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The 'politics of intimate' at the intersection of neo-liberalism and neo-conservatism in contemporary Turkey ☆

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SYNOPSIS

This paper aims to review the 'politics of the intimate' in the Turkish context. By looking at regulations and policy debates in the areas of sexuality, reproduction and family and partnership in the 2000s, it critically analyzes the scope and content of state policies, as well as the policy debates in these areas, from a gender and gender equality perspective. This analysis further emphasizes the interaction between neo-liberalism and neo-conservatism, two political rationalities that have come to play important roles in the shaping or regulation of public and private domains, and the relations within these domains, in the last decade in Turkey. This paper will suggest that given the intermesh of neoliberal and neoconservative rationalities, the notion of gender equality loses its significance, leaving disadvantaged groups open to the detrimental effects of dominant power relations.

Introduction

On May 25th 2012, in the closing session of the Parliamentarians' Conference of the UN Population Fund (UNFPA), held in Istanbul, Recep Tayyip Erdoğan, the Prime Minister of Turkey asserted that abortion is murder, and thus is totally unacceptable.[1] Further to this, he stated that he was also personally against Cesarean deliveries. Whether or not the Prime Minister's statement was a sign for future changes in the government's policies in the area of reproductive rights, or indeed an indication of specific amendments to the existing legal framework remains to be seen.[2] This statement, however, was not only incompatible with the existing legal framework in Turkey, but also unheard of in the public discourse a national political figure in Turkey. It served to fuel a new debate within the country, and should be analyzed within the framework of governing political rationalities in the country over the last decades.

Since 2002, in Turkey, there has been a transformation of the political discourse and practice in regard to many issues (such as education, economy, or family) which is manifest in the policies of the government of the Justice and Development Party (AKP). While the AKP has always defined its major identity axis as 'conservative', between 2002 and 2007, it emphasized its strong commitment to Western democratic values and liberal economic principles, spearheading Turkey's goal of joining the European Union. In this period, it carried out a comprehensive neoliberal program that prioritized economic concerns and market rationality. However, particularly since 2007, patriarchal and moral notions and values, often framed by religion, have increasingly become dominant in the party's rhetoric regarding the regulation of social and cultural domains, and even political and international relations (Acar & Altunok, 2012; Öniş, 2009, 2012).[3]

It is also a fact that although the AKP government's messages are often traceable to Islamic stances of its leaders, the government's political rhetoric is not always explicitly religious. For instance, the Prime Minister's anti-smoking and anti-alcohol stance is mostly presented within a framework of

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health and economic cost considerations. Similarly, recently in his outburst denouncing abortion, the Prime Minister refrained from condemning the practice as a 'sin', but rather called it 'murder'. However, it is obvious that even in the cases where there is no direct reference to religion, there remains a strong sense of moral judgment[4] and a selective stigmatization of practices that religion denounces. We argue, this indicates the "regulation of the political on the basis of moral," a readily identifiable parameter of neo-conservatism. It is against this background that this paper seeks to review the 'politics of the intimate' in the last decade in Turkey, so as to understand the impact of both neo-liberal and neo-conservative rationalities and their conjunction on gender equality.

Conceptual terrain

By neo-liberalism, we understand a specific mentality that involves the normative imposition of globally-contoured, locally-actualized market rationality on political, social and cultural spheres. It is also termed "market-political rationality" (Brown, 2006: 693). 'Neo-liberal political rationality' requires the state to withdraw from the provision of welfare services and to act as a facilitator, rather than a regulator of economic relations (Brown, 2005: 50–59, 2006; Dean, 1999; Larner, 2000; Lemke, 2001). Additionally, in neo-liberalism, the state operates as an agent in the creation of a political culture, where citizens live and act as individual 'entrepreneurs' who are responsible for their own welfare (Brown, 2006; Lemke, 2001; Olssen & Michael, 2005). They perform as 'consumers', whose political relevance and moral autonomy is measured by their capacity for 'self-care' (Brown, 2006: 694) and by their market value. Such rationality is not dictated by a ruling elite or a particular ideology, but rather, is formulated as a result of the challenge, resistance, negotiation and participation of many actors, including civil society organizations and policy experts.

As with neo-liberalism, neo-conservatism is understood here as a "moral-political rationality", which in the words of Brown (2006: 697), "identifies the state, including law, with the task of setting the moral-religious compass for society, and indeed for the world."[5] While the 'neo-liberal political rationality' requires the state to withdraw from the provision of welfare services such as health care, education and social services, the 'neo-conservative rationality' re-affirms the state's existence in the political order by assigning it a moral mission, circumscribed by discourses of patriotism, nationalism, religiosity, culture and tradition.

While at times these rationalities may impose conflicting principles, the conjoining of the two has led to diverse political transformations such as the blurring of the distinction between public and private or that between good and profitable, as well as to the instrumentalization of the law (Brown, 2006: 695) for economic or moral purposes, rather than commitment to ideals such as rule of law, freedom or liberty. One result of this dynamics has been the weakening of 'equality' as a political concern (Brown, 2006: 701). While for neo-liberalism competitiveness, self-creation and survival are core values, for neo-conservatism, egalitarian demands represent threats to the wealth of property-owners and the existing social order. The neo-liberal perspective views the state's redistributing of economic resources as obstructing the rational functioning of the market and the neo-conservative stand perceives it as having an interventionist role in the functioning of social order.

