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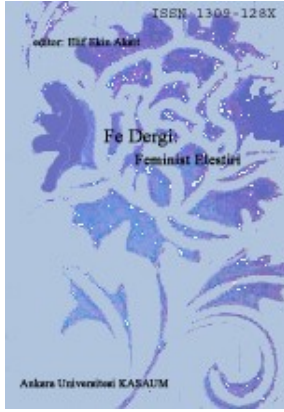
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Anti-abortion Policies in Late Ottoman Empire and Early Republican Turkey: Intervention of State on Women's Body and Reproductivity

Ece Cihan Ertem*

The issue of abortion started to be perceived as a public health problem during the late Ottoman era and early Republican Turkey by the state and committing an abortion was accepted as a crime that was committed against the whole society. This paper states that the criminalization of abortion starting from late Ottoman era as an intervention on reproductivity is an act on female body since it implied the assignment of a duty on women as child raisers and reduces female identity into motherhood. Hence, this state interference on female body paved the way for women's inferior position subjected to only being mothers by eulogizing the duty of child bearing. In this paper, the concept of abortion is studied through legal changes during the late Ottoman and early Republican era by the edicts and legal documents of the term indicating the applications and events related to abortion. The policies in early Republican Turkey went hand in hand with the applications of the general frame work of health policies of late Ottoman era which were a part of the reform movements starting in late 18th century.

Keywords: Abortion, the body, law, policy, history

Osmanlı Son Dönemi ve Erken Cumhuriyet Döneminde Kürtaj Karşıtı Politikalar: Devletin Kadın Bedeni ve Üreme Sürecine Müdahalesi

Osmanlı son dönemi ve erken Cumhuriyet döneminde kürtaj bir "halk sağlığı" kavramı olarak görülmüş; kürtaj yaptırmak topluma karşı işlenmiş bir suç olarak algılanmıştır. 18. yüzyılın sonunda, genel reform hareketlerinin bir parçası olan sağlık ve nüfus politikalarının erken Cumhuriyet döneminde de kürtaj kavramı düşünüldüğünde aynı eksenle devam ettirildiği söylenebilir. Bu makale, Osmanlı son döneminde önceleri aileye dair bir kavram olarak görülmekte olan kadının kürtaj hakkının devlet tarafından suç haline getirilmesini ve özel alandan kamusal alana taşınmasını kadın bedenine bir müdahale olarak yorumlar, bu süreci Osmanlı son dönemi ile erken Cumhuriyet dönemi nüfus politikaları çerçevesinde değerlendirir. Söz konusu politikalar ile birlikte kadının asli görevi çocuk yetiştirmeye, kadın kimliği ise anneliğe indirgenmiş, devletin kadın bedenine olan bu müdahalesi kadını kutsal çocuk yetiştirme görevi ile özdeşleştirerek onun toplumda ikincil konumunu pekiştirmiştir. Makalede, Osmanlı son dönemi ve erken Cumhuriyet döneminde kürtaj kavramının suç haline getirilmesini sağlayan kanun değişiklikleri irdelenmiş, çeşitli uygulamalar arşiv belgeleri ile incelenmiştir.

Introduction

Regarding the politics of health in the eighteenth century, Michel Foucault argues that government policies of medicine and hygiene practices became a tool for social control. In order to prevent epidemic diseases, reduce death rates and prolong the average life span, societies were introduced to authoritarian medical interventions and controls implemented by the states which were unusual and dramatic for the population of the term since they required criminalization of some acts that were legal before. Abortion was one of the practices that were out of the state's control however with the aim of encouraging reproduction it has been banned in lots of countries. Although family had been perceived as a unit in the kinship system, with the political advances of eighteenth century, it became to be seen as the core medium in which the individual was raised. This physical environment gained importance due to its function of developing children.¹ Originating from 18th century, "the collective health" concept was introduced based on structures of power and raising children has been a core interest of states.

