

WOMEN'S INTERPRETATIONS OF *FETVA*:
GUIDING DAILY LIFE AND GOVERNING THE PRIVATE
THROUGH *ALO FETVA*

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DECLARATION OF ORIGINALITY

I, Burcu Kalpaklıođlu Yalçın, certify that

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ABSTRACT

Women's Interpretations of *Fetva*: Guiding Daily Life and Governing the Private Through *Alo Fetva*

This study analyses women's practice of delivering *fetva* in the *Alo Fetva* telephone line serviced by the Directorate of Religious Affairs. It is based on an ethnographic research conducted in the room where female preachers (*vaizes*) and religious experts respond to *fetva* seekers' questions. Focusing both on *fetva* narratives and the subjects who deliver them, the study addresses *fetvas* given by the Directorate's women civil servants both as an ethical practice that proposes what is "good" and "right" and as a "governmental technique" by which sovereign power enters people's homes and intervenes in their private lives. The responses to the questions about daily life and family problems constitute the backbone of the study. The thesis lays out how religious discourse is constituted and how ethical, political and religious matters get intertwined in a traditional practice performed in a secular institution. The study focuses on the *vaizes*, their pedagogies, motivations, emotions and the way they perceive and make sense of the work they do. Discussing their position as mediators between the Directorate and people, the study shows the sources of *vaizes*' authority and the ways they reason in the space of interpretation allotted to them. It argues that in that space of interpretation, *vaizes* strive to protect the rights of the women who seek *fetvas* and assume and pursue *Diyanet*'s and, by extension, the government's discourse on women and the family. The thesis maintains that the work performed by *vaizes* cannot be reduced to one mode of operation or the other.

ÖZET

Kadınların Fetva Yorumları:

Alo Fetva ile Gündelik Hayata Rehberlik Etmek ve Özeli Yönetmek

Bu çalışma Diyanet İşleri Başkanlığı'nın bir telefon hizmeti olan Alo Fetva hattında çalışan kadınların fetva verme pratiklerini analiz etmeyi amaçlamaktadır. Tez, vaizelerin ve din hizmetleri uzmanlarının fetva sorularına cevap verdiği odada yapılan bir etnografik çalışmaya dayanmaktadır. Çalışma fetva anlatılarına ve fetva veren öznelerle odaklanarak, Diyanet'in kadın memurları tarafından verilen fetvaları insanlara hem "iyi"yi ve "doğru"yu gösteren etik bir pratik, hem de egemen iktidarın insanların evlerine girmesini ve özel hayatlarına müdahale etmesini mümkün kılan bir "yönetimsel teknik" olarak ele almaktadır. Bu bağlamda, gündelik hayat ve aile problemleri ile ilgili sorulara verilen cevaplar çalışmanın başlıca dayanak noktalarıdır. Tez, seküler bir kurumda gerçekleştirilen geleneksel bir pratikte dini söylemin nasıl inşa edildiğini ve dinin, etiğin ve politikanın nasıl iç içe geçtiğini göstermeyi amaçlamaktadır. Bunu yapmak için, vaizelerin kendilerine, pedagojilerine, işlerindeki motivasyonlarına, duygularına ve yaptıkları işi nasıl anlamlandırdıklarına odaklanmaktadır. Vaizelerin pozisyonlarını Diyanet İşleri ile halk arasında bir aracı olarak tartışan çalışma, vaizelerin otoritelerinin kaynaklarını ve kendi yorumlama alanlarındaki akıl yürütme yollarını analiz etmektedir. Tez, bu yorumlama alanında vaizelerin bir yandan fetva isteyen kadınların haklarını korumaya çalıştığını, bir yandan da Diyanet'in ve hükümetin kadın ve aile konusundaki söylemini üstlendiğini iddia etmektedir. Ve böylece tez, vaizelerin işlerini icra ediş tarzlarının bunlardan birine ya da diğerine indirgenemeyeceğini savunmaktadır.

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CHAPTER 1

INTRODUCTION

This thesis is a study of women's practice of delivering *fetva* through *Alo Fetva*, the telephone service by which people ask their religious questions to the preachers and the religious experts employed in the Directorate of Religious Affairs. This is neither a study which seeks to understand pious Muslims' social and daily lives by analyzing *fetva* questions nor an institutional analysis which aims to discuss the Directorate of Religious Affairs (*Diyanet*, hereafter) in the context of its ambiguous position in secular Turkey. Rather, it is an attempt to analyze how ethics, politics and religion are intertwined and redefined through a traditional practice performed in a modern secular institution. Also, it is a story of the female preachers (*vaizes*, hereafter) who deliver *fetva*, a story of the way they transform the form and the content of traditional *fetvas*, a story of their pedagogies, affects and difficulties they experience squeezed as they are between the demands of *Diyanet*, people calling them and their own conscience.

My interest in *fetva* in general, and in women delivering *fetva* through *Alo Fetva* in particular, has three sources. Firstly, in my view, two main approaches to *fetva* were salient in Turkey: it is either a mere political tool by means of which sovereign power has been realizing its projects; or it becomes an object of disdain, an inconsequential discourse through which people find responses to their insignificant and even absurd questions regarding daily life. Besides, although scholars – especially historians- have a growing interest in *fetvas* over the last decades, there are a limited number of studies regarding *fetva* in the anthropology literature. However, *fetva* is not a practice only performed in the past; rather it still continues to guide

Muslims who don't know their way about life. In this regard, I am interested in the novel forms of this traditional practice at a time when new media technologies are developed, institutions are secularised and religious authorities proliferate. Although a comparison between “traditional” and “modern” *fetvas* exceeds the scope of my research, an ethnographic inquiry about *fetva* would explore the way it is practiced in the present and the way the dimensions peculiar to *Alo Fetva* pave the way for a transformation of this traditional practice. It also saves *fetva* from the common sense view that confines it to a political means or scorns it. In doing this, I will not take *fetva* as a solely legal or political discourse; rather I will foreground its ethical and social dimension (Agrama, 2010; Hallaq 2013), explaining how religious truth is established by the interaction between the ethical and the political.

Secondly, pious Muslim women argue that jurisprudence was always a space belonging only to men. *Fetvas* about specific issues that we know and accept as pre-given today were therefore interpretations made by men and should be revised in accordance with the needs of today's women. Contemporary scholars have already emphasized how the emergence of female religious leadership made a shift in the structures of Islamic authority (Kalmbach, 2012; Hassan, 2012; Mahmood, 2005). Women's delivering *fetva* today is a practice that breaks this male dominated jurisprudence tradition. Although the activity of female preachers is limited by institutional and gendered restrictions, it could be said that they constitute a feminine religious authority that has various components, modes and a peculiar pedagogy. In this regard, I seek to understand this mode of authority, ways of interpretation and pedagogies of responding, which transform the male dominated sphere of *fetvas*. Furthermore, I will not only explore the dimensions of the practice of *vaizes*, but also

focus on *vaizes* themselves as feminine actors, with their subjectivities, emotions, thoughts, concerns and motivations.

Lastly, scholars have been discussing whether the presence of *Diyanet*, as an institution which controls and governs religion in secular Turkey, is proper to the principle of secularism or not. In the thesis, I don't aim to focus on the concept of the secularism, but I am still interested in whether and to what extent secularism and governmental rationality determine the establishment of a particular discourse in *Alo Fetva*. My question then is: Whose voice is on the phone? In other words, how and to what extent do the discursive positions of *Diyanet* and of *vaizes* intertwine, negotiate or exclude each other in different cases?

1. 1 Theoretical framework

1. 1. 1 Contextualizing the question of *fetva*

Over the last decades, with the increase of Islamic mobilization that prevails in different countries in the world, particularly in the Middle East, we hear countless myths about the sharia, created by “radical” Muslims and incited by the media. Televisions have showed us how the sharia condemns and executes people or oppress women in the name of God. While the “seculars” have a dark image of a sharia state, most of the Sunni Muslims in Turkey postulate that the sharia is something dictated by institutions of the modern state as well. Although they rigorously opposed the attacks and violence perpetrated by ISIS (Islamic State of Iraq and Syria), they hardly question the supposed relationship between the sharia and the state. The sharia is usually understood as a top-down governance associated with the state and a form of law which regulates people's lives according to Islamic

norms supposed to be static, closed and abstract. Accordingly, these norms have their roots in the past and are irrelevant to our current “secular” institutions and form of life. Most of the Islamists romanticize and desire this irrevocable the sharia, deeming it to be a lost system that has been experienced at one time and will never come back again. Although the positions of “seculars” and Islamists seem quite the opposite, they share a common view in the sense that they confine the sharia to a particular period of history and assume it as a stable and unchanging category. Then, what is the sharia? And in a country that radically experienced modernizing reforms and secularization processes, how and in what ways should we think it? Although I digressed from the question of the sharia throughout my ethnography, the idea of writing this thesis first of all arose from these broader questions I had been pursuing for a long time. I will now try to elaborate the ethical dimension of the sharia and explain how tracing the question of the sharia pushed me towards the practice of *fetva*.

Scholars have already criticized the assumption of the sharia as a production of the state (Hallaq, 2013; Asad, 2003; Haj, 2008; Agrama, 2012). Hallaq explains that throughout Islamic history the sharia was not a product of Islamic government, unlike modern law which is formed and interfered by the modern state. The sharia, the term literally means “path”, “way” in Arabic language, is an ethical path that defines what is good or bad and constitutes a good life for Muslims. While the moral imperative was relegated to the secondary status in the modern project, the sharia was first of all constituted by moral. It is a “moral system in which law (in the modern sense) was a tool and a technique that was subordinated to and enmeshed in the overarching moral apparatus but was not an end itself. In the sharia, the legal is the instrument of the moral, not the other way around.” (Hallaq, 2013) To put it

differently, rather than enacted and dictated by the state, the sharia is a moral system which starts from one's relationship to others. It provides guidance for Muslims in their cultivation as moral selves showing them how to conduct themselves according to the Islamic practices and virtues. Different from modern codified law, the sharia is "a domain of open-ended opinion and debate" (Clarke, 2012), embodied in the social world through Islamic jurisprudence which is called *fikih*. Müftis have a significant role in transmitting *fikih* by issuing *fetvas*. *Fetvas* are non-binding opinions that guide Muslims about how to live properly and therefore enable them to continue the sharia in their daily lives. In other words, *fetva* is one of the practices through which the sharia maintains in the social lives of the Muslims in Turkey (Messick, 1993). In this regard, I will again follow Hallaq who argues that moral dimension of the sharia still continues to sustain it (Hallaq, 2013):

While the Shari'a is now institutionally defunct (including its hermeneutics, courts, discursive practices, educational systems, and the entire range of its sociology of knowledge), much that is psychologically and spiritually latent has survived, hence the preserved memory of it as a moral resource. While Islamic contract law, commercial dealings, penal law, and much else in terms of applied procedural and substantive law have extensively been replaced by Western laws, Western courts, and modern legal practices, the "pillars of Islam" and their overpowering effects have not. They continue to define what it means to be a Muslim. Therefore, we largely but not exclusively delimit the moral resources in terms of the technologies of the self, and these are provided for amply in the discourses and practices of the pillars. The entire domain of the pillars has been left by the modern state mostly untouched, because it is regarded as belonging to the private sphere. Yet this domain extends well beyond the private sphere.

Although religion was separated from the sharia and limited only to the private sphere today, the "private" intertwines with the "public" sphere and continues to maintain the sharia in different geographies of the world. In Turkey, for instance, institutions underwent a process of secularization since the 19th century, but Muslims still organize their daily life according to Islamic understanding of the world. From how to raise a child to how to establish a relationship with a neighbour, the sharia is embedded in all details of daily life and cultivate virtuous Muslim selves

through various social practices, techniques, and words that belongs to the Islamic vocabulary. In this context, *fetvas* have a significant role for Muslims in pursuing sharia knowledge. They ask their questions to those who are known for their religious knowledge; in this way, religious-moral knowledge is transmitted from one to another.

Talal Asad's notion of "discursive tradition" will provide a theoretical framework for us to analyse the role of the practice of *fetva* in the reproduction of Islamic knowledge and societies. Inspired by MacIntyre's concept of tradition, Asad (Asad, 1986) suggests that Islam is best understood as a "discursive tradition":

A tradition consists essentially of discourses that seek to instruct practitioners regarding the correct form and purpose of a given practice that, precisely because it is established, has a history. These discourses relate conceptually to a past (when the practice was instituted, and from which the knowledge of its point and proper performance has been transmitted) and a future (how the point of that practice can best be secured in the short or long term, or why it should be modified or abandoned), through a present (how it is linked to other practices, institutions, and social conditions). An Islamic discursive tradition is simply a tradition of Muslim discourse that addresses itself to conceptions of the Islamic past and future, with reference to a particular Islamic practice in the present.

According to Asad, tradition is not a fixed and unchanging category and it is not opposed to the concept of the modern. Rather, it is reproduced through the texts, concepts and practices its adherents are engaged in. (Asad, 1986) The Islamic discursive tradition refers to "historically evolving set of discourses, embodied in the practices and institutions of Islamic societies and hence deeply imbricated in the material life of those inhabiting them." (Hirschkind, 1996) In this sense, in order to analyse Islam as an object of anthropological study, one should begin from an instituted practice – having a particular context and history- through which Islamic societies are reproduced. By emphasizing the historical and practical context of the Islamic tradition, Asad also points to the powers and knowledges through which a

contestable representation of a tradition is established. (Asad, 1986) In this context, my thesis concerns the way the traditional practice of *fetva* is performed and transformed in a state institution in modern Turkey. Inspired by Asad, I argue that this effort would be helpful in conceiving how a discursive tradition, or we might say the sharia, is reproduced in a particular moment of history. In order to do so, I will try to understand the kind of references, ethical concepts, arguments or pedagogies the female practitioners' practices and modes of reasoning are communicated (Mahmood, 2005), drawing particular attention to the way they understand and perform that practice. In this sense, I will seek to understand the political, ethical and religious dynamics and power relations through which specific discourses are established in this practice.

1. 1. 2 *Diyanet*, secularism and governmentality

Modern Turkey appropriated a form of secularism called *laiklik* (adopted from French *laïcité*), which in turn was not based on separating religion from the state but governing and controlling religion. The transition from *Şeriyye ve Evkaf Vekaleti* to *Diyanet* (1924) was a crucial step through which Turkish secularism was constructed. In its role of defining the domain of religion, *Diyanet* restricted Islam to a personal faith and private activity and reconfigured a state religion based on Sunni Islam that marginalizes unorthodox groups and religious orders (*cemaat*). In this way, modern Turkey employed *Diyanet* against religion and its influence over the socio-political sphere. (Gözaydın, 246) In this context, the Directorate's name, *Diyanet*, was also not a coincidence. While the term *din* includes worship (*ibadet*), social transactions (*muamelat*), ethics (*ahlak*) and all other aspects included in Islam, the term *diyanet* excludes the other domains and refers only to worship, which is

considered to be a personal matter outside of the social life (Kara, 2012, p.63). In this regard, the considerably limited tasks given to the Directorate were threefold: 1. To administer the affairs of the Islamic faith and the principles of its worship and morality; 2. To illuminate the public about religion; 3. To administer the places of worship (Sunier & Landman, 2011, p.32).

The story of *Diyanet* and its *fetvas* along with the story of secularism have substantially changed in Turkey with the coming to power of the Justice and Development Party (AKP, hereafter) in 2002. Since Ali Bardakoğlu's presidency, the role of the Directorate in regulating religious and social affairs in Turkey has considerably increased. Especially, through the increase of *vaizes*, the spaces where *Diyanet* comes face to face with people have significantly expanded. After the establishment of Family Guidance and Counselling Bureaus (*Aile İrşad Büroları*), the *vaizes* began to give advice to families regarding their problems. As I will show in chapter 4, in this way, it could be said that *Diyanet* and the AKP enter into people's most private spaces. Through their tasks included in Family Bureaus, they also have been going to orphanages, hospitals, prisons, etc. Besides, *Alo Fetva* has become free of charge and able to be called from both home and mobile phones, which in turn increased its reachability. Also, in collaboration with TRT (Turkish Radio and Television Institution), a television and a radio channel were established in the name *Diyanet Tv* (2012), *Diyanet Radyo* (2013). In this period, scholars as well as newspapers have also mentioned the increase of the budgets and the personnel of *Diyanet*.¹ This expansion of tasks and the visibility of *Diyanet* have been an object of discussion for many years. Although *Diyanet* has always been an object of contestation since its establishment, discussions regarding whether *Diyanet*

¹ Sunier and Landman argues that the statistical data shows that *Diyanet*'s budget and personnel has not increased as it is argued (Sunier and Landman, 2011).

contradicts the principles of secularism or not considerably increased in the AKP period. In cooperation with *Diyanet*, it is argued that the AKP has an agenda which contradicts the principle of *laiklik*. I should pause here to elaborate on the literature which examines the concept of secularism and discuss the AKP's politics of religion in this context.

In his path-breaking work *The Formations of the Secular*, Talal Asad claims that the concept of "secular" --which is formed after processes in which a variety of concepts, practices and sensibilities have come together-- is prior to the political doctrine of "secularism." (Asad, 2003, p.16) Questioning the normativity of the notion of "secular" and its necessary opposition to "religious", he takes the secular "to be a concept that brings together certain behaviours, knowledges, and sensibilities in modern life." (Asad, 2003, p. 25). In the last decade, inspired by Asad's theoretical framework, a considerable number of scholars have examined the concept of secularism and discussed its different forms in Middle Eastern countries. Agrama, following this literature, states that secular norms are neither natural nor connected to freedom as it is discussed in the context of separation of religion and state. They are also not simply related to control and constraint (Agrama, 2010, 29):

And thus what best characterizes secularism is not a separation between religion and politics, and not simply state regulation of religion, but an ongoing, deepening entanglement in the question of religion and politics, for the purpose of identifying and securing liberal rights and freedoms. This ongoing entanglement is a feature of the expanding regulatory capacities of the modern state, and it is something we see throughout the history of the paradigmatic secular states right up to the current moment.

As an expression of the state's sovereign power, secularism is not a fixed and static category but "the essences of the secular and religious are continually defined and redefined" by certain processes and practices. Agrama continues to argue that the power of secularism lies in this constant definition and redefinition of these

categories. (Agrama, 2012, p.29) While the Kemalist regime's *laiklik* was based on controlling and governing religion by excluding it from the public sphere, the neoliberal and the "religious" AKP uses a governmental technique which controls more of the life of the citizen by increasing the visibility of religion in the social life of its citizens. Religious ideas and institutions are gradually replacing the sphere of the social in the AKP period. The activities that belong to the sphere of social services are performed by the Directorate which means that the regulation of the private life is transferred to a religious institution. In both the AKP and the Kemalist periods, in one way or another, religion becomes an object of politics and the question of where to draw a line between religion and politics is always salient. For these reasons, the AKP and the *Diyanet* -as an institution that works in accord with the politics of religion of the AKP- are not opposed to the principle of secularism but are integral to it.

The AKP deploys a mode of secularism which is best elaborated by using Foucault's notion of "governmentality", which he also defines as "the conduct of conduct". While I will explore this notion in the context of *Diyanet*'s policies regarding the family in the chapter 4, I want to emphasize here its relation with the concept of secularism. According to Foucault, the exercise of power is not a mode of action which acts immediately and directly on others, rather it is "a mode of action upon the action of others" (Foucault, 1982, 221). And governmentality refers to the ensemble constituted by institutions, procedures, tactics, analyses and calculations that enable the exercise of power that targets the population (Foucault, 2007, 144). In this sense, sovereign power governs the population by shaping, guiding and conducting the citizens at a distance. As the state conducts the conduct of individuals, families, children or souls, it also governs religion which conducts the

conduct of the daily lives of the people. Then, as Agrama emphasizes in a different way, secularism is a feature of governmental rationalities and techniques of the modern state. In this context, *Alo Fetva*, the service through which *Diyanet* personnel conduct the conduct of pious Muslims and disseminate religious knowledge, and *Diyanet*'s new tasks regarding preserving families, bringing social and religious service to elderly people in nursing homes, to orphans in orphanages, to sick people in hospitals or to prisoners are techniques of governmentality. In this thesis, I will discuss the responses of *vaizes* also in the context of secularism and governmentality, exploring how ethics, politics and religion are redefined and tangled through the governmental activity performed in a secular institution.

1. 2 The field of a research: women's *fetva* room

My fieldwork in *Alo Fetva* began when I got into contact with Nevin Meriç and met her in the backyard of ISAM (Centre for Islamic Studies). She is the first woman who responds to *fetva* questions through *Alo Fetva* and has been working there since 1999. She also wrote several books about *Alo Fetva*. When I told her my questions regarding *Alo Fetva* and expressed my desire to conduct research related to these questions, we had a long conversation about her experiences in women's *fetva* room (*bayan fetva odası*), the room wherein women answer the questions by telephone. She therefore gave me an idea about what was happening there. With regard to my desire to do fieldwork in the *fetva* room, she was hesitating since it was not possible for me to hear the voice of the *fetva* seeker on the phone while I was sitting there. She thought it would be better if I was a graduate of a theology faculty and could work there, thereby being able to answer the phone calls. I told her I didn't need to

hear *fetva* seekers' voices. Rather than doing research about the diversity of questions or lives and motivations of *fetva* seekers, I was more interested in the answers and the practice of *fetva*-giving itself. Then she suggested to me that I visit the *fetva* room once to try it and decide whether I can carry out this research or not. If I decided to do the research, she said, I had to take permission from Muftiship² of Istanbul in order to go there regularly.

When I first went to the women's *fetva* room, I was surprised a little bit. I realised that I had dreamed of it as a bigger and more complex place probably because I had a call centre image in my mind. Yet, it was a small and plain room. It was located in the additional service building of the Muftiship of Istanbul which is a part of the social complex (*killiye*) of Nuruosmaniye Mosque. When you enter the building, you see ever-narrowing huge stairs on which a red carpet is rolled out. At the end of the stairs, there are rooms on the right side and a long hallway where civil servants work at their desks on the left. The women's *fetva* room is the last room on the right side. A historical ambiance oozed through its small and wooden doors and windows, and its dome-shaped ceiling. In the room, there were three desks on which a computer, a telephone, some books and papers were situated. Also there were books on shelves on the walls including jurisprudence and hadith books, *ilmihals* (manual of Islamic worship, faith and ethics) the Quran, the Encyclopaedia of Islam published by *Diyanet* and other publications of *Diyanet*. Three women were sitting at the desks, answering phone calls within working hours. The other two women were not in the same position as Nevin Hanım and were *vaizes* of different districts who come to the *fetva* room for one week, twice a year. This practice is called *fetva* shift.

² In jurisprudence tradition, mufti is a scholar who is qualified to interpret Islamic law and deliver *fetva*. In Turkey, muftis are state officials employed by *Diyanet* and they hold office in the Muftiships situated in each city and district.

The first day of my fieldwork, I tried to find the proper way to listen to their conversations. I tried to guess questions by listening to the responses given by the *vaizes* and by Nevin Hanım and asked them what the question was after they put down the telephone. Furthermore, if the question had to do with what I was interested in (I told them I was interested in the questions related to daily life and family problems when we met), they immediately told me before I asked. Sometimes while they were talking on the phone, they pointed at the receiver with their hands so that I could pay attention to their speech. At the end of the first day, I realized that the fact that I could not hear the voice of the *fetva* seeker was not a problem in terms of my research, as Nevin Hanım supposed. On the contrary, asking the *fetva* seeker's question to *vaizes* gave me an opportunity to converse with them. When I asked *vaizes* what the question was, they told it in their own words, mostly adding up their own opinions and comments. When other *vaizes* joined in our conversation, they also expressed their opinions and discussed among themselves. I sometimes asked them why they responded in such and such a manner, how the *fetva* seeker reacted to her response and other questions about the details. These discussions and conversations were considerably fruitful for me. Hence, I understood that listening to only one side of the phone conversations, even if it seems as a difficulty at first, was going to yield a good deal of possibilities with regard to my research. Then, at the end of my first day, I decided to do my field work in the *fetva* room, with a feeling of wonder and a little excitement.

Since the very beginning, I planned to conduct research only about women's responses because I wondered how this traditional male dominated practice is performed by women in a secular institution. Besides, I thought that daily life issues would be more salient in woman- to- woman conversations and it helps me to

conceive and discuss *fetva*'s ethical capacity. Getting permission from the Muftiship of Istanbul, I went to the women's *fetva* room once or twice a week for five months. Since *vaizes*' shifts rotate, I always had the chance to meet new people. Thus, each time, I felt somewhat similar to my first day experience when I entered the room on Mondays. In these first encounters, each week, I had to introduce myself by telling them that I was a master's student in the sociology department at Boğaziçi University and writing a thesis on *Alo Fetva*. Afterwards I was explaining the content of my thesis subject. On the other hand, the strangeness that I felt the very first day vanished by becoming a part of the room in the course of the weeks. Coming from different parts of the city, *vaizes* were changing their shift on a weekly basis. Their rotation and changing of the shift brought about a weird situation. They were working in the *fetva* room just for one week; but I was visiting the room each week for two days. I thus felt as if I, rather than *vaizes*, was the host in the *fetva* room. Besides, sometimes it turned out that I knew them more than they knew each other. They might have been supposing that I was a new *vaize* when they first saw me. And sometimes Nevin Hanım bantered with them by introducing me as "our new personnel" with a faint smile on her face. When I introduced myself, *vaizes* were quite interested in my research and pleased with my thesis subject. Yet it was also a common occurrence that they didn't find my ethnography favourable. To their mind, not getting a formal education in theology was a problem. I wasn't expecting such questions from *vaizes* as to which high school I attended, implying that it would have been better if I had gone to a Religious Vocational High School (*İmam Hatip Lisesi*). Especially in the beginning stages of my ethnography, I came up with this question numbers of times. My answer (I graduated from an Anatolian High School known as "secular") surprised them and they appreciated my wonder about *fetvas*, but it

sometimes also raised the idea of my inadequateness in the issues of jurisprudence, hadith, exegesis or other Islamic sciences. At these times, I tried to explain that I will research *Alo Fetva* from a sociological point of view and not dive into detailed discussions about jurisprudence or other Islamic sciences.

During my field work in the *fetva* room, I sat in a chair next to *vaizes'* tables and took notes on a notebook. I didn't suggest using a tape recorder because I thought it could make women less comfortable. Apart from this, they were mostly speaking on the phone simultaneously and I had to choose one and concentrate on her among the mingled voices. Thus, a tape recorder would not work so much. When a woman had time between phone calls, I talked with her about several issues including their tasks other than the *fetva* shift, their experience of *fetva*-giving and specific issues which came up with a question, etc. In addition to my conversation with them, they were usually discussing a particular issue among themselves, which was very interesting for me in terms of seeing different opinions among them. These discussions might have been arising from my questions as well as from a *fetva* question. I don't know to what extent my presence in the room had an impact on raising these discussions but there were always discussions that captured significant topics pertaining to jurisprudence and daily life, from which I learnt a lot.

Civil servants who work in *Alo Fetva* are not limited to Nevin Hanım and rotating *vaizes*, there are also others. When one dials 190 on the phone, s/he hears three options: women's *fetva*, men's *fetva* and Family Counselling. Questioners who choose *men's fetva* are directed to men's *fetva* room, which is also located in the same social complex in the Nuruosmaniye mosque. Two rotating male preachers (*vaiz*) respond to the questions there. Since my thesis subject comprises only women's *fetva* giving practices, I sat and listened to the phone conversations for just

one day in men's *fetva* room. Furthermore, the questions concerning family issues are directed to Vicdan Hanım, the coordinator of the Family Counselling Bureaus (*İstanbul Müftülüğü Aile İrşad Büroları*) of the Istanbul Muftiship, whose room is next to the women's *fetva* room. And if the lines are too busy, calls are directed to Vildan Hanım, another civil servant in the building who responds to the questions posed via e-mail. When one of the three women is absent from the *fetva* room, Vicdan Hanım or Vildan Hanım³ comes to the *fetva* room and answers questions. During my ethnography, I had also a chance to listen to their conversations both in their rooms and in women's *fetva* room. I also conducted interviews with them as well as Nevin Hanım and seven *vaizes*.

³ Throughout the thesis, I will use pseudonym for *vaizes* but I will keep these two women's and Nevin Meriç's name as they are.

