

5 Can we envision Turkish citizenship as non-membership?

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The politics of citizenship today is first and foremost a politics of nationhood. As such, it is a *politics of identity*, not a *politics of interest* (in the restricted, materialist sense). It pivots more on self-understanding than on self-interest. The "interests" informing the politics of citizenship are "ideal" rather than material. The central question is not "who gets what?" but rather "who is what?"

(Brubaker1992: 182)

Modern allegiances and senses of loyalty are determined by nation-states. The modern notion of citizenship involves membership of the nation-state. In the course of the past few years, there has been an increase in academic efforts in the West to critically examine and perhaps redefine the notion of modern citizenship. Today, the notion of modern citizenship is in the process of being divorced from its inherent attachment to the nation-state. In other words, we live in an era in which increasing demands are being expressed in order to widen the public realm to accommodate differences that were previously relegated to the private realm. These demands for opening up the public realm to differences involve women, immigrants and blacks, as well as ethnic and religious groups. Since the modern notion of citizenship that involves membership of a nation-state is inadequate in representing the demands of such groups, it has become an obstacle to the democratization efforts of modern nation-states.

At the close of the twentieth century, political theorists who have focused on the question of democratization began to discuss social and political allegiances and senses of belonging. Such debates went hand-in-hand with social movements that either advocated egoism/atomist individualism or altruism. Hence, there emerged individualist anarchism on the one hand and communitarian tendencies on the other. The common denominator of these trends is that they both question and put under scrutiny modern notions of identity, albeit from different angles, i.e. while one glorifies the atomized individual, the other glorifies the community. What seems certain is that modern notions of identity and belonging that mainly revolve around allegiances to the nation-state are declining. With the increasing public

expression of identities other than the national one, many of the categories of modern politics have proved themselves inadequate.

I have earlier argued that the limitations of the feminist arguments in Turkey basically stem from an assumption of women as citizens prior to being individuals (Kadioglu 1996a; 1998a; 1993a). Feminist demands in Turkey are usually posed by way of attachment to grand social and political projects such as Kemalism or Socialism, as well as Islamic identities. Kemalist feminists emphasize women's public visibility in modern attire, especially in the political arena, such as their presence and visibility in the parliament and within political party structures. Socialist women, in the course of the 1970s, emphasized a view of equality of women which came to mean "similarity with men." Hence, they denounced their sexuality and femininity and posed as "sisters" of socialist men (Berktaş 1990). Islamic women, on the other hand, have been staging a fight of the costumes since the early 1980s. With the advent of political Islam, the covered bodies of the Moslem women are perpetuated in stark contrast with the bodies of modern women. These women resort to veiling in order to emphasize their personality rather than their sexuality (Gole 1991: 125; Kadioglu 1994). Veiling, then, has become a way of denouncing sexuality outside of the confines of a marital arrangement. Thus Turkish women, in the course of serving such grand social and political projects, denounced their individual identities. The trajectory of Turkish men is not too different from that of Turkish women in terms of the denouncement of individuality. Hence, Turkish men and women first and foremost perceive themselves as Turkish, citizens who are responsible for performing certain duties.

In this chapter, the Turkish notion of citizenship will be examined by referring to existing categorizations in the literature on citizenship. Accordingly, first of all, the structural and historical factors that shape the notion of citizenship will be portrayed by focusing on the respective sequence of the state-formation and nation-building processes in Turkey. Second, the Turkish notion of citizenship will be examined from the angle of the liberal versus civic-republican traditions in political philosophy. Third, whether the Turkish notion of citizenship can be characterized as active or passive will be discussed, while at the same time assessing the extent of interference into the private realm of Turkish citizens. The evaluation of the Turkish conception of citizenship along these lines will involve references to statements of some of the founding elite of the Republic as well as certain institutional arrangements that were undertaken especially in the early years of the Republic. The main thesis of this chapter is that "the citizen precedes the individual" in Turkey (Kadioglu 1999). A critical evaluation of the literature on citizenship will pave the way to the inadequacy of a view of *citizenship as membership* (either of a nation or a state). Hence, at the end of this chapter, a view of *citizenship as a position* will be suggested.

The citizenship problematique

The roots of the modern concept of citizenship can be located in the French Revolution and its immediate aftermath. Citizenship is a modern concept. It evolved along with the evolution of various nationalisms in Europe in the aftermath of the French Revolution. In fact, the beginning of immigration control in Europe was an outcome of the French Revolution. In England, for instance, the 1792 Aliens Bill was a direct response to the flight of French refugees (about 8,000) from the French Revolution (Plender 1972: 43). In America and Switzerland too, immigration control began as a reaction to the French Revolution and fears that Jacobin emissaries had infiltrated immigrant groups.

The modern concept of "citizen" is closely associated with the notion of civilization which entails a movement from rural to urban centers. A citizen is someone from the *cite* (city). In the course of the eighteenth century, the *cite* was a place where individual freedoms were pushed to the forefront and feudal hierarchical structures were destroyed. Accordingly, the *citoyen* (citizen) was the motor of these changes away from feudal bondage relations toward capitalist contractual relations. The nineteenth century, on the contrary, was characterized by many Romantic views of the *cite* as the center of decadence and deterioration. The most important reaction to the French Revolution and Napoleon's conquests in the German states was felt not in the political, legal and institutional realms but in literature. Accordingly, nineteenth-century German Romanticism was characterized by a yearning for the provinces and rural life away from the *cite*.

Today, with the increasing scrutiny of the basic categories of modernity, the modern notion of citizenship has begun to be viewed outside of its inherent attachment to the nation-state. The need to revise the modern category of citizenship is an implication of the process of globalization. Globalization and the transfer of images and populations across countries has prompted the opening up of the public realm to differences that were earlier relegated to the private realm. Such differences are usually expressed in terms of languages pertaining to gender, race, religion, and ethnicity.

In the Turkish context, the urge to revise and redefine the notion of citizenship has stemmed from a visible accentuation of the expression of women's as well as Islamic and Kurdish identities during the political climate of the late 1980s and 1990s. The presence of such differences that were earlier part of the private realm began to make their debut in the public realm. The absolute, homogeneous, all-encompassing category of Turkish citizenship was demystified and began to crumble due to the predominance of an "identity politics" in Turkey based on gender-related, religious and ethnic identities.

While the issue garnered increasing attention in academic circles,¹ a new notion called "constitutional citizenship" began to be discussed in political circles and the expression was even used by the then president, Süleyman Demirel (Vergin 1996; Ustel, 1996a). In the midst of these debates on

Turkish citizenship, some people began to refer to themselves as "I am from Turkey" (*Türkiye'liyim*) rather than "I am a Turk" (*Türküm*). This event symbolized the demystification of the official view of Turkish citizenship declared in Mustafa Kemal Atatürk's famous expression "How happy is the one who calls himself a Turk!" (*Ne mutlu Türküm diyene!*). I believe the issue of citizenship poses the question of democratization in Turkey from the angle of modernity rather than focusing on the specific features and problems of the Turkish modernization project. Scrutiny of the modern notion of citizenship has not been peculiar to Turkey. It is a process that has been unleashed all over the world as a result of the dynamics of globalization.

Almost all the new analyses of the modern notion of citizenship in the literature refer to T. H. Marshall's classic works (Marshall 1950; 1977). Marshall refers to three dimensions of citizenship: civil and legal, political, and social. First of all, the civil and legal rights of citizens evolved in the course of the seventeenth century *vis-a-vis* the absolutist states. Accordingly, courts and individual legal rights began to appear. Second, political rights evolved in the course of the eighteenth and nineteenth centuries alongside the evolution of modern parliamentary systems. Third, the social dimension of citizenship is a phenomenon of the twentieth century and is related to the welfare state. This dimension paved the way to certain social rights of individuals such as employment, health, and education. Marshall then pointed to a uniform, evolutionary and teleological history of the notion of citizenship. As a result, his citizenship theory was criticized extensively in the recent literature for failing to account for various types of modern citizenship (Turner 1992; 1993; van Steenberg 1994).

Still, the sequence in the emergence of the three dimensions of citizenship can be utilized in accounting for different trajectories toward modern citizenship. In cases where democratization preceded bureaucratization, civil and legal rights acquire predominance to the detriment of social rights. In the United States, for instance, the notion of "social citizenship" is an oxymoron (Fraser and Gordon 1994). Citizens relate to the state either via contractual arrangements or they receive aid from the state in the form of charity. Hence, the recipients of welfare state benefits are usually viewed as lazy parasites who are unworthy of the honor of citizenship. Quite contrarily, in Germany, where bureaucratization preceded democratization, citizens (members of the *Volk*) benefit from welfare state provisions as "rights." In Turkey, the distinguishing feature of civil and legal, political and social rights is the fact that they were given from above rather than acquired as rights in the aftermath of demands and struggles from below. Hence, citizenship was bestowed from above prior to the birth of a bourgeoisie that posed demands and ignited the fire that culminated in constitutionalism.²

Anatomy of Turkish citizenship³

In what follows, the evolution of Turkish citizenship in the early republican era will be portrayed by situating it within the existing literature on citizen-

ship. Accordingly, first of all, the evolution of the concept will be connected to the evolution of nationalism in Turkey. Second, the impact of the civic-republican tradition in shaping the contours of Turkish citizenship will be addressed. Third, the evolution of Turkish citizenship from above will be portrayed while pointing to the invaded nature of the private realm of Turkish citizens.

