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Women's Bodies, Demography, and Public Health: Abortion Policy and Perspectives in the Ottoman Empire of the Nineteenth Century

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ACCORDING TO MICHEL FOUCAULT, discipline in modern times means “a policy of coercions that act upon the body, a calculated manipulation of its elements, its gestures, its behavior.” He argued that discipline is a technique of political domination intended to make the human body useful and efficient while subjecting it to docility. The increasing state power in western Europe, accompanied as it was by capitalist development and the industrial revolution, produced a complex web of new scientific knowledge of the human body utilized for the subordination of the latter. The army, schools, hospitals, factories, and prisons became the primary loci for the application of this technique of subordination. A crucial outcome of the expansion of the discipline was the creation of individuals from the scattered and amorphous useless masses, as Foucault characterized premodern subjects.¹ Foucault’s framework could be applied in a qualified way to the late Ottoman period in the nineteenth century. The Ottoman Empire experienced neither an industrial revolution nor a bourgeois political takeover. However, like Prussia, Russia, and Japan in the same era, Ottoman bureaucracy promoted authoritarian state-directed modernization from

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¹ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (1975; New York: Vintage Books, 1995), 25, 27–28, 138–40, 170.

above, which led to the increasing militarization and disciplining of the male population.²

This article aims to elaborate on the issue of abortion during the period of Ottoman modernization by examining the attempts of the central authority to exert control over women's bodies as a part of demographic policies as well as in the context of the difficulties in overcoming traditional Islamic law, which considered family life as an inviolable private sphere. It investigates the legal, medical, and ideological measures to curb abortion by analyzing the popular advice literature that came to shape the consciousness of the urban middle classes. This article argues that while Islamic law provided a relatively free sphere for women to control their bodies, state modernization in the nineteenth century meant the effective curtailment of this freedom, accompanied by a new discourse of reproduction and progeny, a clear indication of the emerging disciplinary function of the reformist Ottoman state.³

This discipline engaged the female population in unique ways. The ruling elite strongly believed in the necessity of demographic policies as a means of strengthening the military and economic potential of the empire. Public health became a major issue, and abortion was perceived as a serious threat to the political future of the Ottoman state. Legal, judicial, administrative, medical, pharmaceutical, propagandistic, and educational policies were adopted to prevent abortion and promote maternity. For the first time policies were developed that took the female population into consideration, and the female body acquired new importance as the prevention of abortion and safe childbirth became crucial, as the promotion of maternity entered into the state agenda, and as women gained new official respect as mothers. Indeed, women were considered for the first time as individuals under Ottoman law. A major obstacle to these new policies proved to be Islamic law, which considered conjugal issues an inviolable realm, sheltered women from disciplinary interventions, and tended to preserve women as an amorphous and unacknowledged adjunct to the family.

² For discussions concerning modernization from above see Barrington Moore, *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World* (London: Penguin, 1967); and Theda Skocpol, *States and Social Revolutions: A Comparative Analysis of France, Russia and China* (Cambridge: Cambridge University Press, 1979).

³ The disciplinary function of the modern state and the docility of the body in the service of the state in Western societies have been discussed extensively by Foucault in his seminal work *Discipline and Punish*. A conference paper on the Ottoman edict of 1838, submitted by Selçuk Akşin Somel at the Ninth International Congress of Economic and Social History of Turkey (Dubrovnik, Croatia, 20–23 August 2002), has been published as “The Issue of Abortion in the 19th-Century Ottoman Empire,” in *IXth International Congress of Economic and Social History of Turkey Dubrovnik-Croatia, 20–23 August, 2002*, ed. Halil İnalcık and Oktay Özal (Ankara: Atatürk Supreme Council for Culture, Language & History Publications of the Turkish Historical Society, 2005), 339–46.



Figure 1: A woman giving birth with the assistance of midwives. From the *Kitab al-Cerrahiyet al-Haniye* (Royal Book of Surgery) by Sherefeddin Sabuncuoglu, written in 1465. Reprinted in Serefeddin Sabuncuoglu: *Cerrahiyet al-Haniye*, ed. İlter Uzel, 2 vols. (Ankara: Atatürk Kültür, Dil ve Tarih Yüksek Kurumu Türk Tarih Kurumu Yayınları, 1992), 2:112A.

The history of abortion in the Ottoman Empire is largely unknown.⁴ This is in part because historical studies focused on sexuality and gender are still a relatively new phenomenon, particularly so for the Ottoman realm. In addition, and more specific to Ottoman studies, is that primary sources such as *fatwa* collections (collections of Islamic legal opinions, called *fetva mecmuaları* in Turkish) and Islamic court records (*şer'iyye sicilleri*), while promising vast amounts of materials for social history, have attracted the attention of historians only in recent decades. Even better-known documents like literary and newspaper accounts have been neglected as potential sources for social history in its broadest sense. To meet this challenge, this article has drawn from a wide range of published and archival records in its discussion of the contemporary views about sexual reproduction in the nineteenth century and, in particular, the disciplinary policies of the Ottoman administration to prevent abortion (called *iskat-i cenin*, literally, throwing out the fetus).⁵

⁴ Selçuk Akşin Somel's article on abortion, entitled "Osmanlı Son Döneminde Iskat-ı Cenin Meselesi," *Kebikeç* 13 (2002): 65–88, concentrates primarily on the edict of 1838. Akile Gürsoy, in her "Abortion in Turkey: A Matter of State, Family or Individual Decision," *Social Science and Medicine* 42, no. 4 (1996): 532, 533, deals briefly with the Ottoman Criminal Code of 1858 and foreign comments on it without dealing with the issue of abortion in the Ottoman Empire as a whole.

⁵ The term *iskat-i cenin* was defined by Şemseddin Sâmi in his *Kamus-ı Türkî*, I (Dersaadet, Turkey: İkdam Matbaası, 1317/1901–2) as "the crime of aborting or allowing to abort a child in the womb" [rahimden kasden çocuk düşürmek veya düşürmek cinâyeti], while J. W. Redhouse's *Turkish and English Lexicon*, new ed. (Constantinople, 1890) described it as "abortion; miscarriage." Modern-day documents use *iskat-i cenin* for unintentional miscarriage as well as deliberate miscarriage and abortion.

The authoritarian and regulatory attitude of the Ottoman state toward abortion became an integral part of the social engineering projects of the reformist bureaucrats and intellectuals during the Tanzimat period, that is, the period of “reorganizations” in Ottoman history that lasted from 1839 to 1876. The Tanzimat included a wide range of reforms, including political, economic, military, and social ones that can generally be characterized as attempts at modernization. They included efforts to imitate successful European states but also involved curbing corruption within the Ottoman administration and eliminating nationalist movements among the varied peoples of the Ottoman Empire. Therefore, it is important to approach the subject of abortion within the broader framework of the state policies of demography and public health.

Traditionally, Ottomans left the issue of public health to the hospitals (*dâriüssifâ*) and madhouses (*bîmârhâne*) attached to and financed by pious foundations (*vakf*) and religious colleges (*medrese*). In this sense, hospitals were independent of state authority. The central administration of the Ottoman Empire did not consider intervening in or managing issues of public health as its duty in the preceding and formative periods of imperial progress. However, this attitude first began to change in the course of the military and administrative reforms undertaken by Sultan Selim III (ruled 1789–1807) under the label “new order” (*nizâm-i cedîd*). Around 1804–5 a state hospital along European lines (called sometimes *tibbhâne* and sometimes *spitalya* in the historical record) was founded and apparently functioned until 1822. At about the same time a medical school was established at the military shipyards of Taşkızak to recruit physicians for the navy. These institutions were all located in Istanbul. However, the Kabakçı Mustafa Revolt of 1807 and the deposition of Selim III meant the suspension of reforms and, for example, prevented the advent and accomplishment of the latter project.⁶

The foundation of a state hospital at the start of the nineteenth century can be considered one of the first signs of government intervention in public health. Yet that intervention was clearly connected to conditions of the second half of the eighteenth century, when general Ottoman military weakness vis-à-vis Russian and Austrian onslaughts increasingly recommended the idea within Ottoman ruling circles to engage in a comprehensive administrative and social restructuring that would also

⁶ See Arslan Terzioğlu, “Bîmâristân,” in *TDV İslâm Ansiklopedisi* (Istanbul: Türkiye Diyanet Vakfı İslâm Ansiklopedisi Genel Müdürlüğü, 1992), 2:163–78; Arslan Terzioğlu, “Ein kurzer Blick auf die österreichisch-türkischen medizinischen Beziehungen vom Anbeginn bis Heute,” in *Beiträge zur Geschichte der türkisch-islamischen Medizin, Wissenschaft und Technik II*, ed. Arslan Terzioğlu (Istanbul: Isis, 1996), 69–70; A. Süheyl Ünver, “Osmanlı Tababeti ve Tanzimat Hakkında Yeni Notlar,” *Tanzimat I*, 2:935; and Arsen Yarman, *Osmanlı Sağlık Hizmetlerinde Ermeniler ve Surp Pırgıç Ermeni Hastanesi Tarihi* (Istanbul: Surp Pırgıç Ermeni Hastanesi Vakfı, 2001), 206, 210.

include demographic policies to boost population levels not only for administrative manpower needs but also especially in regions susceptible to conquest.⁷ The antireformist interval ended in 1826, and as soon as the central authority was empowered to resume reformist policies one of its earliest steps was the opening of two medical institutions, namely, the Imperial Medical School (*Tıbbhâne-i Âmire*) and what was called simply the Hospital (*Cerrahhâne*), both on the same day—14 March 1827/15 Şâ'bân 1242. These institutions were reinforced by the appointment especially of French and Hungarian physicians from 1831 onward. In 1838, moreover, the Austrian physician K. A. Bernard was appointed as the rector of the medical school, where medical instruction was newly enhanced by an experimental approach.⁸

A further sign of the new state tendency toward intervening in public health issues was the creation of a quarantine organization (*tahaffuzhâne*) in 1836. Through the application of quarantines, government authorities tried to prevent epidemics of plague, cholera, and typhus, which had long prevailed in Istanbul and throughout the Ottoman Empire. As a part of these measures, the High Council of Quarantine (*Meclis-i Tahaffuz-i Ülâ*) was set up in 1838; it would later be renamed the Council of Health Issues (*Meclis-i Umûr-i Sîhiye*). As a consequence of these preventive steps, no outbreaks of plague were recorded either in Anatolia or in the Balkans after 1843.⁹ Between 1836 and 1876 a total of forty-three regulations and laws concerning diverse aspects of public health were promulgated, relating not only to quarantine but also to the medical profession in general as well as surgery, dentistry, midwifery, pharmacy, and vaccination.¹⁰ In a similar fashion, in the early 1880s compulsory medical inspection of prostitutes was introduced as a means of protecting and promoting public health.¹¹ These developments are clear indications of the growing state concern about public health conditions.

⁷ The issue of population (*reaya*) had been dealt with by traditional authors such as Gelibolulu Mustafa Âli (d. 1600), Koç Bey (d. 1650), and Kâtib Çelebi (d. 1657), but only in terms of taxation. İbrahim Müteferrika (d. 1745) and Ebubekir Râtib Efendi (d. 1799), in contrast, discussed the issue also in terms of economic wealth and as a basis of imperial strength. See Fatih Bayram, “Ebubekir Râtib Efendi as an Ottoman Envoy of Knowledge between the East and the West,” master’s thesis, Bilkent University, Ankara, Turkey, 2000, 76–77.

⁸ Ünver, “Osmanlı Tababeti,” 937–40; and Yarman, *Osmanlı Sağlık*, 210–12.

⁹ Ünver, “Osmanlı Tababeti,” 947–48; Anne Marie Moulin, “L’hygiène dans la ville: La médecine ottomane à l’heure pastoriennne (1887–1908),” in *Villes ottomanes à la fin de l’Empire*, ed. Paul Dumont and François Georgeon (Paris: L’Harmattan, 1992), 186–209; Daniel Panzac, “Tanzimat et santé publique: Les débuts du conseil sanitaire de l’Empire ottoman,” in *Population et santé dans l’Empire ottoman (XVIIIe–XXe siècles)*, ed. Daniel Panzac (Istanbul: Isis, 1996), 77–85; and Nuran Yıldırım, “Tanzimat’tan Cumhuriyet’e Koruyucu Sağlık Uygulamaları,” in *Tanzimat’tan Cumhuriyet’e Türkiye Ansiklopedisi*, ed. Murat Belge, 5 vols. (İstanbul: İletişim Yayınları, 1985), 5:1322–23.

¹⁰ Ünver, “Osmanlı Tababeti,” 954–56.

¹¹ Osman Nuri Ergin, *Mecelle-i Umur-i Belediyye*, 9 vols. (İstanbul: İstanbul Büyükşehir Belediyesi Kültüre İşleri Dairesi Başkanlığı Yayımları, 1995), 6:3296–302, 3303–6.

The emergence of preventive policy concerning abortion, therefore, formed part and parcel of the increasingly active position of the state toward the whole realm of public health. As will be discussed in more detail below, early but limited measures toward the prevention of abortion had already taken place during the reigns of sultans Abdülhamid I (ruled 1774–89) and Selim III. These measures became an integrated policy during the last decade of the rule of Mahmud II (ruled 1808–39). But it should also be noted that similar steps were taken in Ottoman Egypt during the same period and for much the same reasons under the viceroyalty of Kavalali Mehmed Ali Pasha, who ruled almost independently there. In 1827 the French physician Antoine Barthélémy Clot (referred to as Clot Bey) founded a modern medical school near Cairo to train physicians for the Egyptian army. The establishment of a school for midwifery followed in 1832. As will be argued below, one of the major measures against abortion in the Ottoman heartlands, too, was the introduction of official surveillance of midwives.¹²

ATTITUDES TOWARD ABORTION PRIOR TO THE REFORM PERIOD

The Ottoman state since the late fifteenth century had professed a Sunni Islamic identity and had also emerged as a political power with the official claim of existing so as to expand Islam.¹³ Given the religious nature of the Ottoman Empire, then, it is important to look at Islamic legal tradition and law, known as Sharia, as well as differing Islamic doctrinal attitudes concerning abortion. The most basic source of Islamic law, the Koran, does not provide direct insights on this subject, though it makes repeated allusions to the bonds between mother and child and to the mother's duty toward the fetus.¹⁴ There is only one verse that might have some distant relation to abortion. It is the verse that prohibits infanticide, a customary practice among pre-Islamic Arabs. Yet the verse states only that since God feeds human beings, no one should kill their children because of poverty.¹⁵

¹² Mervat F. Hatem, “The Professionalization of Health and the Control of Women’s Bodies as Modern Governmentalities in Nineteenth-Century Egypt,” in *Women in the Ottoman Empire: Middle Eastern Women in the Early Modern Era*, ed. Madeline C. Zilfi (Leiden: Brill, 1997), 66–80; and Daniel Panzac, “Médecine révolutionnaire et révolution de la médecine dans l’Égypte de Muhammad Ali: Le Dr. Clot-Bey,” in Panzac, *Population et santé*, 95–105.

¹³ The Islamic world is divided into Sunni and Shia branches. Sunni Muslims believe that the Koran together with traditions ascribed to the Prophet constitute the final religious authority and that the leaders of the community do not possess any sacred power. The Shia believe that Muhammad designated his son-in-law Ali as the leader of the Muslims and that the descendants of Ali and the leaders of the Shiite communities possess sacred authority.

¹⁴ Koran, Surah of Al-Mū’minūn, 13: “Afterwards we placed him in the form of seed in a sure receptacle,” where the womb is depicted as a “sure receptacle” (*The Koran*, trans. George Sale [London: F. Warne, 1734], 336).

¹⁵ Koran, Surah of Al-Isrā’, 1: “Kill not your children for fear of being brought to want; we will provide for them and for you: verily the killing them is a great sin” (*ibid.*, 275).