CHAPTER 2
PERFORMING A TRADITIONAL PRACTICE
IN A SECULAR INSTITUTION

“Ask those who know.”
(Bee Sura, v.45, Quran)

The dictionary definition of the word *fetva* is “a response that explains religious-legal judgement of a jurisprudential issue.”(Atar, 1995, p. 486)⁴. In the jurisprudence tradition, the term *fetva* refers to a “written or oral response or judgement about a jurisprudential issue given by muftis”⁵. *Fetvas* are non-binding learned opinions that have to do with any issue, from a practice of *ibadet* to an ethical problem pertaining to the details of one’s daily life. They are transmitted within the jurisprudential tradition, called *fikih*, and delivered to people through muftis’ interpretative act. A variety of *fetvas* issued by *muftis* in different geographies are accumulated and thereby construct and expand the jurisprudence tradition. This also serves “to stimulate the development of the sharia from below, in response to specific needs of particular Muslim communities.” (Masud, Messick, Powers, 1996, p.4) When a mufti issues a *fetva* pertaining to a specific issue, he derives it by referring to what was written before in jurisprudence. At the same time, muftis are not passive while transmitting *fetvas*. Between the law and the social fact, there always exists a gap through which a possibility of interpretation arises (Messick, 1993). Muftis are mediators who stand there, trying to fill the gap (that can never be filled) through their interpretation.

⁴ “Fıkhi bir meselenin dini-hukuki hükmünü açıklayan cevap,” Fahrettin Atar, İA, “Fetva”, 1995, cilt 12, 486. I had to translate *hüküm* as judgement but it should be noted that here judgement is not the same as the term judgement which is used for the decision of the qadi.

⁵ “Fakih bir kişinin sorulan fıkhî bir meseleye yazılı veya sözlü olarak verdiği cevap, ortaya koyduğu hüküm”, Ibid.

In the early period of the Islamic tradition, the activity of *fetva*-giving was a private activity and independent of state control. People asked their religious questions to those known for their good knowledge and piety in the community. It was not a task assigned by a state. However, in time, *fetva* giving became specialized. In the 10th century, it became a career that could only be obtained by special training and special permission which was issued by an administration. But it was still a civil activity that had no relation with sovereign power (Öcal, 2008, 326). In contrast to judgements, *fetvas* were not binding, but they had still authority. While qadis, who gave binding judgements in courts, were appointed and received a salary, the work of muftis was less institutionalized (Masud, Messick, Powers, 1996, p.8). In the pre-Ottoman period, the qadi was seen as an agent of corrupted politics due to his close relationship with the government which was also associated with “corruption, coercion and temporal predilection”(Hallaq, 2003-2004, p.249). In contrast to this, muftiship, through which “Islamic law” was maintained and transmitted, has worked outside of government and “state” politics. According to Messick, “the impact of muftis upon practice has been greater than that of judges” (Messick, 1986, p. 103)

Ottomans, with their centralized system of government, instituted the position of *Şeyhülislam* or the most learned Islamic scholar (Kara, 2012, p.62). Since he is the greatest authority of *fikih*, the *Şeyhülislam* did not need to refer to any Islamic sources but only write “Yes” or “No” to the questions in their written *fetvas*. Except the provincial ones, muftis also had a considerable authority and thereby did not refer to the sources in their *fetvas* (Heyd, 1969, 42). In this period, it was common for sultans to legitimize their actions by applying to the *Şeyhülislam* and asking for a *fetva* regarding his decisions and policies. According to Hallaq, however, although jurisprudence collaborated with the state in the Ottoman period, the logic of the

relation between religion and politics is still very different in comparison to the modern state. Whereas the “traditional ruler”, he argues, “considered himself subject to the law and left the juridical and legislative functions and authority to the legal profession, the modern nation-state reversed this principle, thereby assuming the authority to dictate what the law is or is not.” (Hallaq, 2003-2004, p. 254). In other words, although Ottoman sultans had a close relationship with jurists and used “Islamic law” as a means to reach their goal, the domain of religion and politics were still separated in the sense that the sultan had no capacity to interfere in the legislative process and the legal doctrine.

2. 1 *Fetva* in secular Turkey

After the foundation of the republic at the beginning of the 20th century, Turkey underwent a process of modernization through which a variety of reforms took place. These reforms aimed to replace religion with national sovereignty as the state’s source of legitimacy. In 1924, three major reforms took place: The Office of the *Şeyhülislam* was abolished and instead the Directorate of Religious Affairs was established. The religious schools (*medrese*) were abolished with *Tevhid-i Tedrisat Kanunu* (the law on unification of education) and the caliphate was also abolished. In later years, sufi lodges (*tekke, zaviye*) and shrines were abolished (1925) and the Civil Code was adapted from Swiss Civil Code (1926). These were the substantial reforms through which religion was displaced from the socio-political sphere and domesticated. All of these reforms directly or indirectly affected the form, the actors and the content of the practice of *fetva*-giving. With the abolition of religious schools (*medrese*), for example, the traditional legal specialists lost their “judicial offices as

judges, legal administrators and court officials” and their teaching posts and educational functions. In result of this, they conceded to reproduce their pedigree. (Hallaq, 2003-2004, p.256) With the Civil Code, the sharia lost its legislative capacity. While the qadī judgement relied on the rules transmitted by the jurisprudence tradition, the new courts were based on the Civil Code. In the past, although the activity of muftis had been non-binding and different from that of the qadī, muftis’ *fetvas* were mostly used as points of reference in courts. People obtained *fetva* from muftis before going to courts, or qadis asked for it before giving decision about a case. In this regard, there was a strict relationship between *fetvas* and court decisions. After the law reform, however, the domain of courts and *fetvas* was separated. *Fetvas* pertaining to social transactions, such as marriage, divorce, inheritance, financial issues, became irrelevant to the civil code. The new privatized notion of religion reduced the domain of *fetvas* to worship (*ibadet*) and excluded social transactions (*muamelat*). There is a distinction between *ibadet* and *muamelat* in Islamic jurisprudential literature in the sense that while the former refers to worship, the latter includes social transactions that shape and determine social life. *İbadet* and *muamelat* never exclude each other; for example, a practice involved in *muamelat* is also an *ibadet* and *ibadet* includes social dimensions as well. But they are analytically distinguished so as to separate *ibadet* and social dimensions of religion. Secularism has clearly distinguished these categories and imposed a privatized notion of religion which includes matters only pertaining to worship.

With the establishment of the Directorate of Religious Affairs, a new actor charged with *fetva*-giving was formed and the content of the *fetva* was substantially limited. The Directorate doesn’t have the authority to issue *fetvas* about legal issues addressed by civil code. According to the act dated 1937, the administrative staff and

muftis could answer questions about prayer or belief but were not able to answer questions regarding marriage, divorce, insurance or financial issues. (Öcal, 2008, 328) According to Öcal, this continued until the 1990's and was changed by the ex-president Tayyar Altıkulaç who declared that the task of illuminating the public about religion includes answering all questions about religion (Öcal, 2008, 328). Theoretically *Diyana*t answered limited types of questions until the 1990's but it seems that practically it did not work. A mufti, Kemal Anlar, wrote the following in the preface of a *fetva* book which was published in 1979: "During the ten years that I have been employed as mufti, most of the questions posed to me were about milk-motherhood and divorce in Islamic law"⁶ (Debus, 2010, 34). Although the institutions were secularised, people continued to live their daily lives according to Islamic precepts, and in this sense, milk-motherhood and divorce were intricate issues encountered in daily life. And although muftis had no authority to respond to the questions regarding social transactions, they presumably responded to them in order to answer the needs of people. I should here also add that, after many years, when I carried out fieldwork in the women's *fetva* room, I saw that the questions were still the same. In particular, as I will show later, people pose to *vaizes* a great many questions regarding divorce. Although the law was a complex issue about which people always had many questions also before the modernization process (Tucker, 1998; Pierce, 2005), as far as I have seen, the duality of Islamic jurisprudence and the Civil Code increased this complexity, so that both questioners and respondents now have difficulty unravelling it.

After the one-party regime ended in 1945, the parties in power endeavoured to make policies in accordance with the sensitivities and perceptions of conservative

⁶ "Müftü olarak on yıllık hizmetim boyunca bana yöneltilen soruların büyük bir kısmı, çocukları emzirmekle (bir süt annesi tarafından, sütkardeşliği) ve (İslam hukukuna göre) boşanmakla ilgiliydi."

Sunni Muslims so that they could gain their support. (Sunier & Landman, 2011, p. 13). In the 1960s, pious Muslims began to express their ideas in the socio-political sphere. These are the years when the sources of *fetva* began to be published and circulated. The first *fetva* book written in the Republican Period, *Dinimize Göre Nikah* (Marriage in Our Religion) – which is again about divorce- was dated 1962. And until today forty one *fetva* books were published (Meriç, n.d). In the same year, the Directorate began to publish a magazine in which it delivered *fetvas*. In the 1980s, newspapers which belonged to religious groups also began to publish *fetvas* (Debus, 2010). Since the 1990s, through the development of media technologies, *fetvas* have been delivered on television programmes and websites. Also it is worth noting that although dervish lodges (*tekke, zaviye*) were abolished, some of them still continued their activities. Furthermore, there are a great number of pious Muslims devoted to a religious order (*cemaat*). A considerable number of pious Muslims therefore have also been posing their religious questions to the sheikhs or religious leaders of these dervish lodges and religious orders.

In the AKP period, the tasks of *Diyanet* were considerably increased. In the context of this thesis, the most salient change is the increase of women's employment in the *Alo Fetva* service. This increase serves to reach more people, especially more women. Reaching more women has expanded the context of the questions: the questions regarding family problems or physical situations pertaining to women became a major part of the questions. Moreover, women's employment has increased the visibility of *Alo Fetva* in public; particularly, as I will mention in detail later, the media has often carried news about *Alo Fetva*. In addition to women's employment, the move to a free of charge telephone line that can be called from both home phones and mobile phones in 2012 was also one of the most

significant improvements in *Alo Fetva*. The reason why *Diyanet* made this change was to respond faster to the huge demand of *fetva* seekers and to reach more people⁷. The more striking point in terms of my thesis is the change in the name of the service, together with the infrastructure of the telephone line. Although the term *Alo Fetva* is still used by *Diyanet* and its personnel, the official name was changed into *Alo 190 Dini Soruları Cevaplandırma Hattı*⁸ (Hello 190 The Line for Responding to Religious Questions). *Diyanet* had already abstained from using the traditional word *fetva* which denotes “religious/moral advice” in Islamic vocabulary before this change of name. Öcal explains Ali Bardakoğlu’s (the previous president of the Directorate) cautious position on this point. He argues that Bardakoğlu’s position stems from two reasons: Firstly, for Bardakoğlu, *Diyanet* is an institution of a secular state that contradicts the practice of delivering *fetvas*, which have had nonbinding legal influence in the past. Secondly, traditionally, delivering a *fetva* is an action that is more serious than “answering religious questions”; the former has been disciplined by strict rules and conditions since the early stages of the jurisprudence tradition. For this reason, *fetva* and “answering religious questions” are not synonyms and cannot be used interchangeably.⁹ Eliminating the term *fetva* mainly aims to placate the secular groups who are anxious about the secular future of Turkey. But the second reason, the seriousness of delivering *fetva* is also an important issue that I will discuss later in the context of why *vaizes* do not want to call their advices as *fetva*.

In addition to the *Alo Fetva* service, the Directorate has also been delivering *fetva* by e-mail, on its website, on its television and radio channel in recent years. However, although the visibility of *Diyanet* has increased, it cannot be said that its

⁷<http://diyanet.gov.tr/tr/icerik/%E2%80%9C190-hizmete-girdi/7422>

⁸ <https://fetva.diyanet.gov.tr/AloFetva190>

⁹ Öcal, Ş (2008), From “the *Fetwa*” to “Religious Questions”: Main Characteristics of *Fetwas* of the *Diyanet*, *The Muslim World*, V. 98, April/July 2008 .

authority on *fetva* has increased in tandem. For one, the authorities of religious knowledge greatly proliferated in the last decade. For example, the number of websites by which *hocas* deliver *fetvas* has noticeably increased. Also, there are large numbers of TV programmes in which people can ask their religious questions to *hocas*. Especially, in Ramadan, these programmes were in great demand and some *hocas* became very popular through these programmes.¹⁰

2. 2 Women's employment in *Alo Fetva*

It is always told that Hz. Ayşe, Prophet Muhammed's wife, had responded to the religious questions posed to her. And since the beginning of the Islamic tradition, women have always delivered *fetvas*, responding to the questions posed by relatives, neighbours, women from the same community, etc. However, women's practice of *fetva* giving has been institutionally formed only more recently. In Turkey, *Diyanet* began to train female preachers (*vaizes*) in the 1960s but their number remained substantially limited (Maritato, 2015, 436). After or during preaching, *vaizes* respond to questions as part of their preaching activity. In 1999, Nevin Meriç was appointed as a civil servant responsible for delivering *fetva* by telephone. Then *vaizes*, whose number dramatically increased in the 2000s, began to work in *Alo Fetva* as well. In our interview, she traced the history of women in *Alo Fetva* in the following way:

The history of women working in *Alo Fetva*; this is my story. Before me, there were *vaizes* and Quran course teachers in the field; I was a Quran course teacher as well. But I am the first female personnel working in the institution. I began to work in September 1999. This also means women working in the center, in the Muftiship (*Müftülük*). Before me, there were male *hocas*, of course. Men had been delivering *fetva* by telephone for years... I have been

¹⁰ For example, Nihat Hatipoğlu became very popular after the TV programme in which he responds to people's religious questions every Ramadan. I remember that last year websites published news about the size of the wage he charged per day for his programme.

doing the same job in the room since I came here. There is no male personnel who do the same job as I. They are *vaiz* and work by weekly rotating. I have not moved from here for 15 years... At first, I worked alone for 3 years. When we realized that more personnel were needed, *vaizes* began to work with me taking turns. At first, they came once a week for 6 months. At present, they come for one or two weeks a year. This is more practical (Meriç, see Appendix A, 1).

Women's responding to telephone questions was an unconventional form of *fetva* giving practice for people in Turkey. We can mainly count two reasons for this: firstly, traditionally *fetvas* were delivered face-to-face or in written form and thus telephone is a novel medium which is used in this traditional practice. Secondly, although women always responded to religious questions in their daily lives, institutionally they didn't deliver *fetva* in this geography before. *Vaizes* who deliver *fetvas* through *Alo Fetva* were the first female personnel who are institutionally authorized to respond to people's religious questions. This strangeness engendered uncommon types of relationships between the *fetva* seeker and the *fetva* giver since the early stages of the service. The following are some of the ways the *fetva* giver was addressed on the phone in the first years of women's employment in *Alo Fetva*:
Abla, ablacığım (Sister, my dear sister)", "Bak yavrum (Look, my little one)", "Kardeş (Sister)", "Danışman bacı (Advisor sister)", "Hoca mısınız, hocam? (Are you *hoca*, my *hoca*)?", "Müftü müsünüz? Hanımlar da müftü oluyor mu? (Are you mufti? Can women be mufti?)", "Diyanet'in soru bankası varmış, o siz misiniz? (I heard that Diyanet has a question bank. Is it you?)", "Fetva almak değil de bilgi almak istiyorum. (I don't want a *fetva* just information)", "Yeğenim (My niece)", "Kızım sana bir şey soracağım. (I will ask you a question my daughter.)"(Meriç, 2004, 34-35). Meriç explains how people got confused when they heard a female voice on the phone and reacted to them in a negative way in the early years but this attitude has disappeared over the years:

The newspaper which conducted the first interview with me was *Gerçek Hayat*. It was the time when Alo Fetva came to be known. Its headline was disgusting: “Avrattan mı fetva alacağız? (Will we take fetva from *avrat*¹¹?)”. This mentality doesn’t exist anymore. In the early years when I came, however, of course this attitude existed. It existed in the social sphere as well. Feedback on the telephone could be like this: It used to be said that “Are you mufti?”, for example. I used to say “Yes, it is me”. Then, “Is the *müftü* a woman?”. Later, when responses became more comprehensible and persuasive, things changed. In due course, we have learnt how we should establish a relationship with people as well (Meriç, see Appendix A, 2).

Meriç’s research about *fetva* questions posed to her in the years between 1999 and 2000 is also worthy of note in the history of women’s working in *Alo Fetva*. She says, “When I put down the phone, the conversation evaporated. This evaporation, this emptiness has disturbed me”. Also, she adds :

Administrators questioned what we have done. They said “You sit around doing nothing.” Why were people saying that? I thought if we wrote down the questions posed to us, we have a written document; then we could show what we do. Besides, everybody asks what kind of questions people pose to us. This is the most disturbing question for me. Because, its answer is “everything” and thus is nonsensical (Meriç, see Appendix A, 3):.

She therefore decided to report the questions. For nine months, before putting down the phone, she asked the questioner his/her age, educational background and the city from where she called. After the research, Meriç wrote a book, *Gündelik Hayat ve Fetvalar*, including the data, statistics and analysis of *fetva* questions (Meriç, 2004). In writing the *fetvas* and opening them to the public, she says, she not only answered the questions about what she was doing, but also, feeling the responsibility of being beneficial to people lightened the burden of such a stressful work.

I understood from what Meriç told me that *fetva* seekers reacted to the personal questions posed to them during the research and reported their complaints to the Office of the Mufti. Thus, at present, women do not get personal information

¹¹ *Avrat* is an Ottoman word derived from Arabic, which means ‘woman’, but now it is largely used in more pejorative sense.

from *fetva* seekers. However, after putting down the phone, they record the summary of the questions and the gender of *fetva* seeker on the computer. Annual statistics of the questions posed to the women's *fetva* are conveyed to Office of the Mufti in Istanbul. Meriç adds that the questions are not reported in *Erkek Fetva* because they do not hire permanent personnel who undertake it. Also, when I asked why they did not tape record the phone calls, she replied to me: "Traditionally, the *fetva* seeker gets an answer and leaves. Recording is a modern practice. We write the oral *fetvas* for research; but there was no such practice in the tradition and there is no need either."¹²

Most of the time when I was in the *fetva* room, all of the three telephones kept ringing one after the other. Due to the problem in the telephone system, sometimes there was a long lapse without any phone call. Yet when I visited the room after finishing my fieldwork, a couple of months later, Meriç told me that the problem in the system was solved and they therefore were able to take more questions. I should also say that insufficiencies in the infrastructure had a negative impact on the number of phone calls. If the line is busy – as is often the case- the system doesn't hang on to your call but you have to put down the telephone and take your chance again. *Fetva* seekers thus usually spend a great deal of effort to reach the women in *Alo Fetva*. Moreover, questions dramatically increase in certain periods of the year and a pattern emerges thereupon. For instance, *vaizes* told me how they worked overtime in the evenings and the weekends during Ramadan. At that time, questions regarding fasting, *fitre* (special form of Islamic alms-charity given in Ramadan) or religious

¹² Fetva uygulamalarında genel olarak kişi cevabını alır gider. Kayıt tutulması modern bir şey bence. Sözlü fetvanın yazılması araştırmaya yönelik direkt. Uygulamada böyle bir şey yok, gerek de yok.

holiday were frequently posed. Similarly, in the period before Sacrifice Holiday, people posed many questions related to sacrifice or pilgrimage.

Moreover, as Nevin Meriç states, female preachers respond to the questions regarding almost everything. For example, women ask about worship, beliefs, daily practices, family problems, new technologies, financial issues, etc. In an interview, a *vaize* also states that women questioners can easily ask about their biological issues to them: “The fact that the responders are women enables them to speak more easily about the issues such as puerperality or menstruation. You also experience menstruation, therefore you respond more easily because you know more about it. Also, the questioner is not shy about posing more questions.”¹³ So indeed, I listened to vast numbers of responses to the questions regarding birth control, menstruation, sexuality, vaginal fluid or puerperality. Once, a woman was shy about asking her question. The *vaize* relaxed her by saying: We are here for your questions. You should ask in order to take your answer. There is no shame in religion.”¹⁴

The following two tables are examples of the statistics sent to Muftiship of Istanbul by Nevin Meriç: Table 1 shows the number of phone calls in 2014 and Table 2 shows the number of the questions grouped by subject posed in 2013. You will also find some of the question topics recorded daily by women responders in Appendix C and its original Turkish version in Appendix D.

¹³ “Cevap verenlerin kadın olması, lohusalık, adet gibi konuları daha rahat konuşabilmeyi sağlıyor. Adet kendi yaşadığın bir tecrübe olarak daha rahat cevaplayabiliyorsun, daha çok şey biliyorsun, bir de çekinme işin içine girmiyor.”

¹⁴ “Estağfirullah, biz burada sizin sorularınız için varız, soracaksınız ki cevabını alacaksınız. Dinde utanma olmaz.”

Table 1. Number of Questions Posed to Women's *Fetva* Line in 2014

	WOMEN	MEN	TOTAL
JANUARY	1,456	113	1,572
FEBRUARY	1,823	188	1,931
MARCH	1,973	233	2,176
APRIL	2,694	347	3,011
MAY	2,263	112	2,570
JUNE	2,560	283	2,760
JULY	3,158	341	4,488
AUGUST	735	66	804
SEPTEMBER	2,205	297	2,474
OCTOBER	1,802	205	2,006
NOVEMBER	2,441	221	2,663
DECEMBER	2,148	239	2,395
TOTAL	25,258	2,645	28,850

Table 2. Annual Statistics of the Questions Posed to Women's *Fetva* Line

YEAR: 2013 TOTAL NUMBER OF THE QUESTIONS: 24.015	
WOMAN: 15.349 MAN: 8182 OTHER: 560	
<p>FAITH (İTİKAD): 252 About Prophet Muhammed: 98 Hadith: 64 Afterlife: 67 Nonmuslims: 61</p>	<p>COMMERCIAL LIFE: 398 Debt: 84 Interest: 279 Financial Institutions: 151 Individual Retirement: 44 Stock Market/Stock Certificate: 156 Credit/Fund: 297 Insurance/Otomobile Insurance: 51</p>
<p>WORSHIPS: Salaat (<i>namaz</i>): 2293 Pilgrimage/Umrah: 343 Fasting: 3356 <i>Fitre</i> (special form of Islamic alms-charity) /Almsgiving: 1271 <i>Zekat</i> (obligatory alms): 2376 Sacrifice: 872 The Quran/Its Meaning: 708 Funeral: 353 Prayer (<i>dua</i>) / invocation (<i>zikir</i>) / religious order (<i>tarikât</i>): 526</p>	<p>FAMILY LIFE: 127 Adultery (<i>zina</i>): 138 Marriage: 529 Sexual Life: 165 Birth Control: 118 Abortion: 211 Artificial Insemination: 30 Divorce/ period of delay (<i>iddet</i>): 505 Inheritance: 134 Privacy: 160 Breastfeeding: 58 Naming the Baby: 167 Anxiety/Depression: 210 Dreams : 193</p>
<p>PENANCES: 21 Vow (<i>adâk</i>): 216 Oath: 242</p>	<p>ETHICS: 23 Family Relationships: 370 <i>Kul Hakkı</i> (right of others): 263 Social Environment: 71 Religious-Cultural Celebrations: 109 Immorality, gossip: 111 Found money: 35 Bribe:12</p>
<p>CLEANING: 70 Ritual Ablution (abdest): 716 Full Ablution (Gusûl): 703 Dry Ablution (Teyemmüm): 34 Uncleanliness (<i>necâset</i>): 88</p>	
<p>FEMALE-SPECIFIC SITUATIONS: 62 Menstruation (<i>hayız</i>): 869 Vajinal Bleeding in Puerperality (<i>nifâs</i>): 100 Vaginal Bleeding except Menstruation (<i>istihâze</i>): 242 Veiling: 223</p>	<p>EATING/DRINKING: 107 Alcohol: 196 Eating Pig: 25</p>
	<p>ADDICTIONS: Games of Chance : 66 Fortune-telling, magic, amulet:157</p>
<p>Organ Transplantation/Donation: 19 Animal Rights: 111</p>	<p>Others: 1134</p>

Note: The table is translated into English by me. For the original, see Appendix B. In the table, the numbers next to the main headings refers to the number of the questions that can not be categorized under the subheadings. For example, the number next to the Ethics refers to the number of the questions regarding ethics that can not be classified under the categories of Family Relationships, Right of Others, etc.

2. 3 On authority and trustworthiness of *Alo Fetva*

My ethnography does not include the women who seek *fetva* by telephone. I haven't interviewed them, nor have I even listened to their voices on the phone. I don't have any data regarding their opinions about *Alo Fetva*, their motivation for calling it and whether they are satisfied with the response they receive or apply it to their life.

However, I know that many women complain about not being able to connect to *Alo Fetva* due to the intense telephone traffic, which means that a large number of people prefer asking their religious questions to *Alo Fetva*. Besides, *vaizes* have given numerous examples related to the positive feedback that they take at the end of the conversations. In this context, one needs to ask the following questions: How do the questioners trust *Alo Fetva*? How is the legitimacy of the advice given by women ensured? What kind of constituents does the authority of *Alo Fetva* have? These are the questions I will examine below.

The question concerning the authority of Islamic law and *fetvas* has been posed by several scholars (Hallaq, 2003-2004; Agrama, 2010; Lambek, 1990). According to Hallaq, we cannot simply say that it is the religious authority that lies at the base of Islamic law since the law is not revealed by God without mediation and interpretation. Hermeneutically God revealed "only textual signs and textual indications that were to remain empty of legal significance had they been left unexplored." (Hallaq, 2003-2004, p. 245). In the Islamic jurisprudence tradition, jurists have been mediators who construct Islamic law through their practice of interpretative transmission. For Hallaq, jurists therefore carried "epistemic authority" which derives from their knowledge of the law itself, of its interpretation and application. And the *fetva* genre which "brings together social legal reality with juristic hermeneutics and reasoning" enables the maintenance of this legal authority

(Hallaq, 2003-2004, p.246). In the “pre-modern” period, he argues, Islamic law was substantially divorced from political authority, representing the best of *din* (religion) in contrast to the state symbolizing the worst of *dünya* (world) (Hallaq, 2003-2004, p.258). During the modernization processes, however, with the adoption of the model of codification coupled with Western style courts and law schools, the epistemic authority of traditional legal specialists was replaced with the authority of the state. Thinking through this story of transposition, my question here is: How can we analyse the authority of *fetvas* issued by *Alo Fetva*, standing between Islamic law and the state or *din* and *dünya*? In other words, how, as religious advice issued under the state (that symbolizes the worst of *dünya*), do *fetvas* issued by *Alo Fetva* gain people’s trust?

I heard many times from different *vaizes* that people who pose questions to *Alo Fetva* have confidence in the institution of *Diyanet*. By maintaining that it is not their personal opinion but *Diyanet*’s that they express on the phone, they try to keep hold on to *Diyanet*’s authority. The following is an account of a *vaize*: “They call here because they have trust in *Diyanet*. They sometimes ask us our opinion about a subject; I answer 'not us, but *Diyanet*.’”¹⁵ A survey on people’s opinion about *Diyanet* also reveals that 80.9% of the participants trust *Diyanet*’s statements regarding religion and 76% believe that its *fetvas* should be followed (Taş, 2002). Where this institutional authority comes from is a question one should not answer without dealing with the history of secularization of Turkey. *Diyanet*’s position in Turkey today, both as a state institution which is directly part of the political authority as well as a religious institution which regulates religious issues and delivers *fetvas*, does not fit Hallaq’s scheme. In the eyes of most people, there is no

¹⁵ Dini konularda güvенеbilecekleri yer Diyanet olduğu için arıyorlar. Bazen siz ne diyorsunuz diyorlar, ben “biz” değil, Diyanet diyorum.

clear distinction between religion and state representing *din* and *dünya* anymore. *Diyanet* consolidates the two, acquiring legitimacy which derives both from religion and the state. In order to understand this, we should also deal with the decline of other authorities during the process of modernization, in addition to the traditional muftis. Formerly, muftis were not the only authority whom people trusted; sheikhs, notable persons in the neighbourhood, learned relatives were also authorities whom people had an organic relationship to and were be able to ask their religious questions. After the Turkish Republic was established, as mentioned before, dervish lodges were abolished. According to Mardin, before the process of modernization which started at the end of the 19th century, Muslim-Ottoman society was made of face-to-face communities and people were identified with their social relations. However, a “new secular idiom” replaced personalistic relationships with mechanistic relationships. (Mardin, 1991, p.121)

The Muslim-Ottoman *imaginaire*, which promoted the reproduction of existing social relations, was gradually displaced by the Western reformist *imaginaire*, which was based on a view of society as made of individuals. This new worldview perceived society as operating according to the mechanical concept of a machine.

