# 13 Citizenship and the minority question in Turkey

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### Introduction

When he was developing an innovative approach to the question of nationalism, Ernest Gellner (1993) suggested that the socio-political and economic dynamics of the modern age fostered the congruence of political and cultural realms. This view implied that the modern state was the state of a territorially and ethno-culturally bounded society. It was through the consolidation of this modern tendency that the demarcation lines between the notions of state-membership (citizenship) and ethno-cultural membership (nationality) gradually disappeared. The connotation of "nation-state" symbolized the political extension of a cultural community. Although a clear-cut distinction was drawn between "western" (civic) and "eastern" (ethnic) models (Kohn 1965; Brubaker 1992), nationalism, as an ideology and political project, has sought an ideal fusion between citizenship and nationality. Both civic and ethnic models, implicitly or explicitly, have situated ethno-cultural identity at the core of the linkage between citizens and the state (Özdoğan 2000). It has been generally believed that a state's citizens should be composed of its nationals, both civic and ethnic members of the state (Oommen 1997).

However, nationalism as a theoretical and political project has largely run counter to the diverse circumstances of modern times. Only a few of the world's existing states have accomplished the homogeneity of a nation-state. Ethno-cultural diversity, instead, has remained an integral feature of modern conditions (Connor 1994). It has become evident that notions of citizenship and nationality are not synonymous but inherently refer to two different sources of identity, that is, legal-political and ethno-cultural. In these circumstances, the possibility of developing genuine equality between the "national" and "non-national" citizens of a country has depended on the capacity to create a complete disassociation between the two concepts. Otherwise, it is argued, the concept of citizenship would come to relinquish its inclusive substance and begin to operate as an instrument of exclusion for those sections of the state's population who remain outside the "imagined" category of ethno-cultural designation (Schnapper 1998). Nevertheless, ethno-cultural neutrality, as Kymlicka and Norman (2000) have recently demonstrated, has remained a myth even for the liberal democracies of the Western world, where a dominant ethno-cultural substance has frequently violated the legal-political inclusiveness of citizenship. The rhetoric of citizenship has, in most cases, been historically advanced at the expense of ethno-cultural diversity. There has existed a potential tension between the notion of universal citizenship and ethno-linguistic and religious particularities of minority groups. Because of this, notwithstanding universal premises of the concept of citizenship, the practice has tended to create a duality between two categories of citizens, those who belong to the majority and those who are outside the category of mainstream identification.

The traditional position of non-Muslim minorities in Turkey has presented a good example of the citizenship duality inherent in the practices of a multi-cultural context. Thus, despite the fact that the republican state adopted a legal-political neutrality in conceptualizing Turkish citizenship, Turkish practices have often made a clear distinction between "national" and "formal" citizens of the country. In so doing, universal implications of citizenship status have been narrowed by the exclusivist conceptualization of nationality. The Turkish citizenship practices have, therefore, created a constant stalemate, blocking the building of a true compromise between the universal implications of citizenship status and the "non-national" position of the non-Muslim minorities.

I will review this republican duality as it relates to the citizenship status of non-Muslim minorities in Turkey, focusing merely on Turkish political culture and the Muslim-inclusive formulation of Turkish nationalism. Therefore, this chapter will, first, briefly examine major aspects of Ottoman rule relating to the issue of minority-majority classification and the ways of minority treatment. Second, in connection with the former, the constitution of minority and majority categories of the republican state will be discussed. Here, the eventual emergence of the legal-political status of minorities, both in the context of the Peace Treaty of Lausanne and the Turkish constitutional settings, will be reviewed. Third, by looking at the republican treatment of minorities, the practice of this legal-political background will be elaborated. Finally, taking into consideration that the traditional basis of minority citizenship has recently began to lose effect, I will point out some current trends which have begun to transform the classical practices and parameters of the established regime.

## The Ottoman legacy

Although Western politicians and travelers used to designate the Ottoman Empire as "Turkey" and its rulers as "Turks," this European ethnic categorization was no more than a misrepresentation of the Ottoman reality (İnalcık 1996: 19). The Ottoman Empire was not a Turkish state in the modern sense of the word, but a multi-ethnic, multi-religious and multilingual Islamic empire. Its socio-political, economic and judicial system rested largely upon the instructions of Islamic law (Berkes 1998: 14). It was because of this that, although ethno-lingual differentiation was not unknown to the Ottoman world, religious belief signified the prime source of identity, both before the state authorities and in the eyes of the general public (Davison 1954: 844). The imperial order (nizam), hence, incorporated a policy of ethno-lingual indifference and governed religious diversity exclusively with a long-established Islamic instrument, the *millet* system. Accordingly, while granting official recognition to the corporate existence of the Greek Orthodox, Armenian-Gregorian and Jewish subjects, the Muslim population was totalized within a uniform category of Muslim *millet*. Non-Muslim communities were accorded a privilege of spiritual and temporal autonomy on questions of taxation, education, religious practices, and judicial proceedings that facilitated the protection and promotion of their ethno-cultural characteristics (Braude and Lewis 1982).

However, communal autonomy in the Ottoman context did not mean equality. The functioning of the Ottoman nizam depended not upon the principle of equality but on an inegalitarian version of justice (adalet) which recognized equality neither between the rulers and the ruled nor among the different sections of the ruled. The meaning of *adalet*, instead, prescribed for each of the communal groups a legal status no less and no more than they deserved (Berkes 1998: 11). Immunities and the privileges of the millet system relied on an ontological inequality formulated in the Islamic maxim of dhimma in which believers (Muslims) and non-believers (dhimmis) were strictly separated from each other in terms of civil, political and legal status (Gibb and Bowen 1962: 207-8). Thus, notwithstanding the fact that they were members of the same political community, non-Muslim *millets* received different, if not discriminatory, treatment, among others, in the affairs of public employment, military obligation, judicial proceedings and taxation, and even regarding styles and colors of dress (Bozkurt 1996: 7-32; Peters 1999).

