The Gender Dimension of Social Policy Reform in Turkey: Towards Equal Citizenship?

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Abstract

This article discusses the current social policy reform process in Turkey from a gender perspective. Until now, social security and labour regulations have provided women with special benefits and protections. Depending on the particular case, these gender-specific policies can be interpreted differently – as positive discrimination, satisfying practical gender interests, or as a reinforcement of traditional gender norms and relations, stigmatizing women as a weaker, vulnerable group in need of special protection. Ongoing reform initiatives, however, neutralize most of these long-lasting gendered policies, either by terminating rights formerly enjoyed only by women or by extending these rights to men as well. The article questions this changing nature of social policy as to whether it promises equal citizenship for women or increases their vulnerability, in the absence of former benefits and without sufficient policy measures for improved capability.

Keywords

Social policy reform; Gender; Citizenship; Turkey

Introduction

During the last decade, there has been an ongoing process of social policy reform in Turkey, which has now reached its most decisive and controversial phase. The nature of reform initiatives in this period has been influenced by various factors, ranging from concerns about the fiscal crises of the state, the pressure of international financial institutions like the IMF and the World Bank for budgetary discipline, the parallel support of Turkish business circles, societal and labour demands, the conservative liberalism of the AKP government, Turkey’s prospects for the EU membership, and the changing social and economic structure in the country (Buğra and Keyder 2006). In April 2006, a significant law which planned a structural transformation of the existing social insurance schemes and the healthcare system was adopted; in December of the same year, however, just before the law could be put into force, some
of its provisions were annulled by the Constitutional Court. The implementation of the law was postponed by the government to 2008. In the meantime, the law and the question of its amendment have been providing a focus for ongoing and intense debates on the social policy reform process in the country – debates, however, that lacked a sufficient gender perspective. These reform initiatives reflect a change in the perception of women’s position in society. Former social policies relied on a perception of women as ‘in need of male protection’ and provided them with special benefits as dependants of their insured family members. However, the recent policies either terminate some of the benefits women used to enjoy, or extend some of them to men as well. While removing the stigma of ‘needy’, a number of these changes also seem to increase the vulnerability of the majority of women. So the changing perception of women in social policy seems problematical with regard to whether it assumes and supports women as ‘independent participants in society’ – a status which can be assured, as argued below, mainly through citizenship-based social policy approaches and labour market participation. This article examines the gender dimension of the reform process within this framework. I will first elaborate on the theoretical question of the article, then outline the ongoing reform process, and later focus on certain policy issues from a gender perspective to discuss the possible effects of reforms on women’s wellbeing and status.

**Gender, Social Policy and Citizenship**

Citizenship is both an analytical category and a political tool. It can be a mechanism of both inclusion and exclusion, having simultaneously empowering and disciplinary qualities. Accordingly, citizenship has been a site of continuing struggle, where its nature was contested and renegotiated by the historically disadvantaged groups (Tilly 1996; Lister 2003; Lister et al. 2007). One layer of this site is women’s social citizenship. Women’s historical exclusion from citizenship has been reproduced with the recognition of the male worker as the ideal citizen in the realm of social rights (see Marshall 1964). Women, on the other hand, claimed alternative formulations of citizenship, some arguing for a ‘gender-neutral’ citizenship which supports inclusion on the same terms as men, others arguing for a ‘gender-differentiated’ citizenship which claims the difference of women and supports inclusion through differential treatment. Central to these formulations is the historical debate summarized as ‘equality vs. difference’. While each approach has its own merits and risks, the dichotomy itself has been rejected by some feminists, who see the principles of equality and difference as complementary rather than conflicting and their meanings highly contingent on social and political context (Scott 1988; Lister 2003).

Diverse personal and social factors significantly influence individual capabilities. For instance, from biological needs during pregnancy to social factors like norms about familial responsibilities, gender-related factors result in different opportunities and qualities of life for women and men. This fact indicates the need for a social policy approach which aims at capability improvement, taking into account human diversity and the conditions under
which people live and over which they have no or limited control (Sen 2001). Such an approach suggests specific measures to compensate special disadvantages and to satisfy divergent needs of persons and groups.