In this new type of society, religious orders, communities or notable persons have substantially lost their power. *Diyanet* has operated as an instrument of the state to struggle against folk Islam and sufi orders/religious communities (*tarikatlara/cemaatler*) that maintain this kind of religiosity. It has regulated religious issues and established a sort of redefined religion complying with state policies. This religion obtained the trust of most of the Muslims in Turkey today (Kara, 2012, p.79). Yet we should also add that a considerable number of Muslims who belong to religious communities or Islamist groups have a different interpretation of Islam than that of *Diyanet*. In this regard, Taş’s research shows that those who identified

themselves with political Islamist groups, *cemaats* or *sufi* orders have lesser trust in *Diyamet* in comparison to others (Taş, 2002).

Vaizes see themselves as representatives of *Diyamet* and acquire the legitimacy that stems from *Diyamet*'s institutional authority. In addition to this, they also deem their higher religious education as a source of legitimacy. Highlighting their education in the Faculty of Theology, they underscore their superiority in comparison to other independent *hocas* or those linked to other religious communities. A *vaize* expresses this as follows: "I approach the issue in this way: These people are in trouble and in order to solve them they should go to the "right" person."¹⁶ The right person here is the one who has taken formal religious education and has been chosen among many after difficult examination processes. In this regard, they consider their authority to be -in Hallaq's conceptualization- "epistemic", but here in the sense of the authority emanating from "sound knowledge" distinguished from other forms of knowledge acquired in *sufi* orders and religious groups. In this context, Mona Hassan argues that *vaizes* established a new model of female religious authority in Turkey, based on sound knowledge and formal education. This model "simultaneously intersects and diverges from earlier models of male religious officials and charismatic leaders of informal women's groups". In this sense, she states that *vaizes* are altering Turkish perceptions of the mosque's and *Diyamet*'s male-gendered spatiality (Hassan, 2012).

Moreover, in their responses, *vaizes* not only refer to *Diyamet*'s *fetvas*, but also to Quranic verses (*ayet*) and hadith citations or some terms rooted in Islamic tradition, and derive legitimacy from these references. In the jurisprudence tradition,

¹⁶ Ben meseleye şöyle bakıyorum: Bu insanların bir derdi var ve bu dertlerini çözmek için doğru insana gitmeleri lazım.

the Quran is the original authoritative source which precedes all other texts. It has played a substantial role in “fashioning an Islamic legal ethics.”(Hallaq, 009). Sunna, the practices of Prophet Muhammed, is the embodiment of moral sentiment described in the Quran. In the *fetva* room, almost all types of questions but particularly those regarding *muamalat* are answered with reference to the Quranic verses, sunna and hadith. Hadith and sunna are very often referenced since Prophet Muhammed’s sayings and practices are perfect examples that represent the right attitude for a Muslim. Including fine details as to how to act properly, they, along with the Quranic verses, organize daily life. Saba Mahmood’s description of hadith invocations also offers insights for understanding the authority of *hadith* cited in *Alo Fetva* responses. She refers to Messick’s argument that the sharia was not a system of codified rules but a discursive practice “lived in social relations, in human embodiements and interpretive articulations” prior to the modern period (Mahmood, 2005, p.98). According to Mahmood, hadith usage today enables the sharia to be lived and maintained (Mahmood, 2005, p.98):

Although the shari’a was abstracted from the fabric of daily life in Muslim societies as it increasingly came to be reconceptualised on the model of modern legal systems, the kind of hadith practices I have described here, inasmuch as they continue to inform a range of everyday practices and arguments, bear a certain similarity to the premodern shari’a practice described by Messick. Invocations of the hadith constitute a genre of speech act that is constantly lived, reworked, and transformed in the context of daily interactions

Diyanet does not have *fetvas* about detailed problems regarding everyday practices. In such circumstances, without referring to *fetvas*, *vaizes* endeavour to stay close to religious discourse by citing Quranic verses and hadith/sunna. When intertwining discourses are used in response to the cases in which religion, ethics and daily life are present, references to Quranic verses and hadith/sunna enable *vaizes* to

keep themselves in the sphere of religion. In order to elaborate this point, I would like to mention a case that Esra told me :

There is a woman who called here almost all week since last September. She will come here when the weather will be nice. She has given birth to two children, one after the other. The woman has a problem such that she cannot keep her nerves under control and beats her children. She tells this crying and she is very sad. She is puzzled; she has a problem but not a solution. She is in a struggle and wonders what she can do. She is a mother and it is a troubling issue for a mother whose psychological state is not normal. I am a mother as well and I approach the problem from this aspect. As a mother... She says that her child doesn't eat; I have the same difficulty. This is life, everybody has similar difficulties, but on the other hand, all problems are singular. Secondly, this woman doesn't call me because of my advice as a mother. What is most influential for her is my explanations of the Quranic verses and hadith on the subject, such as how Prophet Muhammed used to behave towards children, how he loved his children, how mothers' rights are important, etc. Religion and Prophet Muhammed are significant for her as well. When I transmit these Quranic verses and hadiths to someone, they dramatically change one's life. I tell her what is advised in religion and that this difficult period will pass. It is cited in a Quranic verse: "After hardships comes ease."¹⁷ A psychologist might say this; but when I say this referring to a Quranic verse, one changes in a positive way, thinking that "my God said the same; this is a world of examination/trial". This woman says that she rarely beats her children now. (When I say what else did you say to her) I told her that her children are entrusted to us by God (*emanet* of God), Prophet Muhammed never beat his children. Since I carried out research in hadith I told her the story of Enes Bin Malik: Prophet Muhammed sends Enes Bin Malik out to buy something. Enes forgets, he is lost in playing games in the street- he is 8-9 years old. Prophet Muhammed begins to be anxious; he goes out thinking that something happened to him. He sees that Enes is among the children, and forgot what he should buy. If we adapt it to our life, we would beat the child. But Prophet Muhammed doesn't behave in this way. He says that "Don't do this again" and caresses Enes's head. We explain that if yours is the proper behaviour, Prophet Muhammed would beat children. Adapting these kinds of hadiths to today's life and referring to verses, we tried to explain childhood education and human relationships. It is really useful (Esra, see Appendix A, 4):.

Esra's account is striking in terms of its categorization of the authority of personal experiences and the authority of Quranic verses and hadiths. Her experience of motherhood is a significant source of her trustworthiness because it leads the *fetva* seeker to feel that she knows and understands what she experiences. Similar to this

¹⁷ "Her zorluğun arkasından bir kolaylık vardır." Surah Al-Inshirah, 5th verse.

case, being a woman mostly creates a sphere of trustworthiness in the conversations between women questioners and *vaizes*. However, it is more than a conversation between two women or between a counselee and a psychologist. What makes her utterances legitimate are her citations of the Quranic verses and hadiths, sources which derive their authority from God and Prophet Muhammed, and her usage of terms which refer to an understanding of the world embraced by both *vaizes* and the questioners. For example, by listening to the story of Prophet Muhammed and Enes B. Malik, one learns Prophet Muhammed's sunna, which is the perfect example of moral conduct for Muslims. Additionally, when the *vaize* says that the woman's children are entrusted to her by God in our case, it means that woman's children do not belong to her, but to God. God is the creator of the children, and the woman, as a mother, thus is responsible for caring and protecting them, treating them in accordance with the law of God. Such words rooted in Islamic vocabulary, along with the verses and hadith citations, provide legitimacy to *vaizes'* words. By affecting the questioners, these words move them and result in a change in their practices.

Finally, I should situate the strong demand to *Alo Fetva* in the context of the increase of modern advice and self-help discourses. Scholars have discussed the role of experts, professionals and therapists in governing the self and governing society (Rose, 1999; Rose & Miller, 2008; Hunt, 1999). In neoliberal societies, according to Rose, the regulation of one's own conduct becomes a matter of each individual's desire and this practice entails a relation to an authority (Rose, 1999). On the one hand, individuals are "experts of themselves", and on the other hand, in this role, they choose their own experts among the increasing pluralisation of expertise (Rose, Hunt, 1999). The authority of *Alo Fetva* has many components that I have explained

above but the demand for *Alo Fetva* should not be discussed without dealing with the increase of modern advice and self-help discourses. The fact that women ask their own private problems to *Alo Fetva* has to do with the authority of *vaizes* and the trust people have towards them; but -although *fetva* is a traditional practice- in my view, this new form of *fetva* is, in a sense, a part of this new neoliberal discourse. And in this discourse, *vaizes* become one kind of expert among others who can be consulted. In other words, the reason people ask about the details of their daily lives is not only *vaizes*' religious, institutional or personal authority but also the increase of the modern practice of the regulation and moralisation of the self and thereby the increase of application to professional and experts.

2. 4 Conclusion

From the Kemalist regime up to now, the forms of *fetva*-giving practice have substantially expanded. At first, after the strict policies toward religion were abandoned, *fetvas* came to be published in newspapers, books or magazines. Then after the development of media technologies, the telephone, internet or television were used as a medium for delivering *fetva*. In the last decade, on the one hand, *Diyamet*'s means of delivering *fetva* expanded, but on the other hand, the increase of the individual *hocas* who issue *fetva* on televisions or websites proliferated the authorities regarding religion and *fetva*.

Women began to deliver *fetva* in an institutional capacity after their employment in the *Alo Fetva* service. From the beginning, they have been getting negative reactions from the media, some *fetva* seekers and *Diyamet*'s male personnel. Their employment has made some changes in the content and the form of the

practice of *fetva*. Since both the questioner and the *fetva* seeker are women, the questions about the situations regarding the female body considerably increased. Furthermore, questioners ask about the problems they experience in daily life and this turns the phone calls into long conversations which sometimes exceed the boundaries of *fetva*. While responding to the questions, *vaizes* take their authorities from different sources. Firstly, as personnel of *Diyanet*, *vaizes* have *Diyanet*'s authority. Then, in order to legitimize their advice, they use the authority of Quranic verses, hadiths and sunna by referring to them. They also have an epistemic authority which originates from their sound knowledge acquired in Theology Faculties. Lastly, especially in the cases regarding family problems, they have the authority of the experiences they gained as women, mothers and wives.

CHAPTER 3

GUIDING DAILY LIFE AND CONDUCTING CONDUCT

In *the fetva* room when I used the term “delivering *fetva*” to describe their action, *vaizes* most of the time corrected me saying that “We don’t deliver *fetva*, but just transmit it (*naklediyoruz*)”. One of the reasons for emphasizing the word “transmission” was their awareness of the seriousness of the *fetva*-giving practice. In the Islamic tradition, ethics of *fetva* (*fetva adabı*) manuals include detailed rules as to how to give a *fetva*, conditions of muftis such as their educational and moral background and their role in society (Şahin, 2009; Caeiro, 2006; Masud, 1984), which means that delivering *fetva* has been a practice bearing tremendous responsibility. A *vaize* who has a master degree in jurisprudence, Ayşe, explained to me how she realized *fetva*’s great responsibility while reading ethics of *fetva* manuals: “After I read ethics of *fetva* manuals for my master thesis, I understood how delivering *fetva* was a tremendous responsibility. I thought how we easily deliver it. When I learned the strict rules in manuals, I understood we just transmit *fetvas* already given. Yet, transmission is a great responsibility as well. We can’t comfort ourselves by calling it “transmission”. When you make a mistake in transmitting, its responsibility belongs to you.”¹⁸

“Our own opinion is not important. We transmit what *Diyanet* issues. People want to learn *Diyanet*’s opinions as well”, another *vaize* says. So, indeed, *vaizes* try to respond to the questions in accordance with *Diyanet*’s *fetvas*. For example, when

¹⁸ “Sonra tezimle alakalı fetva adabına dair şeyleri okuyunca anladım bunun büyük bir mesuliyet olduğunu. Biz çok kolay fetva veriyoruz diye düşündüm. Oradaki katı kuralları gördükten sonra, bizim yaptığımız fetva vermek değil nakletmek evet, ama bunun da büyük bir mesuliyeti var. Naklediyoruz diye geçeceğin bir şey değil, yanlış naklettiğinde o sorumluluk sana ait olmuş oluyor.”

they don't know or cannot recall a specific *fetva*, they ask the other *vaize* "What is *Diyanet*'s opinion about that issue?", or look it up in *Diyanet*'s *ilmihal* (manual of Islamic faith, worship and ethics) which is available in the room; if they cannot find it, they search for it online from their database open to all *vaizes*. Also, *vaizes* don't give their personal names while responding on the phone. In this sense, they are the anonymous ears and voices of *Diyanet* who listen to people and transmit *Diyanet*'s opinions and interpretations to them. At this point, however, I pose the question whether *vaizes* represent *Diyanet* by transmitting its *fetvas* or whether they have their own space of interpretation. If an act of interpretation occurs, is there a systematic way this is done? The mode of *vaizes*' interpretative transmission is one of the questions, which has come to the fore during my fieldwork and will be discussed in the following pages.

3. 1 Interpretation of interpretation

In Islamic jurisprudence tradition, the Quran (*Kuran*) is the sacred, original and authentic text that has not been corrupted through human intervention. It is the Word of God who created the world and knows its entire secret. The Quran therefore reveals the truth in and of itself. Prophet Muhammed, as God's messenger, understood God's intentions better than anyone else so he was the best exemplar for Muslims. His exemplary biography which is called Sunna (*Sünnet*) includes what is right for Muslims, and it is the second main source of law after the Quran. While Sunna is more of an abstract concept, its concrete details including Prophet Muhammed's actions, sayings, teachings, deeds or silent permissions, form the specific narratives known as hadith (*hadis*) (Hallaq, 2009, p.16). Sunna and the

Quran constitute the two basic sources from which all other authoritative texts are derived. Through reading, transmission and interpretation, these texts are opened up and reproduced; and different versions of those primary texts then constitute the jurisprudence literature. Messick states that there exists a gap between the original texts and its different versions reproduced through human understanding (Messick, 1993, p.17):

A central problem in Muslim thought concerns the difficult transition from the unity and authenticity of the Text of God to the multiplicity and inherently disputed quality of the texts of men. A concurrent underlying tension was generated in shari'a scholarship where an unresolvable gulf opened between divinely constituted truth and humanly constituted versions of that truth. Purists of all eras, including many contemporary "fundamentalists", have made a distinction between the divine shari'a, defined as God's comprehensive and perfect design for His community, and a humanly produced shari'a, or, more precisely, the corpus of knowledge known as "fiqh" (usually translated as "jurisprudence"), a necessarily flawed attempt to understand and implement that design. In this gap between divine plan and human understanding lay the perennially fertile space of critique, the locus of an entire politics articulated in the idiom of shari'a.

Different interpretations derived from the gap between the divine text and human understandings are accepted, even encouraged for ancillary issues of Islam- but not for substantial ones- as a hadith connotes "The dissidence among my Ummah (*ümmet*) is mercy".¹⁹ While the jurisprudence literature involves authoritative texts derived from the Quran and Sunna, these secondary texts are also interpreted and applied to actual cases in real life through *fetvas*. *Fetvas* are interpretations that relate Islamic knowledge (*fikih*) to a specific case; they are "concerned with the interrelationship of law and fact." (Messick, 1986, p.104) Muftis are intermediate figures who issue *fetvas*. In doing so, they bring Islamic legal-religious knowledge into the world, and therefore combine theory and practice (Messick, 1986, p.104).

¹⁹ "Ümmetimin ihtilafında rahmet vardır." I should note that this hadith is not *sahih*, that is, those who transmitted it are not clear. Therefore some argue that it is not hadith .

In our case, *Diyanet*, the institution that issues *fetvas* in Turkey, is an intermediary between Islamic knowledge and people, that is to say, between the text and the world. Yet we cannot say that *Diyanet* directly interprets the text; it transmits interpretations accrued throughout the Islamic legal tradition. At the same time, in their role of relating *Diyanet*'s *fetvas* to a specific case, *vaizes* also become intermediate figures between *Diyanet* and people. This means that we cannot limit their work solely to transmitting *Diyanet*'s *fetvas*. While transmitting them, they “retell them in their own words.” (Bakhtin, 1981, p.341) In other words, *Diyanet*'s *fetvas* are mediated by *vaizes* who transmit these *fetvas* in their own words, shaping them through their way of articulation, personal experience, character, etc. Further, as mentioned above, there is always a gap which entails interpretation between a general theory and a particular case. In this sense, *vaizes* do not merely transmit *fetvas*, their work is also to interpret the specific interpretation of *Diyanet*.

Fetvas are open to interpretation in every transmission since they are “personal” and change according to circumstance. While *vaizes* allow an action in a specific case, they might not allow it in another. Two different cases about tubal ligation²⁰ can help me to clarify this point: As a birth control method, tubal ligation is not allowed by *Diyanet* unless the birth is dangerous for the health of the woman. Once, a *vaize* explained to a *fetva* seeker on the phone that tubal ligation is an intervention to *fitrat* (God-given nature) and it is not unfavourable that one has a lot of children. She tells me after putting down the phone: “She has four children and is pregnant to fifth one. Doctors asked her 'what will you do with so many children?' and said her to ligate her tubes... Doctors treat us as if we are illiterate (*cahil*). When

²⁰ Tubal ligation is a surgical procedure to sterilize in which a woman's fallopian tubes are clamped and blocked, or severed and sealed, either method of which prevents eggs from reaching the uterus for implantation (https://en.wikipedia.org/wiki/Tubal_ligation)

I was pregnant to my third child, they said 'What are you doing? You are a working woman.' I don't listen to them; I treat them as if they are illiterate as well."²¹ In another case, another *vaize*, allowed a woman who has uterine prolapse to ligate her tubes. The woman was pregnant to her third child and the doctor said that she should certainly not get pregnant to a fourth one. She asked her "What kind of doctor do you have? Is she/he a pious person?", and then she says, "Normally, it is not allowed but it changes according to the person. If giving birth is dangerous for your health, you can do it." In the former, having too many children is not considered as an excuse for tubal ligation since the woman has not a health problem. The *vaize* did not pay attention to the advice of the doctor. She had the same experience with the woman and has an ideological conflict with the doctor. In the latter, however, a probable birth would be dangerous for the woman's health. According to *Diyanet's fetva*, it is accepted as an excuse. Yet, the *vaize* still asked whether the doctor is pious or not since she doesn't find medical knowledge per se sufficient to decide this case, as did the first *vaize*. Along with it, the ideology of the doctor has also an impact on her interpretation. If the doctor had been "secular", the *vaize* would have probably suggested her to go to a pious doctor and to ask her/his opinion. Although *Diyanet* has a specific interpretation on tube ligation, *vaizes* produce different *fetva* narratives since *fetva* seekers have different cases. And *vaizes* are also different from each other in terms of having particular personal experiences, characters, styles of reasoning and explaining. Their *fetvas* are not mere "yes" or "no" but narratives that are shaped through those diverse qualities.

²¹ Kadının dört çocuğu varmış, beşinciye hamileymiş. Doktorlar ne yapacaksın o kadar çocuğu, bağlat tüplerini diyorlarmış... Doktorlar bize cahil muamelesi yapıyorlar. Ben üçüncüdeyken ne yapıyorsun, bir de çalışan kadınsın demişti. Ben takmıyorum, ben de onlara cahil muamelesi yapıyorum.

In order to elaborate this point, Bakhtin's theoretical framework might help us. He proposes the term *heteroglossia* in order to refer to what he calls the double-voiced discourse in novels. According to him, the speaking person always transmits, assesses, and interprets the discourse of another. For this reason s/he is not a subject of representation but is a mediator who serves for the "engaged, practical transmission of information" (Bakhtin, 1981, p.340). He continues:

Who precisely is speaking, and under *what* concrete circumstances? When we attempt to understand and make assessments in everyday life, we do not separate discourse from the personality speaking it (as we can in the ideological realm), because the personality is so materially present to us. And the entire speaking situation is very important: who is present during it, with what expression or mimicry is uttered, with what shades of intonation? During everyday verbal transmission of another's words, the entire complex of discourse as well as the personality of the speaker may be expressed and even played with it... This representation is always subordinated to the tasks of practical, engaged transmission and is wholly determined by these tasks.

In the context of Bakhtin's description, my question then is: who is speaking on the phone in *Alo Fetva*? *Vaizes* transmit the word of religion, but as we know, there is no religion as such, which is independent from what is historical and political. In this regard, it could also be said that *vaizes* are the anonymous ears and voices of the secular state that have a particular ideology of religion and therefore are the means of the state in disseminating its own understanding of religion. In my view, this is right only to a certain extent; however, this argument is inadequate to depict what is happening in *Alo Fetva*. It is not the case that *vaizes* represent *Diyamet*, but have considerable freedom in answering according to their own understanding of the world and personal experiences. They sometimes speak as a psychologist or as a friend, sometimes a mother, a wife or a daughter. Their references, tone of voice, preciseness change with regard to different discourses and personalities. There is no homogeneous Voice but voices that change, intertwine and refer to each other.

3. 2 *Vaizes* as moral guides

While exploring the dimensions of the modern forms of the practice of *fetva*, Messick draws attention to a significant discontinuity in the Islamic institution of *ifta* (the act of issuing *fetvas*). According to him, while *fetva* was traditionally a technical means to solve transactional and contractual issues; it now became a popular practice which informs people of how to conduct their daily lives (Messick, 1996, 317). Yet it does not solely give information in the modern sense, it cultivates a mode of practical knowledge in the sense that it moves the questioners by cultivating virtues and affects in them. Borrowing from Foucault's notion, and based on the ethnography he conducted in the *Fetva* Council of Al-Azhar, Agrama suggests that *fetva* might be understood as a mode of "the care of the self", "as a practice by which selves, in the multiplicity of their affairs, are maintained and advanced as part of Islamic tradition." (Agrama, 2010, p.13) In other words, *fetva* is first of all an ethical practice and it serves to reproduce Muslim selves by ethically cultivating them, showing the right path to the *fetva* seeker who does not know his/her way. During my fieldwork in *Alo Fetva*, what was the most striking for me was this ethical dimension of the practice of *fetva*, which becomes prominent especially in the conversations related to daily life problems, which in turn constitute a considerable majority of questions posed to women's *fetva*. While three *vaizes* were speaking on the phone at the same time, I preferred to listen to the one who responded to the questions regarding daily life. These conversations were interesting for me since *vaizes* have greater room to interpret in such situations on which *Diyamet* mostly has a discourse but not a specific *fetva*. They therefore do not transmit *Diyamet's fetvas* but give their own advice, citing verses, hadiths, sunna and some concepts rooted in Islamic vocabulary

and telling their personal experiences. They disclose the right path or guide the questioner who is puzzled in the complexity of the situation that she experiences.

The questions regarding problems women encounter in daily life are different from the questions about worship (*ibadet*) or *ilmihal*. In such cases, the question was mostly not “Is it allowed?” but concerned seeking the proper conduct in the complex situation that the *fetva* seeker is in. After explaining the situation, questioners ask “What should I do now?” or “If you were me, what would you do under these conditions?”. A *vaize* explains, “They have to make a decision about their life. This is a decision that they should make by themselves. Yet, they cannot undertake the *vebal*²² of the decision. Or they might ask [advice] in order to support their own decision.”²³ Most of the *vaizes* told me how questioners find comfort in telling their stories: “You might have seen, we sometimes ask the *fetva* seeker what her question is. She has no question; she calls here in order to comfort herself. She had told someone about her problem, but she couldn’t find a solution. She expects a solution from you or for you to say “Well done”.”²⁴ Another *vaize*, Serpil also states: “You say something not from a religious but humanitarian point of view. Indeed, this is also religious; religion has a moral dimension. They want to be comforted after relating a complexity in their life. They think that they can’t find this kind of comfort anywhere except here.”²⁵

²² *Vebal* means both sin and moral responsibility. I will explore this ethico-religious concept in more detail in the next chapter.

²³ Kendihayatları hakkında bir karar almak zorunda kalıyorlar. Bu kararı aslında kendilerinin almaları gerek ama vebalini üstlenemiyorlar. Ya da kendi kararlarına destek bulmak için fetva istiyorlar.

²⁴ Fetvada da görmüşsündür bazen, bize sorunuz ne diye sorarız. Sorusu yok, rahatlamak için arıyor. Şöyle yaptı, böyle oldu, birilerine anlatmış, çözüm bulamamış, senden bir çözüm bekliyor ya da bir şey yapmış senden iyi yapmışsın demeni bekliyor

²⁵ Dini değil de, insani bir yerden yola çıkarak bir şey söylüyorsunuz. Aslında o da dini, dinin manevi bir boyutu da var. Hayatlarındaki bir karmaşayı anlatıp rahatlamak istiyorlar, bu rahatlamayı başka yerde bulamayacaklarını düşünüyorlar.”

Once, a mother told her trouble about her daughter who has a boyfriend, and seeks a proper way that can solve her problem. After the phone call, the *vaize*, Nermin, told me: “When they are unable to work something out, they want to do the thing that someone advises”²⁶. Then she transmitted the woman’s sentences to me :

I am from Rize, my husband is an immigrant. My daughter’s aunts are free going ²⁷, and she takes after them. She goes with someone and then splits up. Lastly, she has been going with someone for four months. The boy is a university graduate but unemployed. He works in the market three days a week. He lives with his sister. My daughter sometimes stays in Ekrem’s home. Is it permissible for them to do *imam nikahı* (religious marriage)? I want to meet with him but Çağla categorically does not want it. If I secretly find his telephone number from Çağla’s phone and tell him that I want to meet him but Çağla does not want me to, would he tell her about this? If I secretly find him in the market... We will retire in two years and the boy is unemployed. My daughter is also not ready for marriage. Thus is religious marriage (*imam nikahı*) proper for them? (Nermin, see Appendix A, 5)

Here, the woman asks whether religious marriage is possible and it is a legal question that can be answered in the same way by all *vaizes*. Apart from this, however, the woman seeks a strategy for meeting the boyfriend, which is open to different interpretations and responses. The *vaize* agreed with the woman about her demand for meeting the boyfriend and advised as following: “Tell your daughter that you want to meet with that boy. Tell her “If I have an opinion, I would be at ease, you are my beloved”. Try to persuade her.”²⁸ Religious marriage (without the civil one) is certainly not permissible for *Diyanet* – I will explain this in detail later in this chapter- so she advised the civil marriage. For her, the fact that they don’t have money doesn’t pose an obstacle to the marriage: “Look, they don’t have to have everything at first. Don’t say “let them have such kitchenware and furniture.””²⁹ As in this case, *vaizes* try to build bridges between people, find friendly and rational

²⁶ Kendileri bir işin içinden çıkamadıkları zaman biri bir şey desin yapalım diyorlar.”

²⁷ “free” in terms of having relationships with the opposite sex.

²⁸ “Kızınıza deyin ki, ben o çocukla tanışmak istiyorum. Bir kanaatim olursa rahat ederim, sen benim kıymetlimsin deyin. Kızınızı ikna etmeye çalışın.”

²⁹ “Bakın her şeylerinin ilk başta olması lazım değil. Mobilyası, eşyası şöyle olsun demeyin.”

solutions for dilemmas and move *fetva* seekers. By doing this, they make them cope with difficult situations.

In another case, I listened to a response to the question of a woman who had problems with her parents. Zeynep, the *vaize* who responded to the question, transmitted the trouble of the *fetva* seeker to me when I asked her “What did she tell you?” in the following way:

Her mother and father are not divorced but separated. The father is married to another woman with *imam nikahı* and pays alimony to the mother. The mother litigated in order to demand an increase in her alimony and to pay material compensation. In doing so, she wants to take revenge from him. She asks her children to be witnesses in court. She (the woman on the phone) says that she and her siblings do not want to antagonize their father. And their mother is angry with them arguing that they do not stand behind her (Zeynep, see Appendix A, 6).

I heard from the conversation that the *vaize* told the woman that it is better not to be a witness for her mother. She said “Be a bit political. You don’t have to do whatever your mother demands.” In this case, there are three positions: the mother, the father and the siblings who are torn between the parents and do not know what to do. The *vaize* advises her not to be a witness for the mother but without opposing her. In my opinion, Zeynep’s answer, “Be a bit political” is a kind of effort to find a middle way. As this case, the responses to the complex problems in which there are more than one person involved are not completely for the good of the one who asks the question but for the good of all. *Vaizes* ask detailed questions in order to understand the other parties and to find a just solution. And they always try to find a strategy of moral conduct that causes a minimum loss to all parties.