A state seeking its nation: the evolution of Turkish nationalism and citizenship

The years between 1789 and 1815 signaled the emergence of both French and German nationalisms (Kohn 1967). German nationalism emerged alongside a literary tradition called Romanticism. One of the most distinguishing features of this tradition was its critical attitude toward French cosmopolitanism. German Romantics thought that the rationalism of the eighteenth century was artificial. They relied on intuitions and emotions rather than reason and intellect. The German Romantic tradition reveals the dark and anti-rational aspects of German nationalism. The notion of a German nation that evolved in the course of the nineteenth century stemmed from a *Völkisch* ideology which later formed the basis of the National Socialist worldview. German Romantic literature became the medium for the expression of German nationalism in the course of the nineteenth century, prior to the formation of a German nation-state. Since German nationalism preceded the nation-state, it was expressed in ethnic and cultural terms. Accordingly, Rogers Brubaker refers to an "ethnocultural conception of nationhood" in Germany (Brubaker 1989; 1990; 1992). In comparing the German and French conceptions of nationhood and citizenship, Brubaker says:

It is one thing to want to make all citizens of Utopia speak Utopian, and quite another to want to make all Utopiphones citizens of Utopia. Crudely put, the former represents the French, the latter the German model of nationhood. Whether juridical (as in naturalization) or cultural, assimilation presupposes a political conception of membership and the belief, which France took over from the Roman tradition, that the state can turn strangers into citizens, peasants or immigrant workers — into Frenchmen.

(Brubaker 1992; 8)

Hence, while the French conception of citizenship evolved in an assimilationist and state-centered manner, the German conception acquired an organic, differentialist, dissimilationist and Volk-centered character. French nationhood evolved in a predominantly political way while German nationhood became predominantly ethnocultural. As Brubaker puts it:

In fact, traditions of nationhood have political and cultural components in both countries. These components have been closely integrated in France, where political unity has been understood as constitutive, cultural unity as expressive of nationhood. In the German tradition, in contrast, political and ethnocultural aspects of nationhood have stood in tension with one another, serving as the basis for competing conceptions of nationhood. One such conception is sharply opposed to the French conception: according to this view, ethnocultural unity is constitutive, political unity expressive, of nationhood.

(Brubaker 1992: 10)

Hence, the temporal distance between the state-formation and nation-building processes, as well as their sequence, gave shape to the conceptions of nationhood and citizenship in France and Germany (Kadioglu 1991; 1992; 1993b; 1993c; 1996c). Since French nationalism appeared at about the same time as the French nation-state, political and social unity was the work of statesmen. German nationalism preceded by half a century the formation of the German nation-state. The German Romantic tradition was laden with motifs of yearning for a national state. Such a temporal distance made ethnic and cultural unity constitutive of German nationalism. This paved the way to the significance laid on blood ties and/or descent as the basis of modern German citizenship.

The distinction between French and German nationalisms and conceptualizations of citizenship are significant in understanding Turkish nationalism at two points: First of, all, Turkish nationalism displays the characteristics of both French and German nationalisms. It embraces both Civilization and Culture; hence it has a paradoxical nature (Kadioglu 1996d). The paradox between Civilization and Culture is nowhere better expressed than in the writings of Ziya Gökalp. The type of nationalism that Ziya Gokalp mentioned in his writings was individualist and cosmopolitan, yet it also espoused the retainment of a local, pristine identity. Hence, the concepts of Civilization and Culture were not antithetical, mutually exclusive entities in Ziya Gokalp's thought. Rather he tried to synthesize them. Niyazi Berkes, in his analysis of Ziya Gokalp's thought, maintains that:

If his analyses are taken as a whole, however, these two concepts (Culture and Civilization) do not represent antithetical and mutually exclusive entities, but rather two closely related and complementary traits of social reality. ... Civilizational elements assume meaning and function in the life of men only when they enter into the service of culture. Without a cultural basis, civilization becomes merely a matter of mechanical imitation; it never penetrates into the inner life of a people and never gives fruit of any kind.

(Berkes 1959: 23)

It is possible to argue that if nationalism is a modern Janus, the Turkish version had two faces as well. While in most instances Turkish nationalism looked similar to the civic French nationalism, there were certain periods in the founding years of the Republic when the organic, ethnic face that is akin to German nationalism became more pronounced. In a study that attempts a periodization of Turkish nationalism, and accordingly the formation of citizenship practices, Ahmet Yıldız (2001) brings out into the open the pronounced ethno-cultural dimension of Turkish citizenship, especially in the period between 1929 and 1938. His book is aptly titled *Ne mutlu Türküm diyebilene* (How happy is the one who *can* call himself a Turk) in pointing to a subtle distinction between "calling oneself a Turk" and "*can* call oneself a Turk." The latter expression, i.e. the ability to call oneself a Turk, makes references to ethnic, ascriptive qualifications and it was an expression used by one of the ideologues of the Turkish revolution, Bozkurt Mahmut Esat in 1934 (Yıldız 2001: 212). In unraveling the mostly neglected "evil" face of Turkish nationalism, Yıldız refers to legal, political arrangements, the records of parliamentary proceedings and the proceedings of the Republican People's Party, as well as memoirs and texts of the leading ideologues of the early republican years. According to Yıldız's periodization of the early republican years, the fundamental references of Turkish nationalism evolved from religious (1919-23) to secular (1924-29) themes and then became suffused by ethnocultural (1929-38) motifs. The citizenship practices evolved in accordance with these core elements in their respective periods.⁴

Second, it is important to point to the sequence of the emergence of state and nation in Turkey. Whereas in the German case, it is possible to refer to a nation preceding a state, i.e. "a nation in search of its state," in the Turkish scenario the historical order of things is reversed. In the case of modern republican Turkey, one can refer to a state preceding a nation, i.e. "a state in search of its nation" (Kadioglu 1995). The Turkish nation was constructed by means of certain measures that were undertaken by the republican elite. In the words of Şerif Mardin (1981: 196): "Mustafa Kemal took upon a hypothetical entity, the Turkish nation, and breathed life in it." In this construction, political unity appears as the constitutive unit of the Turkish nation-state. In short, the indivisibility of the Turkish state with its nation, and the irreversibility of the holy borders - contrary to the case in Germany - constitute the cornerstone of Turkish national identity.

Hence, Turkish citizenship appears as a notion defined from above by the leading figures in the People's Republican Party at the time of the founding years of the Republic that was based on a one-party regime. The distinguishing features of this notion of citizenship were delineated in the 1931 Congress of the Republican People's Party and were formulated as the "six arrows" that became the insignia of the party. These were: nationalism, secularism, populism, republicanism, etatism, and revolutionism. These founding principles constitute the core of the Turkish Republic.

On 19 February 1932, the People's Houses (*Halkevleri*) were founded in fourteen cities in order to promote these core principles of the Republic. They aimed at creating the ideal republican citizen who had embraced these core principles that were represented in the insignia of the People's Republican Party. It was through the activities of the People's Houses that the republican elite aimed at breathing life into the citizens of the Turkish nation (Soyarik 2000). The main aim of the journal of the People's Houses (*Ülki*) was to provide the six arrows with a theoretical framework as well as teaching them to the people. The function of the People's Houses was further supported by the formation of two other institutions, namely the Turkish History Society (Turk Tarih Kurumu) and Turkish Linguistic Society (Turk Dil Kurumu) in 1931 and 1932 respectively. The Turkish History Society researched the history of Turks in the pre-Islamic period and aimed at spreading the view that all the civilizations of the world stemmed from the Turkish civilization that was rooted in Central Asia. The Turkish Linguistic Society, on the other hand, tried to bring out the beauty and richness of the Turkish language as the mother of all languages.

The People's Houses, as well as the Turkish History Society and Turkish Linguistic Society, aimed at creating a Turkish citizen prior to the emergence of an individualist ethic in Turkey. Hence, they were instrumental in forming a notion of citizenship that emphasized obligations instead of rights.

Militant Turkish citizen burdened with duties

Another classification of the modern notion of citizenship in the literature stems from a philosophical distinction between the liberal or liberal-individualist traditions and the classical or civic-republican tradition. Adrian Oldfield (1990; 1994), who classifies modern citizenship on the basis of these philosophical traditions, refers to the differences between citizenship as "status" and citizenship as "practice." Liberal-individualism has been the dominant strain of thought in Anglo-American political thinking since the seventeenth century, roughly from Hobbes onward. According to Oldfield (1990: 1), liberal individualism accords the individual an ontological, epistemological and a moral priority. Liberal individualism defines citizenship as a status on the basis of "rights," and hence gives rise to a language of citizenship in terms of needs and entitlements. "The status of citizenship" imposes no "duties" on the individuals beyond the minimally civic ones. Individuals relate to each other on a contractual basis. Any other form of public involvement and political activity is their "choice." Hence, in the liberal-individualist tradition, the conception of citizenship generates no social bond other than contract. It does not prompt any type of social solidarity, cohesion, and any sense of common purpose (Oldfield 1994: 190). It produces an individual who is deficient and impoverished as a social being.

