Turkish Minority Rights Regime: Difference or Equality?

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The history of minority protection proved the fact that international endeavors in the field of minority rights have focused on reconciling citizenship equality with the group-specific treatment of minority peoples. The Turkish context, however, has exhibited difficulties in creating a true congruence between citizenship equality and the legal-political accommodation of minority distinctions. This article suggests that having associated the concept of full and equal citizenship with an understanding of national uniformity, the two notions have often excluded each other in Turkish practices. Rooted in the inequalitarian formulations and religious categorization of the Ottoman millet system, it is argued, the Turkish minority rights regime has adopted a dual face. On the one hand, non-Muslim minorities have been accorded measures of differential treatment but at the expense of citizenship equality. On the other hand, Turkish-Muslim population has been granted full equality but their ethno-cultural distinctions have been denied. The article provides the fact that it is only under the driving impacts of the European Union integration and internal developments, the Turkish regime has recently come closer to removing its traditional duality.

Although there has yet appeared no internationally accepted definition, the concept of ‘minority’ has been associated with those objective elements of citizenship, common ethno-cultural and linguistic characteristics, and of subjective elements of exhibiting communal solidarity and willingness to preserve these particular circumstances. In other words, minority peoples have indicated those sections of national citizens who manifested ethno-cultural, linguistic and religious distinctions in respect to those citizens who belong to the mainstream identity category of the country’s majority population. This is to say, the legal-political status of minority peoples in the modern conditions has been based upon two sources: citizenship and ethno-cultural distinctions.

Individual equality and non-discrimination have constituted foundational bases of the principle of the concept of citizenship, that is, the first dimension of minority status. The concept has inherently been associated with the principle of formal or universal
equality and indicated a certain form of legal-political status having nothing to do with peoples’ particularities. Whether they belonged to majority or minority sections of population, individual citizens have been subjected, in principle, to the same civil and political rights and freedoms. In so doing, citizenship practices have abstracted individuals from their ethno-cultural circumstances.⁶

Beyond doubt, legal equality is the sine qua non of citizenship status, but legal equality in itself is not sufficient to guarantee achievement of genuine equality particularly in those social conditions where population displayed ethno-cultural diversity. Universal aspects of citizenship, because, have often been practiced in a manner of uniformity which has operated as an instrument of ethno-linguistic and religious homogenisation.⁷ It is because of this that treating essentially different groups in an identical fashion, that is, treating minority groups in the same manner with majority, has equally tended to violate principles of both equality and non-discrimination.⁸ Thus, the achievement of true equality has called for reconciling universal aspects of citizenship equality with the different treatment of ethno-cultural minorities. It is in this context that the second source of minority status comes to the fore while compelling states to create legal-political grounds of ethno-cultural diversity within the universal realm of citizenship equality. In doing this, the principle of citizenship equality, with regard to the distinct position of minority groups, is interpreted in a broader manner of substantive equality which is generally described as an act of treating like cases alike and different cases differently.⁹ It is under these circumstances that homogenizing affects of citizenship universality are corrected in the direction of urging states to undertake positive measures,
addressing protection and promotion of minority particularities, in regulating cultural, legal, administrative, economic and educational policies.⁷

The history of minority protection proved the fact that international endeavors in the field of minority rights have focused on reconciling citizenship equality with the different treatment of minority peoples. From the Treaty of Westphalia to the comprehensive regime of the post-Cold War, national governments of modern world, particularly the Western world, have undertaken internal and external commitments in order to allow legal-political accommodation of minority distinctions without neglecting citizenship rights of the same population groups.⁷ The Turkish regime as regards to the issue of minority protection presents no exemption to this international venture. Starting from the early decades of the nineteenth century, instead, Turkish minority rights regime has evolved under the close impacts of the Western standards which took significant steps in the direction of creating a true congruence between citizenship equality and the legal-political accommodation of minority distinctions. The Turkish context, however, has exhibited difficulties in creating a substantive form of equality. The two aspects of minority conditions, that is, citizenship equality and group-specific treatment of minorities, would hardly be reconciled. It is only under the latest impacts of the European Union integration that the Turkish regime has come closer to remove its traditional defects.

In light of this fact, this paper will attempt to explore major points of the Turkish minority rights regime focusing, firstly, on the implications of the Ottoman millet system which provided a framework of differential but not equal treatment. Secondly, we will have a brief look at the failure of the Ottoman administration in constituting a system of
equality within difference. Thirdly, the study will review the modern establishment of the Republican minority rights regime. In doing this, special emphasis will be placed on the formulation of the beneficiaries and scope of minority provisions laid down in the Treaty of Lausanne in the aftermath of World War I (WWI). Next, the socio-political and legal ramifications of the regime, on the part of both the majority and minority sections of the Republican population, will be elaborated. Lastly, by touching on recent developments, both internal and external, we will try to identify the contemporary challenges directed to the established form and practices of the Turkish regime.

The Classical Millet System: Inequality of the Different

Ottoman Empire was not a Turkish State in the modern sense of the word, but a multi-ethnic, multi-religious and multi-lingual Islamic Empire. Despite ethno-lingual differentiation was not unknown to the Ottoman world, based on the universal instructions of canonical law (Sharia), the chief source of identity was religion. In the view of both Ottoman statesmen and the general public, an Ottoman subject was a Muslim, Christian, or Jew before being a Turk, Arab, Kurd, Albanian, Greek, Serbian, Bulgarian or Armenian. Compatible with its theological foundations, the imperial order (nizam) incorporated a policy of ethno-lingual indifference. Following earlier practices and religious doctrines of Islam, in managing the “multi” dimensional diversity of their societies, the Ottoman Sultans favored a long-established instrument of the millet system which classified the subject peoples first into Muslims and non-Muslims. In turn, the latter were divided into Greek-Orthodox, Armenian-Gregorian and Jewish communities. The three population groups, legally considered as “peoples of the book” (as followers of Abrahamic faiths), were granted dhimmi (protected) status which guaranteed protection
and promotion of their ethno-religious distinctions within a free framework of communal autonomy.\textsuperscript{10}

However, what governed the Ottoman nizam was not the principle of equality but a certain version of justice (adla\'et) which recognised equality neither between the rulers and the ruled nor among the different sections of the ruled. The Ottoman correspondent of adla\'et prescribed that each of the communal groups be secured a legal status no less and no more than what they deserved.\textsuperscript{11} In the absence of our modern concepts of equality and non-discrimination, the legitimate source of adla\'et lay in the Islamic maxim of thimma, which admitted the existence of an ontological inequality between believers and non-believers.\textsuperscript{12} Because of this, though they were granted state protection and a privilege of communal autonomy, each of the non-Muslim communities was accorded a lower socio-political and legal status as compared to Muslim subjects. In return for state protection, non-Muslim communities were expected to receive discriminatory treatment in a number of civil, political and legal matters. These included, among others, judicial proceedings where their testimony was inadmissible; political and military affairs from which they were exempted; the obligation to pay extra taxes in the form of ci\'iya and haraj; prohibition from constructing new places of worship; and the obligation to dress in group-specific colours and styles different from Muslim ones.\textsuperscript{13}

