



Contextualizing ideological influences on reproductive policies in Turkey

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3 *Contextualizing ideological influences on reproductive policies in Turkey*
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6 **Abstract:**
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8 Reproductive rights are shaped by different political ideologies and remain one of the
9 most debated policy issues in most part of the world. In Turkey, the debates around
10 these rights have recently gained more momentum with the governance of a
11 conservative government since 2002. This paper analyses discourses of political and
12 civil society actors in Turkey in an attempt to de-naturalize and de-homogenize the
13 understanding of religion and various actors in the political sphere by examining how
14 reproductive policies are interpreted and framed differently even within a group of
15 ideologically similarly oriented actors.
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21 **Key words:** reproductive rights, Islam, Turkey, discourse and framing analysis
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24 **Introduction**
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26 Reproductive rights are shaped by different political ideologies and remain one
27 of the most debated policy issues in most part of the world. In Turkey, the debates
28 around these rights have recently gained more momentum with the governance of a
29 conservative government since 2002. In this paper, we are going to analyse various
30 ideological discourses in public policies in Turkey including those of the Turkish
31 government, and how different political and civil society actors react to these policies.
32 While a special focus will be placed on religious and conservative political parties, we
33 also acknowledge that such discourses are not limited to them and that religion and
34 conservatism are reinterpreted according to contextual and political circumstances,
35 thus, are often constructed, interpreted, and employed differently by various actors
36 based on specific context and power relations.
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51 The article will focus on the ruling party's recent attempt to ban abortion and
52 reduction of the number of caesarean births. Both of these policy attempts are often
53 assumed to be part of religious conservative politics without discussing how religion
54 and religious issues are interpreted by different political and social actors. In the
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3 political domain actor's identities are not fixed; indeed, actors change their interests
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5 and perceptions as a consequence of reflection, learning and adaptation to structural
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7 pressures and influences. We will explore how, why and which political actors
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9 instrumentalise religious discourses in their policy addresses without assuming that
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11 only those political actors, which are *a priori* seen as influenced by religion, have a
12
13 religious agenda. In doing so, special attention will also be paid to other factors
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15 influencing gender equality and reproductive policies (e.g. nationalism and
16
17 conservatism).

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20 In what follows, we will, first introduce a discussion of reproductive rights, in
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22 general followed by a brief history of reproductive policies in Turkey. Following a
23
24 section on recent changes in policies on abortion and caesarean we will analyse
25
26 different ways of framing these issues by relevant political actors who took part in
27
28 these debates. The analysis will be concluded with a discussion of how these framings
29
30 are intertwined with other factors, such as nationalism and conservatism.
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36 **Reproductive rights and debate on policies governing the practice of these rights:**

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38 Reproductive rights of women constitute various issues such as abstinence,
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40 contraception, abortion, women's health choices, and their rights to exercise these
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42 choices. Even though these rights are based on fundamental human rights enumerated
43
44 in the International Covenant on Civil and Political Rights (ICCPR) and other core
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46 human rights treaties, their regulations are left to individual countries. States try to
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48 control a range of reproductive issues, such as decision on the use of contraception,
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50 methods of delivery of children, but perhaps most commonly, whether, under what
51
52 conditions, and until when abortion can be exercised. In the USA, for example, the
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54 debate between the defenders of "pro-choice" versus "pro-life" has been taking place
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3 for almost 40 years now. Around the world legislations regulating women's
4 reproductive rights remain diverse. While in certain countries abortion is prohibited
5 under every condition, in others women have broader legal access to the procedure.
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10 It is often in the pronatalist countries, where a woman's social value is linked
11 to conceiving and bearing children, that abortion is prohibited or highly discouraged
12 through state policies. In these countries motherhood is praised and women who
13 choose not to have children are "considered deficient, incomplete, or unfulfilled"
14 (Parry 2005, 134) and often stigmatized (Kumar et. al. 2009; Norris et al. 2011). Also,
15 ideologies such as nationalism and religious conservatism often instrumentalised by
16 political leaders make it hard for women's groups to defend women's rights to sexual
17 and reproductive autonomy even in secular countries (Heinen and Portet 2010).
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27 Even though sexual and reproductive rights have emerged as means to
28 eliminate discrimination, domestic abuse, religious and traditional norms that violate
29 the rights and reduce the wellbeing and autonomy of women and LGBT individuals,
30 there are still socio-political actors trying to refrain them from exercising these rights.
31 These actors usually argue that such restrictions are necessary for controlling
32 population growth, preserving religious values, and protecting the traditional family.
33 Consequently, the debate between women activists and socio-political actors trying to
34 control women's sexual and reproductive rights remains an important part of the
35 policy-making in most parts of the world, especially in countries under conservative
36 and nationalist governments.
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52 ***Brief history of regulations and framing of abortion in Turkey***

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54 Abortion policies are shaped by social, economic and political environment
55 and presented to public through powerful discourses to gain support. Not only the
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3 content of these policies, but also the discourses political actors make use of, change
4
5 over time.

