section.

Visual framing analysis entails a methodical examination of how visual components, encompassing images, photos, and graphics, influence the narrative and interpretation of media messages. Within the domain of gender studies, visual framing analysis emerges as a vital instrument for dissecting the intricate interplay between visual portrayal, societal perspectives, and gender norms. It facilitates the disentanglement of visual cues and symbols embedded in media content, laying bare implicit biases, stereotypes, and power dynamics that may either perpetuate or contest prevailing gender roles.

The investigation of visual frames in the Turkish official press channel bears noteworthy significance, owing to its role as a predominant conduit for information dissemination and agenda-setting within the public sphere. Serving as a prominent media platform, the visual framing of gender-related matters within this channel wields considerable potential to shape public sentiment, attitudes, and social standards. A scrutiny of how gender is visually depicted in news coverage, programs, and visual media provides insight into the nuanced mechanisms by which the gendered state's ideologies might be echoed and perpetuated. Through an examination of image selection, composition, and accompanying narratives, researchers can unveil the contribution of visual frames to the construction of gender identities, power dynamics, and societal norms. Consequently, an exploration of visual frames in the Turkish official press channel deepens the understanding of the gendered state's impact on media representation, concurrently

presenting avenues for advocating more impartial and comprehensive visual narratives capable of challenging established gender paradigms.

In the realm of visual analysis, a methodology similar to the one applied in examining Supreme Court decisions has been employed. This method aims to compile relevant data by conducting a retrospective study covering the past five years, focusing on the keyword "divorce." The collected images have been systematically sorted into different categories for organization. A total of 135 distinct news articles have been identified, each subject to a thorough assessment involving both their headlines and accompanying images. In terms of analytical techniques, thematic analysis has been used to delve into the textual headlines, while a visual analysis approach has been applied to scrutinize the images. This dual-pronged methodology provides a comprehensive understanding of how the media communicates news, encompassing not only the words used in headlines but also the visual representations presented. The primary aim of this investigation is to explore whether news presentation and visual depiction in the media can be influenced by gender-related perspectives. The ultimate goal is to uncover potential correlations between how news are portrayed and the potential influence of gendered viewpoints.

The concurrent utilization of thematic analysis and visual analysis for both Supreme Court decisions and news coverage is a strategic endeavor aimed at capturing a holistic understanding of the intricate interplay between gender dynamics and media representation. Thematic analysis offers a comprehensive examination of textual narratives, facilitating the identification of subtle language nuances, discursive patterns, and gendered discourses within Supreme Court decisions and news articles. This approach enables the exploration of how gender-related issues are framed and addressed within legal and journalistic contexts. On the other hand, visual analysis provides a lens through which to scrutinize the imagery accompanying these texts, uncovering implicit visual cues, symbolic representations, and gendered depictions that contribute to shaping societal perceptions. By integrating both methodologies, we can decipher not only how gender is articulated in language but also how it is visually portrayed, thereby affording a more comprehensive comprehension of the gendered state's influence on both textual and visual dimensions of media content. This dual analytical approach enhances our capacity to unearth and interpret the multifaceted ways in which the gendered state's impact reverberates across diverse forms of communication, offering a more robust foundation for informed insights and scholarly interpretations.

### **Findings of the Study**

Supreme Court rulings were systematically examined within the timeframe of 2018-2023, utilizing the keyword "divorce," via the official website "karararama.yargitay.gov.tr," which offers unrestricted access to the general public. Subsequently, the dataset was refined to encompass cases characterized by "severe fault," culminating in the selection of a statistically randomized subset of 100 cases from a comprehensive pool of 2745 cases. This selection was then organized and cataloged in the form of an Excel spreadsheet, encompassing pertinent details such as the identification of the culpable party, the underlying reasons, and the respective decision numbers.

Concurrently, a thematic analysis, aligned with an inductive approach, was employed to discern prevalent themes from the decision files. Through a meticulous examination of the presence of specific lexical units, both minor and major thematic categories were delineated. In this context, overarching themes such as "Lack of Interest" "Infidelity," "Violence," "Neglect of Parental Roles," and "Infringement upon Family Cohesion" emerged as pivotal markers within the corpus, manifesting as noteworthy patterns across the sampled cases.