This approach of differential treatment to promote equality, exemplified by positive discrimination policies, bears some risks, though. The most visible of these is the danger of stigmatizing persons who receive special benefits mostly on the basis of a means test (Marshall 1964: 101; Sen 2001: 136). Categorizing certain people as in need of special protection and compassion of others, as if they are inferior, can confine them to a second-class status in society. In addition, the definition of needs and differences can be quite problematical. For instance, social norms and relations influence definitions of gender differences on the basis of attributed needs, responsibilities, and abilities. A policy taking such definitions as non-problematic runs the risk of promoting essentialism and unfair gender relations. Here, Fraser (1998) proposes a framework which is helpful for evaluating the potentials and risks of positive discrimination policies.

According to Fraser, gender justice is a question of both redistribution and recognition, which are two remedies for the struggle against multiple, overlapping, and mostly mutually reinforcing economic and cultural injustices. Redistributive remedies correspond to the restructuring of political economy which relies on the gendered division of labour both in the domestic sphere and paid employment while recognition relates to the status order of society, androcentrism and sexism being the major features of cultural injustice. Here, Fraser distinguishes between two approaches to remedy injustice via redistribution and recognition: affirmation and transformation. By affirmative remedies to injustice, she means ‘remedies aimed at correcting inequitable outcomes of social arrangements without disturbing the underlying framework that generates them’, whereas by transformative remedies she refers to ‘remedies aimed at correcting inequitable outcomes precisely by restructuring the underlying generative framework’ (1998: 31–2).

Affirmative redistribution to reduce gender injustice in the economy corresponds to affirmative action policies which aim to guarantee women a fair share of jobs in the labour market, representational positions in government and management, etc., without transforming the nature of institutions like the underlying gendered division of labour. As for affirmative recognition to remedy gender injustice in the culture, it corresponds to ‘cultural feminism’ to guarantee women respect by ‘revaluing femininity’ in contrast to transformative approaches of deconstructing binary gender codes that give its sense to ‘femininity’ (1998: 37). This approach, then, emphasizes the need to transform the underlying structures, in both culture and political economy, which generate gender disadvantages and inequalities; whereas surface remedies for the unfair outcomes of certain social arrangements, while providing immediate relief, can reproduce the underlying gender norms and relations.

However, there can be in-between situations as well. Here, Molyneux’s (1985) distinction of practical gender interests and strategic gender interests complements Fraser’s framework: practical interests are related to the immediate needs of women; they do not necessarily challenge the nature of gender relations, neither are they always primary for all women regardless of differences.
of class, ethnicity, race, and so on. As for strategic interests, they aim to change the status of women by restructuring gender relations and removing obstacles to the achievement of gender equality. When these two categories overlap, this corresponds to the transformative remedies, in Fraser’s terms, yet in some cases strategic interests can be pursued at the expense of the short-term practical interests of some women (Molyneux 1985: 234).

I will discuss the gender dimension of the social policy reform process in Turkey within this framework and aim to answer the following questions: First, were the special benefits and the ‘protection’ provided to women in the welfare system until recently a form of positive discrimination, to satisfy practical gender interests, or did they also affirm the traditional gender norms and relations which underpin the conditions of familial dependency and gendered division of labour, leading to a second-class citizenship for women? Second, with such a background, does the neutralization of most of these long-lasting gendered policies, either through the extension of rights to men or through the termination of rights/‘protection’ formerly enjoyed only by women, promise equal citizenship for women, addressing their strategic interests with their changing perception from ‘in need of male protection’ to ‘independent participants in society’? Third, does this neutralization come at the expense of women’s practical interests, increasing their vulnerability in the absence of former benefits, in contrast to transformative reforms, which would take into account both strategic and practical interests?

The realization of such an equal and independent status relies mainly on a citizenship-based social policy approach and labour market participation. Citizenship-based approaches provide entitlements on the basis of citizenship status (or residence) instead of means-test and labour market status. Here, citizenship as the basis of entitlement first nullifies the distinction of formal–informal labour, which has been a significant problem in determining the access to benefits in Turkey; and second, it gives rights independently of family, thereby undermining the principle of dependence on family in favour of personal autonomy. It should also be noted that citizenship as the basis for social rights would reverse the principle of commodified labour as the grounds for entitlements, in favour of recognizing the domestic and unpaid labour of women (Sainsbury 1996: 45–6). The importance of such a social citizenship approach reveals itself especially with regard to health, a major site of increasing vulnerability for women. As to labour market participation, it is another site that can contribute to the empowerment and self-sufficiency of women; the current position of women in the labour market, however, does not seem good, as will be seen below.