Thus, state-membership and ethno-cultural membership were constituted in the Ottoman context within two different realms. Legal status was grounded not in the accomplishment of the former, but it was the latter which decided peoples' socio-political and legal position in the state. Peoples were considered, first and foremost, as members of *millet* communities, outside of which none could claim legal existence (Gibb and Bowen 1962: 211–12). In this form, the classical system displayed more the characteristics of a "federation of *millets*" or of "*umma* communities" having no common identity and legal status independent of religiously delimited communal affiliations. Administrative organization incorporated inward-closed and strictly separated communities of religion which lived side-by-side but separate from each other. As a result, neither the concept nor the practice of citizenship, involving equal rights and obligations, appeared in the Ottoman Empire before the nineteenth century (Davison 1954: 845).

Nevertheless, the classical *millet* system, despite its inegalitarian ramifications, functioned well as long as religion remained the dominant source of identity for all Ottoman subjects. Neither did the communities challenge its premises nor did the imperial administration trouble itself with the creation of a universal status of citizenship. However, after the influence of the French Revolution, the principles of liberty, equality and "nationality" had infiltrated the Ottoman lands by the early nineteenth century, the classical *nizam* began to lose its legitimate grounds. A dramatic transformation occurred in the non-national *millet* identities and loyalties toward ethnolinguistic and territorial particularities. Non-Muslim minority nationalism came to preoccupy administrative minds in the empire. It was in this context that the Sublime Porte began to feel an urgent need to substitute inegalitarian aspects of the classical system with a substantive equality of Ottoman citizenship cutting across ethno-linguistic, religious and sectarian affiliations (Lewis 1965).

At this stage, the Ottoman rulers adopted the reformist policy of ittihad-1 anasır (union of elements) which aimed at substituting the classical *millet* system with an egalitarian project of *Ottomanism*. To this end, leading documents of the reform process in the nineteenth century, the so-called Tanzimat era, addressed the civil, political and legal equality of Ottoman subjects. Discriminatory practices in the affairs of judiciary, taxation, military obligation, public employment and those relating to peoples' everyday circumstances were gradually renounced.<sup>1</sup> The first Ottoman Constitution (1876) affirmed that apart from religious matters, Muslim and non-Muslims had identical rights and obligations. The same constitution stipulated that all of the Ottoman peoples, whether Muslim or non-Muslim, were to be considered "Ottoman" in terms of national affiliation, irrespective of religious and sectarian origins (Kili and Gözübüyük 1985: 31–44). Depending on this egalitarian articulation of the law and the legal-political formulation of nationality, citizenship and national affiliation converged. From the political point of view, therefore, the traditional discrepancy between state membership and communal membership, in principle, was eliminated to a considerable degree in the Ottoman context.

The reform period attempted to dissolve ethno-religious and legal compartmentalization within an inclusive formula of citizenship and nationality. However, what Ottoman authorities would not see, if they wanted to see, was the fact that the non-Muslim minorities were not seeking equality within, but political liberation without, the state. This is why civil and political liberties brought neither an integrated Ottoman society of citizens, nor did it halt the non-Muslim minorities' nationalist aspirations. The traditional duality between the notion of Ottoman citizenship consisting of equal individuals and the corporate structures of the *millet* system remained

unsolved. The political project of *ittihad-i anasır* which marked the Ottoman policies of modernization, therefore, culminated in a great failure. The Christian communities moved out of *millet* consciousness directly into a national consciousness without ever accepting Ottoman citizenship (Davison 1963: 407–8). Once touched by the winds of nationalism, traditional *millet* compartmentalization resulted not in the emergence of an integrated "Ottoman nation" but national states of non-Muslim minorities. Greece, Serbia, Romania, Montenegro and Bulgaria ultimately declared their independence. Moreover, even some of the Muslim elements, including Albanians and Arabs, had joined in this ethnic dismemberment by the turn of the century. When the final collapse came with the Treaty of Sèvres (1920) in the aftermath of World War I (WWI), the disintegration of the empire along the lines of minority identities was almost complete.<sup>2</sup>

The failure of the politics of *ittihad-i anasır* aroused much resentment among the Muslim people and the rulers of the empire, prominently the Turks, who had invested great hopes in the principle of citizenship equality as a means of saving the state from collapse. Non-Muslim minorities and the persistence of *millet* divisions, hence, came to be considered one of the major causes behind the dissolution of the empire. As a result, minority issues lost their naivety in the eyes of the Turkish statesmen, who came to see minority rights not as a matter of respect, freedom, liberty or equality within the borders of a shared polity, but more as the instrument of ethnic dismemberment and as a pretext for external interference. It was this legacy that aroused a general distrust, suspicion and hatred against minority claims in Turkey that greatly constrained the issue of minority rights and the citizenship position of minorities in the republican period.

## The republican regime

The Treaty of Sèvres marked the final partition of the country among minority nationalities aided by the diplomatic and armed support of the Allied powers. Against this state of affairs, nationalist leaders, led by Mustafa Kemal Atatürk, fought a war of national liberation between 1919 and 1922, during which time Turkish politics underwent a process of transition from a multi-national empire to a relatively homogeneous nation-state. It was in this period, having learned much from the fact that the universalist project of Ottoman citizenship had lost meaning in the nationalist aspirations of the non-Muslim minorities, that the founding leaders came to favor the creation of a secular minority policy, on the one hand, and a religiously delimited national vision, on the other.

In doing this, unlike the *millet*-system-like formulations, the Turkish authorities affirmed the then prevailing standards of minority treatment outlined in the Minorities Treaties of the post-WWI European context.<sup>3</sup> As is well-known, while extending the concern of minority protection from religious groups to linguistic and racial (ethnic) elements and from state-to-state

practices into a limited international regime vested in the discretion of the League of Nations, the treaties brought innovative changes to the traditional framework of minority rights in Europe. Apart from group-specific regulations of differential treatment, minority peoples were provided with universal principles of citizenship status (Rosting 1923). In the aftermath of the liberation war, the founding leaders also agreed on the equal accommodation of minority distinctions in Turkey. To this end, articles 37–45 of the Peace Treaty of Lausanne (24 July 1923), that is the Turkish equivalent of the Minorities Treaties, were assigned to the issue of minority protection (Hurewitz 1956: 119–27).