Under the major theme of "Lack of Interest" when examined within the context of minor themes, the sub-themes of "neglecting the household" and "neglecting the spouse" have been identified. The theme of "neglecting the household" emerges as notably significant, particularly in feminist scholarship, highlighting the confinement of women to domestic spheres, the assignment of household duties as women's responsibility, and its normalization through official channels of authority. In alignment with theoretical assumptions, the evaluation of "neglecting the household" as severe fault in Supreme Court decisions (2020/631, 2020/3444, 30.06.2020; 2021/9961, 2022/2145, 07.03.2022; 2019/523, 2022/1271, 11.10.2022), as exemplified by the three randomly selected cases, underscores the premise that such neglect is regarded as an outrage. In line with the assertions of Elias and Rai (2018), wherein the constant expectation of women's involvement in domestic tasks exceeds the realm of a general societal assumption, the Supreme Court also deems a woman's lack of engagement with the home as a severe fault.

The sub-theme of "neglecting the spouse," on the other hand, encompasses situations wherein both men and women are deemed severely at fault. Nevertheless, women appear to be more prominently implicated in instances of neglecting their spouse. This arises due to the comprehensive role expected of women concerning not only their homes and spouses but also their children, with society at large silently endorsing this commitment. This gives rise to another sub-theme, "neglecting the child." Within this sub-theme, fathers emerge as the sole individuals consistently found severely at fault. Across all five randomly sampled cases, fathers are adjudged severely at fault for their lack of engagement with their children (2016/10166, 2018/1057, 23.01.2018; 2021/10677, 2022/1881, 28.02.2022; 2021/10572, 2022/2311, 10.03.2022; 2020/3284, 2020/3954, 21.09.2020; 2022/2876, 2022/4928, 26.05.2022). Upon scrutinizing the decision texts in cases where the father is deemed severely at fault, behaviors of leaving a disabled child to

the mother without involvement, failing to meet the child's needs while residing under the same roof, exerting physical and psychological violence, neglecting a sick daughter, and failing to cover expenses were established as actions that could potentially bear significant impact in terms of proven effects.

Throughout the search for decisions, there are claims in some cases where women are found severely at fault due to allegations of failing to engage with their spouse and family, that she also neglected her child. However, since these claims were unproven and consequently excluded from the case files, the women were not found severely at fault in these instances. Often during divorce proceedings, an image of the "mother neglecting her children" is drawn, seemingly aligning with the intentions of undermining, as posited by Adam and Coltrean (2016).

In the major theme of "Infidelity," two minor themes, namely "unfaithfulness" and "trust-deteriorating behavior," have been identified. Within the theme of infidelity, which represents the second most prevalent sub-theme among the randomly selected 100 cases, a nearly equal distribution of genders stands out. Within the minor theme of "unfaithfulness," it was determined that in 50% of the cases, the woman was deemed severely at fault (2019/842, 2019/9510, 02.10.2019; 2020/2097, 2020/3084, 17.06.2020; 2020/3070, 2020/4486, 06.10.2020; 2021/7019, 2022/660, 26.01.2022, and others), while in the other 50% of cases, the man was found severely at fault (2018/3164, 2019/4570, 15.04.2019; 2021/9505, 2022/679, 26.01.2022; 2020/3007, 2020/3941, 21.09.2020; 2021/10812, 2022/976, 07.02.2022).

Under the minor theme of "trust-deteriorating behavior," it was observed that women were found severely at fault slightly more frequently than men, according to the decisions. Upon examining Supreme Court rulings, the claim that frequently arises as "constantly communicating with someone via phone and engaging in trust-deteriorating behavior" is notably prevalent. Furthermore, in numerous cases (2022/2676 2022/8477 25.10.2022, 2022/7205 2022/8060 12.10.2022, 2022/7602 2022/7454 27.09.2022), the initial court decision of divorce petitions based on allegations of infidelity, as argued by Adam and Coltrean (2016), is amended by the Supreme Court to reflect the nature of trust-deteriorating behavior, indicating a strategic shift during the process to undermine both parties. This observation confirms Adam and Coltrean's claim that initiating the process with allegations of infidelity is in alignment with the strategy of deteriorating the parties' positions, considering the societal role of women. As seen in the example below, the Supreme Court has overturned the decision of the lower court.