The Turkish Welfare System

The current welfare system in Turkey relies on a multi-fragmented, corporatist social security system which provides health and pension benefits to formally employed persons and their dependants according to their labour market status. The system is composed mainly of three institutions: the Social Insurance Institution (SSK) for workers, founded in 1945; the Retirement Fund (ES) for civil servants, founded in 1949; and the Bag-Kur for the
self-employed, founded in 1971, along with two less significant schemes which were founded later to cover the agricultural sector. Since self-employment, unpaid family labour, and informal employment practices have taken an important place in the labour market structure, the formal social security system has been insufficient to provide social protection to large sections of the population, which was then supported by informal mechanisms like family and kinship solidarity as well as clientelistic relationships with political authorities. In the post-1980 period, however, market-oriented economic policies and the changing rural and urban structures, with their negative effects on the informal support mechanisms, housing, and the labour market, resulted in a greater inability to combat the newly rising risks and poverty.

The first reform initiatives concerned retirement rules, the most important of which was to raise the minimum age threshold and premium payment requirement in 1999 with Law No. 4447. These minimum thresholds for retirement are to be increased further by the current reform bill, Social Insurances and General Health Insurance Law, No. 5489, which was passed in April 2006, but not yet put into force due to its partial annulment by the Constitutional Court in December 2006. The reform planned to unify the formerly separate insurance schemes under a single system, equalizing norms and standards. While the unification could provide more operational efficiency and reduce the current inequality of benefits among workers, civil servants, and the self-employed – which has been interpreted as constituting unequal citizenships among the insured and between the insured and the uninsured (Bugra 2007a; Üstündag and Yoltar 2007; Günal 2007) – the fact that the equalization of retirement rules comes through a decrease of ‘acquired rights’ has raised fierce opposition to the reform. Meanwhile, the rejection of provisions, mainly in respect of civil servants, by the Constitutional Court with a demand for separate legislation for their social security, puts the objective of unification in danger while presenting a portrait of state paternalism for state personnel and neo-liberal policies for workers (Çelik 2007).

The proposals for the healthcare system form another controversial part of the reform process. The bill proposes a system of universal health insurance which is financed by compulsory contributions by all who earn above the poverty line. While all persons under 18 years of age will be entitled to healthcare without premium condition, the state will pay the premiums for those who are not able to pay according to a means test. The question of premium collection has raised doubts, however, considering the current labour market structure, where informal employment constitutes half of the labour force (World Bank 2006). While some of these informally employed persons have access to healthcare as dependants of their insured family members in the current system, more than one-third of the total population (about 36 per cent) is not covered by any health insurance, including the Green Card programme, which aims to provide healthcare for the uninsured.
poor on the basis of a means test (World Bank and SIS 2005). In such an environment, the shift from the current fragmented health sector to a universal healthcare system covering the entire population seems vital, yet the proposed way of financing, *inter alia*, causes a great deal of controversy. The argument in favour of financing the system through premiums is mainly supported by the government and the business circles in parallel to the proposals of international financial institutions, the World Bank and the IMF. As for the argument in favour of more contribution from the public budget, it is advocated in different platforms such as the chambers of doctors, labour unions including those of health workers, and feminists. Some academic research circles also promote the financing of the system mainly by taxes; hence, citizenship as the basis of entitlements rather than employment status or means test (Bugra 2007a; Keyder 2007; Üstündag and Yoltar 2007; Günal 2007).

As for the social assistance pillar of the reform package, the proposal has not been brought to the parliament yet, nor has it been sufficiently debated. The proposal includes policies like the introduction of child and disability allowances, improving work prospects for the assistance recipients, and a minimum income support. It also plans to bring social assistance and social security arrangements within the same administrative framework. So, along with this proposal, the governmental approach to poverty and social exclusion has been interpreted as a novelty in the social policy history of the country, with the adoption of systematic policies to combat poverty through redistributive mechanisms, in contrast to the still overriding approach of poverty alleviation through charity; hence, a new tendency for a rights-based approach to social assistance (Bugra 2007b; Bugra and Keyder 2006).

Thus, the nature of the reform initiatives appears not simple but multi-dimensional, with diverse social policy approaches in action and a variable relationship between citizens and the state. As for the gender aspect of this process, I would like to point out major policy issues, in relation to other recent arrangements and proposals, and to discuss their effects on the status of women.