In so doing, classical system promoted a form of religious plurality but never a pluralist system of government. Neither the concept nor the practice of citizenship involving equal rights and obligations appeared in the Ottoman Empire before the nineteenth century.\textsuperscript{14} On the contrary, inegalitarian compartmentalization of the millet system allocated rights and obligations not on the bases of political but religious
affiliation. The faith of an Ottoman individual decided his or her socio-political and legal position in the imperial administration. Hence, though they were the members of the same political community, Ottoman individuals were considered primarily members of millet compartments, outside of which none could claim legal existence, and were treated accordingly.15

From Unequal Communities to the Unity of Equals: A Failed Endeavour

Notwithstanding the legal inequality and discriminatory treatment, the religious classification basis of the millet system functioned well as long as religion remained the dominant source of identity for all Ottoman subjects. However, while the French Revolution's basic tenets -equality, liberty, and 'nationality', filtered down into particularly non-Muslim communities, a development accompanied with a growing Great Power interference in the internal affairs of the state, the classical nizam fell short of securing the political independence and territorial integrity of the state. Because, as the former development induced a drastic transformation in the non-national millet identities and loyalties towards ethno-linguistic and territorial particularities, the latter accelerated this process by providing armed and diplomatic support to the nationalist aspirations of these communities. By the early nineteenth century, therefore, the Sublime Port began to feel an urgent need to substitute the unequal aspects of the classical millet system with a substantive equality of Ottoman citizenship.16

In response, Ottoman rulers began to renounce, for the first time, the theological principle of dhimma inequality in favour of creating an equal Ottoman citizenship cutting across ethnic, linguistic and religious identities. The classical millet
compartmentalisation, therefore, gave way to a political project of *itihad-i umum* (union of all elements) which was expected to build an egalitarian Ottoman nationhood on the basis of equality irrespective of one’s religious, sectarian and ethno-linguistic affiliation. Concerned with this end, Ottoman reforms of modernization, the so-called Tanzimat era, put emphasis on the civil, political and legal equality of all Ottoman subjects. Discriminatory practices in the realms of the judiciary, taxation, military obligation, public employment and everyday life were eventually eliminated.¹⁷

In these new measures, the reform period attempted to remove inequitarian framework of the millet system through reconciling citizenship with ethno-cultural particularities of the non-Muslim minorities. It was expected that once non-Muslim minorities possessed equal status, they would no longer feel that they were a segregated and oppressed element in the state and so would no longer strive for independence from it.¹⁸ However, what Ottoman authorities would not see, if even they wanted to, was the fact that non-Muslim minorities were not seeking equality within, but political liberation without the Empire. Once harboured by the winds of nationalism, emancipation from the unequal implications of the *dhimmi* status and political liberation went hand in hand in the Ottoman context. Contrary to the spirit of the reform policies, it was not the ‘Ottoman nation’ of citizens that replaced millet inequalities but rather national states of non-Muslim minorities. The conundrum of duality that existed the notion of Ottoman citizenship and equal accommodation of minority distinctions remained unsolved. If there appeared any transformation, it was seen in the nationalization of the Christian communities which moved out of a millet consciousness directly into a national consciousness without ever having accepted Ottoman citizenship.¹⁹ Romania,
Montenegro and Bulgaria followed the Greek and Serbian examples in the course of the nineteenth century. Moreover, by the turn of the century even some Muslim elements, including Albanians and Arabs, had joined in this venture of ethnic dismemberment. When the final collapse came with the Treaty of Sevres (1920), the disintegration of the Empire along the lines of minority identity was almost complete.30

Thus, the political project of ittihad-i umumi ended in a great failure. It was this failure that caused much resentment among the Muslim people and the rulers of the Empire, predominantly the Turks, who had invested great hopes in the principle of citizenship equality to save the state from collapse. Non-Muslim minorities and the persistence of communal immunities hence came to be considered one of the major causes behind the dissolution of the Empire. The issue of minorities and minority rights, therefore, lost its naïveté in Turkish eyes and came to be considered not as a matter of respect, liberty, freedom or equality but more as an instrument of ethnic dismemberment and as a pretext of external interference. This view greatly affected minority policies of the succeeding regime as well.

The Lausanne Regime

The failure of the policy of ittihad-i umumi prompted ethnic Turkism particularly among several intellectuals.31 However, the Ottoman State remained loyal to the Muslim characteristics of the state till its final collapse. Though the ethnic disintegration of the Christian millets was met with official recognition by the second half of the nineteenth century, the imperial administration preserved the homogenous image of the Muslim millet.32 While addressing the equality of all Ottoman citizens, the program of the
Committee of Union and Progress, for example, continued to stress the compact unity of the Muslim population. The true result of the failure was seen in the attitudes of nationalist leaders when they had to fight a war of liberation against Western and Greek occupation in 1919-22. Having learned much from the Ottoman experiences, the new leaders seemed to have lost all their belief that a stable reconciliation would be achieved between different treatment of minorities and the universal implications of citizenship equality. Unlike the late Ottomanist policies of ittihat-i umumi, the nationalist leaders, therefore, ceased to promote a political definition of Turkish national identity. Nevertheless, the ideal of the policy of ittihat-i umumi was by no means replaced by an exclusivist policy of ethnic Turkism, but rather with a strong policy orientation of ittihat-i umumi-i İslamiyye (union of Muslim elements). While seeking a new national unity, in other words, the source of national cohesion was sought in the traditional unity Muslim population. Under these circumstances, despite the fact that the size of non-Muslim minorities still constituted 15 percent of Anatolian population, they were categorically excluded from socio-political and military stages of this early nation-building process. Anatolian lands inhabited by an overwhelming Muslim majority, instead, delimited both geographical and ethno-cultural boundaries of the new state.

Not surprisingly, therefore, non-Muslim citizens received a ready-made minority status in the Republican state as against the imagined homogeneity of the Turkish-Muslim population. It was declared to the world in the National Pact (Müşak-ı Milli) of Feb. 1920 that the new regime yet would no longer contend with traditional framework of the millet system. Instead, Turkish authorities expressed their willingness to recognise the minority provisions of the post-WWI European peace treaties. Indeed, following the
national war, the founding leaders agreed on a peaceful and equal accommodation of minority differences within the citizenship formula of the new state. Arts. 37-45 of the Turkish equivalent of the minorities treaties, the Peace Treaty of Lausanne (1923), constituted modern regime as regards the issue of minority treatment in Turkey.28

The Lausanne framework, therefore, aimed at constituting legal equality with its substantive aspects of protecting and reproducing the distinct identities of non-Muslim Turkish citizens. Accordingly, minorities were granted affirmative treatment in affairs of education, religious practices and cultural foundations. In doing this, the government undertook to provide non-Muslim citizens with the equal rights to establish, manage and control their own charitable, religious and social institutions, schools and to use their own language and to exercise their own religion freely therein (Art. 40). Notwithstanding the existence of an official language, the free use of the mother tongue of "any Turkish national" in private intercourse, in commerce, religion, in the press and publications, at public meetings and in judicial proceedings was guaranteed (art. 39).29 Furthermore, provided that the teaching of Turkish (official) language remained obligatory, it was affirmed that minority peoples could choose to receive primary instruction in their mother tongue in those regions or districts where they constituted a considerable proportion of the resident population (Art. 41).