*"... As seen in the documents in the case, based on the evidence supporting the decision, legal justifications, and especially considering that the joint child, Sümeyye, born in 2002, had reached the age of majority after the date of the regional appellate court's decision, the court has accepted that the behavior alleged against the defendant woman as conduct undermining trust, which was attributed to her as fault, could not be proven as she wasn't responsible due to her being an adult after the regional appellate court's decision. In the light of this, compared to the established and realized other faulty behaviors, it is understood that in the events leading to divorce, even if the man is found to have substantial fault, ..."* (Case Number: 2019/6119 2019/12832 26.12.2019)

Within the major theme of "Violence," three distinct minor themes have been identified: physical violence, verbal abuse, and psychological abuse. As the most prevalent and gender-discrepant major theme observed among the selected cases, the theme of violence emerges significantly. Particularly within the minor theme of physical violence, from the collected Supreme Court decisions, it is noteworthy that among 16 cases, only one case (2020/3379, 2020/3972, 22.09.2020) found a woman to be severely at fault, while in all other cases, men were found to be severely at fault. A similar trend is observed within the minor theme of verbal abuse, where in most Supreme Court decisions (88.24%), men are found severely at fault.

In the context of the minor theme of psychological abuse, predominantly involving claims of threats, it is also established that men (73.33%) are more frequently found to be severely at fault. The divergence between women and men in terms of violence can be attributed to societal gender roles and physical differences. In other words, due to physical dissimilarity, the probability of a woman applying physical violence to a man is relatively low. Furthermore, considering societal gender roles, it becomes challenging for men to voice and pursue a claim of experiencing intra-marital violence, even if it does occur. It should be noted that psychological abuse and threats primarily coming from men are in line with the expected behaviors dictated by societal gender roles.

Under the major theme of "Parenting Role," two minor themes have been identified: child abuse and child neglect. In the minor theme of child neglect, men are mostly found to be severely at fault (85.71%), whereas in the case of child abuse, women are predominantly deemed severely at fault (66.67%). When considering the overall parenting role major theme, it becomes evident that men are more frequently evaluated as severely at fault compared to women. In this context, the lower occurrence of cases where women are severely at fault in child neglect may stem from women internalizing responsibilities such as being present at home, being involved in household matters, and assuming the role of motherhood from a young age, as expected by society.

Additionally, while assigning women numerous roles such as these, society also tends to grant fathers a more liberated profile, and the perception of women as solely responsible for children creates a phenomenon where the neglect of children by men is not legally acknowledged but is considered socially accepted. Under the major theme of "Family Unity," two minor themes have been identified: eviction from home and leaving home. In both minor themes, men are predominantly found to be severely at fault.

Specifically, within the minor theme of eviction from home, out of 10 identified cases, 9 cases feature men being found severely at fault. Despite the societal structures and discourses attributing responsibilities for home, children, and family to women, the paradox arises that even in the context of separation, when it comes to eviction from home, women remain the ones affected. The contradiction is evident as women, who are nurtured and guided to establish a "home" for a long time, are also at the forefront when it comes to being expelled from that very home.

Upon analyzing the Supreme Court decisions, except for the major theme of "lack of interest," the instances where individuals' actions are explained, normalized, or enforced through gender-biased policies are not evident within the Supreme Court decisions. However, when examining the distribution of decisions based on gender, findings seem to align with the expectations of societal gender roles.

While conclusive evidence of gender-biased decisions within the Supreme Court might not have been found, the fact that many gender-biased decisions made at the lower courts are overturned by the Supreme Court suggests that the institutions are, to some extent, developed and interrelated in terms of gender equality policies. Given the highly challenging and emotionally draining nature of processes like divorce, manipulating them even further by exploiting expectations arising from societal gender roles presents a distinct topic for future research and is strongly recommended for subsequent studies.