**Gender Dimension of Social Security Reform**

The traditional social security system was established around a normative model of family in which men are the principal breadwinners and women are kept by male heads of families, who are either fathers or husbands. So women receive benefits like healthcare on the basis of the labour market status of ‘their men’. The assumption of this model has been most obvious with regard to the entitlement of dependent children to healthcare: daughters of insured persons have been entitled to healthcare insurance regardless of age as long as they are not married or formally employed. On the other hand, sons have been subjected to age limits and exempted from the conditions only in case of disability and destitution.

The state undertakes the responsibility of these breadwinners, in case of their death, through survivor pensions to ‘protect’ girls and women until they start to work or until they (re-)marry. In case of divorce and unemployment,
survivor wives and daughters are re-entitled to the benefits. This special treatment for women was originally explained by the lack of employment opportunities for women and by the family structure, which hinders women’s participation in the labour force in most cases, alongside the rhetoric of the paternalist state, which protects the ‘destitute’ women. Anxieties were also expressed that the gender order should not be disrupted by forcing women to work on the one hand and on the other, due to the eligibility requirement of single marital status for the entitlements, discouraging them from marriage and encouraging affairs outside legal marriage (TR 1945: 311–14; TR 1949: 812ff.). So survivor women have been encouraged to marry via a lump-sum payment of pensions (‘marriage bonus’). While this approach has answered the declared concern not to upset the existing gender order in society, the benefits serve most women’s practical interests with pensions and healthcare coverage. The re-entitlement of female survivors to benefits in case of divorce or unemployment also provides women with some chance of ‘exit’ from problematic marriages or work by the guarantee of an alternative future income, however small the amount. Yet the vulnerability to ‘exploitable dependency’ within marriage still exists (Fraser 1994). As for men, widowers were subjected to means tests since they were assumed to be the breadwinner, whereas survivor sons were entitled to benefits only until a certain age in parallel to their educational status. As a result, however, of the assumed role of dependent housekeeper for women and breadwinner for men, survivor sons have been entitled to pensions in case of disability not subject to any other conditions whereas the pensions of disabled daughters were terminated in case of marriage. This proves the assumption of women’s dependency on the male-headed family as the ground of such gender-differential treatments, rather than a positive discrimination policy to compensate disadvantages of both women and men.

Recent reform initiatives, however, have changed this long-lasting policy in certain respects. First, in the mid-1980s policy changes equalized the conditions for surviving spouses, single marital status being the main requirement (Laws No. 3165, 3168, and 3284). The reform of 2006 completes this equal treatment of survivor spouses, extending the marriage allowances to male survivors as well. These changes might signal a move from the ideal of ‘male-breadwinner family’ towards a model of ‘universal breadwinner’. This approach would reduce the stigmatization for both spouses and better suit strategic gender interests. On the other hand, the gendered treatment of orphans is still maintained, except the recent changes which extended the disability pension to married survivor girls in 2003 (Laws No. 4956 and 4958).

The current reform in the healthcare system indicates a further step in the gender-neutralization of welfare benefits, ending the former entitlement of dependent daughters of the insured persons to lifelong health insurance. Now the duration of entitlement can be extended only until 25 years of age, depending on educational and marital status, and then all persons are obliged to pay premiums. This equalization of benefits between sexes has been opposed on the grounds that it deprives daughters of their ‘acquired rights’ and that it is incompatible with the socio-cultural structure of Turkish society, adding the fact that most women at 25 are not economically
independent (TR 2006a; TR 2006c: 53). The former gendered policy certainly has provided those non-employed, single women with practical benefits regarding healthcare. Yet it was an affirmative policy formulated with a mentality of paternalist protectionism and women received benefits not as a matter of citizenship right, but on the basis of a means test and the labour-market status of their parents, who were repeatedly reduced only to the father figure in official discourses regarding derived rights (see, for instance, TR 2006c). Yet derived rights take the form of a ‘unilateral gift, on which the recipient [has] no claim and for which the donor [has] no obligation’ (Fraser and Gordon 1992: 59). In this respect, the equalization might be interpreted as a positive step in terms of women’s strategic interests, ending the differential treatment of women which has meant familial dependency and stigmatization, with paternalist protectionism for the ‘destitute’.

