
Minorities and Minority Rights

in Turkey

Power and Human Rights

SERIES EDITOR

Zehra F. Kabasakal Arat, University of Connecticut

EDITORIAL BOARD

Eva Brems, University of Ghent

Dan Chong, Rollins College

David Cingranelli, Binghamton University

Sakiko Fukuda-Parr, New School for Social Research

David Forsythe, University of Nebraska

Rhoda Howard-Hassmann, Wilfrid Laurier University

Kathryn Libal, University of Connecticut

Minorities and Minority Rights in Turkey

From the Ottoman Empire
to the Present State

Baskin Oran

Translated by John William Day



BOULDER
LONDON

This translation was produced with the financial support of the European Union within the framework of the European Union Sivil Düşün Programme. Its contents are the sole responsibility of the author and do not necessarily reflect the views of the European Union.



Published in the United States of America in 2021 by
Lynne Rienner Publishers, Inc.
1800 30th Street, Suite 314, Boulder, Colorado 80301
www.rienner.com

and in the United Kingdom by
Lynne Rienner Publishers, Inc.
Gray's Inn House, 127 Clerkenwell Road, London EC1 5DB
www.eurospanbookstore.com/rienner

© 2021 by Lynne Rienner Publishers, Inc. All rights reserved

Library of Congress Cataloging-in-Publication Data

Names: Oran, Baskin, author. | Day, John William, translator.
Title: Minorities and minority rights in Turkey : from the Ottoman Empire to the present state / Baskin Oran ; translated by John William Day.
Description: Boulder, Colorado : Lynne Rienner Publishers, Inc., 2021. | Series: Power and human rights | Includes bibliographical references and index. | Summary: "A comprehensive analysis of ethnic and religious minority rights in Turkey, encompassing the Ottoman era to the present"—Provided by publisher.
Identifiers: LCCN 2020031846 | ISBN 9781626378612 (hardcover) | ISBN 9781626379343 (ebook)
Subjects: LCSH: Minorities—Turkey—History—20th century. | Minorities—Legal status, laws, etc. —Turkey. | Human rights—Turkey. | Turkey—Ethnic relations—History—20th century.
Classification: LCC DR434 .O725 2021 | DDC 323.1561—dc23
LC record available at <https://lccn.loc.gov/2020031846>

British Cataloguing in Publication Data

A Cataloguing in Publication record for this book is available from the British Library.

Printed and bound in the United States of America



The paper used in this publication meets the requirements of the American National Standard for Permanence of Paper for Printed Library Materials Z39.48-1992.

5 4 3 2 1

I “met” her at the very beginning of the 2000s, when she wrote asking me to contribute an article on minorities in Turkey to her *Human Rights in Turkey* (2007). The book should include material on domestic law, she said.

Documenting how Turkey’s domestic law, that is, administrative and constitutional law, affects the human rights of minorities would amount to writing an entire book. But she was right, and I proceeded. This resulted in the promised article, along with the *Minority and Cultural Rights Report* (2004), which was destined to be an official milestone and stir quite a controversy—and even to generate death threats. Then, the process continued with the two books I mention in the preface.

Besides naming the book you now hold, she was essential in revising it in a way to suit the English-language reader.

I dedicate it to my friend and colleague, Professor Zehra F. Kabasakal Arat of the University of Connecticut.

Contents

<i>List of Tables and Figures</i>	ix
<i>Preface</i>	xi
1 Ethnic and Religious Minorities: A Conceptual Framework	1
2 Minorities in the Ottoman Empire	11
3 Minorities in the Republic of Turkey	25
4 Turkey's Obligations Under International Law	79
5 Minorities in Turkey's Laws and Legal Structures	105
6 Legislative Reforms, Resistance, and Reversals	169
7 The Ideological Foundations of Repression and Discrimination	221
8 The Implications of Persistent Rights Violations	241
<i>List of Acronyms</i>	251
<i>Bibliography</i>	255
<i>Index</i>	261
<i>About the Book</i>	275

Tables and Figures

Tables

5.1 Mustafa Kemal Pasha's Choice of Words Before and After the Republic	111
8.1 The Three Waves of Modernization in Turkey: A Comparative Summary	246

Figures

3.1 Number of Students in Rum Schools, 1920–2010	35
7.1 The Supra-Identity and Sub-Identities in the Ottoman Empire	225
7.2 The Supra-Identity and Sub-Identities in the Republic of Turkey	226

Preface

Unlike the rest of the world, which perceives *minority* to mean groups that differ in ethnic, linguistic, and religious content, in the official discourse of Turkey this term refers to only a very small portion of the population: non-Muslim citizens who make up in the twenty-first century approximately 0.1 percent of the population. The roots of this narrow understanding lie in the 1454 *Millet* system and the 1923 Lausanne Peace Treaty that came from it.

