

**The Case of Children Born out of Wedlock in Turkey:
an “Empty” Category?**

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Abstract¹²

This article examines dominant discourses on motherhood in Turkey in light of a puzzling case, which involves women who bear children out of wedlock. Drawing on ongoing political discussions on the Turkish family structure that are rooted in a specific understanding of Islam and gender, and exploring the legal and practical difficulties surrounding birth registration, marriage, and abortion, we ask what constitutes «legitimate»

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and «illegitimate» modes of relationship between men and women in Turkey, and show how women who give birth out of wedlock are treated as an «empty category» that does not exist in Turkish society.

Keywords: Illegitimate children, motherhood, marriage, abortion, Turkey.

1. Introduction

In Western countries children born out of wedlock and their mothers gained public and scholarly attention only once they constituted a significant proportion of single-parent households (Hertog 2009). Birth registration, which is considered a «first right» by the United Nations, is currently protected and enforced by the Convention on the Rights of the Child (UNICEF 1998). In Turkey, a country that is party to this convention with reservations³, the number of children born out of legal wedlock remains unknown. While it is assumed that such a number is too small to qualify for any statistical significance or to constitute a social problem, these children and their mothers find themselves in a legal void. Moreover, the Turkish moral fabric, shaped by conservative interpretations of the Qur'an and the *sunnah* and a patriarchal family structure, heavily stigmatizes practices that divert from the norm. Unwed motherhood constitutes one of these practices, which leaves both the mother and her child in a vulnerable state.

At a time when the very notion of the Turkish family is under critical scrutiny, and politicians capitalize on the family as one of the central tenets of their discourse (Yazıcı 2012), we find it necessary to direct our attention to a segment of the population that the patriarchal and conservative gaze of the Turkish state tends to ignore. Needless to say, this ignorance should not be read as the Turkish state's lack of interest in the issue or its

³ Reservations were placed on the interpretation and application of articles 17 (on the use of mass media in the education of children), 29 (on the general principles of education of the child) and 30 (on minorities); https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en#EndDec.

acceptance of illegitimate children and their mothers as a social reality. Children born out of wedlock contradict the traditional family model (mother, father and children), which has always been idealized as a central component of Turkish society's moral structure irrespective of secularist or Islamist leanings of those in power (Sirman 2005). This tradition continues on under the helm of the Justice and Development Party (AKP) government, which attempts to discourage unwed motherhood and illegitimate children through bolstering its conservative stance on the sanctity of motherhood, and the necessity for all women to marry. Easing the borders of what counts as «legitimate» and «illegitimate» kinds of relationship between men and women through supporting religious marriages over civil ones, and asking every woman to give birth to at least three children, women's roles in society as mothers (and mothers only) are firmly instilled. Having called abortion «murder» on various occasions, the government also has an obvious anti-abortion stance (Ustek and K k 2012b). This pro-motherhood and pro-children stance presents a perplexing puzzle when it comes to women giving birth out of wedlock. Accordingly, in this article we examine government discourses on these three issues; marriage, motherhood and abortion. Drawing on ongoing political discussions on the Turkish family structure that are rooted in a specific understanding of Islam and gender, we show how women who give birth out of wedlock are treated as an «empty category» that does not exist in Turkish society.

It is important to add a disclaimer here. While children out of wedlock is considered to be a controversial category for the current Islamist-leaning discourse in Turkey, this situation is neither unique nor exclusive to Islam and/or Turkey. There is a growing literature on the «curious» case of unwed motherhood in other societies as well (see Hertog 2009 for Japan; Edin and Kafalas 2011; Edin and Lein 1997 for the US; Wu and Wolfe 2001 for Europe). Thus, our aim is not to reproduce essentialist arguments about Islam and its stance on women, but rather shed light on how a conservative government might take up an issue such as motherhood and shape it to its own interests in a conservative society, through presenting a blend of religious dogma and patriarchal ideologies.