At the end of the conversation above, the *fetva* seeker asked the *vaize* what prayer she should recite. After telling me this question, Zeynep complains: “Our people do not know Prophet Muhammed’s *muamelat*. They suppose that they can

solve their problems in a charmed (*tulsimli*) way by praying (*dua*).” In jurisprudence literature, as mentioned before, *muamelat* refers to social transactions that regulate daily life, including family, property, commerce, etc. Here Zeynep drew attention to the *ibadet* (worship) /*muamelat* distinction, considering that people focus more on the former and neglect the latter. *Vaizes*, as moral guides, criticize this kind of an understanding of religion and feel themselves responsible for informing people of *muamelat*, telling them how to conduct their daily life in accordance with the proper and virtuous behaviour. Yet this does not mean that cultivating ethics is only possible by guiding a person about the issues regarding *muamelat*. *Ibadet*, “the act of purifying oneself from one’s inner self from worldly vices” is also a virtue in Islamic tradition. In this sense, it is an embodied practice and a kind of ethical cultivation (Haj, 2009, p.42). In the same way, a social transaction is also an *ibadet*. To understand the interweaving of *ibadet* and *muamelat*, Izutsu’s examination of the connection” between *iman* (belief) and *salihat* (good conduct) helps us. For Izutsu, *salihat* and *iman* construct an “almost inseparable unit”. To believe in God is to accept the whole of the practical code of conduct : “Wherever there is *iman* there are *salihat* or, ‘good works’, so much so that we may almost feel justified defining the former in terms of the latter, and the latter in terms of the former. In short, the *salihat* are belief fully expressed in outward conduct.”(Izutsu, 2002, p.204). In other words, in Islamic ethics, outward behaviour shapes inner senses, affects and thoughts; and, in the same way, the latter are acquired through the former.³⁰ The formation of pious selves is possible through cultivating both of them. In this regard, daily life questions posed to *Alo Fetva* and responses involve both *ibadet* and *muamelat*, *iman* and *salihat*. *Vaizes* might advise praying as well as conducting oneself in a certain way in

³⁰ For this point, see also Saba Mahmood, 2005, p.136

response to a question regarding a complexity in daily life. In the same way, they sometimes advise a specific practice in order to cultivate an affect in a questioner's inner self. They underscore the relation between *ibadet* and *muamelat*, *iman* and *salihat* in their responses and translate the one to the other.

Since *fikh* is an ethical discipline, we cannot separate it from *ahlak*; however, *vaizes* make an analytical distinction between *fikh* and *ahlak* or *takva*³¹ while responding to questions. Here it is necessary to discuss the meaning of the terms ethics and morality in the context of *fikh* or *fetva* and clarify the translation of the word *ahlak* into English. Whether there is a distinction between the concepts of ethics and morality has been a subject of discussion for anthropologists. Fabuion states that etymologically there is little difference between these two concepts (Fabuion, 2011, p.21). Foucault, however, distinguishes ethical practices from morals in the sense that while morality refers to sets of norms, rules, values and injunctions, ethics refers to “those practices, techniques, and discourses through which a subject transforms herself in order to achieve a particular state of being, happiness, or truth.” (Mahmood, 2005, p.28). Also, in the philosophical tradition, ethics refers to a kind of being in the world that seeks for “the good”, and is different from morality that seeks “the right” and embraces the concept of “duty.” Inspired by Foucault, it could be said that the practice of *fetva* includes both ethics and morality. Although I use them interchangeably in some contexts, I prefer to use ethics when callers' immediate behaviour is concerned and “moral” when *vaizes* tell questioners what the moral principles are. Nevertheless, for the most part I prefer to use ethics rather than morality since what *vaizes* do is not informing questioners about what is “right”.

³¹ According to Izutsu, *takva* forms the central element of the conception of ‘belief’. It means ‘emotion of fear’ and prevents one from committing sin (Izutsu, 2002). In daily life, it is used in order to refer to “piety”.

Developing intimacy and affecting them, they also intervene into their self-cultivation and enable them to find their “good”. Furthermore, the Turkish word *ahlak* is translated into English as morals. It is through the Enlightenment that Is and Ought and fact and value were distinguished as two different categories and the appearance of the word “moral” coincides with this period (MacIntyre, 1997,; Hallaq, 2013) In the Islamic tradition, *ahlak* doesn’t carry a meaning which is distinguished from law (in a modern sense) in a way that divides fact and value. Although *ahlak* today comes to have conservative connotations and is reduced to a meaning related to sexuality and the body, from my point of view, it is rather closer to ethics because it is cultivated by practice, and the inner and the outer, fact and value consistently shape each other in the Islamic understanding of *ahlak*.

According to the distinction between *fikih* and *ahlak* or *takva*, while *fikih* determines the boundaries of ethical conduct, what are described as the lower and upper limits, the issues that lie between these limits are defined by *takva* or *ahlak*. A *vaize*, Esra, states: “When one fulfils the minimum defined by *fikih* but doesn’t do more, it is justifiable.” On a phone conversation, a woman complained about her mother-in-law: The mother- in- law took her own part of the heritage from the father-in-law but she spent all the money just for the one sibling among five. Esra said that “Nothing can be done legally. It is morally not proper but I cannot say anything further.”³² After she put down the phone, she turned to me and said: “She expect me to say that it is *haram*. We have no right to interfere in the spending of her mother-in-law. The four siblings might have better financial situation and the other might

³² “Hukuken yapılabilecek bir şey yok. Ahlaken doğru değil ama ben bunun ötesinde bir şey diyemem.”

need money. We cannot know this.”³³ Then she added: “The fact that we cannot interfere does not mean that the mother-in-law has no responsibility. If it is injustice, it will morally and religiously be accountable in the afterlife (*ahiret*).”³⁴

Esra also states that when the question goes beyond the boundaries of *fıkıh* they might respond in the context of *takva*. When *vaizes* have room for interpretation, *vaizes* express their own opinion as well as explaining the jurisprudential dimension to the questioners. For instance, during my fieldwork, I heard many times the question “Is it permissible to marry *Alevi*s³⁵?”. Most of the time, *vaizes* first respond in the context of *fıkıh*: “Does s/he believe in God and the Prophet? If yes, you can marry legally (*fıkhen*).” However, the conversation usually does not end here. For example, Esra continued it as follows:

But this does not mean that both cultures can be harmonious and it becomes a happy marriage. It is also important how you and your husband raise a child, you should agree on this. And how do your families embrace the groom and bride?I told you the *fetva* dimension; for the details, you can keep in touch with the Family Counselling Bureaus (*Aile İrşad Bürosu*) of your district. I cannot say to you “Get married” or “Do not”; I transmitted the legal judgement about it. You might get married and be happy or might not get married and avoid unhappiness (Esra, see Appendix A, 7).

After the *vaize* put down the phone she said: “If you ask me whether I give my daughter, absolutely not, but this is the legal judgement.”³⁶ Then she continued: “After hearing the legal judgement, the woman asked “Shall I marry him? Will I be

³³ “Benden haram fetvası almak istiyor. Bizim kayınvalidenin yaptığı harcamalara karışma hakkımız yok. Belki dört çocuğunun durumu iyidir, diğer çocuğunun ihtiyacı vardır, bilemeyiz.”

³⁴ “Hukuken müdahale edemiyor oluşumuz onun bir sorumluluğu olmadığı anlamına gelmez. Ahlaken, dinen ahirette bunun hesabı sorulabilir eğer adaletsiz bir durum varsa.”

³⁵ *Alevi* is a person who is bound to *Alevilik*, a sect that has a great number of adherents in Turkey. The term *Alevi* means someone who is adherent to Ali (the fourth caliph of Islam, 599-661) or comes from the lineage of Ali. *Alevi*s believe that Prophet Muhammed is the last prophet and consider Ali as *veli* (protector). In Islamic tradition, there is a political disagreement between *Alevi*s and *Sunni*s and conservative *Sunni* Muslims as well as state policy traditionally subordinate *Alevi*s in Turkey.

³⁶ “Bana sorarsan kızımı verir misin diye, kesinlikle. Ama fıkhi hükmü öyle.”

able to be happy? The man (groom) does not want to be *Hanefi*³⁷, but he doesn't interfere in her worship or headscarf.”³⁸

As we discussed earlier, we cannot oppose *fikih* (jurisprudence) and *ahlak* (ethics) because *fikih* is an ethical discipline. However, if we analytically distinguish them as in the case above, by responding in the context of *ahlak*, *vaizes* have considerably free space in which they answer according to their own understanding of the world and personal experiences. At times, telephone calls take the form of long conversations in which common experiences are shared and different discourses are intertwined. In order to respond justly, *vaizes* try to learn the particular details of the experiences of *fetva* seekers. They sometimes give examples from their own personal experiences too. I remember how a *fetva* that I listened to on the first day of my fieldwork surprised me: The question was about milk-motherhood. After a conversation that lasted a couple of minutes, the *vaize* put her hand on receiver and asked the other *vaizes* in the room: “She will not be able to breastfeed her baby. She knows someone who is Christian but well-behaved. She asks whether she is allowed to be milk-mother of her baby.” They said that it is permissible because one's religion is not taken in consideration in the case of milk-mother, what is important is her morality.” After she told this response to the *fetva* seeker on the phone, asked the morality of the Christian woman and then they had a long conversation. They talked about why the woman cannot breastfeed, what her doctor said. She asked whether she drinks plenty of water. The woman was hesitant about milk-motherhood, thus, the *vaize* told her in what aspects it would be good or bad and added: “My husband had said to me that he wouldn't want somebody other than me to breastfeed our

³⁷ Hanefilik is one of the sects of Sunnilik. Hanefi means those who follow Ebu Hanife (699-767).

³⁸ “Fıkhi hükmünü sorduktan sonra peki evleneyim mi, mutlu olur muyum diye sordu. Adam Hanefi mezhebine geçmeyi kabul etmiyormuş ama kızın ibadetine, başörtüsüne karışmazmış.”

baby.” And she finished the conversation by saying: “We will pray here for you. Everybody eats his/her own *rızk* (sustenance).” In this case, *fıkıh* allows the milk-motherhood of a non-Muslim woman if she has a good morality. However, the woman still wavered since she thinks it might have some negative aspects. The question here goes beyond the boundaries of *fıkıh* and the *vaize* tried to solve it through the knowledge acquired by her own experiences. And the conversation begins to be close to the one between friends. As I discussed in the previous chapter, the authority of *vaizes*’ advice stems from *Diyanet* and references of Quranic verses and hadiths. The personal experiences of *vaizes* are, in a sense, another source of authority and *vaizes* always cite them in order to legitimize their advice. Here the *vaize* said that she also had a child and responded to the woman on the basis of her breastfeeding experience. On the other hand, she shared her husband's sentences as a father's and a husband’s view regarding this issue. This might also be interpreted as showing that she regards her husband’s opinion as an authority as well as her own experience and advises the woman to listen to her husband too. Further, in such cases, not to say "do this" or "do not do this" but to express positive and negative aspects of an action is one of the pedagogies of *vaizes*. Here she explains both aspects and tries to make the woman make her own decision.

3. 3 Ethico-daily concepts

According to Mardin, Islamic society in Turkey has reproduced itself since the end of the 19th century in spite of the fact that the formal institutions began to undergo a modernization process and to lose their Islamic references. He claims that Muslims maintained their culture by the common use of an Islamic idiom in their daily lives.

To clarify this argument, he uses the concept of *root paradigm*, which refers to “clusters of meaning which serve as cultural “maps” for individuals” and enables persons to find a path in their own culture (Mardin, 1989). These are the concepts such as *haram, namus, kanaat, rızık, hürmet, adalet, hak*. According to him, these root paradigms are constituent part of *idiom*, which is a shared language pervasive in the social relations of Muslims belonging to both upper and lower classes. Sharing an Islamic idiom then constitutes Muslims’ daily life strategies and enables the reproduction of Islamic societies (Mardin, 1989).

Root paradigms are the concepts embedded in the social imagination of Muslims and they provide them with the capacity to interpret the world in a particular way. Izutsu’s examination of ethical terms helps us to elaborate this point (Izutsu, 20012, p.12):

Each vocabulary, or connotative system, represents and embodies a particular world-view (*Weltanschauung*) which transforms the raw material of experience into a meaningful, ‘interpreted’ world. Vocabulary in this sense is not a single-stratum structure. It comprises a number of sub-vocabularies, existing side by side with – usually – overlapping areas between. And the conceptual network formed by ethical terms is one of such relatively independent sub-vocabularies, consisting of a number of relatively independent conceptual sectors, each with its own world-view.

In line with Izutsu and Mardin’s conceptualizations, I can say that *fetva* is a discourse, which reveals Islamic moral vocabulary, which in turn combines the domain of religion and that of the every day. Through the practice of *fetva*-giving, the Islamic vocabulary is redefined, interpreted and transmitted. *Nasip, kısmet, helal, haram, hak, kul hakkı, fitrat, ahlak, edeb, mahrem, vebal, ibadet, sünnet...* These are some of the core ethical terms, or *root paradigms*, which construct the discourse of *fetva* and shape and define the way Muslims interact with the outer world in everyday life. Whenever one asks “Is it *caiz* (permissible)?” about the minutest detail

in daily life, then her experience of daily life, which already could not be distinguished from the domain of religion, enters the domain of religion again. This vocabulary thus re-sacralizes the everyday; or remakes pious selves along with the community wherein these selves speak the same language.

The question regarding milk-motherhood mentioned above is an example of the way these root paradigms work. At the end of the conversation, in order to mollify the puzzled woman, the *vaize* uttered the phrase "Everybody eats his/her *rızk*". *Rızk* refers to the things given to creatures by God to eat, drink or use. It is an ethico-religious word, or root paradigm, which has an implication that "we" don't have that which we have, but it indeed belongs to God. Here when the *vaize* says "Everybody eats his/her *rızk*", the questioner understands that if the milk is the *rızk* of the baby, she would drink it but if not, she cannot. The *vaize* therefore saves the questioner from her dilemma by implying that she is not the only agent who decides whose milk her baby should drink.

Similarly, the response "It is an intervention to *fitrat*" to the question "Is tubal ligation *caiz*?" demonstrates the same point. *Fitrat* means "creation, possessing ability and disposition" (Hökelekli, 1996, p.47). Although birth control is permissible in the Islamic jurisprudence tradition, tubal ligation is not allowed since it is an irrevocable change in woman's body, which in turn depletes her God-given reproduction capacity. Once, I also observed that the question "Is sterilizing a cat *caiz*?" was given the same answer. Here *fitrat* belongs to a shared language of Muslims; when a *vaize* refers to it, then the questioner easily understands what the word denotes. It is an ethico-religious concept that defines the creation of non-humans as well as that of humans: a cat also has a *fitrat* and its sterilization is thought to be contrary to it. The concept therefore determines our practices related to

our bodies and other living animals or plants and keeps them in the sphere of religion, implying that all of them are part of the same universe which is created and ruled by God.

“Is it *helal*?” or “Is it *haram*?” are basic questions posed to *Alo Fetva*. *Haram* refers to something which is forbidden, and the contrary is *helal*. They are applied to things, places, persons and actions.³⁹ For instance, if I quote from my field notes, a wife is a *helal* person for a man;⁴⁰ not covering the head is for women an action which is *haram*. When one asked whether it is permissible to go to the wedding of a sinful person, a *vaize* said that a wedding is a *helal* action and it is a *helal* place to go to even though its owner is a sinful person. Besides, “If I do this, “*hakka girer miyim?*” is also a frequently posed question. *Hak* means right, justice, law as well as share, due, remuneration, and fee (White, 1994, p.97). *Hakka girmek* can be loosely translated as “deriving any unjust profit (which is *haram*) from a relationship with someone” or “having a reciprocal moral debt to someone for the things s/he has done”⁴¹. For example, downloading a film or a book from the Internet is not permitted since one does not remunerate the producer. In this case, this person has unjust profit from his/her relationship with the producer (*hakkına girer*). I also remember a *fetva* given to a woman who asked whether she usurps her husband’s *hak* (*eşimin hakkı geçiyor mu?*) since she is often angry with him. The *vaize*, Sare, responded as follows:

There is no such thing as *hak* between a husband and a wife, both you and him will give some. You cook and clean for him. You might nag, but he does not speak with you either [he doesn’t have a good communication with the woman, doesn’t tell something or express his love] . Prophet Muhammed said [to his wives] that he loved them in daily life, but he [your husband] doesn’t

³⁹ For a detailed analysis of these concepts, see Izutsu (2002, p.237-241).

⁴⁰ One’s wife is a *helal* for him means that their sexual intimacy is not sinful and their sexual relationship is not adultery (*zina*).

⁴¹ I got inspired from White’s translation of the phrase “*hakkını helal et*”. (White, 1994, p.97)

do this, then it could be said that he usurps your *hak*. Is going to hell just that easy? You are doing a lot for him, you gave him children. Who said this to you? (Sare, Appendix A, 9)

In this response, Sare in a sense, reacted to the question since the woman feels guilty about her conduct towards her husband. According to her, a husband and a wife have mutual responsibilities and it is inevitable to have minor mistakes or deficiencies in fulfilling them. And not only cooking or cleaning, but also expressing one's love is a responsibility towards a partner since it is *sunna (sünnet)*. However, for her, this is different from *hak*. In my view, however, the *vaize* articulated it in this way because she tried to make the woman realize how she gives of herself in the marriage and that the responsibilities in the marriage should be mutual. She protects the woman from the husband who (probably) oppressed the woman by denying or ignoring her labor. That is, she might say that there is such a thing as *hak* between partners in another context, but here it is an explanation aimed to ease the conscience of the woman.

Along with *kul hakkı* (right of others), *vaizes* also mention *kamu hakkı* (public right). Once, a *vaize* responded to a question regarding cutting firewood from a forest and said that it is a violation of *kamu hakkı*. She said: “You violate someone's right in the case of *kul hakkı* but everybody's right in the case of *kamu hakkı*.”⁴² A few months after I heard these *fetvas*, the Directorate published a sermon (*hutbe*) about *kul hakkı* and *kamu hakkı*. In the sermon, it is said (The Turkish Directorate of Religious Affairs, *Kul ve Kamu Hakkı*, 2015)

Yet public property is *emanet*⁴³. Betraying this *emanet* puts one under *vebal* both in this world and in the afterlife. The Prophet of mercy warns people against this tremendous *vebal* in the following way: “God will tie seven levels of territory

⁴² “Kul hakkında bir kişinin hakkına giriyorsun ama kamuda herkesin.”

⁴³ *Emanet* derives from the word *emin olmak* (to trust). It means something in trust, something given to someone so that s/he preserves it.

around the neck of whoever takes even a span of land unjustly." All society members have equal rights in public property. Our religion calls the rights of others as *kul hakkı* and interprets betraying *kul hakkı* as disloyalty to this *emanet*. Our Prophet says on this subject: "Whoever we entrust with a task and give wage to, everything he takes except this wage is betraying *emanet*."

Kul hakkı and *kamu hakkı* are therefore concepts that dominate Muslims' relationships with others in daily practices. Relationships, practices, transactions are always shaped in reference to the idea of *hak* and other concepts that belong to the Islamic vocabulary.

3. 4 Practice of *fetva* as conduct of conduct

As mentioned earlier, Agrama uses the notion of "the care of the self" in order to denote the ethical dimension of the practice of *fetva*. Through "the care of the self", the term which means attending to oneself, being concerned about oneself, Foucault describes a particular relationship with oneself within a particular period of history, namely, the ancient Greek and Roman and early Christian (Foucault, 1998, 2005) periods. The practice of *fetva* is a form of ethical cultivation in the sense that it guides, moves, changes and affects the *fetva* seeker who seeks the proper way to follow. In this regard, it might be understood as a mode of "the care of the self".

Nevertheless, discussing *Alo Fetva* only in terms of its ethical effects would not be enough to elaborate the way it works in modern Turkey. Introducing the concept of "discursive tradition", Asad points out to the powers and knowledges that determine the contestations regarding different representatives of Islamic traditions. According to him, a religious truth is established through a discursive field of power relations. In this context, it would be necessary to analyse female preachers' practice of guidance in a broader political context. *Alo Fetva* includes dimensions peculiar to

liberal forms of government and ethical cultivation thus often goes hand in hand with the practice of governing. In this sense, Foucault's notion of "governmentality" where the notions of the care of the self are openly linked to issues of power would also be useful in the analysis of *Alo Fetva* as a service which works at the intersection of the moral, the social and the political.

Foucault uses the term "governmentality" in order to depict the political rationalities and technologies which arose in Europe in the 18th and 19th centuries. By the term "government", he did not refer to political structures or the management of the state, "rather it designates the way in which the conduct of individuals or of groups might be directed: the government of children, of souls, of communities, of families, of sick..... To govern, in this sense, is to structure the possible field of action of others" (Foucault, 1982, p.790). Governmentality thus is "the conduct of conduct", and "to conduct" refers both to activity of conducting (others), and the way in which one conducts oneself and is conducted by others (Foucault, 2007, p.258). In this sense, government is the "contact point" where "the individuals are driven by others is tied to the way they conduct themselves." (Foucault, 1993, p. 203) In his analysis of the genealogy of the Western subject, Foucault examines both "the techniques of domination" and "the techniques of the self" and the interaction between those two techniques (1993, p. 203-204):

Governing people, in the broad meaning of the word, governing people is not a way to force people to do what the governor wants; it is always a versatile equilibrium, with complementarity and conflicts between techniques which assure coercion and processes through which the self is constructed or modified by himself.

Inspired by Foucault, a substantial body of literature has analysed the political technologies of the modern state that shape, guide and control individuals with a complex apparatus of health and therapeutics (Donzelot, 1979; Rose, 1999, Miller

and Rose, 2008; Hunt, 1999; Burchell, Gordon and Miller, 1991; Shore and Wright, 2005). This literature demonstrates that liberal forms of government do not directly control the citizens but govern ‘at a distance’. The state is not locus or origin in liberal governmentality; instead, political power is exercised “through a profusion of shifting alliances between diverse authorities in projects to govern a multitude of facets of economic activity, social life and individual conduct.”(Rose and Miller, p.53). According to Donzelot, the “social” is the new formula through which this act of governing was effected (Donzelot, 1979). That is to say, as if it is a naively apolitical act, political power acts upon people’s action in relation to a social norm and constitutes their experiences in a social form. This formula of government constitutes a form of knowledge in relation to professionals who have the authority to act as experts in constituting and spreading truth claims through strategies of social rule (Miller and Rose, 2008, p.202). The policing of families”, as Donzelot conceptualizes it, is situated at the very centre of these social strategies: “[policing is] not understood in the limiting, repressive sense we give the term today, but according to a much broader meaning that encompassed all the methods for developing the quality of the population and the strength of the nation.” (Donzelot, 1979, 6). Donzelot (explaining the philanthropic strategy for the family in the 19th century, which is the initial form of this liberal governance) states that the family became a target which conveys the norms of the state to the private sphere through these technologies. It is a target of sovereign power that enables to control sexuality and the reproduction of population. It is also an instrument for moralizing the nation since it is the locus of the daily life, the sacred and emotions.

Inspired by Foucault, it could be said that the ethical dimension of *fetva* interacts with the question of power and *Alo Fetva* is a governmental practice which

is at the intersection of the governing of the self and of others. Particularly, the fact that *vaizes* are civil servants raises the issue of *Alo Fetva* as governmental practice. Yet, even if it is not state sponsored, religious knowledge itself is a means of organizing daily conduct, which in turn is authorized by power relations and transmits a particular understanding of religion. In this context, *vaizes*' moral guidance, their activity of leading, affecting and shaping the practices of *fetva* seekers could be understood as "the conduct of conduct".

In the second chapter, I briefly mentioned the tacit relation between *vaizes*' authorities and the neo-liberal forms of authority. I argued that the authority which arises from *Diyanet*, *vaizes*' religious knowledge or personal experiences is not the only reason for the huge demand for *Alo Fetva*, but this demand should also be thought in relation to the rise of the self-care and self-responsible neoliberal subjects who freely and rationally conduct themselves. Messick's point regarding the discontinuity in the practice of *fetva* in the modern period, namely, the shift to daily life issues, could be discussed in the context of the neoliberal transformation of the way people conduct themselves and others. Individuals choose *Alo Fetva* among the various religious authorities now available in order to seek the proper way in which they are to conduct themselves. In this form of practice of *fetva*, *vaizes* become professionals, or experts, who conduct the conduct of individuals by delivering the rational and sound knowledge and a particular kind of morality in alliance with the state. According to Rose and Miller, these experts are 'small figures' through which the state is articulated into the activity of government (Rose and Miller, p.56):

It was only through these means that the 'cold monster' of the state could actually seek to shape the ways in which people conducted their daily lives, their interactions with themselves and others, and their relations with the various manifestations of social authority. It was these authorities, whether

questioned, contested, admired, or aspired to, that made it possible for states to govern.

Although secular reforms have regulated the public sphere since the end of the nineteenth century, the interventions into private sphere and daily life were highly limited. The AKP power, however, governs the families and daily lives of the population through social experts and political discourses that permeate the social lives of individuals in alliance with the laws. For example, adultery and abortion were tried to be made illegal and a new discourse against them thus arose. The injunction to have at least “three children” almost became a slogan. Besides, in parallel with the discourse on “saving families” and in order to “research divorce cases and to strengthen the institution of the family”, a Divorce Committee was established. This committee published a report which included some suggestions that were strongly criticized by feminists. Then some of these suggestions such as institutionalising a family ombudsman who arbitrates between the couples who want to divorce and authorising muftis to performing marriage ceremonies were implemented by laws. In addition to these, one of the most crucial novelties in this context in the AKP period is that the government authorized *Diyanet* for carrying out social services to a large extent. Within the scope of the project of Religious Services with Social Initiative, *vaizes* give advice to families in the Family Counselling Bureaus and visit orphanages, women’s shelters and prisons in order to give lessons to those who live there. More recently, in collaboration with the Ministry of Health, *vaizes* and *vaizs* also began to offer a new *service* within which they give moral support to patients in public hospitals. Moreover, while advising on the phone or in the Family Counselling Bureaus, they are also in contact with institutions and other expert authorities such as doctors or psychiatrists. They take lessons from doctors in education seminars and sometimes transfer the questioner to psychiatry or

psychology clinics in public hospitals or women's health centers. In addition to the Ministry of Health, *Diyanet* also cooperates with the Ministry of the Family and Social Policy and they might also transfer women who are exposed to violence to women's shelters.

Diyanet's projects, particularly its task of guiding families, can be analysed using Donzelot's concepts such as the policing of families. By doing a service (*hizmet*), it seems that *Diyanet* is not involved in politics but just works in the sphere of the social and the moral. However, it could be said that state-sponsored *vaiz* and *vaizes* spread the knowledges and policies of *Diyanet* and the AKP through these services. In a sense, the state enters the houses, listens to the most private secrets of its citizens and authorizes professionals to solve the problems. And the solutions are in accord with the neoliberal and patriarchal policies of the AKP intended to preserve the family and children and to strengthen the morality of the population and the nation.

Yet these practices as well as the traditional practice of *fetva* in its totality can not be reduced only to a governmental activity. *Vaizes* always oscillate between two sides: on the one hand, their practice works in a domain where religion interacts with the political and the social, and they, as state officials who took formal education in Theology Faculties, transmit *fetvas* issued by a state institution. Responses to the financial questions that ask the permissibility of getting credit, using bank promotions or working in a bank, or to the questions regarding family problems such as managing husbands and children, divorce or marriage constitute the domain where the governmental dimension comes to the forefront the most. On the other hand, as I discussed earlier, *vaizes* have different subjectivities, life stories and characters, which in turn precludes a relationship of representation with *Diyanet* and

the government. Besides, it is not easy to say that they are simply the actors who perform the AKP's policies regarding the family. State discourse can permeate the private sphere only to a certain extent since daily life is the very realm that resists state authority. By this I mean that when *vaizes* deal with the women who have daily problems, most of the time the state disappears from the scene. Among women, they talk about daily complexities, marriages, husbands, children, their rights or responsibilities, that is, affairs on which the state cannot produce such detailed discourses. They always endeavour to find the best solution and to protect the rights of the woman questioners. Sometimes the state character, sometimes the feminine character of the voices comes to the forefront. At times, these two voices do not exclude each other, but sometimes it is difficult to keep both voices at the same time. In this context, I should deal with Mahmood's criticism of the concept of *performativity* in which she argues that norms are not only consolidated or subverted but performed, inhabited and experienced in a variety of ways (Mahmood, 2005). Inspired by her, my intention here is neither to suggest a dichotomy of the norms of the state and of women, nor to write a narrative of subversion and reinscription of norms of the state in terms of the female preachers. Rather, I draw attention to the ways in which different discourses and truths are transmitted, made to overlap, communicated or negotiated in the discourse of *Alo Fetva*. I will now attempt to elaborate this point giving an ethnographic account of *fetvas* regarding family problems.