Nearly a century has passed since 1923, during which the world made colossal advances in the area of human and minority rights through various international instruments. The Republic of Turkey has signed and bound itself to a number of these, but major problems remain, particularly concerning non-Muslims, Alevis, and Kurds. Violations of the rights of the latter two groups, some 15–20 million each, which are not acknowledged as minorities by the state, constitute an existential problem for the existence of Turkey.

This book, which represents my work on minorities since 1974, builds on two of my previous books. The first one, *Minorities in Turkey: Concepts, Theory, Lausanne, Domestic Legislation, Case Law, Implementation* (in Turkish, 2004) was a medium-sized book, 280 pages in length. The second, *Ethnic and Religious Minorities: History, Theory, Law, Turkey* (in Turkish, 2018) represented a far more developed and updated form of the first and was longer (496 pages). The book you now hold is both an abbreviated and, in a sense, more detailed version of the second.

The reason for “abbreviated” is that I have removed the general information that the interested reader might find in other books. In regard to “detailed,” I have provided more information on minorities in the Ottoman Empire and the Republic of Turkey that the same reader might not find collected in a single source, updated through 2020.

In the United States, the table of contents often includes only the titles of the chapters. In continental Europe, including Turkey of course, political science books have, at the end, a “Detailed Contents,” which includes all headings and subheadings, to help the reader more than an index would. I excluded this during revisions, but please email me at oran@politics.ankara.edu.tr if you would like an electronic copy of it.

While writing on minorities in Turkey, both recognized and not, I had the opportunity to work with related community leaders, and I thank them in the endnotes. My friend Laki Vingas, a leader of the İstanbul Rum community, particularly deserves to be mentioned here because his help was tremendous. I also would like to thank my old friend Ülkü Özen for her contribution in preparing the index.

When someone of my age works on a rather long document in Word, computer problems are bound to arise, jeopardizing many months of effort. Here, my young friend Bülent Küçükaslan was available practically all hours of the day and night, in close connection from 300 miles away.

The expert translation of this book by John William Day of Bilkent University in Ankara was made possible thanks to funding from the European Union Sivil Düşün Programme—one among the many contributions the EU has made to human and minority rights in Turkey. The abbreviation and formatting of the text to match the standards of Lynne Rienner Publishers, meanwhile, were made possible thanks to months of labor by my friend at the University of Connecticut, Zehra F. Kabasakal Arat.

Happy and lucrative reading to all,
—B. Oran

1

Ethnic and Religious Minorities: A Conceptual Framework

The analysis of the ethno-religious minorities presented in this book is undertaken with an understanding that the Republic of Turkey is both an antithesis and continuation of the Ottoman Empire. It is an antithesis, because the Ottoman Empire was based on the concept of *ummah*, faith-based community. This religious concept established the backbone of the Ottoman ethno-political organization, the *Millet* system. This system had two broad categories of *millets*: Muslims who were the ruling people (*Millet-i Hakime*, “those who hand down decisions”) and non-Muslims who made up the secondary group (*Millet-i Mahkume*, “those about whom decisions are made”). The latter group, which we today call “minority,” enjoyed considerable autonomy, although there was no concept of ethnic minority in the Ottoman society.

The Republic of Turkey, by contrast, was designed to create a new political community on the basis of a secular concept: “nation.” This “nation-state,” established in 1923 and replacing the Ottoman Empire, ended the autonomy of non-Muslim minorities and explicitly denied the existence of ethnic minorities within the nation. However, the republic was also a continuation of the Ottoman Empire, because in addition to being established on Ottoman lands, it attempted to form a secular nation constructed on the foundation of Ottoman society, the *Millet* system, albeit with some important changes. The concept of “Turk” was introduced and stressed as the primary ruling group within the Muslim population, the autonomy of non-Muslims was terminated, and Kurds, although Muslims, were moved to the category of “ruled people.”