The equalization, however, comes at the expense of certain practical interests, ending an actual provision formerly enjoyed by women; hence, it makes women more vulnerable in the face of present risks. Considering the very low rates of female employment, which is made up of high levels of unpaid family workers and other informal workers, an employment-based approach to healthcare with the requirement of premium does not seem to be able to make the conditions for women any better (see tables 1 and 2). The reform will render single, formally non-employed women, who benefit from health services thanks to their parents, subject to a means test which does not only bring uncertainties but also bears the risk of stigmatization. It appears that the health reform treats women as independent earners before they have been integrated into the labour force, and thus it will actually worsen the situation for majority of women in the short run (cf. Lewis 2000). The long-term prospects depend on the future trends of female employment in such a system; but, again, an employment-centric approach is exclusionary, not only with the distinction of formal/informal labour but also with the underlying

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<th>Population 15 years of age and over (’000)</th>
<th>Female</th>
<th>Male</th>
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<tr>
<td></td>
<td>Turkey</td>
<td>Urban</td>
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<tr>
<td>Labour Force Participation Rate (%)</td>
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<td>Unemployment Rate (%)</td>
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<td>Employment Status (%)</td>
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<td>Regular and Casual Employee</td>
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<td>Self-Employed and Employer</td>
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<td>Unpaid Family Worker</td>
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Table 1
Women and men in the labour market, 2005
distinction of paid labour/domestic labour. Hence, the need for a universal healthcare system appears vital, as mentioned above. On the other hand, the arrangement of universal healthcare for all persons under the age of eighteen signals such an approach, shifting the basis of entitlements from familial dependency and the labour market status of parents to social citizenship (cf. Bugra 2007a; Üstündag and Yoltar 2007; Günal 2007). Considering the severity of child poverty in Turkey, the importance of this provision becomes clear.

The policies on retirement are established around a similar set of ideals and assumptions. According to the standards which still exist today, the minimum retirement age is 58 for women and 60 for men, while the minimum premium requirement is 7,000 days for workers and 9,000 days for civil servants and the self-employed. The initial arrangements established an earlier retirement for women, largely around the theme of the family responsibilities of working women, affirming housekeeping and care as women’s obligations. Women were depicted as more vulnerable to physical deterioration because of the double shift of domestic and paid labour under difficult conditions along with the alleged biological weakness; accordingly, the result of these conditions was a failure in domestic responsibilities, which appeared to be the main reason for early retirement (TR 1975: 339-45, 1/286, 1/287, 2/113). Through earlier retirement, women were supported to go back home and perform their familial duties. Married women workers were also encouraged to return to their homes through the repayment of premiums and severance payments in case of termination of work due to marriage. These policies certainly serve some of women’s practical interests; it must be noted, however, that the return to home life just after marriage might be fuelled not only by the woman’s own will, due to new domestic responsibilities, but also by the demand of the husband who, according to Civil Law, was until 1990 legally entitled to permit or forbid his wife to work – a fact which has been a widespread reason for women to exit from the labour market.

<table>
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<tr>
<th></th>
<th>Trade-union members</th>
<th>Social security</th>
<th>Workplace of 10+ Employees</th>
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<tr>
<td></td>
<td>(Percentage of workers with access)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Males</td>
<td>12.8</td>
<td>50.9</td>
<td>34.2</td>
</tr>
<tr>
<td>Females</td>
<td>7.4</td>
<td>24.7</td>
<td>19.4</td>
</tr>
<tr>
<td>Primary or less</td>
<td>7.8</td>
<td>29.6</td>
<td>18.8</td>
</tr>
<tr>
<td>High school</td>
<td>13.8</td>
<td>63.9</td>
<td>45.8</td>
</tr>
<tr>
<td>Higher education</td>
<td>20.4</td>
<td>87.2</td>
<td>70.7</td>
</tr>
<tr>
<td>All workers</td>
<td>11.7</td>
<td>42.4</td>
<td>29.4</td>
</tr>
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Hence, the former policies were again more of an affirmative type, reinforcing the existing gender roles that underlay the difficulties women faced. There was no mention of an aim to transform the gendered division of labour in a way that allows equal sharing of responsibilities in both the domestic sphere and paid work, nor any mention of the need to provide public services for care and reorganize working life to reconcile with family life. Such an attempt at the reorganization of both domestic life and the labour market is what parental leave is meant to facilitate, as will be discussed below.