The analysis of Michel Foucault for European societies is valid for 19th and 20th century Ottoman Empire as well. With modernization process and the the implementation of reforms, public health policies gained importance. The state has not only criminalized contraception methods including abortion, but also intervened into the private lives of the citizens mainly on female body and reproduction process. The transformation of the family concept from private to public is the key unit regarding Ottoman Empire nineteenth century public health policies. As an alternative explanation to modernist narrative that interprets Ottoman public health policies as reforms that enhance the society, this paper approaches the novelties of nineteenth century as methods aimed at

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control and discipline of this “amorphous” mass. Accordingly, it would like to indicate that legal sanctions on abortion during late Ottoman Empire era as a part of public health policies, were an intervention of the state on female body. This paper argues that the criminalization of abortion and the intervention on reproductivity is an act on female body since it has become an early emphasis on women’s duty as child raisers and reduces female identity into motherhood. Hence, this state interference on female body paved the way for women’s inferior position subjected to only being mothers by glorifying the duty of child bearing. As a second argument, this paper proposes that these public health policies transferred the perception of the concept of “family” and “family matters” from private to public sphere. The following term, early republican era in modern Turkey, went on implementing similar policies without a rupture on the issue of abortion within the frame work of public health.

There are several previous works conducted on the same area. Among them, Demirci’s and Somel’s article, “Women’s Bodies, Demography and Public Health: Abortion Policy and perspectives in the Ottoman Empire of the Nineteen Century”² is especially illuminating. Demirci and Somel elaborate the issue of abortion within the frame work of Ottoman modernization and emphasize the importance given to demographic policies. Their article underlines the intervention of reformist state while denoting the former religious interpretations creating relatively free medium. However, I would like to draw attention to the role of religion while composing the new codification about religion. The laws of Islam were also used by reformist state as an active confirmation to ban abortion. Therefore reformist state collaborated with Islamic authorities while intervening women’s reproduction.

Demirci and Somel, used records from Ottoman state documents archive on the issues of abortion, explored some articles from newspapers and some extracts from literary works. What I was trying to do is to explore the topic with more records from Ottoman documents archive and try to show the link between the public health policies of late Ottoman era and early Republican period.

Another article that paved the way for my work is Düzbakar’s article entitled “Abortion in the Islamic-Ottoman Legal Systems”³. Düzbakar portrays cross-cultural perspectives on abortion starting from ancient civilizations. Furthermore, he deals with early Islamic legal systems that paved the way for Ottoman regulations before reform period of 19th century. Düzbakar not only gives a detailed information on legislation but also cited some examples from abortion incidents in Ottoman land.

Last but not the least, Ruth Miller’s article entitled “Rights, Reproduction, Sexuality and Citizenship in the Ottoman Empire and Turkey” draws a broader perspective on the issue.⁴ Miller also portrays a comparative perception of the subject of reproduction by looking at the legislations of France and Italy from which Ottoman and Turkish legislations were inspired respectively. Her article is mostly based on the social and legal implications of female sexuality and abortion was dealt as a side issue. This article supplies a useful framework of citizenship and within this framework the differentiation of gendered spaces becomes more clear.

In this paper I would like to indicate that, with a modernist approach of the governing elites the issue of abortion was taken as a public health problem during the late Ottoman era and early Republican Turkey and furthermore committing an abortion was accepted as a crime committed against whole society. The policies in early Republican Turkey went hand in hand with the applications of the general frame work of health policies of late Ottoman era which were a part of the reform movements starting in late 18th century. Therefore, the general reform movements are mentioned briefly in order to explore the background of the subject. The continuity of the policies of late Ottoman and early republican periods are tried to be emphasized as well.

The Historical Context of the State intervention

Public health policies can be seen as a part of reform movements in 18th century Ottoman Empire. During the 28-year-rule of Selim III, the first steps of renovations were undertaken originating in the area of the Army. These renovations were called “nizam-ı cedit”, than can be translated as “the new order”. Some historians state that Selim was inspired by the French Revolution and its consequent reforms and named Ottoman reforms after them. However, these reforms led the fall of Selim’s reign and his death. During the reign of his successor, Mahmut II (1808 - 1839), the renovations were accelerated. These movements were mostly based on the professionalism of the army which would require the establishment educational and medical institutions as well. In 1827, during the reign of Sultan Mahmut II, the first medical school, “Tıphane ve Cerrahhane-i Amire”, was established in order

to supply doctors for the army. The “modernization” process proceeded with Tanzimat period, from 1839 to 1876. The legal system and codification reordering the private and public life of citizens became efficient.⁵