If we look at the main legal traditions of Islam as they took root in different parts of the Islamic world, it is easy to discern certain doctrinal differences concerning abortion between the Sunni legal schools of the Hanafi, Shafi'i, Maliki, and Hanbali as well as the Zaidi and Imamite traditions of the Shi'ites.¹⁶ Among these schools, the Hanafi and the Zaidi displayed the most liberal attitudes. The Hanafi opinion permitted abortion provided it was performed within 120 days of conception. During this period the fetus was not believed to be a complete human soul. Even within this roughly four-month period, abortion was held to be *makrūh*, that is, discouraged but not forbidden when it was done for a valid reason or with some moral justification. Such reasons included a woman's inability to breastfeed her baby or the family's inability to afford a wet nurse. Some Shafi'i scholars shared these Hanafi views. The Zaidi Shi'ite school allowed abortion unconditionally with or without valid reason, provided that it preceded the same moment of "ensoulment," calling it *jā'iz* (permitted). The Hanbali and Maliki jurists forbade it under all circumstances, calling it *haram* (forbidden). However, some Hanbali jurists allowed it within forty days of conception. Juristic consensus existed only on the point that abortion after a period of four months from the date of conception amounted to taking a life. Yet this limit could also be set aside if, according to medical opinion, there were a definite risk of death for the mother. In all Islamic legal traditions the mother's life took precedence over the child's on the juristic principle that "the root is more valuable than the branch."¹⁷

The Ottoman Empire, like most other Muslim Turkic states, followed the Hanafi school. From the Hanafi legal perspective, then, the issue of abortion seems to have been regulated within the Islamic lands of the Ottoman Empire, at least theoretically, relatively liberally. Still, Ottoman Islamic culture was also deeply influenced by Islamic mysticism of the type known as Sufism. The great Sufi scholar and legalist Al-Ghazali (d. 1111), for example, imprinted his religious and doctrinal influence deeply in Ottoman scholarly

¹⁶ Islamic legal schools differ from each other mainly in the methodologies they apply to deduce legal rules and opinions from the authoritative sources for the religion such as the Koran, traditions ascribed to the Prophet, and the consensus of the early Islamic community on religious issues. Among these schools the Hanafi school displays a greater flexibility in the application of legal reasoning, whereas the Maliki and the Hanbali schools tend to remain faithful to the literal meanings of the original sources. See Wael B. Hallaq, *A History of Islamic Legal Theories* (Cambridge: Cambridge University Press, 1997).

¹⁷ B. F. Musallam, *Sex and Society in Islam: Birth Control before the Nineteenth Century* (Cambridge: Cambridge University Press, 1983), 10–11, 57–59; Abdel Rahim Omran, *Family Planning in the Legacy of Islam* (London: Routledge, 1992), 8, 9; and Mustafa Öztürk, "Osmanlı Döneminde Iskat-ı Cenin Yeri ve Hükümü," *Fırat Üniversitesi Dergisi (Sosyal Bilimler)*, no. 1 (1987): 199. See also Orhan Çeker, "Çocuk Düşürme," in *TDV İslâm Ansiklopedisi*, 8:364–65; Muhsin Koçak, "Gurre," in *TDV İslâm Ansiklopedisi*, 14:211–12; and Mustafa Uzunpostalcı, "Cenin," in *TDV İslâm Ansiklopedisi*, 7:369–70.

life.¹⁸ As regards family planning, Al-Ghazali supported contraceptive methods such as coitus interruptus (*azl*), on the one hand, but considered abortion principally as a crime, on the other.¹⁹ This example alone is sufficient to reveal that Ottoman cultural life was determined by different and even conflicting religious and legal approaches.

The collections of *fatwas*, that is, opinions on legal issues concerning daily and practical problems delivered by the *seyhü'lislâm* (the *mufti*, or chief interpreter of Islamic law in Istanbul and the head of the Ottoman religious establishment) and other muftis, provide more reliable legal opinions concerning abortion, so it is interesting that this issue does not seem to have found a place in any of the *fatwa* collections prior to the seventeenth century.²⁰ Late-seventeenth-, eighteenth-, and early-nineteenth-century collections, in contrast, contain series of *fatwas* concerning miscarriages resulting from physical violence by third parties as well as on abortions. These later collections tell us that in cases of unintended miscarriages due to violence the proscribed punishments for the perpetrator ranged from reprimand (*te'dîb*) and monetary compensations known as blood money (*diyet*) to a prison sentence, even imprisonment for life (*habs-i mümtedî*). For abortion, the dominant opinion was that if the act were performed with the consent of both husband and wife, it was a misdeed and a sin (*âsîm*) but not a crime that should be prosecuted by the Islamic judge (*kâdi*).²¹ However, if the wife aborted without the consent of her husband, she should pay an indemnity (*gurre*) to her spouse. The same principle was applied to the husband if the wife miscarried due to his physical violence toward her.²² These views were repeated in the writings of well-known Muslim

¹⁸ See Halil Inalcık, *The Ottoman Empire: The Classical Age 1300–1600* (New Rochelle, N.Y.: Praeger, 1973), 166, 175–77; Cevat İzgi, *Osmânî Medreselerinde İlim*, 2 vols. (İstanbul: İz Yayıncılık, 1997), 1:79, 100; İsmail Hakkı Uzunçarşılı, *Osmânî Târihi*, 7th ed., 3 vols. (Ankara: Türk Tarih Kurumu Basımevi, 1996), 1:25, 530–35, 2:655; and İsmail Hakkı Uzunçarşılı, *Osmânî Devletinin İlmîye Teşkilâtı*, 2nd ed., 2 vols. (Ankara: Türk Tarih Kurumu Basımevi, 1984), 1:24, 75–76, 230.

¹⁹ Musallam, *Sex and Society*, 18; and Omran, *Family Planning*, 9, 137.

²⁰ See M. Ertuğrul Düzdağ, ed., *Seyhü'lislâm Ebüssuûd Efendi Fetvaları İşığında 16. Asır Türk hayatı* (İstanbul: Enderun Kitabevi, 1972); Zembilli Ali Efendi, *El-Muhtarat Minel Fetava (Seçme Fetvalar)*, ed. İbrahim Ural and M. Ali Sarı (İstanbul: Fey Vakfi, 1996); and Gökçen Art, *Seyhü'lislâm Fetvalarında Kadın ve Cinsellik* (İstanbul: Çiviyazılılar, 1996).

²¹ Abdürrâhîm Efendi [Menteszâde] (d. 1716), *Fetâvâ-yi Abdürrâhîm*, 2 vols. (İstanbul: Darü't-tibbâati'l Âmire, 1243/1827–28), 1:112, 133; and *Fetvâ Mecmû'ası* (İstanbul: Darü't-tibbâati'l Âmire, 1237/1821–22), 618, 620, 621.

²² Feyzullah Efendi, *Fetâvâ-yi Feyziye maa'n-Nukul* (İstanbul: Darü't-tibbâati'l Âmire, 1266/1850–51), 524, 525; Çatalcâli Ali Efendi, *Fetâvâ-yi Ali Efendi*, ed. Salih bin Ahmed el-Kefevî, 2 vols. (İstanbul: Âmire Matbaası, 1311/1895–96), 2:398, 399. A similar legal attitude was prevalent also in seventeenth- and eighteenth-century Ottoman Syria and Palestine. See Judith E. Tucker, *In the House of the Law: Gender and Islamic Law in Ottoman Syria and Palestine* (Berkeley: University of California Press, 1998), 122–23. The *gurre* was calculated at one-twentieth of the full blood money price, or *diyet* (116).

jurists throughout the Ottoman era from Molla Hüsrev (d. 1480) to Ömer Hilmi Karinabâdîzâde (d. 1889), so they were evidently well established legal precedents.²³

These scattered opinions nonetheless make it possible to conclude that within the Hanafi legal traditions of the Ottoman Islamic lands the husband's consent was considered sufficient for the permissibility of abortion. In other words, abortion was an issue that belonged to the private sphere of family life. At the same time, until comprehensive researches are done in the early Ottoman court records, it is too early to reach a definite conclusion about the application of these legal opinions to daily life. It suffices to say that foreign observers in the Ottoman Empire in the late eighteenth and early nineteenth centuries observed seemingly free and unlimited abortions and a corresponding lack of moral restraint (from a Christian point of view, of course) among the Muslim population concerning this issue. Similar observations by Westerners were also made for pre-nineteenth-century Egypt.²⁴

THE ISSUE OF ABORTION BETWEEN 1786 AND 1838 AND THE EDICT OF 1838

The first document of a comprehensive and consistent state policy to prevent abortion throughout the Ottoman Empire was formulated in a *firman* (imperial edict) in November 1838, that is, in the final years of the rule of Mahmud II.²⁵ This decree was crucial in terms of its scope and consequences for the Ottoman woman and her body as well as for the Sharia. An issue that was traditionally considered within the domain of private law was turned for the first time into an object of secular state policy. In other words, a realm considered by religious tradition as a part of the sacredness and intimacy of Muslim families was regulated—and some said profaned—by the state authority.

²³ For the former see Molla Hüsrev, *Dürrerî'l-Hükkâm*, 2 vols. (İstanbul: Şirket-i Sahâfiye-i Osmâniye, 1317/1901–2), 2:104–6; and Ahmet Akgündüz, *Osmanlı Kanunnâmeleri ve Hukuki Tablilleri*, 3 vols. (İstanbul: Fey Vakfi, 1990), 1:122. For the latter see Ahmet Akgündüz, *Mukayeseli Islam ve Osmanlı Hukukun Külliyyâtı* (Diyarbakır, Turkey: Dicle Üniversitesi Hukuk Fakültesi Yayınları, 1986), 905–6; and Öztürk, "Osmanlı Döneminde," 202.

²⁴ Fanny Davis, *The Ottoman Lady: A Social History from 1718 to 1918* (New York: Greenwood, 1986), 40; Hatem, "The Professionalization of Health," 67; Bülent Özdemir, "Ottoman Reforms and Social Life: Reflections from Salonica, 1830–1850," Ph.D. diss., School of Historical Studies, University of Birmingham, 2000, 74–75; François Charles Hugues Laurent Pouqueville, *Voyage en Morée, à Constantinople, en Albanie, et dans plusieurs autres parties de l'Empire ottoman pendant les années 1798, 1799, 1800 et 1801*, 3 vols. (Paris: Gabon, 1805), 1:265; and Traian Stoianovich, *A Study in Balkan Civilization* (New York: Knopf, 1967), 135–36.

²⁵ The edict as well as the related official documents have been reprinted in the document collection entitled *Muharrerât-ı Nâdire* (Rare Documents). This semiofficial publication, consisting of eighteen volumes and containing selections of mainly nineteenth-century documentation, appeared in 1873 and 1874. See *Muharrerât-ı Nâdire* (İstanbul: İzzet Efendi

Though this edict was issued in 1838, it would be only partly correct to attribute its content solely to the efforts of the reformist rule of Mahmud II. In fact, there are indications that even before 1838 certain measures had been taken that seemed to have been aimed at preventing abortion. We know about a *firman* issued in January 1786, that is, during the reign of Abdülhamid I, concerning the punishment of a non-Muslim pharmacist who had been selling prohibited plants. Though the type and quality of these plants are not specified in the document, it is worth considering that they could be plants enabling abortion as well as ones used for other misdeeds such as poisoning.²⁶ Three years later, and just a month after the succession of Selim III, a decree was issued (May 1789/Ramazan 1204) that forbade physicians and pharmacists from selling drugs that induced abortion. Although the decree was initially meant to be enforced only in Istanbul, an additional order was issued to enforce it also in the provinces.²⁷ In March 1827 an order was issued concerning two Jewish midwives in Istanbul, one of them known by the nickname the “bloodstained midwife” (*kanlı ebe*), who were accused of providing abortifacients to pregnant women and were exiled to Thessalonica. This document included additional orders given to the heads of both Muslim and non-Muslim communities to launch investigations concerning members of their communities who might also be involved in assisting with or performing abortions, together with preliminary provisions for punishment of offenders as well as for ongoing scrutiny concerning these matters.²⁸ The 1827 order also pointed out that midwives assisted women in inducing miscarriages by providing remedies “solely out of their own materialistic self-interest” in a way that epitomized the Ottoman state’s new approach to abortion, as will be discussed below.²⁹ While underlining the involvement of midwives in the practice of abortion, this order is also crucial in providing the initial targets of surveillance and the antiabortion discourse as a form of biopolitics in the Ottoman Empire. In sum, the measures taken from 1780 onward reveal steps already made to forestall abortion, steps that remained piecemeal and ad hoc in character. Antiabortion policy became much more systematic with the decree of 1838, the date at which commenced the Ottoman state’s narrative on abortion, which would last until the end of the empire.

Matbaası, 1289/1873–74), 18:750–55; Ahmed Lütfi, *Târih-i Lütfi*, 15 vols. (Dersaadet, Turkey: Mahmûd Bey Matbaası, 1302/1884–85), 4:135–36; Öztürk, “Osmanlı Döneminde,” 200; and Ünver, “Osmanlı Tababeti,” 950, 954.

²⁶ Başbakanlık Osmanlı Arşivi (Prime Ministerial Ottoman Archives, hereafter cited as BOA), Cevdet Sıhhiye 380-5 Ra 1200.

²⁷ BOA, Cevdet Sıhhiye 1026-N 1204 İlâm.

²⁸ BOA, Cevdet Sıhhiye 437-12 § 1242 Buyruldu.

²⁹ “Some Muslim, Christian and Jewish women in Istanbul, habituated to the task of midwifery, are reported to be knowingly giving remedies to pregnant women to miscarry their unborn children, and in turn causing their [these women’s] peril solely for their own materialistic self-interest” (*ibid.*).



Figure 2: A bellowslike instrument used to help dilation during childbirth. From the *Kitab al-Cerrahiyet al-Haniye* (Royal Book of Surgery) by Sherefeddin Sabuncuoglu, written in 1465. Reprinted in Uzel, *Serefeddin Sabuncuoglu*, 2:120B; and in Arsen Yarman, *Osmanlı Saglik Hizmetlerinde Ermeniler ve Surp Pürgic Ermeni Hastanesi Tarihi* (Istanbul: Surp Pürgic Ermeni Hastanesi Vakfi, 2001), 187.

The abortion decree of 1838 came into being as a result of discussions based on three documents issued in sequence by the Council of Public Works, the Council of the Sublime Porte, and the Sublime Council for Judicial Ordinances.³⁰ The fact that this decree took shape in these three state councils, each of which played a key role in the shaping of state policies, is indicative of the importance that the issue of abortion occupied in the minds of the ruling elite.

We do not know who initiated the idea of a comprehensive policy against abortion, but its critical character, both in breaching Islamic law as well as in emphasizing the long-term demographic success of the empire, may indicate that it was initiated by the sultan himself, who probably discussed the issue with his close advisers and was assured of general support for the decree from the bureaucratic elite. It fits neatly alongside the transformation of the Ottoman administration's overall approach to its population that had begun in the decade leading up to the decree on abortion. In 1829 a new population registry was launched together with new methods for the appointment of

³⁰ During the classical period of the Ottoman Empire, Sublime Porte referred to the open court of the sultan (*dîvân*) led by the grand vizier, where government policies were formed. This name originated from the gate to the headquarters of the grand vizier in Topkapi Palace, Istanbul, where the sultan held greeting ceremonies for foreign ambassadors. In the constitutional period, however, its functions were replaced by the imperial government, and the expression "Sublime Porte" came to refer to the Foreign Ministry.

officials and administrators in charge of logging and reporting of local birth and death figures.³¹ The surviving documents for these changes, which date to between 1836 and 1838, reveal that the Ottoman state urged not only officials in the capital but also provincial administrators to compile population records by ethnic and religious criteria.³² The new recordkeeping allowed for better ascertaining and updating of the tax rolls empirewide: the birth and death registers were made more sophisticated in 1836 and again in 1838.³³ Further studies carried out through a comparative analysis of these population registers with respect to birth and death rates among different ethnic and religious groups in the period might help to trace the rationale behind the government's antiabortion policies. It might be tentatively assumed that the new population records collected in the 1830s revealed the extent of the practice of abortion, and that is what led the central administration and the sultan to take the disciplinary measures they did.