On the other hand, the reform of 2006 aimed at an equal treatment of women and men in terms of retirement rules. According to the bill, the current gendered policy would be maintained until the year 2035 and then a gradual equalization would be realized in retirement ages until 2048, when the minimum retirement age for both sexes would rise to 65 and the minimum premium requirement would be 9,000 days. The ground for equal and later retirement is based on higher life expectancy rates, which are even higher for women than men (Ministry of Labour and Social Security 2004), a reason which has a more objective base and sounds better for the equal recognition of women than a discourse on weakness and vulnerability. However, the double burden of domestic and paid labour for women remained another problem for which early retirement was shown as a practical remedy, albeit an affirmative one; but the new policy says nothing about it. If women are to be treated on equal terms with men, then domestic responsibilities, especially those of care, must be taken into account as well (Lewis 2000). So we see again an improvement of some strategic interests to the detriment of short-term practical interests; the equalization comes through an erosion of rights, increasing the ages for both women and men. Considering that female employment is relatively more interrupted due to maternal and domestic responsibilities, such a high minimum-age threshold seems unrealistic. In such an environment, the labour market policy gains more importance.

The Question of Female Employment

Social policies from the early Republic until the recent reform process did not regard women as a basic component of the labour force but conceived of them within a male-breadwinner family model on which women were dependent for their livelihood, deriving their entitlements mostly as daughters and wives. Women workers were encouraged to go back home through certain monetary incentives. In the meantime, women’s participation rate in the labour force has been continuously decreasing since the 1950s, mainly because of the decrease in agricultural employment due to migration from rural to urban areas. As of 2005, women’s participation rate is 19.3 per cent in urban areas and 24.8 per cent in total (see table 1). With such values, Turkey comes last among the OECD countries whereas the EU-15 has an average of 57.5 (OECD 2007). While the Southern European countries (especially Spain, Italy and Greece), whose welfare systems resemble that of Turkey, have a rising trend in female employment with much higher ratios of employment (respectively 51.9, 45.3 and 46.2), Turkey has still a falling trend (OECD 2007). Here, one might refer to the great disparity in gender-related development,
especially with regard to literacy and schooling, between these countries and Turkey (UNDP 2007).

So, one of the reasons for lower levels of labour-force participation by women in Turkey might be explained by the relatively lower rates of female adult literacy – 79.6 per cent in 2005 – and schooling – 64 per cent for women's combined enrolment ratio for primary, secondary and tertiary education (UNDP 2007). Accordingly, female labour force participation rates increase in parallel to the level of education (TÜIK 2006).

On the other hand, conservative values about gender roles in the society appear to be a more significant determinant of female employment; women's subjection to the consent of male family members to work and the burden of domestic responsibilities on women are often stated to be the main reasons for leaving job or not participating in the labour force at all (İlkkaracan 1998). This portrait, however, seems at odds with the social security reform which treats women as independent earners before they have been sufficiently integrated into the labour force. The recent reform initiatives about maternity leave and the labour market regulation gain more importance in this respect.

Major changes came about with the Labour Law of 2003, which was harmonized with the relevant EU Directives as planned in Turkey’s National Programme for the adoption of the EU Acquis (TR 2003). First, maternity leave was increased from twelve weeks to sixteen weeks in total. The reason for the amendment was stated as the encouragement and facilitation of women to work, ensuring health and working rights during maternity as well as the requirement of the relevant EU Directive (TR 2004: 2/211). Another important change was the abandonment of the long-lasting prohibition of night-work by women in industry. Hence, only persons less than eighteen years of age were prohibited from night-work in industry.

Against the earlier policy’s depiction of women as a ‘weaker sex’ in need of paternalist protection, the abandonment of the prohibition of night-work might seem progressive in providing equal opportunities for women and men as regards access to employment and, thus, serving some of women’s strategic (against stigmatization) and practical (enhanced job chances) interests. Yet as other feminist studies show, the erosion of protective legislation might have to do more with the deregulation of the labour market and giving flexibility to employers than giving ‘free choice’ to women. If women do night work, it is usually because the employer wants them to. Otherwise, they would probably choose the night shift only in order to handle their domestic responsibilities during the day (Lewis and Davies 1991).

As for the reform of 2006, in addition to the incorporation of maternity insurance to the Bag-Kur as a requirement for the adoption of the EU Acquis, the reform plans to extend the breast-feeding allowance to all insured persons for a period of six months following delivery with the amount of one-third of the minimum wage, while formerly only the SSK scheme included such a payment as a one-off to a female worker (or the uninsured wife of a male worker) who gave birth. These are important developments, showing that the reform also extends some of the entitlements, in contrast to the reform package being identified, as in public debates by the opponents of the reform, mainly with the erosion of social rights. Apparently the reform
includes two opposite trends: eroding some rights like retirement on the one hand and extending others like marriage allowances for male survivors or breast-feeding allowances for all the insured on the other.