The classical or the civic-republican tradition has its origins in the ethical and political thought of Aristotle. It was reinforced and modified by a

succession of political thinkers from Macchiavelli to Rousseau and beyond. In the words of Oldfield (1990: 5), "it addresses much more cogently the twin themes of citizenship and community." In the classical tradition, citizenship appears as an activity or a practice so that not to engage in the practice is, in important senses, not to be a citizen (Oldfield 1994: 192). Citizenship, in this tradition, is expressed in terms of a language of "duties," and/or obligations to the community. Practices empower individuals to act like citizens. It is the shared commitment to these practices which makes individuals citizens. It is action in such spheres as military service which is both constitutive of citizenship and sustaining of the community of which the citizen is a member. In this view, individuals are not thought of as logically prior to society (Oldfield 1994: 191). Moreover, they have no moral priority. As a result, claims may be made on their time, resources, and lives for the morally superior entity which is the community. Oldfield's (1994: 193) major endeavor is to instigate an articulation between these two traditions and redefine the notion of modern citizenship by benefiting from the good aspects of each:

In the Western world, the ideal of citizenship as status is one which it is not difficult to think of as achievable, even if vigilance is required to ensure that the achievement is sustained. Our confidence here is in large part a product of the sheer amount of thought and struggle which have been invested in the ideal. The same cannot be said of the ideal of citizenship as practice, and in large part this reflects the very success of the liberal-individualist achievement, which was to liberate the individual from the constricting influences of society and the state. The thinking has been there, but the struggle has not. The question, therefore, is whether the struggle is worthwhile. *[We must not expect to displace the idea of citizenship as status, but we can use elements of this conception to further the project of citizenship as practice.]*

(Oldfield's 1994: 193)

The Turkish notion of citizenship in the aftermath of the proclamation of the Republic evolved in a manner that is more akin to the civic-republican tradition. Accordingly, Turkish citizenship is based more on "duties" than on "rights." Citizenship education started in the education system of the Turkish Republic in 1924 with the course on Information About the Motherland (*Malumat-ı Vataniye*) for the primary and secondary school curriculum. This was replaced in 1927 with another course called *Yurt Bilgisi* and later on *Yurttaşlık Bilgisi*. After 1985 a new course on Information on Citizenship (*Vatandaşlık Bilgileri*) appeared, and in the 1990s a course on Citizenship and Human Rights (*Vatandaşlık ve İnsan Hakları*) was introduced. In a study surveying the books utilized in citizenship education courses in primary and secondary schools in Turkey in the republican era, Füsün Üstel (2002) underlines the evolution of a notion of

citizenship based on duties. Accordingly, the most outstanding aim of citizenship education appears as the achievement of civilization and the inculcation of patriotism. Ustel refers to a "militant" citizen who evolved until the end of the 1940s and who was "burdened with duties." The obligations of the militant citizen were strengthened by referring to a perceived threat to the Republic. The "Other" that is portrayed as a threat or an enemy was a leitmotif in citizenship education. What is implied by the Other is sometimes the sultanate and the *ancien regime*. In units that describe the War of Independence, the Other becomes the Greeks. The duties of citizenship were also outlined in a book that was prepared by Mustafa Kemal's adopted daughter Afet İnan (1969). Mustafa Kemal contributed to the preparation of the book that was called Civic Information for the Citizen (*Vatandaş için Medeni Bilgiler*). This book was first published in 1930. The book mainly describes the duties of citizens toward the family, society, and the state. Accordingly, citizens were required to pay taxes and obey rules pertaining to public order, as well as participate in elections. Men were expected to serve in the military, which was regarded as an enlightening institution.

Fuat Keyman (1997) presents a notion of republican citizenship that is constituted by means of duties in order to promote a "common good" to the detriment of individual rights. He interprets the concept of citizenship in Turkey within the framework of the Platonic nature of the Kemalist project of modernity. Accordingly, "common good" is defined by reference to a "will to civilization" on the part of the state elites. Hence, politics in this context does not entail an articulation of different demands into the decision-making process, and therefore their representation, but rather the steering of society toward a common good defined by the state elite in accordance with their will to civilization. This common good has ontological priority over demands coming from society. As a result, the citizen appears both as the object of the Kemalist modernization project and its carrier. She or he is not only expected to internalize this project but also reproduces the sovereign position of the state.

Passive Turkish citizenship with an invaded private realm

Bryan Turner (1992; 1993) puts forward a classification of the modern notion of citizenship based on the two axes of active versus passive and the extent of its definition within the public realm. Accordingly, there exist four types of modern citizenship that evolved in four different contexts: first of all, in revolutionary contexts, citizenship involves a struggle from below (active citizenship) with an emphasis on the public arena (citizenship evolved in the public realm). As a result, the private world of the individual is regarded with suspicion. Second, in the liberal pluralist context, citizenship, once again involves a struggle for rights from below (active citizenship), yet there also exists a continuous emphasis on the rights of the individual for

privatized dissent (citizenship evolved in the private realm). Third, in passive democratic mediums, citizenship rights are given from above without or prior to a struggle from below (passive citizenship or citizen as subject) combined with a legitimacy of representative institutions, courts and the welfare state system (citizenship evolved in the public realm). Fourth, in plebiscitary authoritarian mediums, citizenship rights are once again given from above (passive citizenship). Yet, although the state invites the citizens to periodically elect a leader, the latter is no longer responsible to the electorate on a daily basis, and therefore, private life emerges as a "sanctuary from state regulation" (citizenship evolved in the private realm) (Turner 1992: 46).

Turner refers to the French conception of citizenship within the revolutionary tradition, where there existed an attack on the private space of the family, and religion. The American conception of citizenship contained motifs of the liberal pluralist solution, since participation was emphasized yet contained by a continuous emphasis on the privacy and the sanctity of individual opinion. The English case under the seventeenth-century settlement, in Turner's opinion, was an example of the passive democratic solution, since citizens appeared as mere subjects combined with a legitimacy of the representative institutions. German fascism constitutes a degeneration of plebiscitary democracy where "the individual citizen is submerged in the sacredness of the state which permits minimal participation in terms of election of leaders, while family life is given priority in the arena of personal ethical development" (Turner 1992: 55-6). The failure of a radical bourgeois revolution in Germany in the 1840s and the realization of unification from above in 1870 by means of Bismarckian legislation, paved the way to passive citizenship which became the main carrier of social rights. The absence of a successful liberal revolution produced an underdeveloped public realm in Germany (Turner 1993: 10).

The Turkish conception of modern citizenship, when viewed from the angle of Turner's classification, seems akin both to the French Revolutionary tradition, since there exists an attack on the private space of the family and religion, and the German passive tradition. In Turner's (1992: 56) formulation, the former tradition may collapse into totalitarianism when the "state in pushing egalitarianism to the extreme closes off the private sphere from influencing the course of political affairs." The Turkish conception differs from the French one, since it was defined from above and therefore is passive. It is similar to the German conception because the absence of a successful liberal revolution and hence participation produced an underdeveloped public realm. Turkish citizenship is defined from above (passive) within an exaggerated public space which smothers the individual and invades the private space of the family and religion. Üstel (1996b; 2002) observes an effort to supervise and regulate the private realm in citizenship education, such as the listing of appropriate fun and recreational activities, the regulation of health and hygiene, as well as dress codes, until the end of

the 1940s. She, for instance, highlights the sections, in books on citizenship education dealing with "appropriate" forms of entertainment and physical education that are suggested by virtue of being "hygienic and moral" (Üstel, 2002: 281). As Minister of the Interior Şükrü Kaya argued (cited in Soyank 2000; 113-14) in reference to the enactment of a law on the necessity of physical education in 1938:

Every regime seeks an appropriate type of citizen and finds it. We know the citizen of the absolutist regime. The man of the regime of Atatürk, the Kemalist revolution, is well shaped, clever, brave, dignified, merry and serious, and defends his rights and ideas in every circumstance. We are looking for this. The aim of this physical education is intellectual, moral, and ethical training. This is the type our regime entails. ... Being well behaved, polite, dignified and serious are Turks' most obvious features in confrontation with the world. ... We would like to see our citizens dignified, in their public life as well as in their private life.

(Soyank 2000: 113-14)

Perhaps what distinguishes the Turkish notion of citizenship from the French tradition is the absence of an Enlightenment prior to the establishment of citizenship. If, following Immanuel Kant (cited in Reiss 1970), Enlightenment is defined as "man's emergence from his self-incurred immaturity," the Turkish notion of citizenship presumes an unenlightened, immature individual. Hence, the notion of Turkish citizenship was constructed prior to an enlightened, "free" individual capable of producing demands. Such a notion purports to steer the common lives of immature beings by means of duties. The citizens are not expected to reason. Rather, they are expected to follow, in elaborating on national morals, Mustafa Kemal says:

In a nation which is developed and has reached a perfect level, the requirements of national morals are undertaken by the individuals in that nation [- *without resorting to reason - by means of the voice of their conscience and emotional instinct*].

(Tezcan 1996: 17; my translation)

Writing in 1929 -30, Mustafa Kemal acknowledged the immature state of the Republic and argued that what is usually relegated to individual initiative in developed countries should be considered as vital state undertakings in our country. As he put it:

Our Republic is very young; it is not yet capable of contemporary undertakings and all the grand tasks that it has inherited from the past. As in political and intellectual life, in economic undertakings too, it would not be correct to wait for the results of individual initiatives. The

significant and grand tasks should be realized in a successful way only by a government that relies on national wealth and organizes the dispensing and bearing of national sovereignty by relying on all the institutions and power of the state.

(Tezcan 1996: 54; my translation)

The concept of modern citizenship evolved in such a way as to exclude a liberal individualist dimension in Turkey. Whereas in Western Europe the notion of the individual appeared in philosophical writings prior to the emergence of modern citizenship, in Turkey, the citizen precedes the individual. Hence, Turkish citizens found themselves in a position to be absorbed in grand social projects such as Kemalism, Socialism, and political Islam. Trapped in the missions of such projects, they were unable to recognize the significance of becoming an individual prior to becoming a Kemalist, Socialist, or political Islamist,

In Turkey, the civil and legal, political and social rights associated with citizenship were given from above. They were not acquired as a result of struggles from below. The notion of Turkish citizenship evolved within the civic-republican tradition by emphasizing practices that were viewed as duties. In the early years of the Republic, Turkish citizens were geared toward embracing the fundamental tenets of the Turkish revolution, namely nationalism, secularism, populism, republicanism, etatism, and revolutionism. The association of such aspects of the Republican ideology with citizenship paved the way to its definition by disregarding a distinction between the public and the private realm. The republican elite defined not only the public duties of the citizens but also their private roles, dress codes, and their recreational activities. It is, then, possible to argue that the notion of Turkish citizenship was defined from above by the republican elite by disregarding the privacy of individuals. In sum, it is possible to argue that in the founding years of the Turkish Republic, Turkish citizenship was defined from above by a state elite within the civic-republican tradition, by emphasizing duties over rights and by disregarding the privacy of the individual.