The edict was published between 8 and 18 November 1838 (evâhiri Şa'bân 1254).³⁴ It began by emphasizing that the welfare of a country (*ma'mûriyet ve âbâde-i memâlik*) depended on the number of its inhabitants (*ahâlî ve ibâdin kesret ve refreti*). It also noted that it was a religious duty (*farz-i 'ayn*) for human beings to protect their progeny from any harm (*zürriyetlerini telef ü hederden vikaye*). Some subjects of the Well-Protected Domains (a usual euphemism for the Ottoman Empire) commit the abominable act of abortion, however, which is against the will of God. Abortion meant in practical terms the killing of a soul (*âdetâ ifnâ-yi nefâ*), and those who committed this act would be punished in the afterworld. Not knowing the blessing of a child, the decree continued, which was part of the heart of parents and a fruit of their soul (*semere-i fî'âd*), such ingrates were also rewarded deservedly through the frequent harm that falls on the bodies of women who abort, including even their deaths. Thus, as the caliph and the sultan of the lands bestowed upon him by God, Mahmud II declared that this disgusting practice would be absolutely prohibited as a requisite of his general policy of mercy, equity, and compassion. Through this prohibition the people as well as the country itself would be protected from this perverse tradition (*âsâr-i dalâl*).³⁵

³¹ Kemal H. Karpat, *Osmâni Nüfusu (1839–1914): Demografik ve Sosyal Özellikleri* (İstanbul: Tarih Vakfı Yurt Yayınları, 2003), 68.

³² See BOA, Cevdet Dahiliye 5424-29 B 1253, a decree that ordered the establishment of an office and its director to compile population registers for the capital and provinces of the Ottoman Empire.

³³ For 1836 see Ünver, "Osmanlı Tababeti," 958; for 1838 see BOA, Cevdet Dahiliye 6543-3 Za 1254.

³⁴ It was made public in the provincial regions of western and central Anatolia, Thessalonica, and Macedonia as well as in Babadağ at Dobrudja, according to archival records. See Özdemir, "Ottoman Reforms," 74–75; Öztürk, "Osmanlı Döneminde," 200, 203–5; BOA, Cevdet Sihhiye 566-13 Z 1254 İlâm. Michael Ursinus kindly informed us that this edict was publicized also in the Macedonian provinces of the empire.

³⁵ Somel, "Osmanlı Son Döneminde," 86.

The measures to prohibit abortion, according to the edict, were the following: All midwives, physicians, and pharmacists were to be warned by the chief physician of the sultan (*ser etibbâ-i sultâni*) not to provide anyone with abortifacient drugs.³⁶ Midwives, physicians, and pharmacists from non-Muslim communities in Istanbul were ordered to pledge an oath to the state by means of their religious leaders not to dispense abortifacients. Similarly, Muslim midwives in the capital were required to take the same oath through their local imams, who would bring them into the presence of the Islamic judge of Istanbul. (Later decrees would require the same oaths by similar individuals in the provinces, too.) Since neighbors would know whether the loss of any fetus was indeed a miscarriage or a planned abortion, anyone who knew but did not inform the government about an abortion, including the pregnant woman who tried to abort as well as her husband, would be subjected to harsh measures (*mücâzât-i sedîde*).³⁷

The edict of 1838 contains certain noteworthy aspects. First, the Ottoman administration was clearly concerned with the widespread practice of abortion and also concerned about its negative effects on population growth and its adverse effects on state power. Second, a religious discourse was used to discredit abortion. Since no formal religious ban existed on abortion, these documents preferred to use the vaguer “violation of the will of God” in order to assert that abortion was an act against religion. Within this context, the idea was underlined that the fetus was a living being from the beginning of pregnancy onward. Thus, it was stressed that those who committed abortion would be punished by God. Religious concerns, likewise, were said to prompt the sultan to prevent what was a loathsome practice in the Ottoman lands, which were themselves a donation of God to the sultan. Third, the edict aimed at introducing mechanisms of social control. It both acknowledged the fact that the knowledge of abortifacients was widespread among ordinary women and attempted to eliminate the passing on of that knowledge. Similarly, it stressed that any deliberate miscarriage would likely be known among the local population but warned those who knew but did not inform the police that they would be severely punished alongside the other parties involved.

³⁶ The original function of the chief physician (*hekimbâşı*) was to act as a doctor to the sultan’s household and to ensure hygienic conditions in the palace. He was also responsible for guaranteeing sanitary conditions in Istanbul. It was only from the early nineteenth century that chief physicians assumed responsibility for the health of the Ottoman Empire as a whole. Until the 1830s chief physicians rose from among the *ulema* (religious leaders). See Ali Haydar Bayat, *Osmâni Devleti’nde Hekimbaşılık Kurumu ve Hekimbaşilar* (Ankara: AYK Atatürk Kültür Merkezi Başkanlığı, 1999), 4, 7–8. The chief physician between 1837 and 1839 was Ahmed Necib Efendi (d. 1850), who had previously served as the director of the state hospital (*cerrahhâne*). He was the first chief physician who did not originate from among the *ulema*. See ibid., 4, 7–8, 167–68; and Mehmed Süreyya, *Sicill-i Osmâni*, ed. Nuri Akbayar, 5 vols. (İstanbul: Kültür Bakanlığı & Türkiye ekonomik ve Toplumsal Tarih Vakfı, 1996), 1:195.

³⁷ Somel, “Osmanlı Son Döneminde,” 86–87.

Though the document stressed both demographic as well as religious detriments of abortion, its religious arguments lacked a real solid basis in Hanafi jurisprudence. The sensitivity toward abortion, it seems, stemmed mainly from demographic considerations, although religious values provided legitimacy for the policy. This rhetoric may not have been merely self-serving. It may reflect the strengthening of Sunni orthodoxy in Istanbul toward the late eighteenth century and especially the expansion of the Naqshband order of Islamic mysticism among the ruling elite in particular, which may have created an atmosphere in which abortion was increasingly viewed in a negative light.³⁸

The edict of 1838 can also be regarded as the beginnings of a new narrative on families, one that specifically dealt with reproduction and population through the control and suppression of information. With this decree, issues of sexual reproduction and procreation were taken into the public sphere to be discussed and handled openly there. In short, these private matters became public issues.

Certain points omitted in the edict but mentioned in the reports issued by the aforementioned councils deserve attention. In the report of the Council of Public Works two main motives for abortion are specified: first, too great a concern for the body (*tenperverlik*) and the desire for personal comfort and, second, the material difficulties involved in raising a child. For these reasons the council had proposed that the administration should apply repressive measures only to those women who aborted because of concern for their bodies, while gentler measures and material support should be provided to those in material difficulties.³⁹ Both the Council of the Sublime Porte and the Sublime Council for Judicial Ordinances took the same point of view and proposed financial support for women of modest means with more than five children.⁴⁰

The absence of any mention of material support as proposed by the three councils, however, is not all that surprising. There already existed measures for such support. One of these was the regulation of *tev'em ma'ası*, a monthly benefit or stipend for women who gave birth to twins. Another was a stipend for families who cared for and reared orphans or abandoned children, given also to single or widowed mothers, some of whom breastfed orphaned infants. For poor families, raising someone else's children was a

³⁸ The Naqshbandis constituted one of the main mystical orders in the Islamic world. They emerged in the Persian-speaking parts of central Asia in the fourteenth century and expanded to the Indian and the Ottoman realms in the sixteenth and seventeenth centuries. The Naqshband order was known to be strictly faithful to the Koran and the traditions ascribed to the Prophet and was therefore considered to be a religiously orthodox movement. See Hamid Algar, "Nakshbandiyya," in *Encyclopaedia of Islam*, 2nd ed., 12 vols. (Leiden: E. J. Brill, 1960–2005), 7: 934–39. On the expansion of Naqshband religious influence among the ruling elites of Istanbul see Butrus Abu-Manneh, *Studies on Islam and the Ottoman Empire in the 19th Century (1826–1876)* (Istanbul: Isis, 2001).

³⁹ *Muharrerat-i Nâdire*, 751; and Somel, "Osmanlı Son Döneminde," 73.

⁴⁰ *Muharrerat-i Nâdire*, 753–54; and Somel, "Osmanlı Son Döneminde," 74–75.

means to generate income and might have provided an incentive of sorts for women with financial difficulties not to have abortions. Based upon the archival evidence, these benefits appear to have become relatively common by the 1840s and 1850s.⁴¹ The Ottoman administration did not often reject such requests, apparently, and families from different socioeconomic levels applied and were granted *tev'em* benefits. Examples that survive show that the recipient could be a state employee, an immigrant, or simply a widowed mother, and it was enough to claim these benefits by referring to the family's size and the number of dependent children.⁴² In the capital either the Istanbul Commodity Custom (İstanbul Emti'a Gümrügü) or the Treasury of Ministry of the Interior (Dâhiliye Nezâret-i Celâlesi Hazînesi) made the payments, and in the provinces corresponding offices to these institutions did the same. The sultan and the administration might have thought that these material support schemes were enough to discourage abortion.

LEGAL DEVELOPMENTS AFTER 1838

The decree of 1838 formed the beginning of a consistent state policy on abortion that continued until 1908, so it is odd that the decisions of the edict were not immediately included into the criminal code. It was only two years after this edict that the first law code of the Tanzimat era, the criminal code (*cezâ kanûnnâmesi*) of 3 May 1840/1 Rebiyülevvel 1256, was issued. The criminal code of 1840 underwent a comprehensive revision on 14 July 1851/15 Ramazan 1267, after which it was called the New Law (Kanûn-ı Cedîd). Despite the clear articulation concerning a comprehensive antiabortion policy in the edict of 1838, though, not a single article was included concerning the prevention of abortion in either of these legal developments of 1840 or 1851.⁴³

⁴¹ There are many examples in the archival evidence; for the *tev'em ma'ası* see BOA, İrade Dahiliye 15291-1268; BOA, İrade Dahiliye 15507-1268; BOA, İrade Dahiliye 15702-1268; BOA, İrade Meclis-i Vala 11556-1270; BOA, İrade Dahiliye 18605-1270; BOA, A.MKT.NZD 143/100-1271.B.24; BOA, A.MKT.NZD 160/91-1271.Z.21; BOA, A.MKT.NZD 179/3-1272.B.5; BOA, A.MKT.NZD 179/67-1272.B.16; BOA, A.MKT.NZD 233/2-1273.Z.29; BOA, A.AMD 85/52 1274; BOA, A.AMD 86/74-1274; BOA, A.AMD 89/53-1274; BOA, A.MKT.NZD 235/31-1274.M.1274; BOA, A.MKT.NZD 241/78-1274.Ra.26; BOA, A.MKT.NZD 288/83-1274.Za.23; BOA, İrade Dahiliye 27122-1274; BOA, MKT.DV 164/48-1277.M.5; BOA, A.MKT.NZD 336/31-1277.C.9; BOA, A.MKT.NZD 387/3748-1278.C.20; BOA, A.MKT.NZD 387/48-1278.C.21; BOA, A.MKT.NZD 417/88-1278.Za.12; BOA, A.MKT.MHM 294/63-1280.L.11; and BOA, Y.PRK.UM 47/126-1317 Ca 18. For breastfeeding and caring for deserted and orphaned infants see BOA, İrade Dahiliye 7339-1263; BOA, İrade Meclis-i Vala 2632-1264; BOA, İrade Meclis-i Vala 11386-1270; BOA, İrade Meclis-i Vala 10700-1269 22 N; BOA, İrade Meclis-i Vala 14228-1271 29; BOA, İrade Dahiliye 23294-1272; BOA, İrade Dahiliye 24316-1273; BOA, İrade Dahiliye 2461A-1273.28; and BOA, İrade Dahiliye 24808-1273.

⁴² BOA, İrade Meclis-i Vala 2632-1264; and BOA, İrade Dahiliye 7339-1263.

⁴³ Öztürk, "Osmanlı Döneminde," 201; and Tahir Taner, "Tanzimat Devrinde Cezâ Hukuku," in *Tanzimat I*, 1:226-30.

Legal sanctions against abortion appeared first only in the criminal code of 9 August 1858/28 Zilhicce 1274. Article 192 specified that a person who induced a miscarriage in another person either by means of blunt force trauma or by any other act had to pay the *diyet* to the victim. If the act were intentionally done, the culprit would be sentenced to a period of forced labor in addition to the *diyet* payment. Article 193 added that if a woman committed abortion, by her own free will or not, either by taking an abortifacient or by using other instruments, the person who had provided her with the drugs or tools would be sentenced to six months to two years of imprisonment. If the abortion were committed with the help of a physician, surgeon, or pharmacist, that individual would be sentenced to forced labor. The criminal code of 1858 remained valid, with further amendments introduced in 1911, until 1926.⁴⁴

It is a legitimate question to ask why for a period of twenty years between 1838 and 1858 no legal steps were taken on an issue to which the government apparently attributed so much importance. The answer is unclear. What is possible to say at this point is that the period from 1839 to 1856, during which both the codes of 1840 and 1851 were prepared, displayed considerable differences in terms of both political as well as cultural conditions from the period following 1856. There are strong indications that the years following the death of Mahmud II in 1839 until the Crimean War (1853–56) were governed largely by Islamic sentiments, and administrative and educational reforms generally of the period exhibited clearly Islamic features.⁴⁵ One might assume that private law, too, and such issues as the family, women, inheritance, and children were still considered to fall within the domain of Islamic law and, thus, that abortion was also considered part of the private sphere and subsequently treated within the realm of the Sharia.

In contrast, the era of the Crimean War constituted a significant turn in Ottoman political developments. The political elite that had existed before the war lost power and was replaced by a new generation of functionaries led by Grand Vizier Âli Pasha (1815–71) and Foreign Minister Fuad Pasha (1814–69), who were determined in their Westernist attitudes. Similarly, the Crimean War signified an increasing closeness between the Ottoman Empire and the states of Europe, where cultural and diplomatic influences, from France in particular, became much more clearly noticeable. Following the reform edict of February 1856, new laws were promulgated, inspired mainly by French examples and sometimes in opposition to the Sharia. The Ottoman criminal code of 1858, an adaptation of the French criminal code

⁴⁴ Akgündüz, *Mukayeseli*, 864; and Öztürk, “Osmanlı Döneminde,” 201.

⁴⁵ Abu-Manneh, *Studies on Islam*; Şerif Mardin, *The Genesis of Young Ottoman Thought: A Study in the Modernization of Turkish Political Ideas* (1962; Syracuse, N.Y.: Syracuse University Press, 2000), 197–206; and Selçuk Akşin Somel, *The Modernization of Public Education 1839–1908* (Leiden: Brill, 2001), 1–5.

of 1810, included a number of non-Islamic sanctions and constituted an early example of this new official attitude.⁴⁶

Nonetheless, though the code of 1858 for the first time included articles prohibiting abortion, these articles were—interestingly—in full harmony with the Sharia. For example, what stands out in articles 192 and 193 of the code of 1858 is the impunity of the aborting mother, since there was no penalty for those women who undertook abortion under their own free will. The edict of 1838, in sharp contrast, had emphasized the punishment of the woman who sought an abortion together with her husband. The obvious difference between the attitudes evidenced in the edict of 1838 and the criminal code of 1858 can only be explained by the intention of the lawgivers not to violate Islamic law, because, as mentioned above, any abortion committed by a woman with the approval of her husband was not considered a crime, according to traditional Hanafi jurisprudence.