On the other hand, compatible with the then prevailing European standards, minority provisions of the Treaty also assured that differential treatment would by no means be understood to be contrary to the basic principle of universal citizenship equality. That is why the Treaty supplemented the group-specific formulation of the provisions with the equal rights and freedoms of Turkish citizenship. Thus, the provisions
guaranteed full and complete protection of life and liberty to all inhabitants of the country without distinction with regard to birth, nationality, language, ethnicity or religion (Art. 38). It was stipulated 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 honours, or the exercise of professions and industries" (Art. 39).

In the lines of the traditional Turkish practices, however, pluralistic content of the Lausanne remained limited with regard to the Turkish-Muslim differences. Ethnic and linguistic classification of the then prevailing standards sharply contradicted the traditional form of socio-political and legal divisions in Turkey that had rested on peoples' religious distinctions. 30 In the view of the Turkish authorities, there was no ethnic or linguistic minority except those of the historically constituted non-Muslim communities. 31 Having departed from the general formula of its contemporaries, the Turkish treaty, therefore, restrained its content to the condition of non-Muslim minorities. Ethno-lingual and sectarian differences existing among Muslim population were exempted from both minority status and its protective umbrella. Consequently, only non-Muslim millets of the Empire, those of the Greeks, Armenians and Jews were allowed to benefit from minority provisions.

Nevertheless, the new scope of minority rights was almost completely detached from the extensive judicial, political and administrative autonomy of the traditional Turkish practices. The implications of millet compartmentalisation with its corporate immunities and privileges were completely eliminated from the scope of the new regime. 32 In its place, the new framework intended to establish a substantive equality
within national unity of individual citizens. Because of this, minority provisions of the Lausanne document referred not to the corporate personality of non-Muslim groups but to ‘Turkish nationals belonging to non-Muslim minorities’. Non-Muslim citizens were considered primarily individual members of the Republican state, not of the religious communities. In reconciling citizenship equality with the notion of different treatment, the communal membership, if ever existed, remained secondary in the formulation of the new regime.

**Two Faces of the Republican Minority Rights Regime**

Having recognized the Lausanne provisions as an integral part of its domestic law (Art. 37), apart from civil and political equality, the Republican state guaranteed ethno-cultural and religious diversity for its non-Muslim minorities. Though they lost the protective function of communal organizations, non-Muslim minorities, as equal members of the Turkish population, obtained effective guarantees for protecting and promoting their ethno-cultural identities. However, formal codification of the Lausanne spirit in the Constitution would hardly ensure equal treatment of minorities in Turkey. Even after the reception of the Lausanne regime, centuries-old cleavages and confrontations continued to poison the possible grounds for creating an equal coexistence between Turkish-Muslim and non-Muslim sections of the population.

When discussing ‘the sources of Turkish civilization’, Bernard Lewis argued that ‘one may speak of Christian Arabs – but a Christian Turk is an absurdity and a contradiction in terms...a non-Muslim in Turkey may be called a Turkish citizen, but never a Turk’. Indeed, it was this long-established national distinction that has given a
dual and defective face to the implementation of the Lausanne rights throughout the Republican years. Though Art. 88 of the 1924 Constitution stipulated 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," 31 the Republican authorities denied formulating a unanimous citizenship status for both minority and majority sections of population. Contrary to what principles of civil and political equality would imply, in the articulation of a civic definition of Turkish national identity, the inclusive formula of the name ‘Turk’ was limited to the privilege of the cultural community of the Turkish-Muslim population. A strict distinction between membership in ‘Turkish nationality’ (millet) and ‘Turkish citizenship’ (tahriyet) was preserved. In doing this, non-Muslim minorities were included in the formal definition of Turkish citizenship but excluded from even the politico-legal content of ‘Turkish nationality’.32

With this formulation, the Republican regime was constituted by two categories of citizens in Turkey: One was made up of the ‘national citizens’ (citizens by nationality) and the second was made up of the ‘formal citizens’ (citizens by law). In that sense, notwithstanding the civic features of the legal definition, the distinction of nationality carried two significant implications for the future practices of Turkish citizenship in regard to minority treatment. Firstly, with the Muslim-inclusive formulation of nationality, which superseded ethno-lingual and sectarian differences of Muslim citizens, the Ottoman Muslim millet as reproduced within the national borders of modern Turkey as the ‘other’ identity of non-Muslims was once again affirmed. The imperial category of ‘Muslim millet’ drew the ethno-cultural borders of the ‘Turkish millet’ in the Republican period. The formula of ‘national citizenship’, therefore, operated to totalize and to
disregard, if not deny, ethno-linguistic, cultural and sectarian particularities that existed among anatoli Islamiye. Secondly, because of this formal distinction, going contrary to the Lausanne commitments, the Republican authorities could not accomplish a compromise between the universal equality of all citizens with the specific treatment of non-Muslim minorities.

**Muslim Minorities: Equality within Uniformity**

The first constitution of Turkey entertained a civic definition which associated national identity with the political affiliation of Turkish citizenship. However, it did not imply that this formal conceptualization would recognize the ethno-cultural and linguistic differences of its Muslim citizens. As subsumed peoples' differences into an all-inclusive constitutional identity, the legal notion of Turkish nationality neither was elaborated nor did it function as a neutral ground under which ethnic differences would gain a legal status. In its place, though not truly a Turkish ethnic designation, the legal-political connotation of 'Turk' emerged as a political project in which other (Turkish-Muslim) social identities were to be amalgamated. Neither Turkish ethnic identity nor any other ethnic element was situated in the core of national identity. Ataturk himself, for example, implicitly affirmed the ethno-lingual differences of Circassian, Kurdish, Bosnian and Laz elements in Turkey. But, depending on the fact that they had shared a long history in legal and cultural unity, he strongly denied that they would claim a national existence separate from the established form of Turkish nationality.  

As divorced from its cultural context, the name 'Turk' was expected to constitute and designate national unity in Turkey. It was believed that this neutral formula would
equate the political concept of citizenship with the ethno-cultural category of Turkish nationality, thus providing legal grounds for equality and non-discrimination in the country. However, as it depends on building two distinct categories of citizenship for Turkish-Muslim and non-Muslim peoples, the name ‘Turk’, in practice, has been used to correspond to the cultural unity of the Turkish-Muslim population. Hence, no non-Muslim has been accepted into the conceptual category of Turkish national identity, whereas no Muslim citizen has been allowed to legally accommodate, freely express or develop his/her particular characteristics. The unifying function of the Turkish-Muslim identity has operated almost within the same rationality that religion had fulfilled within the socio-political and legal unity of the Ottoman Muslim millet.