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7 Turkey is no exception to this argument. In the early Republican period in the
8
9 aftermath of the War of Independence (1919–1923), population growth was
10
11 encouraged by the new national government of the Republic of Turkey, because the
12
13 country needed new working force for the restoration of the economy. Abortion was
14
15 regulated in the old Penal Code (1926) and was forbidden with the argument of
16
17 “defending the right to life”. In 1936 the article regulating abortion was redefined and
18
19 framed as “protection of health and racial unity”, and the ban of abortion was justified
20
21 as the “defense of generations” (Karaömerlioğlu 2012). In this period abortion was
22
23 understood as a problem that needed to be curtailed in order to achieve population
24
25 growth and economic progress. This very framing of abortion clearly demonstrates the
26
27 influence of nationalistic and demographic discourses as well as economic ones;
28
29 indeed, the demographic growth of Turkish nationals was necessary for the
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31 construction of the newly formed national state as well as for its economic
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33 development.
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39 In the later years, with improved economy, population started to grow in
40
41 parallel. The pronatalist policies of the early Republican period started to give way to
42
43 anti-natalist policies starting in the 1960s. Because of the fast population growth and
44
45 high unemployment rate the government adopted a new birth control policy with the
46
47 introduction of the Law No. 557 in 1965 (Law on Population Planning) (Acar and
48
49 Altunok 2012, 8). However, this law did not allow abortion except for medical
50
51 reasons, such as serious health problems of the fetus and/or in cases that would put the
52
53 pregnant women’s life at risk. Although abortion was still forbidden in the 1970s,
54
55 approximately 350.000 to 500.000 abortions were performed in this period, and
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3 25.000 women lost their lives due to unhealthy performed abortions, and many more
4
5 suffered from serious permanent injuries or health complications (Karaömerlioğlu
6
7 2012). To prevent such consequences, birth control method was encouraged by
8
9 various state policies. In the 1970s experts and doctors proposed a series of measures
10
11 for the regulation of abortion. In 1979, for example, they asked for the legalization of
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13 abortion.
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16 In 1983 abortion was allowed with the reformed Law on Population Planning
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18 (Law No. 2827), which allowed abortion until the 10th week of pregnancy, with
19
20 extensions beyond this date in the case of illnesses of the fetus, or risks for the
21
22 pregnant women. In this law, abortion was renamed and redefined from “abortion of
23
24 baby” to “emptying the womb”, which indicates a shift from framing and
25
26 understanding it as “right to life” to a more technical and medical impersonal framing
27
28 (emptying the womb). Since 1983 mortality of pregnant women performing abortion
29
30 rates decreased drastically as a consequence of legalization of abortion. Interestingly,
31
32 through time, in the 1990s, the number of effectuated abortions indeed diminished
33
34 from 18% in 1993 to 10% in 2008 (cf. *Kürtaj Yasaklanmaz*).
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38 At the time of the legalization of abortion, the Islamic party in the coalition
39
40 government opposed the legalization of abortion. The argument put forward by the
41
42 leader of the Islamic Welfare Party (*Refah Partisi* – RP) Necmettin Erbakan was that
43
44 abortion is harmful to women. He interpreted the role of women as mothers, who have
45
46 to stay at home and take care of their children instead of going to work; and whose
47
48 work outside home should be limited to two days half-time per week (Karaömerlioğlu
49
50 2012). The attitude of Erbakan towards abortion and the role of women was a
51
52 conservative one since he defined women’s primary role in society as bearing and
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54 taking care of children.
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3 Reproductive policies in Turkish history were interpreted/framed differently
4 according to socio-economic needs and circumstances. The debate heatedly resumed
5 again during the AKP (*Adalet ve Kalkınma Partisi*- Justice and Development Party)
6 rule right when the AKP committed itself to reforms as part of the EU accession path,
7 which gained momentum after 1999, when EU accepted Turkey's candidacy at the
8 summit in Helsinki. The legal reforms undertaken during the AKP rule have been of
9 great importance for Turkey, however, reproductive policies remained influenced by
10 old practices and understandings.
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20 In this article, we focus on different framings of abortion and cesarean in this
21 recent period, especially because of the very important proposals for legal changes in
22 gender equality policies, which however remain highly contested. Since coming to
23 power in 2002, AKP has attempted many times to change reproductive policies
24 pertaining to cesarean and abortion rights. These attempts are often attributed to its
25 Islamic ideological background. By analysing framing of policies we will show that
26 ideological positions about policies are much more complex and pragmatic and not
27 reducible only to Islamic vs. secular ideological divide. In doing so, we aim to de-
28 naturalize and de-homogenize the understanding of religion and socio-political actors
29 in the domain of politics by examining how reproductive policies are interpreted and
30 framed differently even within a group of ideologically similarly oriented actors, thus,
31 overcoming simplistic characterization of a political party or group according to its
32 ideological value position. Indeed discourses and activities of an actor are much more
33 dependent on situational circumstances and interests than on bare ideological
34 orientations.
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Methodology

To analyse different actors' influences on abortion and caesarean debates in Turkey and to answer the questions posed in the introduction, that is; what are the ideological frames used by different actors and how, we studied the discourses and frames of political and social actors in Turkey.

Framing and frame analysis is a linguistic and textual analysis often very much confused with discourse analysis (Bacchi 2005, Scheufle in König 2005, van Dijk and Triandafyllidou in Bacchi 2009, 21), and wrongly used as its synonymous. Frame analysis, indeed, cannot be understood separately from discourse; however, these analytical categories should not be used interchangeably. Both discourse and framing analysis consider meaning as constructed, and discourse as performing through text. However, frames refer to a particular issue or topic of debate, and are forms of explanation in a sense that they refer to specific definitions of concepts and problems, which serve to form political arguments for the purpose of effectuating influence or pressure (e.g. mobilisation of support) when striving for certain aims and interests (e.g. mobilisation for support or rejection of a specific understanding/interpretation of a policy issue) (Benford and Snow 2000; Triandafyllidou and Fotiou 1998, 2). Framing, thus, is a specific process of argumentation of a particular issue or phenomenon where actors interpret, define, reproduce and give meaning to their social reality, and frame analysis deals with the way of meaning-making and argumentation. It looks at how a concept or an issue is interpreted and understood, how it is defined and problematised, and what effects has this specific understanding and problematisation have on a wider understanding of this particular issue. An analysis of the process of framing particularly pays attention to the elements of the presented story: who the author of the statement is, in what ways the author problematises an issue (e.g. why abortion and