It is significant to note here that, though an open commitment was declared within the framework of the Minorities Treaties, the Turkish treaty drifted from its contemporaries in specifying its beneficiaries. In the view of the Turkish authorities, ethnic and linguistic classification could not be reconciled with the traditional form of socio-political and legal divisions that had hitherto rested in the Turkish context on peoples' religious distinctions. The Turkish leaders insisted that Turkey involve no minority on the basis of ethno-linguistic or racial distinctions except those of the historically constituted non-Muslim communities (R1za 1999: 103).<sup>4</sup> The Lausanne document, hence, specified that the wording "minorities" incorporated in the Treaty indicated nothing but the "non-Muslim minorities" resident in Turkey. Consequently, following the religious legacy of the classical millet system, only the Greeks, Armenians and Jews were allowed to benefit from the effect of minority provisions. Turkish-Muslim peoples, whatever their ethno-lingual and sectarian differences, were totalized under an imagined unity of national category.

Unlike minority/majority classification, the scope of rights, nevertheless, was almost completely detached from the imprints of traditional Turkish practices. Aware of the fact that the political, legal and administrative grounds of a national formation would necessarily seek the establishment of a direct linkage between citizens and the state, the founding leaders were convinced that corporate aspects of the *millet* system could no longer be maintained. Primarily, minority provisions of the Lausanne document considered members of the non-Muslim communities individual citizens of the republican state, independent of their religious or sectarian affiliations. In the new regime, therefore, communal membership, if it ever existed, remained secondary in deciding the legal status of the non-Muslim peoples. Unlike the dual application of the late Ottoman system, the citizenship status of minorities was expected to dominate their communal membership. It was for this reason that rights and freedoms specified in the document directly addressed the religious, linguistic and cultural peculiarities of "Turkish nationals belonging to non-Muslim minorities."

The minority section of the Lausanne Treaty, therefore, aimed first at protecting and reproducing the distinct identities of non-Muslim Turkish citizens. To this end, the Turkish government undertook to grant positive measures of differential treatment for members of non-Muslim minorities in education, religious practices and charitable foundations. It was affirmed that non-Muslim citizens would establish, manage and control their own charitable, religious and social institutions and schools in which they would freely use their own language and exercise their own religious instructions (Art. 40). Provided that teaching of the Turkish (official) language remained obligatory, it was recognized that minorities would receive primary instruction in those regions or districts where they constituted a considerable proportion of the resident population. In the same areas, the government also undertook to give financial support, particularly to their educational activities (Art. 41).

After group-specific concerns were secured, minority provisions assured that the act of differential treatment would by no means be understood against the principle of citizenship equality. In order to avoid the emergence of an adverse development, minority-specific rights were substantively supplemented in the Turkish treaty with those egalitarian measures of civil and political equality grounded in the citizenship status of minority individuals. In this respect, the provisions guaranteed full and complete protection of life and liberty to all inhabitants of the country without distinction of birth, nationality, language, ethnicity or religion (Art. 38). In other articles, it was affirmed that "Turkish nationals belonging to non-Muslim minorities will enjoy the same civil and political rights as Muslims ... shall be equal before the law ... [and in] admission to public employment, functions and honors, or the exercise of professions and industries." Notwithstanding the existence of official language, the Treaty further stipulated that "no restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press and publications of any kind or at public meetings ... [and] before the courts" (Art. 39).

Having guaranteed both the individual and group-specific dimensions of minority existence, the republican state established legal diversity without violating universal premises of citizenship status. The new framework affirmed that minority individuals would freely enjoy the benefits of equal Turkish citizenship as well as their particular characteristics. Although they might have lost the protective function of communal organizations, non-Muslim minorities, being equal members of the Turkish citizenry, obtained, henceforth, effective guarantees pertinent to the protection and promotion of their ethno-cultural identities. However, even after the reception of the Lausanne regime, centuries-old cleavages, confrontations and prejudices continued to jeopardize possible grounds for creating an egalitarian coexistence between Turkish-Muslim and non-Muslim sections of population. Primary reflections of this foundational continuity appeared merely in the dual formulation and practices of citizenship policies.

## Legal-political delimitation of the republican nationhood

The Ottomanist citizenship of *ittihad-i anasir* projected an abstract Ottoman nationhood superior to sub-national particularities of ethno-linguistic and religious groupings. While considering each member of the population as "Ottoman," the imperial authorities devised no distinction between citizenship and nationality. Once one received Ottoman citizenship, one was secured membership in the Ottoman national category. However, under the constraints of the failure of Ottomanist citizenship, the republican leaders became convinced that it was no more than a dream to include non-Muslim minorities in the national category of the new state. In their eyes, the national struggle itself had partly been staged against the nationalist aspirations of non-Muslim minorities (Oran 1997: 125-8). Because of this, the republican authorities ceased to produce a political definition of nationality and citizenship. The Ottomanist ideal of *ittihad-i anasir* was by no means replaced by an ethnic Turkism, but with a strong policy orientation of itthad-1 anasır-1 İslamiye (union of Muslim elements). Adherence to a common religion was placed in the foundational basis of the Turkish national identity. The historical and cultural unity of the Muslim peoples, resident within the borders of the new state, delimited also the majority characteristics of the republican population.<sup>5</sup>

In conformity with this policy turn, Ziya Gökalp, the prominent ideologue of Turkish nationalism, formulated a Muslim-inclusive concept of Turkish citizenship and nationality. He believed that the main reason for the failed development of Ottoman citizenship within an integrated nationhood lay in the persistence of religious distinctions among subject peoples. The religious diversity of the imperial population, for him, prevented development of a national unity, which, in turn, culminated in the failure of its citizenship policies (Berkes 1981: 78). A coherent nation, in his view, would be established on the basis of a cultural community speaking one language and professing one religion (Berkes 1981: 136–7). In so doing, Gökalp closely connected the notions of citizenship and nationality and believed that a workable citizenship policy would successfully be created, in the Turkish context, only on the basis of the cultural community of the Turkish-Muslim peoples of the country.