Relying on this political culture, Republican governments, from their outset, insisted on the feature of the ‘one and indivisible’ unity of the Turkish nation. In this context, contrary to ethno-lingual diversity that existed among different groups of the Turkish-Muslim population, the fundamental pillars of the Republican state, in respect to its legal, political and administrative organization, reflected this essential political and cultural concern that inhibited free expression and legal accommodation of Muslim particularities. Under these circumstances, the substantive scope of the Lausanne rights has been bounded with the traditional condition of non-Muslim citizens while granting each member of the Turkish-Muslim population formal (legal) equality of being treated alike within the indivisible unity of Turkish national entity.

Beyond doubt, this Muslim-inclusive formulation of nationality has guaranteed formal equality and non-discrimination for Muslim citizens irrespective of what sub-national characteristics they shared. But, since it denied public expression of Muslim
populations' ethno-cultural distinctions, the socio-political and legal ramifications of 'equal treatment' have been equated with an understanding and practice of 'unanimous treatment'. The Turkish constitution recognized the equality of all citizens before the law irrespective of language, religion, ethnicity, colour, sectarian affiliation and political opinion. However, on the basis of this legal equality, it was also affirmed that differential treatment would be accorded to no section of the (Muslim) population (Art. 10). Both the 1961 and 1982 Constitutions put strong emphases on the 'indivisible unity of state with its nation and territory' (Art. 3), which would be subjected to amendment under no condition (Art. 4). To this end, state authorities were constitutionally charged with the task of preserving national integrity (Art. 5). That is why, the exercise of constitutional rights and freedoms, including freedom of religion, thought, expression, communication, press and association, was conditioned on the preservation of this foundational unity. It was clearly laid down that fundamental rights and freedoms would be curtailed if they were used in contravention of the principle of national unity and territorial integrity of the state (Art. 13-14).

Owing to this essential interest, the Turkish constitutional setting drew further boundaries so as to inhibit political expression of socio-cultural diversity. The Turkish Law on Political Parties (Law No. 2820) presents a good example. In fact, the Constitution granted full recognition to the principle that 'political parties are indispensable elements of the democratic political system'. However, it was also brought forward that each political party was to be subject to the same constitutional limitations enforced in the exercise of other civil and political rights. In particular, the Constitution made it clear that their statutes and programs would in no way involve any objective.
contrary to the unitary features of the country (Art. 68-69). In the line of constitutional regulation, the Law on Political Parties has prohibited political expression of ethnic, linguistic, religious or sectarian distinctions (Art. 78). Nor would they consider ethno-linguistic, religious, or sectarian criteria for membership or claim that there are any national minority based on differences of national or religious cultures or on differences of sect, race or language (Art. 12). Political objectives seeking protection and promotion of sub-national languages and cultures or regional interests have been conceived as an act of ‘disrupting the national integrity by creating minorities on the territory of the Republic of Turkey’ (Art. 81). The provisions of the Law precisely concluded that any political party convicted of violating these principles would be closed down completely. As is well known, several political parties, including the pro-Kurdish Demokrasi Partisi (Democracy Party) and the pro-Alevi Barış Partisi (Peace Party) were either banned or investigated several times for pursuing separatist and divisive objectives on the basis of ethnic, regionalist or sectarian differences.

Similarly, the constitutionally recognized freedom of assembly has been restrained by the principle of the ‘indivisible unity of the state with its nation and territory’ as it has been understood in Turkish political culture. The Law on Associations (Law No. 2908) has banned the establishment of any association based on peoples’ minority distinctions with regard to ethno-linguistic or sectarian affiliation (Art. 5-1). It is clearly prohibited for associations to follow particular interests relating to regional or ethno-cultural characteristics (Art. 5-5). In particular, the law specifies that no association would claim the existence of ethno-cultural, linguistic, religious or sectarian minorities on the territory of the Republic of Turkey. Nor would they engage in any activity to
create minorities by means of protecting, developing or promoting any language or
culture other than the Turkish language or carrying out any activities to that effect (Art.
5-6). On the basis of this legal setting, a sectarian group of *Alevi-Bektaşı Kültür Birliği*
(the Alevi-Bektashi Cultural Association), for example, was convicted by a court of
disturbing national unity in Turkey and was accordingly dissolved on 13 Feb. 2002.

Additionally, educational and cultural policies were also subjected to the same
unitary requirements of the state and the nation. The right to learning or receiving
instruction in mother tongues has been delimited with the traditional condition of non-
Muslim minorities. The Turkish language has been admitted as the sole medium of
instruction in the schools. In accordance with Art. 42 of the Constitution, the Law on
Foreign Language Education (Law No. 2913) stipulated that no language other than
Turkish would be taught to Turkish citizens as their mother language (Art. 2-a). Similarly,
though the private and public use of non-Turkish minority languages was
officially settled in 1991, the Turkish Constitution did not yet recognize that minority
languages would be used in audio-visual productions including radio/TV broadcasting.
The Turkish language remains the only tongue in broadcasting (Art. 28).

Another reflection of the unitary view has marked administrative organisation of
the country that was projected on the basis of considerations which had nothing to do
with ethno-cultural or linguistic characteristics of regional peoples. Political expression
of regional distinctions, such as territorial autonomy or secessionist aspirations, was
strictly prohibited. Art. 312 of the Turkish Penal Code made it clear that any such action
would be legally considered within the terms of 'inciting people to hatred and enmity on
the basis of class, race or regional differences.' Accordingly, the ruling Constitution
stipulated that the rationality of administrative sub-divisions rested upon a set of functional measures including 'geographical limitations, economic conditions, and necessities of public services' (Art. 126).

In brief, the uniform image of the 'Muslim millet' has been carefully preserved in the socio-political and legal structure of the Turkish state. Having limited differential treatment to the case of non-Muslim minorities, the principle of legal equality in regard to different sections of the Turkish-Muslim population has been carried out in a form of uniformity. Turkish governments never considered granting official recognition or legal accommodation to ethno-cultural, linguistic or sectarian distinctions that existed among the Turkish-Muslim majority. Whenever there emerged any ethno-cultural claims among its Muslim elements, these kind of particularistic demands have officially been interpreted not in ethno-cultural terms. The prominent example was the Kurdish question. Though the Kurdish identity underwent an ethno-lingual disintegration and has been seeking official recognition and legal accommodation, particularly since the 1970s, the Turkish governments never examined it in ethnic terms that would be considered in the context of minority protection. The PKK’s separatist upsurge, which has dominated Turkish politics for the last two decades, has officially been identified with economic backwardness, reactionary religious movements, or with tribal aspects of socio-economic relations in the region.41

Non-Muslim minorities: Inequality of the different

One face of the Turkish minority rights regime centred on the socio-political and legal totalization of Turkish-Muslim citizens in a compact majority identity. The
constitutional principle of equal treatment was secured irrespective of ethno-cultural or linguistic characteristics. However, this legal equality has been practiced within the terms of unanimous treatment that has inhibited political and legal expression of those minority distinctions remaining outside the scope of the Lausanne regime. The other face of the Turkish regime proved almost the reverse. Since the ratification of the Peace Treaty of Lausanne, the Republican state bestowed official recognition on non-Muslim distinctions and has treated them accordingly. They have received differential treatment with distinctive facilities of positive measures in the areas of education, religious practice and cultural development. However, working contrary to the Lausanne commitments, Turkish authorities have been unable to effect a harmonious compromise between the policies of citizenship equality and differential treatment. In this regard, the ethno-cultural neutrality of Turkish citizenship remained a myth with respect to actual implementation of the Lausanne regime. The rhetoric of Turkish citizenship advanced on a duality of 'national' and 'formal' citizenship as equal and full citizenship status was, in most cases, reserved to the 'national' citizens of the Turkish-Muslim population. As a result, demographic, linguistic, cultural and economic nationalization has, therefore, progressed in a discriminatory manner against and at the expense of non-Muslims minorities' ethno-cultural and demographic presence.