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3 caesarean represent a problem, what kind of a problem, what the reasons and
4
5 consequences for this problem are; who makes a specific problematisation, and what
6
7 solutions are foreseen) (cf. Bacchi 1999), and also what arguments and references the
8
9 author uses to legitimize the arguments and decisions. Framing, therefore, represents a
10
11 “strategy of problematisation” focusing on how one thinks about problems and the
12
13 form of arguments when debating an issue as a problem (Bacchi 2009, 24).
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17 Discourse, on the other hand, refers to dominant ideas and paradigms that
18
19 define the accepted knowledge and practices in a specific socio-political domain
20
21 (Foucault 2001). Discourse in a Foucauldian tradition is a structural system of
22
23 knowledge, ideas and practices, which influence the thoughts and actions of actors in
24
25 an unconscious way, therefore actors are not conscious users of discourse (Jupille et
26
27 al. 2003, 15). We can therefore talk about for example, demographic discourse,
28
29 nationalistic discourse, and religious discourse; where the logic of explanation and
30
31 action is based on demographic, nationalistic and religious topics/arguments.
32
33 However, this doesn’t tell us much about what forms this discourse takes in specific
34
35 cases or issues. To understand this, one needs to study how actors frame a specific
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37 issue (e.g. demographic and/or nationalistic discourse is expressed through framing a
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39 specific issue by arguments of dangers for Turkish nation that abortion represents).
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44 If we take into account different ways in which a concrete policy issue can be
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46 framed, we can also understand more in depth what kind of discourses are influencing
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48 these frames. Simply put, we look into what and how political actors say and act, and
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50 not into what they represent on a normative identity basis; thus, avoiding superficial
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52 characterizations of actors and their practices based solely on actor’s *a priori*
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54 prescribed identities. Thus, in this research, we analyse why and which discourses
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3 shape political actors' framing of policy issues beyond their assumed identity-driven
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5 policy making.
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7 For this study, speeches and media articles were collected online starting from
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9 November 2002 when AKP came to power until the end of 2014. During this period,
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11 there were around 43 public discussions around these issues and declarations from
12
13 government officials pertaining to the abortion and caesarean issues. The number of
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15 articles and speeches collected are 120. We analysed all the speeches of the AKP
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17 members, the Presidency of the Religious Affairs (*Diyanet*) on these topics and
18
19 reactions of the civil society members to these declarations. As discussed above, most
20
21 of these discussions took place in 2012, when AKP government proposed a new law to
22
23 limit abortion and reduce the number of caesareans, and most of our analysis is
24
25 focused on the debates that took place in 2012.
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32 ***Attempts to ban abortion and limit caesarean births by the AKP***

33
34 AKP, the ruling party, which has been in power since 2002, is referred to as an
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36 Islamic or religious conservative party by many (see Yavuz 2009 for an overview)
37
38 although the party labels itself as a conservative democratic, not as a Muslim/Islamic
39
40 conservative party (Erdoğan 2004; Akdoğan 2009, 210; Yavuz 2009, 2; Akdoğan
41
42 2004). The party often attempted to limit or ban abortion since its coming to power. In
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44 2003, for example, it tried to introduce an article containing a limitation of abortion set
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46 beyond the 10th week of pregnancy limit foreseen in the Law No. 2827 (1983) in
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48 cases of health risks and physical or mental disabilities of the fetus by trying to amend
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50 the draft law on the rights of the disabled people (Law No.5378 – Law on the Disabled
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52 and Amendment on Some Laws and Decrees). Since women NGOs protested this
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3 attempt, the suggested article in the draft was eventually removed (Acar et al. 2007,
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5 51).

6
7 A similar debate on abortion outspurred again recently in 2012 when the AKP
8
9 government announced a new draft law, aiming severely to limit or prohibit abortion.
10
11 The more conservative SP (*Saadet Partisi* – Islamic Felicity Party) supported the
12
13 proposal and criticised the AKP government for not having legally outlawed adultery¹
14
15 back in 2004 (Hürriyet 2012).
16

17
18 When analysed in depth, Erdoğan’s speeches on abortion reveal more than
19
20 merely a religious discourse. Indeed, his speeches contain some nationalist and
21
22 conservative elements to an important extent. For example, in his speech in the Grand
23
24 National Assembly, after the Uludere incident², resulting in the killing of 34 Kurds
25
26 crossing the border to Turkey by Turkish jets, Erdoğan argued that “every abortion is
27
28 a murder.... Every abortion is an Uludere.... There is no difference between killing a
29
30 child in the mother's womb or after birth” (Erdoğan 2012a). Although at first glance, it
31
32 may not seem so, the argument contains nationalistic elements because he labels the
33
34 killing of 34 people as “collateral damage” and the fact that those responsible for the
35
36 killings are still not found adds to the pains of Kurds, who suffered from similar
37
38 human rights abuses in the last three decades. Equating killings of 34 civilians by
39
40 highest government official with personal choice of not having child was taken as an
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42 insult by Kurds, an ethnic group which has been struggling to have the Turkish state
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44 not only recognize their rights but also its past mistakes. While in these discussions
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51 _____
52 ¹ AKP leader and prime minister Erdoğan wanted to introduce the penalization of adultery during the
53 reform of the Penal Code in 2004. The attempt was stopped as a result of harsh reactions from civil
54 society organisations, as well as the pressures from the European Commission. Contrary to some
55 misconceptions, the ban of adultery was supported also by the leader of the Republican People's Party
(Cumhuriyet Halk Partisi – CHP) Deniz Baykal (Ilkcaracan 2008).