3. 5 Governing the family

In 2004, in the scope of its project of Religious Services with Social Initiative (*Sosyal Açılımlı Din Hizmetleri*), *Diyanet* established Family and Religious Counselling Bureaus (*Aile ve Dini Rehberlik Büroları*, in its earlier name *Aile İrşad Büroları*⁴⁴) which provide service (*hizmet*) in each district of Istanbul (and in other cities as well). Some of the goals of these bureaus are informing people about the family in the context of religion, contributing to the preservation of the family, helping people in solving their problems related to the family and family members⁴⁵. Along with the districts of Istanbul, there is also a bureau next to the Women's *Fetva* Room in Nuruosmaniye Mosque, which is tied to the Muftiship of Istanbul. Vicdan Hanım, the coordinator of Family and Religious Counselling Bureaus, works there. She responds to questions posed by telephone as well as to people who come there for face to face advice. As mentioned earlier, when one dials 190, three options are available: women's *fetva*, men's *fetva* and family counselling. Those who will ask a question regarding family problems might choose Family Counselling. But it does not mean that all family questions are posed there. On the contrary, in the *Fetva* Room, *vaizes* respond to a considerable amount of family questions. There might sometimes be nobody in the Family Counselling Bureau and the question is automatically transferred to the *fetva* rooms. But even when Vicdan Hanım (or Vildan hanım, another religious service expert who responds to the questions posed to Family Counselling in the absence of Vicdan Hanım) is in her room, *vaizes* still respond to a great number of questions about family problems, which means that, in a sense, questioners prefer the option which is called *fetva*. When I was in fieldwork in women's *fetva* room, I observed a large number of conversations regarding family problems. I also had a day in Family Counselling and interview with both Vicdan

⁴⁴ *İrşad* means act of showing true path.

⁴⁵ <http://www.istanbulmuftulugu.gov.tr/index.php/aile-ve-dini-rehberlik-burosu.html>

Hanım and Vildan Hanım. In view of these, I will now describe some phone conversations and the approaches of my interlocutors in the context of family issues, and discuss the family as a locus of the political, the social and the moral.

One of the most leading characteristics of the questions about family problems is that women ask what is within their rights in a particular issue. In daily life problems, men might interpret religious precepts according to their best interest and women thus might be unaware of their rights. Especially, when they are in disagreement with their husbands, they might doubt the rights that Islam accords them. I remember once that a woman asked whether the money that she takes from her husband is *helal*. Her husband had been bankrupt at first and then became very wealthy. When the woman asked the title to a property registered in her name, he angrily said she was now showing her real face and since then, he has been always saying “Let what I gave you up to now be *haram*⁴⁶”. The *vaize* said that he is bound by Islamic tradition to support her and has the right to his money as much as she has the right to her mother and father’s money. And she added that work is also her right. As is seen, the *vaize* said that the money is *helal* and also informed her about another right, which is the right to work. Another question came from a woman who had been separated from her husband for six months. She asked whether it was inconvenient for her to go to *Umre*⁴⁷ without her husband’s permission. The *vaize* said no and pointed out another issue: “But keeping the relation like this is not proper, you have to decide.” When the woman said that her husband did not want to divorce, the *vaize* advised her to file a divorce case. Here the *vaize* drew attention to

⁴⁶ As I mentioned before, *haram* means “forbidden”, in contrast to the term *helal* which means “not forbidden”. Using the phrase “let those I gave you up to now be *haram*”, the husband, as the possessor of the money, wishes that the money he gave to her wife in the past become forbidden.

⁴⁷ *Umre* is the non-mandatory lesser pilgrimage made by Muslims to Mecca, which may be performed at any time of the year.

the in-between position of the woman, not divorcing but living separately, and reminded the woman about her right to file a divorce case even if her husband did not want to divorce.

Vaizes not only inform women of their rights vis-à-vis their husbands, but also their fathers, mothers, friends, etc. And they do not always advise in the questioner's favour, but might also remind them of another's right. For example, I remember a long conversation with a mother who posed a question about a conflict between her husband and her daughter. The husband did not allow the daughter to marry her fiancé since he witnessed a tactless speech of a relative of the fiancé. He was claiming that "It is not possible to be a proper man in their lineage"⁴⁸. The following are some notes taken while Zehra was responding:

Why do they want you not to give your daughter? Does the boy have a moral problem?.... Here there are few things. Firstly, one does not praise oneself because of his/her lineage in Islam and shouldn't say "it is not possible to be a proper man in their lineage." Don't the Prophet Noah's son and wife also have some problems?⁴⁹ This statement is contrary to Islam, how terrible... Your daughter puts morality and prayer (*namaz*) as a condition for marriage. Prophet Muhammed says that one might care for lineage, property and face (beauty) but what is significant is morality. Your daughter met him; if his morality is not proper, she wouldn't want him. She is at an age when it is proper for her to decide. No one has the right to intervene in her decision. You will go wrong.... No, it doesn't mean that she opposes her father. She will say "I thought and decided in this way". She is making a decision about her own life. Otherwise, she will feel rage towards her father. Don't intervene. Your husband has preconceived ideas (Zehra, see Appendix A, 9): .

⁴⁸ "Bu soydan adam çıkmaz."

⁴⁹ It is told that a son and wife of Prophet Noah was unbeliever when they died.

Although *vaizes* inform women of their rights, in a *vaize*'s words, they are careful not to incite them against their husbands, in a way that harms the marriage. Another *vaize* said that they work on a slippery ground and they should be careful not to slip into feminism. In her interview, the coordinator of Family Bureaus, Vicdan Hanım told me how she promotes thinking focusing on the concept of "duty" (*vazife*) instead of "right" (*hak*): "I have told the mufti with whom I worked before the following: Please tell men their duties to women, and let us tell the women their duties to men. If we tell women their rights and you tell men their rights and women's duty, marriages become hell. One always focuses on rights, let us do the contrary."⁵⁰ She also explains how they approach the cases they are confronted with:

For example, someone called from France yesterday; he had beaten his wife with whom he has been married for 28 years. She said that their relationship had come to an end, bought a ticket and came back to Turkey. The man hadn't expected this reaction and admitted that he was wrong. His daughter and the daughter's husband intervened but his wife is not giving an inch. For him, one or two slaps do not constitute violence. There are women who are beaten for years but do not end their marriage, there are also those who end it because of one and only slap. There are different characters. Instead of repeating general rules, we tell questioners that their relationship is unique. We advise them to see each other as *emanet* of God (given in trust to each other by God), as a miracle and a verse. There are seven billion people and God brought her to you. It is a different perspective. Today psychologists unfortunately have an approach that immediately ends marriages. Feminists and psychologists say that "Why are you standing it? End it." However, we have also worked in dorms and child houses⁵¹ and also worked in prisons with women. We therefore know the kind of huge problems broken families face. We try to make marriages liveable as far as possible by showing the way to solve problems. What are you expecting from a marriage? For example, if a woman complains of her husband's maltreatment and indifference, we make her see the right behaviour at the end of which her husband will change. We tell her the meaning Islam ascribes to the family and marriage. If we succeed to show themselves a bit to them, they could say "Indeed, I was also angry, I have made these mistakes (Vicdan Hanım, see Appendix A, 11).

⁵⁰ Aslında daha önce çalıştığım bir müftüye şunları demiştim, hocam lütfen siz erkeklere kadınlara karşı görevlerini anlatın, biz de kadınlara anlatalım. Biz kadınlara kadın haklarını anlatırsak, siz de erkeklere kadınların vazifelerini, erkeklerin haklarını anlatırsanız evlilikler cehenneme dönüşüyor. Sadece hak odaklı düşünülüyor, tam tersini yapalım.

⁵¹ Child houses are houses in which children who are protected by Social Services and Child Protection Institution are living.

As in this anecdote, *vaizes* always are in an internal dialogue with feminists and psychologists and compare their own work and ideas regarding the marriage with that of them. Focusing on the concept of “duty” instead of “right” includes a criticism to feminism. As mentioned above, *vaizes* tell women their rights about the problems of marriage, but when the question of continuing marriage is at stake, indeed, most of the time the focus shifts from “right” to “duty”. Whom does the concept of “duty” instead of the concept of “right” serve while religion informs us of both rights and duties? Isn’t it the very discourse that is promoted by the state and other patriarchal institutions? During fieldwork, these were the times the governmental activity of *Alo Fetva* and the Family Counselling Bureaus became most apparent. These institutions most vociferously articulate the goal of “the preservation of the family” using a religious point of view. What is lost in these arguments is whether or the extent to which, this goal reflects a religious approach independent from liberal policies through which the family became an instrument for the government of the population. There is no single interpretation regarding the issue of the family and divorce in Islam but it differs according to different geographies, historical periods or interpretations of Islam. I argue that a particular understanding of religion here is integrated into a biopolitical rationality and the practice of *fetva* is integrated into a governmental technique which conducts the conduct of others. Here *fetva* operates as an “effective advice” in order to moralize and normalize the nation (Donzelot, 1979, p.57).

In this context, although *vaizes* seek not to directly say “do not divorce”, it could be said that *vaizes* do not promote divorce except in cases where there is no other possible option. Vicdan hanım, again, tells their strategies of responding to the questions regarding divorce:

We have a huge divorce rate. We don't think that every marriage should continue. For this reason, it (Family Counselling Bureaus) should not be supposed to be an institution that fights against divorce. For example, a man or woman calls here and asks what is the *vebal* of divorce? If the problem is not irrevocable or not inexcusable... I mean something like infidelity... Sometimes we hear immoral offers, for example, there are husbands who compel their wives to watch porno or even watch his sexual relationship with others. The woman asks if divorce is sin. In this case, not to divorce is sin (laughs). Yet while she is talking, she is already hurt, we thus should not make her emotions peak. We tell Islam's approach, her freedom to divorce, and if she will continue, that it should be in accordance with Islam (Vicdan Hanım, see Appendix A, 12).

At this point, I would like to mention a long phone call which started with the question "If I divorce, would it be sinful?" I listened to the *vaize* who responded, took notes and understood some of the questioner's sentences from her responses. The husband of this recently married woman watches porno almost every day and does not have sexual intercourse with her. He does not admit that it is wrong or sin. He also does not have a conversation with her. The following are some of my notes taken while the *vaize* was speaking: "Whether he is married or not, it is *haram*. Why does he watch porno while he has a *helal* wife? It is up to you to divorce. Go to a doctor together. Does he not ever come close to you? It is not right having such a sexual life. He might have psychiatric problems... A year is a short time to decide on divorce, he might not have been used to the marriage. If you find an occupation for yourself at that time he might change. But do not try to change him, it happens by itself. You married out of love; remember your old days... Perhaps he got into this habit when he was a bachelor. When he didn't find those he saw in these films in his sexual relationship, he was disappointed." After the *vaize* put down the phone she transmitted to us the sentences of the questioner and *vaizes* in the room had a long conversation about the case. She said that perhaps the man got used to masturbate and the reason of the impermissibility of masturbation was its negative influence of

sexual life on marriage. As it is seen in this case, *vaizes* do not directly say “divorce” or “do not divorce.” By asking some questions, they try to understand the problem of the questioners better and endeavour to seek the proper solutions to “save” the marriages.

Once, in women’s *fetva* room, *vaizes* discussed divorce among themselves. Two *vaizes* talked about how people do not want to deal with difficulties anymore, how families support women and encourage them to come back to the family home when they have trouble or how it is more difficult for a woman who has a good financial situation to maintain the marriage. The third *vaize* said that she is in a period in which she has to decide whether she will divorce her husband or not. She claimed that they (she said “we” referring *vaizes*) exaggerate the issue of divorce now and reminded them that couples were easily married and divorced in the past. Similar to the other issues, *vaizes*’ approach to divorce also changes in relation to their personal experiences. Although *Diyanet* has policies oriented to saving families and reducing the rate of divorce, as in this case, *vaizes* might have their own stories that undermine these institutional policies.

On the other hand, as far as I have seen in *women’s fetva* room, I might say that there is, in a sense, a female solidarity between *vaizes* and the questioners in the face of what they consider to be injustice. This particularly comes to the forefront in the questions regarding *imam* marriages, second wives or religious divorce (*talak*), which in turn form a considerable part of the questions. I remember how I was surprised when I observed that many questions regarding religious divorce were posed. To speak honestly, I had not known before my fieldwork that people take into consideration and practice religious divorce so seriously. Religious divorce was

interpreted in different ways in different periods of the Islamic jurisprudence tradition, but according to *Diyaset*'s present *fetva*, the pronouncement by a husband "I divorce you" to his wife at three different times (not three simultaneous declarations) would lead to divorce. The women whose husbands pronounce it get worried about the future of their marriages and call *Alo Fetva*. If the question is simple, *vaizes* respond it; but if it includes complexities or the questioner needs a more influential response, *vaizes* transfer it to the High Council of Religious Affairs (DİYK, they shortly say "call Ankara" because DİYK is situated in Ankara). It is presumed that questioners take DİYK's responses more seriously than *vaizes*'. For example, a woman's husband pronounced "I divorce you" in two different times. She wondered whether they were divorced or not. In a serious tone of voice, the *vaize* said that if he pronounces it one more time, they will be divorced irreversibly. Here the answer is explicit but she nevertheless advised her to call Ankara and strongly emphasized that her husband should certainly stand by her while calling there. In such situations, *vaizes* make sure that husbands are informed. The *vaize* in the cases above states the following: "The women suppose that their marriage end and keep away from the man for religious reasons. The men thus become distanced further. The women are then worried. For this reason, I advised that men call here."⁵² Then she added: "Men usually pose questions regarding business life, they have no family issues."⁵³ She also mentions men who regret having pronounced the divorcing phrase. Nevin Meriç remarks on this as well: "Men also regret using the divorce

⁵² "Kadın nikahının düştüğünü zannediyor, dini gerekçeyle adamdan uzak duruyor. Böyle olunca adam daha da uzaklaşıyor. Kadınlar dertleniyor. Ben o yüzden özellikle erkekler arasın diyorum."

⁵³ "Erkeklerin soruları genelde ticari hayat, hiç aile gibi gündemleri yok."

formula. They call here or their wives call while the husbands are next to them. They feel sorry.”⁵⁴

What is strange in divorcing by the pronouncement of “I divorce you” is that couples are still formally married. Although *vaizes* or DİYK give a divorce decision for a couple, it makes no sense in the family courts governed by secular law. I also listened to the cases in which the couples divorced but husbands did not pronounce the divorce phrase. In such cases, “the divorce by the judge” is accepted as a (religious) divorce. It could be thought that *Diyanet* here does not want to contradict the Civil Code but, it was interesting for me to see that *Diyanet*, in contrast to its decision of accepting divorce by the judge, obviously contradicts the law when it decides that a couple is divorced after the pronouncement of the divorcing phrase at three different times. For this reason, in my view, it would not be proper to discuss *Diyanet*’s decision of divorce by the judge only in the context of *Diyanet*’s secular identity. Rather, as far as I have seen from *vaizes*’ conversations, precluding men from using the dualism of the law in their own favour is the main reason for this decision. I listened to numerous stories in which husbands refuse to accept formal divorce on the basis of the fact that they have not pronounced the religious divorce phrase. In our interview, a *vaize*, Serap, told the story of a woman who came to the Family Counselling Bureau in order to pose her question:

A woman had got married to her uncle’s son. She did not love him and did not see him as a husband. The man was an *imam*⁵⁵. They divorced and the woman married someone else. The son of her uncle was saying that he never divorced her and claimed that her second marriage was invalid. He did not give her his blessing (*hakkını helal etmiyormuş*). Her new husband was an irresponsible man. She thought she was in this situation because he damned her. In order to verify this, she went to a *mufti* in Tokat. The mufti told her

⁵⁴ “Bir de pişman oluyorlar. Arıyorlar burayı, ya da kadınlar arıyor, eşleri yanında oluyor, üzülüyorlar.”

⁵⁵ İmam is a person who leads praying in mosques.

that she was still his wife. I said that if the judge divorced it is divorce but you asked a man. On the one hand mufti/imam, on the other *vaize*, you are confused, it is best if we call DİYK. DİYK said “You did not love him, it is a reason for divorce. You didn’t commit adultery, did nothing; there is no reason for *vebal*. You stated that you didn’t want him before marriage. Is Allah so cruel, does He oblige you to him while you don’t want him? It is your husband’s irresponsibility (Serap, see Appendix A, 13).

I was impressed by this story (to which I listened at the beginning of my fieldwork) inasmuch as it carries compelling points in terms of both my research and personal interest. Firstly, the ex-husband’s disregard for formal law and his objection to the divorce leads me to ponder about the consequences of the duality of family law in Muslims’ lives and men’s violation of women’s rights by manipulating this duality. Although this violation in itself exceeds the scope of my research, *vaizes’* responses to it are crucial in the sense that it shows how they inform the women of their rights and lead them to protect these rights. As it is seen, in contrast to Serap, the mufti who works in a province supported the ex-husband. Furthermore, Serap emphasized that her advice was considered to be lesser than that of the mufti. The woman could not trust her absolutely since she is a woman, which in turn displays *vaizes’* inferior position with respect to men in the eyes of the people. Of course it is not always the case, but still it points to a reality to which *vaizes* are often exposed. Lastly, I have to say that I was surprised a bit when I heard the DİYK’s response which suggests that not being in love with the spouse is a reason for divorce since it has an approach intended to preserve the family. It could also be that the personnel in DİYK made this interpretation because they were already divorced and it is a positive response in this case. If they had not divorced, they might not have taken not being in love as a reason for divorce and lead her to find a solution within the marriage.

Imam marriage (*imam nikahı*), which is also called religious marriage (*dini nikah*), is another issue about which considerable numbers of questions are posed. In Turkey, along with formal marriages, people also have marriage ceremonies performed by *imams* or family elders. Some people hold an *imam* marriage ceremony after or before formal marriage as supplementary to the latter, but some do it without getting married formally. The permissibility of *imam* marriage without the formal one is a very controversial issue in Turkey. It is claimed that two witnesses and *mehir*⁵⁶ are necessary conditions for marriage, and an *imam* marriage fulfils these conditions. Yet, since the formal law does not recognize this marriage, women's rights acquired through civil marriage are not preserved with the religious marriage, and most of the time they are violated by men. Sometimes relatives, friends or neighbours also do not recognise the marriage because couples do not declare it. Most of the time, men do not consider the *imam* marriage as a marriage in which couples have some responsibilities and rights but use it as a way of legitimizing the relationship and persuading his partner to its legitimacy. For these reasons, *vaizes* do not acknowledge the validity of *imam* marriage (without civil marriage).

Once, a woman stated that her husband had died two years before and asked whether she could marry his aunt's son. Indeed, the response should be "yes" since one can legally do this. Yet, the *vaize* understood the "real" question and asked if he is already married or not. The answer was "yes". Then the *vaize* asked if they will declare the marriage and the woman said "no" and stated that he will come to her only at weekends. After the phone call, the *vaize* said to me: "The man was bored and wanted to enjoy himself on weekends. I told her that the basic principle of marriage is its declaration to other people and this situation will create injustice for

⁵⁶ *Mehir* is the gift of the groom given to the bride before the marriage. It could be money, golden or any benefit.

her.” In another case, a woman’s husband had not come home for two years. He did not behave as a husband but also did not divorce in order to cause her pain. The friends of the woman said that she could marry somebody else through *imam* marriage. The *vaize* responded that *imam* marriage is not permissible and advised her to litigate. As in these cases, *vaizes* are opposed to *imam* marriage since they want to protect the women. Yet, interestingly, if the questioner is already married through *imam* marriage they cannot say that it is not permissible. Nevin Meriç says that this would mean that the couple commits adultery (*zina*) and they cannot claim this since they do not have trustable *fetva* which defends it.

It could be said that the difference between “secular” law and “religious” law is blurred in *vaizes*’ positions about religious marriage. Since secular law protects women’s rights in marriage, it becomes more “religious” than religious law and is therefore used as an instrument by female preachers. In this sense, the spheres that are supposed to be separated here get entangled and the question regarding what is secular or religious saliently arises. Nevertheless, when *vaizes* cannot say that *imam* marriage is not permissible when the questioner is already married, they return to the “religious” law and include it again, which in turn reveals again the very inconstancy of the answer of the question regarding what is secular or religious.

3. 6 A day in men’s *fetva* room

During my fieldwork in the women’s *fetva* room, *vaizes* often mentioned men’s *fetva* and compared their own work with that of *vaizs*. They especially talked about how they have different approaches to the problems women have. A *vaize* said that women who posed questions needed to speak but men responded in a more

mechanical way⁵⁷. *Vaizes*, on the contrary, give weight to listening. Besides, their common experiences enable them to understand better and to protect the rights of other women. Some of them also told me that men give shorter answers but *vaizes* elaborate the question by asking other questions. By doing this, they reveal other problems. Another *vaize*, Elif, gave an example to this:

The question a woman posed: Is back scuttling permissible? If the woman asks this question, it means she is compelled to do it. We should understand it, understand the amount of violence she is exposed to and tell her Islam's approach. A man says "It is *haram*" and then puts down the phone. Yet we say that God gave you these rights and nobody has a right of compelling you. Women's *fetva* and men's *fetva* have such a difference (Elif, see Appendix A, 14).

Further, in her interview, Ayşe asserts that men easily decide on religious divorce in comparison to women:

Women approach family problems as women. They make an effort to save the family. They question the way the husband behaves towards her, how she experiences her family life, is it better to divorce or should the family be saved or does she have a child. Yet men easily say "you gave your three *talaks* and divorced." (Ayşe, see Appendix A, 15)

I heard these comparisons and the responses women *vaizes* gave to daily life questions and I wondered why? What then or to what extent the character of these responses originates from the gender of the *fetva* giver. Is it because they are women that these long and detailed conversations take place kinds of questions are posed in men's *fetva* room and how are they answered? Close to the end of my fieldwork in women's *fetva* room after 3 months, I decided to spend a day in men's *fetva* room.

Similar to the one in women's *fetva* room, there are two *vaizs* rotating each week in men's *fetva* room. What is different, however, is that there is no permanent *fetva* giver (such as Nevin Meriç) there. Vicdan Hanım, the woman who is

⁵⁷ She said that "Erkekler tamirci mantığıyla yaklaşıyorlar."

responsible for the Family Counselling Bureaus, took me to the men's *fetva* room and introduced me to the *vaizs* who worked there that week. One of them asked me what was I doing and studying, then invited me in a reluctantly manner. In time, however, we had a good conversation and talked about a wide range of issues.

Predictably, a great majority of those who posed questions to men's *fetva* were male questioners. Yet women also called there. Once, a *vaize* stated: "Some women ask for a man responder since they find a man's response to be stronger. Also sometimes men demand a woman responder since they think that a woman understands better the problem they experience with their wife."⁵⁸ The most striking difference between the questions posed to Women's *Fetva* and Men's *Fetva* is the great numbers of questions regarding financial issues posed to the latter. I listened to the responses to questions on the permissibility of working in a bank, getting credit, accepting the promotion of banks, using Forex or some other detailed questions. Also it was remarkable that two *vaizs* responded to the same questions differently; while the elder one was opposed to the practices listed above, we could say that the younger one was, in a sense, more open to them.

Indeed, in comparison to women's *fetva*, questions about details of family problems were lesser in men's *fetva*. Rather, I listened to the responses to the questions about worship or belief. However, it is also noteworthy that *vaizs* also gave detailed responses when appropriate. Once, a woman whose son has some obsessions called. The *vaiz* talked to the son at some length, advised him to go to a psychologist.

⁵⁸ "Bazı hanımlar da erkeğin söylediğini daha kuvvetli buldukları için erkek istiyorlar. Bazen de erkekler eşleriyle yaşadıkları sorunu anlatacakları zaman kadınlar daha iyi anlar diye kadın istiyorlar."

Then, he talked to the mother again and told her not to say “It is sin or *şirk*⁵⁹” to the son since it would incite his obsessions.

In response to the question of “Can I get married in spite of my debts, is it permissible to marry with religious marriage?”, one of the *vaizs* explained that there was no such thing as religious marriage indeed because it did not guarantee the rights of the women. He said that it was sinful and wrong to be performed in the name of religion. He added that he did not mean that they would commit adultery if they married with a religious marriage because the Quran does not say it, but it is still sinful since women lose all rights after divorce. This response made me think of the similarity of the responses of *vaizs* and *vaizes* with respect to religious marriage.

Soon after I asked whether women preferred calling here instead of women’s *fetva*, he told me the story of a questioner:

Once a woman first called women’s *fetva*, then here. Her husband was an irresponsible and damned man. He jilted her and then she was homeless with her children during three days. A man offered her to be his second wife. She also met with the first wife and the first wife accepted her. Yet, she was worried about doing wrong. She called women’s *fetva* but they reprimanded her saying that religious marriage (without civil marriage) is not permissible. Then the woman called here and explained her dilemma. I responded saying you are in a difficult situation; you will do it for your children, the first wife also accepted, so there is nothing wrong. Islam does not say that one should have just one wife and the marriage should last a long time (the *vaiz*, see Appendix A, 16).

While he was telling this story, he implied that he found women’s *fetva*’s response wrong. During my fieldwork, I often heard the criticisms of women’s *fetva* givers regarding men’s *fetva*; this story therefore was interesting in that it showed the reverse. Listening to this response also made me understand the criticisms of *vaizes* regarding *vaizs*: the *vaiz* here suspended her earlier explanations about the problem

⁵⁹ *Şirk* means making somebody or something partner to the God. It is opposed to *tevhid* (the oneness of God).

of preserving women's right in religious marriages. The *vaiz* claimed that it was in accord with the jurisprudence without giving due consideration to the possibility that the woman might be exploited by the married man.

3. 7 Conclusion

The importance of the issues discussed here came to a head in the last months of 2017 when the government decided to grant muftis the authority to contract civil marriages according to the Turkish civil code. Secular critics and feminists argued that this was a further instance of the deepening of the role of *Diyanet* in everyday life and that this would deepen the gulf between the religious and the secular. They also expressed concern that marrying underage women would be easier in this new system. This chapter has shown that women preachers try to strike a delicate balance between religious necessities and women's rights, between state policy and women's point of view. Although *vaizes* say that they do not deliver *fetva* but just transmit it, their act of transmission involves their own interpretation. In particular, responses to the questions regarding daily life are extremely open to interpretation. In these cases, as moral guides, they endeavour to find the best solutions to women's problems within the boundaries of religion and their position as state officials. In their responses, they often refer to ethico-religious concepts that keep them in the sphere of religion and thereby affect the questioners.

While the practice of *fetva* performed by *vaizes* is an ethical cultivation, the ethical cultivation here also might intersect with forms of governmentality, which is also defined as "conduct of conduct". Most of the daily life problems are related to the family, the institution about which the state has clear-cut policies, and *vaizes'*

approaches inevitably get intertwined with neoliberal policies such as preserving marriages. Yet the conversations also have to do with the fine details of daily life that the state cannot permeate. In addition to this, *vaizes* do not represent the state; in their sphere of interpretation, they also respond as women, as mothers, as daughters, or just as Muslims. These different voices which arise from their femininity most of the time make them more attentive to the situation of women than men as *vaizs* who work in the next room. But this doesn't mean that these voices necessarily exclude governmental rationality. It could be said that *vaizes* both perform a governmental technique that conveys the norm of the state to the citizen and interpret problems from women's point of view, as well as ethically cultivating the questioners by transforming and affecting them.

Besides, through their responses, *vaizes* tread a precarious path between the religious and the secular, opening themselves up to the secular critique of feminists. In wanting to protect women, they sometimes get too close to feminism, which for them is a rejection of the religious and at other times, finding themselves supporting a patriarchy they do not necessarily agree with.