Much feminist work has already shown that patriarchy is embedded in norms, laws and policies and economic and social relations, and that modern states play a significant role in regulating gendered bodies, sexualities and reproductive capabilities. Gendered subjectivities, in particular womanhood, are produced and controlled through the private domain (*inter alia*, Mayer, 2000; Yuval-Davis, 1997). While the state's role is important in reproducing and regulating gender relations, the perspective adopted in this paper assumes that the state is not a static entity, or that gender relations are not fixed and stationary. Rather, the state and gender relations are both considered to be articulations of dynamic, multiple and historically-determined power relations, which can be resisted or transformed by oppositional forces. The post-Foucauldian literature on governmentality (Barry, Osborne, & Rose, 1996; Brown, 2005, 2006; Burchell, Gordon, & Miller, 1991; Dean, 1999; Lemke, 2001) conceives of government as 'conduct of conduct': that is, the technique of governing individuals' relations with themselves, others and the state *via* various social policies, institutions and ideologies. A growing body of literature already exists on how sexuality and gender have turned into the most visible grounds for political struggle (as exemplified in LGBT movements) in late modern societies (*inter alia*, Plummer, 1995, 2000). Nonetheless, a policy analysis of how these issues have become subject to regulatory mechanisms within specific programs and policies at a national level (Larner, 2000) is lacking, particularly in non-Western contexts. Given the above, the present work may be seen as an attempt to contribute to this existing gap in the literature by focusing on the 'politics of the intimate' in Turkey in the last ten years, under AKP governments.

Here the term 'politics of the intimate' is used to denote the web of policies, decisions, discourses and laws and norms which regulate intimate and family relationships, sexualities and reproductive capabilities of individuals. Such a 'politics of the intimate' may be studied, in contemporary Turkey, on the basis of three interrelated issue-areas: reproduction, sexuality, and family and partnership.

The category of 'politics of reproduction' refers to the regulation of human life as life i.e. procreation. Selected policies and debates on reproductive choices, rights, and methods of reproduction, such as population planning, birth control, abortion, and artificial insemination, which have come to the policy agenda in Turkey in the last decade, are reviewed within this category.

The 'politics of sexuality' primarily denotes how individuals are normatively constructed and regulated as sexual subjects within a political order. A feminist perspective on this issue points out the patriarchal aspect of these regulatory mechanisms and how they function with regard to women's bodies. This functioning is engendered by appropriating traditional and/or modern values, such as chastity, motherhood or beauty.[6] The category of 'politics of sexuality' thus, includes the experience of sexuality and sexual/gender identities; their expression, the societal regulations of these identities, and debates on the sexual rights of individuals. Legal discourse on sexual rights, sexuality and the relationship between crime and sexuality (including, for instance, whether a specific act is a crime because it is against

bodily integrity, sexual freedom and/or the human rights of an individual or because it threatens a larger entity, such as family, community or the nation) is included within this category.

Finally, the 'politics of family/partnership' refers to the regulations of familial relations, such as marriage, separation, divorce, and *de facto* relationships, among others, which reflect the socially institutionalized aspect of relations that, at least in part, derive from sexuality and reproduction.

As various scholars have already noted (e.g. Verloo, 2007; Walby, 2005), it is possible to attribute multiple meanings to the concept of gender equality. It may, for example, be understood as the 'sameness' of the sexes, an understanding that has conventionally required the provision of formal equality (equal legal rights, equal conditions, equal wages etc.) to women and men. Alternatively, when conceptualized as the recognition of 'differences' in capabilities or contributions, gender equality rests on ensuring equal valuation of the different contributions made by women and men. Gender equality has also been seen as a means of changing the existing definitions of gender and gender relations.

In Turkey, many policy formulations, which have, in the past decade, radically altered the relationship between state and the individuals, reflect the simultaneous operation of the two essentially distinct rationalities of neo-liberalism and neo-conservatism.[7] Where gender equality fares in this landscape and how it is impacted by these (sometimes conflicting and at other times allying) rationalities constitute the question of this paper.

Politics of intimate in the Turkish context and gender equality

The definition of gender equality as "the enjoyment of the same rights" by women and men has been the formal approach adopted by the Turkish state since the 1920s and many legal and institutional arrangements have been adopted to bring this goal to reality since the early years.[8] Over the years, the evolving conception of gender equality has increasingly guided the demands of the women's movement and, particularly since the 1990s, also impacted law and policy formulation by governments. Following Turkey's EU candidacy (1999), gender equality concerns did not only gain greater visibility in policies but efforts to this end were accelerated particularly through updating and amending fundamental laws (Constitutional amendments in 2001, 2004 and 2010, New Civil Code in 2001, New Penal Code in 2004) with a view to eliminating discrimination against women. In this period, civil society activism, particularly the women's movement played an important role in challenging the existing policies and norms, and in formulating new policy demands.[9]

The rise of the Justice and Development Party (AKP) to governmental power in 2002 was another significant dimension of socio-political development. As the first conservative political formation with identifiable Islamist roots able to form a single party government since the establishment of the Turkish Republic, AKP was a novel experiment for the country. Since coming to power, the AKP governments have effectively surmounted neoliberal transformation processes, and also acted as notable defender of a conservative, religion-inspired and essentially patriarchal value system. These values and standards have become increasingly visible in not only the domestic social policies and political projects but also international relations of AKP governments. In this context, particularly in the recent years, the neo-conservative stance of the government has been increasingly unfolding as a discourse that undermines gender equality by emphasizing the centrality of the family institution by glorifying traditional gender roles.

The nature of selected policy debates and public discourses as well as the contents of some legal regulations in the areas of reproduction, sexuality and family-partnership in Turkey, since the early 2000s, shed light on the specifics of this process.

Politics of reproduction

On the occasion of the International Women's Day celebration on 8th March 2008, Prime Minister Recep Tayyip Erdoğan, announced that his government was considering providing financial incentives for births. Despite its declining birth rate (in consequence of rapid urbanization and the implementation of a consistent state policy of family planning) Turkey still maintains a high overall fertility rate. This attitude, voiced at the highest level of government was indeed a drastically different position from existing policies of the state. It signified an obvious shift from the anti-natalist population planning policy of Turkey which had been adopted in the 1960s and is still not formally withdrawn or altered.[10] The change in the political leadership's attitude was justified as a precautionary step in response to the potential problems of Europe as an aging population[11] and has since been enthusiastically conveyed to the populace as a priority domestic concern.