56 ² Uludere, or also known as Roboski by Kurds, is a village in southeast Turkey, where in 2011 the
57 Turkish Army bombarded and killed 34 civilians, who were smuggling oil on the border between
58 Turkey and Iraq. The government stated that it was collateral damage in the so-called war on Kurdish
59 terror (Yağmur 2011).
60

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3 and in Erdoğan's speech, there was an emphasis on not killing the fetus, Kurds felt
4 like their lives did not matter as much since the government neither found the ones
5 responsible for the killing nor officially apologized. Moreover, some also emphasized
6 the nationalistic elements in the speech by pointing out the fact that in the past and
7 present, the advice of having more children and not performing abortion were targeted
8 to Turks only, while Kurds in southeast were subjected to population planning
9 (Karakaş 2012).
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18 To justify and legitimize his attempt to ban abortion, Erdoğan (2012b)
19 frequently referred to the West as a relevant reference point arguing that "there are
20 laws forbidding abortion in the West. We are also working on a similar path, which
21 also represents our values." He opposed the understanding of abortion as a women's
22 right to decide (pro-choice) and framed the ban of abortion as a "defense of women
23 and their health". Such an argument can be found in his various talks, and the
24 following is one of these:
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34 Those, who say that no one can control and possess a women's body,
35 should ask themselves why we interfere in suicide attempts. You can tell
36 them "if somebody jumps off a bridge no one should interfere, but leave
37 the person to exercise his/her right." Is there anything more stupid? In the
38 case of abortion we are talking about double cruelty: the murder of the
39 fetus and harm to the woman (...) We base our arguments on science."
40 (Erdoğan 2012b)
41
42

43
44 In his references, Erdoğan usually compared abortion to murder and suicide,
45 and used references to science and the West to strengthen his argument. However, his
46 reference to West did not entail a specific country or an organization like the EU; but
47 rather an 'ideal, rational' abstraction, since this reference to Europe was a
48 representation of the West as a homogeneous entity, selectively used to strengthen his
49 arguments.
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3 Similar to abortion, caesarean births represent a core problem in AKP's
4 politics. In Turkey around 54% of births are caesarean births; number having increased
5 quickly in the recent years and reaching to 90% in some private hospitals (Sert 2012).³
6
7 Caesarean is commonly practiced by upper middle class women, which shows that it is
8 understood as a modern and professional health service (Acar and Altunok 2012, 5).
9
10 Another reason for high numbers of caesarean births is the economic profit hospitals
11 make from the operation, since they charge between 200 to 5000 euros for a caesarean
12 surgery (*Haber 365* 2011). The government has been conducting research in this field
13 and has been preparing programs for awareness-raising and education to promote
14 normal deliveries. In 2012, a new law was passed,⁴ which allowed caesarean births
15 only in medical necessity, that is, in cases of health concerns for the mother or the
16 baby. Caesarean is, thus, no longer possible as a mother's choice of delivery.
17
18 Monetary sanctions are foreseen for doctors and hospitals that perform caesareans
19 without medically proven necessity (*T24* 2012); while on the other hand financial
20 incentives are foreseen for those hospitals that perform normal deliveries (*Zaman*
21 2012b).

22
23 The debate about whether caesarean births are a necessity or a choice has
24 generated a heated debate among politicians, laypeople and experts. While some
25 experts opposed the very high number of caesarean deliveries as unnecessary
26 surgeries, arguing that without medical necessities, they can have complications and
27 unwanted results (Sonay 2012), others argued that women have the right and freedom
28 to choose the way of giving birth. Critiques of any limitation to this right are seen,
29 according to Coşar, as glorification of normal deliveries as part of the sacred role of
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³ The World Health Organisation (WHO) recommends no more than 15% of cesarean births (Sert 2012). In October 2013 the Constitutional Court in Turkey decided that cesareans could be performed only in case of medical necessity (Erdem and Alp 2013).

⁴ Law No. 6354 Law on Amendments relating to decrees on Ministry of Health and organizations subordinate to it, their organization and duties, and on some laws and decrees, 2012.

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3 women as mothers, who have to suffer. The pain of normal delivery represents a myth
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5 that glorifies mothers as scarifying women (cited in Akarsu-Çelik 2012b).
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8 However regardless of medical, market or maternity discourses that usually
9
10 prevail in discussions about this issue, the then-prime minister Erdoğan framed high
11
12 numbers of caesarean in a completely different way – similarly to the issue of abortion
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14 – as a problem of demography (decrease of population) and as a national problem,
15
16 which threatens Turkish ethnic survival because women who deliver their babies with
17
18 caesarean usually end up with no more than three kids. He, thus, saw a conspiracy to
19
20 destroy the Turkish population in the arguments to favor abortion and caesarean:
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23 As a prime minister I am contrary to births with caesarean. (...) Caesarean decreases the number of the population. (...) Regarding
24
25 abortion I understand it as a murder. (...) I know it is all a plan. (...) It is
26
27 a hypocritical plan that aims to delete the Turkish nation from the face
28
29 of this world. We should not be naïve and give in to these plans that
30
31 prevent the rise of the population of our nation (...) We have only one
32
33 aim: our nation will be raised to the level of modern civilization. For
34
35 this goal to be achieved we need a young and dynamic population.
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37 People are the basis of economy: if we have people we have the capital,
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39 labour, consumption and production. We will, therefore, do our best, to
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41 raise the number of our young population. Otherwise, we will start
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43 observing a decline in population by 2037 and have a population
44
45 composed of the elderly (Erdoğan 2012c).
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51 “Recently Erdoğan (2014), after taking presidential position, expanded his
52
53 nationalistic and demographic discourse on reproductive policies by also blaming the
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55 use of birth control methods in general, since he stated that ”birth control is a treason
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57 to the country” and that those promoting birth control “dried out [the country’s]
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59 generations.”
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On another line of argument, Erdoğan (2012d) also blamed the doctors, who
performed caesareans because of monetary gains: “Their problem is only money,
money. It has nothing to do with easier delivery, but with earning enormous sums of
money (...) The number of this nation has to rise (...) The most important element of