CHAPTER 4

AN AFFECTIVE BURDEN

“If I say something that I don’t know about the book of God, which sky can give me shadow, which earth can carry me? Who can save me from responsibility?”⁶⁰
Ebubekir r.a

Writing on women’s *fetva* room, I have discussed *fetva* in terms of its historical background and its new form in *Alo Fetva*. Then I have analysed the context of the practice of *fetva*-giving. I have discussed *how vaizes* work: from which position they respond, how they take decisions, which ethical concepts they refer to and how they approach family problems. In this last chapter, I focus on the *vaizes* themselves as actors who deliver *fetva*. In the long hours I spend in women’s *fetva* room, I had many occasions to talk with *vaizes* about *themselves*. In between phone calls, during lunch breaks and in interviews, my interlocutors have often talked about their emotions and motivations, their position in the work, the difficulties they have and the way their work has transformed them. I will now discuss the story of the way *Alo Fetva* was shut down and how it reveals women preachers’ lives, thoughts and emotions in the context of their position. I will also elaborate how they bear a responsibility towards their religion, the institution where they work and the questioners, and how they respond to being caught in an in-between position by the different demands imposed on them.

⁶⁰ “Allah’ın kitabı hakkında bilmediğim bir şeyi söylersem, beni hangi gök gölgelendirir, hangi yer üstünde taşır? Beni sorumluluktan kim kurtarabilir?”

4. 1 Vaizes in- between

“OUR PEOPLE have found a “*fetva*”-giver who supposes herself/himself amenable to dive into every subject, they pose every kind of nonsensical question. Is it permissible to remove hair? Does fishing break the fast? I am praying so that I get the person I love, s/he is praying so that s/he gets whom s/he loves as well. Whose prayer will come true? Can I keep doves at home? Does reflux break the fast?”⁶¹ The above is part of a column entitled “Who closes down *Alo Fetva* serves Islam”⁶², which was written while I was doing my fieldwork. Similarly, you might easily encounter a report or a column that presents *fetva* givers as responding only to these kinds of silly questions. For example, every year on Ramadan, many columns which implicitly scorn the *fetvas* delivered by *Alo Fetva* are published on the Internet, with headings such as “interesting questions posed to *Alo Fetva*”. This scorn has a political background: journalists from very different political positions indeed target *Diyanet* and the relationship between state and religion which is embedded in it. It also exhibits a disdain for daily life issues. As far as I observed, the women, those who respond to daily life issues more than men, are also exposed to derision more than men, and this scorn is not limited to the media. Remember Nevin Meriç’s anecdote in the second chapter, in which she told her motivation for noting down the content of *fetva* questions. She said that she did it because the administrators

⁶¹ “AHALİMİZ bulmuş, kendini her konuya dalmakla mükellef sayan bir "fetva" veren, aklına gelen her türlü abuk sabuk soruyu patlatıyor: Epilasyon yapmak caiz mi? Balık tutmak orucu bozar mı? Sevdiğim kişi benim olsun diye dua ediyorum, o da sevdiği kendisinin olsun diye dua ediyor... Hangimizin duası kabul olur? Evde güvercin besleyebilir miyim? Reflü orucu sakatlar mı?”

⁶² “Alo Fetva’yı kapatan İslam’a hizmet eder”, Ahmet Hakan, 2 Şubat 2015, Hürriyet

underestimated their work: “Administrators say “What are you doing there? You eat, drink and sit.””⁶³.

However, women are exposed to disdain not only because of the issues they deal with, but also because of the fact that they are women. As I have mentioned earlier, a report headed “*Avrattan mı Fetva Alacağız?*” was published when *vaizes* first began to deliver *fetva*. I should note that the magazine which published this report addresses religious groups, which means that it is not only secular groups but also religious groups who scorn women who deliver *fetva*. Nevin Meriç sees this in the following way:

Alo Fetva was a space belonging to men. Only men were working in that space, there was no woman. When women began to work there, that is when the media began to publish news about it. The first newspaper which insulted *Alo Fetva* was *Gerçek Hayat*. For this reason, we cannot accuse only non-religious sections of the population. It has to do with the relationship between women and *fetva*. When the questioner asks whether a male *hoca* is there or not before posing his/her question, we say: “We had education in the same schools and took courses from the same professors. Why do you demand a response from another gender? If it is not private, we can respond as well.” It is not related with only *fetva*, women are always one step behind men (Meriç, see Appendix A, 17).

This approach has substantially changed but I still listened to the stories in which *fetva* seekers don’t have respect for *vaizes* because they are women. Once, Vildan Hanım told me a conversation with a man who didn’t accept the civil divorce and claimed that he was still married with his ex-wife since he didn’t pronounce the divorce phrase which is necessary for divorce in Islamic jurisprudence. When she first picked up the phone, he asked whether she is an official or not. Then when she explained to him that they were indeed divorced, he got angry and shouted at her. He said, “What kind of *hoca* you are!”⁶⁴ After she told me the story, Vildan Hanım

⁶³ “İdareciler siz ne yapıyorsunuz ki, yiyip içip oturuyorsunuz diyor.”

⁶⁴ “Ne biçim hocasın sen?”

stated: “He was also disturbed by the fact that I was a woman. I am a woman and I speak in before him.”⁶⁵

In addition to the disdain they are exposed to, *vaizes* also have another difficulty of being in an in-between position- between their role as representatives of *Diyanet* and the demands of the general public. On the one hand, they are seen as *Diyanet* itself. For example, once, a *vaize* complained: “Those who get angry (with someone who expresses his/her religious opinions) call here. They ask “aren’t you *Diyanet*?””⁶⁶ The media also attacks them since it is a service of *Diyanet*. Yet, on the other hand, *Diyanet* claims that *vaizes* and *vaizs* do not represent it. On a TV programme, the President of the Directorate, Mehmet Görmez pointed to this problem of representation explaining how *Alo Fetva* was used in order to discredit *Diyanet*:

Let’s say there is a big discussion which concerns everyone in Turkey. Firstly, the questions are posed in order to pull *Diyanet* into the discussion: “Why did *Diyanet* keep quiet?”, “Why didn’t she speak?” If *Diyanet* doesn’t want to enter into the discussion, there is a method which our journalist friends have discovered for 2-3 years. S/he calls *Alo Fetva* and says, for example, “Is it permissible to make a bet with money by pulling a wishbone?[*lades*]”.....Our *hocas* explain it very well by saying “If we are talking of betting, there is an unjust income. And it is not right. “ The next day, newspapers present this saying that while there is huge battles, *Diyanet* is uninterested in these and made a declaration of “*Lades* is haram”.... The journalist takes it from *Alo Fetva* and the next day introduces it as if it is an institutional declaration. This method is not a just method. If it continues any more, we will be obliged to close down *Alo Fetva* (Görmez, See Appendix A, 18).

This anecdote points to a reality: Indeed, a *fetva* delivered in response to a specific question is different from an institutional declaration. In other words, a *vaize*’s response to a question does not mean that *Diyanet* institutionally makes a declaration about this specific issue. Besides, I have mentioned earlier that *vaizes* do not represent *Diyanet*; this is not their formal job description. Furthermore, they have

⁶⁵ “Kadın olmamdan da rahatsız oldu. Kadının ve onun karşısında konuşuyorum.”

⁶⁶ “Kafası kızan burayı arıyor. Sen *Diyanet* değil misin diyorlar.”

different subjectivities, different life-stories, families or characters which in turn make their responses different from one another. Yet, it is still important to know what “*fetva* is not an institutional opinion” really means. If it is not an institutional opinion, how does *Diyanet* take the responsibility for the responses delivered by *Alo Fetva*? Against attacks, how can it embrace *Alo Fetva*? The salience of these questions is made apparent when *Alo Fetva* was (temporarily) closed down a few months after Mehmet Görmez made these statements.

In the first month of 2016, we read in newspapers (which are not pro-government) a *fetva* published on *Diyanet*'s website, a *fetva* delivered in response to the question “Does a father’s desire towards her daughter cancel his marriage with his wife?”⁶⁷ Instead of leaving it unanswered or expressing the hideousness of the question, the *fetva* seriously responds to the question by referring to different jurists and sects (*mezhep*). According to the *fetva*, some jurists claim that it doesn’t cancel the marriage with the wife, but for *Hanefis*⁶⁸, when the father salaciously kisses or hugs his daughter, if he touches her skin or if she wears thin clothes and if she is more than 9 years old, the mother of the daughter is *haram* for the father. After the media criticized the *fetva* and people reacted to it through social media, *Diyanet* did not endorse it and gave a vague explanation that tacitly stated that the person who delivered the *fetva* was not among the personnel of *Diyanet*:

The statements ascribed today to DIYK Presidency’s Religious Informing Platform and the opinions devoid of reason and morals involved in the text cannot be attributed to DIYK and the Presidency. On electronic media, posing as a citizen, asking questions to the platform by lying, cheating, using word

⁶⁷ “Bir babanın öz kızına duyduğu şehvet, karısıyla olan nikahını düşürür mü?”

⁶⁸ *Hanefilik* is one of the *Sunni* sects of Islam and takes the name of Ebu-Hanife(699-767). Since the most of the population of Muslims in Turkey are members of *Hanefis*, fetvas delivered by *Diyanet* (and also *Alo Fetva*) usually transmits *Hanefi* interpretation (highlighting that it is a *Hanefi* interpretation) unless the questioner demands otherwise.

games, distorting the responses and using this as a method to discredit our Presidency cannot be accepted for any reason.”⁶⁹

Then *Diyanet* closed down *Alo Fetva* as well as the website through which electronic *fetvas* were delivered⁷⁰.

Some people who took the side of *Diyanet* argued that hackers wrote the *fetva* or they saw it as a game by those who are said to belong to the Gülen community⁷¹.

It is not my subject to discuss who wrote the question or the response but what interested me is the closing down of *Alo Fetva* as a response to these reactions. In an interview that I conducted a year after this event, Nevin Meriç explained that closing down *Alo Fetva* was not the right reaction and it punished citizens who pose questions there:

It was not the right approach to present it as a policy of *Diyanet*. To close down *Alo Fetva* has created difficult situations. People suffered. *Diyanet* did not approach the issue with an institution’s seriousness. The Directorate withdraws like this every time there is an issue and ends up by declaring the citizen guilty. Aren’t the personnel guilty? Of course, they might have faults. You might say “Ok, we will correct our deficiencies”. You might say “We are humans as well”. You might say lots of things.... The media uses it and *Diyanet* acts upon the media’s requests. But it has to stand behind the *fetva* (Meriç, See Appendix A, 19).

And when I remind her of Mehmet Görmez’s explanation (that mentions the questions posed by the media when there are big issues are being discussed in Turkey and *Diyanet* does not respond to these), she interprets it in the following way.

⁶⁹ “Bugün bazı internet sitelerinde Din İşleri Yüksek Kurulu Başkanlığı Dini Bilgilendirme Platformu’na dayandırılarak verilen ifadeler ve bu çerçevede metinde yer alan akıl ve ahlaktan yoksun görüşler Din İşleri Yüksek Kurulumuza ve Başkanlığımıza isnat edilemez. Elektronik ortamda türlü hile ve desiselerle, çeşitli kelime oyunlarıyla, kendisini vatandaş yerine koyarak platforma soru sorup aldığı cevapları da tahrif ederek, bunu Başkanlığımızı itibarsızlaştırmanın bir yöntemi olarak kullanmak hiçbir akıl ve vicdan tarafından kabul edilemez.”

⁷⁰ After this *fetva*, *Diyanet* closed down *Alo* 190 line but it is still possible to ask *fetva* by calling Muftiship.

⁷¹ Gülen’s community infiltrated the military and other state institutions and attempted a coup on 15 July 2016. They did scores of people an injustice. However, now the government and those who are close to it are using this situation by claiming that it is Gülen’s community who did all political scandals, faults or violences. In this way, they abdicate their own responsibility.

This declaration doesn't save the Directorate from responsibility because it means that *Diyanet* doesn't work hard enough to find solutions to the country's agenda or the problems of the citizens. *Diyanet* is under pressure by the media but also as an institution, the Directorate does not take it upon itself to find adequate responses to people's problems. We get very tired and want to give a response to a problem, thus we invite a *hoca* from DİYK to make him tell us about a particular issue. The *Hoca* comes and expresses his opinion instead of *Diyanet*'s opinion. It is the same here. Doesn't he have to say "Actually I don't embrace it but *Diyanet* gave such a decision"? For example, there are new financial processes, or new technologies such as embryo transfer. The personnel on the phone have to give a response to the questions about these because when you don't do it, the questioners complain about us. When they complain, *Diyanet* accuses us of not working and not responding to people's problems. We tell them that we expect them to provide a response. And they say "call us" or "do this or that." Of course we call them but the process is not effective; at least is not as much as I expect. While it is expected that *Diyanet* endeavours to embrace both its personnel and the citizens, the first thing *Diyanet* does is to oppress its own personnel. Then it is the turn of the citizen; closing down *Alo Fetva* is directly punishing the citizen (Meriç, See Appendix A, 20)..

In this anecdote, Nevin Meriç deals with *vaizes*' (and also *vaizs*') in-between position, between the demands of *Diyanet* and of the citizen. They give *fetva* in the name of an institution but they are not the representatives of the institution.

Nevertheless, they are seen as representatives of *Diyanet* by the public. Servet explained to me how people might call *Diyanet* to account on the phone:

Some of them call believing that the respondent is a *hoca* but some other call in order to find your fault. Someone might be educated, might belong to a specific [religious] community and may call just to test you. Why doesn't *Diyanet* do something about this? Why doesn't it act courageously? You are a state official. You can't respond it. You cannot even if you believe in what you are saying Servet, See Appendix A, 21):

Indeed, as personnel of *Diyanet*, *vaizes* do not give advice that contradicts *Diyanet*'s discourses. However, in their intermediate position between *Diyanet* and the people, their interpretations sometimes differ from that of *Diyanet*. In such cases, particularly in subjects related to financial issues, they use specific strategies in the

transmission of *fetvas*. In our interview, a *vaize*, Esra, gives an example of such a situation:

Our personal opinions and practices might sometimes be different. But since I am here in the name of the institution, if the institution has a *fetva* about the subject and it fits this person, I don't say anything except the *fetva* of the institution. For example, *Diyanet* had a *fetva* that allows getting credit for someone who wants to buy his/her first house if the return is at the rate of inflation. This *fetva* is abolished now but it existed when I got hired. I personally don't agree with this and my conscience doesn't allow me to use this credit. Even if there exists a *fetva* that allows it, I feel uncomfortable. For instance, when one calls and asks this question, how do we transmit it? "*Diyanet* has this *fetva*". But after that, what do I say? What is it that I am capable of doing and that I have done so far? In my opinion, however, I don't advise you to do this. Instead of this, if we can borrow money, let's borrow it. If not, let's not hurry up. We may prefer the two-roomed house or the one-roomed, instead of a house with three homes. If we can pay rent, let's not lead ourselves into trouble just to buy a house. This person, however, calls *Diyanet*. She might know its *fetva*. Further, I don't know him/her, may be it is very necessary for him/her to buy that house and if such a *fetva* exists, I have to transmit it. But I also give my own opinion (Esra, See Appendix A, 22).

Since they are personnel of *Diyanet*, *vaizes* also control their emotions in response to some questions. For example, in our interview, Leyla told me how she wanted to get angry with a questioner:

Responding to these questions under the name of *Diyanet* has more responsibility. Sometimes one really wants to get angry. For example, one time, a woman who works in a brothel called and posed a very interesting question. She doesn't worry that she works in a brothel. But the brothel doesn't pay premium for her retirement, instead she pays it and she asks if this is permissible. Indeed her profession is more problematic. As Prophet Muhammed says that sins stain one's heart, she is desensitized to her fault and gets used to it since she always repeats it. One wants to get angry in some situations but it is a responsibility. Instead of thinking I cannot take the issue personally; while giving *fetva*, I always think that the questioner might disparage the *Diyanet* claiming that she called *Diyanet* and it said this, this and that. For this reason, I endeavour to be more careful (Leyla, See Appendix A, 23).

Here, Leyla deals with the responsibility that she bears vis-à-vis *Diyanet*.

Responsibility is a word that I have often heard from *vaizes* in my fieldwork. I will

now elaborate this ethical concept around which *vaizes*' actions, thoughts and emotions are shaped.

4. 2 An overwhelming responsibility

In the earlier stages of my fieldwork in the *fetva room*, I met a young *vaize* who double-checked most of her responses by asking others in the room after closing the receiver with her hand. She could not be sure about her knowledge. She said to me: "Although I am sure, I need to confirm it. I ask someone else. If not, God forbid, what do we do with its *vebal*?"⁷² In a phone call, a woman asked her what would happen to the gift of jewellery when a man breaks off the engagement. The *vaize* knew that there is a dispute about this issue among sects (*mezhep*) and thus asked the question to the others in the room. The other *vaize* said that if there is a sect that claims that they belong to the woman, you say they belong to the woman. The first *vaize* opposed it: "What if he incurs a great loss?" The latter replied: "He shouldn't have broken their engagement."⁷³ Then they could not be sure and transferred the question to men's *fetva*. The *vaize* told the questioner that she can also call Ankara.

As in the case above, *vaizes* might not know about the issues raised by a particular question or cannot be sure about their responses. These are the times they feel the affective burden of the practice of *fetva*-giving, which emanates from the heavy responsibility they bear. Once, a *vaize* transferred a question to the Family Counselling Bureau, next to the *fetva* room. After she put down the phone, she told the question to the others in the room: The questioner was pregnant but her doctor

⁷²"Emin olsam bile tasdiğe ihtiyaç duyuyorum. İstişare ediyorum. Yoksa Allah korusun, onun vebali ile ne yaparız biz?"

⁷³ -Mezhepler arasında kadında kalır diyen varsa kadında kalır diyeceksin.
- Ama çok zarara uğrayacaksa?
-"O da atmasaydı!"

said that the baby would die before birth so she had to undergo an abortion. The woman asked whether such an abortion was permissible in such case. Other *vaizes* said that the death of the baby also jeopardises the health of the mother and she therefore should have an abortion. Then after hearing their views, the first *vaize* felt remorse since she had not advised the questioner in this way. Thinking of the risk of the health of the mother, she felt responsible and said: “I hope she can speak with Vicdan Hanım.”

In their conversation called “Responsiveness as Responsibility”, Butler and Athanasiou describe what they call a transition from social responsibility to individual responsibility in neoliberal societies. They argue that social forces, common purposes, struggles and responsibilities gave way to individual risks, private concerns and self-interests today. However, in spite of this, they see responsiveness and responsibility, “taking responsibility for one’s own position in the world and relationality to others”, as an occasion for a politics of social transformation (Butler and Athanasiou, 2013, p.105). In this context, the *responsibility* a *vaize* bears while she is *responding* to a questioner is multi-layered in the sense that she takes on both an institutional and hence social responsibility and an individual responsibility. As we mentioned above, as an official, a *vaize* has a responsibility towards *Diyanet*. Besides, and most importantly, she has a responsibility towards her religion. In order to point out their religious responsibility, *vaizes* often refer to the religious concept of *vebal* which includes both individual and social responsibility. Although I gave the meaning of the term in the last chapter, it is now necessary to see how it operates as a term guiding the manner in which *vaizes* carry out their work. In Arabic, *vebal* literally means that a pasture has abundant grass; in this regard, it is metaphorically used to refer to absolute weight and unbearable consequence. It thus refers to deadly

sin (Yazır, 2016). Indeed, *vebal* means both sin and moral responsibility.

Nevertheless the sense of the term is extremely heavy in both meaning: it amounts to an overwhelming responsibility as well as deadly sin. *Vaizes* use the term in different contexts: For example, a *vaize* told me how she always had to read and improve her knowledge since a wrong response has *vebal*. Here she means that if she gives a wrong response, she commits a sin and will give an account for it in this world or in the hereafter. Another *vaize* mentioned the motivations of the questioners when they pose questions and said: “She eases her conscience by taking your opinion. She lays the sin and *vebal* on you.”⁷⁴ The last sentence which I hesitantly translated means that she escapes from the responsibility of deciding because in the case of a wrong decision the one who takes the decision will fall into sin. Indeed, *vebal* not only includes responsibility towards religion, but also towards the questioner.⁷⁵ In a sense, both always go hand in hand since religious responsibility stems from a *vaize*’s ethical relationship with the other. In other words, a *vaize* has to give an account of her words to her religion since her false response results in the other’s wrong decision or behaviour. In our long interview, Ayşe, the *vaize* who had an M.A. degree in jurisprudence explained to me how she feels responsibility towards the questioners: “If you say something wrong, that person goes wrong because of you. If you read manuals regarding ethics of fetva (*fetva adabı*), you will see the hadith “The most courageous in *fetva* giving among you is the one who will most daringly to throw herself in the fire.”⁷⁶

⁷⁴ “Senden görüş alıp rahatlayacak. Günahını vebalini senin üstüne atacak.”

⁷⁵ Agrama also mentions the mutual responsibility involved in the practice of fetva-giving. He describes that the mufti shares a measure of responsibility with the questioners for the fetvas he delivers. He bears a responsibility that he will face in the hereafter (Agrama, 2010, p.11).

⁷⁶ “Fetva vermeye en cüretli olanınız, ateşe girmeye en cüretli olanınızdır.” (Darimi)

Ayşe faces up to this great responsibility since she has also a sense of social responsibility. She feels responsible towards society:

Fetva giving is an overwhelming responsibility but we have to do this. If we don't do, something would be lacking in society. Yet I have to criticize: now even though we just transmit *fetvas*, we have to respond to matters about which we have no competence. *Diyanet* has to train its personnel about this issue very well. There should be special personnel educated on *fetva* because *fetva* is not a simple thing (Ayşe, see Appendix A, 24).

Fetva is a practice that has always carried a great responsibility in Islamic jurisprudence tradition; yet, as Ayşe says, the fact that *vaizes* have not taken special education about *fikh* puts an extra burden on their shoulders. At this point, it is worth mentioning that some *vaizes* told me how they had difficulty in the earlier days of *fetva*-giving practice since they felt that they were not competent and educated enough. Although they took theoretical education, they note, it was not sufficient in the field. The following is an anecdote from a young *vaize*, Leyla:

After graduating, if one told us the kinds of questions posed, things would not turn out this way. Yet since we took only theoretical education, after I got my master's degree, I was traumatised in my first *fetva* shift. Because you even end up by thinking what the answer to the simplest question about *namaz* was. Because, you haven't dealt with someone before and you can't concretise your abstract knowledge. I think other *hocas* experience it as well (Leyla, see Appendix 25):

Another young *vaize*, Zeynep, whom I interviewed at length, explained her self-transformation after she began to deliver *fetva*:

After the Family Counselling Bureaus' seminars had ended, I was called to the *fetva* shift. I had difficulties at first. Nevin Hoca helped me very much; you can ask her closing the receiver with your hand. It is useful. I used to suppose that one responds by oneself such as in call centers. I have seen that it is not the case and one might reduce the work by consultation. I am returning and looking back at those times now and I understand that I had not known the techniques of *fetva* while delivering it. I am better now. The technique that I have developed is the following: while responding to your interlocutor, understand her mood well, analyse her question well, make sense of what she asks and why (Zeynep, see Appendix A, 26).

In a daily conversation in which we talked about the problems of the structure of *Alo Fetva* in the women's *fetva* room, a *vaize* expressed the following:

“Humankind may forget. You might have read in *ilmihal* (a concise manual of Islamic faith, worship and ethics), before but you might forget. We say that there should be experts who work there permanently. I think everybody should not come to *fetva* (room).”⁷⁷ Then another *vaize* opposed her: “Yet it is a very tiring job. You always listen to troubles and explain the same things one after the other. In my view, it is very difficult for one to do this job permanently.”⁷⁸ Indeed, *vaizes* always listen to problems, troubles and distressing stories. I haven't observed it but they even mention that there are times they dissuade suicidal women from committing suicide. While pointing out that they might close down *Alo Fetva*, Mehmet Görmez, the President of *Diyanet*, gave the reasons that stopped them from doing it. One of the reasons was that some people were able to change their minds about committing suicide after their conversations with *Alo Fetva*. In addition to the difficulty of bearing responsibility and responding to questions without taking enough education, the *vaizes* also carry the burden of the affective stories they listen to. They have overwhelming duties such as listening to and solving the problems in these puzzling stories. I have listened many times to how it is difficult to fulfil these duties. In our interview, a *vaize* explained that the affective content was sometimes too much. She explained her own behaviour by drawing an analogy: “I attended a seminar about behavioural science last year. The expert asked “your child has a glass in her hand and drops it. What would be your reaction?” It has a clear answer: you say “let's pick up it together.” But I said “my reaction depends on my mood.” Similarly, when the

⁷⁷ “İnsanoğlu unutulabilir. İlmihalde okumuş oluyorsun ama unutulabilirsin. Biz diyoruz ki burada sürekli duran ihtisas sahibi birileri olmalı. Bence herkes fetvaya gelmemeli.”

⁷⁸ “Ama çok yorucu bir iş. Sürekli dert dinliyorsun, üst üste aynı şeyleri anlatıyorsun. Bence bu işi sürekli birinin yapması çok zor.”

questions are posed one after the other in the *fetva* (room), one might run out of patience and get exhausted.”⁷⁹ Nevin Meriç, the only woman who worked there five days of the week, pointed out to another issue explaining how delivering *fetva* affects her inner world: “For example, there are dirty stories recorded in my memory. It leads to a problem; you see how your life is clean. You learn something. You record these stories you listened to and they become things that might happen to anyone. Indeed, those who come to *fetva* should blow off steam.”⁸⁰ Another *vaize* deals with the problems recounted to her by others and finds them to be a reason to count her blessings: “Women are put on trial by the problems brought on by their husbands or children. And it is beneficial to us. We thank God for saving us from such serious things [in our lives].”⁸¹

Women’s *fetva* is a recourse not only for questions about religious practice, worship or belief. Those who call *Alo Fetva* pose questions regarding any issue that they are troubled with. Since the questions are posed on the telephone, without coming face to face, women can pose questions related to their most private experiences. Furthermore, in my view, women see *vaizes* as authorities and therefore presume that *vaizes* give right responses to all kinds of questions. *Vaizes* sometimes complain about some questions because they think that these questions are irrelevant to the content of *fetva*. Once, a *vaize* got angry with a question: “The woman had sexual relationship with someone. She asks what she should do now. How do I know

⁷⁹ “Geçen sene NLP uzmanının seminerine katıldım, davranış bilimi, çocuğunuzun elinde bardak vardı düşürdü, ona ne tepki verirsiniz, gel beraber toplayalım dersiniz. Ama o anki ruh halime bağlı dedim. Fetvada da üst üste sorular sorulduğunda insanın taşma noktası oluyor insanın psikolojisi yıpranabiliyor.”

⁸⁰ “Benim hafızamda kaydedilmiş bir sürü pislik var mesela. Bunun verdiği bir problem var, kendi hayatının ne kadar rafine olduğunu görüyorsun. Öğrenme oluyor. Kaydediyor ve dinledikleri olabilir bir şey haline geliyor. Fetvaya gelenlerin deşarj olması gerek aslında.”

⁸¹ “İnsan eşyle, çocuğuyla imtihan oluyor. Bize de faydalı oluyor bu. Böyle ciddi şeylerle karşılaşmadığı için şükrediyor.”

what she should do? Is everything left to us?⁸² Another *vaize*, Servet, without complaining, explains how she has difficulty responding to a similar question: “She cheated on her husband and asked what she should do. You are stuck in a difficult situation. The questioner’s sincerity, the emotion she makes you feel... Is she praising herself [because of the sin s/he committed]? You feel these in the conversation.”⁸³

While mentioning *vaizes*’ difficulties that they experience in the work, I should also deal with Nevin Meriç’s essay that she wrote after *Alo Fetva* was closed down. In the essay, she tries to explain the significance of the role of *Alo Fetva* in solving people’s problems and then gives examples of the kind of dilemmas *vaizes* face while doing this work. The following is a fragment from the essay:

Isn’t there any problem? Plenty... For example, you have just come to work and sit at the desk. You say “hello” to the first phone call. A swearing that you haven’t heard before and haven’t understood... Or obsessives are calling without ceasing. Although you advise them to see a doctor, they would like to hear a few sentences from us. We transfer a vast number of people to doctors but it is not clear when doctors will notice us and make contact with us. Some people still deplore the fact that *Diyanet* collaborates with hospitals. Sometimes someone from the media calls without revealing their identity. They are too lazy to fax in order to receive permission. You understand from the sound of the button that you enter into a different world.... We have learned to protect ourselves from the abuse of the media by trial and error, but we are human, it is not so easy to be in control at each moment and live with this stress. You can’t see on the phone whether your interlocutor makes contact with you with good or bad intention, it is very difficult to understand it. You get a sense from the responses they give to our tricky questions (Meriç, see Appendix A, 25):

⁸² “Kadın ilişkiye girmiş, hamile kalmış. Ben şimdi ne yapacağım diyor. Ne bileyim ne yapacağımı? Her şey bize bırakılır mı?”