The issue of abortion is a part of general health policies claiming the individual to be a part of the collective and addressing him/her as the possession of the state. In her article, dealing with reproduction, sexuality and citizenship, Miller introduces two definitions of the state regarding the issue of reproduction: one is closer to the liberal definition describing citizen as the holder of active rights and the other as the bearer of a collective political identity. She argues that there has been a constant tension between the advocates of two definitions for the Ottoman Empire’s and modern Turkey’s contexts.⁶ However, this paper proposes that the codification in late Ottoman era and Tanzimat period regarding reproduction was mostly based on the acception of citizenship in the collective sense of identity and the analysis of the issue has been conducted accordingly.

As for the governmental policies towards abortion, records regarding this issue are rare before the late eighteenth century. However, Ottoman state had adopted a Sunni Islamic identity and it seems reasonable to look at Islamic doctrinal attitudes concerning abortion before its prohibition by the State in the nineteenth century. In the Koran there is the Surah of Isra that bans infanticide with the excuse of poverty.⁷ The Ottoman Islamic establishment mainly follows the Hanafi school among the others such as the Shafi’s, the Maliki’s, the Hanbali’s, the Zaydi’s and the Imamite Shi’ites. All of these schools have different approaches to the act of abortion. The Hanafi opinion approves abortion within the first four months of conception since within this duration it was believed that the fetus did not complete the process of acquiring a human soul. Without valid reasons such as medical jeopardies to mother’s health, early abortion is called *makrouh* (allowed but condemned). The inability to breast-feed a baby or material lackings of hiring a wet nurse were also included as valid reasons to abort.⁸ Furthermore, within the specified time span, women should consult to their husbands to abort the progeny otherwise they should pay some amount of money called *diyet* (blood money).

In the Ottoman era, with the adoption of modernist progressive perspective and the introduction of reforms, the abortion concept was taken into account mostly within the frame work of pronatalist views. The demographic concern emerged in the weakening empire and that situation caused the governors to focus on abortion cases which were before hand described as a free act compared to Western countries of the same period.⁹ As a consequence, in May 1789 the sale of medicines leading to miscarriage or abortion by physicians and pharmacists was outlawed with a decree.¹⁰ In June 1790, abortion was ruled out with an order.¹¹ The order prohibiting abortion or deliberate miscarriage was also applied for non-Muslim community in accordance with their religious leaders. In 1827, two Jewish women were exiled to Thessalonica due to their crime of providing abortifacients to pregnant women.¹² In short, in the late eighteenth century anti-abortion policies started to be implemented partially, but the act of 1838 would make it sure that abortion was a crime and justify the reasons for its criminalization.

Legal Steps of Anti-abortion Policies

The edict of 1838 published between 8 and 18 November 1838 clearly stated that the welfare of a country relies on its population. Besides, the protection of the progeny was emphasized as a religious duty of human beings and the act of abortion was against the will of God. Abortion was defined as the killing of a soul, “*adeta ifna-yı nefis*”, harming a fruit of parents soul, “*semere-i fuad*”, and an operation originated with a perverse tradition, “*asar-ı dalal*” that should be avoided.¹³

According to the edict, the state declared that they found out two motives behind the act of abortion. The first one was the unwillingness of the mother who did not want to carry the burden of having a child. The other and a supposedly more frequent reason was the material difficulty of rearing a child. In order to eliminate these motives, state decided to take up measures such as turning midwives into state agents who were traditionally parts of families and could easily enter into the private sphere of pregnant women and supported poor families financially by donating some amount of money to the parents of children more than five and twins, triplets so on. The physicians, pharmacists and drug sellers were also taken under the central control in order to prevent illegal use of abortifacient drugs.