To analyze the news coverage about divorces on the state channel, a thematic analysis was initially applied to the headlines of the news articles. Subsequently, a visual analysis method was employed to examine which themes were accompanied by which visuals. Since the subsequent paragraphs will address thematic areas, this section will only touch upon the visual analysis categories.

For the Visual Analysis, the news articles were first scanned using a dual coder, and data was collected. Both coders created their own codebooks and, based on common themes, decided on visual categories. In this context, the categories are as follows: 'Ring/Official Family Document Photo' in the first category, 'Blurred-Faceless' in the second category, 'Criminal' photos in the third category depicting police/guards or ambulance presence, the 'Politics' category featuring visuals of politicians in the fourth category, the 'Individual' category centered around directly person-related photos portraying individual stories, and finally, the 'Child' category comprising images of children in the last category.

The major themes are centered around four main topics: murder, injury, psychological violence, judiciary theme and statistical themes. Within these themes, various minor themes have emerged. This section of the study will evaluate how themes and visual categories are presented. Under the major theme of murder, two minor themes were identified: spousal killing and murder of a relative or family member. When examined within the context of minor themes, the entire minor theme of murdering a relative or family member is associated with the criminal visual category, while in the minor theme of spousal killing, the criminal category is predominantly chosen, yet one article is presented in the faceless category, and another in the individual category. The individual story featured in just one article includes information and images of both the perpetrator and the victim. The reason for placing it in the faceless category is explained in the literature as an attempt to avoid creating an empathetic connection with the person or persons featured in the news (Bowen and Capozziello 2022). Thus, it emerges as a preferred category when the goal is not to establish a connection between the individual story and the reader. Moreover, articles that directly feature an individual's story and photograph are claimed to prioritize increasing empathy and establishing an emotional connection (Brantner and Lobinger 2011). When reporting on murder committed against a family member, the criminal category is directly chosen. However, in the case of spousal murder, the lack of consistent thematic alignment is a rather intriguing observation. Notably, the contrast between using the faceless category to prevent reader connection in one instance and featuring an individual story in another is quite interesting. Another interesting point is the significant increase in the usage of visuals in the criminal category, as evident in the table below, coinciding with the pandemic period.

In the major theme of injury, once again two minor themes have been identified: injuring a spouse and injuring a relative/family member. Similar to the previous major theme, in this theme as well, all images used in news articles about injuring a relative or family member are categorized as criminal. However, in the case of injuring a spouse, while 2 articles are placed in the "faceless" category, 1 article is presented in the individual category. However, it is important to note at this point that, when examining the content of the articles, the image used does not belong to the injured woman but to her mother. The photograph provided by the mother is used as the cover photo. Similar to the previous category, the distinct visualization of the crime against a spouse also raises questions about the underlying reasons. In the faceless categories, wooden judge's gavel images have been used across all instances, avoiding any informative content about the perpetrator.

Another major theme identified is psychological violence, and under this theme, minor themes such as property damage, threats/harassment, and abduction/retention have been classified. These minor themes involve criminal activities but exclude murder and injury, falling under the category of legal incidents. Within the property damage minor theme, a total of 4 articles have been identified, with 2 articles placed in the faceless category and the other 2 in the criminal category. Similarly, in the threats/harassment minor theme, a similar pattern is observed with an equal distribution between the faceless and criminal