In view of this, another commitment of the National Programme concerns parental leave and requires the harmonization of the labour legislation with the relevant Directive 96/34. There was a draft law on the agenda of the former parliament that defined the right to parental leave for civil servants and workers. The draft became void due to the parliamentary elections, yet it is highly likely to come onto the agenda again. According to the draft, an unpaid parental leave of up to twelve months, in the year following the paid maternity leave, was defined for the female civil servant(worker or her husband who was also a civil servant/worker, on their request. These leaves could be used as successive periods on the request of spouses; and the labour contracts of the persons on paternal leave could not be annulled because of the leaves. The right would also apply in case of the adoption of a child at maximum three years of age (TR 2005).

This shift from maternal leave to parental leave might help to transform the gendered division of labour. While maternal leave was formulated as a matter of the health and care duty of women, affirming the gendered division of labour for childcare, parental leave makes the equal sharing of responsibilities in the family possible and challenges employers’ tendency to lessen their preference for women due to the leaves. Yet, as the studies on European countries show, men are unlikely to take leave unless it is paid, whereas the leave might promote both women’s labour market participation and exit in different contexts, also depending on the nature of the leave policies (Bruning and Plantenga 1999; Lewis and Giullari 2005). So, the goals of transforming the gendered division of labour and encouraging female employment require further policies for the provision of childcare services and reorganization of the labour market in addition to better leave policies.

The prevalent tendencies in the labour market and employment creation policies, however, do not seem promising yet. The rising popularity of micro-credit as a means to combat poverty and to increase female employment is an illustrative example. Some of these schemes to turn women into micro entrepreneurs actually result in the production of goods below normal market prices, as seen in the cases of workshops bringing women together in collaboration with NGOs, while the work carried out through micro-credit is generally in the category of ‘female jobs’ such as carpet-weaving, lacework, and the like (Bugra 2007a). These cases function like other informal home-based work in that they serve some of women’s practical interests and thus provide a reconciliation of work and family life, but in an affirmative way: such work provides the flexible working time women need to perform their domestic duties and facilitates the consent of their husbands or fathers to allow them to work, either at home or in female-dominated environments like those in the garment industry, while getting no social security benefits at all (Dedeoglu 2000). Studies on micro-credit in other parts of the global South verify such regressive possibilities for women (Rankin 2001). So it appears that unjust gender order and neo-liberal policies go hand in hand. Here, a recent arrangement concerning home-based workers, who are mostly women, is especially crucial in that it does not reflect a perception of women
as wage and salary earners. While there have been efforts among some home-based working women to organize through cooperatives for labour issues, a law on income tax in 2007 (Law No. 5588) regarded those women as ‘independent own-account producers’, though in truth they are mostly ‘dependent subcontract workers’ (cf. Carr et al. 2000). This classification restricts those women’s legal freedom to claim job and social security, both as home workers and as formally unemployed dependants of the insured.

Conclusion

The gender-specific policies that have been prevalent until the recent reform process have tended to stigmatize women as a weaker, vulnerable group in need of special protection and compassion. The regulations reinforce the conditions of familial dependency and the gendered division of labour while also providing immediate relief. Accordingly, the remedies mostly addressed the practical interests of women at the expense of their strategic interests; affirming the existing gender norms and relations which underlie the difficulties women face instead of transforming them. These gender-differentiated approaches, coupled with the realities of domestic life and the labour market, have suggested a second-class citizenship for women.

The recent reform process, however, neutralizes most of these long-lasting gendered policies through either the extension of rights to men or the termination of rights formerly enjoyed only by women. Some of these reforms point to a positive change in the perception of women’s status, such as those policies encouraging female employment, unlike the earlier policies supporting the return of women to the home. The equalization of benefits and rules might also prove progressive for the equal recognition of women and the disappearance of stigmatization in the long run. Some of the reforms, however, actually worsen the situation of women, as in the case of healthcare, increasing their vulnerability. It appears that recent initiatives treat women as if they are all independent participants in society and place them within the framework of the labour market instead of the former paternalist framework of social protection, whereas women have not yet achieved the conditions of that independent status either in the labour market or in the home. So this time there seems to be an elevation of some of women’s strategic interests above practical interests. This rough shift from a ‘gender-differentiated’ citizenship toward a ‘gender-neutral’ citizenship, however, does not seem promising for the achievement of an equal citizenship for women which would take into account gendered differences in capabilities. To conclude, the way to equal citizenship for women, ensuring both their well-being and their independent status in society, appears to rely on future policies regarding the labour market structure and to call for a citizenship-based, gender-sensitive approach to social policy.