In sum, the republican citizen was expected to "follow" rather than reach certain decisions via his or her own reflection. She or he was the subject of another will. According to Hans Reiss, who interpreted Kant's definitive study on the Enlightenment:

He [Kant] does not consider it to be the purpose of politics to make people happy. Happiness is subjective. ...

This argument, of course, does not mean that he does not wish people to be happy. It only means that *political arrangements should not be organized in such a way as to aim at promoting happiness, but that they should permit men to attain happiness in their own way.*

(Reiss 1970: 25; my italics)

Accordingly, Turkish citizens were discouraged from pursuing their own happiness. Rather, they were integrated into a grand civilizational design which was believed to promote happiness. The individual that was defined in some liberal texts was quite delimited. She or he was not that different from the citizen envisioned by the state elite. Hence, a political culture that prompted the will to follow rather than the courage to reason began to evolve in the Turkish Republic. Will triumphed over reason. Perhaps the most revealing metaphor pertaining to the triumph of will over reason in Turkey is the place deemed appropriate for the replica of Auguste Rodin's famous sculpture *The Thinker*, which represents a naked, reflecting man. The most distinguished Turkish replica of *The Thinker* resides in the yard of a mental hospital in Istanbul, as if signifying a tribute to the discouragement of a naked moment of reflection (read Enlightenment tradition) in Turkey.

Citizenship and membership

When the issue of citizenship was being discussed publicly in Turkey in the course of the 1990s, the notion of "constitutional citizenship" attracted some attention. When the then president, Süleyman Demirel, used it in one of his speeches, he referred to an umbrella concept that bestowed on citizenship an identity without regard to ethnic, religious, gender differences. The concept was appropriated from the German context, where the difference between citizenship as membership of a nation (*Volk*) and citizenship as membership of a state had paved the way to a critical debate. The notion of "constitutional patriotism" was initially suggested by Jürgen Habermas (1992). By this notion, Habermas referred to a post-traditional citizenship that involved membership of the state. In the midst of the *Historikerstreit* (historians' debate) in Germany that gained momentum with the move toward unification in the late 1980s, Habermas challenged traditional versions of identity and argued for state-citizens in place of nation-citizens (Kadioglu 1997). Since citizenship entailed membership of a nation (*Volk*), in a Germany on the eve of reunification, Habermas' argument for citizenship as membership of a state was pertinent. Nevertheless, while Habermas has emptied the ethnic content of the notion of citizenship, he still views it as a "membership" of a post-traditional entity. He is basically arguing that the German notion of citizenship should be more like the French one. But what about the French notion of citizenship?

Rogers Brubaker (1992) argues that in France nationhood was understood in political rather than ethnocultural terms. Yet, he also argues that: "The politics of citizenship is first and foremost a politics of nationhood." It makes references to questions of identity rather than self-interest. Hence, although nationhood has secular political references, it still has a cultural basis. In evaluating Brubaker's position relating nationhood and identity, James Donald (1996: 173) argues that in this view *civic identity* cannot be extricated from *national identity*. Donald (1996: 174) declares that "the posi-

tion of citizen must not have a substance." This is the starting point of Donald's attempt to envision citizenship as non-membership and as a position. As Donald puts it:

Any claim to identify citizenship in terms of cultural identity - even, I would say, the identity of post-traditional constitutional patriotism - undermines democratic popular sovereignty and the rights of citizenship by drawing a line separating those who are members of this political community from those who are not. My argument is therefore that "the citizen" should be understood in the first instance not as a type of person (whether German nationalist or constitutional patriot) but as a position in the set of formal relations defined by democratic sovereignty. Just as "I" denotes a position in a set of linguistic relations, an empty position which makes my unique utterances possible but which can equally be occupied by anyone, so too "the citizen" denotes an empty place. It too can be occupied by anyone occupied in the sense of being spoken from, not in the sense of being given a substantial identity,

(Donald 1996: 174)

This view of citizenship as "an empty space" or pure Cartesian cogito, is quite significant in envisioning citizenship as non-membership, as detached from notions of identity. Hence, while Habermas gives a post-traditional content to membership that signifies citizenship, Donald suggests the "substancelessness of citizenship" by drawing from Slavoj Žižek (1991). He elaborates on the unmasking of the "person" from the attire of the modern

masquerade. "Modern" means the creation of an unreadable surface. The seclusion of the individual, his or her invisibility, stands in the way of a notion of citizenship as an empty space.

In the Turkish context, the development of the individual was curbed to a great extent. In the words of Ahmet Agaoglu (1933: 27) who was one of the well-known liberals who fell in opposition to the Republican People's Party at the time of the founding of the Turkish Republic:

In the Orient, the individual was drowned, in the Occident he had liberated himself; on the one side the individual was squeezed, weakened, and made into a meager being under an increasingly ferocious despotism, and put into his own narrow and constricted sheath. In the Occident, on the other hand, the individual gradually took a hold of his freedoms and, by constantly opening up, felt the pleasure of living and working as a result of the weakening of despotism. As a result, the Oriental societies composed of constricted individuals placed into their own sheath also became constricted and weakened.

(Agaoglu 1933: 27; my translation)

Citizenship preceded and had prevalence over the notion of the individual in Turkey. The notions of citizenship, will and republic ended up taking precedence over the notions of individual, reason and democracy. Citizenship was embedded in national identity as well as defined in accordance with duties in a rather weak public space. Hence, it is rather difficult to envision citizenship as an empty space, as non-membership.

Notes

- 1 Many international and national conferences held in Turkey began to be organized around the themes of citizenship, identity, multiculturalism, etc., especially in the latter half of the 1990s. There was a pioneering international symposium organized by Marmara University's International Relations Center in Istanbul on 28-9 March 1996 entitled "Redefinition of Nation, State and Citizenship." A subsequent national conference was organized by Ege University in Izmir on 10-12 April 1996 entitled "Republic, Democracy and Identity." The papers were collected in a book, *Cumhuriyet, Demokrasi ve Kimlik* (Republic, Democracy and Identity), edited by Nuri Bilgin, 1997. A similar international conference was organized by Mersin University and Deutsch-Türkische Vereinigung zum Sozial-und Geisteswissenschaftliche Austausch in Mersin on 28 October-1 November 1997 entitled "Multiculturalism, Immigration and Globalization."
- 2 Hasan Bülent Kahraman refers to the construction of all the Marshallian aspects of citizenship in Turkey "in a dash," rather than its gradual "completion" as a process (Kahraman, 1996: 6). See also the papers and discussions in *Türkiye'de İnsan Hakları Semineri* (Seminar on Human Rights in Turkey), 1970: 65.
- 3 In this part, I have drawn on a similar classification that I have made in an earlier article. See Kadioglu (1998b). The present version has been reinforced by enriching the information regarding the institutional developments in Turkey.
- 4 For a review of such practices pertaining to Turkification, such as those regarding the necessity to speak Turkish (1931), utilization of Turkish family names (1934), the law on the settlement of minorities (1934) and the tax on the property of Muslims, non-Muslims, foreigners and converts (1942), see Aktar (2000); Soyarık (2000); Yıldız (2001).

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Legal and constitutional foundations of Turkish citizenship

Changes and continuities

Nalan Soyank-Şentürk

Introduction

Recent years have witnessed ongoing debates and negotiations between the European Union and Turkey concerning legal and constitutional reforms. The Copenhagen criteria set forth requirements to be met by candidate countries, and are concerned with the existence and stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. Therefore in the process of candidacy for the European Union not only are the legal and constitutional features gaining more significance, but also they can no longer be regarded as distinct from the political sphere. Thus, within a year, major legal and constitutional amendments have been carried out, which would in turn affect the mainstream understanding of citizenship in Turkey. Especially after the Copenhagen Summit held in December 2002, these legal and constitutional aspects seem to loom larger on the agenda. In the conclusion of the Summit, the European Union stated that:

It strongly welcomes the important steps taken by Turkey towards meeting the Copenhagen criteria, in particular through the recent legislative packages and the subsequent implementation measures which cover a large number of key priorities specified in the Accession Partnership. The Union acknowledges the determination of the new Turkish government to take further steps on the path of reform and urges in particular the government to address swiftly all remaining shortcomings in the field of the political criteria, not only with regard to legislation but also in particular with regard to implementation.¹

(Copenhagen Summit Conclusion)

Therefore, the legal and constitutional aspects of Turkish citizenship stand out as one of the significant and debated issues both in the domestic politics of Turkey and in its relations with the European Union.

Among the various aspects of citizenship, such as identity, civic virtue and legal status, the legal aspect stands out as one of the core aspects. In

other words, citizenship-as-legal-status provides the basis of citizenship. This chapter aims at providing the legal and constitutional basis of Turkish citizenship throughout republican history. This basis is significant because legal and constitutional arrangements stand out as political phenomena within the modernity project. The legal side of citizenship is usually interrelated with the political history of a country. In analyzing the development and evolution of Turkish citizenship, the legal developments and the three constitutions are reflective of the developments and changes experienced in the history of the Turkish Republic. Therefore, the constitutions of 1924, 1961 and 1982 will be evaluated subsequently, in addition to the citizenship laws enacted throughout the history of the republic. However, it can be argued that the legal and constitutional developments cannot by and of themselves reflect the whole process of citizenization. Even though the social and political conditions of the country are usually reflected in the constitutions, the actual processes sometimes diverge from the path delineated by the constitution and the related laws. In other words, while a constitution stands out as an abstract document, the practices might be quite different or deviate from the basic principles of the constitution. Or the constitution and those laws cannot be satisfactory for the conditions of the society. This is one of the reasons for this study. The elaboration of the constitutions in republican history and current developments will highlight both the issue of Turkish citizenship and the ongoing debates between the European Union and Turkey concerning legal reforms.