Similarly, in bringing a secular approach to the question of Turkish national identity, Atatürk intended first to develop a comprehensive formula of Turkish nationalism inclusive of all of the inhabitants of the country. In doing this, he explicitly denied the constitutive function of religious substance and promoted a common language, culture and history as the bases of Turkish nationhood (Afetinan 1998: 18–25). However, his definition still concealed a religious implication in the sense that traditional practices had hardly produced a cultural unity between Muslim and non-Muslim citizens. If there was any cultural, historical or linguistic affinity, it had been generated among the members of the same religious community. The designation of the "cultural community of citizens," therefore, indicated

a national category consisting of the Muslim community of citizens. Having been aware of this historical background, Atatürk, in another definition, limited membership of Turkish nationality to those citizens who had participated in the founding process of the Republic, in which non-Muslim citizens had been completely excluded (Afetinan 1998: 18).

Thus, Turkish practices, by the early years of the republican regime, came to articulate a close association between citizenship and nationality based on the Muslim characteristics of the population. The same rationality also affected the formal definition of Turkish citizenship. The parliamentary elaboration of the 1924 constitution, in this sense, stipulated that formal membership of the Turkish citizenry was not sufficient to guarantee the fullfledged scope of citizenship status. Although the constitution (Art. 88) laid down that "the name Turk, as regards to citizenship, shall be understood to include all citizens of the Turkish Republic without distinction of, or reference to, race or religion," the drafting authorities denied formulating an identical citizenship status equally applicable to Turkish-Muslim and non-Muslim sections of the population.<sup>6</sup> While articulating a civic definition of Turkish nationality, contrary to what the principles of civil and political equality might imply, the inclusive concept of the name "Turk" was limited to the cultural community of Turkish-Muslim peoples. A strict distinction between possession of "Turkish nationality" (millivet) and "Turkish citizenship" (tabiivet) was preserved. In doing this, non-Muslim minorities were included in the formal definition of Turkish citizenship, but excluded even from the legal-political content of Turkish nationhood (Toker 1979: 361–4).

Depending on this nationality/citizenship differentiation, citizenship practices lost their neutrality in the Turkish context in terms of ethnocultural particularities. Following the same differentiation, the republican regime instead opted to create two categories of citizens: "national citizens" (citizens by nationality) and "formal citizens" (citizens by law). In this case, notwithstanding the civic features of the legal definition, the distinction of nationality carried two significant implications for Turkish citizenship practices as they related to the issue of minority treatment. On the one hand, with the Muslim-inclusive formulation of nationality, which superseded the ethno-lingual and sectarian differences of Muslim citizens, the Ottoman Muslim *millet* was culturally, legally, politically and practically reproduced within the borders of the new state. The full-fledged scope of citizenship was largely identified with ethno-cultural membership of the Turkish nation. This Muslim-inclusive nationality provided legal equality for Turkish-Muslim citizens irrespective of their sub-national characteristics. But, since the uniform designation of national citizenship denied public expression of the Muslim population's ethno-cultural distinctions, the socio-political and legal ramifications of equal treatment were reflected in an understanding and practice of unanimous treatment. Second, since the ratification of the Lausanne Treaty, the republican state has extended official recognition and measures of differential treatment to members of non-Muslim minorities. However, because of their national "otherness," in contravention of the Lausanne commitments, almost no compromise could be accomplished between the principles of citizenship equality and differential treatment on the part of the non-Muslim minorities.

## **Dual practices of Turkish citizenship**

The dual formulation of Turkish citizenship has operated in an assimilationist manner with respect to the Turkish-Muslim elements. Since they have historically represented ethno-cultural others of the Turkish-Muslim population, the same formula has shown an exclusivist attitude toward members of the non-Muslim minorities. The demographic, linguistic, cultural and economic policies of nationalism, which marked, in particular, the singleparty period of the new state (1923–50), have, therefore, advanced at the expense of non-Muslim minorities' ethno-cultural, demographic and economic presence in the country.

In fact, the official reception of the Lausanne commitments was accompanied by an act of national homogenization in terms of religious affiliation. Unwilling to live with a larger minority population, the Turkish and Greek governments agreed in 1923 on the exchange of kin groups living on the land of the other country. By the time it was completed, toward the end of the 1920s, more than 1.5 million people of minorities had been relocated.<sup>7</sup> Interestingly, in conformity with the premises of Turkish national formation, throughout the implementation of the exchange, citizenship status was bestowed upon religious kin resident in the Greek state. A person's creed determined their national and citizenship position as well. The population exchange, hence, resulted in "two deportations into exile, of Christian Turks to Greece and of Muslim Turks to Turkey" (Lewis 1968: 355). Apart from Greek-speaking ones, the Turkish government exchanged its Turkishspeaking Orthodox citizens with many non-Turkish-speaking Muslims who were granted full and complete Turkish citizenship (Psomiades 1968: 60–8).

Coinciding with the years of "demographic nationalization," the government initiated a new process of exchange, particularly in the personnel of those companies owned by non-Muslim minorities or foreign residents. The companies were compelled to exchange their foreign and non-Muslim staff with Muslim-Turkish citizens (Alexandris 1992: 111). It is estimated that by the year 1926 approximately 5,000 employees from the Greek minority had already been replaced with Muslim-Turks (Alexandris 1992: 110). Indicating the inegalitarian effect of "formal citizenship," the government blocked their capacity in public employment as well. The *Law of Public Employment*, dated 1926, conditioned public employment on "being Turk" and not on "being a Turkish citizen." Hence, since non-Muslim minorities were considered Turkish only in terms of citizenship, the law, in practice, excluded non-Muslim peoples from the state sector while reserving it exclusively for the benefit of Turkish-Muslim citizens (Aktar 2000: 118–21).