Thus, it clearly appears that even though a new political elite took over power with the Crimean War, they did not choose to take a step as radical as that proposed by the edict of 1838. The decision may have belonged to Ahmed Cevdet Pasha (1822–95), the brilliant *ulema*-intellectual of the Tanzimat era who was a driving force behind the compilation of major legal texts between 1856 and 1876. Cevdet Pasha, known as a conservative reformist, was appointed in 1856 as a member of the Metn-i Metîn Komisyonu, the commission given the task of drafting new laws in harmony with the Sharia. In the following year he became a member of the High Council of Reorganizations (Meclis-i Âlî-i Tanzimat). It was during his membership in these bodies that a series of laws, including the criminal code of 1858, were prepared and approved.⁴⁷ It can be possibly attributed to Cevdet Pasha's influence that the stipulations concerning abortion were formulated in such a way as not to violate Islamic law. In consequence, even the reformist government of 1856 refused to establish control of the female body. What remained as legitimate objects of state intervention were only the secondary agents of abortion. It was precisely against these agents that the administration concentrated its energies, attempting at least to eliminate conditions favorable to abortions. This decision also meant the need to develop a comprehensive policy of state control over midwifery and a reorganization of the medical and pharmaceutical professions.

THE REORGANIZATION OF MIDWIFERY AS A PROFESSION

It is impossible to underestimate the role of midwifery in traditional Ottoman social life. Narrations from the past reveal to us that the midwife of a town, the *ebe hanım*, was indeed an intimate of local families. The midwife became

⁴⁶ H. Veldet, “Kanunlaştırma Hareketleri ve Tanzimat,” in *Tanzimat I*, 1:198; and Taner, “Tanzimat Devrinde Cezâ Hukuku,” 230–31.

⁴⁷ Ebü'lulâ Mardin, *Medeni Hukuk Cephesinden Ahmed Cevdet Paşa* (İstanbul: İstanbul Üniversitesi Hukuk Fakültesi Yayınları, 1946), 45–46.

a part of the birth process from the sixth or seventh month of pregnancy, preparing swaddling clothes (*kundak*). She joined in the prayers that accompanied the birth of the infant. Nor did her role end with the birth. She was the one who visited the mother and infant and examined their health in the postpartum period: childbed fever (*humma-i nifâsi*) was quite common among women, and midwives also had to take care of the infant until its umbilical cord was shed. The midwife was the only therapeutic specialist to vaccinate the infant until the Ottoman administration began training professional health employees. Midwives participated in and sometimes led certain rituals following the birth, such as henna night (*kına gecezi*), which celebrated the new mother after the period of childbed among poorer families, and the cradle procession (*beşik çıkışma*), which was done for the same reason in wealthier households. On the fortieth day following birth the new mother also took her baby, along with female relatives, neighbors, and the midwife, to the public bath (*hamam*); here the midwife performed certain religious rituals for the future health of the child (*kırklamak*).⁴⁸

It also seems clear that, depending upon their knowledge of medicine and plants, midwives also assisted women with undesired pregnancies by performing abortions. We can discern this probability from the fact that women who took part in abortions were referred to in the historical record as “bloodstained midwives” (*kanlı ebe*).⁴⁹ The government of Mahmud II clearly believed in the major role that midwives played in abortions, and, as noted above, the edict of 1838 obliged midwives to take an oath to their respective community leaders not to perform abortions.

In the years following the edict of 1838 the Ottoman government took crucial steps toward the professional training of midwives. Classes on childbirth may have been offered as part of surgery education as early as in 1827, when the medical school first opened. But a truly institutional policy of training midwives emerged only from 1842 onward, when a course specifically for midwives was offered at the medical school.⁵⁰ This development was publicly announced by the chief physician Abdülhak Molla, an act signifying that midwives at least in the capital, whether belonging to

⁴⁸ See Balıkhane Nazırı Ali Rıza Bey, *Eski Zamanlarda İstanbul Hayatı* (İstanbul: Kitabevi Yayınları, 2001), 4–5; Abdülaziz Bey, *Osmalı Adet, Merasim ve Tabirleri* (İstanbul: Tarih Vakfı Yurt Yayınları, 1995), 12–24; Kâzım Arısan, “Geçen Yüzyılda İstanbul’da Ebeler ve Doğum,” in *I. Türk Tıp Tarihi Kongresi: Kongreye Sunulan Bildiriler, İstanbul, 17–19 Şubat 1988* (Ankara: Atatürk Kültür, Dil ve Tarih Yüksek Kurumu Türk Tarih Kurumu Yayınları, 1992), 253–59; and Alpay Kabacalı, ed., *Cumhuriyet'in Yetmişinci Yılında Türkiye'nin 150 Yıllık Toplumsal Tarihi: Kesitler: Osmalı'nın Son Yetmiş Yılı* (İstanbul: Creative Yayıncılık ve Tanıtım/Toprakbank Yayınları, 1999), 23, 25.

⁴⁹ Ali Rıza, *Eski Zamanlarda İstanbul Hayatı*, 2; Namık Kemal, “Nüfüs,” *İbret*, 26 June 1872/19 Rebiyûlâhir 1289, 1–3; Abdurrahman Kurt, *Bursa Sicillerine Göre Osmalı Ailesi* (Bursa, Turkey: Kültür Bakanlığı Yayınları, 1998), 93; Nil Sarı, “Osmalı Sağlık Hayatında Kadının Yeri,” *Yeni Tıp Tarihi Araştırmaları: The New History of Medicine Studies*, 3 vols. (İstanbul: Türk Tarih Kurumu Yayınları, 1996–97), 2:2–3; and Yarman, *Osmalı Sağlık*, 194.

⁵⁰ BOA, İrade Meclisi Vala 830/19 Şa'bân 1258.

the Christian, Jewish, or Muslim communities, were expected to register in the course.⁵¹ Indeed, any woman who owned a delivery chair—the basic tool of the practice of midwifery—but who refused to attend these classes was prohibited from practicing midwifery and liable to punishment. At the same time, the chief physician warned the *kadis*, patriarchs, and rabbis to supervise the activities of the midwives.⁵² These measures illustrate the government's resolve to subject midwives to administrative surveillance.

The first course for midwives at the medical school was offered two days per week. Since it was inconceivable to have male instructors teach female students the process of child delivery, the state hired two foreign instructors, both women, one French and the other Austrian, both of whom possessed midwifery certificates.⁵³ The Ottoman administration believed that by launching this training program the “evil” activities of midwives could be curtailed through modern education.

These courses were designed to improve midwives' skills in the delivery process in general, even apart from these women's alleged participation in deliberate miscarriages. It was claimed that untrained midwives were ignorant, often subjecting mothers to troubles and even causing infants to die.⁵⁴ Another important dimension pertaining to the qualities of midwives was the way they acquired their occupation. We learn through contemporary accounts that before formal midwifery education, women became midwives mostly with the help of their mothers or other close female relatives who also practiced the trade. In other words, young women acquired the skills of midwifery through informal apprenticeships and received no formal medical education.⁵⁵ This informal training seems to have been the case not only for common midwives but also for midwives serving the palace as well as the families of the ruling elite.⁵⁶ In fact, midwifery was one of the very few profitable carrier paths for Ottoman women, and entry into the profession

⁵¹ Abdülhak Molla (d. 1854) served as chief physician three times (1834–37, 1839–45, and 1848–49). See Bayat, *Ottoman Devleti’nde*, 158–65.

⁵² Memorandum submitted by Abdülhak Molla and approved by the Sublime Council on 23 November 1842/19 Şâ'bân 1258, BOA, İrade Meclisi-i Vala 830/19 Şâ'bân 1258. See also Davis, *The Ottoman Lady*, 39, 40; Osman Nuri Ergin, *Türk Maarif Tarihi*, 2nd ed., 2 vols. (İstanbul: Eser Kültür Yayınları, 1977), 2:540–42; Sarı, “Osmanlı Sağlık Hayatında Kadının Yeri,” 25; and Yarman, *Ottoman Sağlık*, 219.

⁵³ BOA, İrade Meclisi-i Vala 830/19 Şâ'bân 1258. See also Nil Sarı, “Osmanlı Sağlık Hayatında Kadının Yerine Kısı Bir Bakış,” in *Sağlık Alanında Türk Kadını*, ed. Nuran Yıldırım (İstanbul: Novartis, 1998), 460; and Nuran Yıldırım and Suzan Bozkurt, “Başlangıcından Günümüze İstanbul Tıp Fakültesi’nin Kadın Öğretim Üyeleri,” in Yıldırım, *Sağlık Alanında*, 173–74.

⁵⁴ BOA, İrade Meclisi-i Vala 830/19 Şâ'bân 1258.

⁵⁵ [Anonymous], “Ebe Hanım,” *Hanım Kızlara Mahsûs*, 83–285, 1 November 1900/8 Receb 1318, 1–3.

⁵⁶ Abdülaziz Bey, *Ottoman Adet*, 346–47; Arisan, “Geçen Yüzyılda,” 253; Ali Rıza, *Eski Zamanlarda İstanbul Hayatı*, 1; Basiretçi Ali, “Şehir Mektubu 157,” *Basiret*, no. 2318, 17 March 1878/13 Rebiyülevvel 1295, 2–3; and Besim Ömer Paşa, *Ebelik: Doğurmak ve Doğurtmak* (İstanbul: Matbaa-yi Ahmed İhsan, 1322/1906–7), 2–4, 4–5.

was not controlled as in other trades, which were under the rigid control of either guilds or state regulations. Midwives serving the imperial harem even received regular salaries from the palace.⁵⁷

The aim in controlling the midwifery profession was not only to provide midwives with formal training to help forestall any unintended accidents during childbirth. It was also intended to propagate among midwives an outlook that would consider abortion a major crime, in effect turning midwives into government agents to enforce administrative surveillance over households, since they were the only outside persons who entered into the privacy of the otherwise impenetrable female world. In other words, the goal was to create an army of trained female medical personnel meant to ensure and promote population growth.

By 1845, the first year in which a report described the results of the program, a total of thirty-six midwives had received diplomas from the medical school.⁵⁸ Twenty-six of them were Christians, and the remaining ten were Muslims. Most of these graduates were later employed at civil and military hospitals. We may conclude, then, that the first Ottoman women to become civil servants belonged to the profession of midwifery.⁵⁹ One could argue that the total number of thirty-six graduates within three years of a professional program was minimal, particularly considering the meager number of Muslim participants and the absence of Jewish midwives. These statistics may show that traditional midwives in general shunned this professional training. The lack of Jewish participation is also particularly conspicuous, since contemporary sources occasionally accused Jewish midwives of assisting in abortions.⁶⁰ Despite the Ottoman administration's frequent announcements concerning the professional incapability of midwives without formal training, it is uncertain the extent to which this propaganda affected the population in general or traditional midwives. In 1851 the government issued another memorandum to highlight the provisions of the 1842 report. The memorandum was addressed to the chief magistrate (*ihtisâb nâziri*) and

⁵⁷ Abdülaziz Bey, *Osmâni Adet*, 346–47; Arisan, “Geçen Yüzyılda,” 253–54; and Ali Rıza, *Eski Zamanlarda İstanbul Hayatı*, 29.

⁵⁸ Osman Nuri Ergin, *Türk Maarif*, 2:540–42. See also “Ebe Mektebi,” in *Dünden Bugüne İstanbul Ansiklopedisi*, 8 vols. (İstanbul: Türkiye Ekonomik ve Toplumsal Tarih Vakfı, 1993–95), 3:115.

⁵⁹ Sarı, “Osmanlı Sağlık Hayatında Kadının Yeri,” 25; and Yarman, *Osmâni Sağlık*, 219.

⁶⁰ See the aforementioned documents of 1827 and 1838. See also Davis, *The Ottoman Lady*, 43; Namık Kemal, [untitled article], *Tasvîr-i Efkâr*, 4 June 1864/28 Zilhicce 1280, 2–3; Rena Molho, “Tanzimat Öncesi ve Sonrasında İstanbul Yahudileri,” in *19. Yüzyıl İstanbul’unda Gayrimüslimler*, ed. Pinelopi Stathis, trans. Foti and Stefo Benlisoy (İstanbul: Tarih Vakfı Yurt Yayınları, 1999), 80; and Ünver, “Osmanlı Tababeti,” 944. As for the predominance of Jews in medicine and midwifery and especially on the role of Jewish midwives in Ottoman folk medicine see Abdülaziz Bey, who discusses their traditional mastery in these arts. According to him, the overall modest and calm approach of Jewish medical professionals and midwives made them popular and preferred by Ottoman customers (Abdüllaziz Bey, *Osmâni Adet*, 348–49).

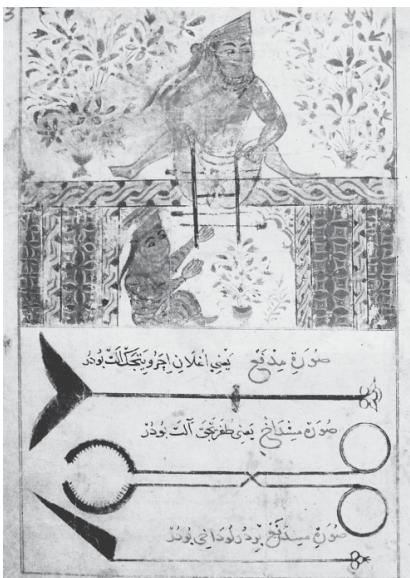


Figure 3: Extracting a deceased fetus, with the various instruments that might be used for such a procedure pictured below. From the *Kitab al-Cerrahiyet al-Haniye* (Royal Book of Surgery) by Sherefeddin Sabuncuoglu, written in 1465. Reprinted in Uzel, *Serefeddin Sabuncuoglu*; and Yarman, *Osmancı Saglik Hizmetlerinde Ermeniler*.

stated that additional announcements should be made to religious leaders throughout the various neighborhoods in the capital city to force those midwives who still evaded the course at the medical school and those who had been overlooked to take part in the formal training.⁶¹

While the central administration dealt with midwifery in Istanbul, requests came from across the Ottoman Empire to provide formal training for provincial midwives. The governor of Biga province in northwestern Anatolia sent a report to the capital in early 1853, claiming that since midwives in his province were deprived of formal training, casualties occurred among newborns and mothers, and he asked for a midwife educated at the medical school to be sent to Biga. The Sublime Council replied to the governor that since the number of trained midwives in Istanbul was insufficient to meet this request, he should instead send an experienced midwife from the province to be trained at the imperial medical school who could, following the training, return to his province and then instruct other midwives. Such a woman was sent.⁶²

There are cases in the archives that exemplify the complaints regarding the midwives' shortcomings. It may be that these records demonstrate real problems. It could also be argued, however, that they show only that as the

⁶¹ Before the modern municipal administrations that followed the Crimean War, the chief magistrate was the chief executive officer for the Islamic judge. He was also responsible for the collection of urban taxes and fees. See Ziya Kazıcı, "Hisbe," in *TDV İslâm Ansiklopedisi*, 18:143–45. For the announcements see BOA, A.MKT.NZD 26/48 1267.4.1.

⁶² BOA, A.MKT.UM 127/96 1269 CA 26.

public became aware of the means by which they could sue or complain about the malpractice of midwives legitimately, they used them. It might also be suggested that the government became keenly interested in keeping track of the mistakes of informally trained midwives. One example is from the town of Kemer-i Edremid in the Burhaniye province in western Anatolia, where a mother gave birth to triplets toward the end of 1859 but lost her babies due to the failure of the midwife to cut the umbilical cord. In consequence, the mother presented the Islamic court with a petition for the punishment of the midwife by the payment of blood money (*diyet*) according to the provisions of the Sharia. Since the misdeed of the midwife was considered a serious one, provincial authorities informed the Sublime Porte of the incident.⁶³

The reorganization of the Ottoman provincial system between 1864 and 1867 and the introduction of the system of municipal townships in 1870 provided a new legal and administrative framework for the extension of public health services to the provinces.⁶⁴ After 1864 a series of hospitals for the poor (*gurebâ hastâhânesi*) were opened in provincial capitals, and some of them began to employ formally trained midwives. The hospital of Rusçuk in the Ruse province, what is present-day Bulgaria, and the hospital of Tulça in Tulcea province, present-day Romania, for example, employed midwives as early as 1869. In 1886 the poor-hospital of Damascus included a special clinic for women. By the beginning of the twentieth century midwives were being appointed even to smaller district towns as, for example, in Ottoman Macedonia at Gevgili in Gevgelija province.⁶⁵ At the same time the government made efforts to expand midwifery courses throughout Istanbul. According to a report, dated 1871, the government proposed to set up a midwifery course in each neighborhood of Istanbul, the first ones located within the Ahirkâpi and Otluk Ambarı districts. In 1885 it was decided to open a delivery hospital, a project, however, that was not completed.⁶⁶

The earliest legal statute that included any regulations about the midwifery profession was drawn up on 12 October 1861/7 Rebiyîlâhir 1278 as part of the Regulation Concerning the Practice of the Medical Profession in the Municipalities of the Imperial Domains (Memâlik-i Mahrûse-i Şâhânedâ Tabâbet-i Belediyye İcrâsına Dâir Nizamnâme). According to article 3 of that statute, only Ottoman and foreign midwives with diplomas approved

⁶³ BOA, A.MKT.UM 396/66 1276 B.23.