In the edict, the restriction over abortion is reinforced by the use of religious elements. According to the statements of the edict, the committers of this act were going to be punished not only in this world but also in the other world after death. It was said that if the woman who wanted to commit the crime of abortion died, she would have deserved this consequence.¹⁴ Furthermore, it was indicated that abortion had become a very popular

act in Istanbul among Boğaziçi neighbourhoods. Therefore, the neighbours of the citizens who had a possibility of having an abortion should be careful and cautious. They should also be punished if they did not inform the officers of state when they were aware of the fact that their neighbour had an abortion.¹⁵

The education of midwives and the use of them for abortion preventive purposes were also a controversial subject in the progressive narrative of modernity. Similar laws were enacted simultaneously in Egypt by the governor Mehmet Ali Pasha against abortion. These reforms related to public health, alternatively was evaluated as authoritative and repressive by Hatem and Fahmy who described the process in Egypt in detail.¹⁶

In Egypt a state school was established for midwifery in 1832 by Clot Bey who was assigned as the chief consultant for health policies during the years of 1825-1849. The Ottoman counterpart of the School of Midwives was founded in Istanbul in 1842. Therefore, midwifery was the first profession in civil service for Ottoman women. Although the education of women was seen as a step towards modernization, educating midwives and turning them into a civil servant was useful for surveillance on families in the prohibition of abortion. Furthermore; as Hatem argues, medical course taught at school created new forms of power on women's bodies which enabled the state to determine the uses of women's productive skills. The new educated midwives were to be spread the new moral and legal rules to society in order to discipline the procreative skills of women. Therefore, these schools created a new middle-class of professional women whose duty was policing other women and also their traditional colleagues *ebe* in the Ottoman context, *daya* in the Egyptian.¹⁷

Fahmy also emphasized the policing role of the midwives during the term. He denoted that "modern" midwives graduated from the "enlightening institution" had a paradoxical situation since they realized that they were deliberately used by the state as agents of discipline and regulation, although the school had empowered them by recruiting with a prestigious profession. Hence, this school controlled midwives' existence while emancipating them by supplying a regular income and a limited power of knowledge.¹⁸

For the midwives issue, by 1845 thirty-six women were trained to be midwives including ten Muslim and twenty-six non-Muslim women. Traditional midwives were still working in local provinces although the government ordered all the midwives to be registered.¹⁹

Even though the abortion policy of Ottoman state and the restriction of its execution were quite clear in the edict of 1838, this issue had a place neither in the criminal code of 1840 (Ceza Kanunnamesi) nor in New Law of 1851. (Kanun-i Cedit) The criminal code of 1851 was the first legal document after the 1838 edict that contained legal sanctions against abortion. 1851 criminal code remained valid until 1926 with some additional amendments in 1911.

The code of 1851 articulated clearly that if a woman committed abortion by taking an abortifacient or by using instruments; any person providing her drugs or tools would be sentenced to six months to two years imprisonment. Any physician, pharmacist, surgeon helped the process of abortion would be sent to compulsory labour. Any person who caused a miscarriage would pay a *diyet* (blood money). However, if the trauma or the factor of abortion was done on purpose, than the committer would have forced labor in addition to *diyet*.²⁰ It is interesting to see that in the code of 1858, there was no penalty for the women who wished to abort the fetus. It was a great contrast with the edict of 1838 since the code of 1838 had underlined the punishment of the aborting woman with her husband. The second version was much more in accordance with the traditional Hanefi perspective which did not consider abortion as a crime with the approval of her husband.²¹

There were also laws and edicts related to the sale of abortive drugs. After the announcement of edict of 1838, in 1840 the medical council (meclis-i tıbbiye) was established and had the authority to supervise the sale of pharmaceutical products. In 1852 the Regulation Concerning Pharmacists in the Ottoman Lands (Nizamname-i Eczacıyan der Memalik-i Osmaniye) introduced the standards of security concerning drugs and pharmacies. Pharmacists were not allowed to prepare and sell drugs or any kind of compounds without a prescription from a physician. In 1888, the Regulation Concerning Physicians and Pharmacists of the Country (Memleket Etıbbası ve Eczacıları Hakkında Nizamname) listed sixty-eight drugs as prohibited items within the country borders.²²

The central control over the physicians, pharmacists and midwives supplied and supported with enacted laws and edicts shows the importance given by the State to new public health regime focused on the well-being of the person and society. The wars of 1877-78 and the losses in the Balkans, caused a growing concern for territorial integrity and political prospective of the empire. Therefore, the diminishing Muslim population became a focus for the state which started to be more disciplinary and strict on the anti-abortion issue.

