REGULATION THROUGH LEGAL AMBIGUITY: POLITICS OF REPRODUCTION IN CONTEMPORARY TURKEY


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What do rights to reproductive health practises, such as abortion and contraception, stand for in a context that is ripe with obstacles for women as they seek access to safe reproductive healthcare? What is the work that rights accomplish in such a context? The Turkish case offers insights into such questions, as a number of reproductive health practises, including abortion, caesarean sections, and contraception became politicised and shrouded in legal language almost overnight in 2012 when the former Prime Minister initiated a fiery controversy around these issues. While the politicisation of reproductive health has not been accompanied by a parallel legal change banning these practises, it has had its own effects; including, most importantly, the onset of an unprecedented abortion rights movement and intensification of problems that women faced as they sought access to certain reproductive health services.

Focusing on this case, Regulation through Legal Ambiguity: Politics of Reproduction in Contemporary Turkey explores the ways that law in general and rights in particular generate indirect yet transformative effects. It inquires into the apparent puzzle that the very absence of formal legal change can have transformative power of its own on the everyday practices of relevant actors. At the same time, it asks what the impact was of this strong rights mobilization, palpably successful at the level of preventing restrictive legislation from being passed but nonetheless short of generating significant impact on everyday practices in healthcare institutions.

The dissertation argues that the rift between the hostile government discourse and the absence of restrictive legal change generated legal ambiguity and rendered the legal status of abortion and caesareans ambiguous. Healthcare workers, in turn, despite their expressed support for women's rights, were propelled to improvise their own restrictive limits when offering their services in order to safeguard themselves in a professional environment that was already filled with tensions. Despite this bleak state of affairs, however, women's rights activists consider their campaign successful for the broad and long-term alliances that it initiated.