⁶⁴ Stanford J. Shaw, "The Origins of Representative Government in the Ottoman Empire: An Introduction to the Provincial Councils, 1839–1876," in Stanford J. Shaw, *Studies in Ottoman and Turkish History: A Life with the Ottomans* (Istanbul: Isis, 2000), 225, 226.

⁶⁵ İsmail Eren, "Yugoslavya'daki Türk Sağlık Kuruluşları," in *I. Türk Tıp Tarihi Kongresi*, 31; İsmail Eren, "Bulgaristan ve Romanya'daki Türk Sağlık Kuruluşları," in ibid., 78, 85; and Ekmeleddin İhsanoğlu, "Suriye'de Son Dönem Osmanlı Sağlık Müesseseleri İle İlgili Bazı Notlar," in ibid., 42.

⁶⁶ Davis, *The Ottoman Lady*, 39, 40; and Ergin, *Maarif*, 1–2, 540–42.

by the imperial medical school were permitted to practice their profession. Article 8 explicitly prohibited midwives from using forceps and any other surgical instrument during delivery. This article may have been aimed at forestalling any possibility of abortion.⁶⁷

Though the requirement of diplomas and certification was believed to act as a surveillance mechanism over midwives, it created its own troubles for provincial administration. Information drawn from several cases reveals the possibility that certification might not have put an end to more traditional avenues of initiation into midwifery. The central administration demanded that police and local administrations follow and return the diplomas of deceased midwives to the agency that had issued them. The orders were given in response to cases in which untrained midwives used the diplomas of deceased midwives to practice their trade in Erzincan and Mamuretülaziz, both towns located in eastern Anatolia.⁶⁸ There may have been other abuses of the certification system, too.

One should also consider that the centralizing policies and means of control that had been developed in the center of the Ottoman Empire were not diffused at the provincial level with the same extent as in the capital or even as in the major provincial centers with hospitals. Indeed, the state continued to appoint formally trained midwives to the provinces through a rather random fashion at the beginning of the twentieth century.⁶⁹ These historical records are meaningful, then, for understanding both the Ottoman administration's ad hoc solutions to its problems with regard to expanding policy changes to the periphery and also the means by which midwives resisted these changes.

At the beginning of the twentieth century the surveillance and monitoring of midwives was still a painstaking issue. Police reports tell us that midwifery without license was still common in Istanbul.⁷⁰ Midwives from foreign countries worked illegally, and their presence assisting at abortions was often difficult to detect.⁷¹ More importantly, most of the practicing midwives were still not professionally trained and frequently displayed shortcomings during the delivery of children, leading sometimes to serious injuries and even to the death of the mother and infant. The government issued orders to found more delivery hospitals and also began opening investigations against abortionists and insufficiently trained midwives.⁷² These problems were so widespread that it is unclear whether the policy of subjecting midwives to state surveillance and formal training had been really effective. One might suspect that the population overall tended to

⁶⁷ Osman Nuri Ergin, *Mecelle-i Umur-i Belediyye*, 6:3053–54.

⁶⁸ BOA, ZB 346/23 1322 A.2; BOA, ZB 346/110 1322.Ks.24.

⁶⁹ BOA, ZB 40/60 1323.T.2.

⁷⁰ BOA, ZB 347/123 1323.A.6.

⁷¹ BOA, Hususi İrade 101 1322 Ra 15.

⁷² BOA, Hususi İrade 72 1318 Ca 29; BOA, Hususi İrade 101 Ra 15 1322; and BOA, Hususi İrade 5 R 2 1324.

prefer traditional midwives to professionally trained ones; the former were an integral part of the neighborhood and tended to have a warm and informal relationship with mothers of the locality. The formally educated midwives, on the other hand, were state appointed, mostly having little in common with the local population.⁷³

Midwives who had received their training at government institutions were said to have the basic knowledge necessary to protect expectant mothers from possible complications during delivery and to save their newborn babies from hazards. Traditional midwives, in contrast, were often still devoid of basic facts about hygiene and lacked any scientific knowledge about pregnancy and birth; they thus posed significant risks. It was the superiority of the official midwives in terms of scientific training and knowledge that led gradually to the marginalization of the traditional ones, despite some resistance among the popular masses. Scientific knowledge of the human body has been characterized by Foucault as a power-knowledge complex through which the “political technology of the body” is formulated and the domination over the body and its disciplining can be achieved. That domination was reinforced by the position of official midwives as agents of central authority through whom the state could realize an indirect surveillance over the population.⁷⁴

THE REFORM OF THE PHARMACEUTICAL AND MEDICAL PROFESSIONS

Another aspect of the official policy to curb abortion included regulations concerning the pharmaceutical and medical professions, regulations that simultaneously served the promotion of public health. Earlier attempts to regulate pharmaceutics that can be traced back to the reigns of Abdülhamid I and Selim III were directly related to the issue of abortion. These steps, however, remained sporadic in character. A more systematic step followed the announcement of the edict of 1838, that is, during the early years of the reign of Abdülmecid. From 1840 onward a medical council (*meclis-i tıbbiye*) was founded that had the responsibility of providing medical supervision of the sale of pharmaceutical products.⁷⁵ Both legally and financially,

⁷³ Even as recently as the 1960s the republican government in Turkey met with difficulties in the countryside by its attempts to replace traditional midwives with formally trained ones. See Ayşegül Demirhan and Arın Namal, *Ana-Çocuk Sağlığı Hizmetlerinin Köylerimize İndirilişinde Bir Öncü: Kadın Hastalıkları ve Doğum Uzmanı Dr. Saadet Yardım ve Edirne’de İki Kuşak Hekim (Baba ve Kızı) Tarafından Kullanılmış Yapma Reçete Örnekleri* (İstanbul: Nobel Tip Kitapları, 2001), 16, 18–19, 58–59, 92–93. A similar experience happened in nineteenth-century Britain and the Netherlands, where administrative efforts to prevent abortion by training state-supported midwives were not well received by the population, and traditional midwives continued their activities, albeit illegally, until the beginning of the twentieth century. See Margaret L. Arnott and Cornelie Osborne, *Gender and Crime in Modern Europe* (London: UCL, 1999), 18.

⁷⁴ Foucault, *Discipline and Punish*, 26, 27–28, 170–71.

⁷⁵ Nuran Yıldırım, “Nizamnâme-i Eczacîyan der Memâlik-i Osmaniye: Osmanlı Devleti’nde Eczacılar Nizamnâmesi-1852,” in *IV. Türk Eczacılık Tarihi Toplantısı Bildirileri (4–5 Haziran*

pharmacists in Istanbul and their apprentices were registered at the Office of the Chief Physician and, from 1844 on, subject to regular supervision by the Office of the Chief Magistrate.⁷⁶ In 1854, when the Office of the Chief Magistrate was dissolved and its responsibilities replaced by the municipality of Istanbul, the new urban administration took over the function of supervising pharmacists.⁷⁷

A growing series of incidents in Istanbul between 1845 and 1850 in which children and women died due to poorly prepared medicines led the administration to prepare for the first time a legal document to regulate pharmacies in the Ottoman Empire. The Regulation Concerning Pharmacists in the Ottoman Lands (*Nizamnâme-i Eczâciyân der Memâlik-i Osmâniye*), dated 18 June 1852/29 Şâ'bân 1268, aimed at introducing standards of security concerning pharmacies and drugs. We learn from the preamble of the regulation that the Imperial School of Medicine (*Mekteb-i Tıbbiye-i Şâhâne*) was to be given the responsibility of supervising pharmacies and pharmacists. According to articles 1–5, only pharmacists who received an official certificate from the School of Medicine following an examination were eligible to open pharmacies. Article 7 emphasized that no one other than an officially certificated pharmacist could prepare drugs. Pharmacists were prohibited from preparing drugs without a prescription from a physician (article 11). Poisonous chemicals were to be kept in a safe location (article 13).⁷⁸ This regulation was later replaced by the Regulation Concerning the Practice of the Craft of Pharmaceutics within Municipalities (*Beledî İspençîyârlik San'atının İcrâsına Dâir Nizamnâme*), dated 3 February 1861/22 Receb 1277. The new regulation stipulated the control of the trade of drugs through the Superintendent of Medical Issues (*Umûr-i Tıbbiye Nezâreti*), an office attached to the medical school (article 1).⁷⁹ An even more comprehensive regulation pertaining to pharmaceutics was ratified on 16 April 1888/4 Şâ'bân 1305. This Regulation Concerning Physicians and Pharmacists of the Country (*Memleket Etibbâsı ve Eczâcılıarı Hakkında Nizamnâme*) also specified a list of sixty-eight drugs that were prohibited within Ottoman borders.⁸⁰

A parallel process established state control over physicians. The Regulation Concerning the Execution of Medical Profession within Municipalities of the Imperial Lands (*Memâlik-i Mahrûse-i Şâhânedede Tabâbet-i Belediyye İcrâsına Dâir Nizamnâme*), dated 12 October 1861/7 Rebiyülâhir 1278,

⁷⁶ 1998, *İstanbul*), ed. Emre Dölen (İstanbul: Marmara Üniversitesi Eczacılık Fakültesi Yayımları, 2000), 43.

⁷⁷ BOA, Cevdet Sıhiye 454-13 B 1260-4—Takrir.

⁷⁸ İlber Ortaylı, *Tanzimattan Cumhuriyete Yerel Yönetim Geleneği* (İstanbul: Hil Yayınları, 1985), 116–24.

⁷⁹ Yıldırım, “Nizamnâme-i Eczaciyan,” 43–45, 65–67.

⁸⁰ Ergin, *Mecelle*, 3056–57.

⁸⁰ Ibid., 3065–73.

specified the legal conditions under which Ottoman and foreign physicians were permitted to practice their profession. Accordingly, only those physicians with a diploma from the medical school or foreign physicians with a diploma approved by the medical school were allowed to practice medicine (article 3). Physicians were not allowed to provide on their own accord drugs to their patients unless they practiced in those localities without any pharmacies (article 6).⁸¹

ETHNIC AND RELIGIOUS APPROACHES OF THE HAMIDIAN REGIME (1878–1908)

The Russo-Ottoman War of 1877–78 and the shrinking of Ottoman borders in the Balkans that resulted from the war constituted a watershed moment in late Ottoman history. The majority of the Christian population there, long ruled by the Ottomans, became separated from the empire, and so the loss of much of the Balkans led to a radical demographic shift in favor of the Muslim population. A growing sense of worry also emerged among the Ottoman ruling elite concerning the territorial integrity and political future of the empire. In contrast to previous Ottoman policies, the period following 1878 was characterized by a strong political emphasis on the Muslim population as the main demographic pillar of the empire. In contrast to the provisions of the reform edict of 1856, for example, which had used the term “Ottoman” to define its subjects irrespective of ethnic or religious differences, the autocratic rule of Sultan Abdülhamid II (ruled 1878–1908) became increasingly focused on Muslim subjects to the exclusion of others. The official concern about the supposed decline of the Muslim population, having already become intertwined with critical military and ethnic questions, strengthened the intensification of the disciplinary function of the Ottoman state.

In this historical context Ottoman antiabortion discourse was gradually transformed from an Ottomanist to a clearly Islamist one. The change did not happen overnight. Despite the emergence of the Hamidian autocracy following the dissolution of the parliament in February 1878, the new regime initially seems to have been content with the already established measures to prevent abortion. Nonetheless, these legal and institutional measures proved insufficient in eliminating the practice of abortion, as has already been discussed. The demographic study of Alan Duben and Cem Behar on the households of Istanbul during the late nineteenth and early twentieth centuries, for example, tells us about the continuing widespread illegal practice of abortion among women of the capital.⁸²

⁸¹ Ibid., 3053–54.

⁸² Alan Duben and Cem Behar, *Istanbul Households: Marriage, Family and Fertility 1880–1940* (Cambridge: Cambridge University Press, 1991), 181–84.

This practice reached such a level that in 1889 Abdülhamid II felt obliged to demand that the government introduce new measures to curb abortion.⁸³ Among these means used to combat the practice was the resort to traditional religious discourse and to make opportunistic and selective use of existing canonical literature. In 1890 Abdülhamid II ordered his officials to prepare a collection that would include traditions ascribed to the Prophet (*Hadîs*) about the impropriety of abortion alongside references to Islamic law, popular reason, and science. Then he requested the chief mufti to examine this collection's content for its compatibility with Islam. The collection was discussed in a cabinet meeting on 17 December 1890/5 Cemâziyülevvel 1308, and it was decided that its publication would well serve the official objective of convincing the public about the hazards of abortion to individuals but also to the Ottoman society and Islamic community as a whole and that it should be published together with new antiabortion regulation.⁸⁴ The amalgamation of religious and rational views about the hazards of abortion was a policy already in evidence in 1838. Still, it was during the reign of Abdülhamid II that all available ideological resources were first mobilized to the task. The projected publication, however, does not seem to have been realized.⁸⁵

During its final years the Hamidian administration prepared another even more comprehensive report to reopen the discussion of the motives for and possible precautions against abortion. This report, dated 29 March 1903/29 Zilhicce 1320, was to a great extent compatible with the narrative of the edict of 1838. Yet the significance of this document lies in the fact that it approached the abortion issue and pronatalism largely through ethnic and religious criteria. In other words, the anxiety previously related to the decrease of the Ottoman population had become focused on the Muslim community. The report noted that since only Muslims performed military service, the numbers of children born to the Muslim population and, in consequence, their marriages were very crucial issues for the Ottoman Empire. In this context abortion was depicted as a social evil with potential political ramifications.⁸⁶ While discussing this issue, it should be added, the provincial population was categorized as "ignorant and unwary

⁸³ Ibid.

⁸⁴ The Proceedings of Cabinet (Zabit Varakası) for the date 17 December 1890/5 Cemâziyülevvel 1308 indicated: "A statement that includes certain verses and Muslim traditions about the impropriety of abortion together with canonical and scientific references was prepared by the order of His Majesty the Caliph, and the grand vizier's memorandum on this respect and correspondence from his examination of this document's content by Şeyhülislâm was discussed in the Cabinet" (BOA, MV 60/35 1308 Ca 5).

⁸⁵ At least the Özege catalog of all printed Ottoman Turkish publications does not suggest a title that could be directly linked to an official publication with the aim to propagate antiabortionist views.

⁸⁶ BOA, Y.PRK.AZJ 46/19-29 Z 1320.

folk,” and phrases such as “reported,” “by investigation,” and “astonishing and remarkable methods and remedies” again display the patronizing and disciplinary discourse that the late Ottoman administration adopted.⁸⁷

It might be expected that the Hamidian regime with its tight police surveillance would have been relatively efficient in establishing control over midwifery and the medical profession at least in the core regions of the empire. However, rights that had been conferred to foreign nations or stemming from de facto diplomatic protection imposed by embassies or consulates constituted political barriers to control the commercial activities of physicians of foreign nationality even within the empire. A striking example is the case of an illegal abortion clinic opened in the Beyoğlu neighborhood of Istanbul around 1900 by a female German physician. Although the Hamidian administration tried to extradite this doctor because of her illegal activities, the diplomatic protection she enjoyed through the German embassy preserved the clinic for five years. Only after extended diplomatic negotiations was the Ottoman administration able to close down the clinic in 1905 and expel the physician from its territories.⁸⁸ The limits of existing antiabortion measures were still evident, in part because the Hamidian administration preferred overall to appeal to public conscience in its official addresses and by referring there to the “evil” activities of medical professionals instead of openly blaming women who procured abortions.