Indeed, though they were granted civil and political equality apart from the rights to differential treatment, non-Muslim minorities have occupied a suspect place in Turkey. In the eyes of both state authorities and the general public, their loyalty to the state and nation has been considered unconvincing. It has mostly been believed that in order to achieve a coherent form of national entity, minority presences must have been first
eliminated either through assimilation, integration or expulsion. However, the first two options, as given above, were designed for the case of Muslim minorities. Following the already explained legacy of the Turkish-Muslim majority identity, Turkish nation-building intended to operate in an assimilationist manner only with regard to various Muslim elements, whereas it has appropriated an exclusivist form to those non-Muslim minorities. This resulted in a rise in the share of the Turkish-Muslim population within the whole, while the size of non-Muslim minorities decreased gradually throughout the Republican years.

In fact, the official establishment of the Lausanne commitments was accompanied with demographic nationalization. Bearing in mind the fact that nationalization meant, in practice, Islamization of the Turkish population in terms of religious affiliation, the Turkish-Greek exchange of populations became the earliest instrument in this endeavour. Unwilling to live with a larger minority presence, through the implementation of the exchange both states sought the religious homogenization of their respective populations. When the project was completed towards the end of the 1920s, more than 1.2 million Anatolian ‘Greeks’ had been exchanged with Muslims of Greece who numbered about 400,000. In conformity with the major premises of the Turkish minority rights regime, citizenship status was reciprocally bestowed upon religious brethren, but not those of the ethnolinguistic kin living on the other side of the national frontiers. Consequently, apart from Greek-speaking ones, the Turkish government exchanged many Turkish-speaking Orthodox citizens with many Greek-speaking Muslims or Greek Muslims speaking a tongue other than Turkish (Romaks, Albanians,
Bosnians and Roma). Put another way, the population exchange resulted in 'two deportations into exile, of Christian Turks to Greece and of Muslim Greeks to Turkey'.

During the years of demographic 'nationalization', the government initiated a new process of exchange, particularly in the personnel of minority or foreign-owned companies, as they were compelled to exchange their foreign and non-Muslim staff with Muslim-Turkish citizens. It is estimated that by 1926 approximately 5,000 employees from the Greek minority had been replaced with Muslim Turks. Indicating the 'other' status of the non-Muslim minorities, the government blocked their avenues of public employment as well. The Law on Public Employment, dated 1926, conditioned public employment with 'being Turkish', not with 'being a Turkish citizen'. Hence, because non-Muslim minorities had been considered Turkish only in terms of citizenship, the law, in practice, excluded non-Muslim citizens from the state sector, reserving it exclusively as a privilege for Turkish-Muslim citizens. Though the law was subsequently amended in 1962, having been isolated for a long time from public works, non-Muslim citizens have seen little change occur in their occupational presence in the state sector.

Hence, although it went counter to the civil and political equality of both the Lausanne commitments and the subsequently elaborated principle of constitutional equality, the working prospects of non-Muslim minorities were to a large extent curtailed.

The next face of nationalizing policies was seen in the issue of the linguistic rights of minority citizens. As explained above, the free use of minority languages, both in public and private, had been guaranteed at Lausanne. However, from the early years of the republic, the liquidation of minority languages became one of the most delicate aspects of national cohesion. The Turkish language began to be emphasized as an
essential criterion not only for Turkish nationality but also for Turkish citizenship. It was argued that if one desired to have an equal and full access to Turkish citizenship, one must then master the Turkish language. Therefore, instruction of minority languages was greatly limited even in minority educational establishments. Subsequently, several municipalities agreed to discourage minority citizens from speaking a non-Turkish language in public places. Most significantly, a widespread campaign of ‘Citizen! Speak Turkish’—one periodically repeated up through the 1950s—was initiated in 1928 in the Turkish press, political circles and the general public against the persistence of minority languages.

On the other hand, in parallel to the rising trend of nationalist currents in Europe, the emphasis of Turkish nationalism shifted in the 1930s from Muslim-Turkish culture to Turkish-ethnic cores. However, this transformation by no means changed the basic features of the Turkish minority rights regime being based upon the Muslim/non-Muslim duality. Nationalist policies continued to seek their immediate targets in the presence of non-Muslim minorities. An immediate affect of this was seen, in the year of 1934, in the promulgation of a new settlement law (İskan Kanunu) which greatly restrained living conditions, especially for those non-Muslim minorities who inhabited strategic regions of the country. Citing the political, cultural and security considerations of the state, the Law closed certain parts of the country to non-Muslim minority settlement. The Jewish residents of Turkish Thrace, for instance, were forced to evacuate the region, with more than 10,000 of them forced to seek refuge in Istanbul in the summer of 1934.

By the beginning of World War II (WWII), discriminatory policies against non-Muslim minorities rather mounted. By the early months of the war, for instance, out of
fear of minorities' fifth column activities, non-Muslim males age 25-45 were suddenly taken in military service where they were held under a sort of surveillance for one-and-half years. However, the Turkish minority rights regime presented one of its unfortunate tests in the implementation of the Capital Tax (Varlık Vergisi). When enacted in 1942, the law had, in fact, been promulgated in order to levy extraordinary wealth earned through exploiting the then prevailing wartime conditions. But, it has been argued that apart from the officially declared one, the law had concealed an implicit objective of levelling off the non-Muslim presence from the country's commercial life. Indeed, though the premier gave assurances that the government recognized no distinction between various citizens of the country, the taxpayers were categorized on the basis of the traditional duality rooted in the general framework of Turkey's minority rights regime. One's creed determined the amount of the tax to be assessed. Thus, the burden of the tax fell on the shoulders of non-Muslim minorities who were assessed a proportion up to 10 times higher than the amounts levied on their Muslim equivalents. Most significantly, those who declared their inability to pay the assessed amount were banished to labour camps established in the remote corners of Anatolia where they were expected to pay off the tax by working for the state. Interestingly, though the liability conversion to forced labour was, in principle, applied to Turkish-Muslim defaulters as well, in conformity with the inclusion/exclusion practices of the Turkish minority rights regime, the administrative organs and government refused to dispatch Muslim Turks to labour camps.

Towards the end of WWII, the Turkish government ended both the Capital Tax and the labour camps. And, in the aftermath of the war, Turkey took its place in the
Western world which was preaching democratic governments and individual human rights. Hence, the Turkish political system began to transform its autocratic structures towards liberal and libertarian models of politics. The single-party rule of the Republican People's Party (RPP, CHP) was replaced with a Democrat Party (DP) government in 1950. Democratic transformation of the political system raised hopes among members of minority groups as well. It came to be said among minority citizens that religious, linguistic and cultural distinctions would no longer be subject to discriminatory governmental policies but would henceforth be treated equally in deed and practice. However, it became obvious by the mid-1950s that the democratic context would hardly wipe away the imprints of the foundational duality present in the Turkish minority rights regime.