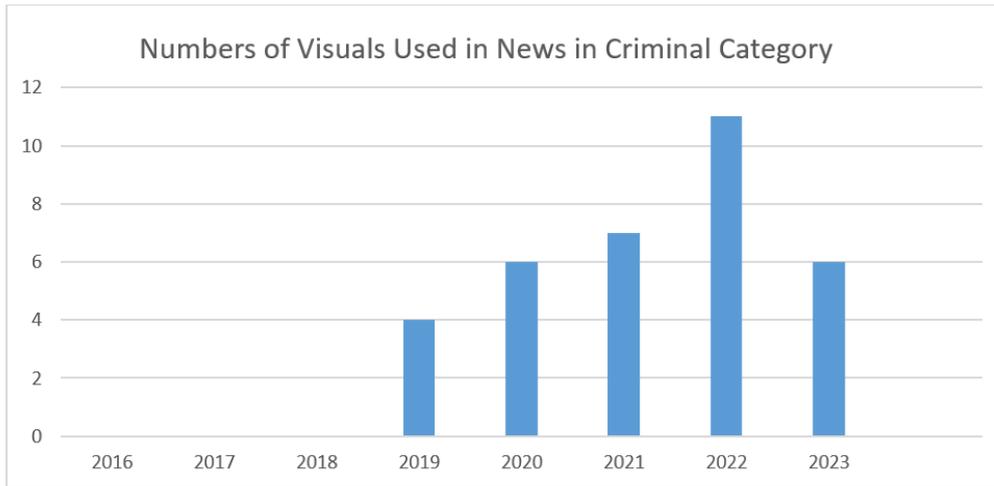


Figure 1.

categories. In the abduction/retention category, 66% of the provided articles are classified as criminal, while 33% are presented as faceless.

In the statistical theme, the majority of the articles (66%) are categorized under the "ring-official family document" category, followed by 22% in the faceless category, and 12% in the politician category. It has been observed that articles featuring politicians primarily revolve around statements or comments made by politicians regarding divorce matters.

News related to the judicial process have been examined under the theme of judiciary. The majority of the articles (%68) have been presented in the faceless category. However, an important point to emphasize here is that the image presented in the faceless category is that of a Wooden Judge's Gavel. The message intended to be conveyed through this image is that the trial is ongoing or concluded. When looking at other categories within this theme, another popular category is the "ring-official family document" photograph. Occasionally, in some articles, photographs of politicians have been featured.

In conclusion, upon examination of the news presentation, many articles have portrayed divorce proceedings alongside murder cases, with only articles presenting statistical information being considered outside the realm of murder themes. In murder-related articles, there is an observation of concealing information about the killer or victim, blurring their faces, or using the image of a judge's gavel to trivialize the event. Instead of framing the news to draw attention to the loss of life in cases of murder or injury, or to generate public discourse that might lead to the exclusion of the perpetrator from society, news are often presented with an image conveying the ongoing judicial process – a clear example of this being the use of the judge's gavel image.

Furthermore, even in articles focusing on individual stories, the person's image is not included. In the case of the story about an injured woman, her mother's image was included. In subsequent articles on the subject, the image of the judge's gavel takes precedence. When reporting on marriage statistics, the focus is often on the ring or the official family document photograph. In contrast, when discussing divorce rates or other statistical information, the image of the judge's gavel is commonly used.

On the other hand, in the Child category, as there is only one article, it has not been designated as a major theme. Despite children being one of the most affected parties in divorce cases, the infrequent use of child images could be a significant starting point for further research.

Another significant observation, as it can be seen in the table below, is the notable shift and increase in criminal news compared to the previous years of 2018-2019 when examined thematically and categorically from 2020-2023. Especially in the context of visual categorization, many articles that could have been included under the criminal theme in 2018-2019 have been categorized as faceless. In the years 2020-2023, there is a significant diversification and proliferation in minor themes like injury and abduction, both thematically and visually.

While there is no evident manipulation or direction in accordance with societal gender roles through the media channel, it is evident that there is a significant direction in the way murder news are presented. Particularly, the observed divergence over the years indicates that a certain policy is being followed in the presentation of news in the media. Moreover, the absence of images of children in news related to them, despite being one of the most affected parties in divorce decisions, emerges as an essential topic that should be addressed in ongoing studies. On the other hand, no message or perception based on gender roles has been identified in the news headlines or images related to divorces. However, it is clear that a specific presentation style is in place.