Hence, despite the fact that it ran counter to the principles of civil and political equality, incorporated both within the Lausanne commitments and subsequently adopted form of the republican citizenship, the employment facilities of non-Muslim minorities were to a large extent curtailed. Nevertheless, the dual version of republican citizenship had its most enduring impact on the linguistic rights of minority citizens. Free use of minority languages, both in public and private, had been guaranteed at Lausanne. However, the task of liquidating minority languages was considered one of the immediate objectives of the Turkish national project. To this end, from the early years of the republic, Turkish was emphasized as an essential criterion not only for Turkish nationality but also of the legal-political category of Turkish citizenship. The political and intellectual circles of the country came to believe that if one desired to have equal and full access to Turkish citizenship, one must have adopted the Turkish language (Bali 2000: 107). Consequently, instruction in minority languages was greatly limited, even in minority educational establishments (Sezer 1999: 17-35). Several municipalities subsequently agreed to discourage minority citizens from speaking a non-Turkish language in public places (Bali 2000: 108). In this context, a widespread campaign of "Citizen! Speak Turkish" was instigated in 1928 in the Turkish press, political circles and the general public against both private and public use of minority tongues (Galanti 2000).

The "Citizen! Speak Turkish" campaign was practiced in the form of a mass movement in which predominantly intellectual circles and ordinary people took the lead. In that sense, it remained largely a "civil" act focusing mainly on the non-Muslim residents of big cities. However, anti-minority measures obtained an official and nation-wide characteristic when the Turkish Grand National Assembly (TGNA) enacted a new settlement law in 1934 (Official Gazette 1934). Having found the shortcomings of Ottoman cosmopolitanism dangerous to the country's national and territorial unity, creating a homogeneous nation integrated in "one language, one sentiment and one ideal" was stated as the main objective of the law (TGNA 1934: 69-70). To this end, the law, in conformity with its inherent duality, divided Turkish citizens into two categories: those belonging to the Turkish cultural and linguistic group and those who remained outside the borders of this ethno-cultural designation. It was affirmed that the latter group of citizens would be relocated based on the political, cultural and security considerations of the state. Although the act aimed at relocating all non-Turkish speaking citizens, its immediate effect fell on the "formal citizens." Certain parts of the country were closed to minority settlement. In the aftermath of the legislation, for example, approximately two thirds of the regional Jews were forced to evacuate Turkish Thrace (Karabatak 1996).

The overwhelming emphasis of the Turkish nationalism had shifted, by the early 1930s, from common culture to ethnic cores (Oran 1997: 200–7). However, this transformation by no means affected citizenship practices of the republican state based upon the Muslim/non-Muslim duality of national

classification.<sup>8</sup> On the contrary, the increasing effect of nationalist feeling further crystallized the foundational distinction between "national" and "formal" citizens. At this stage, the implementation of the Capital Tax presented the extreme example of the new tendency. From the legal point of view, the law was enacted in 1942 in order to levy extraordinary wealth earned by exploiting the then-prevailing wartime conditions (Ökte 1987: 1–14). However, as Akar (2000: 166–7) has explained, the law entailed also the implicit goal of achieving capital transfer from non-Muslim hands to Turkish-Muslim citizens. As Prime Minister Saraçoğlu is reported to have stated:

The law carries, at the same time, a revolutionary nature in the sense that it will create an opportunity to achieve our economic independence. Because, in doing this, on the one hand, we will be able to hand over the Turkish economy to Turks while eliminating the non-Turkish elements from the Turkish economy. On the other hand, with this law, we will be able to transfer immovable estates in Istanbul to Turkish peoples. ... In short, this law will put a final end to the economic superiority of non-Turkish elements in the country.

(Barutçu 2001: 594)

The prime minister had given assurances on several occasions that the government recognized no distinction between citizens of the country (Yalman 1997: 1253–4). But the implementation of the tax proved the reverse. The law, in practice, drifted from the principle of citizenship equality, and classified taxpayers into two separate groups, Muslims and non-Muslims (Ökte 1987: 19). The latter were arbitrarily assessed at a rate ten times higher than the amounts levied on their Turkish-Muslim equivalents. When they failed to pay, the assessed amount, along with movable and immovable properties belonging to the defaulters, were confiscated and sold at auction, 98 percent of which were bought out by Turkish-Muslim peoples and companies (Aktar 2000). Most significantly, those defaulters who declared that they were unable to pay were sent to labor camps where they were expected to pay their taxes by working for the state. Although liability to forced labor was, in principle, applied to Turkish-Muslim defaulters as well, the government refused to dispatch Muslim citizens to the labor camps (Ökte 1987: 71–2).

Toward the end of World War II, the Turkish government abolished both the capital tax and the labor camps. In the aftermath of the war, Turkey aligned itself with the Western world, which was preaching democratic governments and individual human rights. Hence, the Turkish political system began to transform autocratic structures into liberal-democratic models of politics. Democratic transformation of the political system raised hopes among the members of minority groups as well. Minority citizens came to believe that religious, linguistic and cultural distinctions would no longer prejudice government policies and that the doors were being opened wide to equal and non-discriminatory ways of minority treatment (Bali 1998).

However, by the middle of the 1950s it became evident that the democratic context had by no means eradicated imprints of the foundational duality rooted in the practical and legal basis of Turkish citizenship. Political authorities and the general public continued to rank non-Muslim Turkish citizens within exclusivist categories of "unreliable" and "foreign" residents of the country. Yet, unlike the previous decades, the position of non-Muslim minorities in Turkey began to be shaped this time not by nationalist aspirations of internal politics but by diplomatic crises in external relations. The first example of this attitude appeared in the mid-1950s when Greek-Turkish relations became strained over Cyprus. With Turkey and Greece disagreeing on the future status of the island, the position of minority citizens in Turkey once again came under question. In particular, instead of being viewed within the terms of Turkish citizenship, members of the Greek minority came under suspicion as "foreign" and "dangerous" elements of the country (Benlisov 2000). Inflamed by the Cyprus crisis, on the night of 6 September 1955 angry crowds destroyed many shops, houses, factories, cultural centers and cemeteries belonging to the Greek. Jewish and Armenian minorities in Istanbul and Izmir.<sup>9</sup> The total amount of damage assessed in Istanbul alone was estimated at \$60 million (Alexandris 1992: 259). Official sources stated that during the night three people were killed and thirty injured (Dosdoğru 1993: 100). Helsinki Watch subsequently reported that fifteen people had been killed (Human Rights Watch 1992: 8).