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3 economic power is the population.” Erdoğan, thus, ascribed the high number of
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5 caesareans to conspiracy theories related to the destruction of the Turkish population.⁵
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7 In his framing of the problem, caesarean birth and abortion had nothing to do with
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9 women and their health (albeit both being surgeries) since women were understood as
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11 means to reproduce citizens for the sake of conserving the Turkish nation and
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13 improving economy. Reproductive policies are, thus, stretched and bent; i.e. framed in
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15 a specific way (Lombardo et al. 2009) to suit higher national and economic aims, and
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17 are, therefore, influenced by nationalist and economic discourses, which construct a
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19 unified nation and economic growth as goals to be achieved.
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23 A similar framing was used by the then-Minister of Family and Social Affairs,
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25 Fatma Şahin, who referred to the recommendations of the WHO, and the European
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27 standards for the limitation of caesarean births:
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30 We have to look at what science and rationality tell us. European
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32 standards are what we want to achieve, right? Science tells us that
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34 caesareans are medical surgeries and that they should not exceed the 15-
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36 20 percent ratio. This is the world and European averages and European
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38 standards (...) Even in the European country with the highest caesarean
39
40 rate, there is no such ratio higher than this (...) Caesarean represents a
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42 problem for women's health and for this reason, what could be more
43
44 suitable than reaching European standards in the case of caesarean
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46 births? (Şahin 2012)

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48 However, controversially, when it came to the issue of ban on abortion, Şahin
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50 had different points of reference:
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53 In Turkey abortion has increased to a significant extent that it is often
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55 used as a contraception method of birth control, but the right to life
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57 begins in the mother's womb (...) Some would call this right to choice,
58
59 while some call it the right to life. One should not reject an idea just
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because it is coming from the other side. We are getting polarized

⁵ Erdoğan based his argument on medical arguments, that women who give birth with caesarean cannot have more than 3 children. Regardless the medical interpretation, he believed this is so and this represented a problem for Erdoğan who promoted couples to have *at least* 3 children. Erdoğan has also called on young single people to get married to give birth to a Turkish generation in 2071 (Erdoğan 2012e).

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3 because of this. We will do awareness-raising on this issue and teach
4 women not to use abortion as contraception. (Şahin 2012)
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7
8 Comparing the two quotes on caesarean and abortion, one realizes that the
9
10 Minister tries to legitimize her claims by making references to the European science
11 and practices while her arguments for abortion is limited to it being practiced as a
12 contraception method without any reference to women's right over her own body. It
13
14 might be argued that she refrained from making references to Europe in the latter case
15
16 because of the fact that abortion is allowed in almost every European country except
17
18 for Malta, Poland and Northern Ireland.⁶
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23 Different than his minister, however, Erdoğan's framing of abortion puts in
24
25 focus the role of women as mothers with a sacred role. In a speech in 2012, for
26
27 example, he argued that
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30 "no one has the right to kill the fetus. (...) Feminists say that no one can
31 interfere in their bodies (...) But we will not let them fool us. Feminists
32 do not accept the status of the mother (...) They complain as to why we
33 say 'mothers' instead of 'women' (...) In our religion the paradise is
34 under the feet of mothers, not fathers. We know the real value of mothers
35 (...) We are a conservative democratic party" (Erdoğan 2012d).
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38
39 When referring to the role of mothers, Erdoğan refers to religion, but religion
40
41 appears as a function to support the value of the family and the role of women as
42
43 sacred mothers, thus not directly problematising the issue of abortion itself. As it will
44
45 be discussed later, religion could not appear as a strong legitimatizing factor against
46
47 abortion since Islam does allow abortion, although a debate exists on the time frame
48
49 during which abortion is allowed. Concerns about reproductive policies (especially
50
51 abortion) are not grounded in religion as strongly as they are in other discourses (e.g.
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58 ⁶ For this reason İlkaracan (2012) thinks that AKP's conservatism reminds more of American than
59 European conservatism.
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3 national/ethnic preservation, and demographic growth for the sake of economic
4
5 growth).

6
7 The debate about abortion caused polemics in public discussions in Turkey,
8
9 especially in cases of pregnancy as a result of rape. The current legislation allows
10
11 abortion in cases of health problems, incest or rape until the 20th week of pregnancy.
12
13 Some AKP members, including some ministers, argued that women should not
14
15 perform abortion even in cases of pregnancy as a result of rape. The then-Ministry of
16
17 Health Recep Akdağ , for example, claimed in 2012 that abortion should be done only
18
19 in cases of health risks since it would not change the experience of a raped woman. He
20
21 claimed that the state would take care of the child if needed and demanded higher
22
23 penalties for rapists in such cases (Akdağ 2012). Following Akdağ's controversial
24
25 claims, in the following days, the then-president of the parliamentary commission on
26
27 human rights, AKP parliamentarian, Ayhan Sefer Üstün used similar arguments
28
29 against abortion:
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34 If we killed the child who is a product of rape, then we would make a
35
36 much graver offence than the rapist did (...) If the mother in the case of
37
38 rape is innocent, so is the child (...) If the mother does not want to take
39
40 care of this child, the state will (...) In the West there is a huge debate
41
42 about this issue (...) This is one of the major debates in the pre-election
43
44 campaign in the United States (...) My sister gave birth to her child even
45
46 though he has Down syndrome. This is Allah's mercy. Allah will decide
47
48 on the child's life. (Üstün 2012)

49
50 As seen above, the parliamentarian redirects the focus from the victim of rape
51
52 to the right of the unborn child, who has the right to life by referring to Allah's will.
53
54 He, furthermore, compares an illness (the Down syndrome) to rape to attenuate the
55
56 latter by disregarding the fact that it is an assault to women. However, he carefully
57
58 refers to Islam to legitimate the right to life (of the child), and strategically avoids the
59
60 issue of rape itself. A similar reference to Islam can be found in the statement of the

1
2
3 AKP Mayor of Ankara, which caused a huge public polemic. Mayor Melih Gökçek in
4
5 the case of abortion after rape asked:
6