The legal and constitutional foundations are one of the core elements of citizenship in any country. As Bendix (1964: 74) argues,

In the nation-state each citizen stands in a direct relation to the sovereign authority of the country in contrast with the medieval polity in which, that direct relation is enjoyed only by the great men of the realm. Therefore, a core element of nation building is the codification of the rights and duties of all adults who are classified as citizens.

(Bendix 1964:74)

Those foundations sometimes go in parallel with the process of nation-building and construction of citizenship identity, or diverge from this process in certain aspects.

One of the major tasks of the new Turkish Republic that was promulgated in 1923 was to determine who would be defined as a Turkish citizen in terms of the Constitution and the laws. The following section will analyze the Constitution of 1924, the Citizenship Law of 1928, and the Law on Settlement enacted in 1934, which is still in use for the admission to citizenship. Then the 1961 Constitution and the Citizenship Law of 1964 will be elaborated. The last constitution of Turkey, namely the 1982 Constitution will be the concern of the final section.

The 1924 constitution

When the Turkish Republic was proclaimed on 29 October 1923, the first and major task was the formation of a nation-state. Regarding the Ottoman dynasty and the regulation of the state as the real cause for collapse, the new republic aimed at a complete renewal. Therefore, the republic went through widespread reforms in every aspect of life. The Gregorian calendar and twenty-four hour clock were adopted. On 4 October 1926 the Swiss Code was adopted as the Turkish Civil Law. The previously used Arabic alphabet was changed to the Latin alphabet on 3 November 1928, and public usage of the Arabic alphabet was prohibited (Lewis 1961: 278). This was a real break from the Ottoman heritage, and it was also designed for the formation of the Turkish nation. These reforms were the main steps taken for the creation of a nation that was composed of "civilized" citizens who were educated in modern methods, and whose modernity was reflected in their appearance. It was believed that the survival of the new republic was dependent on the adoption of nationalism and secularism, and the construction of a Turkish citizenship that would be parallel to both nationalism and secularism.

The 1924 Constitution was in fact preceded by a constitution devised after the Turkish Grand National Assembly was formed in 1920. Even though the concern is the republican period, for the purpose of this chapter, the way the 1921 Constitution defined the "Turkish people" is also significant. Accordingly, the "Turkish people" were "the masses who were living within the boundaries of the armistice, regardless of their ethnic origin, that got together on the basis of political unity and independence" (Tanor 1988: 250). In other words, the "Turkish people" was defined on the basis of political and geographical parameters (*ibid.*: 249). However, this was the period of struggle for independence, and the definition had to be inclusive. Even though the formation of the Parliament was a fundamental break from the Sultanate, at that time the intentions for the proclamation of the republic were not explicit; therefore this constitution had to appeal to all the people living within the boundaries of the National Oath. We can assume that the people were still considered as the citizens of the Ottoman Empire, subject to the Ottoman Citizenship Law of 1868, as there were no clear statements about the citizenship status of the people in the Constitution of 1921.

When we return to the 1924 Constitution, Article 88 of the Constitution stated that "the people of Turkey regardless of their religion and race are Turkish in terms of citizenship" (Gozubuyiik 1995: 76). Yıldız (1998: 302-3) points to the novelty in the law about mentioning Turkishness,² and stresses the debates over who will be defined as a Turk. After long debates, as Tanor (1988: 309) notes, the Constitution stressed that Turkishness was defined in terms of geographical and political parameters rather than racial parameters, despite the existence of racial and religious differences. During the same period Mustafa Kemal stated that "The people of Turkey who promulgated the Turkish Republic are called the Turkish Nation." In other words "the core of nationality is not race, but political loyalty" (Turan 1969: 73). I

also suggest that in that early phase of the period in question, there was an inclination toward the French or the Western type of citizenship based on territory. Besides, the usage of "Turk" can also be seen as the reflection of the aspiration for the formation of a new nation.

The 1924 Constitution seemed to be a liberal constitution with regard to individual rights. The basic rights and freedoms were listed in the fifth section, *Türklerin Hukuku Ammesi* (The Public Rights of the Turks). Those were, briefly, security of life, liberty, honor, and property; freedom of conscience; freedom of press and communication; and freedom to form associations (Gözübüyük 1995: 71-6). It is noted by both Gözübüyük and Tanor that the 1924 Constitution was inspired by the French Revolution. Tanor argues that the constitution had a liberal and individualistic approach; and that the limits of the liberties were not drawn by the benefits of the state, public or the society, as had been the case in the following constitutions. However, Gözübüyük (1995: 54), on the other hand, argues that the constitution merely listed basic rights and liberties with short definitions, but that there was not a regulation that safeguarded those rights and liberties, and that the regulation and boundaries of those rights was left to the executive. In line with Goziibiiyuk's point, it can be argued that the Public Rights of the Turks section of the Constitution looks like a mere delineation of rights and liberties, which was not guaranteed by any body or institution. On the other hand, when the citizenization process in the early republican period is analyzed, it is seen that there was no emphasis on the rights of the citizen. Rather, the process repeatedly emphasized the duties of the citizen toward the state, therefore it was civic republican. For instance, tnan, whose *Medeni Bilgiler* (1988) can be viewed as the manifesto for Turkish citizenship, stated that citizens could only gain rights through completing their duties toward the state. The 1924 Constitution is an example of the differences and contradictions between the discourse of the legal documents and actual practices. The early Republican understanding of citizenship can be regarded as civic republican. The emphasis on duties toward the state and the community as part of the identity of the citizen, and the notions of common good and general will were reflected in the discourse of the period. It is also argued that those notions were reflected in the 1924 Constitution (Tanor 1988). However, the 1924 Constitution in and of itself is not sufficient for understanding the conceptualization of citizenship in the period concerned; therefore certain laws like the Citizenship Law and the Law on Settlement should also be utilized in order to reach a more comprehensive legal understanding of Turkish citizenship.

The 1928 Turkish Citizenship Law

As mentioned above, citizenship had been a crucial element in the nation building process and the republic. However, the first citizenship law of the Turkish Republic had not greatly occupied the agenda of the Parliament. The

1312 numbered and 23 May 1928 dated Turkish Citizenship Law was decided to be enacted by 1 January 1929 (*TBMM Zabıt Ceridesi*, 23.5.1928). No debates or questions were raised at the parliamentary meeting concerning this law. All the articles were read and voted upon without any objections.

The law adopted both descent and territory principles. According to Article 1, "children born from a Turkish father or mother, either in Turkey or in a foreign country, are considered as Turkish citizens." Also, according to article 2/c, determination of the child's citizenship was not based on the official marriage of the parents. Those articles reflect the principle of *jus sanguinis* by granting citizenship to the children of the Turkish citizens, even if they were abroad, or born out of wedlock. Articles 2/a, 2/b and 3, clarifying the circumstances for the admission of the children of foreigners or stateless people settled in Turkey, were designed for the exercise of the *jus soli* principle. Nomer (1989: 45) argues that those articles were designed in a complementary manner.

The first Citizenship Law of the republic provided merely a definition of the Turkish citizen. It was probably enacted as part of the nation building process, and it is evident from the parliamentary records that it was not regarded as a crucial issue by its legal definition. The legal status of Turkish citizenship can be regarded as the abstract definition of citizenship. But, the actual practices in a sense deviate from that abstract definition. The nation was defined as a political and social group with a unity of language, culture, and ideals. This was an inclusive definition in the first instance. However, the degree of inclusion varied by the religious or ethnic differences in actual practice.

According to the Lausanne Treaty, signed on 24 July 1923, the non-Muslim population of Turkey, namely Greeks, Armenians, and Jews, were granted minority status. The articles of the treaty relating to minority status are numbered between 37 and 45. Those articles granted minorities the freedoms of worship, travel and migration, the right to speak their own languages, and form their own religious, educational and social service associations (Levi 1996: 19). According to Article 42, the minorities had the right to regulate their own traditions and customs and their own laws in family and personal matters (Aktar 1996).

However, the republic intended to grasp all of its population under one law, namely the Civil Law. During the preparation of this law in 1925, the minorities gave up their rights granted by Article 42, either willingly or unwillingly (Aktar 1996; Levi 1996: 68-9; Bali 1999: 90-102). But this did not better their situation, or help them to be accepted as full citizens of the Turkish Republic.

The Law on Settlement

The 2510 numbered Law on Settlement is significant for the issue of citizenship, as it is still used for admitting people to Turkish citizenship. Besides, as

will be elaborated below, this law points to the transformation in the understanding of citizenship from a territorial notion toward a more common culture and descent-oriented one.

The 2510 numbered Law on Settlement was enacted on 14 June 1934. According to the Minister of Interior Affairs, Şukrui Kaya, thanks to this law, the country "would be transformed into a country where a single language is spoken, and the same thoughts and sentiments are shared by the people" (*TBMM Zabıt Ceridesi*, 14.6.1934: 141). In the introductory speech, the Kutahya deputy, Naşit Hakkı Bey, noted that this law was one of the fundamental laws of the revolution (*TBMM Zabıt Ceridesi*, 7.6.1934: 67). In his long speech, he mentioned the importance of unity in language, culture and ideals, and added that this law would help the assimilation of those who regard themselves as non-Turkish, or who had lost Turkish identity. By taking measures for people to speak Turkish, and abolishing tribal organizations, those who were from other cultures or who spoke other languages would be absorbed, and assimilated, into the Turkish culture (*ibid.*: 70).