ABORTION IN ADVICE LITERATURE AND THE PRESS

While the Ottoman state tried to institute a systematic antiabortion policy beginning in the first half of nineteenth century, the press and advice literature in the second half of the century provided the means to instruct the masses about the hazards of abortion in alignment with state policies. One can say that these media served the function of propagandizing to the masses about the incompatibility of abortion with the religion of Islam as

⁸⁷ “After having one or two children, the rural population adopts this malicious method so as not to give birth and to save themselves from this ‘painful burden’ . . . for the reason that they are not able to feed and maintain [their children] because they are poor and incapable. At this moment it is not possible to say through investigation that this practice [of abortion] is temporary and infrequent, however, it has been reported in a village that five or six pregnant women died while they were trying to abort their children. Though it is obvious that the ones who have committed abortion are liable to the penalties designed and provided through the law, ignorant and unwary folk are incapable of appreciating the degree and content of these punishments. Therefore, they commit this abominable activity secretly, and the methods they have learned and fatal remedies that they know are openly and astonishingly evident. It should be made known that the people who have already adopted these shameful deeds and the ones who have just commenced to commit them must be informed about and exposed to the relevant punishments so that they will abandon these deeds . . . for the sake of prosperity and the dominion of the state” (*ibid.*).

⁸⁸ Yavuz Selim Karaklıla, “Arşivden Bir Belge: Kürtaj Mütehassisı Alman Doktor Madam Mari Zibold,” *Toplumsal Tarih* 82 (2000): 39–44.

well as (and perhaps more importantly) the perspective of the state. Advice literature and the press provide clues that would not have been available by consulting only antiabortion regulations and legal measures formed by the state apparatus about the social context of abortion. A parallel analysis will shed light on the circumstances under which the state and intellectuals became sensitive to the abortion issue.

Abortion became a popular issue for the press in about the 1870s, when newspaper articles started to outline its dangers both to individuals and to society as a whole together with its incompatibility with religion and civil law.⁸⁹ It is worth noting that all of the authors dealing with this issue were males and thus reflect an exclusively male viewpoint. Overall, a remarkably consistent perspective is evident. It was generally argued that abortion was committed because people were not well informed about the sanctions against it or the risks that accompanied it.⁹⁰ Most blamed women for abortion: they were depicted as “evil perpetrators” who did not behave in accordance with their natural maternal duties as outlined in religious, legal, and medical opinions.⁹¹

Some of these contemporary antiabortion claims are worth citing. “It is evident that some monstrous and bestial mothers ruin their infants secured in their womb through deliberate miscarriage, that is, abortion,” wrote Melikzâde Fuad, “which also means the ruining of a gift granted by God.”⁹² He argued with a mixture of civil and religious threats that “a mother who purposefully induces miscarriage” was a murderer and should “be punished before God.” He also incorporated medical and social factors into his moral assessment, saying that “mothers who do not give birth without any legitimate excuse regarding their health and mothers who get bored with children” are “loathsome.”⁹³

Namık Kemal (1840–88) is a case in point of the intellectual response to the abortion issue. He was a journalist, poet, and advocate of social and political reform; indeed, he was one of the most outspoken members of

⁸⁹ Namık Kemal, “Nüfûs,” *Ibret*, no. 9, 13 June 1872/19 Rebiyülâhir 1289, 1–3; Kırımlızâde Aziz İdris Bey, “İskat-ı Cenîn,” *Mecmû'a-i Fünûn*, no. 41, December 1866, 189–92; Basiretçi Ali Efendi, “Şehir Mektubu, 52,” *Basiret*, no. 1070, 1 November 1873/10 Ramazan 1290, 1–2; and Namık Kemal, “Nüfûs,” 3.

⁹⁰ Namık Kemal, “İskat-ı Cenîn,” *Hadîka*, no. 15, 28 November 1872/Teşrin-i Sâni 1288/27 Ramazan 1289, 1–2; Basiretçi Ali Efendi, ibid.; and Aziz Bey, “İskat-ı Cenîn,” 189–91.

⁹¹ Melikzade Fuad, *Vezâif-i Beytiyyeden Hanımlara Aile Dersleri* (Istanbul: Şirket-i Müretibiye Basımevi, 1325/1909), 114–15; Kemal, “Nüfûs,” 421; Kemal, “İskat-ı Cenîn,” 1–2; and Aziz Bey, “İskat-ı Cenîn,” 190–91.

⁹² Melikzade Fuad, *Vezâif-i Beytiyyeden*, 114. It proved impossible to locate any information on Melikzade Fuad and his career except for this treatise written by him, which was published twice, first in 1902 in İzmir and then in 1909 in Istanbul. Quite probably, he was a teacher who instructed his students about Islamic morals and family in secondary schools around İzmir after he graduated from one of the schools of higher education in Istanbul.

⁹³ Melikzade Fuad, *Vezâif-i Beytiyyeden*, 115.

the Young Turk movement. Yet although he believed in greater rights for women generally, he also wrote in opposition to abortion. In his famous article “Nüfûs” (Population), published in the newspaper *Hadîka* on 26 June 1872, he asked: “How is it possible for a human being to attack so cruelly the life of an innocent that has not seen the world and been breast fed?”⁹⁴ In this article he argued that the unborn fetus needed protection and hope that it would awaken a motherly feeling like already born children. He clearly accepted without question the cultural emphasis on motherly affection: “I wonder why a mother can kill her beloved child, who has not been embodied and ensouled, though she would sacrifice herself in order to prevent children in her lap from any small danger directed toward them.”⁹⁵

Popular writers tended to lump all abortions together and condemn them, but medical writers of the era voiced more nuanced opinions. The military physician Kırımlızâde Aziz İdris Bey (1840–78) differentiated between “necessary” and “evil” abortions in his article “Iskat-ı Cenîn” (Abortion), published in the popular science journal *Mecmû'a-i Fünûn* (Journal of Sciences).⁹⁶ “In fact, under certain circumstances, abortion is both legitimate and sometimes necessary,” he wrote. “That is to say, the womb can have problems as opposed to its natural course, and pregnancy can put the mother’s life into danger during delivery.” At the same time he demonized women who aborted without just cause: “Apart from this legitimate cause, abortion is not permitted for any reason and excuse, . . . [and] only women who are deprived of shame and good manners commit this activity.”⁹⁷ The involvement of a medical expert determined for some whether an abortion was justifiable or not. Nusred Fuad, another physician from the military school of medicine, reported that “if pregnancy is detrimental to the mother’s health, it is legitimate to abort the fetus with respect to law and medical practice.”⁹⁸ Reminiscent of Foucault’s conception of the

⁹⁴ Kemal, “Nüfûs,” 421. Namık Kemal was one of the most important political critics in the second half of the nineteenth century. As a nineteenth-century bureaucrat, columnist, poet, novelist, and political critic, he contributed to the political criticism that made constitutional reform possible in the last phase of the Ottoman Empire. He was exiled due to his political ideas and went to London. For detailed biographical information on Kemal and his era see Roderic H. Davison, *Essays in Ottoman and Turkish History, 1774–1923: The Impact of the West* (Austin: University of Texas Press, 1990); and Şerif Mardin, *The Genesis of Young Ottoman Thought: A Study in the Modernization of Turkish Political Ideas* (Syracuse, N.Y.: Syracuse University Press, 2000).

⁹⁵ Kemal, “Nüfûs,” 421.

⁹⁶ A military physician who specialized in pathology and internal medicine, Aziz Bey took part in the establishment of the Imperial Faculty of Medicine in 1867 and became its first director. He instructed medical students in internal medicine, pathology, physics, and chemistry. He also participated in the foundation of the Turkish Red Crescent Organization in 1868. See Mehmed Süreyya, “Kırımlızâde Aziz İdris,” in *Sicill-i Osmâni*, 6 vols. (Istanbul: Kültür Bakanlığı ve Türkiye Ekonomik ve Toplumsal Tarih Vakfı, 1996), 3:345.

⁹⁷ Aziz Bey, “Iskat-ı Cenîn,” 189–90.

⁹⁸ Nusred Fuad, *İzdivâc ve Şerâit-i Sibhiyesi*, 2nd ed. (Istanbul: İkbal Kitabhanesi, 1329/1913–14), 86. Information regarding Nusred Fuad’s birth and death dates was not

establishment of the sovereignty of truth over all *savoirs privilégiés*, Fuad continued: “As long as it is not performed by unskilled and unauthorized hands and for illegitimate reasons it is not dangerous to practice abortion, for example, in case of pelvic disorders . . . or heart problems.”⁹⁹ Only with objective medical opinion and the help of an expert could abortion be rightfully performed, since its risks and complications could be eliminated.¹⁰⁰ The differentiation between a “medical and necessary abortion” and a “fatal and arbitrary” one points also to the professionalization of medical activities in the late nineteenth century and its increasing control over the female reproductive body. In a parallel way it is also possible to see the rise of male obstetricians as opposed to female midwives. The science of women’s health became the domain and activity arena of male medical experts and not female homeopaths or midwives.¹⁰¹

Through the media of the press and advice literature we may also begin to understand how contemporaries commented upon the motives behind abortion, which they believed to be widespread among the Muslim masses. The first and primary motive for women to deliberately induce miscarriage was their self-indulgence, the sources generally agreed, and their desire to avoid the difficulties of motherhood.¹⁰² Not all commentators were altogether unsympathetic to women. It was suggested, for example, that some women procured abortions because they were incapable of giving birth due to reproductive abnormalities, and commentators were well aware of the shortcomings of midwives, to whom many women had to resort during delivery.¹⁰³ In his memoirs the writer Ali Rıza Bey (1842–1928) spoke of

available; however, we know he was active as a military physician in the first decade of the twentieth century and also instructed the medical students at the Military College of Medicine in Istanbul, since he signed his book as a military physician. This book was first published in 1908–9/1326 and then again in 1913–14/1329 in Istanbul.

⁹⁹ Nusred Fuad, *İzdivâc ve Şerâit-i Sıhhiyesi*, 86. For a discussion of *savoirs privilégiés* see Michael Foucault, *The Birth of the Clinic: An Archeology of Medical Perception*, trans. A. M. Sheridan (New York: Pantheon Books, 1973) for this concept. Foucault meant the establishment of the sovereignty of truth over all privileged forms of knowledge, and the examples he gave were through structural reforms in medicine that professionalized all medical activities and subjected midwives to the supervision of doctors and medical corporations to medical schools and required the licensing of the persons who would be health professionals. For a detailed discussion of this point see also Phyllis Stock-Morton, “Control and Limitation of Midwives in Modern France: The Example of Marseille,” *Journal of Women’s History* 8, no. 1 (1996): 63–64.

¹⁰⁰ Nusred Fuad, *İzdivâc ve Şerâit-i Sıhhiyesi*, 86; Aziz Bey, “İskat-ı Cenîn,” 189.

¹⁰¹ See Ornella Mossucci, *The Science of Woman: Gynaecology and Gender in England, 1800–1929* (Cambridge: Cambridge University Press, 1990), a seminal work about the transformation of medical knowledge and personnel and the emergence of obstetrics as a professionalized discipline in place of midwifery in England in the nineteenth and early twentieth centuries.

¹⁰² See the already cited works of Kemal, Aziz Bey, and Melikzade Fuad.

¹⁰³ Nusred Fuad, *İzdivâc ve Şerâit-i Sıhhiyesi*, 86; Aziz Bey, “İskat-ı Cenîn,” 189.

Ottoman women and how they perceived the childbearing process.¹⁰⁴ He reported that because of improper medical attention during the delivery of babies, “painful and sad events have never been the exception, [and thus] women perceived birth-giving as a big disaster.”¹⁰⁵ He devoted a whole section of his memoirs to the characteristics of Ottoman midwives in the late nineteenth century to show that these negative feelings were not baseless; he argued that the incompetence of midwives was the norm and that it explained both the high frequency of deliberate miscarriages and women’s motives to terminate their pregnancies.¹⁰⁶

Another explanation for abortion focused on the failings of conjugal relationships and the problem of extended families. In his memoirs Ali Rıza Bey also depicted childbirth and childcare as spoiling the rhythm and nature of a young couple’s marital life. He reported that young women were often alone in caring for a newborn infant alongside their other duties in an extended household. Sleepless nights exhausted women and made them neglect their personal care and, consequently, lose their charm. Since their husbands knew nothing about the difficulties of childcare, they also lost interest in family life and in their no longer so attractive wives. Quarrels between spouses became more common, and sisters- and mothers-in-law might also join in to defame the young mother. These difficulties were aggravated even more by the dangers surrounding childbirth and infant care, including injuries, postpartum fever, and stillbirth. All these circumstances induced women to resort to abortion in order to guarantee their husbands’ continued affection and balance in their family life.¹⁰⁷

¹⁰⁴ Also known as Balıkhanı Nazırı, Ali Rıza Bey was a state employee who worked at different levels of the Ottoman bureaucracy between 1859 and 1883, when he became the director of the imperial fish and salt market, an important economic post. He published serial articles about prominent Ottoman statesmen of the mid-nineteenth and early twentieth centuries in newspapers entitled *Peyám* and *Peyám-i Sabâh* between 1919 and 1921. He also published his memoirs, first as installments in *Peyám-i Sabâh* between February and March 1921. See Ali Şükrü Çoruk, *Eski Zamanlarda İstanbul Hayatı*, 2nd ed. (İstanbul: Kitabevi, 2001), 4–7.

¹⁰⁵ Ali Rıza, *Eski Zamanlarda İstanbul Hayatı*, 1–2. For a similar view see also Basireti Ali Efendi, “Şehir Mektubu 157,” *Bâsiret*, no. 381, 17 March 1878/13 Rebiyîlevel 1295, 2–3.

¹⁰⁶ “Quite often a midwife without capability and proper training has become surprised when she realizes that a delivery will be an abnormal one, and on such an occasion she is often prone to making mistakes. Therefore, it is quite probable that perilous events will take place” (Ali Rıza, *Eski Zamanlarda İstanbul Hayatı*, 1–2). For a similar view see also Basireti Ali Efendi, “Şehir Mektubu 157,” 2–3.

¹⁰⁷ “The familial discord among commoners usually breaks out subsequent to the birth of children. Since wifely care is then divided between two [her child and her husband], the wife becomes imperfect, something largely due to her exerting herself for the care of the child. She cannot find time to arrange herself properly. On his arrival in the evenings, the husband finds her disheveled. The weakness caused by breastfeeding also occurs in addition to the discomforts she has had during childbirth and postpartum confinement. The poor woman

Namık Kemal also described the difficulties of childbirth in an attempt to understand the reluctance of certain women to become mothers. However, his approach to the issue was twofold: while demonizing some women, he did imagine others as helpless.¹⁰⁸ For him, some young wives were forced to resort to abortion because of the tensions between in-laws and new brides at home; some of these women did not have any choice but to abort in order to evade ill treatment, which he listed as “insults, scorn, and disastrous rivalry.”¹⁰⁹ For Namık Kemal, especially helpless were concubines (*câriyes*) who had to resort to abortion because of the “lustful” and “cowardly men” who impregnated them and because these men’s principal wives perceived concubines as probable rivals.¹¹⁰ It is well known that concubinage (*câriyelik*) and domestic slavery were common customs in Ottoman society, especially for higher-income households.¹¹¹ Namık Kemal combined his well-known distaste for concubinage, which he considered to be one of the greatest evils in Ottoman households, with the critique of abortion, though he depicted concubines as victims:

becomes worn out, and her previous charm disappears” (Ali Rıza, *Eski Zamanlarda İstanbul Hayatı*, 9–10, cf. 6).

¹⁰⁸ Kemal, “İskat-ı Cenî,” 1–2.