However; in the Ottoman society of late nineteenth and early twentieth century, abortion was still recorded as a common illegal practice in the capital city, İstanbul.²³ As a preventive measure in addition to the legal code, a report was ordered to be prepared by Abdülhamid II in 1890. This report was in a persuasive form that uses Islam as a reference point. It stated that according to the Koran and moral philosophy of the Prophet Mohammed, abortion was an evil crime that would lead to vicious consequences. Moreover, the significance of population as a basis of potential soldiers and workers were emphasized and this crime was condemned with a harsh language.²⁴ In 1904 there was a declaration that proposes material support to families in order to promote the reproductivity and number of children of the Muslim families.²⁵

In parallel to these precautions, there are numerous records of punishments related to the abortion incidents. One example is the verdict of the Governor of Adilcevaz Mahmud Nedim Efendi who was dismissed from his position and punished since he committed the murder and abortion of a local woman in 1904. The verdict was given with the use of the code for abortion.²⁶ In this example, although a woman was murdered with the baby in her womb, the case was mostly based on the abortion issue. This clearly shows the importance attributed to the protection of the fetus rather than the life of the mother and the sensitive attitude towards the concept of the abortion. This case shows that there is no tolerance given to the state officers who committed the act of abortion. Other available examples are the records related to the governor of Ürgüp, Raşit Efendi; the governor of Kirmasti, Süleyman Rauf Bey and tax officer of the region of Beytulfakih, Kenan Efendi both led to the abortion incidents.²⁷

The rule of abortion was acted to the non-Muslim population even though the Muslim population was at the center of the attention of the State. The record indicating the guilt of pharmacist Sakratis from Belgrad accuses him of supplying drugs for a Serbian pregnant women who consequently aborted the fetus. According to the record, the pharmacist Sakratis was sentenced to jail and this situation was declared to the region of Serbia.²⁸ There are two more examples to be cited regarding the non-Muslim community of the term in the records. One is from Tırhala, Tamyo and his girls were sentenced to jail and escaped after committing the crime of abortion.²⁹ The other record is about Dimitri from Limni who was exiled since he had sexual intercourse with his daughter and caused her to have an abortion.³⁰

Another problematic issue related to abortion was the status of foreign medical staff. In İstanbul, there were several foreign female doctors giving the service of abortion. Since they were protected under the cover of diplomatic relationships between countries, it was not easy to stop their activities and to excel them in a short time. One significant name, Madam Ziebold is eye-catching in the records. In some records she was called as Madam Ziyold and Zibolt.³¹ She was a very famous German physician who practised abortion in İstanbul, Beyoğlu for five years. In 1905, she was expelled from the country after a long lasting resistance of German embassy. Another name that we can encounter within the records is Doctor Minas Dülbenciyan who was also interrogated with the suspicion of performing abortion in 1910.³²

The policies towards enhancing the Ottoman population were actively carried on by supporting families with money when they had twins or triplets. Such allowances were called *tev'em maaşı*, and were paid on a monthly basis.³³ Besides, families who looked after or adopted orphans and abandoned children also had to right to demand stipend from the state.³⁴ Moreover, single or widowed mothers and women that breastfed orphans was assigned with an income. These stipends were held under a rule enacted in 1903. According to this rule dated 29 Zilhicce 1320, the financial support to families having more than two kids is legalized and the prevention of abortion is aimed.³⁵