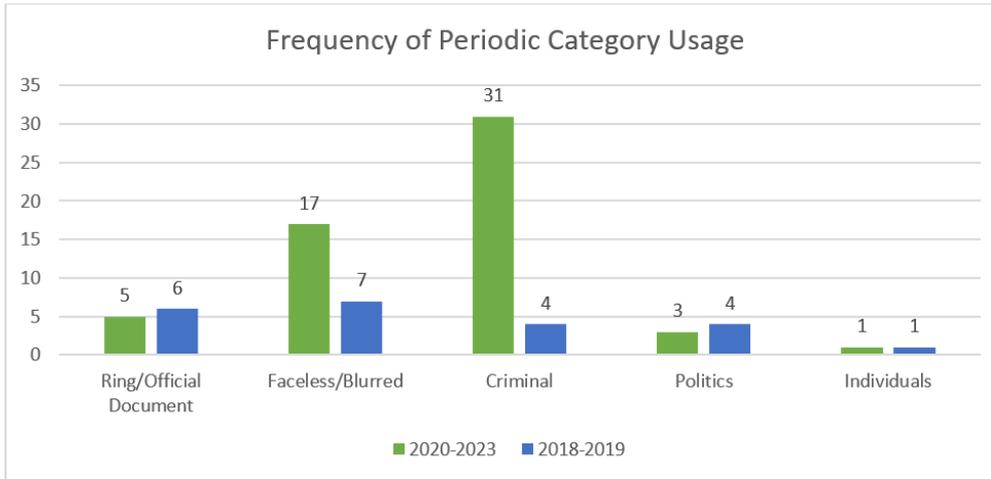


Figure 2.

In conclusion, it is challenging to assert direct intervention by either the media or the judiciary in societal gender roles. However, an indirect influence and manipulation are evident. Particularly, the preferred visual category for news presentation in the media and the uniformity of news headlines indicate that the state-owned channel does not present news in a random order. In the judiciary, especially in first-instance courts, decisions tend to be made with regards to societal gender roles, often placing the burden of household, family, and child responsibilities on women. However, apart from the lack of interest category in decisions of Supreme Court, there is no explicit expectation based on gender that normalizes the idea of "this is the duty of a specific gender." Therefore, despite the potentially gendered decisions made by first-instance courts, these decisions are often overturned in the Court of Cassation, and severe flaws are reevaluated. Evaluating both mechanisms, when seeking an answer to the research question of whether society is gendered by the state, we can indirectly conclude that gendered perceptions are present. However, in this gendering process, especially within the judicial context, the existence of mutually controlling mechanisms implies a dual-check mechanism. Thus, an approach deemed as severe fault by one side, which can be characterized as gender-biased, can be overturned by the other side. Additionally, the manner in which news are presented in the media, especially when providing information about the victim in murder cases while withholding information about the perpetrator, and the limited sharing of individual information in very few articles, warrants further investigation into their societal impacts and should be a separate subject of study.

### Conclusion

The state is eventually gendered with its historical base and policies related to education system, economy, judiciary system and even media particularly in household life. This paper aimed to analyze gendered state on the perspective of divorce and how it is structured on the eye of judiciary system and media. Household life and social life are nearly integrated parts and all shaped by the perceptions and values of society which are manipulated by gendered state policies. Therefore, in this study, how the state looks at our daily lives, our bodies, motherhood, and partnership in terms of regulating them, to what extent this perspective is gendered, and whether it aims to influence the social structure have been discussed. Within this framework, despite the fact that gender-focused decisions are still made within the judicial system, the controlling mechanisms within the judicial system mitigate their effects to some extent. However, indirectly, gendered policies are still observed. In the realm of media, the official state broadcasting tool has been examined, and it is evident that there is an intention behind the presentation of news and the selection of images, and that there is not a random system in place. Particularly, the consistent presentation of certain themes within specific categories reveals an underlying intention. Finally, the media undoubtedly have a significant impact on our values and the way how we perceive the news so that femicide and other issues related to women are generally presented in a gendered perspective, and there are few state policies to regulate the discrepancies. As a result, the indirect yet significant impacts of the judicial system and media on daily societal life are observed quite effectively. Through an examination based on data gathered specifically around the term "divorce," it is concluded that women are still confined to the home, the divorce process is further exacerbated by societal roles for the parties involved, and the media tends to solely focus on the criminal aspect of the divorce process.

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