The first article of the Law on Settlement stated that the dispersion and the settlement of the population would be regulated according to the degree of adherence to Turkish culture. Thus, the Turkish territory was divided into three regions: the first region was the territory where the population with Turkish culture desired to concentrate. The second region was the territory spared for the settlement of those who were to be assimilated into Turkish culture. The third region would be evacuated for health, political, military and security purposes; settlement in that region would be prohibited (Article 2).

Article 3 stated that those people of Turkish descent, or those close to Turkish culture who migrated with the desire of settling in Turkey, would be accepted by the decision of the Ministry of Interior and be called *muhacir* (emigre). Those emigres and refugees would resettle in the places shown and would not be permitted to leave those places (Article 7). Besides, the emigres would be helped in their resettlement, and naturalization would be made easier for them (Article 6). On the other hand, those who did not adhere to Turkish culture, anarchists, spies, nomadic gypsies, and those who were deported, would not be admitted as emigres (Article 4).

The nomadic gypsies of Turkish nationality would be dispersed to villages of Turkish culture; foreign nomadic gypsies and nomads who did not adhere to Turkish culture would be deported (Article 9). In addition, Article 10 abolished leadership of the nomadic tribes (*aşiret reisliği*). Those two articles were designed especially for the dispersion of the Kurdish tribes. More specifically, Bali (1999: 256) noted that the law was designed in order to disperse the Kurds after their rebellions.

Article 11 is significant for the situation of the non-Turkish minorities. The spread and assimilation of those people were safeguarded by this article. It stated that those people whose mother tongue was other than Turkish would not be permitted to form separate wards or associations. Also the number of foreigners permitted to settle in towns and villages was

limited to 10 percent. The Law on Settlement aimed at mass resettlement and dispersion of the population, and those resettled people could not move to other places even after ten years of settlement (Article 29).

The Law on Settlement was a major development in the process of Turkification. For the sake of assimilating non-Turkish elements, major rights of freedom of movement were violated. Besides, pressure on people to speak Turkish intensified. The non-Turkish population was spread over the country so as to be absorbed by the Turkish culture. The Law on Settlement was a perfect reflection of the motto of the republic: "one language, one culture, one ideal."

The legal definition of citizenship in the early republican period was egalitarian, and sought to benefit from *both jus sanguinis* and *jus soli*. In the first instance, Turkish citizenship was close to the French model that was based on territory with the premise that "those who are affiliated to the Turkish State by citizenship are known as Turks." However, later a shift can be depicted in the attitude toward minorities, the emphasis on adoption of Turkish culture, and the admittance of those people who were regarded as close to Turkish culture as emigres and to citizenship. This shift reflects the German type of citizenship based on descent and unity of culture.

The 1961 Constitution and its aftermath

This section will dwell upon the period after the military intervention of May 1960 and the Constitution devised afterward. This period is significant, because it can be regarded as the period when there was a liberal atmosphere to a considerable extent. A shift in the understanding of citizenship was experienced during this period. The citizen of the period was active and there was a primacy of rights as compared with the duty-laden citizenship of the early republican period.

As the Democrat Party (DP) was reaching ten years in office, social unrest, especially among university students and the military, was increasing. The military had already lost its dominant status in state affairs. Together with the bureaucracy they had been regarded as the key actors of the state during the early republican period. In fact, the tension between the political elites and the state elites had always been, and would continue to be prevalent in Turkish politics. Combined with the DP's movement toward an authoritarian regime, and the sympathy felt to the Republican People's Party and its leader İsmet İnönü, who had served in the War of National Independence, the unrest of the military increased. To make matters worse, the DP tried to use the military against demonstrations opposing its rule. Thus the first military intervention in republican history took place (Tachau and Hcper 1983; Harris 1988). The military claimed that, "they were safeguarding democracy and the state, and the legacy of Atatürk," which would also be a justification for future interventions (Karpat 1988: 141).

The 1961 Constitution that was devised after the military takeover is significant for the transformation of the society and the understanding of citizenship. The Constitution was written in a rather detailed format, in order to eliminate the misuse of power. During preparation of the Constitution, the Commission for the Constitution benefited from the two drafts prepared by the Faculty of Law of Istanbul University and the Faculty of Political Science of Ankara University. Also, the French, Italian, and German constitutions were utilized, in addition to Universal Declaration of Human Rights, The European Human Rights Agreement and the French Declaration of Human and Citizenship Rights (Tanor 1988: 74). The Constitution was promulgated after a referendum held on 9 July 1961.

The new Constitution was based on the supremacy of the rule of law. It was stated repeatedly that every issue would be carried out in accordance with the law, and in certain cases in accordance with international law. The Constitution had a preface where the main characteristics of the Turkish nation were defined, stating that:

The Turkish nation ... inspired by Turkish nationalism that gathers all the individuals sharing the joy and grief as an indivisible whole around the national consciousness and ideals, and that aims at raising our nation with a spirit of national unity as an honorable and equal member of the world family ... in order to consolidate a democratic rule of law with all its legal and social basis, that would safeguard the realization of human rights and freedoms, national solidarity, social justice, welfare of the individual and the society. ... approves and proclaims this Constitution prepared by the Constitutive Assembly of the Turkish Republic, and entrusts this Constitution to the guardianship of its sons devoted to freedom, justice, and virtue.

(Kili and Goziibuyuk 1985: 171-2)

It was evident from its preface that this Constitution relied on universal norms like human rights, social justice, and welfare, and that the individual was given more importance and an active role, especially with the mention of the right to resist.

Whereas the 1924 Constitution defined the Turkish Republic in Article 2 in accordance with the Kemalist principles defined by the "six arrows" as "the Turkish Republic is republican, nationalist, populist, etatist, secular, and revolutionary," the 1961 Constitution declared in its definition that "the Turkish Republic is a national, democratic, secular and social rule of law, that relies on human rights and principles" (Gözübüyük 1995: 56, 115). This article and the Constitution as a whole reflects the desire for the introduction and implementation of universal standards and human rights, and for a social state that seeks the welfare of its citizens.

When we dwell upon the novelties introduced by the 1961 Constitution with respect to citizenship, we see that this detailed Constitution placed.

importance on individual rights and liberties and aspired to a more active citizenship. Article 54 of the 1961 Constitution (*ibid.*: 131) defined the Turkish citizen by stating "everyone who is tied to the Turkish State through citizenship ties is a Turk" and continued:

The child of a Turkish father or a Turkish mother is a Turk. The citizenship status of child born from a foreign father and a Turkish mother will be arranged by law. Citizenship is acquired and lost under the circumstances defined by law. No Turk can be expelled from citizenship, unless he/she engages in activities contrary to their loyalty to the country. The decisions and implementations of expulsion can be subject to appeal.³

(Article 54, 1961 Constitution)

The 1961 Constitution differed from the previous constitution in many respects. First, the 1961 Constitution was designed in a more inclusive, humanitarian and universal manner. In contrast to the 1924 Constitution that used "Turk" as its operative term, the 1961 Constitution used "everyone," and included foreigners as well, but designed their status and the limitations of their freedoms in accordance with international law (Article 13).

The Constitution limited the interference of the state into the affairs of the individual and defined the duties of the state toward the individual, which was a significant departure from the primacy of the obligations of the citizen toward the state in the early republican period. In this respect, this Constitution was a liberal constitution and aspired to a more liberal kind of citizenship.

The exposition of basic rights and liberties took up almost two thirds of the Constitution, and was very detailed. In Article 10 it was stated that everyone had inviolable basic rights and liberties. Article 11 safeguarded these liberties thus:

The basic rights and liberties can only be limited through law that is in accordance with the spirit and statement of the Constitution. However, this law cannot restrain the core of the rights or liberties even for reasons of morality, public order, social justice or national security.

(Article 11, 1961 Constitution)

The basic rights and liberties of the individual were mainly the immunity of private life (Article 15) and residence (Article 16), the freedoms of communication (Article 17), travel and settlement (Article 18), faith and conscience (Article 19), thought (Article 20), education (Article 21), and right to property (Article 36). Under this section the freedom of the press was expressed. The rights and freedoms of meetings and demonstrations, and to form associations without seeking permission, were safeguarded

(Articles 28 and 29). The only limitations on these rights would be drawn by law for the protection of public order.

The emphasis on the social welfare state is evident in the section on "Social and Economic Rights and Duties." Here, the right to work (Article 42), to rest (Article 44), to a just wage (Article 45), to form trade unions (Article 46), to go on strike (Article 47), to social security (Article 48) and to medical treatment (Article 49) were listed. Those articles reflect an evolution toward the social phase of citizenship in Marshall's (1965) analysis. However, the social rights were again granted from above, as had been the case for both civil and political rights. The atmosphere of the social welfare state would be curbed later, after the 1980 military coup and with the 1982 Constitution, which limited most of the rights and liberties granted by the 1961 Constitution with the reason that the 1961 Constitution was too liberal for Turkish society.⁴ Therefore, the period between 1961 and 1980 can be viewed as the transitory social welfare state with an active and liberal understanding of citizenship.

Those articles mentioned above also reflect the importance given to social justice. In addition, equal educational opportunities for every citizen, male or female, and sufficient nutrition were safeguarded by the Constitution. Tanor (1988: 392) states that this social aspect was a novelty of the 1961 Constitution, the elements of which were "the object of social justice, social rights granted to the individuals and groups, the social duties bestowed upon the state, the developmental plans and the establishment of the State Planning Organization."