Regulations on Abortion During the Early Republican Era

The regulations during early Republican era can be considered as the continuity of the health policies implemented during the late Ottoman period. The concern of raising population is seen on the steps taken by the governments of modern Turkey. After the devastating First World War, pronatal politics were adopted by the elites of modern Turkish Republic. The population increase took place in the public discourse of the new government in Ankara. In a public speech, in 1920, Mustafa Kemal denotes the importance of population rise by emphasizing the notions of public health, the improvement of nation's well-being, the increase in the number of the members of young generation, and the decrease of mortality rates by means of public health policies.³⁶ Motherhood is an emphasized concept of the term. In the early republican era, starting from 1920's not only abortion but also the use of contraception tools, pills were restricted. Furthermore, birth-control education and birth-control propaganda were forbidden. These laws were justified in order to create a stronger nation in need of

a larger population. These policies were in parallel with the prenatal implementations in other European countries during the inter war era. According to these policies, mothers who had more than six children were awarded with money and they were given honor medals by local governments with ceremonies. In addition to this, families having five or more children used the advantage of reduced taxation.³⁷

The legislation on abortion in Republican era is worth to be explored with a keen eye. In 1926, several articles related to issue were adapted from 1889 Italian Criminal Code under a separate chapter heading, "On Abortion".³⁸ Women are classified and criminalized according to the possible reasons of the abortion. Therefore, having a free will on abortion is differentiated than having a compulsory abortion due to their health conditions or an outside effect such as an assault. According to law, individuals who may have aided women having an abortion, are also subject to punishment. The execution of abortion as a profession or an art is perceived as a threat to public health and severe punishments are suggested for this act. A reduced penalty is enacted (two-thirds of the original penalty) for a man if he decides to help for an abortion in order to save his own honor or that of his wife, his mother, his sister or his daughter describing an abortion of a fetus due to a consequence of a rape. In 1938, abortion was put under the Chapter of "Crimes against the Integrity and Health of the Race."³⁹ Therefore, reproduction and sexuality of women were put in the complete control of the state which considers a free will to abortion as a threat to integrity and health of the race.

During the republican era, while women of modern Turkey were granted the rights of civil life enabling them having more education and career in public sphere, they were not released from being the role of mothers of the nation. The absence of the right to have birth control and abortion created a controversy of the newly created image of "modern" Turkish woman. When inspected comparatively, same tendencies can be observed in European countries, as well. Health politics, the emphasis on family life and motherhood, eugenics were popular concepts of inter-war era.⁴⁰ While narrating European history during the inter-war ear Mazower states that these values were not only adopted by fascist governments of Germany and Italy, but infact were a part of political spectrum of Europe in general. A famous example is the anti-abortion bill of Britain presented with this slogan: "*The general welfare of the state has to have precedence over women's feelings.*"⁴¹ Just like their Turkish peers, in these countries women took courses of domestic management and house economy to be educated how to be a better mother. However, the discourse of early Republican era was more encouraging to women's having careers even though it expected a double mission to be accomplished from women both being a mother and wife and being a working member of the society. A more detailed analysis on comparative dimension of health politics of the interwar era should be explored in further studies, however, it can be briefly said that Turkish experience looks similar to its European counterparts of the same term.

Conclusion

The issue of abortion in the late Ottoman period should primarily be perceived within the context of Ottoman social, healthcare and demographic policies. For Ottoman society, nineteenth century was an era of novelties in the areas of military, taxation, property, police system and public health. The human resources became to be important after serious military defeats suffered at successive wars with powerful states and long term diseases such as cholera. Moreover, the perception of society had changed from a scattered entity to a group of individuals which was needed to be observed, controlled and disciplined.

The edict of 1838 on abortion is a significant point that denotes the family and state relationships. Furthermore, it changes the view towards woman and led to subsequent matching of the concepts of female identity and motherhood. Hence, the Islamic doctrines that had used to dominate the history of Ottoman sexuality and family issues were put into secondary place and state intervened to assert control by regulations still justified by the religious laws.

During the late eighteenth and nineteenth centuries, abortion was a wide spread incident. Material difficulties and gender relationships that were mostly disadvantageous for women were considered as possible factors. Polygamy and concubinage were some elements that were thought to raise the number of abortions. The divorcing system that enabled men to end the marriage with an easy procedure was also proposed as a factor for the act of abortion. However polygamy and the possession of female slaves were the models that were only followed by rich minority in the male population. These were luxuries that could be taken up only by an elite and a limited number of people. Thus, material difficulties emerge as the main factor causing abortion.