The article is organized as follows. The next section details the politics of birth-registration in Turkey and looks at the complications pertaining to registering children

born out of wedlock. This is followed by a discussion on the hybrid marriage culture in Turkey, civil and religious (Islamic), and how the latter enables otherwise socially unacceptable forms of relationship between men and women. We bring these two sections together in the third section, where we analyze the AKP's discourses on motherhood and women's roles as nation's breeders. Finally, the last section looks at recent abortion debates to detail the core patriarchal and religious norms that crosscut the government's discourse on motherhood and children. In the conclusion, we detail how—despite its obvious anti-abortion and pro-motherhood stance—children born out of wedlock and their mothers in Turkey are pushed to live a life of legal and social vulnerability. We argue that the relative «easiness» of obtaining religious marriages, and the social stigma surrounding giving birth out of marriage boils down to making women who give birth outside of wedlock an «empty category», and invisible in society.

2. On the politics of birth-registration

In Turkey, when a child is born, the following steps are taken: First, the child is issued a birth certificate in the hospital in which she is born. The parents, then, take this birth certificate to the closest public Registration Office (for example, Municipalities or the Headman's Offices) where they are issued an official identity card for the newborn. If the child was born outside a hospital, then the verbal declaration of the parents of the child is obtained. Next, the information is uploaded to the administrative data system, MERNIS (The Central Civil Registration System), which is then shared with the Turkish Statistical Institute (Turkstat) on a yearly basis. Somewhere in this process, the numbers of those giving birth out of wedlock are lost, although the mothers who gave birth and children born outside of wedlock can potentially be identified in the new Birth Registration Form (*Yenidoğan Tarama Formu*) used by the Ministry of Health, as it specifically categorises new-borns into «legitimate» and «illegitimate» by asking directly whether they were born into a marriage or outside of it⁴.

⁴ Please note that this image refers to the new birth registration form, and the old one does not categorise births into and out of wedlock <https://t24.com.tr/media/editorials/DDDDD.jpg>. Other newspapers re-

To classify is human but to classify is also to make it visible (Bowker and Star 1999). However what becomes visible is not an objective reality that is ‘out there’, but rather a distilled version of the socio-political practices which shape the categories and classifications. Article 290 of the Turkish Civil Code requires all mothers to declare the name of the father of their children in order for them to be registered, even when the newborn obtains her mother’s surname when she is not married. The father’s name, therefore, is one of the compulsory categories. If and/or when mothers do not want to declare the father’s name or if it is unknown, they are advised to choose from a certain set of male names (which resonate with names describing the nature) such as Deniz, Kaya, Toprak (Sea, Rock, Earth respectively) so that the father’s name category is not left empty (Ustek and Alyanak 2011)⁵. The fact that the father’s name category is a compulsory one shows that the state can/does not recognize a child without a father. An «imaginary» father with a made-up name is preferred over no father.

Aside from the name of the father, and the child, another important category used for classifying newborns is through the surname. Turkey follows a patriarchal surname tradition, and all women are given their husband’s surname automatically upon marriage, and all children born into marriages receive their father’s surname. Women do not have the right to use only their maiden surname, but they can use their own and their husband’s surnames together (Civil Code, article 153, amendment in 1997). In 2004, with the ruling of European Court of Human Rights, women were given the right to apply to the relevant court to keep their maiden surnames (Unal Tekeli/TR B. 29865/96, decision date 16 November 2004). However, such applications are possible only after women get married and change their surnames. It is not possible to «tick a box» to keep one’s sur-

sources also refer to the new registration form <http://www.hurriyet.com.tr/tarama-formunda-mahremiyeti-deldiler-22950819> (dated 02 April 2013); <http://www.baskahaber.org/2013/04/yenidogan-tarama-formunda-skandal.html> (dated 03 April 2013); <http://www.radikal.com.tr/turkiye/tabipler-odasindan-yenidogan-tarama-formularina-tepki-1127864/> (dated 02 April 2013), <http://www.baskahaber.org/2013/04/yenidogan-tarama-formunda-skandal.html> (dated 03 April 2013). All links are accessible as of 15 November 2016. Due to copyright reasons, images of the Birth Registration Form is not reproduced here.