The 1961 Constitution points to the divergence from a republican understanding of citizenship that focused on the duties of the citizen toward the state, which was implemented during the early republican period. By this Constitution, the individual was given a higher value and the reconciliation of the individual's and the society's rights and liberties was the major target (Tanor 1988: 378). By an extension of the rights and liberties of the citizen and a limitation on the state's interference, a more liberal and active understanding of citizenship was introduced. During this period, a new citizenship law that is still in use today was also amended.

The 1964 Turkish Citizenship Law

The 403 numbered Turkish Citizenship Law was put into effect on 11 February 1964.⁵ The reason for the new law was to reform Turkish citizenship law in line with conventional citizenship law. The new Citizenship Law was another step on the move toward the rule of law. The aim was to base the law on universal principles of citizenship and citizenship rights. In line with this principle of the rule of law, the right to appeal was included in the 403 numbered and 11 February 1964 dated Turkish Citizenship Law. The proposal was based on three universal principles of citizenship law. The first was the principle that everyone should have citizenship and the situation of

statelessness should be eliminated. The second was the principle that everyone should have only one citizenship. And third, everyone should be free to choose his or her own citizenship and no one should be forced to hold a citizenship he or she does not want.

The other feature of the 403 numbered Turkish Citizenship Law was to distinguish between expulsion from citizenship and loss of citizenship. The former 1312 numbered Citizenship Law did not distinguish between those two, and all citizens had been subject to expulsion under this law. Under the 403 numbered law, those people who ascribed to Turkish citizenship would not be subject to expulsion, with the exception stated in Article 26. However, those who acquired Turkish citizenship could be subject to expulsion under the circumstances stated in the same article. Those persons who acquired Turkish citizenship and were expelled from citizenship due to the article mentioned above could not by any means be re-admitted to Turkish citizenship (Turkish Citizenship Law Proposal: 3).

Loss of citizenship was designed to deal with activities that are not in line with loyalty to the state. Therefore, those persons who were living abroad and had not applied to the Turkish embassy in the last five years,⁶ or those persons who published criticisms of the Turkish government abroad, would lose their Turkish citizenship (Turkish Citizenship Law Proposal: 3). In addition, loss of citizenship was defined by Article 25.⁷

The 403 numbered and 11 February 1964 dated Turkish Citizenship Law explicitly stated that the principle of *jus sanguinis* was exercised in Turkey. It might be suggested that this principle was exercised to an almost extreme level, by barring Turkish women married to a foreigner from citizenship on the grounds that the father's citizenship was the determinant. This would, however, be changed in 1981, perhaps due to changing international dynamics and attempts to eliminate discrimination against women.⁸

The 1982 Constitution

In 1980 Turkey experienced another military intervention. There was extreme ideological polarization and turmoil within the country. The reasons given by the military for the takeover were the safeguarding of the integrity of the country, preventing civil war and re-establishing the authority of the state (Tachau and Heper 1983: 26). In 1982 a new constitution was devised. As mentioned previously, the rights and liberties of the 1961 Constitution were curbed to a great extent, and we can depict a return to the civic republican understanding of citizenship.

In the 1982 Constitution, the fourth section is related to political rights and obligations. Article 66 of this section states that:

Everyone who is annexed to the Turkish State with citizenship ties is a Turk. The child of a Turkish father or a mother is a Turk. Citizenship is acquired and lost for the reasons clarified by law. No Turk can be

expelled from citizenship unless behaving in a manner disloyal to the country. The judicial process cannot be closed to the decisions and proceedings of expulsion from citizenship.

(Article 66, 1982 Constitution)

But before the enactment of the Constitution, citizenship had been the issue on the state level. The debates around citizenship started in February 1981, right after the military coup. At that time the National Security Council was in charge of state affairs, and it made an amendment in the Turkish Citizenship Law together with the Consultative Assembly. Even though the Turkish Citizenship Law was enacted in 1964, there were considerable changes and annexations made during this interregnum period, therefore most of the data used in this section is limited to this period of 1981-3. The changes were to three significant aspects. First was the improvement concerning dual or multiple citizenship. With the amendment on 13 February 1981,

withdrawal from Turkish citizenship is subject to permission of the Council of Ministers when ... citizenship of a foreign country has been acquired in any manner or when there is convincing evidence that someone is going to acquire a foreign country's citizenship.

(Turkish Citizenship Law)

This amendment was particularly significant for Turkish people who had gone to, for instance, Germany as guest workers but who had eventually settled there. Previously, holding dual or multiple citizenship had not been permitted; however, because of the problems arising from the situation of Turkish emigrants settled in other countries, this new law was designed as a solution (Abadan-Unat and Kemiksiz 1986; içduygu 1996a; 1996b; içduygu *et al.* 1999). According to this law, people wanting to acquire citizenship of another country would first apply to the authorities and obtain the permission documents for withdrawal from Turkish citizenship. However, after they acquire another country's citizenship, there is still an opportunity to retain Turkish citizenship by returning the required documents to the Turkish authorities within three years of obtaining the permission documents. According to içduygu *et al.* (1999), Turkey decided to permit dual citizenship for its citizens living abroad because of the practical national interests of "the wish to keep close contacts with its citizens abroad, and therefore encouraging emigrants to retain their citizenship and transfer it to their children." Even though the implementation of dual citizenship is a challenge to the general definition of citizenship which holds that "citizenship should be unique" (Brubaker 1989), Turkey took an adoptive attitude in this dual citizenship debate. Although Turkish emigrants had some uncertainties about dual citizenship (içduygu 1996a; 1996b) they responded quickly to the new developments. Starting from the amendment of the law,

until the transition to multi-party politics in November 1983, a total of 1,171 people applied for permission to renounce their Turkish citizenship.⁹

Another significant development was related to the circumstances the country went through after the military coup. The military leaders of the period viewed the ideological polarization in the country as the real cause of the situation, especially as represented by the left. Therefore many leftist intellectuals and people were arrested and imprisoned. Some fled the country; however, a new law was put into effect which would leave them without Turkish citizenship. The meeting on these changes to the citizenship law was held in camera and thus the debates were not made public.

According to the law numbered 2383 and dated 13 February 1981 (*Resmi Gazete*, 21.3.1981, no. 17,286), which was annexed to Article 25 of the Turkish Citizenship Law dated 11 February 1964 and numbered 403,

a person who has been engaged in activities violating the internal and external security of the Turkish Republic or the economic and financial security of the country in the form of an offense described by the law or a person who, after being engaged in such activities at home, has in any manner gone abroad such that it is not possible to file a public action against him or to initiate penal proceedings or to enforce a ruling and who has failed to return despite notification within three months, or in the case of a Martial Law or Emergency Situation within one month, shall lose his citizenship.

(Turkish Citizenship Law)

In line with this law, people who had fled the country for fear of being arrested because of ideological affiliations or offenses, lost their Turkish citizenship (*Resmi Gazete*, 1981 3). This law and its enactment are significant in the sense that many people were left without citizenship for the first time, and this would lead to problems after the transition to civilian rule. Another significant aspect related to this law is that it determined "who would deserve membership of the state and who would not"; besides, the law was used as a kind of punishment for those who did not act in accordance with the principles of the regime.

Starting from 1981 there is a large-scale loss of citizenship on the part of the non-Muslim elements of the republic for the reasons expressed in Article 25 of the Citizenship Law, paragraphs (a),¹⁰ (c), (d) and (e). The amendment of these paragraphs indicates the increasing concern for those who have left the country and have not returned. However, the two articles of the Citizenship Law Article 20 for withdrawal permission and Article 25(a) - seem contradictory. While one states that "a person who has acquired the citizenship of a foreign country in any manner can have withdrawal permission," Article 25(a) refers to, as mentioned above, "those who have acquired foreign citizenship without obtaining permission." As the former does not mention any form of permission before the acquisition of foreign citizen-

ship, it becomes problematic to decide who would lose his/her Turkish citizenship and who would get withdrawal permission. Rather it seems to be a kind of method used to eliminate those non-Muslim citizens who were living abroad, even though this argument may seem rather tough.¹¹ On the other hand, there was the naturalization of large numbers of people of "Turkic origins" in a significant manner. When decisions of the Council of Ministers are issued in *Resmi Gazete* (Official Gazette) it is quite easy to find pages of lists of people of Bulgarian, Yugoslav or Afghan nationality who have been admitted to Turkish citizenship. The legal reason for this admission is found in the Law on Settlement mentioned above. By analyzing those two developments we can draw some significant conclusions. Even though it seems to be merely a legal process, while forcing non-Muslim citizens to give up their citizenship, admitting others to citizenship reflects more than that. It resembles the process of Turkification of the population in the early republican period, especially when the increasing emphasis on the Turkish-Islamic synthesis in the 1980s is taken into consideration.

During the period of 1981-3 many people were admitted or re-admitted to Turkish citizenship in line with the laws mentioned above. During this three-year period there was an ongoing process of both withdrawing citizenship from some people and admitting others to citizenship. Compared to the previous periods there is an increasing concern with the issue. It seems as if by taking hold of the state, the military regarded itself as responsible for issues related to citizenship and started to put forward new solutions to these problems. However, the changes made during this period led to other problems after the transition to civilian rule.

Issues of citizenship did not appear on the agenda of the Parliament again until 1989. Starting from January 1989, some aspects and articles of the Citizenship Law began to be debated in the Parliament. For instance, it was proposed to annul Article 25(g). Even though the proposal was rejected, it paved the way for discussions on the practices of the military regime on citizenship. During this period we witness an increasing concern with citizenship, which was viewed as a basic human right from which no one should be expelled arbitrarily. Also, those implementations were seen as an obstacle to Turkey's relations with the EC, and the military regime was criticized for its implementations on citizenship (Speech of Ali Haydar Erdogan, *TBMM Tutanak Dergisi*, 20.4.1989: 309-12). It was a period when Turkey's citizenship issues were starting to be discussed with reference to the Universal Declaration of Human Rights, international law, and Europe.