September 6–7 was officially evaluated as the "expression of national feelings" and a "national upheaval of the Turkish youth" (Birand et al. 1991: 124-5). From this point of view, leaving aside the damages, the affair underlined the vulnerable position of non-Muslim citizens. Despite the protective framework of the Lausanne commitments and constitutional guarantees. they indeed continued to constitute internal victims of an external crisis. The persistence of diplomatic tensions between Greece and Turkey culminated in the curtailment of minorities' educational rights as well. The Theological Seminary of Khalki was closed down in 1971. As the seminary had been the centre of Orthodox ecclesiastical learning for centuries, the decision badly affected the educational capacity of the Greek Orthodox Patriarchate. Because of this, the restoration of the institution to its original position still occupies a prominent place in the issue of minority treatment in Turkey (Özyılmaz, 2000). Also, during the 1970s and 1980s, attacks on Turkish institutions and diplomats by the ASALA (Armenian Secret Army for the Liberation of Armenia)<sup>10</sup> made the social position of the Armenian minority rather vulnerable. Although social unrest never turned into a real violence, members of the Armenian minority increasingly found themselves in an insecure situation, and eventually many opted to emigrate.

Inconvenient circumstances created by inegalitarian practices of the Turkish citizenship resulted in the gradual homogenization of the Turkish population in terms of religious affiliation. Though the first republican census had counted 2.8 percent non-Muslim citizens in 1927, the proportion declined to 2 percent in 1935, 1.6 percent in 1945, 1.1 percent in 1955, 1 percent in 1960 and 0.8 percent in 1965 (Dündar 2000: 138). The 1992 estimates showed that, apart from earlier migrations, during the previous three decades more than 20,000 Armenians, 23,000 Jews and 55,000 Greeks had emigrated from Turkey (Franz 1994: 331). Although there are now thought to be 1.2 million non-Muslims in Turkey (Courbage and Fargues 1998: 115), community sources recently counted no more than 50,000 Armenians, 27,000 Jews and 3,000 Greeks (Dündar 2000: 138).

To sum up, Turkish citizenship practice, with its "national"/"formal" classification, can be seen to a great extent to have followed the Muslim/dhimmi compartmentalization of the imperial administration with its latent aspects of inequality. Almost no compromise would be achieved between the principle of civil and political equality of universal citizenship and the group-specific dimension of minority rights. In practice, the notion of full citizenship has been reserved exclusively for the Muslim sections of the Turkish population. A minority intellectual recently remarked that though minorities have formally been considered equal citizens of the country, practice has proved the reverse. This person observed that non-Muslim minorities had come to believe today that only Muslim nationals were full citizens of the republican state, and that they were not regarded as "citizens" even within the limited meaning of the concept (Kaplan 2000).

## Toward a system of substantive equality

Two major transformations that had gradually occurred in Turkey by the middle of the 1980s greatly challenged the traditional parameters of republican citizenship practices relating to the official treatment of minority concerns. On the one hand, the imagined unity of the *anasur-i İslamiye* entered into a process of ethno-linguistic and sectarian disintegration. It was quite evident by the early 1990s that the monolithic formulation of the "national citizenship" would no longer satisfy identity claims of the Turkish-Muslim population in which ethnic Kurdish, Alevi sectarian and fundamental Islamist sections began to seek ways for official recognition and legal-political accommodation. The Turkish citizens of Kurdish origin, for example, came to take an increasing interest in the issue of the official recognition and free expression of their ethno-linguistic characteristics, in particular in the fields of education, broadcast media and cultural activities (Ekinci 1997).

On the other hand, the end of the Cold War unleashed minority problems all over Europe that had been frozen within the ideological confrontations of the previous decades (Liebich 1996). The issue of the equal accommodation of minority differences within a pluralist configuration of legal-political settings began to preoccupy national and international circles for both security and humanitarian considerations. Dedicated to this end, as well as the United Nations (UN), the Council of Europe (CoE), the Organization for Security and Cooperation in Europe (OSCE), and the European Union (EU) gave greater significance to the protection and promotion of cultural, linguistic and religious characteristics of minority peoples. The Copenhagen Summit of the EU Council announced in 1993 that a candidate country must have achieved, before accession to the EU, among others, "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities" (Verheugen 2000: 440).

The two processes evolved simultaneously in Turkey. With the intensification of EU-Turkey relations, Turkish governments became more prone to increasing international pressure on those issues of democratization and minority protection that strengthened, in turn, the effect of minority claims within the country. Starting from 1998, for example, the EU Commission's annual reports have included a comprehensive assessment of the prevailing conditions of minority treatment and the legal-political grounds of the peaceful coexistence of sub-national differences in Turkey. Generally speaking, referring directly to the traditional shortcomings of minority protection in Turkey, the reports have insisted on the extension of official recognition of the three non-Muslim communities (Armenians, Greeks, and Jews) to the Kurdish, Alevi and Assyrian groups. Furthermore, it has been recommended that Turkish governments facilitate the cultural and political expression of minority differences whether Muslim or non-Muslim. In doing this, the reports suggested that Turkey should undertake appropriate steps in the direction of adopting its constitutional system to the contemporary standards of minority protection specified in the latest documents of the CoE (European Commission 1998; 1999; 2000a; 2001). It is well known that these documents have laid down a number of group-specific rights and freedoms pertinent to facilitating the free use of minority languages in education, press and broadcast media. Accordingly, Turkey's EU Accession Partnership agreement has conditioned Turkish membership on the removal of "any legal provisions forbidding the use by Turkish citizens of their mother tongue in TV/radio broadcasting" in the short-term and in the field of education in the medium-term (European Commission 2000b).