¹⁰⁹ “I personally admit that not all abortions are performed for lack of motherly affection or in the wrongheaded belief that having fewer children is better. It is often the case that the mother-in-law and the sister-in-law in a household are in the top position in terms of managing the household matters until the son or brother gets married one day. From that day forward a disastrous rivalry breaks out [at home]. After the birth of the first child . . . any affectionate treatment between husband and wife is considered as precipitating another pregnancy. When a new pregnancy does appear, the bride becomes subjected to unbelievable insults and scorning . . . and this legitimate pregnancy creates problems for the bride even more than an illegitimate one would. Since advice-giving women are never absent in any neighborhood, it is enough to decide that a deliberate miscarriage has taken place in a couple of gatherings in balconies or around the kitchen. Due to the wicked zeal of treacherous old women [especially mothers- and sisters-in-law], this innocent baby is killed, and its young mother also passes away afterward” (*ibid.*).

¹¹⁰ *Ibid.*, 2. *Câriye* is used to denote female slaves utilized for domestic slavery in Ottoman society. According to Islamic law, Muslim males could legitimately demand sexual services from their female slaves in addition to their domestic services, and they were required to marry if the owner demanded it. Some female slaves were given their freedom after giving birth to heirs for their masters. However, pregnancy and childbirth guaranteed neither emancipation nor marriage, since the determination of paternity was left to the master. See Akgündüz, *Mukayeseli*, 151–58, 221–38; Şefika Kurnaz, *II. Meşrutiyet Döneminde Türk Kadını* (İstanbul: Millî Eğitim Bakanlığı Yayınları, 1996), 118–19; Yusuf Hakan Erdem, *Slavery in the Ottoman Empire and Its Demise, 1808–1909* (New York: St. Martin’s, 1996); and Madeline C. Zilfi, “Osmanlı’da Kölelik ve Erken Modern Zamanda Kadın Köleler,” in *Osmanlı Ansiklopedisi*, 7 vols. (Ankara: Yeni Türkiye Yayınları, 1999), 5:474–79.

¹¹¹ See İlber Ortaylı, *Osmanlı Toplumunda Aile* (İstanbul: Pan Yayıncılık, 2001), 129–31; Ehud R. Toledano, “Attitude to Slavery during the Tanzimat,” in *150. Yılında Tanzimat*, ed. Hakkı Dursun (Ankara: TTK Yayınları, 1998), 303–24; and Erdem, *Slavery*.

“In our country, abortion is also performed due to some contemptible men who are indulged both in their wives’ aggression, and their own lust. These men take concubines in secrecy, and after they impregnate them, they leave the concubines and their children to the villainy of their wives.”¹¹²

Another famous figure who tried to explain the motives behind abortion was the journalist Basiretçi Ali Efendi (1838–1910), who published *Basiret*, a daily newspaper widely read among conservative Muslims in Istanbul.¹¹³ He criticized the “causeless and illicit divorces” initiated by Ottoman men that in turn occasioned women’s poverty and destitution and that ended with abortions.¹¹⁴ Islamic court records provide numerous examples of marriages dissolved through the unilateral pronouncement of the divorce formula by husbands in a way supporting Basiretçi Ali Efendi’s claim.¹¹⁵ Islamic law set the terms and conditions of divorce (*talâk*) clearly, although the particulars of divorce remained ambiguous and sometimes required application to the courts.¹¹⁶ Not only was the dissolution of marriage itself subject to a husband’s unilateral pronouncement of the separation formula—*bos ol* (I divorce you)—but there were also no limits to a Muslim husband’s valid causes for divorce: men’s reasons for divorce were always valid and legitimate before the Sharia. Muslim males did not need to bring cases of divorce before the courts, moreover; it was enough for them to pronounce the divorce formula, whereas wives had to look for more explicit reasons for divorcing their husbands (among the accepted grounds in the

¹¹² Kemal, “İskat-ı Cenîn,” 2.

¹¹³ Basiretçi Ali Efendi was originally a minor clerk in the Ottoman financial bureaucracy. His journalism career began with the *Takvim-i Vekayı* (Official Gazette), and in time he became the director of this newspaper. However, he took the epithet “Basiretçi” after he started publishing *Basiret*, a daily newspaper that was published from 23 January 1870 until 1878, then for a couple of months after 1878. This newspaper was one of the most influential newspapers in Ottoman Turkish and hosted many different young Ottoman authors. It published critical articles about internal political affairs that infuriated the central bureaucracy from time to time. He also published a satirical journal titled *Kahkaha* in 1875 for eight months. See Nuri Sağlam, *Basiretçi Ali Efendi: İstanbul Mektupları* (İstanbul: Kitabevi, 2001).

¹¹⁴ “It is evident that taking a woman as a wife and divorcing her is canonically legitimate, but divorce is required to be based on a legitimate excuse, which is canonically defined. However, some men do not know those legitimate reasons for divorce, and they divorce their wives causelessly. . . . It is both sinful and quite shameful for one to leave his wife either due to a sudden burst of anger out of fractiousness or for the seeking of new pleasures after living together for a while” (Basiretçi Ali Efendi, “Şehir Mektubu 6,” 1–2).

¹¹⁵ See Muhiddin Tuş, Adnan Gürbüz, and Ömer Demirel, “Osmanlı Ailesi ile İlgili Şer’iyye Sicillerinden Seçilen Örnek Belgeler,” in *Sosyo Kültürel Değişime Sürecinde Türk Ailesi*, 3 vols. (Ankara: T. C. Başbakanlık Aile Araştırma Kurumu Yayınları, 1992), 3:849–75.

¹¹⁶ See Akgündüz, *Mukayeseli*, 195–219, where a divorce is defined as the right of the husband, and it is enough for a married man to divorce by pronouncing the separation formula without anger or drunkenness for the divorce to be considered valid even without consulting the legal advisories. However, alimony, maintenance allowances, and the repayment of women’s dowries were issues that required application to the courts and legal verdicts.

nineteenth-century Ottoman Empire were abandonment, violence, sexual impotence, poverty, and material negligence), and wives had often to appeal to the courts for their own and their children's benefit.¹¹⁷ Still, whether it was initiated by the husband through the divorce formula or by the wife through an appeal to the court, all divorces needed to be registered with the courts in order to avoid violating the Islamic sanction against illegitimate forms of cohabitation and adultery. Complaining about men's canonically sanctioned power to divorce, Basiretçi Ali argued that women were more vulnerable to be left behind with material difficulties. In the absence of support schemes for widowed, deserted, or divorced women who found themselves pregnant, abortion became their only remedy.¹¹⁸

The perspectives on the abortion issue provided by Namik Kemal and Basiretçi Ali allow the possibility of an analysis of class and status and its relationship to abortion in the Ottoman Empire in the nineteenth century. For Namik Kemal, some of the women who aborted performed this "loathsome" activity because they had been overindulged in unchaste, undutiful, and unwomanly habits because of the material comforts they enjoyed in wealthy households. He wrote:

As if it is not enough for them to spend excessively on clothing, ruin the wealth of the community, hurt the nation's decency, . . . [they] poison the future generation with their pastes and with opium for sleeping comfortably at night, and in sum if it is not enough for them to be useless but rather to be harmful, they send the unborn innocents to the grave, without heed for compassion and pity, because they are not willing to carry it inside their womb for a couple of months.¹¹⁹

While Namik Kemal complained about abortion as another form of deviation from the gendered ideal for women through extravagance in consumption and leisure, Basiretçi Ali perceived women's resort to abortion as a remedy for economic hardships:

Though population increase is one of the primary factors that guarantee the future and might of a nation, . . . we neglect this issue. . . . There is no benefit scheme for the destitute. Due to this, many poor women abstain from giving birth. . . . A great deal of them look for the ways through which they deliberately miscarry their infants immediately after they realize their pregnancy.¹²⁰

¹¹⁷ See *ibid.*; see also Leslie Peirce, "'She Is Trouble and I Will Divorce Her': Orality, Honor and Representation in the Ottoman Court of Aintab," in *Women in the Medieval Islamic World: Power, Patronage, and Piety*, ed. G. R. G. Hambly (New York: St. Martin's, 1999), 279.

¹¹⁸ Basiretçi Ali Efendi, "Şehir Mektubu 6," *Basiret*, no. 791, 29 November 1872/28 Ramazan 1289, 1–2.

¹¹⁹ Kemal, "İskat-ı Cenîn," 1.

¹²⁰ Basiretçi Ali Efendi, "Şehir Mektubu 6," *Basiret*, no. 791, 2.

According to Basiretçi Ali, some of the women who aborted either were victims of irresponsible husbands who had deserted their homes and left their pregnant wives behind or were ignorant women who inadvertently used abortifacients along with other poisonous chemicals given to them to ease the difficulties of pregnancy.¹²¹ Here, ill-informed prenatal practices such as the use of opium as well as a variety of herbal extracts were meant (they were also sometimes intended to aid newborn infants, with ill consequences). The whole discussion could be considered as epitomizing stereotypes of lower-class women's behavior: they were liable to take care of their own children, even if badly, in contrast to women of higher-income households, who were assisted by nannies, wet nurses, or concubines.

The relationship between class and abortion can be clarified particularly through Aziz Bey's article on abortion. He commented that abortion was a predominantly upper-class woman's activity. "This evil practice," he wrote, "is quite common among us, since the wealthy people are inclined to extravagance and dissipation; they want to spare themselves from the duty of giving birth to and rearing children." Aziz Bey argued that Ottoman women of upper classes do their best not to get pregnant and know how to avoid it. When a pregnancy "accidentally" occurs, however, they ruthlessly abort it.¹²² He added that after guaranteeing their position as permanent or principal wives by giving birth to one or more children, upper-class Ottoman women would start seeking abortions.¹²³ Aziz Bey's reference to extravagance and dissipation as the reasons for abortion is interesting, since he highlighted once more women's deviation from their proper gendered norms, that is, giving birth and mothering. However, his belief that middle- and lower-class women did not seek abortions to the same extent as upper-class women remains a vague judgment in the absence of case studies or statistical analysis regarding abortion in this period.¹²⁴

It is not surprising that only a few of these male commentators mentioned men together with women as wanting to terminate a pregnancy.¹²⁵ Instead, women, whether as potential mothers or as midwives, were the main target group to be punished and disciplined according to antiabortion rhetoric. Though not explicitly emphasizing a failure in companionship or dialogue between couples as one of the causes behind abortion, these

¹²¹ Ibid.; Basiretçi Ali Efendi, "Şehir Mektubu 20," *Basiret*, no. 416, 15 July 1871/26 Rebiyülâhir 1288, 2.

¹²² Aziz Bey, "İskat-ı Cenîn," 190.

¹²³ "Generally, women from wealthy households manage to guarantee [the continuance of] their marriages after giving birth to one or more children, and they start to abort further pregnancies with the fear that their bodily disposition would be changed and their lives would be distressed" (*ibid.*).

¹²⁴ *Ibid.*, 190.

¹²⁵ Commentators who did mention men include Basiretçi Ali Efendi, Balıkhanî Nazırı Ali Rıza Bey, and Namık Kemal.

commentators did frequently criticize the lack of conjugal companionship and communication as a disadvantage in Ottoman marriages.¹²⁶

Yet the most detailed speculations on the motives for abortions came from Salahaddin Asım, a prolific secularist author of the early twentieth century who wrote a book entitled *The Condition of Womanhood in the Ottoman Society* sometime around 1910.¹²⁷ He devoted a whole chapter to the issue of abortion, which he considered a practice by which women became reduced to mere female sexual objects (*karılaşmak*).¹²⁸ Unique among the commentators of his day, he provided a far-reaching if unusual analysis of abortion in Ottoman society. According to Asım, the problem of abortion—for that is how he viewed it—stemmed from the seclusion of Ottoman women imposed by Islam and the gendered separation that created a female-specific world as its byproduct, which constituted a deviation from proper gender roles. Both seclusion and the veiling that was seclusion's public manifestation produced in women a psychological state that led them to feel insecure and useless to society and that in turn made them inconsiderate, ill-mannered, and shameless. In such a psychological state they learned to hate men and also to reject their womanly duties. This hatred promoted a female world where alternative romances and companionships were formed, by which he meant female homoeroticism (*seviciilik*). The lesbian courtship, in other words, was an outcome of a system based on the exclusion of women from social and communal duties, a proper education, real decision making, and so on, that encouraged women to

¹²⁶ In this regard early novels in Turkish are good examples, since they frequently focused on themes such as lack of affection in marriage or the sense of companionship and mutual understanding in Ottoman Muslim families. See, for example, Fatma Aliye, *Muhaddelerat* (Istanbul: Kasbar Matbaası, 1892); Fatma Aliye, *Levâyîh-i Hayât*, ed. Tülay Gençtürk Demircioğlu (1897; Istanbul: Boğaziçi Üniversitesi Yayınları, 2002); Fatma Aliye, *Udî* (1899; Istanbul: Selis Kitaplar, 2002); Nabizade Nazım, *Zehra* (1886; Ankara: Akçağ Yayınları, 2000); Namık Kemal, *İntibâh* (1876; Istanbul: İnkılâp Kitabevi, 2000); Hüseyin Rahmi Gürpinar, *Şepşevdi* (1911; Istanbul: Özgür Yayınları, 2003); Halit Ziya Uşaklıgil, *Mai ve Siyah* (1897; Istanbul: Özgür Yayınları, 2003); and Halit Ziya Uşaklıgil, *Kırık Hayatlar* (1901; Istanbul: İnkılâp ve Aka Kitabevleri, 1968). See also Namık Kemal, “Aile,” *Ihret*, no. 56, 19 November 1872/7 Teşrin-i sani 1288/18 Ramazan 1289, 1–2; Hüseyin Remzi, *Sağduz: Rehber-i İzdîvâc* (Istanbul: Artin Asadoryan Matbaası, 1315/1899–90); Hüseyin Remzi, *Vesile-i İntibâh* (Istanbul: Artin Asadoryan Matbaası, 1318/1902–3); Dr. Besim Ömer, *Sıhhatnâmâ-yi Aileyahub Baba, Ana, Cocuk* (Istanbul: Mahmud Bey Matbaası, 1304/1888–89); Necmeddin Sami, *Sevda Çiçekleri Yahud İzdîvâcın Ehemmiyeti* (Istanbul: Kasbar Matbaası, 1312/1896–97); and Mehmed Tahir, *İzdîvâcın Şerâit-i Esâsiyesi* (Istanbul: Nefaset Matbaası, 1329/1913–14) for detailed discussions of this issue in the media of the press and advice literature.

¹²⁷ Salahaddin Asım, *Osmâni'da Kadınlığın Durumu* (Istanbul: Arba Yayınları, 1989). The original title was *Türk Kadınlığının Tereddisi Yahud Karılaşmak*. Though he has been often noted for his adherence to nationalism and secularism, information on his birth and death date and on the career of Salahaddin Asım could not be obtained; we have only the information that he published this book around 1910.

¹²⁸ Ibid., 56.

act in disorderly, perverted, and unmotherly ways. Thus, they resorted to abortion and refrained from childbearing and childrearing.¹²⁹ The lesbianism that resulted from seclusion encouraged women to abstain from anything related to men; even if they had sex with men, they attempted to avoid or end pregnancies. He articulated his view as follows:

The most obvious sign and outcome of lesbianism is the evasion of wife-hood, motherhood, and children. The greatest foe of a lesbian is the child. Sometimes this animosity reaches such a degree that if pregnant, a lesbian or a woman who would like to become a lesbian tries to abort her baby, or she gives up completely the disciplining of and caring for children. Today, abortion and abstaining from childrearing have turned into a social illness in our society. And the basic reason for that is the seclusion that divorces women from social functions and participation in the management of familial and social processes. The inequalities regarding marriage, divorce, inheritance, and social rights that curb the inclusion of women with family and children are the outcomes of a circumstance by which we force and imprison women into acting like mere female animals.¹³⁰

While arguing that abortion was one of the greatest ills in Ottoman society, Salahaddin Asim chose a clearly organicist and nationalist stance, condemning abortion as the cradle for both individual, social, and national decay. “Abortion and refraining from birth giving harms our women, our nation, and our race at the same time,” he wrote. “The nation is deprived of one of its organs [individuals], its life-giving ability, and women lose their lives and health by abortion and by abstaining from childbearing.”¹³¹ Salahaddin Asim was not the only commentator to offer this sort of nationalist rhetoric. In a similar fashion Aziz Bey had already in the 1860s informed his readers that abortion was more common among Muslims than non-Muslims. Through a pseudoscientific approach in which he contrasted population decrease through abortion with the birthrate among Muslims, he warned the public that abortion was a decisive factor in the decrease of the Muslim population and one that was often overlooked.¹³²

¹²⁹ Ibid.