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 of external relations. The first example of this attitude surfaced by the mid-1950s from strained Greek-Turkish relations over the issue of Cyprus. As Turkey and Greece disagreed on the final status of the island, the loyalties of non-Muslim minorities once again began to be questioned inside. In particular, instead of being Turkish citizens with full and equal rights, members of the Greek minority began to be treated as 'foreign' and 'dangerous' residents of the country. Most significantly, the Greek minority was not infrequently pinpointed as the target of a possible Turkish retaliation that became a reality on the night of 6-7 Sept. 1955. Having been inflamed by the Cyprus crisis, angry crowds in Istanbul and Izmir destroyed the cultural, religious and economic presence of minorities. The total amount of damages assessed in Istanbul
alone was estimated at $60 million. Official sources reported that in the course of the incidents three people were killed and 30 injured. Helsinki Watch subsequently reported that human losses totalled, in fact, 15.

The persistence of diplomatic tensions between Greece and Turkey culminated in the curtailment of minority educational rights as well. The most obvious example of this was the closing down of the Theological Seminary of Khalki (Heybeliada) in 1971. The seminary had been the centre of Orthodoxy for centuries in ecclesiastical learning. In consequence, the decision badly affected the educational capacity of the Greek-Orthodox Patriarchate. It is for this reason that the restoration of the institution to its original position still occupies a prominent place in the issue of minority treatment in modern Turkey. Furthermore, during the 1970s and 80s, attacks on Turkish institutions and diplomats by the ASALA (Armenian Secret Army for the Liberation of Armenia) worsened particularly the social position of Turkey’s Armenian minority. Though social unrest never turned into a real attack against the Armenian minority, they increasingly found themselves in an insecure situation and many opted to emigrate from Turkey.

The second face of the Turkish minority rights regime, which has treated 'different citizens' of the country in an unequal manner, resulted largely in the gradual homogenization of Turkish society in terms of religious affiliation. Though the first Republican census had counted 2.8% non-Muslim citizens, the proportion fell to 2% by 1935, 1.6% in 1945, 1.1% in 1955, 1% in 1960, and to 0.8% in 1965. In the 1990s, the number declined further to 0.2%. According to estimates made in 1992, apart from earlier migrations, over the last three decades over 20,000 Armenians, 23,000 Jews and more than 55,000 Greeks have emigrated from Turkey. Today, community sources count no
more than 50,000 Armenian, 27,000 Jewish and 3,000 Greek minorities left behind. It is argued that under normal conditions, non-Muslim minorities would have been expected to number today about 1.2 million. However, due to the extensive emigrations, Turkey today has no more than 100,000 non-Muslims from its traditional minority population.

To sum up, the practices of the Republican minority rights regime helped greatly to replicate the Muslim/dhimmi compartmentalization with its latent aspects of inequality and discrimination. Almost no compromise would be achieved between the principle of civil and political equality of universal citizenship and the specific treatment of minority rights. In practice, the notion of full citizenship was exclusively reserved to the Turkish-Muslim sections of the population. Thus, the discriminatory treatment of the Republican regime had demonstrated that though they were formally considered equal citizens irrespective of ethnic, religious and linguistic distinctions, the practice proved the reverse. In the case of the non-Muslim minorities, the right to ethno-cultural and linguistic differentiation has gone hand in hand with extensive practices of discrimination. Minorities, therefore, came to believe that only Muslim nationals were full citizens of the Republic and that they were not considered ‘citizen’ even within the limited meaning of the concept.

**Contemporary Challenges and the Trends of Transformation**

The traditional framework of the Republican minority policy based upon an exclusivist duality of difference and equality were considerably challenged two major internal and external transformations in Turkey by the 1980s. Internally, the period witnessed resurrection of sub-Islamic identities among the ‘national’ citizens of the
country. The imagined unity of the Turkish-Muslim population entered in a process of disintegration along the lines of ethnic and sectarian differences. Hence, it became quite evident that monolithic category of the Turkish millet would no longer satisfy identity claims brought to the fore by the different sections of the Turkish-Muslim citizens. In particular, the ethnic-Kurdish, Alevi-sectarian and fundamental-Islamist claims began to take a critical stand against the uniform definition of national identity. It was within this context that Islamist sections introduced a new project of a ‘social contract’ based upon the pluralistic practices of the ‘golden age’ of religion.\textsuperscript{79} Turkish citizens of Kurdish origin have sought avenues to gain official recognition and the free expression and legal accommodation of their ethno-lingual identities, particularly in education, radio-TV broadcasting and cultural promotion.\textsuperscript{80} Additionally, non-Muslim minorities began to raise retrospective criticisms against the discriminatory practices of the Republican minority rights regime, and brought claims for the implementation of specific reforms to end their ‘second-class’ citizenship status in the country.\textsuperscript{81}

Externally, Turkish integration with the European Union (EU) gained a new pace by the beginning of the 1990s, years marked socio-political and economic transformations on the continent. The end of the Cold War unleashed minority problems all over Europe previously frozen within the ideological confrontation of the past decades.\textsuperscript{82} The issue of equal accommodation of minority differences within a pluralistic juridico-political setting has taken on an urgent place place. Dedicated to this end, in addition to the United Nations (UN)\textsuperscript{83}, the Council of Europe (CoE)\textsuperscript{84} and the Organisation for Security and Cooperation in Europe (OSCE)\textsuperscript{85}, the EU has attributed greater significance to the protection and promotion of cultural, linguistic and religious
distinctions of minority peoples. The Copenhagen Summit of the European Council announced in 1993 that a candidate country must have achieved, before accession, "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities." 

The two processes evolved in a way complementary to each other in Turkey. With the intensification of the EU-Turkey relations, the Turkish governments became more prone to increasing international pressures in the issues of democratisation and minority protection that strengthened, in turn, the hands of minority groups within the country. Starting from 1998, the EU Commission's regular reports on Turkey's progress towards accession included comprehensive evaluations on the conditions of minority treatment and peaceful coexistence of sub-national differences in Turkey. Generally speaking, drawing attention to the shortcomings of minority protection in Turkey, the reports insisted, firstly, on the extension of official recognition to traditionally acknowledged three non-Muslim communities (Armenians, Greeks, Jews) and also to the distinct presence of the Kurdish, Alevi and Assyrian groups. Additionally, the government was urged to facilitate cultural and political expression of these minority differences. In particular, the government has to enable both the Muslim and non-Muslim minority groups to promote their distinct identities through allowing the use of their mother tongues in political communication, education and radio-TV broadcasting. In doing this, the reports suggested that Turkey was to take appropriate steps so as to integrate its constitutional system with the contemporary standards of minority protection specified in the latest documents of the CoE. Subsequently, the document of the Accession Partnership (2000), prepared by the EU Commission, 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 education in the medium-term. 98