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10–13 July 2007 and it relies on the research I did for my MA thesis, Gender and social policy in Turkey: Positive discrimination or a second-class female citizenship? (Bogazici University, 2006). I would like to thank Ayse Bugra and the anonymous referee for their helpful comments and suggestions and Bogaziçi University Social Policy Forum for its financial support.

Notes

1. After this paper was written, nation-wide protests and new debates took place in early 2008, including feminists and women workers, against the government’s new proposals for the amendment of the reform bill.

2. Residence as the basis of entitlement is no doubt vital and requires further discussions of ‘post-national citizenships’ (Soysal 2000). In order not to lose the focus of this study, however, I am not arguing about a re-definition of citizenship taking into account phenomena such as nationalism, migration and globalization. Yet, with the aim to include non-citizen residents (asylum seekers, the stateless, foreign residents) within the healthcare system, Turkey's recent reform on social security signals such a re-definition of citizenship as well. In addition, one can also observe that a citizenship-based rhetoric is sometimes used by labour unions, organizations of doctors and health workers, etc.; a more straightforward approach, however, promoting citizenship as the basis of social rights instead of employment status and the financing of social security systems, especially that of a universal healthcare system, through taxes, is promoted mainly within relatively limited academic research circles (Bugra 2007a; Bugra and Keyder 2006; Ustündag and Yoltar 2007; Gümäl 2007).

3. For the development of the Turkish welfare system, see Özbek (2006); Bugra (2007b). For a more detailed evaluation of the current reform process, see Bugra and Keyder (2006); Çelik (2007).

4. The failure of the social protection system to cover those in the informal sector is also a critical issue in the global South. Here, one should note that Turkey’s welfare state policies are likened especially to those of the so-called Southern European welfare regimes (Gough 2006; Bugra and Keyder 2006; cf. Moreno 2006 and Naldini 2003).

5. The provision and financing of the healthcare system is quite fragmented in Turkey; there are both public and private providers and financiers, though the public predominates in each case. Healthcare is seen mainly as part of the social security system, since it is integrated to social insurance schemes. The insured persons of the three main insurance schemes constitute approximately 89 per cent of the population (including repeated registers) while the Green Card covers about 15.3 per cent (TÜSIAD 2004). Yet, the divergence in the ratio of access to healthcare in practice seems drastic. The main factors preventing access to healthcare are informal and irregular employment, ineligibility for the Green Card, and premium debts to Bag-Kur (there is no obligation for the insured of Bag-Kur to register for healthcare insurance). For instance, many of the self-employed insured cannot regularly pay the monthly premium to Bag-Kur and, as of 2006, 60 per cent of these insured persons could not benefit from healthcare insurance due to the debts, a fact which is illuminating on the risks of the health reform with regard to the premium requirement (Ustündag and Yoltar 2007: 74).

6. It seems the proposal on social assistance will be taken on to the agenda only after the government formulates amendments for the annulled provisions of the law on social security and healthcare in the next months.

7. The changes in the Civil Law also follow a parallel trend. The Civil Law of 1926, which was in force until the Law of 2001, relied on the male breadwinner family
model, explicitly taking the husband as the head of family, responsible for the maintenance of the household, while regarding the wife as the housekeeper and subject to permission from her husband in order to work. The provision about permission to work was annulled by the Constitutional Court in 1990 and the others were changed by the Civil Law of 2001, changing the attributed roles of maintenance and care by provisions which refer to the shared contributions of spouses according to their capabilities.

8. The gender differentiation seen in survivor pensions applies to the healthcare entitlements of the survivors as well. The current reform, however, concerns only the dependent daughters of the insured persons; survivors are still entitled to healthcare benefits without age and premium conditions in the new system (TR 2006b: 26).

9. Recent gender-neutralizing reforms regarding the schemes of retirement, invalidity, and healthcare can be related to Turkey’s ongoing process of legislative harmonization for EU membership. Although one cannot see a direct reference to the requirements of the Directives in relevant reform bills, Turkey’s National Programme includes the ‘Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security’ (TR 2003). As described above, Turkey has adopted the principle of equal treatment through a decrease of rights enjoyed by women regarding retirement and healthcare, whereas the other Directives have been useful for the introduction or expansion of some other rights as seen in the example of maternity insurance. For a similar adoption of the EU equal treatment policy to the disadvantage of women, see the Belgium process of pension reform (Marier 2007).

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