7 Why should the child take the blame of the mother's *mistake*? (italics
8 added) Why shouldn't she kill herself instead of killing the child? Some
9 say 'this is my body and I do what I want.' But human life is in the
10 hands of Allah. How can you take what Allah has given? (Gökçek
11 2012)
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14
15 In contrast to Akdağ's arguments, however, in this case the religious discourse
16
17 is very much present as a means to protect life and Allah's will is put above woman's
18
19 decision over her own body. Such conservative positions implicitly put the burden of
20
21 guilt on women for incidents of rapes and disgracing family honor, which are often
22
23 seen in Turkish politics.
24

25
26 In a TV discussion in September 2012 (Habertürk 2012), for example, two
27
28 women members of the conservative parties; İmren Aykut, the ex-Minister of Labor
29
30 and Social Issues from ANAP (*Anavatan Partisi*, Motherland Party), who is also the
31
32 initiator of the establishment of the Directorate General on the Status of Women
33
34 (*Kadının Statüsü Genel Müdürlüğü* - KSGM), and an AKP parliamentarian, who is a
35
36 member of the Parliamentary commission for Woman-Man Equal Opportunity
37
38 Committee, Zeynep Karahan Uslu discussed the issue of abortion. While both women
39
40 came from the traditional rightist parties in Turkey, they diverged in their approaches
41
42 to abortion in the case of rape. Although being against abortion in general, Aykut
43
44 defended the right in the case of rape arguing that the experience could be painful to
45
46 women and that one should not privilege an unborn child over living members of a
47
48 family. On the other hand, AKP member Uslu stressed that the Turkish legislation was
49
50 in accordance with the United Nations conventions, however, raised a counter-point
51
52 by asking: "if all civilized cultures are against death penalties, and if we also do not
53
54 kill rapists for committing their crimes why should we kill a baby? (...) *The raped*
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3 *mother* (italics added) should give birth to the baby, who would be taken care of by the
4
5 state.” To strengthen her argument and sensitize emotions regarding babies as living
6
7 (and utmost vulnerable) humans, Uslu showed pictures of newborn babies and babies
8
9 in the womb as completely developed human beings, stating that they do not deserve
10
11 to be killed just because they have been conceived during a woman’s sexual abuse
12
13 (rape). Although being members of two conservative parties, which used Islamic
14
15 references,⁷ we can observe two different positions and framings of abortion in the
16
17 case of rape in the discourses of these two women. In many statements of the AKP
18
19 members it is observable that women victims of rapes are not the focus of debates, and
20
21 are thus, not addressed as individuals that were raped, but rather as mothers (i.e.
22
23 “raped mother”) whose role and responsibility are to give birth to the baby. The
24
25 unborn baby is, thus, privileged over living women, who is also a victim of rape.
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29
30 Diyanet has also been invited to the abortion debates upon the call of the AKP
31
32 government. Diyanet’s and AKP’s framings, as seen below, legitimize the ban of
33
34 abortion by using religious references in terms of right to life, sanctity of motherhood
35
36 and will of Allah. The president of the Diyanet Mehmet Görmez, for example, made
37
38 similar remarks on the issue when the issue was hotly debated:
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40
41 Science and theologians agree that a child in a womb is a living being
42
43 independent of his mother. It is possible that the European Court of
44
45 Human Rights does not want to acknowledge this scientific truth, which
46
47 is also the reason why it constantly defends the position that it is not
48
49 clear when the life begins (...). The fetus in the mother's womb has the
50
51 right to life. Not even his mother or father has any property right over
52
53 him and for this reason they cannot decide about his life and cannot give
54
55 up on him (...) The pregnant woman has no right to decide about what
56
57 she is going to do with her body (...) Her duty is to care for and protect
58
59 the child (...) Only in special cases like rape or illness of the fetus, it is,
60
however, necessary to further debate upon this issue, but for each
specific case separately, and not generalizing the debate (Görmez 2012).

⁷ The ANAP’s president Turgut Özal was a member of the Naksibendi order. The party was not explicitly Islamic, but observed politics of conservatism that was sympathising with Islam. AKP has a similar position as it defines itself as conservative and not Islamic. AKP claims to be following the tradition of democratic conservatives such the Democratic Party in the 1960s and ANAP in the 1980s.

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5 Since these debates raised a huge reaction and critiques nation-wide, there
6
7 appeared other voices, especially in the civil society that countered the AKP's framing
8
9 of abortion and caesarean. Most of the counter voices, however, focused on abortion
10
11 while discussions on caesarean remained limited to medical sphere. Although some
12
13 civil society (CS) actors also opposed restrictions on caesarean arguing that it is
14
15 against women's right to health choices (Bayün et al. 2014) and emphasizing the need
16
17 for it especially in cases of fear of normal delivery (Ovalı n.d.), most of the CS
18
19 attention was directed to the ban on abortion. Next, we will analyse these counter
20
21 voices to reflect the diversity of framing of this issue (many times within the same
22
23 religious discourse).
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29 *Critiques and counter-framings of abortion*

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32 Opposition parties in parliament, secular and Muslim CS organizations, and
33
34 even some AKP members immediately reacted to the government's attempts to limit
35
36 or ban the abortion right. Several domestic and international campaigns were
37
38 organized to prevent the ban and support the right to abortion (see *Kürtaj Yasaklanmaz*
39
40 website). It is important to note that the framing of the right to abortion presented by
41
42 these actors mostly centered on issues like health, human rights, and feminist
43
44 concerns. While the AKP members supporting the limitation of abortion often referred
45
46 to religion – sometimes incorrectly – as legitimization of their argument to the right to
47
48 life, they avoided the direct problematisation of abortion in Islam *per se*. Indeed, since
49
50 in Islamic theological debates and practices, experts argue that the definition of the
51
52 beginning of life has different interpretations, allowing a possibility of abortion,
53
54 different interpretations exist within Islamic scholarship as to when life begins, thus,
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1
2
3 the moment until which abortion is allowed. This moment spans from 40 to 120 days
4
5 of pregnancy.⁸
6