The annulment of Article 25 paragraph (g) came eleven years later, on 27 May 1992. The proposal was discussed in Parliament on 13 February 1992. In the proposal it was stated that a total of 227 people had lost their citizenship in accordance with paragraph (g). The reason behind this proposal was declared as in order to make this law and practices of human rights in Turkey compatible with universal traditions, international treaties, Turkey's political regime and with the society's aspirations for integration with the

modern world (*TBMM Tutanak Dergisi*, 17.2.1992). Thus, the annulment of paragraph (g) of Article 25 was accepted and the documents and records of the people concerned were updated; furthermore, all their property, which had been confiscated by the government, was returned.

During the 1990s, Parliament was concerned mostly with the dual citizenship problem and legal procedures. On many occasions questions were raised about the process of withdrawal from citizenship and the problems and shortcomings of the system. In order to solve this problem and find a solution to the status of those living in other countries, withdrawal from Turkish citizenship was made easier. The requirement of completing military service before withdrawal was annulled (*TBMM Tutanak Dergisi*, 7.6.1995, pp. 98-101). Besides, Article 29 of the Citizenship Law stating that a person who has lost Turkish citizenship will be treated as a foreigner, was changed by adding a statement that they may have the rights of a Turkish citizen in matters such as residence, acquiring and transferring real estate, inheritance and labor (*ibid.*).

The underlying goal of this change was to encourage dual citizenship among Turkish migrants living in other countries. This encouragement however, was based on the promotion of the interests of Turkey in those countries by placing those people in key positions in, for example, political life. When the proposal was being debated in the Parliament, all party representatives emphasized the importance of the Turkish people's votes, if they were to be naturalized in the countries concerned, for the formation of coalition governments. In other words, those people were regarded as the representatives of Turkish interests in the countries where they lived. It was not an attempt to solve the problems of those people's status in their country of residence and help them enjoy equal rights with the natives of those countries.

Hammar (1989: 81) notes that debate over dual citizenship involves the question of the meaning of citizenship. In the dual citizenship debates in Turkey, citizenship in this sense was limited to a legal definition, that of acquiring legal membership of the host country. However, the social and cultural aspect was perceived to be reserved for Turkish citizenship. In other words, it was believed that those people who acquired another country's citizenship would still serve the interests of Turkey in the host country.

Starting from the early 1980s, citizenship became a significant issue in Parliament. At first it was used as a kind of control mechanism and as a form of punishment for those who were "against the regime." After the transition to the democratic multi-party system, it was again an issue, but this time to meet the requirements of democracy. As had always been the case, parliamentary and legal concerns on citizenship were limited to the European or Western point of view. The legal codes and implementations were criticized and annulled because they were seen as obstacles to the modernization and development of Turkey. The changes regarding dual citizenship, as mentioned above, were made with secondary concern for Turkish

people seeking the benefits of Turkey in the countries where they lived and had become citizens. As is clear from the changes made, dual citizenship was encouraged. It was stated that citizenship laws stem from the internal and special needs and features of each individual country. However, the internal problems of citizenship were not even debated in Parliament. But as identity problems increased, and new problems related to Turkish citizenship as defined by the state emerged, new discussions and debates came onto the agenda.

Conclusion

When we examine the history of the Turkish Republic, we witness certain shifts in the conception of citizenship. During the formation of the Republic the legal conceptualization was more in line with the French version. However, starting from the 1930s it became closer to the German version. On the other hand, there was and is a close affiliation to the civic republican understanding, which emphasizes the primacy of the state and the duties of the citizen. The citizenization process in the early republican period had the major objective of constructing a citizen who was devoted to the sustenance of the Kemalist revolution. This was carried out not only through legalistic developments, but in almost all aspects of life as well (Soyank 2000). The 1961 Constitution represents a transitory period when the emphasis shifted toward the rights of the citizen and a more liberal understanding. However, after 1980 there was a revival of the early republican conception, one which the state still tries to adhere to. When increasing identity claims and social unrest are taken into consideration, we can argue that there is a deep need in Turkey for a change in the Constitution, which was one of the major requirements for candidacy to the EU. The recent constitutional amendments of 2001 and 2002, regarding basic rights and liberties, the abolition of capital punishment, the extension of opportunities for broadcasting in mother tongues, and the new package of reforms of the new government of the Justice and Development Party for the extension of freedoms and adoption of the standards of the European Union, hold out some hopes for a more rights-oriented and liberal understanding of citizenship. However, in my view, there is still a need for a new constitution. This new constitution should be devised not from above, but by taking the people's desires, opinions and needs into account. In order to accomplish this, "an interplay between institutionalized processes of opinion and will formation and the informal networks of public communication should occur" (Habermas 1994: 351). Then we might see the possibility of democratic state-society relations in Turkey, which would be based on a new constitution, recognizing the importance of the language of the rights of individuals as citizen-subjects.

Notes

- 1 [http://www.eu2002.dk/news/upload/conclusions DER_CPH2002121323534.doc](http://www.eu2002.dk/news/upload/conclusions_DER_CPH2002121323534.doc)
The concern over implementation of the legal reforms is expressed also in the EU's 2003 Regular Report on Turkey's progress towards accession. http://europa.eu.int/comm/enlargement/report_2003/index/htm
- 2 Here Yıldız (1998) quotes the statement of reasons for Article 88 as:

Since the Ottoman Empire had been obliterated and perished, the members of the nation could no longer be called "Ottoman." National self-honor cannot accept belonging to a dynasty. Our state is a national state, not an international or supra-national one. The state can recognize no nation other than the *Türk*. It is not proper to consider racial differences as an obstacle to nationality since there are peoples *of* different origins in the country who possess equal rights. Likewise, since freedom of conscience is certified, religion also has not been considered as a hindrance to nationality. The Turkish nation too, like all the new nationalities, could embody people of different races. But it is the community of the Turks (*Türklük camiası*) that has the capability of bringing together all the races. (see *TBMM Zabıt Ceridesi*, 2nd period, meeting 2, 7: 216, 9.3.1340 (1924))

- 3 This article is different from Article 88 of the 1924 Constitution that stated that everyone who is admitted to citizenship through the Citizenship Law is considered as a Turk. The 1312 numbered Citizenship Law stated that every child born of a Turkish father or a Turkish mother would acquire Turkish citizenship. The 1961 Constitution granted citizenship status only to those children born of Turkish fathers, and leaves the status of children born of Turkish mothers ambiguous by stating that their status would be arranged by law. The citizenship law will be analyzed below.
- 4 In fact, the limitation on the rights mentioned in the Constitution of 1961 started with the 1971 coup by memorandum and many of the related articles were re-amended.
- 5 The Law Proposal was dated 28 May 1962. See *TBMM Tutanak Dergisi*, 20/1: 477-97, 507-11, 29.8.1963. Also see *TBMM Tutanak Dergisi*, 26/1: 504-8, 11.2.1964.
- 6 This provision was laid down in Article 11 of the 1312 numbered Turkish Citizenship Law.
- 7 The Council of Ministers may rule that the following persons have lost their Turkish citizenship:
 - (a) those who have acquired foreign citizenship without obtaining permission,
 - (b) those who were in any service of a foreign country not in line with the interests of Turkey and were notified in the name of the government by embassies or consulates abroad or by local administrative officials at home to give up such services but declined to do so voluntarily during the given period which may not be less than three months,
 - (c) those who continue to work without the permission of the government in any service of a country which is at war with Turkey,
 - (c) those persons abroad who are called by the competent authorities to do their military service or, in time of war, to join home defense but have not done so within three months without excuse,
 - (d) those who abscond to foreign countries while being forwarded for military service or after joining their units and do not return within the legally prescribed period,

- (e) those members of the armed forces or military incumbents who are abroad on duty, on leave, for changing climate or for medical treatment and fail to return home within three months without excuse after the expiry of their terms,
- (f) those persons who after acquiring Turkish citizenship by the competent authority, live outside Turkey for at least seven years without a break and do not undertake any formal contacts and transactions to indicate that they have not cut off their interest in and ties with Turkey and that they have maintained their Turkish citizenship.

But the formerly exercised requirement for them to leave Turkey and clarify their properties was annulled, and they were given the possibility of re-admittance to Turkish citizenship. But before or during the re-admittance process, they would be considered as foreigners.

- 8 However, Nomer (1988: 46-7)) argued that those articles were not discriminatory or contrary to the provisions of the International Convention on the Elimination of All Kinds of Discrimination of Women, which was enacted on 3 September 1981 and signed by Turkey in 1985. (Here it should be noted that this is a later development, and during the 1960s the international debates on the status of women were not very strong). Nomer stated that the articles concerned granted a more "privileged" status to women than men, rather than discriminating or subordinating them. Nevertheless, it seems a bit naive to suggest that an article that excludes children born of Turkish mothers and foreign fathers from Turkish citizenship, or in a way urges the Turkish woman concerned to admit her husband's citizenship is a privilege.
- 9 Those resolutions can be found in *Resmi Gazete* (Official Gazette) of 1981-3.
- 10 This paragraph is amended per law no. 2383/6 on 13 February 1981, like paragraph (g) of Article 25 of the Citizenship Law. However, as mentioned in the text, the original draft of the law cannot be scrutinized as the meeting was held in camera. The Turkish Citizenship Law and the Official Gazette are used in this text as references.
- 11 It is not possible to list all the names here, but they are available in the relevant issues of *Resmi Gazete* (Official Gazette).

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