For the military and political aims of the reformist state, women became visible since they were perceived as indispensable elements as mothers of new generations. To eliminate abortions, state needed female agents, so they created official midwives. These midwives had the opportunity to acquire a medical education, earn money and they had agency. However they needed to exercise the duty of surveillance and were clearly aware of the fact that state used them to detect incidents of abortion.

A parallel attitude was seen in Egypt and similar renovations took place at the same era. Hatem and Fahmy described the process in Middle East and clearly indicated the clash that appeared after the declaration of abortion as a crime. The nationalistic discourse gave the mission of reproduction and child bearing to women in order to multiply the number of the member's of the nation. While empowering women with a profession, the state created the surveillance mechanisms through women against women.

The early Republican era was assumed to have a continuity in abortion policies due to the significance of nationalistic and ethnicist policies. In the early Republican era, contraceptive devices and abortion were banned for demographic reasons. The complete legal permission for abortion was not enacted until 1983.⁴² It is very ironic to see a more liberal attitude towards abortion in the pre-modern state of Ottoman Empire before 1838 where as a decision that should be taken by women was prevented by the modern states of late Ottoman era and early Republican period.



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- ¹³ Somel, "The Issue of Abortion", pp 341-342
- ¹⁴ Belkis Konan, quoting from Muharrerat-ı Nadire Nadir, C19 in "Osmanlı Devleti'nde Çocuk Düşürme Suçu", <http://dergiler.ankara.edu.tr/dergiler/38/1499/16550.pdf>, 326.
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- ¹⁸ Fahmy, ibid. pp. 62-63
- ¹⁹ Somel, Somel, "The Issue of Abortion", pp 344-345.
- ²⁰ Demirci and Somel, "Women's Bodies", pp.391-392
- ²¹ Demirci and Somel, "Women's Bodies", pp.391-393
- ²² Demirci and Somel, "Women's Bodies", p. 401
- ²³ Alan Duben and Cem Behar, *İstanbul haneleri: Evlilik, aile ve doğurganlık 1880-1940*, (İstanbul: İletişim Yayınları, 1996), p.172-174.
- ²⁴ Demirci and Somel, "Women's Bodies", p. 403
- ²⁵ Başbakanlık Osmanlı Arşivi, YPRK.AZJ. 19-46/ 29 Z 1320, "İslam nüfusunun artması ve iskat-ı cenine mani olmak için çok çocuklu ailelere yardım yapılması hususu."
- ²⁶ Başbakanlık Osmanlı Arşivi, DH. MKT. 19-587/ 19 Z 1319 and a further record for the issue: DH. MKT. 21-727/ 25 Ca 1321 "Adilceviz kaymakamı Mahmud Nedim Bey ve iki arkadaşının kaza zabıta memuru Kamil Efendi'nin zevcesinin ölümüne sebep olarak İskat-ı Cenin maddesinden dolayı yargılanması taleplerinin Sadarete arzı." "İskat-ı cenin meselesinden dolayı mahkemeye verilen Adilceviz Kaymakamı Mahmud Nedim Efendi'nin görevinden alınıp yerine Mehmed Ali efendinin atanması."
- ²⁷ Başbakanlık Osmanlı Arşivi, DH.MKT 121- 1694/ 13 C 1307 "Ürgüp Kaymakamı Raşit Efendi hakkında darb ve iskat-ı cenin maddesinden dolayı vuku bulan istid'a üzerine yapılan tahkikatı havi evrakın Niğde Müdde-i Umumi Muavini tarafından zorla alındığı bahsedilen Ürgüp Naibi Ahmet Hilmi Efendi'nin şikayetiyle ilgili gerekenin ifası."