⁸³ Kocasını aldatmış. Ben ne yapayım diye soruyor. Zor durumda kalıyorsun. Konuşanın samimiyeti, size hissettirdiği duygu... Övünüyor mu? Konuşmada hissediyorsunuz bunu. Kesin şöyle yapın diyemiyorsunuz. O insanı düşündürmek, ufkunu açmak... ama kararı ona bırakmak..

Although *vaizes* have difficulties in their task of delivering *fetva*, as far as I have observed, it could be said that they are excited about their *fetva* shift and wait for the week which they will spend in the women's *fetva* room. They attribute an importance to their activity of giving *fetva* since they think that people need it. They say that they are satisfied with their work when they feel the satisfaction of the questioners: "I am happy when the questioner is comforted and becomes happy after the conversation."⁸⁴, "they say "so glad I have you and your service". Therefore it sometimes makes me happy. But some questions sadden me."⁸⁵, "They are pleased when we give a detailed response to their questions. And when they are pleased, you receive your recompense for your work. For example, when one asks the permissibility of having a tattoo, you tell her the opinion of religion regarding tattoo. She doesn't expect this response and is satisfied."⁸⁶

Moreover, giving *fetva* improves *vaizes*' knowledge and cultivates them morally, as Nevin Meriç points out in the following:

Coming to the *fetva* room makes everybody happy. In this way, they don't break off the relation with the centre. If a *vaize* works in Tuzla, she has no relation with the centre⁸⁷. When she comes to the centre, she sees how it really works; she doesn't receive such questions in the districts. I know women who complain about coming to the *fetva* room at first, but then want to come more often since it promotes research (Meriç, see Appendix A, 26):.

She also states:

Giving *fetva* bears responsibilities but at the same time has features that improve you morally. Here you not only use your knowledge but also observe your deficiencies and thus struggle to make up. We prepared seminars about *fetva* and took courses each month. Then when we need help from other women, we apply to them. For example, in the cases of psychiatry, we apply

⁸⁴ "Arayan insan rahatlayarak, mutlu olarak kapatıyorsa memnun oluyorum ben."

⁸⁵ "İyi ki varsınız, iyi ki bu hizmet var diyorlar. O yüzden bazen mutlu ediyor. Bazı sorular da üzüyor."

⁸⁶ "Bir soru sordukları zaman ayrıntılı bilgi verince memnun oluyorlar. Memnun oldukları zaman sen de yaptığın işin karşılığını alıyorsun. Mesela dövme yaptırmak caiz mi diye sorunca sen dövmenin dindeki yerini anlatıyorsun, o bunu beklememiş oluyor, memnun oluyor."

⁸⁷ By centre, she refers to Muftiship of Istanbul.

to those who are both religious and expert. I mean that *fetva* always improve you. This motion doesn't stop you, at the same time you always have to read. I read a lot while writing my books. And I used these readings in the responses to raise the morale of the people. We don't expect from *Diyanet* to improve us (Meriç, see Appendix A, 27).

4. 3 Ways of responding

In their in-between position, *vaizes* have some ways of responding in order to win the trust of their interlocutors. For instance, they pay special attention to speaking in a clear and precise tone of voice and avoiding ambiguous responses so that *fetva* seekers recognize their self-confidence. Zeynep mentions this point in our interview: “If you articulate your response confidently, the question does not get repeated. Your interlocutor trusts you. If you articulate it weakly or speak hesitantly, the questions of your interlocutor increase and she hangs up the phone in an unsatisfied way. You understand that she is not completely satisfied. Interestingly, the telephone gives this feeling.”⁸⁸ When she has a *fetva* shift in *fetva* room, Zeynep criticized this tactic: “We give responses that are too rational. It has to do with the education we took but you have to talk in this way on the phone so that people trust you.”⁸⁹ Since *vaizes* respond by telephone and cannot see the questioner, the “voice” becomes a focus of the conversations. In addition to the fact that *vaizes* give a certain form to their voices and speak in order to persuade the questioners, the voice of the questioner is also the only data that will lead the *vaize* to understand her problems and emotions.

A *vaize* told me that she closes her eyes in order to focus on the voice of her

⁸⁸ “Söylediğin şeyi çok emin bir şekilde ifade edersen soru tekrar etmiyor. Karşıdaki güveniyor. Sen ne kadar zayıf bir söylemde bulunursan ya da tereddütlü konuşursan karşıdakinin soruları artıyor ve tam tatmin olmamış bir şekilde telefonu kapatıyor. Tam tatmin olmadığını anlıyorsun. O duyguyu yine de telefon veriyor enteresan bir şekilde.”

⁸⁹ “Çok rasyonalist cevaplar veriyoruz. Bu aldığımız eğitimle de ilgili ama telefonda bu şekilde söylemek zorundasın insanların sana güvenmesi için.”

interlocutors and I have seen that some other *vaizes* also do this while speaking on the phone. While comparing giving *fetva* by telephone with face to face *fetvas*, another *vaize*, Salime said that they took more initiative on the phone. While one sees the face of her interlocutor in the case of a *fetva* given face to face, you have to trust only her voice on the phone. For this reason, for her, both the questioner and the responder have more responsibility.

Vaizes also use some address forms that provide a distance with questioners. For example, they do not address questioners with the first-person singular but call them *hanimefendi*⁹⁰. Through this distance, on the one hand, they preserve their institutional identity; on the other hand, they keep their authority and thus become more trustable and persuasive. In addition to the clarity of the responses and the distance with the questioners, details given in response might be influential in its persuasiveness. Once, after a long telephone conversation, a *vaize* told me that the questioners are satisfied when she gives a detailed answer and then she receives a recompense for her work. However, this way of answering is not approved by everyone. Nevin Meriç, the most experienced and “professional” civil servant there, gives substantially very short answers to questions. It sometimes seems that she is tired of responding. She told me that new *vaizes* give long answers and try to persuade *fetva* seekers; in her view, however, responses should be short- this is also because the telephone traffic is highly intense. And another *vaize*, Serap, says that she gives longer responses to well-informed people since they expect detailed explanations. It could be said that *vaizes* develop different methods of interaction for different cases, which largely have a pattern but might also vary depending on the *vaize* and the nature of the question.

⁹⁰ *Hanimefendi* is an address form that is used instead of a name or after a name. It is a statement of respect.

As I discussed in previous chapter, the length of the responses is an issue about which *vaizes* compare themselves with *vaizs*. They often associate their long responses to their gender; that is, being women make them attentive to the stories they listen. Indeed, in the *men's fetva* room, the conversations are most of the time shorter in comparison to those in the women's *fetva* room and they are less related with family problems. It is also worth mentioning that the length of *vaizes'* responses is a subject of discussion for male officials of the Directorate. Once, in the *fetva* room, a *vaize* mentioned that the assistant mufti criticized them in a meeting for giving long responses. But the DİYK Acting President disagreed with him, explaining that *fetva* is a long narrative. In my view, this criticism reveals the tacit hierarchy between female and male officials of *Diyanet* as well as different points of view they have.

As I have mentioned earlier, if she does not know the answer, a *vaize* poses the question to the others in the room by closing the receiver with her hand. If the question is related to a family problem, she can also transfer it to the Family Bureau, in the next room. Leyla told me how the questions she cannot respond to decreased as she gained experience in life:

Firstly, you respond to the extent you know and transfer what you don't know. But it changes over time. Experiences in human life also affect it. For example, at first, I was not married and I couldn't answer the questions regarding marriage since I hadn't enough knowledge. Child, sexuality, being not able to have a sexual intercourse, etc... As I gain experience, I can respond to these (Leyla, see Appendix A, 28).

The Directorate imposes limits on the nature of questions *vaizes* are allowed to respond to. For example, they are told that they should transfer the questions about divorce to the DİYK since divorce is a complex issue and the *hocas* in DİYK are

more experienced and competent than *vaizes*. If the question is simple, they respond but even so they advise the questioner to call DIYK.

Vaizes have some pedagogies of responding to daily life questions. For example, they don't directly say "Do this" but say "If I were you, I would do this" or explain the possible results of different choices. On this point, Meriç states the following:

We can't decide for them. We never say "You should do this." For example, one asks whether she should divorce her husband. I advise her to write the problems she has. Her husband's good and bad sides, her children and family... How is the overall picture? When she finishes drawing the picture, what happens? While she is wallowing in the problem, I tell her to look at the problem from the outside. You have to respond according to the condition of the questioner. When you say "Be patient" to one who is exposed to violence, you might lead her to death. On the other hand, there are some women who have problems with their husband but have not any solution. In such cases, we question all the options, ask her opinion. She certainly doesn't intend to divorce or to go away. You therefore have to say "Be patient" and tell her the award she will get in return. She would relax when you tell her a hadith or an advice of a saint (*evliya*) (Meriç, see Appendix A,29).

Zeynep says that they should be "political" while responding:

We shouldn't use provocative sentences such as "you are oppressed; an oppressed should protect her rights" to the one who came here in order to divorce. Rather, more temperate and political sentences are more useful in every sense. Because, at that moment, one's psychology is very open to govern. It would "be under *vebal*" to make one give sudden and wrong decisions (Zeynep, see Appendix A, 30).

4. 4 Conclusion

Vaizes are anonymous voices we hear when we call *Alo Fetva*. Some might see them as women who are inadequate for the tasks of giving *fetva*; others might see them as authorities who have formal education and sound knowledge or someone else see as civil servants who repeat *Diyanet*'s ideological discourse. Anthropological studies

which research *vaizes* first and foremost focus on the fact that they have feminine religious authority based on state certification and also discuss their work as an instrument of *Diyamet*, the institution that has a role of regulating and controlling religion (Hassan, 2012; Maritato, 2015). In my view, these anonymous women, about whom most people have a common sense view and researchers always write in the context of state and religion relationships, deserve to be studied more deeply. In this chapter, I tried to investigate the affects, motivations, expectations of my interlocutors and the sense of responsibility and the difficulties they have. Focusing on the *vaizes* themselves inevitably features the issue of gender. As *Diyamet*'s female civil servants who mostly deal with daily life issues, they are exposed to disdain by a vast majority of public, namely the secularists, the Islamists, the media and even *Diyamet*'s own personnel, etc. While doing their work, *vaizes* bear an affective burden: the burden of an overwhelming responsibility- the responsibility to *Diyamet*, to their religion, to their interlocutors and to themselves, the burden of the troubles they listen, and the burden of the difficulty of their position in-between *Diyamet* and the public. Being a woman also make this affective burden heavier. *Vaizes* listen to problems and distressing stories more than *vaizs* and they are more attentive to them. However, despite the heavy burden they carry, they are very motivated because their work leads them to read and research and they are satisfied when they feel the content of the *fetva* seekers after giving their responses.

CHAPTER 5

CONCLUSION

The subject of this thesis is *Alo Fetva*, a telephone service carried out by preachers employed in the Directorate of Religious Affairs. Almost all the ethnography of the study took place in a ten square meter room called women's *fetva* room, where women preachers make telephone conversations. In this room, *vaizes* respond to the questions concerning almost everything, such as worship, belief and particularly the problems about daily life and discuss these issues among them. Since they rotate every week, it is also a space where they meet and tell each other their concerns and emotions regarding their work. This study also concerns their emotions, motivations, difficulties along with their position as female mediators between *Diyamet* and the questioners.

In this thesis, rather than conceiving *fetvas* delivered by *Alo Fetva* as mere jurisprudential practices or political discourses constructed by the state, first of all I underlined their ethical character. *Vaizes* guide *fetva* seekers who have problems in their daily lives and try to cultivate virtues and affects in them. They refer to ethical concepts that function as the common language between the questioners and them, which in turn enables them to increase their authority. They also have peculiar pedagogies that can be diversified through their different subjectivities. Nevertheless, I argue that the practice of ethical cultivation here is not independent from political activity. *Vaizes'* guidance can be called "conduct of conduct"; it is a governmental activity that involves some form of control and management: While *fetva* seekers govern themselves by asking questions to *Alo Fetva*, *vaizes* also govern them by shaping, guiding and affecting their activities. In this sense, I tried to show how

ethics and politics are intertwined in the responses of *vaizes*, by paying special attention to the way ethical concepts are interpreted through the particular understanding of religion.

In Chapter 1, I explored how my questions regarding the sharia brought me to the practice of *fetva*. Dealing with the sharia as a moral/ethical system, I argued that *fetva* is also an ethical practice that enables the maintenance of the sharia and reproduces Muslim selves in a country that experienced modernization and secularization processes. In Chapter 2, after tracing the practice of *fetva* in the jurisprudence tradition and in modern Turkey, I explained the role of the Directorate of Religious Affairs in delivering *fetva* and the story of women's employment in the Directorate. Then I attempted to explore the constituents of the authority of the *fetvas* delivered by female preachers in a secular institution. I argue that it is not only the religious authority, but that *Diyanet* as an institution and *vaizes'* personal experiences are components that legitimize their responses.

As mediators between the text and the world, between jurisprudence and social facts or between *Diyanet* and the stories they listen to, *vaizes* have a sphere of interpretation. In Chapter 3, I tried to explain how they might interpret *Diyanet's* *fetvas* in different ways, according to their different subjectivities, life stories, social background or characters. In this context, gender is a significant layer. Being a woman makes them attentive to the female questioners' problems, particularly those regarding the family. Nevertheless, as state sponsored preachers, they also spread the knowledge and policies of the state to the private sphere. I argue that while they are trying to protect the women's rights and find solutions to the problems from a woman's point of view, at the same time they maintain the AKP's policies regarding the family and an understanding of religion defined and reproduced by the state. In

this regard, I attempted to demonstrate how the feminine voice and the state character of the voice are sometimes entangled in the responses and sometimes exclude each other in such a way that *vaizes* oscillate between the two. *Vaizes'* position is ambiguous such that it cannot be reduced only to the discourse of governmentality or secularism but it is a complexity that consists of different discursive positions.

To focus on the ethical character of the practice of *fetva* also requires showing the way the actors make sense of the ethics of the practice. In this regard, Chapter 4 is devoted to the ideas, thoughts, emotions, concerns and motivations of the *vaizes*. I argue that *vaizes* bear responsibility towards their religion, *fetva* seekers and *Diyanet* while delivering *fetva*. Besides, they carry the burden of the affective stories they listen to as well as the burden of the responsibility. I also attempted to describe what I called their in-between position, namely, their position between the demands of the questioners, *Diyanet* and themselves. Here the question of gender comes to the forefront again. Delivering *fetva* as women put them in a vulnerable position: *Fetva* seekers, *Diyanet* personnel and the media that addresses both “secular” and pious groups target them, misprizing and criticizing their work.

The limited numbers of studies which research *fetvas* in Turkey focus only on the content of *fetvas* and discusses religious needs and the daily life of the Islamic society by analysing *fetva* questions. Rather than analyzing social change, this study concentrates on the practice of *fetva* itself and the actors who perform this practice. Researching a traditional practice today necessarily requires working through the way this practice changed in the modern period, especially through modern media technologies. I have to admit that I could not adequately discuss this; nevertheless, this study still provides insights into the change in the form and content of the *fetvas*,

dealing with the way responding by women, through telephone and under a secular state institution works in performing that practice.

Regarding the actors of this practice, there are two lines of discussion. Firstly, *Diyanet*, the institution that carries out the service of *Alo Fetva*, necessarily push me towards to the debates regarding secularism and the politics of religion. Although this thesis does not focus on the concept of secularism or makes an institutional analysis of *Diyanet*, it still contributes to these debates. Adopting a governmental perspective, it conceives secularism as a mode of governmentality, which includes certain techniques, targets, practices and discourses. In this context, it tackles *Diyanet* not as a stationary and normative institution but as a mobile entity which is formed by “small figures” and practices. What is at stake here is not crudely the state’s intervention into the private sphere but a multi-layered structure composed of the state, *Diyanet* and female preachers. Therefore, secondly, this study concentrates on the women preachers as mediators between *Diyanet* and the questioners. Analyzing how *vaizes* perform *fetva* practices, this study, on the one hand, sheds light on the question of how the state conducts religion along with the daily life of the individuals and families; on the other hand, showing the inconsistencies, hesitations and differences of the *vaizes*, it asks questions regarding the discussion of secularism in the context of *Diyanet* and the poverty of the way the religious/secular divide is understood in Turkey today.

APPENDIX A

ORIGINAL TURKISH QUOTATIONS FROM THE INTERVIEWS

1. Alo Fetva’da bayanların çalışmasının tarihi. Benim hikayem bu demek. Benden önce sahada vaizler var, kuran kursu hocaları var, ben de zaten kuran kursu hocalığından geldim .Ama kurumda çalışan, daire çalışan ilk bayan personelim ben. 99 Eylül’ünde başladım. Bu bayanların merkezde, müftülükte çalışması demek aynı zamanda. Benden önce tabiki erkek hocalarımız var. Erkekler yıllardır telefonla fetva veriyorlardı. Ama odada çalışan noktasında ben geldiğim günden beri odada aynı işi yapıyorum. Benim görevimde bir erkek hoca da yok. Onlar da vaiz, nöbet usulü geliyorlar. Ben 15 senedir yerimden kıvılcımlıyorum. 99’da, 3 sene yalnız çalıştım. Baktık, böyle olmuyor, yanıma vaizelerden nöbet usulü gelmeye başladı. Önceden 6 ayda bir, birer gün olarak istiyorduk, artık haftalık nöbet istiyoruz. Yılda bir veya iki hafta. Bu daha pratik oldu.
2. Meriç: Benle ilk röportajı yapan gazete, *Gerçek Hayat*. Alo Fetva’nın duyulmaya başladığı bir zamandı. Attığı başlık çok iğrençti: “Avrattan mı fetva alacağız?” Bu algı vatandaşta da vardı, bir derginin yazı işleri müdürlüğünde de vardı. O algı artık bugün yok. Benim ilk geldiğim yıllarda vardı tabi ki. Bu toplumsal alanda da vardı. Telefonda şöyle geri dönüşler oluyordu: Müftü sen misin deniyordu mesela, evet benim diyordum. Müftü kadın mı oldu deniyordu. Daha sonra cevaplar anlaşılır ve ikna edilir olunca, zaman için de biz de vatandaşla nasıl ilişki kuruluru öğrendik.
3. Meriç: İdareciler siz ne yapıyorsunuz ki, yiyip içip oturuyorsunuz diyor. Yapıyoruz yapıyoruz, niçin insanlar böyle söylüyor, yazılı olursa elimizde belge olur, biz bunları yapıyoruz. Bir de size ne soruluyor çok söylenir. En çok rahatsız olduğum soru. Hiçbir şey ifade etmiyor, çok anlamsız bir şey. Cevabı her şey, o da anlamsız bir cevap.
4. Esra: Geçen sene eylül ayından beri hemen hemen her hafta arayan bir kadın var. Havalar güzelleşince de gelecekmiş. Üst üste iki çocuğu olmuş. Hanımın problemi, sinirlerine hakim olamıyor, çocukları dövüyor. Bunu üzülerken, ağlayarak anlatıyor. Hanım şaşkın bir vaziyette, bir problemi var, bir çözümü yok. Bir çaba içerisinde ne yapacağım ne olacak gibi Anne sonuçta, yapsa da psikolojik durumu anormal olmayan bir anneyi çok rahatsız edecek bir şey. Çocuklarında da farklı problemler var. Bir, ben anneyim, o hanımı anlıyorum, meseleye o açıdan yaklaşıyorum. Bir anne olarak.... Çocuğu yemiyormuş aynı sıkıntıyı ben de yaşıyorum. Hayat bu, o farklı, ben çok farklı problemler yaşamıyorum. Herkes benzer problemler yaşıyor ama herkesin problemi kendine tek. Bir, bu açıdan bakıyorum. İki, o hanımın beni araması daha çok benim anne olarak tavsiyelerim değil. Onu daha çok etkileyen hangisi? Benim mesela ona Hz. Peygamber çocuklara şöyle davranıyordu, çocuklarını şöyle seviyordu, şu konuyla alakalı şöyle bir hadis var, annenin hakkı şöyle önemli, annenin mükafatı böyle önemli gibi hadisleri, Kuran’da konuyla alakalı ayetleri anlatmam izah etmem... Onun için de peygamber, din önemli. Ben bunları ona naklettiğim zaman onun hayatında ciddi bir değişiklik yapıyor. Ben ona dinin tavsiyelerini, yönlendirmelerini, bu zorlu sürecin

gececeğini söylüyorum. Mesela ayeti kerimede geçiyor “Her zorluğun arkasından bir kolaylık vardır”, bunu mesela bir psikolog da söyleyecek ama din kendisi için önemli olan bir insana ben bunu bir ayeti kerimeyle söylediğim zaman, tamam Rabbim de aynı şeyi söylemiş, bu bir imtihan dünyası, şeklinde onda çok ciddi ve olumlu değişimler oluyor. Mesela bu hanım şimdi çok nadir kendine hakim olamadığında dövdüğünü söylüyor. Onların Allah’ın emaneti olduğunu, Hz. Peygamber’in yanındaki çocukları hiç bir şekilde, bir kere bile dövmediğini söyledim. Benim hadis alanında da çalışmam olduğu için şunu anlattım: Hz. Peygamber, Enes bin Malik’i bir şey alması için yolluyor, Enes unutuyor. Sokakta oyuna dalıyor, 8-9 yaşlarında. Hz. Peygamber çok telaşa kapılıyor, dışarı çıkıyor, arıyor başına bir hal mi geldi. Arıyor bakıyor, çocukların arasına dalmış, unutmuş alacağını. Bunu hayata şey yapsak, biz olsaydık iki tane vururduk çocuğa ama Hz. Peygamber böyle yapmıyor. Bir daha böyle yapma deyip, başını okşayıp devam ediyor. Bunun gibi hadisleri günümüze uyarlayarak, olması gereken bu olsaydı Hz. Peygamber döverdi gibi, hadislerle ve ayeti kerimelerle çocuk eğitimini ve insanlar arasındaki ilişkileri bu şekilde anlatmaya çalışıyoruz. Ve bu gerçekten çok faydalı oluyor.

5. Nermin: Ben Rizeliyim, eşim göçmen. Halaları çok rahat, kızım da o tarafa çekmiş. Birileriyle çıkıyor, ayrılıyor. En son biriyle daha çıkıyor 4 aydır. Çocuk üniversite mezunu, işsiz, haftada 3 gün pazarda çalışıyor. Ablasıyla yaşıyor. Kızı arada gidip Ekrem’de kalıyormuş. İmam nikahı yapsalar olur mu? Ben onunla tanışmak istiyorum ama Çağla kesinlikle istemiyor. Telefonundan gizlice numarasını bulsam, ben seninle tanışmak istiyorum ama Çağla istemiyor desem Çağla’ya söyler mi? Gidip gizlice pazarda bulsam? Bizim emekliliğe 2 yıl var, çocuk da işsiz. Kızım da hazır değil evliliğe, bu yüzden imam nikahı uygun olur mu?
6. Zeynep: Babasıyla annesi boşanmamış, ama ayrı yaşıyorlar. Baba başka bir kadınla imam nikahıyla evli ve bu kadına [anneye] nafaka veriyor. Anne mahkemeye başvurup nafaka yükseltmek ve tazminat isteyecekmiş. Bu çocukları şahit olarak göstermek istiyormuş. Biz babamızı karşımıza almak istemiyoruz diyor. Kadın bunlara siz benim yanımda değilsiniz diye kızıyormuş.
7. Esra: Ama bu şu demek değildir ki kültürler uyuşur ve mutlu bir evlilik olur. İlerde çocuklarınızı nasıl yetiştireceksiniz, bu konuda hemfikir olmalısınız. Ayrıca ailelerinizin gelini ve damadı nasıl kabul edeceği de önemli. Ben size fetva boyutunu söyledim, detayları için ilçenizin Aile İrşad Bürosu’ndan bilgi alabilirsiniz. Ben size evlen veya evlenme diyemem, ben size hükmünü söyledim. Belki evlenirsiniz, çok mutlu olursunuz, belki evlenmezsiniz, mutsuzluktan korunmuş olursunuz.
8. Sare: Karı koca arasında hak sayılmaz, biraz senden, biraz ondan. Yemeğini pişiriyorsun, temizliğini yapıyorsun. Biraz dır dır olabilir, o da konuşmuyor sonuçta. Resulullah normal zamanda sevdiğini söylerdi, o da bunu yapmıyor, hakkı geçiyor o zaman. Cehennem o kadar kolay mı? O kadar emek veriyorsun, çocuklar vermişsin. Kim dedi bunu sana?
9. Kul ve Kamu Hakkı: *Oysa kamu malı emanettir. Bu emanete ihanet etmek, kişiyi hem dünyada hem de ahirette ağır bir vebal altına sokar. Rahmet elçisi (s.a.s), bu ağır vebale karşı insanları şöyle uyarır: “Kimse hakkı olmayan bir karış yeri bile almasın! Alırsa Allah, kıyamet gününde yedi kat yeri onun boynuna dolar.”* Kamuya ait mallarda, bütün toplum fertlerinin eşit hakkı

vardır. Dinimiz, başkalarının hakkını “kul hakkı”; *kul* haklarının gasp edilmesini ise emanete ihanet olarak değerlendirmiştir. Peygamberimiz (s.a.s), bu konuda şöyle buyurur: “Kimi bir işte görevlendirip yaptığı işin karşılığı bir ücret verdiysek, onun bu ücret dışında alacağı her şey emanete hıyanettir.

10. Zehra: Neden vermeyin diyorlar? Çocuğun ahlaki bir problemi mi var? Şimdi burada birkaç şey var. Birincisi, İslam’da soyla övünülmez, bir soydan bir şey çıkmaz da denilmez. Hz. Nuh’un karısı ve oğlu da problemliydi değil mi? Bu İslam’a aykırı bir ifade, ne kadar korkunç. Kızınız evlilik için ahlaki ve namazı ön plana almış. Hz. Peygamber soya, mala ve yüze bakılır ama önemli olan ahlaktır diyor. Kızınız onunla görüşmüş, ahlaki olarak uygun olmasaydı istemezdi, kızınızın yaşı başı uygun karar için. Buna kimsenin müdahale etme hakkı yok. Yanlış yaparsınız. Karşı çıkmış olmaz hanımefendi. Kızınız ben düşündüm, böyle karar verdim diyecek, kendi hayatıyla ilgili bir karar alıyor. Sonra kin duyar babasına karşı. Siz hiç araya girmeyin, karışmayın, eşinizin sabit fikirleri var.
11. Vicdan Hanım: Dün Fransa’dan biri aradı mesela, 28 yıllık eşine vurmuş. O da bitti demiş bilet almış, Türkiye’ye dönmüş. Adam böyle bir şey olacağını hiç tahmin etmemiş. Hatalı olduğunu söylüyor. Araya damat girdi, kızım girdi ama karım kararından vazgeçmiyor, dönüşü yok demiş. Ona göre 1-2 tokat şiddet sayılmaz, bakarsınız yıllarca dayak yiyip evliliğini bitirmeyen insan tipi var, bir tek tokatla evliliği yıkan da biri olabilir. Orada mizaçlar vs. o kadar farklı ki, biz genel kaideler vermek yerine, gelenlere kendi ilişkilerinin biricik olduğunu söylüyoruz. Birbirlerini Allah’ın emaneti olarak ve mucize olarak, ayet olarak... 7 milyar var sizin karşınıza onu çıkarmış. Farklı bir perspektiften... Ne bugünkü psikologların evliliği hemen bitirici, maalesef böyle bir yaklaşım var, feministler psikologlar ne çekeceksin bitir diyorlar. Ama biz aynı zamanda yurttan, yuvada görev yaptık, cezaevindeki hanımlarla bulunduk. Parçalanmış ailelerin ne devasa baş edilemez problemlere neden olduğunu da biliyoruz. Olabildiğince o evliliği daha yaşanabilir, problemler neyse nasıl tedavi edilebilir yollarını göstererek... Ne bekliyorsunuz evlilikten? Diyelim ki eşinin kötü muamelesinden, ilgisizliğinden yakınan bir hanım varsa eşiniz ne yaparsanız değişir, onu görmesini sağlayarak... İslam’ın aileye ve evliliğe yüklediği anlamları anlatarak... Sadece cevabı vermiyorsunuz. Birazcık ayna tutmayı başarırırsanız, ben de öfkeliyim aslında, şu hataları yaptım diyebiliyorlar.
12. Vicdan Hanım: Korkunç oranda boşanma oranına sahibiz. Her evliliğin sürdürülmesi gerektiğini düşünmüyoruz. Bu yüzden boşanmayla mücadele eden bir kurum olarak algılanmamalı. Ancak eğer ailenin kurtarılma imkanı varsa, daha doğrusu, hanımefendi veya beyefendi aradı, boşanmayı düşünüyorum bunun vebali ne diye sordu. Sorun geri dönülemez, affedilemez bir şey değilse, ihanet gibi bir şeyden bahsediyorum, çok ahlaksızca teklifler oluyor bazen. Karısını zorla porno izlemeye hatta kendisinin bir başkasıyla olan ilişkisini izlemeye zorlayan eşler var mesela. Bu durumda boşansam günah olur mu diye soruyor mesela hanımefendi. Boşanmasan günah (gülüyor). Ama tabi hanımefendi zaten yaralanmış bir durumda bunu

söylerken, duygularını çok da tavan yaptırmayacak şekilde, İslamın bu konudaki bakış açısını, boşanma serbestliğini, devam edecekse de, sağlıklı bir şekilde, İslam'a uygun bir şekilde olmasını söylüyoruz.”