For instance, it has since been standard behavior for the Prime Minister to congratulate the newlyweds in the wedding ceremonies in which he participates and to ask the bride to promise that the union will produce "at least three" children. Acting on his example similar recommendations are also made by ministers, mayors or other dignitaries on these occasions,[12] and routinely reported in the media.

The initial signs of a shift in population policies first appeared in 2003, when it became clear that the new draft Law on the Rights of the Disabled, included a clause that aimed to bring restrictions on abortions carried out for medical reasons. The Population Planning Law (No. 2827 of 1983), which was (and is) still in effect allowed for abortion up to ten weeks on demand and after ten weeks, when the mother's life was in danger, or when it was assessed that the baby had serious health problems. The proposed clause within the draft Law on the Rights of the Disabled, however, prohibited termination of pregnancy after ten weeks where the fetus was assessed as having physical or mental disability. When this provision of the draft came to public attention as an attempt to restrict existing legal regulations on access to abortion services, conservative groups supported the proposal but many objections were raised by women's organizations, medical associations and some segments of the media.[13] Largely owing to such reactions, the proposed article was later removed from the draft law.

The Republican People's Party (CHP), the main social democratic opposition, as the long-time advocate of the Republic's modernizing policies, criticized the government's

efforts, mainly on the grounds that large families with 'at least three children' would undermine the state's antinatalist policy. It accused the government of being blind to the economic danger of an increasingly growing army of unemployed youth. It was pointed out that in the face of structural problems such as unemployment, the 'minimum-three-children-policy' would have a significant adverse effect on women's health and welfare as well as on gender equality in Turkish society.[14] The Prime Minister, who had spearheaded this new policy, also received criticisms from some civil society organizations.[15]

In July 2010, at a meeting the Prime Minister held with leaders of women's organizations, issues and problems of gender inequality in Turkish society were brought up and women activists expressed concern about the consistent and exclusive stress on motherhood and women's role within the family in his speeches. They emphasized the need for policies to remedy gender inequality in Turkish society and expressed their wish that the Prime Minister give more active support to the realization of this goal by emphasizing gender equality in his speeches.[16] In response, Mr. Erdoğan, arguing that women and men were different in nature and that they should complement one another rather than compete for equal treatment, declared that he "did not believe in equality between women and men" but rather "supported equality of opportunity."[17]

As observed on this and other occasions, political leadership's treatment of women's rights and gender issues (Çitak & Tür, 2008: 463)[18] has become increasingly colored by the tendency to emphasize women's care-giver roles within the family often identifying womanhood exclusively with motherhood; an approach resulting in the outright neglect of gender equality concerns. In the recent years, such a moral and ideological stance, is often articulated through statements of political leaders and public officials and implied, suggested or proposed in the drafting of legislation and designing of social policies.

Along these lines, in March 2010, the Ministry of Health introduced an amendment to the "Regulation Concerning Treatment Centers for Assisted Procreation",[19] setting out rules concerning assisted reproduction techniques. The regulation defines assisted reproduction as "practices that are accepted by modern medicine as medical therapeutic procedures and procedures that make the egg cell of the future mother more suitable for fertilization by the sperm of the husband through the use of techniques that ensure — if necessary by ex uterine fertilization and implantation of gametes or embryo in to the womb of future mother." As the language of the document clearly indicates, only married and heterosexual couples are permitted to benefit from assisted reproduction. The regulation also requires that both parties give legal consent to the procedure, are alive and together during the insemination process and that the process be terminated in case of the death (of the husband) or in case of divorce. It also does not permit third party reproduction and egg, sperm and embryo donations.

Despite these restrictions, however, as having children is highly valued in Turkish society,[20] it has been reported that an increasing number of couples, as well as single women who would like to have children, took advantage of the advances in medical technologies by traveling to countries where such procedures were allowed or not explicitly banned. In March 2010, further amendments were introduced to the said regulation in order to explicitly prohibit the use of donor sperm and eggs by clinics, and to ban doctors from acting as agents for foreign facilities using techniques that were banned at home. The new provisions prohibiting the use of donor provided egg and/or sperm were justified on the grounds that such a method would be contrary to the philosophy of the Turkish Penal Code as the latter (in article 231) considers 'concealing the line of descent of a child' a crime punishable by a prison sentence of up to three years. Feminists and women's groups criticized this provision as contrary to women's reproductive rights, their rights over their own bodies and sexuality.[21] In response, the Minister of Health argued that identifying the father was necessary in order to prevent possible legal complications related to inheritance of property.[22]

Although the accepted international language refers to "reproductive and sexual health", in Turkey only the term "reproductive health" is utilized. In this context, it is noteworthy that in Parliamentary debates and the public statements of governmental actors "sexual health" is hardly ever referred to. The minutes of the General Assembly discussions of the Turkish Parliament reveal that with the exception of the term 'sexual orientation', the word 'sexual' is only uttered in conjunction with the words 'crime', 'discrimination', 'exploitation', 'harassment', 'violence', 'attack' and 'damage'. The word is never used together with 'health', 'rights' or 'freedom'.

As premarital sexual activity is denounced and even punishable by the norms of a significant part of society in Turkey, issues such as sexually transmitted diseases, safe sex among the youth and between adults and women's sexual rights are hardly debated openly as policy issues. Consequently, despite the absence of any *de jure* restrictions for publicly provided reproductive and sexual health services, in most settings adolescents, unmarried individuals, particularly single women are *de facto* excluded from benefitting from these services (Özvarış, 2010: 101). Awareness-raising efforts on matters of reproductive and sexual health also often limit matters of sexuality to marriage and motherhood and are directed to adult married women.[23]

While traditional conservative social norms and the resultant political rationality characterize large segments of Turkish society and these have colored the approach of most Turkish governments throughout history regarding reproductive and sexual health policies, in the recent years, neo-liberal economic-political rationality has also come to play an increasingly important role in shaping the state's policies and their implementation.