Thus, by the 1990s, internal and external changes had compelled Turkey to revise its traditional practices with regard to citizenship issues. At this stage, the question for the Turkish authorities was how to integrate various ethnic, linguistic and religious groups without endangering the national and territorial integrity of the state. The view in official circles was that the EU standards would open a "Pandora's box" in the country, paving the way to the national and territorial disintegration of the republican state (Mete 1998: 18). More specifically, the act of granting public recognition to group-specific rights was considered an attempt destined to restore the conditions of the Treaty of Sèvres that had been defeated at Lausanne (Demirel 1998a). Nevertheless, this did not mean that the dualistic conceptualization and practices of Turkish citizenship, which had excluded non-Muslim minorities from the benefits of genuine equality and denied the ethno-linguistic and sectarian identities of Turkish-Muslim citizens, could still be maintained. Partly under the impact of EU integration, and partly because of growing identity claims from within Turkey, the Turkish authorities, in the past decade, have come to admit group-specific particularities of both Muslim and non-Muslim peoples on the grounds of "individual freedoms."<sup>11</sup> It was in this context that the notion of constitutional citizenship was introduced and began to be widely discussed by the Turkish public, intelligentsia and state (İçduygu *et al.* 2000).

It is argued that the notion of constitutional citizenship would disassociate citizenship status from particularistic identities of peoples while causing legal-political ramifications related to the concept of a neutral source of identification for the whole of the population. In this view, it is expected that the constitution would operate as an integrative mechanism through which nationals of the country develop into a common polity without divorcing themselves from their ethno-linguistic, sectarian and religious particularities (İcduvgu et al. 2000: 192). In other words, situated within the rights and obligations of an all-inclusive constitution, full and equal citizenship is associated not with membership of an ethno-cultural grouping but with the neutral framework of a legal setting. Thereby, it is believed that the state would cease to act as the representative institution of a single ethno-linguistic and religious community of citizens, but would make room for the free expression of all the particular distinctions. In the name of constitutional equality, thus, the state would take responsibility for all of its citizens in protecting and promoting their ethno-cultural, religious and linguistic interests.

The principle of constitutional citizenship, in this form, presented a possibility not only for overcoming the traditional duality rooted in Turkish citizenship practices, but also for meeting claims of social diversity brought forth both by different sections of the Turkish population and the EU standards. Aware of this fact, Süleyman Demirel, the former president, remarked on several occasions that the Turkish system would find a way to accommodate its social diversity without violating the uniform image of Turkish citizenship. While defending the development of a democratic response to the prevailing problems of ethno-cultural diversity, the Prime Minister Demirel remarked in 1992 that:

differences in culture, thought, belief, language and origin are natural among our citizens. Such diversity is not a weakness in a democratic and unitary state. In a unitary structure, various ethnic, cultural and linguistic characteristics can be freely expressed, preserved and easily developed. This does not weaken the unity of the nation, but strengthens it. Everyone is equal and has the same status. The right to search for, preserve and develop one's mother tongue, culture, history, folklore and religious beliefs falls within the framework of human rights and freedoms. The law will ensure these rights.

(Demirel 1992: 33)

"The law," in Demirel's view, is associated with the concept of constitutional citizenship. The former president subsequently suggested that "while granting universal citizenship equally to every individual member of the state, constitutional citizenship would, at the same time, recognize their ethnic and sectarian differences" (Demirel 1998b). This approach signaled the substitution of the dualistic conceptualization of Turkish citizenship with a legal diversity of Turkish nationals united only in respect to a formal connection stipulating the same rights and obligations. Putting the matter differently, it was believed that constitutional affiliation to the republic would not necessarily make a "Turk," even in the formal sense of the word, but he or she would continue to claim his or her particular identity. In this sense, the discourse of universal citizenship would no longer be used as a neutralizing instrument over the particular identities of the Turkish peoples. More specifically, in the words of Demirel (1998b), "a Turkish citizen of Kurdish origin would freely express his or her ethno-cultural identity provided that he or she proved loyal to the constitution and the essential principles of the republic."

While Demirel was concerned with examples of internal constraints on the traditional parameters and practices of republican citizenship, the High Board of Human Rights (HBHR 2000) and the Ministry of Foreign Affairs (MFA 2000) instigated similar debates for the sake of Turkey's EU integration. Under the influence of EU standards, both public institutions recently conceded that the persistence of a monolithic national identity had blocked free expression of particular differences in religion, sect, language and ethnicity. In order to improve Turkey's human rights standards in the contemporary world, the HBHR accordingly reported that social diversity and national unity must be reconciled within an inclusive framework of a "comprehensive constitutional citizenship." The universal equality of citizenship status, in other words, should not exclude peoples' right to difference without which those citizens who differ from the majority in ethnic, linguistic, religious and cultural terms would be less equal in enjoying contemporary standards of human rights. In so doing, it was suggested, the indivisible unity of the country with its nation and territory would continue to remain a constitutional principle and no threat would arise from the official recognition of minority differences.

Although there is little compromise among the different departments of the state,<sup>12</sup> these reports indicated the emergence of a new trend in Turkey's citizenship policies, one inclined toward a system of socio-political and legal equality within ethno-cultural diversity. Several steps have already been taken in this direction. The ban on speaking Kurdish in public and using it

in press and publications was canceled in 1991. Subsequently Demirel declared, in a speech delivered in one of the Kurdish-populated cities, that the state recognized existence of the "Kurdish reality." In a similar manner, though closed down several times after having been convicted of engaging in separatist activities, a pro-Kurdish political party had eventually taken a secure place in Turkish democracy by the middle of the 1990s. Tens of municipalities have been governed for almost a decade by those mayors who were elected from among the ranks of this pro-Kurdish party. Similarly, the Supreme Court of Appeals passed a judgment on 31 March 2000 which confirmed the freedom of individual citizens to give their children any names of their choosing, including Kurdish names.