⁵ This practice also raises an ethical issue as children with such names in the father’s name category and carrying their mother’s surnames become easily identifiable as children born out of wedlock.

name when registering a marriage. Moreover, in cases of divorce, women have the right to keep their husband's surname to continue benefiting from «the privileges attached to that surname», provided that they «prove their (ex)husband will not be harmed» by the continued use of his surname. Husbands have the right to modify and denounce their ex-wives rights to use their surname any time they see fit (Civil Code, article 173). Men's surnames do not change throughout their lifetime.

This surname tradition, however, does not apply to children born out of wedlock, who receive their mother's surname. This ruling creates various confusing trajectories for both the children born out of wedlock and their parents. Although married women have no right to give their maiden surname to their children, children born out of wedlock can only take their mother's maiden surname (Surname Law, article 337). This also means that, although all children born into marriages are given their father's surnames, men are not able to give their surnames to their children born outside of marriage, even if they wish to do so. This ruling makes children born outside of marriage visible in society and vulnerable to stigmatization.

The rigid ordering of surnames produces many legal anomalies. For instance, if a woman gets married after giving birth to a child born out of wedlock, the child receives her maiden name, and she is given her husband's name (Civil Code, Surname Law, No. 2525). Or if she is married but gets pregnant with a man other than her husband, she first needs to register the child with her husband's surname, and only 10 months (300 days) after their divorce, she can apply to the relevant court to notify the authorities that in fact the child's father is someone else (Civil Code, article 282 and 285). At this point, the child can get her actual father's surname only if her mother marries him, otherwise she gets her mother's surname. During these 10 months, the child appears to have a father, albeit a transitory and appointed one. This way, the state protects the «legitimacy» of the child and the «reputation» of the mother. Such ruling does not exist for men, as they are able to register children with women other than their wives, even when they are married (though they cannot give their surname to children born outside of marriage as mentioned above).

Further, in case of a child born to a recent divorcée, therefore out of wedlock, the ex-husband is provided with the right to have a say on the fate of the newborn. The ex-

husband, now deemed the legitimate father of the newborn, is provided the joint right to decide on his/her name and education (article 339), religious upbringing (article 341), legal representation (article 342) and right to property (article 353). Article 287 adds that in case that «the child falls into the mother's womb» while the woman is married, that is, within 180 days of marriage, or 300 days of divorce, the defendant (husband or child) has to prove that the husband is not the legal father. While the husband has the right to contest fatherhood, the mother is not given a say on her ex-husband's claim on fatherhood but only on its renouncement (article 301), which allows her to demand alimony (article 333). The presence of the ex-husband is further perpetuated by article 288, which solidifies the husband's role in claiming custody of a child in instances where there is legitimate evidence of sexual intercourse between husband and the wife. If a woman ended an abusive relationship, the continuing presence of the ex-husband could constitute major problems with dire consequences. In a misogynistic society where the very act of considering divorce constitutes a major taboo (Tahaoğlu 2015) women who bear children out of wedlock face serious legal and social obstacles.

A recent category added to the birth registration certificate investigates further whether a child is born outside of a wedlock or to a marriage. The Turkish Ministry of Health's National Newborn Survey mentioned above, which is compulsory and filled by registration clerks upon all birth registrations, asks whether the child was born in a marriage (*evlilik içi*) or out of marriage (*evlilik dışı*). The data collected in this category remains with the Ministry of Health and is not shared with Turkstat, due to privacy reasons. The Ministry also does not announce any statistical details of children born out of wedlock or their mothers. This brings the following question to mind: Why collect data in a category if it will not be put into use? Also, there is currently no public information about the possibility of re-classification into the «in wedlock» category, if, for instance, the parents of an illegitimate child decide to get married at a later stage. Are the classification of children born in and out of wedlock a kind of «iron cage of bureaucracy» as Max Weber once called it, or is it a direct tool for mediating the private lives of women and attributing different 'social values' to children based on the type of relationships their parents had?