The increased medicalization of birth and Cesarean deliveries within urban contexts (Cindoğlu & Sayan-Cengiz, 2010) is an example of how market rationality functions to impact this realm. In the last decade, a significant increase in Cesarean section deliveries (an average of 36.7% of births in 2008 in public hospitals and 40.7% in all health institutions) in the country have made these ratios distinctly higher than the WHO-suggested rate (15%). Some have argued that this trend is an indicator of Turkey's heading toward a more costly medical delivery system (Koç, 2003). The increased rate of Cesarean sections is more prevalent among women

with higher socioeconomic status, education level and age (Seçkiner & Tezcan, 2010) suggesting that Cesarean sections are perceived as a more modern, professional, low-risk form of delivery (Cindoğlu & Sayan-Cengiz, 2010).

Similarly, privatization of health services and the introduction of a performance-based scheme, the direct result of restructuring the health system in accordance with neoliberal rationality, are also having a negative effect on women's access to reproductive health services (Ağartan, 2012: 167; Akın & Özvarış, 2012). It has been argued that only few reproductive health services are reflected in the new specified performance scheme, which has now become the basis of budgetary allocations for hospitals and clinics (Çiçeklioğlu, 2010: 86). Likewise, along with the closure of neighborhood Health Centers that provided easily accessible reproductive and sexual health care services, including contraceptive advice to women of low-income families and unmarried women, many women are likely to have less access to these services in local communities.[24]

Politics of family/partnership

One of the most important aspects of neo-liberal restructuring has been the transformation of the welfare regime in Turkey.[25] Since 2002, a structural transformation of the social security and health care system, along with the restructuring of economic relations, introduction of flexibility into labor market, privatization of welfare and public services have taken place under the banner of 'increasing efficiency and profitability'. The detrimental impacts of these transformations on women from many points of view have been noted (Acar-Savran, 2008; Coşar & Yeğenoğlu, 2009; İlkkaracan, 2007; Kılıç, 2008). The welfare benefits that most women enjoyed as dependents under the old welfare regime have significantly decreased. Although this change has been justified through the discourse of equal treatment of all, the absence of any mentionable improvement in women's integration into the labor force, such a policy shift only reinforced women's relative deprivation (Coşar & Yeğenoğlu, 2009; Elveren, 2008; Kılıç, 2008; Özar & Yakut-Çakar 2012).

The hailing of the family as the pillar of society, national unity and social welfare constitutes an important aspect of this transformation. Relegating many social care services, by providing minimal financial support to the family has become a preferred method in the recent years. The policy known as "Back to the Family", initiated and implemented by the Social Services and the Children Protection Agency (SHÇEK) between 2005 and 2010, placed children who were in institutional care facilities, because their families were economically unable to support them, "back" to host families by providing monetary assistance to these families. The "Back to the Family" Program is a clear example where the family, as the building block of society is both promoted ideologically and used as an effective instrument of privatization of care services (Kılıç, 2010). The policy is defended on moral and humanitarian grounds with the argument that the family is the institution which is best suited for child-rearing and it is economically justified as an efficient system (Yazıcı, 2012).

The new approach of the state also supports foster care and adoption over institutional care, with a preference for delegating care-work to families, and encouraging dependent and family-based role of women. Within this scheme, women are assumed as designated care-givers. The low public spending level for services such as nurseries, preschool programs and elderly care facilities not only point to the little value attributed to care work, but also make women's participation in the formal labor market difficult. As main actors undertaking care and domestic duties, women remain either at home or in the informal sector.

The neo-conservative rationality, on the other hand, conceives the family as the kernel of social order. Such problems of modern societies as domestic violence, unemployment, child poverty and divorce are seen as related to the decline of the community and of the family. Strengthening the family institution is viewed as the effective remedy for these social problems and other risks of modernization and economic crises. Similarly, charities assume a social, hence political role in undertaking the responsibility of social care and assistance to the needy (Buğra, 2007, 2012).

In the last decade, the conception of women as 'sacred' mothers, keystones of the family structure and guardians of the moral-cultural order has been more and more strongly emphasized by the government of AKP in Turkey. A recent reflection of this approach can be seen in a policy that foresees monthly allowances to widows. Needy women who have lost their husbands and are taking care of their children by themselves are deemed to be eligible for this payment, on the condition that they are not remarried or are in a *de facto* union. While the provision of such benefits falls in line with the usual functioning of a welfare state, in the Turkish context, the rationale of the policy appears to incorporate a strong community-based moral dimension. The continuation of payments is dependent on the decisions of the local authorities who are to periodically review the recipients' personal and private lives.

On the other hand, admittedly, in the last several years AKP governments have shown a keen sensitivity to and a genuine concern about the prevalence of violence against women, and domestic violence, in Turkish society. The apparent commitment to improving existing legislation and efforts to develop policies in line with contemporary international standards to combat violence against women have been noteworthy. In this context, the Turkish government's active support in the drafting and adoption of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) during 2009–2011, was followed by the decision to ratify this instrument without reservations (2012) in very timely manner. Being the first member state of the Council of Europe to ratify the Istanbul Convention raised expectations from the government both at home and abroad. Indeed the government's efforts (often in cooperation with women's organizations) to pass new legislation to replace the 1998 Law on the Protection of the Family which had received criticisms for falling short of meeting conceptual and practical standards, picked up pace in the aftermath of the Istanbul Convention. These efforts resulting, shortly afterwards, in the promulgation of a new law, entitled "Law on the Protection of the Family and Prevention of Violence against Women" (2012) have been generally

evaluated positively. However, here too, the dynamics of the law-making process as well as its outcome, i.e., the new legislation, essentially revealed the policy-makers' instinctive emphasis on the protection of the family institution first and foremost. Their moral concerns and limited engagement with a rights-based treatment of violence against women resulted in the new law also falling somewhat short of the international standards it was expected to reflect.[26]

It is important, in this context, to underline that the government's policy-making strategy does not recognize the essential theoretical connection between gender-based-violence against women and overall gender inequality. Structural analyses of the sources of violence against women and transformative mechanisms of elimination, such as those of women's empowerment, are thus rarely offered by the policy makers (Acar et al., 2007; Altunok & Gözdaşoğlu Küçükalioğlu, 2009). To put it differently, violence against women is also not treated as a serious 'violation of women's human rights' on the entire spectrum of rights. Often it is conceived in a restricted way, referring basically to physical violence and expected to be effectively controlled through penal law measures. Also many times, women are viewed as victims in need of protection and violence against them is perceived as mainly a threat to the family institution that also has a negative impact on children's welfare. Therefore, women exposed to physical violence are offered protection within the family rather than social, political or economic equality in society.