13. Serap: Bir hanım amcasının oğluyla evlenmiş. Onu hiç sevmemiş, koca gözüyle bakmamış. İmammiş adam. Boşandıktan sonra başka biriyle evleniyor. Amcasının oğlu onu hiç boşamadım, kocasıyla olan nikahı geçersiz diyormuş, hakkını helal etmiyormuş. Yeni kocası da çok sorumsuzmuş. Acaba onun ahından dolayı mı böyle diyor kadın. Bunu öğrenmek için Tokat'ta müftüye gitmiş. Müftü siz onun hala karısı sayılırsınız demiş. Ben ise hakim boşamışsa bu boşanmadır, siz erkeğe sormuşsunuz dedim. Bir yandan müftü/imam, öte yandan vaize, senin kafan karışmış, en iyisi DİYK'ı arayalım. DİYK şöyle cevap verdi: “Sevmemişsiniz, bu bir boşanma sebebidir. Siz zina etmemişsiniz, bir şey yapmamışsınız, burada vebal gerektirecek bir şey yok. Sen en başından istemediğini belirtmişsin. Allah haşa o kadar zalim mi sen istemiyorken o istiyor diye seni ona mahkum eder mi? O senin kocanın sorumsuzluğu.
14. Elif: Kadının sorduğu soru: arkadan ilişki caiz mi? Kadın bunu soruyorsa böyle bir zorlanmaya maruz kalıyordur. Bunu anlayabilmek, gördüğü şiddet oranını anlayabilmek, dinin bu konudaki bakışını ona söyleyebilmek lazım. Bir erkek hayır haramdır der kapatır. Ama biz Allah sana böyle haklar vermiş, kimsenin seni zorlamaya hakkı yok diyoruz. Hanım fetva ile erkek fetvanın böyle bir farkı var.
15. Ayşe: Aile problemlerinde özellikle kadın kadın tarafından bakıyor. Kadınlarda daha çok aileyi kurtarma çabası vardır. Kadınlar biraz daha eşi nasıl davranıyor, normalde aile hayatı nasıl diye sorgulayarak bakıyor, boşansa mı daha iyi olur yoksa aileyi kurtarmak mı lazım, çocuğu var mı diye bakıyor, ama erkekler kolayca bir anda 3ünü vermişsin, boşanmışsın diyor.
16. The vaiz: Bir keresinde bir kadın bayan fetva'yı aramış, sonra burayı aradı tekrar. Kadının kocası lanet bir adammış, sorumsuz falan. Sonra terketmiş, gitmiş. Kadın çocuklarıyla sokakta kalmış, üç gün aç susuz kalmış hatta. Bir adamın ikinci eşi olması söz konusu olmuş, birinci eşle de görüşmüş, o da kabul etmiş. Ama kadın dindar bir kadın, acaba yanlış mı yapıyorum diye içine dert olmuş. Bayan fetva buna fırça çekmiş öyle olmaz diye. Kadın tekrar burayı arıyor ama ben zor durumdayım diye. Ben de madem zor durumdasınız, bunu çocuklarınız için yapıyorsunuz, ilk eş de madem kabul etmiş, yapacak bir şey yok dedim. İslam'da illa bir tane eş olacak, illa çok uzun süre olacak diye bir şey yok.
17. Meriç: Orası erkek mekanı, erkeklerin çalıştığı bir yer, hiç kadın yok. Ama ne zaman medya bunu haber yapmaya başladı, kadınlar çalışmaya başlayınca. İlk aşağılayan *Gerçek Hayat*. Bunun dindar erkek zihni- fetva ilişkisiyle de bağlantısı var. Dolayısıyla sadece dindışı çevreleri suçlayamayız. Ortak bir karşı duruş var kadın-fetva ilişkisine karşı. Vatandaşın erkek hoca yok muydu cevabı olduğunda biz de aynı okullarda okuyoruz aynı hocalardan ders alıyoruz niçin bir başka cinsiyet, özel bir soru değilse biz de cevaplandırabiliriz. Bu fetvayla ilgili değil, her zaman erkek karşısında kadın bir derece arkalarda.
18. Görmez: Şimdi Türkiye'de diyelim ki her tarafı ilgilendiren büyük bir tartışma yaşanıyor. Bu tartışmaya önce Diyanet İşleri Başkanlığı'nı çekmek için sorular yöneltiliyor. “Diyanet neden sustu?”, “Neden konuşmuyor” falan deniliyor. Diyanet eğer o tartışmaya girmek istemiyorsa o takdirde gazeteci

- dostlarımızın 2-3 yıldır keşfettiği bir metot var. Alo fetva hattını arıyor ve Alo fetva hattına diyor ki, mesela “hocam paralı bir şekilde bahis oynayarak lades oynamak caiz midir?”.....Lades oynamak caiz midir? Bizim hocamızda çok güzel bir şekilde “Eğer bahis söz konusu ise haksız kazanç vardır. Ve bu doğru değildir.” Diyor. Ertesi gün biz gazetelerde ortalık yanıp tutuşurken bu kadar büyük tartışmalar yaşanırken bunlara bigane kalan Diyanet, önemli bir açıklama yaptı. “Lades haramdır” diye bir açıklama yaptı.Bunu Alo Fetva hattı’ndan alıyor, ertesi gün kurumsal bir açıklamaymış gibi topluma takdim ediliyor..... Bu yöntem doğru bir yöntem değil, bu yöntem eğer biraz daha devam ederse zorunlu olarak bu hattı kapatmak zorunda kalacağız.”
19. Meriç: Bunu bir Diyanet politikası olarak ortaya sunmak doğru bir yaklaşım olmadı. Onun üzerinden icraatata bulunmak- Alo Fetva’nın kapatılması- ciddi anlamda sıkıntılı bir durum oldu. İnsanlar mağdur oldu.....Diyanet bir kurum ciddiyetiyle davranmadı. Diyanet her konuda böyle geri çekiliyor ya da kişisel olarak vatandaşı suçluyor. Ha personel suçlu değil mi ? Suçlu, tabiki personelde de suçlar olabiliyor. Tamam biz bu eksikliğimizi gideririz diyebilirsin, burada söylem yanlış diyebilir, biz de insanız diyebilir, bir çok şeyler olabilir.....Medya bunu kullanıyor, Diyanet de medyanın ayağına gidiyor halbuki fetvayı tutması lazım.
20. Meriç: Bu Diyanet’i kurtarmaz neden çünkü Diyanet demek ki gündemle alakalı, vatandaşın çektiği sıkıntılarla alakalı çalışmalar yapmıyor. Diyanet’in medya üzerinden yaşadığı başka bir baskı var, bir de Diyanet’in bir kurum olarak vatandaşın sıkıntılarına cevap üretmeyle alakalı çalışma disiplini çok yeterli değil.....Bizim de canımız çıkıyor, şuna bir cevap üretelim, DIYK’dan hocamız gelsin bize şu konuyu bir anlatsın. Hoca geliyor, Diyanet’in görüşünü değil kendi görüşünü söylüyor, orda da aynı şey oluyor. Aslında ben bunu benimsemiyorum ama Diyanet şöyle bir karar aldı demesi gerekmez mi? Mesela finanslarla alakalı bir sürü yeni işleyişler var. Onun dışında yeni şeyler çok oluyor. Mesela dışarıdan dölleme vs.. Sen buna cevap vermiyorsun, vatandaş soruyor. Senin telefonunun başındaki adamın, personelin vatandaşın bu sorusuna cevap üretmek zorunda, neden üretmek zorunda çünkü cevaplandırmadığın zaman bu sefer şikayet gidiyor. Şikayet gittiği zaman da Diyanet ne yapıyorsunuz niye çalışmıyorsunuz vatandaşın sorularını cevaplandırmıyorsunuz diyor. Biz de diyoruz ki biz bu soruların cevabını sizden bekliyoruz. Ee o zaman arayın bizi, şöyle yapın, böyle yapın. Arıyoruz da tabi ki bazı durumlarda ama oradaki işleyiş yine çok rantable değil, benim beklediğim boyutlarda değil. Diyanetin hem kendini, hem personelini hem de vatandaş korumak üzerine bir çaba, gayret içinde olması beklenirken diyanetin ilk yaptığı şey personelini ezmek oluyor. Ondan sonra da vatandaşa geçiyor, Alo Fetva’nın kapanması direkt vatandaşa ceza.”
21. Servet: Bir kısmı hakikaten karşısındakinin bir hoca olduğunu kabul ederek arıyor, bir kısmı sizin hatanızı bulmak için arıyor. Falan cemaate aittir, okumuş yazmıştır, bir hadis bulmuştur, bununla sizin bilginizi ölçmeye kalkıyor. Diyanet bu konuda neden şöyle yapamıyor? Neden cesaretli davranamıyor? Siz devlet memurusunuz, zaten söyleyemezsiniz. İnansanız da söyleyemezsiniz.
22. Esra: Bazen şahsi kanaatimiz veya kendi uygulamamız başka bir şey, ama ben burada bilhassa kurum adına da durduğum zaman, kurumun o konuda bir fetva varsa ve o şahsa da uyabilecek bir fetvaysa kurum fetvası dışında bir şey söylemiyorum. Diyelim ki Diyanet’in ilk ev için faiz kullanılabilir,

enflasyon oranındaysa diye bir fetvası vardı. Şu an kalktı ama ben yeni göreve başladığımda vardı. Ben şahsi olarak bu kanaatte değilim ve vicdani olarak da bunu kullanmam. Rahatsız olurum bu işin fetvası olsa bile. Mesela arıyor, soruyor, nasıl iletiyoruz? “Diyanet’in bu konuda şöyle bir fetvası var.” Ama arkasından neyi söylüyorum, benim yapabildiğim ve yaptığım nedir? Ama kendi görüşüm olarak bunu tavsiye etmiyorum. Bunun yerine borç alma imkanımız varsa borç alalım, borç alma imkanımız yoksa acele etmeyelim, 3 odalı yerine 2 odalı ev, tek odalı ev alabiliriz. Kira ödeme imkanımız varsa kendimizi illa ev alacağız diye sıkıntıya sokmayalım. Ama o kişi Diyanet’i arıyor, belki Diyanet’in verdiği fetvayı biliyor. Ben bu kişiyi tanımıyorum, belki onun için o evi almak çok zaruri ve böyle bir fetva varsa nakletmem gerekir. Bu konuda mesela Diyanet’in fetvasını söyleyip kendi tercihimini tavsiye niyetinde iletiyorum.

23. Leyla: Diyanet’in altında bu soruları cevaplamak, aslında bu daha büyük bir sorumluluk. Bazen insanın içinden gerçekten sinirlenmek geliyor. Mesela geçen sefer genelevde çalışan bir bayan aradı, çok farklı bir soru sordu. Orada çalıştığına takılmıyor, ama orası emeklilik için prim ödemiormüş, kendisi ödüyormüş bunun caiz olup olmadığını soruyor. Halbuki yaptığı meslek daha büyük bir problem. Günahlar insanın kalbinde leke oluşturur diyor ya Hz peygamber, her zaman işlediği için o hatayı artık o hataya karşı duyarsızlaşmış, bunu kabullenmiş. Bazı durumlarda kızmak geliyor insanın içinden, ama bu bir sorumluluk neticede, kişiselden ziyade benim hep fetva verirken düşüncem şudur: Diyanet’i açtım bana şunu söyledi deyip de kötülenmesidir kurumun. O yüzden daha dikkatli olmaya çalışırım.”
24. Ayşe: Fetvanın büyük bir mesuliyeti var ama bunu yapmak zorundayız. Biz yapmazsak böyle bir boşluk olacak toplumda. Ama şu eleştiriyi getirmem lazım: Şu an naklediyoruz ama nakletme noktasında bile şu an yeterliliğimiz olmayan şeylerde bile cevap vermek zorunda kalabiliyoruz. Diyanet’in bu noktada görevlendirdiği personelini çok iyi eğitmesi gerekiyor. Fetvaya özel personel olmalı çünkü fetva basit bir şey değil.
25. Leyla: Biz mezun olduktan sonra halk siz böyle sorularla gelecek denilseydi böyle olmayabilirdi. Ama teori düzeyinde eğitim verildiği için doğal olarak ben yüksek lisanstan sonra ilk fetva nöbetimde ciddi travma (diyelim) yaşadım. Çünkü en basit namaz sorusunu bile neydi diye düşünüyorsun. Çünkü hem muhatap olmamışsın hem de bilgilerin soyut bir halde, onu somuta indirgeyemiyorsun. Diğer hocaların da bunu yaşadığını düşünüyorum.
26. Zeynep: Aile İrşad Bürosu’nun seminerleri bittikten sonra fetva nöbetine çağrıldım. O zaman da sıkıntı yaşamıştım. Nevin hocam sağolsun, çok yardımcı oldu, kapatıp ona sorabiliyorsun, o iyi bir şey. Ben tamamen kendi başıma gibi, çağrı merkezindeki gibi tek başına cevap veriyorsun sanıyordum. Allaktan öyle olmadığını, işin istişare ile hafifletildiğini gördüm. Şimdi dönüp o zamanlara bakıyorum, o zaman bazı fetvaları söylerken fetva tekniği de bilmiyormuşum. Şimdi nispeten daha iyiyim. Teknik şu, benim geliştirdiğim teknik: bir kere karşındaki insanın sorularını cevaplarken ruh halini iyi anlamak, sorusun iyi çözümlenmek. Neyi ne için sorduğunu anlamak.
27. Meriç: Ha hiç sıkıntı yok mu? Çok... Mesela bir gün daha yeni işe gelmiş masaya oturmuşsunuz ilk telefon ahizeyi elinize alıyor buyurun diyorsunuz. Hiç duymadığımız anlam da veremediğiniz galiz bir küfür..... Veya takıntı hastaları dur durak bilmeden sürekli ararlar da ararlar. Doktor tedavisini söylediğiniz halde bir de sizden birkaç söz duyalım isterlerdi. Doktorlara çok

- arayan yönlendirilir o birimde ama onlar bizi ne zaman fark edecek ve iletişime geçecekler meçhul!... Hala Diyanet hastanelere de el attı diye hayıflanma modunda bazıları... Bazen basın da arar, kimliğine belli etmez, üşenir/ler izin talebine dair faksı çekmeye, siz tuş sesinden anladınız başka bir dünyanın içine girdiğinizi..... Basının tacizinden korunma yollarını zaman içinde deneme yanılma yoluyla da olsa öğrenmiştik ama insanız her an kontrollü olmak her an bu stresle iş yapmak takdir edersiniz ki hiç kolay değil. Telefonda görmüyorsunuz karşınızdaki hayır için mi şer için mi sizinle iletişime geçmiş bunu anlamak çok zordu. Sorunun kurgusundan, sizin attığınız ağlara verdiği cevaptan yola çıkarak ortalama bir sonuç yakalanırdı.
28. Meriç: Haricinde fetvaya gelmek çoğunluğu mutlu ediyor, hem merkezle ilişkilerini koparmamış oluyorlar. Tuzla ilçesindeyseniz merkezle ilişkiniz hiç yok. Merkeze geldiğinizde merkezin işleyişini görüyorsunuz, böyle sorular gelmiyor ilçelerde. Ben paldır küldür gelip de nereden çıktı bu fetva diyen ama sonra fetvaya bizi araştırmaya sevk ediyor diyerek gelmeyi isteyenleri bilirim.
29. Meriç: Evet sorumluluğu var, ama sizi manevi açıdan besleyen de çok yönü var. Burada hem bilginizi kullanıyorsunuz. 2.si, nelerde sıkıntı yaşıyorsun, sürekli gözlem yapmak zorundasın, boşluklarını doldurmak için mücadele veriyorsun. Biz ne yapıyorduk, fetvayla ilgili seminerler hazırlamaya dersler almaya çalışıyorduk, her ay ders aldık mesela. Sonra mesela başka kadınlarla ilişki kurmak gerektiği zaman, onlardan yardım almak gerektiği zaman onlara başvurduk, mesela psikiyatri konusunda bu konuda hem dışarıdan hem işin ehli insanlara yöneldik. Yani fetvanın çok besleyen bir yapısı var. Dolayısıyla o hareket, hem trafik anlamında hem bilgi anlamında, sizi durdurmuyor, aynı zamanda sürekli okumak zorundasınız. Ben kitapları yazarken de çok okumalar yaptım. O okumaları da cevaplarda kullandım. Onları fetva cevabı olarak kullanmıyorsun ama vatandaşın moralini düzeltme anlamında bunu kullanıyorsun, dolayısıyla senin cevabını besleyen bir şey oluyor. Biz Diyanet'ten beklemedik ki [bizi geliştirmesini].
30. Leyla: İlk başta bildiğin kadarını cevaplıyorsun, bilmediğini yönlendiriyorsun. Ama zamanla insan hayatındaki gelişmeler de bunu etkiliyor. Mesela ilk başta evli değildim, evlilikle ilgili konularda bilğim yoktu ki cevap vereyim. Çocuk, cinsellik, birlikte olamama gibi... Tecrübe sahibi oldukça bunlara da cevap verebiliyorum.
31. Meriç: Şimdi sizin ne yapacağınıza biz karar veremeyiz. Asla şunu yapman gerekir demiyoruz. Eşimden boşanayım mı? Yaşadığınız sorunları yazın. Eşinizin iyi ve kötü tarafları, çocuklarınız, aileniz. Şablon nasıl çıkıyor ortaya? Bunu kapattığın zaman ne oluyor? O sorunun içinde debeleniyor, sorundan kendini kurtarıp bakın diyorum..... Herkesin şartına göre konuşmak zorundasın. Şiddet gören bir insana sabret dediğin zaman onu ölüme atarsın belki de. Bir taraftan da biri var, eşiyile problemlili, ama başka bir çözümü yok. Bütün kapıları sorguluyorsun. Onun fikrini soruyorsun. Kesinlikle ayrılmak gibi ya da başka bir yere gitmek gibi bir fikri yok. O zaman sen ona sabret diyeceksin ve sabrettiğinde alacağı mükafatı anlatacaksın başka bir yolun yok. Hadislerden ya da evliyanın tavsiyelerinden bir şey söylediğinde rahatlayacak.

32. Zeynep: Boşanmak için gelmiş bir insana evet sen mazlumsun, mazlumun kendi hakkını gözetmesi gerekiyor gibi tahrik edici cümleler kullanmamamız gerekiyor. Onun yerine daha mutedil, siyasi cümleler her anlamda daha yararlı çünkü o esnada o insanın psikolojisi de yönlendirmeye çok açık. Ani kararlar verdirip yanlış karar almasına vesile olmak vebal altında kalmak olabilir.

APPENDIX B

ANNUAL STATISTICS OF THE QUESTIONS POSED TO WOMEN'S *FETVA*

LINE

YIL: 2013 TOPLAM SORU SAYISI: 24,015	
BAYAN: 1,349 ERKEK: 8182 DİĞER: 560	
İTİKAD: 252 Hz. Peygamber hk: 98 Hadis; 64 Ahiret: 67 Gayrimüslimler: 61	TİCARÎ HAYAT/İŞ: 398 BORÇ 84 FAİZ: 279 FİNANS KURUMLARI: 151 BİREYSEL EMEKLİLİK: 44 BORSA/Hisse Senedi: 156 KREDİ/ Fon: 297 SİGORTA-KASKO: 51
İBADETLER: NAMAZ: 2293 HAC-UMRE : 343 ORUÇ: 3356 Fitre/Fidye/Sadaka: 1271 ZEKAT: 2376 KURBAN/Akika: 872 KUR'AN - meal: 708 CENAZE: Devir-iskat , 353 Dua zikir/tarikat, 526	AİLE HAYATI: 127 Zina: 138 Nikah: 529 CİNSÎ HAYAT: 165 Doğum Kontrolü: 118 KÜRTAJ-gurre: 211 Suni dölleme. 30 BOŞANMA-iddet: 505 Miras: 134 MAHREMİYET: 160 SÜT EMME: 58 ÇOCUK İSMİ: 167 VESVESE- Depresyon: 210 RÜYA : 193
KEFARETLER: 21 Adak: 216 Yemin- 242	AHLÂK: 23 Aile ilişkilerinde: 370 Toplumda/Kul hakkı: 263 Sosyal çevre: 71
TEMİZLİK: 70 Abdest/ Mesh: 716 GUSÛL 703 TEYEMMÛM 34 Necaset: 88	Dini-kültürel kutlamalar: 109 Kötü ahlak, gıybet..vs: 111 Buluntu para: 35 Rüşvet: 12

KADINLARA MAHSUS HALLER: 62 HAYIZ: 869 NİFAS: 100 İSTİHAZE: 242 Tesettür : 223	YİYECEK-İÇECEKLER: 107 Alkol: 196 Domuz. 25
	BAĞIMLILIKLAR: Şans oyunları- : 66 Fal-sihir-büyü, muska, 157
ORGAN NAKLİ/Bağışı; 19 HAYVAN HAKLARI: 111	MUHTELİF: 1134

APPENDIX C

TOPICS OF THE QUESTIONS POSED TO WOMEN'S *FETVA* LINE

Emine Arslan –The Muftiship of Umraniye Date: 08.10.2014

1. About naming (W)
2. About sacrifice
3. Is tubal ligation permissible? (W)
4. I have always vaginal secretion. Can I pray? (W)
5. My leg was swathed. How can I perform ablution? (W)
6. Is the income of a banker *helal* (not forbidden)? (W)
7. About sacrifice (W)
8. Is two-layered grave permissible? (M)
9. If one admires his/her worship...(W)
10. I pronounced "I divorce you" to my wife. Conditions of taking it back? (M)
11. Is it permissible to make a grave which has concrete base? (W)
12. Who can eat from votive offering sacrifice? (W)
13. About praying. (W)
14. Is it permissible to sacrifice an animal with the credit that I received? (W)
15. Can I read the Quran when I am in my period of menstruation? (W)
16. Prayer which is read when one leaves home? (M)
17. About divorce (W)
18. About divorce (W)
19. About praying. (W)
20. Is it permissible to get married to someone who is *Alevi*? (W)
21. About marriage. (W)
22. Penance of an oath. (W)
23. Repenting due to a lie. (W)
24. Women's right of demanding divorce (W)
25. About debt (W)
26. About sacrifice (W)
27. About obligatory alms. (W)
28. We would like to run a cafe to where only women can come. (W)
29. Penance of an oath. (W)
30. Rituals performed when a baby is at its fortieth day (W)
31. Insurance which is payed individually (W)
32. Is there such thing as subyan (that gins haunt to children)? (W)
33. Are there rituals performed when a baby is at its fortieth day (W)
34. Marriage. (W)
35. Does a sinful person stay in hell forever?
36. About vaginal secretion. (W)
37. About lucid dream. (W)
38. Can I rent out my property to a bank? (W)
39. Can a father commit violence to his 18 year old daughter so that she veils?
40. What can I do to unfruitfulness? (W)
41. Portion of the inheritance from a mother. (W)

42. About cleaning nails and feathers when one is in her period of menstruation. (W)
43. About knickknacks that have evil eye talisman. (W)
44. We live in separate rooms with my husband but we are still married. (W)
45. We will go to Umrah with the whole family. Do we have to not commit a sin after we come back? (M)
46. About children who are born after adultery (*veledi zina*). (W)
47. Can we get credit from financial institutions run without interest? (W)
48. A friend of mine legally divorced with his wife. Can he marry with her again? (M)
49. I legally divorced with my husband. Can I marry with him again? (W)
50. Does my husband sacrifice an animal for me? (W)
51. Is surrogacy permissible? (W)
52. A family problem. (W)
53. My mother receive a pension. Should she sacrifice an animal? (W)
54. Can I take reed (ney) lessons from a male instructor? (W)
55. Can I listen from the sura of Yasin from my mobile phone next to a grave? (M)
56. Is there something such as intercession (*şefa*at)? Who can do this? (W)
57. Can we marry religiously without marrying legally? (W)

APPENDIX D

TOPICS OF THE QUESTIONS POSED TO WOMEN'S *FETVA* LINE

(TURKISH)

EMİNE ARSLAN- ÜMRANİYE MÜFTÜLÜĞÜ- TARİH: 08.10.2014

1. İsim hk? (K)
2. Kurban hk.
3. Yumurtalıkları bağlatmak caiz mi? (K)
4. Sürekli renkli akıntım var. Namaz kılabilir miyim? (K)
5. Kolum sargılı, nasıl abdest alabilirim? (K)
6. Bankacı birinin kazancı helal olur mu? (K)
7. Kurban hk. (K)
8. Çift katlı mezar caiz mi? (E)
9. İnsanın kendi ibadetini beğenmesi (K)
10. Eşime boş ol dedim, geri dönme şartları (E)
11. Mezarın tabanı beton olsa olur mu? (K)
12. Adak kurbanından kimler yiyebilir? (K)
13. Namaz hk (K)
14. Kredi çekerek kurban olur mu? (K)
15. Adetli iken Kuran okunur mu? (K)
16. Evden çıkarken okunan dua (E)
17. Boşanma (K)
18. Boşanma (K)
19. Kaza namazı (K)
20. Alevi biriyle evlilik olur mu? (K)
21. Nikah hk. (K)
22. Yemin keffareti (K)
23. Yalandan dolayı tevbe (K)
24. Kadının boşanma isteme hakkı (K)
25. Borç hk. (K)
26. Kurban hk. (K)
27. Zekat hk. (K)
28. Kadınlara özel kafe açmak istiyoruz. (K)
29. Yemin keffareti (K)
30. Bebek kırklaması (K)
31. Dışarıdan ödemeli sigorta (K)
32. Subyan var mı? (K)
33. Kırklama var mı? (K)
34. Nikah (K)
35. Günahkar kişi ebedi cehennemde mi kalır?
36. Kadınlardan gelen akıntı hk. (K)
37. İstihare hk. (K)
38. Bankaya kiraya yer verebilir miyim? (K)

39. Örtünmesi için 18 yaşındaki kızına baba şiddet uygulayabilir mi?
40. Bereketsizlik için ne yapabilirim? (K)
41. Anneden kalan maaşın paylaşımı (K)
42. Adetli iken tırnak ve tüy temizliği hk.(K)
43. Nazar boncuklu süs eşyaları hk. (K)
44. Eşimle ayrı odalarda yaşıyoruz. Nikahımız duruyor. (K)
45. Ailece umreye gideceğiz ama dönüşte hiç günah işlememek diye bir şey var mı? (E)
46. Veledi zina hk. (K)
47. Faizsiz finans kurumlarından ev için kredi çekebilir miyiz? (K)
48. Mahkeme ile boşanmış bir arkadaşım yeniden bir araya gelebilir mi eşiyile?(E)
49. Eşim beni mahkeme kararı ile boşadı. Yeniden bir araya gelebilir miyiz? (K)
50. Eşim benim adıma kurban kestirebilir mi? (K)
51. Taşıyıcı annelik caiz mi? (K)
52. Ailevi sorun (K)
53. Annemin emekli maaşına kurban düşer mi? (K)
54. Erkek hocadan ney dersi alabilir miyim? (K)
55. Kabir başında cep telefonundan Yasin açsam sakıncası var mı? (E)
56. ŞEFAAT VAR MIDIR? KİMLER ŞEFAAT EDEBİLİR? (K)
57. Resmi nikah olmadan dini nikah yapılabilir mi? (K)

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