Mothers of «illegitimate» children constitute a «borderline case» of appropriate and inappropriate modes of motherhood in Turkey. They serve to illuminate the underlying patriarchal and religious-cultural structure of the Turkish society. The discussion presented here provides a glimpse into the puzzling legal situation of children born out of wedlock. The classification of «legitimate» children takes an almost «technical» form during birth registrations, as children fitting into the «appropriate» categories are classified as legitimate, and those that do not fit into these categories as illegitimate. Here it is important to emphasize that the child's legitimacy is determined solely through being born into a (civil) marriage, even when the child's father might be somebody else than her mother is married to. This is a point that we will highlight in the next section.

3. Marriage as legitimizing motherhood

Article 152 of the former Turkish Civil Code (based on a much-amended text dating 1926) considered the husband to be the leader (*reis*) of the union, who is responsible of taking care of his wife and children and endowed with the power to make decisions on behalf of the household. While the new Civil Code, which came into force in 2002, purged some of its patriarchal undertones, and provided women with material benefits during marriage (such as article 192 granting women the right to employment without their husband's permission or article 186 ascribing monetary value to women's house labor) as well as divorce (such as claiming equal share on property and right to live in the family's house), it continues rely on the husband in cases of non-maternal benefits, such as child custody. A brief look at the New Civil Code could help illustrate this.

Marriage is defined in chapter 3 of the New Civil Code as a union that ascribes shared responsibility to both the husband and the wife for the sustainment of the happiness of the marital union and the care, education and regulation of children born into it. The Civil Code acknowledges the possibility of children born out of wedlock, and provides them the same legal protection as children born into wedlock. For instance, mothers of children born out of wedlock are also eligible for child support, such as the motherhood insurance premium/nursing money (also known as «milk money») if they have access to social security from their workplace. Nevertheless, article 292 muddles this

provision by stating that these rights are provided following the conjugal unity of the child's mother and father.

The AKP's recent calls to procure at least three children and to raise pious generations (Ustek and Kök 2012a) go hand in hand with the regulation of marriage. In addition to promoting marriage among young couples through a string of economic incentives such as state sponsored marriage loans (10,000 Turkish Liras, or roughly 3500 USD), college scholarships, and loan pardons (Doğan 2015), the Ministries of Youth and Sports, of Family and Social Policy as well as the Directorate of Religious Affairs (*Diyanet*) administer numerous programs (such as the Family Education Program) and publications (such as *Aile/Family*, a *Diyanet* publication) to educate the youth on marriage and to deter divorces.

The practice of bearing children out of wedlock is shunned upon as marriage is conceived as the only socially acceptable form of sexual relationship between men and women and for procuring future generations⁶. Politicians play on social norms and seek popular support by bringing such contentious issues to light. Public debates in 2004 over criminalizing adultery (Ayata and Tütüncü 2008; Çitak and Tür 2008; Ustek and Kök 2012b) and cohabitation (Ustek and Alyanak 2013) showcase the ideological battles various actors pursue over shaping the legal boundaries of sexual life outside of marriage.

In Turkey, the practice of Islamic marriage, known as *imam nikahı* has been in place even after it was officially banned in 1926, and has made the legal boundaries of sexual life much more permeable than ascertained in the Civil Code. Over the years, those who wanted an imam's approval to legitimize their marriage in religious terms opted for hybrid marriages—marriages proclaimed first by a civil servant, then followed by an imam. According to Turkish Family Structure Survey (Turkstat 2011), 93.9 percent of the Turkish population had both civil and religious marriages; while a mere 3.4 percent had only civil and 2.6 percent had religious marriages. Expectedly, in more rural and underdeveloped regions, the number of those having only religious marriages are much

⁶ Nonetheless, one should add that prostitution remains legal in Turkey despite the AKP's attempts to close down brothels and cease issuing new licenses to sex workers.

higher—in some regions reaching up to 8 percent. However, we expect the distribution of religious and civil marriages to shift over the coming years, following a ruling by the Constitutional Court in 2015, which was interpreted as a green light towards the legalization of religious marriages without the need to obtain civil marriages (Hürriyet Daily News 2015).