Other such more complex forms of violence against women as sexual violence or psychological violence, and particularly those types that are associated with 'culture' and 'tradition' in the collective psyche, can hardly appear on the public policy agenda. These forms of gender-based-violence are documented in academic studies as well as the state's own research reports (Arat & Altınay, 2009; KSGM, 2008); yet they do not receive due attention in national policy making. Similarly, early marriage, recognized as a form of violence in international documents, including the Istanbul Convention, is hardly ever considered a form of gender-based violence in Turkish legislation or policies (Acar et al., 2007).

Politics of sexuality

Up until 2004, the Penal Code of the Turkish Republic was a law that was adopted in 1926. Its provisions regarding sexual crimes and crimes committed against women reflected the patriarchal and authoritarian mentality that conceived of the law as the protector of the nation's (and women's) morality. While there had been a strong demand from women's organizations and other civil society groups to amend or altogether replace this law for a considerable time and several efforts had been underway, finally with Turkey's EU candidacy (1999), acting as a key catalyst, a new Penal Code (No: 5237) was promulgated in 2004. In regard to sexual offenses, the new law was celebrated as it replaced the notion of protection of public morality with protection of the individual, and his/her sexual and bodily integrity. References to traditional concepts such as morality, chastity, honor or virginity were removed from the Code. Custom killings[27] which are clear reflections of community control over sexuality were considered as aggravated homicides and became heavily punishable crimes under the new law. The Penal Code also criminalized marital rape in an effort to protect women's bodily integrity and human rights. It prohibited genital examinations (i.e. virginity control) carried out without the consent of the woman except when requested by the court as part of a criminal investigation. Despite these and other improvements, the new Penal Code still fell short of fulfilling contemporary international standards in terms of women's human rights.[28] In the process the political will to regulate sexuality in moral terms has been visible particularly in the treatment of topics such as "honor, virginity, sexual relations of youth and sexual orientation" (İlkkaracan, 2008). In the ensuing years, the increasing dominance of the neo-conservative rationality has further legitimized and extended the grounds for moral regulation of sexual matters.

In this context, a look at the legal framework and policies regarding homosexuality would be of interest. As can be expected, same-sex relations are still not a policy issue in Turkey, despite the existing demand for the protection of the human rights of LGBTs. Although homosexuality is not illegal in Turkey, it has no specific legal recognition either. Therefore, no specific laws exist to protect LGBT people from discrimination in employment, education, and housing or even from any violence that they may be subjected to on account of their sexual orientation. While compared to male homosexuality which is actively denounced and often more likely to be a basis of discrimination in society, lesbian relationships can remain invisible and may be less likely to be perceived as a threat to 'femininity'. Nonetheless lesbian or bi-sexual women may be more vulnerable to sexual harassment and to the danger of marginalization than heterosexuals. During the 2002–2004 Penal Code campaign, LGBT and women's groups acted together to voice their demand for the criminalization of discrimination based on sexual orientation, but these efforts failed.[29]

Transsexuals and transvestites, on the other hand, appear to be the most disadvantaged group; their sexual identity being the most 'visible' and 'different'. It has been reported that transgendered people are often denied access to employment and are forced to work in the streets as sex workers, leading to further problems of social exclusion, humiliation and harassment for this group of people. This is despite the fact that since 1988, transsexuality is legally recognized in Turkey.[30]

Market-based rationality would not oppose gay and lesbian rights in theory. Rather, from a cost-benefit perspective, a neo-liberal political rationality "could be expected to support and expand spousal definition that contributed to the privatization of these costs, while opposing any expanded definition that increased public responsibility for them" (Cossman & Fudge, 2002: 182). In regard to neo-conservative political rationality, however, LGBT demands for equal rights and for partnership rights represent a direct threat to the traditional heterosexual family structure. For this reason, in societies where conservative or neo-conservative groups have governmental power or have a strong social base from which they may challenge the liberal perspective, the adoption of legislation, which recognizes LGBT rights, would be difficult.

Within this context, the Turkish case clearly verifies the opposition of neo-conservatism to gay and lesbian rights. A public statement made by the former Minister of State in charge of Women and Family Affairs, can well exemplify this stance. The minister stated that, in her opinion, homosexuality

was a biological disorder (a disease), and those inflicted should be treated.[31] It is noteworthy that the minister did not reject homosexuality on the grounds of religion but employed a medical discourse to stigmatize the phenomenon. Her statement found support from conservative groups[32] but it was also criticized by some in these circles for its modernist tone. It was claimed that by denouncing homosexuality as a disease, the minister was using 'secular' language instead of a religion based one that would classify it as a "sin".[33]

Conclusion

In seeking to assess the impact, over the last decade, of the dominating political discourse and socio-cultural climate created by the rule of the AKP in Turkey, we have argued in this paper, that the normative and instrumental policies of the state, increasingly colored by neo-liberalism and neo-conservatism, have fed into each other at the expense of gender equality as a political concern.

As the neo-liberal rationality emphasizes the efficiency and profitability of organizations, as well as 'gender-blindness' in policy making, groups that suffer from various forms of inequality, particularly women (notably single and low-income women) are excluded from the system, and remain exposed to the detrimental impact of existing gender and structural inequalities.

While neo-liberalism places emphasis on individual self-reliance and the self-regulation of social and economic domains, neo-conservatism ascribes greater moral value to the private sphere, which makes disadvantaged groups more vulnerable *vis a vis* power relations.