- ²⁸ Başbakanlık Osmanlı Arşivi, I.AZN. 1324/R-01 66 03/R/1324 "Zevce-i mutallakasının iskat-ı ceninine sebep olduğu tebeyyün eden Kirmasti Kaymakamı Süleyman Rauf Bey'in icray-ı muhakemesi."
- ²⁹ Başbakanlık Osmanlı Arşivi, ZB 9-464/ 18 Tş 1310 "Hakkında iskat-ı cenin suçlaması olan Beytülfakih kazası sabık Rüsum Mültezimi Kenan Efendi'nin kaçmayıp, nüfus tezkiresiyle İstanbul'a geldiği ve mahkeme kararına kadar başka bir yere gitmeyeceği."
- ³⁰ Başbakanlık Osmanlı Arşivi, A. MKT. MHM. 48-300/ 08 Z 1280 "İskat-ı cenin suçu işleyen Sırp bir hamile kadına ilaç vermekten dolayı tutuklanan Belgrad Kalesi Asakir-i Şahane eczacılarından Sakratis' in Sırb emareti ile vuku bulan muharebenin cevabına göre tard ve tebid olunması."
- ³¹ Başbakanlık Osmanlı Arşivi, DH. MKT. 24-2462/ 25 Za 1318. "Tırhala ahalisinden olan ve iskat-ı cenin davasından mahkum olup kaçan Tamyo ile kızlarının Osmanlı tabiyetine geçme talebi."
- ³² Başbakanlık Osmanlı Arşivi, A. MKT.UM.19-242 30 L 1272 "Kızıyla birleşip iskat-ı ceninde bulunan Limnili Dimitri ve kızının sürgüne gönderildiği."
- ³³ Başbakanlık Osmanlı Arşivi, İ. HUS. 1322/L-037 124/ 7 L 1322 and in the same file 12 L 1322 "Almanyalı Madam Ziebold'un iskat-ı cenin gibi muamelat-ı cinaiyesi mükerreren vaki ve tespit olduğundan, bu gibilerin memleket haricine çıkarılması" "Beyoğlu'nda icra-yı sanat etmekte ve iskat-ı cenine delalet eylemek olan Almanyalı Ziyold isimli kadının Melaik-i Şahane'den harice çıkarılması." Although there are several orders about Madam Ziebold, it took a long time to take her out of the country for the Ottoman government.
- ³⁴ Başbakanlık Osmanlı Arşivi, DH. EUM. THR 60-23/ 21 M 1328 "İzale-i bikir, iskat-ı cenin ve iftira maddesinden maznun bulunan Doktor Minas Dübelciyan'ın taharrisi."
- ³⁵ As an example for an order for tev'em maaşı: Başbakanlık Osmanlı Arşivi, DH. MKT. 44-1556/ 14 S 1306 "Terhunde kazasında sakin Hamadan Kabilesi ahalisinden Abdullah b. Ahmed b. Nasır ve diğer iki kişinin ikiz çocuklarına tev'em maaşı tahsisine dair vilayet idare meclisi teklifinin uygun bulunduğu."
- ³⁶ As an example, Başbakanlık Osmanlı Arşivi, DH. MKT. 10-1440/ 26 Za 1304 "Rize'de cami avlusunda terkedilmiş bulunan on beş günlük kız çocuğun, aylık yirmi beş kuruş nafaka tahsis edilerek Rukiye Hatun'a teslim edildiği."
- ³⁷ Başbakanlık Osmanlı Arşivi, Y..PRK.AZJ/19-46/ 29 Z 1320 "İslam nüfusunun artması ve iskat-ı cenine mani olmak için çok çocuklu ailelere yardım yapılması hususu."
- ³⁸ "Ulusumuzun sağlığının korunması ve güçlendirilmesi, ölümlerin azaltılması, nüfusun artırılması ve bu suretle ulus bireylerinin dinç ve çalışma yeteneğiyle yetiştirilmesi gereklidir" Mustafa Kemal 24 Nisan 1920 TBMM, Atatürk Araştırma Merkezi Dergisi, 23, VIII, p.522, <http://www.atam.gov.tr/index.php?Page=DergilerIcerik&IcerikNo=581>
- ³⁹ Miller, "Rights, Reproduction...", p. 362.
- ⁴⁰ Miller, ibid., p.362
- ⁴¹ Mark Mazower, *The Dark Continent*, London: The Penguin Press, 1998, pp. 82-84
- ⁴² İbid., p. 84
- ⁴³ Erdener Yurtcan, "Türk Hukunda Kürtaj ve Uygulaması", (İstanbul: Kazancı Hukuk Yayınları), 1990, p. 43-45.

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