The conservative discourses of AKP politicians find their reflections in their conservative voter-base. Recent surveys indicate that 88 percent of Turkish population find sex outside of marriage to be morally wrong (Pew Research Center 2013) and 94 percent find extra-marital affairs unacceptable (Pew Research Center 2014). In a cultural context where engaging in a premarital or extramarital sex constitute a major taboo with dire consequences (such as honor killings and forced marriages), Islamic marriages provide a way out. They also overcome the legal impossibility for the marriage of minors (under 18 in Turkey) which are still practiced in the form of ‘child brides’ and for polygamy. According to Turkstat, 28-35 percent of marriages overall involve «child brides», that is, girls between the ages of 16 and 17. Moreover, in 2012 alone, 6.7 percent of overall marriages involved child brides (Turkstat 2014). Turkstat statistics, however, fail to include children below the age of 16. Other surveys, such as the one conducted by DIKASUM (The Center for Investigation and Application of Women’s Issues in Diyarbakir), show that in the Southeastern district of Diyarbakir, one in five girls were forced to marry before puberty (Bianet 2012). And according to a UN report, one in ten girls in Central Eastern Anatolian Turkey give birth to at least one child when they are minors themselves (UNFPA 2014). Furthermore, with the increasing number of Syrian refugees fleeing to Turkey, religious marriages have come to take a new turn. Though there are currently no official statistics on this, it has been widely reported that Syrian women, many still children, are married with Turkish men as second, third or fourth wives with the hopes for a safer future, majority with religious marriages (Çubukçu 2014; Diken 2014a).

As Turkish people create alternatives to practice a hybrid framework to overcome legal obstacles (Yilmaz 2002), the link between religious marriages and the socio-cultural unacceptability of children born out of wedlock cannot be overlooked. Religious marriages have come to be seen as ‘enabling’ relationships between men and women, which

are otherwise not accepted. The fact that in Turkish *nikah* (marriage) is used for both types of marriages, be it religious or civil, religious marriages also work at least as socially legitimizing for children as civil ones. In official surveys conducted by Turkstat, personal declaration of civil status (married, single, divorced/widowed) is taken as «official», which means that as long as individuals declare themselves as married, their marriage type; religious or civil, does not make any categorical difference in official statistics⁷. For legal purposes, it is not uncommon for men to register their children with a different woman (usually their legal wife), when they have both religious and civil marriages, but such information is not always publicly acknowledged.

In short, while the civil marriages follow a secular tradition and do not allow marriage of minors or polygamy, religious marriages permeate such practices. Within this context, children born out of wedlock and their mothers take new layers of meaning than the legal one presented in the earlier section. Here, «out of wedlock» refers to outside of both civil and religious marriages, whereas in the legal definition, children born into religious marriages would also be considered «illegitimate». This means that the legal and cultural categorization of marriage and legitimate children in Turkey do not always coincide.

4. Motherhood as the highest career for women: AKP's gender discourse in a nutshell

Earlier in January 2015, a statement made by the Turkish Minister of Health Mehmet Müezzinoğlu led to an uproar amongst feminist circles in Turkey. While visiting a hospital's maternity ward, the Minister argued that women in Turkey should think of no other career than motherhood (Diken 2015). His remark came amidst AKP's alarming calls for «at least three children» for married women and denouncement of increasing divorce rates in the country, which was perceived as a sign of disintegration of the Turk-

⁷ Although for survey-based official statistics, personal declarations are taken, since 2011, Turkey conducts a combination of register-based and large-sample survey census. This means that only civil marriages make into the population statistics, as the data come from national registers which carry information only on civil marriages, as religious marriages are not registered.