Here, within the conceptual framework of the 'politics of intimate' in Turkey, the gendered impact of the conjunction of two rationalities have been traced. The Turkish experience indicates that in such a conjunction, women are increasingly placed within the boundaries of the private sphere and their subjectivities are defined with reference to the traditional roles of care giving.

Family is crucial to the functioning of the neo-conservative mentality and not only is it the legitimate domain for experiencing sexual and reproductive capabilities, but it also plays a crucial role in producing and sustaining the desired moral order. The family also becomes vital to the functioning of neo-liberal rationality. The welfare and social security services of the state that are weakened under neo-liberal policies are largely compensated for by mechanisms of the social and private domain, namely the family and charity organizations.

In this process, regulation of sexuality becomes a central concern of the neo-conservative rule. As the treatment of issues such as abortion, homosexuality or the sexuality of youth or unmarried women shows any challenge to the heterosexual and patriarchal family structure is strongly rejected. Reproductive or sexual right claims, therefore, do not receive a response from the policy makers.

In such circumstances, the struggle for gender equality may be limited to a struggle by women merely to conserve their existing rights or it may even regress to a struggle for survival. In Turkey, in the last decade, it seems that the prioritization of the gender-based violence against women issue in the state's gender policies, as well as the heightened concern of the women's movement with the state's handling of this matter needs to be seen in this light.

Our argument in this paper has been that in Turkey in the last decade, the definition of citizenship roles with reference to the market (as wage-earner vs. other), and gender roles with reference to the family (as care-giver vs. other) that flow from neo-liberal and neo-conservative perspectives respectively, have served to complement each other in both economic and political terms. This combination has also resulted in the dim, indeed unfair, recognition of gender differences and has failed to provide equal valuation of the qualitatively different contributions made by women and men. Furthermore, in this period a rights-based account of gender equality as a political concern, (whether understood as an egalitarian or a transformative project) has lost significant ground.

Endnotes

[1] In the same speech, he also said "every abortion is an Uludere" in reference to the incident that took place in December 2011 when 34 civilians were unintentionally killed by war planes at the South-eastern border of Turkey triggering a strong public outrage in the country.

[2] Following the Prime Minister's outburst, the Minister of Health confirmed that preparations were under way to draft amendments to the existing laws in order to ban or restrict abortions. On the same occasion, the Minister also stated that even pregnancies resulting from rape should not be terminated and babies born as a result of such cases could be taken care of by the state. Soon afterwards, the Head of the General Directorate of Religious Affairs also made a public statement supporting the government's position.Protests and demonstrations against these views were held in many cities and towns across the country; thousands of women and men signed petitions and the issue was given front-page coverage in the national media. In the face of these protests, the originally proposed amendment to ban abortion altogether appears to be withdrawn from the agenda. While the amendment process is postponed to the next session of Parliament (in Fall 2012), significant restrictions of the existing framework are, nonetheless, expected.With regard to the expected changes, it is reported that while the legal ten week limit for abortions on demand may be retained, there will be a mandatory four-day period for reconsideration of the decision and the existing punishment (one year imprisonment or fine) for abortions with no medical reasons beyond the ten week limit will be increased (up to three years). Also the replacement of the existing Population Planning Law (1982) with a new Reproductive Health Services Law is expected. Ensuring availability of 'morning-after' pills in health institutions as well as amendments and measures to provide for increased paid maternity leave up to six months and social security coverage of services for "painless birth" are envisaged with a view to promote the birth rate.

[3] In this context, the decision of the ECHR in the L Şahin v. Turkey (no. 44774/98) case supporting the state's right to ban headscarves in universities and civil service can be seen as a turning point that triggered a paradigm shift in AKP's increasingly religion-inspired conservative discourse. On that occasion, reacting to the ECHR's decision, the Prime Minister said that on matters of this nature the *Ulema* (Islamic clergy) — rather than the Court, should be consulted.

[4] In this context, commenting to the AKP government's position on abortion, the feminist activist Hülya Gülbahar, has observed a shift in the discourse from one that associated women with motherhood to one that labeled women who refuse such an association (in this case, by claiming their 'right to abortion') as ' murderers'. (2012, June, 17) *Hürriyet*. Retrieved July 1, 2012 from http://www.hurriyet.com.tr/yazarlar/20777062.asp.

[5] For Brown (2006: 697), the neoconservative promotion of state power and its attribution of moral authority to the state is at odds with traditional 'conservatism', which is identified by its commitment to "a modest libertarianism", "frugality and fiscal tightness", social and cultural modesty, "refinement, rectitude, civility, education, and discipline" and it also conflicts with classical liberalism that defends a limited state.

[6] For instance, while a given socio-cultural medium may aim to enlighten and emancipate women by unveiling them, in another context, veiling may be promoted as a symbol of purity or freedom. Societies may restrict women's sexuality by such practices like virginity-testing, honor-killings or FGM,

associating young women's virginity, with the honor of the community or her sexual activism and promiscuity with the community's moral decline. For an exemplary analysis, see Parla, A. (2001). The honour of the state: Virginity examinations in Turkey. *Feminist Studies (27)* 1: 65–88.

[7] Striking reflection of this changing relationship between the state and individuals can be observed in the discourse of the new political elite in Turkey. For instance, unmoved by the demands and protests of graduates of teacher training institutions who are long awaiting appointment to the public school system, the Minister of Education, in an unabashed neo-liberal tone, has said "may they find other suitable jobs!" The Prime Minister, on the other hand, in tandem with the neo-conservative position, has openly declared his government's desire "to raise pious generations".

[8] In the recent years, some feminist scholarship has, increasingly, pointed out the limits of the scope and approach of these policies. See *inter alia* Bozdoğan S., & Kasaba, R. (Eds.) (1997). *Rethinking modernity and national identity* in Turkey. Seattle: University of Washington Pres; Arat Z., 1995. Turkish women and the republican reconstruction of tradition. In F. M. Gocek, & S. Balaghi (Eds.) (1994). *Reconstructing gender in Middle East: Tradition, identity, and power* (57–80), New York: Columbia University Press.