¹³⁰ Ibid., 56–57.

¹³¹ Ibid., 59.

¹³² “Because of its climate and geographical position, here in Istanbul women are able to give birth between their fifteenth and forty-fifth years of age. If we suppose that the number of women between the ages of fifteen and forty-five is 150,000 out of a total female population of 600,000, and if each of these reproductive women have an abortion once in their lifetime, in thirty years’ time, which is the average life expectancy, 150,000 children would be killed. Again, if we suppose that the number of deaths per month among Muslim inhabitants of Istanbul is 400, and in the same thirty-year period the total number of deaths is 140,000, it is obvious that even the aforesaid thirty-year sum is less than the children killed through abortion. Since

Other manifestations of the antiabortion rhetoric in the contemporary press and advice literature include medical information in which women were instructed and warned about the possible aftermath of abortions. Mostly physicians and surgeons by profession, the authors of these articles concentrated on explaining the difference between deliberate and accidental abortions while at the same time providing advice for expectant mothers on how not to terminate their pregnancies accidentally. Tactful and detailed, these publications also provided information for those around expectant mothers, including medical practitioners, family members, and neighbors, on how best to discern whether a miscarriage was intentional or accidental, together with some basic precautions to take when spontaneous miscarriages occurred.¹³³

It is clear that these commentaries, whether medical or popular, were intended to be addressed to everyone, and one should not be misled by the fact that their titles sometimes included references to certain specific professions. Considering the low literacy rate among Ottoman Muslim women, however, and since the audience of this literature was obviously a literate one, it seems that the commentaries aimed to instruct women about the abortion issue through the mediation of medical professionals and their male kin. Ottoman women in general probably learned most of what they knew about gynecological, including pregnancy- and child-related matters, from midwives or from female relatives, so the inclusion of a fearful and accusatory rhetoric on the information provided by midwives and other women and intended to be delivered by men may have been deliberate, too. Here is but one example:

The delayed expulsion of placenta in [abortions] and delivery of it in particles is dangerous; . . . these difficulties bring women into death or permanent injuries. The placenta left inside becomes a seat for microbes and smells like rotten meat. It produces deadly diseases in the blood of women. Therefore, women who abort their babies in various filthy ways die outright or are condemned to die in forty-two to forty-eight hours. For a reasonable and decent woman abortion means going into the grave or lying down in the bed of torment and

non-Muslims and other [non-Turkish] ethnic groups rarely commit abortion, their populations are increasing compared to Muslims. As military service, which causes many losses and hardships, belongs to Muslims, the increase of Muslim population should be considered for the well-being and conservation of society. The most serious of the factors that inhibits this [population increase] is abortion, and it must be prohibited" (Aziz Bey, "Iskat-ı Cenin," 192).

¹³³ See *ibid.*; see also Besim Ömer Paşa, *Sıhhatnâmâ-yı Etfal Yahud Valdelere Nasihat: Sıhhat-i Etfal Sa'adet-i İstikbaldir* (İstanbul: Şirket-i Mürettibiye Basımevi, 1303/1887–88), 25–31; Ömer Paşa, *Ebelik*, prologue, 3, 112–18, 381–87; Hüseyin Remzi, *Hıfz-u Sıhhat-i Müteehileyn* (İstanbul: Şirket-i Mürettibiye Matbaası, 1317/1901–2), 222–25; and Nusred Fuad, *İzdivâc ve Şerâit-i Sıhhîyesi*, 42–53, 83–85.

death. . . . Abortion is a very deadly practice; it is often the case that a woman who [aborts] is ruined. . . . The majority of serious and incurable uterine diseases are the leftovers of abortions.¹³⁴

Such language could be considered a complementary dimension to the disciplinary scheme drawn up by the state.

Also discussed by the advice literature and in the popular press were the methods of inducing miscarriage and the preparation of abortifacients, a matter on which imperial decrees, government memoranda, and regulations regarding pharmaceutics all remain silent. We learn that women induced abortions in various ways and with quite different substances. Dr. Besim Ömer Paşa (1862–1940), for example, listed lead, sulfates, tobacco, ergot of rye, rue (*Ruta graveolens*, or *sedef otu*), and other spirits as poisons to induce miscarriage, and he warned midwives not to give any medicine to the expectant woman apart from the ones she was authorized to use during pregnancy.¹³⁵ Aziz Bey mentioned the eating of poisonous herbs like black juniper (*Juniperus sabina*) and rye grass (*Lolium temulentum*). As a physician (and supposedly aware of the fact that his audience was reasonable enough not to adopt these ways), he openly explained other methods for inducing miscarriage: heavy strokes to the abdomen, cupping blood from one's arms with a lancet, and inserting surgical tools into the womb.¹³⁶ Basiretçi Ali Efendi reported on the use of wicks (*fitils*) prepared and distributed by midwives to be inserted into the vagina and other poisonous drugs sold by herbalists.¹³⁷ Salahaddin Asım also recounted some of the abortifacients used by women such as henna, alum, ammonia, asphodel roots (also used in the textile industry), citric acid or lemonade powder, and terracotta or dirt.¹³⁸ He points out that these substances were processed with other chemicals to be taken orally or inserted into the womb. All the aforementioned authors warned women that while these substances and methods did indeed induce abortion, they also often resulted in serious injury or death to the aborting mother.

Finally, the antiabortion propaganda did not limit itself to advice literature and the press. The theater, used extensively by Ottoman intellectuals for enlightening and instructing the subjects of the empire, was also brought to bear on this issue. Abortion was depicted as one of the chief social ills of Ottoman

¹³⁴ Ömer Paşa, *Ebelik*, 386. See also Remzi, *Hıfz-ı Sıhhat*, 222.

¹³⁵ Ömer Paşa, *Ebelik*, 2–3, 382. Dr. Besim Ömer Akalın was one of the pioneer Ottoman obstetricians educated in Europe. The first delivery clinic in Istanbul was founded in 1892 on his initiative. He translated some contemporary works about obstetrics from French, and he also wrote major works of his own on obstetrics, nursing, first aid, and childcare.

¹³⁶ Aziz Bey, “*İskat-ı Cenin*,” 192.

¹³⁷ Basiretçi Ali Efendi, “*Şehir Mektubu 20*,” *Basiret*, no. 416, 2; Basiretçi Ali Efendi, “*Şehir Mektubu 52*,” *Basiret*, no. 1070, 1.

¹³⁸ Asım, *Osmanlıda*, 59.

society in a play published by Hasan Bedreddin Pasha around 1873–74.¹³⁹ The play is about a young and happily married couple who nonetheless has managed to earn the hatred of a third party: the wife, Afife's cousin, Şevki, who has lost the chance to become an affluent man by not marrying her himself. Şevki takes his revenge by manipulating Afife's three mentors: a Greek Orthodox doctor, a traditional and knowledgeable midwife who knows about self-inflicted miscarriage methods, and an ignorant wet nurse; they all tell Afife that she must abort her baby. However, the abortion proves fatal and she dies, leaving her beloved husband and family property behind her. Her husband also dies in grief over his wife and the unborn baby. The play is crucial for underlining the role of midwives and non-Muslim physicians in guiding women to abortion. Though the female protagonist does not want to have an abortion and is depicted as a mere victim, abortion is condemned as a product of her and her husband's ignorance. Afife's trust in her uninformed wet nurse to decide on the necessity of abortion to protect her life also emphasized the role of information passed from one woman to another in Ottoman society, here clearly condemned as dangerous not only for women but also for the welfare of the whole family.

CONCLUSION

It would not be too much of an exaggeration to compare the historical significance of the edict of 1838 that created Ottoman policy on abortion with the better-known general Tanzimat reforms of 1839 that began the transformation of the Ottoman Empire into the modern state of Turkey. While the latter constituted a turning point in Ottoman history in terms of administrative and political reorganization, the former signified a radical step for the history of Ottoman sexuality and for women in particular whereby the monopoly of Islamic law over issues of women and reproduction was broken and the state attempted to assert control by government regulation.

In the Hanafi legal tradition in Islam, previously accepted by the Ottoman administration as the official school for the interpretation of matters relating to sexuality, it was not considered a sin for a woman to abort a fetus within the first four months of conception. Despite this longstanding religious attitude, it is possible to observe steps toward obstructing abortion from the reign of Abdülhamid I onward. In 1838 this tendency turned into a full-fledged state policy. This development cannot be understood separately from the

¹³⁹ Hasan Bedreddin Paşa, *İskat-ı Cenin. Facia* (Istanbul: 13 No.lu Matbaa, 1290/1874–75). Hasan Bedreddin (d. 1912), also known as Hasan Bedri Paşa, was an instructor at the Imperial Academy of War who specialized in explosive military equipment and cosmography. He was the first to translate European operas into Ottoman Turkish, together with his colleague Manastırlı Rifat Bey. See Bursali Mehmet Tahir, *Ottoman Müellifleri*, 3 vols. (Ankara: Bizim Büro Basimevi, 2000), 1:2.

growing concerns about demographic decline and subsequent measures of the administration of Mahmud II toward the improvement of public health in the 1830s. It seems that the opinion expressed by foreign travelers of the late eighteenth and nineteenth centuries concerning the widespread availability of abortion within Ottoman society was also shared by the state.

The Balkans historian Traian Stoianovich has argued that the widespread application of abortion within the Ottoman Empire is best explained by the existence of polygamy and slavery of women among its Muslim population. Accordingly, the ease with which men abandoned or neglected their wives within the context of polygamy and female slavery prevented the development of an affectionate atmosphere and solidarity between married partners. Abortion and other means of birth control followed, since women prevented pregnancies in order to remain sexually attractive.¹⁴⁰ This argument, though doubtless containing some elements of truth, cannot explain the widespread existence of abortion, since polygamy and the possession of female slaves were luxuries that could be afforded only by a small minority of Muslim males. The argument expressed within the period itself in the report of the council of public works concerning the material difficulties in raising children seems to be a likelier explanation for most abortions.

One of the main driving forces in the development of a comprehensive public health policy that stretched into areas such as midwifery, the medical profession, and pharmaceutics was most probably the worries of the Ottoman state concerning demographic decline and its implications for military and political developments. This comprehensive policy contained strong disciplinary traits in the Foucaultian sense: women became indispensable for the military and political aims of the reformist state and so for the first time they had to be taken into consideration as concrete human beings, and because they were needed as mothers of healthy new generations they had to be won over to the state's policies. Conditions favorable to abortion had to be eliminated. Accordingly, repeated attempts were made to marginalize traditional midwives and to replace them with government-trained midwives equipped with the new scientific knowledge of the female body, a knowledge that for the first time entered the private realm of the secluded Ottoman household. Neighborhoods were forced to participate in surveillance. Pharmacists and physicians became subjected to state regulation. This state-sponsored policy touched even civil intellectuals, who joined the antiabortionist and pronatalist discourse.

Interestingly, administrative measures toward the prevention of abortion meant that for the first time the secular authority entered into the legal sphere of private law that had previously been exclusively reserved for religious law and administered only by the *ulema*. It was a violation of the holy law of Islam, and it is quite probable that it provoked a reaction from the *ulema*. We know at least that despite the promulgation of two penal codes, one in 1840

¹⁴⁰ Stoianovich, *A Study in Balkan Civilization*, 135–36.

and the other in 1851, neither of them contained any mention of abortion. This, of course, did not mean the abandonment of the policy concerning abortion. However, instead of taking direct prohibitive legal steps, the government preferred to institute measures intended to forestall the practice of abortion through indirect means, such as taking midwifery under state control or establishing close surveillance over pharmaceutics, and thus avoiding a clash with Islamic law. Not surprisingly, the new penal code of 1858, which for the first time criminalized abortion and specified penalties for physicians, surgeons, and pharmacists who performed abortions, did not exact penalties for the chief agents of abortion, that is, a pregnant woman or her husband, who were not even mentioned in the law. It was perhaps the Islamic legal traditions that preserved a woman's right to keep control over her body, albeit with the consent of her husband, even when the secular authority tried to take this right away from her through its public health regulations.

Official antiabortionist discourse remained highly paternalistic. References to the sultan's compassion in preventing abortive practices, his offer of financial support for families with many children, and his threats of punishment for individuals who did not obey him constituted a set of disciplinary measures not unlike those a responsible father would have provided for his family in the period. This paternalistic outlook reflected a highly traditionalist conceptualization of the state and also appeared among the male authors of advice literature. From the 1860s onward the antiabortion campaign acquired a new civilian backing in the writings of contemporary Young Turk intellectuals, journalists, and physicians. It is quite possible that these books and newspaper articles were more effective in persuading the Muslim Ottoman middle class of the need to adopt new attitudes against abortion than were the repressive measures of the administration.

After 1878, moreover, the official procreationist and pronatalist approach acquired a specifically ethnic and religious character. Unlike the universalist attitude of the edict of 1838, state policy during the regime of Abdülhamid II clearly aimed mostly at protecting the progeny of the Muslim and Turkish population by openly stating the military reasons for this policy and its fears about ethnic and religious minorities within the Ottoman Empire. During this period the administrative control over midwives became even tighter.

Though there is no study available on the issue of abortion and pronatalism for the period that follows this study, known in Ottoman history as the Young Turk period (1908–18), its ongoing nationalist and ethnicist policies, especially between 1913 and 1918, suggest that the procreationist and pronatalist approaches of the previous era probably did continue.¹⁴¹ We know that the early republican state, founded in 1923, prohibited both contraceptive devices

¹⁴¹ For the Young Turk period see M. Naim Turfan, *Rise of the Young Turks: Politics, the Military and Ottoman Collapse* (London: I. B. Tauris, 1999); and Feroz Ahmad, *The Young Turks: The Committee of Union and Progress in Turkish Politics, 1908–1914* (Oxford: Clarendon, 1969).

and abortion, also for demographic reasons, in 1930.¹⁴² It is interesting that the same period witnessed the growth of similar antiabortion movements in Western Europe and in the United States based mainly on Protestant fundamentalist ideologies. In these countries abortion became nearly impossible. The general ban on abortion in Turkey and in these other countries would become relaxed only from the 1960s onward.¹⁴³ In Turkey a growing sense that too rapid a population growth would be a hindrance to economic wealth led the state to take liberalizing steps from 1965 onward and, finally, in the Law Concerning Population Planning of 27 May 1983 to provide access to abortion. Ironically, however, this law still stipulates that abortion is permissible only with the written consent of the pregnant woman's husband.¹⁴⁴ In other words, there has been a virtual return to the tradition of the Hanafi Sharia and thus to the period prior to 1838. What used to be a liberal arrangement under premodern conditions is now regarded as a tool of male patriarchy. The modern law, therefore, has become a target for present-day liberal and feminist groups in Turkey who argue for the right of individual women to make decisions about the reproductive function of their bodies.

¹⁴² Gürsoy, "Abortion in Turkey," 532.

¹⁴³ See Arnot and Usborne, *Gender and Crime*; Janet Farrell Brodie, *Contraception and Abortion in Nineteenth-Century America* (Ithaca, N.Y.: Cornell University Press, 1994); Leslie J. Reagan, *When Abortion Was a Crime: Women, Medicine and Law in the United States, 1867–1973* (Berkeley: University of California Press, 1997); and Carol Smart, ed., *Historical Essays on Marriage, Motherhood and Sexuality* (London: Routledge, 1992).

¹⁴⁴ Gürsoy, "Abortion in Turkey," 535, 536.