ish traditional family. However, neither the Minister, nor other AKP officials stepped back from their stance. A few months later, he defended his remark in front of a local AKP women's branch, arguing that «one should not postpone becoming a mother while occupying herself with becoming a lawyer, doctor or engineer» (Hürriyet 2015). More recently, in his International Woman's Day statement, President Recep Tayyip Erdoğan, who served as the leader of the AKP for over a decade before assuming presidency, argued that «much harm has been done to women under the guise of economic freedom»; «for me» he argued, «a woman is first and foremost a mother» (Radikal 2016). Also, Erdogan's wish for «at least three children» for every woman has been taken up various AKP politicians as it has been widely documented in the media (Diken 2014b; Doğan 2015; Hürriyet 2008). For instance, the then Prime Minister Ahmet Davutoğlu referred to motherhood as «national duty» and three children as a must; noting that AKP enabled women to make the right choice as they will not need to face the dichotomy of «motherhood or career» (Diken 2016).

While one should be wary of such remarks, the emphasis on motherhood is certainly not an AKP invention. A brief look at Turkey's modern political history provides ample evidence that affirms the AKP's conservative gender discourse, and ardent support for motherhood (Özdemir and Demirkanoglu 2015). «In Turkey, citizenship has always been defined in familial terms where the ideal citizen is inscribed as a sovereign husband and his dependent wife/mother rather than an individual, with the result that position within a familial discourse provides the person with status within the polity» (Sirman 2005, 148). Yet, rarely has public discussion been so occupied with discussions over the redefinition of the Turkish family, and motherhood as the ultimate career for women.

In January 2015, Prime Minister Davutoğlu, announced the Action Plan on the Protection of the Family and the Dynamic Population Structure (Aile ve Sosyal Politikalar Bakanlığı 2015a). In his statement, he described the Action Plan as a response to the challenges Turkey's dynamic social structure face amidst rapid modernization. Describing the family as one of Turkey's most important institutions, Davutoğlu argued that the nation's strength lies in protecting the family, and «making sure that our women do not suffer from not being able to balance family life and employment» (Aile ve Sosyal Poli-

tikalar Bakanlığı 2015b). The Action Plan can be seen as the culmination of a string of family-oriented policies passed during the AKP's previous two terms. These include the formation of Family Courts in 2003, the Law on the Protection of Family in 2007, and its 2012 expansion, the establishment of a Ministry on Family and Social Policy in 2012, and the initialization of a Family Council Program in 2012. The Action Plan mainly targets women as «mothers» and «mothers-to-be» and establishes mother-to-mother support groups, expands work-leave opportunities in premature births, extends maternity leaves and provides pension incentives for those giving birth to at least three children. In a country where less than 30 percent of women are in gainful employment (which is almost half of the EU-27 average), the plan aims to provide services to women only in their roles as nation's breeders (European Commission 2013). In short, the plan mainly rewards women who choose marriage-motherhood path, rather than employment. It also has a clear emphasis on family as it does not envision alternative scenarios of motherhood, such as women who choose to have children out of wedlock.

It is important to emphasize that the AKP's social policy programs target only women, and «fatherhood» policies do not make into the government's agenda. The Action Plan can be interpreted as yet another micro-project for an Islamic government to govern the population through reformulating the definition of what is considered its building block—the family—and using women as a conduit for achieving this goal.

5. On abortion as «murder» and the benevolent State

On May 25th 2012, in the closing session of the Parliamentarians' Conference of the UNFPA held in Istanbul, the then Prime Minister of Turkey, Recep Tayyip Erdoğan made unprecedented comments about abortion, calling it «murder». In fact, he likened abortions to the killings in Uludere, stating that «every abortion is an Uludere» with reference to the unintentional killings of 34 civilians at the South-eastern border of Turkey by Turkish military war planes in the same year (Milliyet 2012), which caused a strong public outrage in the country (Acar and Altunok 2013; Ustek and Kök 2012a). This statement was unprecedented because since its liberalization in 1983 (The Population Planning Law No. 2827), abortion has not been a topic in the public discourse, nor

it has been a dividing issue in the organization of political life. However, the shift in political discourse about the role of women in society as mothers began to carry over to population policies as well.