[9] In this period, the introduction of market rationality impacted the nature and extent of civil society activism. Closer ties with international community and increased funds coming from international donors lead to the development of a "project culture", transforming civil society activism into an area that is largely colored by competition for economic resources and donor preferences. On the emerging "project culture" in civil society in Turkey, see Kuzmanovic, D. (2010). Project culture and Turkish civil society, *Turkish Studies*, *11*(3). 429–444.

[10] A pronatalist population policy had characterized the early years of the Turkish Republic in order to respond to the country's defense needs and to address the shortage of agricultural labor at the time. See Akın, A. (2007). Emergence of the family planning program in Turkey. In W. C. Robinson & A. R. John (Eds.), *The global family planning revolution: Three decades of population policies and programs* (pp. 85–103). Washington DC: The World Bank. In the ensuing years, a rapid population growth in conjunction with rising levels of unemployment, high infant and maternal mortality rates and prevalence of a high number of unsafe abortions in the country had led to a drastic shift and the adoption of an antinatalist national population planning strategy, in the 1960s. This was formalized by the promulgation of the Law on Population Planning (No. 557, dated 1 April 1965).

[11] For an example of the new approach see: Erdoğan lashes out at birth control in campaign rally. (2011, May 16) *Today's Zaman*. Retrieved May 1, 2011 from http://www.todayszaman.com/newsDetail_getNewsById.action?load=detay&newsId=244165&link=244165.

[12] For instance in May 2010, the Governor of the Kırıkkale, at the opening of an exhibition of handicrafts by young women who had attended a local vocational course announced that his governorship would provide free bridal gowns to prospective brides from poor families, if they promised to have at least three children after they marry. See: 'An interesting offer from the Governor to the poor girls.' (2010, May 05) *Milliyet*. Retrieved May 1, 2011 from http://www.milliyet.com.tr/validen-yoksul-kizlara-ilginc-gelinlik-sarti/siyaset/sondakikaarsiv/05.05.2010/1234009/default.htm?ver=31.

[13] Medical Association of Ankara issued a press release which included a critique of the Draft Law. It's dangerous for social rather than scientific reasons (2004, January 14). Retrieved April 30, 2012 from http://www.ttb.org.tr/TD/TD116/10.php.

[14] For the parliamentary debates on the issue see: Turkish Grand National Assembly Journal of Minutes Term 22 Legislative Year 1 Session 41 Volume 6, 5 March 2003.

[15] The Turkish Medical Association, for instance, issued a press release countering the Prime Minister's assertion about the reality of a population decline. It predicted that with a population growth rate of 2%, Turkey's population would be 87, 8 million in 2025 and further argued that with 26.8% of women being in the reproductive age and 50% under the age of 25, Turkey would not face a problem of population decline in the next 30 years.

[16] For examples of such criticisms see: Hülya Gülbahar. Prime Minister listened to women carefully and rejected every suggestion. *Uçan Süpürge*. Retrieved April 1, 2012 from: http://www.ucansupurge.org/index.php?option=com_content&view=article&id=835:basbakan-kadinlari-dikkatle-dinledi-her-turlu-oneriyi-reddetti&catid=51:diger&Itemid=115.

[17] For media reporting of the Prime Minister's statement see: A man is a man a woman is a woman (2010, July 31). Retrieved April 30, 2012 from http://www.ntvmsnbc.com/id/25119314.

[18] In the Third Congress on Women in Local Government held in 2007, Prime Minister Erdoğan stated that there is no status comparable to motherhood and that this is the reason why 'our (Islamic) civilization' has placed Heaven under the feet of mothers, and not those of fathers (Çitak & Tür, 2008). In a speech he delivered on March 8th 2012, Erdoğan not only repeated his emphasis on family and his identification of womanhood with motherhood, but also strongly criticizes those who did not agree with the government's approach: "This is how some approach the family. They certainly don't like it at all; they fulminate against motherhood. They can't stand it. When we say 'mothers' they say 'we are against mothers'. Women, women, women! Who is a mother? Isn't she a woman?" See, Prime Minister's Terror-Message to Women. *Radikal*. Retrieved April 17, 2012 from http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1081127&CategoryID=78.

[19] Üremeye Yardımcı Tedavi Uygulamaları Ve Üremeye Yardımcı Tedavi Merkezleri Hakkında Yönetmelik (Regulation on Practices of Treatment for Assisting Procreation and Treatment Centers Assisting Procreation) *Resmi Gazete (Official Gazette):6.3.2010-27513* was first issued in 1987 and later amended in 1996, 2005 and finally in 2010.

[20] In a study conducted with 400 participants, in two separate districts of a large Turkish city, it was found that the majority of the participants approved egg donation for medical reasons such as cancer treatment (80.5%) or infertility due to age (64.8%), medical (or mental) problems in the family (49.3%) and in cases where a previous child (46.8%) was disabled. Upon a comparison of these findings with similar research conducted in Iran it was concluded that "family-based culture of Turkish society" associates woman's dignity and self-esteem closely with her reproductive capability and thus has less problems with justifying/accepting practices that overcome infertility See Isikoglu M. et al. (2006). Public opinion regarding oocyte donation in Turkey: First data from a secular population among the Islamic world, *Human Reproduction, 21*(1). 318–323.

[21] Women's rights activists criticized the government for not publicly debating the ban before its issuance and argued that it is discriminating against single women and gay couples as it does not recognize their right to benefit from the technology of artificial insemination to become parents. See: Pinar İlkkaracan,Turkey bans trips abroad for artificial insemination. *The World*. (2010, March 16) Retrieved April 12, 20111 from http://www.theworld.org/2010/03/16/turkey-bans-trips-abroad-for-artificial-insemination/ and Turkey bans trips abroad for artificial insemination. *BBC News*. (2010, March 15) Retrieved April 12, 20111 from http://news.bbc.co.uk/2/hi/europe/8568733.stm.