Evidently, the internal and external changes were compelling Turkey to review its traditional understanding of the concept of minority and practices of minority treatment. The question was how to integrate various ethnic, linguistic and religious groups without endangering the national and territorial integrity of the state. Here, the EU standards of minority rights were received in official circles with great suspicion as the first step towards the national and territorial disintegration of the Republic.99 More specifically, the act of granting public recognition to group-specific minority rights was officially considered as an attempt designed to restore the conditions of the Treaty of Sevres defeated at Lausanne.96 Nevertheless, this did not mean that the Turkish minority rights regime with its traditional practices of excluding non-Muslims from genuine equality, and of leaving no room for the free expression of sub-Islamic ethno-linguistic and sectarian identities, would still be maintained. Instead, partly, under the impact of the EU integration, and partly of the increasing identity claims inside, Turkish authorities came to advocate recognition of social differences on the grounds of 'individual freedoms'.91

It was in this context that the notion of constitutional citizenship began to be widely discussed in the Turkish public, intellectual circles and the state.97 It has been argued that the notion of constitutional citizenship helps to disassociate the universal status of citizenship from the particularistic identities of people. As situated in the rights and obligations of an all-inclusive constitution, the concept of citizenship is neutralised in terms of national affiliation. This means that full and equal citizenship is associated not
with membership in a cultural-national grouping but with the legal framework of a
corstitution. Therefore, in the name of constitutional equality, state ceases to be the
representative institution of a single ethno-linguistic and religious community of citizens
but opens way for the free expression of particular differences.93

In this manner, former President Demirel remarked, on several occasions, during
the last decade that social differences in Turkey would be accommodated without
damaging uniform image of Turkish citizenship. According to Demirel, 'while granting
universal citizenship equally to every individual member of the state, the constitutional
citizenship would, at the same time, recognise ethnic and sectarian differences'.94 In one
sense, this signalled substitution of the dualistic form of Turkish minority rights regime
with a legal diversity of nationals united only in respect to formal connection held
towards the same rights and obligations. Thus, constitutional affiliation to the Republic of
Turkey would not necessarily make one ‘Turk’, even in the formal sense of the word, but
one would continue to claim one’s particular identity. Put another way, the discourse of
universal citizenship would no longer be used as a neutralising instrument for the
particular identities of the Turkish population. More specifically, again in the words of
Demirel, 'Turkish citizens of Kurdish origin would freely express their identity provided
that they maintained loyalty to the constitution and the essential principles of the
Republic'.95

While Demirel was greatly concerned with the internal constraints on the
transformation of the traditional form of the Turkish minority rights regime, the High
Board of Human Rights and the Ministry of Foreign Affairs began similar debates for the
sake of Turkey’s EU integration. Having referred to the EU objectives, both of these state
institutions declared recently that the inauguration of a monolithic national identity for all Turkish citizens had blocked free expression of particular differences in religion, sect, language and ethnicity which, in turn, had inhibited institutionalisation of individual rights and freedoms in the country. Hence, if Turkey was to improve its human rights standards in the modern world, the Ministry and the High Board reported that social diversity and national unity must be reconciled under the principle of a ‘comprehensive constitutional citizenship’. The idea is that “the legal equality of citizenship is to be supplemented with an inclusive form of equality”. In other words, it is suggested, the principle of equal citizenship should entail in itself a ‘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 modern standards of human rights.36

Although there is little compromise among the different departments of the state,37 these reports are quite indicative in delineating the current trend in Turkey towards constituting a socio-political and legal system of ‘equality within diversity’. Several steps have already been taken in this direction. The ban on speaking the Kurdish language in public and using it in press and publications was annulled in 1991. In following, Demirel, the Premier of the time, declared in a public speech delivered in a mostly-Kurdish city that the state recognises the existence of the ‘Kurdish reality’. Though closed down several times after having been convicted of engaging in separatist acts, a pro-Kurdish political party carved out a place in the Turkish democracy in the 1990s. Moreover, the Supreme Court of Appeals issued a ruling on 31 March 2000 which confirmed the freedom of individual citizens to give their children any name of their choosing, including Kurdish ones. Additionally, the state has undertaken several steps so
as to indicate the equal status of non-Muslim citizens. For example, in Dec. 1999, an official circular recognised 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 years after, the Presidency of Turkey issued a message in the eve of the year 2000 to non-Muslim minority groups on the occasion of Christmas and Hanukkah. Similarly, the Ministry of Education issued a circular in 2001 in order to eliminate pejorative words associated with the Roma people in the definitions of ministry-published dictionaries.

Conclusion

The recent political orientation of the state indicates a substantive transformation in the classical duality of the Turkish minority rights regime. While non-Muslim minorities have come to be treated with genuine equality of citizenship, sub-national identities of the Turkish-Muslim population have begun to find an implicit recognition in the public realm of the state. In writing this article, Turkish political authorities were advancing new reform packages in the direction of creating a comprehensive constitutional citizenship with all of its ethno-linguistic, religious and sectarian neutrality. To this end, ethno-linguistic and sectarian demands of both Muslim and non-Muslim citizens, that had hitherto been neglected, came to be occupied one of the hot spots on Turkey's current political agenda. In addition to providing new guarantees for the protection and promotion of sectarian position of Alevi peoples and linguistic circumstances of those of the Muslim minorities, including the Kurdish ones, for the free use of any language other than Turkish in education and TV/radio broadcasting, the packages promised that property rights of the non-Muslim foundations be secured.


20 According to the provisions of the Treaty of Serres, of European Turkey only Istanbul was left to Turkey; in Anatolia, an Armenian state and a Kurdish state were to be created; part of the Western Anatolia was ceded to Greece. For the text of the Treaty see, Hurwitz, pp. 81-87.

21 For an example see, Yusuf Akca, Çeţ Tarzı Siyaset, (Three Ways of Politics), (Ankara: Turkish Historical Society), 1998.

22 While the 1831 Ottoman census classified the population along the religious categories, 1831/82 census included ethnolinguistic categories especially for the Christian communities. The Greeks and Bulgarians were registered in different categories. Kemal H. Karpat, Ottoman Population 1831-1913: Demographic and Social Characteristics (The University of Washington Press, 1985), pp. 109-110/122-123.

23 For the full text of the program see, Turkl Z. Tunca, Turchia de Siyasal Partiler, (Political Parties in Turkey), (Istanbul: Hacişam Yayınlari, 1998), pp. 70-75.

24 At the end of the World War I, the Ottoman population numbered 12 million, out of which 6.85 belonged to the Muslim minority, 0.9 to the Greek minority, 0.75 to the Armenian minority, and 0.08 to the Jewish minority. Sahatüllas Şeleç, Anadolu İlihatı, (Anatolian Revolution), (Istanbul: Kasar Yayınlari, 1987), p. 64.


26 As was declared by nationalist leaders, the Pact put forward the minimum objectives of the war of liberation. For the full text see A. L. Mackie, A. L., The Eastern Question: 1774-1934 (London and New York: Longman, 1996), pp. 124-125.