7
8 The discussion about when pregnancy can be terminated according to Islam
9
10 was so prevalent that even the secular parties like the CHP (*Cumhuriyet Halk Partisi* –
11
12 Republican People’s Party) explicitly referred to these Islamic debates to challenge the
13
14 position of the AKP and its president. Some members of the party criticized Erdoğan
15
16 for not having sufficient religious knowledge of reproductive rights in Islam, arguing
17
18 that in Islamic history women haven’t been punished or penalized in any way because
19
20 of performing abortion (Karabağlı 2012). As seen, both types of actors employ
21
22 examples from religious practices, thus within a certain religious discourse; however,
23
24 the framing of the specific issues is different: AKP uses religion in terms of right to
25
26 life, while CHP uses religion to legitimize the right to choice. Religion, is thus,
27
28 constructed in the political space for justification of different positions, and does not
29
30 provide a static picture. Similarly, political actors, regardless of their ideological
31
32 positions utilize religious discourses/examples to fit their arguments.
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37 Interestingly, actors from the same political ideology (i.e. religious) could also
38
39 have very different and opposing positions. A founding member of AKP, Fatma
40
41 Bostan Ünsal, for example, contrary to her counterparts mentioned above opposed to
42
43 her party’s position. Although she personally declared to be against abortion in favour
44
45 of right to life, she also stressed the fact that abortion in Islam is allowed until the
46
47 120th day of pregnancy (17th week), a rather late time span for abortion, even in
48
49 modern medical standards. Referring to this Islamic argument, Ünsal claimed that the
50
51 ban of abortion was never a true intention in the party’s political or electoral program,
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54
55 ⁸ According to Islam, the fetus is understood to become a living human being at the moment when Allah
56
57 breathes the soul into it. Until then abortion at some point might be allowed. According to different
58
59 Islamic schools the period of permissible abortion varies, some do not allow it at all and all of the
60
Islamic scholars agree that after 120 days after conception abortion is forbidden since the fetus acquired
a soul (cf. Lee Bowen 2003, 55–56).

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2
3 but was only used as a divergence from the Uludere killings. Furthermore, she stressed
4 that banning abortion would seriously and negatively affect women in that it would
5 force them to perform abortion in unhealthy, and mostly illegal conditions (Tekerek
6 2012). Some other female members of the AKP also publicly opposed the ban of
7 abortion since this could lead to a rise in the number of illegally performed abortions,
8 risking women's health. However, while Ünsal framed the issue of abortion also in
9 reference to the Islamic law, some of the AKP female members opposed the ban
10 merely due to health concerns for women, framing the issue of abortion in medical
11 terms. AKP Member of Parliament Nursuna Memecan, for example, stated that

22
23 "I don't think that ban of abortion will bring anything good, especially if
24 banned completely (...), indeed it can bring damage. It does not wither away
25 by being banned; ban only pushes it to illegal and non-competent hands, which
26 means hardship for women, whose life is endangered" (Memecan 2012).
27
28

29 Although the framing of these AKP members was not necessarily pro-choice, they
30 nonetheless recognized it as a health problem.
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32

33
34 Also some CS members criticised AKP for wrongly referring to religion to
35 legitimate the ban of abortion, criticising especially the framing of abortion through
36 the role of women as sacred mothers. According to the general opinion this was not at
37 all a religious, but indeed, a political issue. A professor of Islamic Studies Beyza
38 Bilgin (2012), for example, argued that the Islamic ulema agreed on the right to
39 contraception and abortion until the 42nd day of pregnancy, when there is no soul in
40 the human fetus, and thus, abortion could not be understood as termination of life or
41 murder. According to the scholars like Bilgin, abortion is allowed in Islam also in
42 cases of rape, incest and in cases of unwanted pregnancies under the condition that
43 contraception was (albeit unsuccessfully) used. A similar line of argument was also
44 presented by secular activists, such as the founder of the organization Women for
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3 Women's Human Rights (WWHR),⁹ Pinar İlkaracan (cited in Akarsu-Çelik 2012a),
4
5 who claimed that the AKP's interpretations of religion to support the ban of abortion
6
7 cannot be based on Islam. According to her, Erdoğan's legitimization of the abortion
8
9 ban was based on nationalistic, not on religious discourse, since Islam is not hostile to
10
11 women. In the case of abortion, İlkaracan presented examples of the Sunni Islamic
12
13 school of Hanefism, which allows abortion until the 120th day of pregnancy, while the
14
15 Maliki School restricts it to the first 40 days. Policies both on headscarves¹⁰ and
16
17 abortion, İlkaracan further argued, aim to control women's bodies and should be
18
19 understood solely as means for control over political space. For her both practices
20
21 were a result of authoritarian politics that are based on conservative or nationalist
22
23 discourses of controlling women and their bodies.
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28 A similar argument can be supported by examples in other policies affecting
29
30 women's lives. In 2010, AKP shut down the AÇSAPs (*Ana Çocuk Sağlığı Aile*
31
32 *Planlaması Merkezleri* – Centers for Mother-Child Health and Family Planning),
33
34 which played an important role in promoting medical assistance and family planning
35
36 methods (contraception) across the country. Reproductive health issues, as a
37
38 consequence, were put under the authority of family physicians, which turned out to
39
40 be an inefficient practice. Many family doctors did not have the necessary expertise in
41
42 specific reproductive health and gynecological issues (such as internal bodily
43
44 contraceptives) that demand special trainings and certificates. This means effective
45
46 medical and social services regarding reproductive family planning were out of many
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54 ⁹ WWHR has a strong and continuous activist stance for the improvement of human rights. For
55
56 example, it supported the reforms of the Civil and Penal codes from a gendered perspective and issued
57
58 shadow CEDAW reports.