Furthermore, unlike the legal-political practices of the previous decades, the republican state has undertaken several other steps to guarantee the equal status of non-Muslim citizens. In this respect, public policies began for the first time to disregard the traditional parameters of Turkish citizenship and treat non-Muslim minorities on the same grounds as Turkish-Muslim citizens. In December 1999, an official circular, for example, recognized that non-Muslim minorities would no longer be required to seek permission from the state in order to restore churches and other buildings belonging to minority foundations. In the following year, the Turkish presidency issued a message on the eve of the year 2000 to non-Muslim minority groups on the occasion of Christmas and Hanukah (Radikal 2000b). The message carried a symbolic significance in the sense that it confirmed the equal position of non-Muslim citizens in the eves of the authorities. Similarly, the Ministry of Education, for the first time, attempted to eliminate prejudices about Gypsy citizens from the national educational texts. To this end, the ministry issued a circular in 2001 in order to cancel pejorative words used about Gypsies from the dictionaries published by the same ministry.

Without doubt, recent political trends indicate the emergence of a substantive transformation in the classic duality of Turkish citizenship practices. While non-Muslim minorities came to be treated with genuine equality of citizenship, sub-national identities of the Muslim population began to find an implicit recognition in the public realm of the state. Yet it seems too early to talk about the consolidation of a comprehensive constitutional citizenship expressed in a system of substantive equality tolerant of ethno-linguistic, religious and sectarian differences between both Muslim and non-Muslim members of the Turkish citizenry. It is significant to note here that, at the time of writing this chapter, the TGNA has enacted progressive reforms allowing the free use of minority languages and dialects, whether Muslim or non-Muslim, in education and broadcast media. The same reforms accord corporate-communal rights to non-Muslim pious foundations relating to the issue of obtaining and disposing of real estate. The policy implementation of the enacted laws and regulations indicate that deepening innovative changes have occurred in Turkish citizenship practices. This would be an appropriate topic for subsequent studies.

## Notes

- 1 The Imperial Rescript of Gülhane (1839) and the Reform Edict (1856) are the pioneers of the Ottoman reform process in creating legal grounds of civil and political equality between Muslim and non-Muslim subjects of the empire (see Hurewitz 1956: 113–16, 149–53).
- 2 According to the provisions of the Treaty of Sèvres, of European Turkey only Istanbul was to be left to Turkey; in Anatolia, an Armenian state and a Kurdish state were to be created; part of western Anatolia was to be ceded to Greece (see Hurewitz 1956: 81–7).
- 3 The fifth article of the National Pact (*Misak-t Milli*), the provisions of which outlined minimal objectives of the nationalist struggle, drawn up in 1920:

The rights of minorities as defined in the treaties concluded between the Entente powers and their enemies and certain of their associates shall be confirmed and assured by us -in reliance on the belief that the Muslim minorities in neighboring countries will also be given the benefit of the same rights.

(see Macfie 1996: 124–5)

- 4 The Turkish delegate indicated at Lausanne, in the Sub-Commission of Minorities, that Turkish political culture limited minority status exclusively to the case of the religious minorities, and that political expression of ethnic and linguistic particularities remained alien to Turkish political history. Under these circumstances, it was stated, the Turkish state should not be expected to grant official recognition to ethnic and linguistic distinctions that existed among the Turkish-Muslim population (see Meray 1969: 154, 160).
- 5 Concluding documents of the nationalist congresses of Erzurum and Sivas proved that the "national" component of the Turkish national struggle connoted Muslim residents of Anatolia whatever the ethno-linguistic and sectarian distinctions (see Goloğlu 1968: 201–3; İğdemir 1969: 113–15).
- 6 The civic wording of the citizenship clause of the constitution remained intact both in the 1961 (Art. 54) and the 1982 constitutions (Art. 66).
- 7 Toward the end of the Turkish national struggle, approximately 1,350,000 Anatolian Greeks migrated to Greece (Tekeli 1990: 61). With the implementation of the Turkish-Greek population exchange, this number reached to an amount exceeding 1,500,000 (Geray 1970: 10).
- 8 The Gagauz Turks of Romania, who spoke Turkish but were Orthodox Christian in religion, were not allowed to migrate to Turkey in the mid-1930s. Because of religious distinction, they were not considered within the conceptual borders of Turkish national identity. In the same period, however, large groups of Balkan Muslims, from different ethnic and linguistic backgrounds, were able to take Turkish citizenship as equal members of the Turkish national category (see Kirişçi 2000).
- 9 The damage in Istanbul included 1,004 houses, 4,348 shops, 27 pharmacies and laboratories, 21 factories, 110 restaurants, cafes and hotels, 26 schools, 5 athletic clubs and 2 cemeteries (Alexandris 1992: 259). In Izmir, the mass attacks resulted in the destruction of 14 houses, 6 shops, 1 pavilion, the Greek consulate, and a Greek church. It was reported that fifty-seven persons were wounded in the same city (Kılıçdere 2000).
- 10 It was reported that between 1973 and 1985 ASALA staged 86 attacks against Turkish nationals, killing 47 Turkish citizens, 32 of whom were officials, and injuring 19 officials (Franz 1994: 327).
- 11 The Turkish National Programme submitted to the EU Commission considered cultural and linguistic rights not within the terms of minority protection, but as

"individual freedoms" to be granted to the benefit of all Turkish citizens irrespective of language, race, color, sex, political opinion, and philosophical or religious belief (TNP 2000).

12 The National Security Council, which is one of the most influential constitutional institutions in Turkish politics, has denied any deviation from the scope of the Lausanne regime and the monolithic understanding of Turkish citizenship on the grounds of preserving the territorial and national integrity of the republic (*Radikal* 2000a).

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