27 Art. 5 of the National Pact read: 'The rights of minorities as defined in the treaties concluded between the Emirate 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'. As is well known, in the aftermath of the WWI, the minorities treaties had broadened the issue of minority protection in terms of both content and geographical application. International interest was extended from the sole category of religious groups towards a comprehensive regime in which, apart from religious distinctions, ethno-linguistic characteristics came to be considered within the domain of minority protection. See H. Rustow, Protection of Minorities by the League of Nations, American Journal of International Law, Vol. 17, No. 4 (1923), pp. 641-660.

28 For the minority provisions of the Peace Treaty of Lausanne see Hurwitz, pp. 119-127.

29 Through the Republican State never practiced this aspect of the Treaty, the wording 'any Turkish national' has subsequently been interpreted to mean that the provision brought linguistic rights to all non-Turkish speaking segments of the Turkish population, including Muslim minorities. Burhan Ora, (ed.), Türk Düy Politikası: Kurtuluş Savunuyardan Bogüşme Olguları, Belgelere, Yorumlar, (Turkish Foreign Policy From the War of National Liberation to the Present: Events, Documents, Comments), Vol. 1 (Istanbul: Hacişam Yayınlari, 2001), pp. 226-227.


31 Riza Nur Bey indicated at the Lausanne Conference's Sub-Commission on Minorities that Turkish political culture implied minority states exclusively to religious minorities. Political expression of ethnic and linguistic differences remained alien to Turkish political history. Under these circumstances, Riza Nur Bey proclaimed, Turkish State would under no condition be expected to grant official recognition to ethnic and linguistic distinctions existing among the Turkish-Muslim population. Seha L. Mery, Lozan Rarşı
Yet still it seems too early to talk about the emergence of a complete congruence in the Turkish context between two practices of citizenship equality and differential treatment of ethno-cultural and linguistic minorities without regarding religious affiliation. After all, similar commitments, at least, with regard to the status of non-Muslim minorities, had been made at Lausanne. But, later practices had again proved the fact that legal-political codification provided no guarantee to the equal accommodation of minority differences. Hence, before coming to a conclusion on the final form of the Turkish minority rights regime, practical aspects of the recent transformation must be observed.

15. Braude and Lewis,

32 Art. 42 set forth legal privileges which were subsequently cancelled.


34 For the 1924 Constitution of Turkey see Edward M Earle, ‘The New Constitution of Turkey’, Political Science Quarterly, Vol. 49, No. 1 (1924), pp. 89-100. The same wording was preserved intact in both the 1961 Constitution (Art. 54) and the 1982 Constitution (Art. 66).

35 See the parliamentary elaboration of Art. 88 of the 1924 Constitution, Yakin Tekin, Milliyetçilik Yasal Kaynakları, (The Official Sources of Nationalism), (Istanbul: Tokan Yayınevi, 1979), pp. 361-64.


37 Peter Andreas, Ethnic Groups in the Republic of Turkey (Wiesbaden: Dr. Ludwig Reichert Verlag, 1989).

38 For the relevant articles of the law see Köşk comprehensive Kriterleri ve Türkiye (Mevzuat Taraması), (The Copenhagen Political Criteria and Turkey), (Ankara: Human Rights Foundation, 1989), pp. 244-48.

39 Ibid., pp. 175-83.

40 Ibid., pp. 142-43.


44 Psozadi, pp. 60-68.


46 Shoting the unequal position of non-Muslim minorities, Fevzi Bey, the Minister of Public Works, declared in 1923: ‘According to arrangements concluded with foreign companies, the latter must engage Turkish employees only. This does not mean that they can employ all subjects of the Grand National Assembly of Turkey indiscriminately. They must employ Muslim Turks only. If the foreign companies do not comply with this and dismiss their Greek, Armenian and Jewish servants, I shall be compelled to cancel the privileges under which they are authorized to function in Turkey’. Alexis Alexandres, The Greek Minority of Istanbul and Greek–Turkish Relations: 1918-1974 (Athens: Centre for Asia Minor Studies, 1992), p. 111.


48 Akar, pp. 118-21.

49 A recent study demonstrated that though today there remains no official ban on employing minorities in the public sector, under the far-reaching influence of past policies, few minorities have tried to obtain such positions. Many seemed to have lost all their hope that they could be employed in state offices. For the interviews conducted with minority youth see Y. Koçakçı, Aslınlık Geçitleri Anıları, (Minority Youth Speaks). (İstanbul: Metis Yayınevi, 2001).

50 Cela Shari Ileri, a prominent politician and journalist, associated the official domination of Turkish citizenship with the Turkish language. Ileri claimed that if minorities were to be admitted into the equal framework of Turkish citizenship, the linguistic rights of Lausanne must have first been liquidated. For Ileri, as long as they maintained linguistic distinctions, non-Muslim minorities would hardly be equally treated within the terms of Turkish citizenship. Refet N. Bal, Cumhuriyet Yıllarında Türkiye Türküleri: Bir Türkçelikte Serdiven (1923-1942), (The Jews of Republican Turkey: A Venture of Turkification). (İstanbul: İletişim Yayınevi, 2000), p. 107.

51 For the national education followed during the early decades of the republic see Ayten Sezer, Atatürk Döneminde Türküler Okulları: 1923-1938, (Foreign Schools During the Atatürk Era). (Ankara: Turkish Historical Society, 1999).

52 Several Turkish citizens of Jewish origin were fined in Bursa and Balıkesir for speaking Ladino (a Romance-Ivnebrew Sephardic Jewish language) in public places. Bal, p. 108.
82 Tanık Z. Ekincī, Vatandaşlık Aşkarları Karşı Savaşın ve Bir Cazib Onerisi, (The Kurdish Question from the Perspective of Citizenship and a Proposal of Solution), (İstanbul: Kıyırcı Yayınları, 1997)
83 By the late 1980s, there happened an outburst in the studies on the Republican treatment of non-Muslim minorities. Apart from numerous articles, some prominent books included Akar, Avner: Levi, Türkiye Cumhuriyeti'nde Yahudiler, (Jews in the Republic of Turkey), (İstanbul: İletişim Yayınları, 1988); Akar, Ball.
84 A. Liebich, 'Getting Better, Getting Worse', Dissent, (Summer 1996), pp. 84-89.
85 The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1990).
86 In the early 1990s, the CECS promulgated two conventions for the protection of national minorities in the member states: European Charter on the Protection of Regional or Minority Languages (1992); and the Framework Convention for the Protection of National Minorities (1994).
94 The Turkish National Programme submitted to the EU considered cultural and linguistic rights within the terms of individual freedoms to be granted to all Turkish citizens irrespective of their language, race, colour, sex, political opinion, philosophical belief or religion. See full text of the Turkish National Programme, http://europa.eu.int/comm/enlargement/turkey/pdf/turk_full.pdf
96 Ibid., p. 192.
98 Ibid.
100 For example, the National Security Council (NSC), one of the most influential constitutional institutions in Turkish politics, stands against any deviation from the Lausanne regime of minority rights and the monolithic understanding of Turkish citizenship on the grounds that it would endanger the territorial and national integrity of the Republic of Turkey. ‘MGK 180 Derece Ters’, (The NSC is 180 Degree Reverse), Radikal, 19 June 2000.