59
60 ¹⁰ In Turkey headscarves were for decades understood as a backward practice limiting women's rights as
and various policy attempts were made to limit their use, especially in universities (for details cf. Frank
2014).

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3 women's reach. Furthermore free availability of contraceptives like condoms and other
4
5 free services were also discontinued (Acar and Altunok 2012, 9).
6

7 Reactions to the AKP policies on abortion were expressed also by some female
8
9 members of the Islamic civil society. Hidayet Şefkatli Tuksal (2012), a representative
10
11 of the Capital City Women's Platform (*Başkent Kadın Platformu*) and a scholar of
12
13 theology, who personally opposes abortion, however, voiced her concern about how
14
15 the then-Prime Minister Erdoğan problematised abortion. Islamic scholars, Tuksal
16
17 argued, broadly agreed on at least when life starts. According to this agreed upon
18
19 definition, although the fetus is a physical entity independent from the mother, the soul
20
21 gets into it only later in the process of development of the fetus. Thus, it has no soul
22
23 and abortion can be allowed up until the 120th day.
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27 Tuksal also argued that the government policies were contradictory in the sense
28
29 that by abolishing the AÇSAPs, which provided contraceptives to women, such
30
31 policies, in fact, were pushing women to resort to other methods of pregnancy
32
33 prevention – which often means abortion, or resorting to unhealthy methods of
34
35 pregnancy termination. Furthermore, she rejected the widespread reference to women
36
37 as “sacred mothers”, arguing that maternity is not the only identity that defines a
38
39 woman; in fact she has many other capacities and identities.
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43 Many feminist activists like Hidayet Tuksal, Pınar İlkaracan, and Hülya
44
45 Gülbahar (a renowned lawyer and activist for human and women's rights) also
46
47 criticised the interference of Diyanet into the debate of abortion, arguing that that “not
48
49 everybody in Turkey is Muslim”. Tuksal (2012), for example suggested that instead
50
51 one should analyse the reasons for why women do not want to give birth. According to
52
53 these activists Diyanet's role was not one of regulating state policies; furthermore its
54
55 different fetwas relating to abortion in the past showed its tendency to ally with the
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3 government rather than being an independent religious actor. Indeed, as İřtar Gözaydın
4 (2014, 17) points out, “the state makes use of the *Diyanet* as an administrative tool to
5 indoctrinate and propagate official ideology regarding Islam” resulting in differing
6 policies of administrations over time. Along the same line, arguing that Diyanet is
7 misused by all governments, Pınar İlkaracan (cited in Akarsu-Çelik 2012b) gives the
8 example that older publications of Diyanet show that Sunni Islam allows abortion until
9 the third month of pregnancy. Similarly, Hülya Gülbahar (cited in Arman 2012) gives
10 the example of Diyanet’s fetwa in 1983, where it was stated that the Law on
11 Population Planning from 1983 was in accordance with religious teachings. Gülbahar
12 compares this radical conservative stance on abortion with Orthodox Christianity and
13 Judaism, and claims that Islam, on the contrary, does not have such a strict
14 conservative stance on these issues, and that it is the government’s interpretation of
15 religion, which is more strict and conservative than the Islamic practice itself.
16 similarly, according to İřtar Gözaydın (2013) AKP conservatism is a process of
17 ‘evangelization’ along the lines of American Protestantism and an example of
18 spreading biopolitics by trying to make abortion a social controversy.
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38 Counter voices discussed above, frame the issue of abortion as a health and
39 human rights issue, as well as a right for woman’s own body, since politics aiming to
40 ban abortion actually aim to control women’s bodies and lives by interfering into one
41 of the most private issues within the civil sphere. Compared to AKP voices, counter
42 voices, regardless of their ideological positions, also largely utilize religious
43 arguments and present religious examples to frame abortion and to fit their arguments.
44 However, they give divergent and in some cases even contrasting arguments about the
45 Islamic perspective on abortion. In this case it is clearly observable that religious
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3 discourses are not static, but are constantly constructed and reinterpreted in the socio-
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5 political space.
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8 9 **Conclusion**

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11 This study was an attempt to show how in the framing of abortion and
12 caesarean issues, religion is used to strengthen the contrasting arguments of
13 ideologically different political and social actors, but also how these actors do not
14 necessarily present a homogenous position when it comes to interpreting the same
15 policy issue from a religious perspective. While this might stem from the fact that
16 especially Islam arouses such controversies because of the very fact that there are
17 different interpretations of some controversial issues (e.g. the use of headscarves), it
18 nonetheless, becomes even more of a controversy when political actors refer to these
19 arguments selectively by framing them for a certain political cause.
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32 Looking into detailed framings of different actors instead of focusing solely on
33 their identity characteristics reveals a much more complex picture of relations between
34 different actors and their overall discourses. Such an analysis discloses different
35 meanings that actors attribute to such concepts as “religion”, “nation” “role/identity of
36 women.” Debates on policies affecting women’s lives, as in the case of abortion and
37 caesarean, are often used as means for power struggles and national and economic
38 interests; and religious discourses provide actors with powerful interpretations,
39 meanings and basis for action.
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50 The study of religious framings and discourses with reference to the abortion
51 and caesarean debates in Turkey also show how religion and religious institutions are
52 (ab)used in politics, especially by the dominant actors. As presented in the analysis,
53 the Diyanet’s controversial statements about abortion in the 1980s and in 2012 present
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3 a clear example of how a state actor becomes an instrument of the government.
4
5 Similarly, conservative actors often refer to selective religious interpretations and
6
7 frame policies related to women's reproductive rights to strengthen the role of the
8
9 family and emphasise women's role as mothers, to improve national economy and
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11 increase population, all in order to be greater national economic powers. Thus,
12
13 scratching the surface of these discourses allow us to see a much more complex
14
15 interaction of interests and aims beyond such religious references.
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