Acar and Altunok (2013) date the shift in population policies in Turkey to 2003, to the new Draft Law on the Rights of the Disabled, which included a clause that aimed to restrict abortions carried out for medical reasons. Currently the Abortion Law in Turkey permits abortions up to ten weeks on demand, and after ten weeks when the mother's life is in danger, or when there is medical proof that the foetus has serious health problems (*ibidem*). The draft law, however, proposed the prohibition of abortions entirely after ten weeks even when the foetus was found to have health problems. Severe reaction by feminist organizations and medical associations brought the proposed article to a standstill, and eventually led to its removal from the draft law.

With President Erdoğan's debut on abortion in 2012, however, the issue gained a public presence like no other. The abortion debate kept the agenda busy for almost a year, which is a significant period in a country where the public and political attention span are rather short. Erdoğan's likening abortion to «suicide» of mothers and to «murder» found various repercussions in the public debate. Almost all AKP politicians assumed religious, bio-ethical and political sides of the anti-abortion stance, some putting forth strong Islamic verses that the foetus is alive from the moment «the spirit is blown into the embryo» (t24 2014) or others stressing that even in cases of rape, abortion should be banned, because it should be the mother who «deserves to die» and not the child (Radikal 2012).

The common theme running among politicians' anti-abortionist stance is that human life should be protected at all costs and the state has the right and obligation to intervene when it sees fit. That is to say, an unborn foetus' life has higher social value than her mother's (even in cases of rape) and the state has a right to intervene to protect the life of the foetus, though not necessarily mother's physical or psychological well-being. This way abortion is stripped from being a personal right or decision and becomes a public concern that needs to be addressed for the future of the population (Ustek and Kök 2012b). Acar and Altunok (2013) document that other political parties reactions' to the abortion debate, be they are anti-abortion or pro, did not defend abortion as a wom-

an's right per se, but as the AKP government trying to shift the political agenda from other important issues (such as the massacre in Uludere, or unemployment rates).

Particularly relevant for our discussion in this article is that even during the peak of the abortion debate, children born out of wedlock were never discussed. Pregnancies as a result of rape were addressed only hypothetically, in an attempt to dissuade women from abortion, with the promise that the state would take care of the children if they did not want to. However, there are currently no such plans or policies in place. The current abortion law remained legally unchanged after huge demonstrations and public dissent on the issue, although implicit changes took place. The government's new 'message service' which texts the parents or husbands of women who apply to healthcare institutions for pregnancy tests or abortion is one significant development. (Hürriyet 2012). It has also been reported that the number of public hospitals, which agree to carry out abortion operations (even when women are within the legal time frame), have decreased significantly, with doctors fearing public prosecution or excommunication in their workplaces (Milliyet 2015). It is important to remind here that unlike married women, unmarried women do not require their partner's consent for abortion in Turkey. However, in the media it has been reported that it is even more difficult for single women to have abortion than their married counterparts as some hospitals—though not required by law—require partner's permission and/or presence during abortion (*ibidem*).

Thus, although the technical and social implications of the anti-abortion discourse prevalent in the Turkish society limit women's choices of choosing unmarried motherhood or not, their obvious invisibility from the public debates imply that they are imagined to be an 'empty' category, as non-existing in Turkey.

6. Conclusion

Categories are socially made. This article focused on the situation of unmarried mothers and their children who are born out of wedlock in Turkey. We presented that despite ample support for motherhood and anti-abortion, pro-children stance of the conservative AKP government, children outside of wedlock and their mothers face a legal and socio-cultural void in Turkey. Examining government discourses on marriage, motherhood

and abortion, we attempted to show how women who give birth out of wedlock are treated as an «empty category» that does not exist in Turkish society. Layers of legal confusions on how to register children born outside of wedlock, coupled with ambiguous definitions of legitimate and illegitimate modes of relationships between men and women, displayed in the form of civil and religious marriages, add to the perplexing status of unwed mothers and their children. The main argument developed throughout this article is that, rather than addressing it directly, the AKP government attempts to discourage unwed motherhood and illegitimate children through tightening its grip on the «intimate life» of Turkish women with the help of ever-increasing number of familial institutions and social policies that support marriages and motherhood.

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