[22] In this debate it was also underlined that knowing the identity of the father would help prevent those situations where siblings unknowingly may engage in a sexual relationship with each other, although obviously the probability of such occurrences would be very low.

[23] In January 2012, AKP Ankara Women's branch initiated a program, called 'Mother Academy'. The 12-week training program declares its aim to be the education of women for the raising of healthy future generations. The training module starts with the education of women with pregnancy and then moves to childraising, family care and ends with menapause.

[24] The transformation of health care includes the introduction of a model that is composed of a family medicine system, general health insurance system and autonomous hospitals. Within the newly established family medicine model, many reproductive health care services are transferred to family physicians. However, it has been noted that the provision of such services as the placement of intrauterine devices require special certificates to practice, and there is a lack of family physicians with such certificates, making many women unable to benefit from low-cost reproductive services. Another notable drawback of the new system is the ceasing of free provision of "oral contraceptives, intrauterine devices, and condoms" and of termination of pregnancy and other planning services by the hospitals. See Akın, A. (2011). Günümüz Türkiyesinde aile planlaması politikaları. Paper presented at *Günümüz Türkiyesinde aile planlaması politikaları sempozyumu*. Izmir: Turkey.

[25] The welfare regime of the Turkish state has been conventionally defined as a corporatist welfare regime (Esping-Andersen, 1999) typical of the Southern European countries (Buğra, 2012; Buğra & Keyder, 2007; Buğra & Yakut-Çakar, 2010). This welfare system was built upon the male breadwinner/female homemaker family model. In line with the low female employment rate in the country, women's access to social security has been mainly through formally employed male relatives. Women have received social assistance and welfare benefits as wives, daughters and mothers, i.e. as dependents. Despite a worldwide increase in female employment in the last two decades, overall female employment rate did not rise in Turkey; it even dropped from 33.1% in 1988 to 23% in 2007 (Buğra & Yakut-Çakar, 2010:518). While in a recent speech, the Minister of Family and Social Policy

Fatma Şahin, is quoted as stating this figure to be 30%, the Turkish Statistics Institute (TUIK) data reflect it as 27.4%, as of February 2012. It has also been pointed out that along with the rapid urbanization and restructuring of the economic system, women are increasingly involved in informal work (including short-term contract labor, casual work, part-time work, and home-based piece work), which means lack of both job security and social security.

[26] For a detailed discussion of the importance of integration into the global community and particularly the role of EU (which has come to a halt) for controlling the religious political rationality vis-a-vis the expansion of women's rights in Turkey see Yeşim Arat. 2010. Religion, Politics and Gender Equality in Turkey: Implications of a Democratic Paradox. *Third World Quarterly*. Special Issue: The Unhappy Marriage of Religion and Politics: Problems and Pitfalls for Gender Equality. 31(6): 869–884.

[27] Custom killings denote murders that are committed in the name of so-called 'honor' and mostly targeting women. While the terms 'honor killing' or so-called honor killings' are used in international terminology, the Turkish Penal Code opted for the narrower term of 'custom killings' also falling short of the expectations of the women's movement that worked for the promulgation of the law.

[28] Among these shortcomings, the law's preference in adopting the use of the term 'custom killing' instead of 'honor killings'; its failure to exclusively demand the women's consent as a prerequisite for all genital examinations; its criminalization of consensual sexual relationships of those aged between 15 and 18 upon complaint and its criminalization of the publication of obscene material (which was seen as a threat to freedom of expression, particularly against lesbian, gay, bisexual, transgender (LGBT) groups) have often been noted by domestic and international reviewers. For an evaluation of some of these issues by the UN Treaty Body monitoring women's rights and gender equality, see CEDAW Committee's Concluding Observations for Turkey, in 2005 and 2010.

[29] For an analysis of this process and its outcome see Kurbanoğlu, E. (2010). *The LGBT and women's movements in Turkey: a comparative analysis* (Master's thesis). Middle East Technical University, Ankara.

[30] According to the Civil Code, those who have had sex reassignment surgery can receive the appropriate identity card (i.e. pink for women, blue for men as everyone else) thereby receiving formal recognition for their new sex.

[31] Faruk Bildirici (7 March 2010) Homosexuality is a sickness and should be treated. *Hürriyet*. Retrieved April 30, 2011 from http://www.hurriyet.com.tr/pazar/14031207.asp.The statement made by the minister gave way to protests and debates in the media. LGBT rights activists demanded an apology from her; asking for her resignation and for charges to be brought against her. While the minister did not apologize neither has any legal action been taken against her and the government has not revisited the issue since.Turkey also opposed the Final Communique of the 29th Session of the Conference of European Ministers responsible for Family Affairs held on 16–17 June 2009, in Vienna, Austria which stated "Family today means a variety of living arrangements and children in Europe are growing up in different family forms. These may vary from one country to another and change during the child's life course".

[32] Some NGOs, which are known to have conservative tendencies, wrote a public letter which supported the minister. The letter defined homosexuality as deviance, a religiously forbidden practice which is against human nature, the family, society and the human race. It also asks the minister to formulate and implement policy actions against the propaganda of homosexuality. A blog site was opened to organize support against homosexuality. See 'Homosexuality is a sickness', retrieved May 11, 2011 from http://www.escinsellikhastaliktir.blogspot.com/. In an interesting turn of events, at this instance, the LGBT groups who had in the past supported the lifting of the ban on women's wearing of headscarves at universities and in public offices demanded veiled women's support (to no avail) in opposing the minister's statement. As part of the rising politics of identity in the last two decades, demands on the basis of sexuality, ethnicity and religion have often shared the liberal foundation in asserting their 'private' identities to be recognized by the state and made part of the public order.

[33] For an elaboration of this argument, see: Hilal Kaplan. 'Islam and the issue of Homosexuality' (03 April 2010) Retrieved May 11, 2011 from http://www.taraf.com.tr/haber/islam-ve-escinsellik-meselesi.htm.

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