My purpose in this book is to unpack this complex process, which involves social, political, and legal dimensions and spans over five hundred years. Focusing especially on the past hundred years, I examine

specific policies, identify their immediate and ongoing consequences, and raise questions on their likely future impacts.

KEY CONCEPTS

I employ a number of technical concepts. A few of them are already mentioned: ethnic and religious minorities, empire, nation-state, and the *Millet* system. Although these and other concepts will be fleshed out in the text, as they appear in specific contexts of usage, it is useful to briefly describe some of them at the beginning.

The Definition of Minority and Related Concepts

The concept of minority, as it is currently understood and used, is tied to the emergence of Protestantism in sixteenth-century Europe. Of course, during antiquity and the Middle Ages, there existed groups different from the majority (Jews, for example), but without officially designated rights or status, they were not referred to as minorities. In the Muslim world, there was no such term as *minority* until the twentieth century. The term *ekalliyet* started to be used in reference to some groups, which we now refer to as “minority,” in 1913, during the rule of the secular Young Turks.

We can consider this remarkably contentious subject and the concept of minority from two perspectives. First, from a broad sociological perspective, *minority* refers to a smaller (though sometimes such a group can be numerically larger), nondominant group in a community that possesses different characteristics than the majority and that strives to preserve these characteristics. This is the most general definition of the term, encompassing all disadvantaged sectors of society—women, the LGBTI (lesbian, gay, bisexual, transgender, intersex) community, the disabled, and so on. In this book, however, I will only consider minorities that constitute ethno-religious groups.

Second, from a restricted (legal) perspective, because there is no consensus between states regarding which “differences” count as the constituent of a minority (religion? language?), there is no agreed-upon definition of minority in international law. Instead, each state (or dominant group) defines the term according to its own interests. That said, it is certainly the case that, since the end of World War I in 1918, a general ruling consensus has emerged and defines these elements in terms of “race, language, and religion,”

The most widely accepted definition of minority to date is the one offered in 1977 by Francesco Capotorti, the special rapporteur of the United Nations (UN) Sub-Commission on Prevention of Discrimination and Protection of Minorities. This definition rests on five main items:

1. Difference. A minority must differ in various ways from the majority: race, color, religion, language, traditions, and the like.
2. Number. A handful of people with an interest in traditions and customs does not suffice. There must be a reasonably large number of people to hold such different characteristics to be protected. Yet a minority group should not be equal in number to the majority. Further, the geographical distribution of a minority within a country is not important; constituting the majority in certain regions does not matter.
3. Not being dominant. It is possible to have a small group in dominant position; then the majority should be protected as “the minority,” as in the case of the Republic of South Africa, where whites, who made up 20 percent of the country’s population, dominated the rest of the population until the end of the apartheid regime in 1994.
4. Citizenship. If a person is not a citizen, he or she belongs to a very different category: “foreigner.” We see this characteristic increasingly invoked in some current movements that seek the protection of some vulnerable groups, such as noncitizens, migrants, and asylum seekers, as “new minorities.”

Although these four characteristics constitute the objective conditions for counting as a minority, there is also a fifth one that can be considered a subjective condition:

5. Self-consciousness or self-awareness of being a minority. Just as there is no social class without class consciousness, an individual or group that is unaware of the differences and does not consider such differences as an indispensable condition of identity does not constitute a minority. For instance, a person or group that is voluntarily assimilating into a majority is not counted as a minority.

In practice, this consciousness becomes quite significant in two ways. First, in terms of space, autochthonous (indigenous) groups—that is, those minorities that have long been living in a country, those living in their “historical spaces”—both experience and preserve their minority

consciousness and sub-identities far more strongly than do allochthonous (nonindigenous) groups.¹ However, groups whose minority status derives from having to live outside of their own country (diasporas) tend to become more nationalist than those in their homeland and are less easily assimilated, particularly if their own religion is different from that of their new country. This is due to the fact that in many places, particularly in the Balkans and the Middle East, the primary component of “national” identity has been religion, and indeed denomination, far more than ethnicity or language.

Second, in temporal terms, it is very important whether the assimilation or the development of minority consciousness comes first. I call this the “chronological rule” and contend that if a national economic market takes shape before minority consciousness, then the latter has little chance to emerge, as the market tends to assimilate differences. In the reverse situation, if minority consciousness emerges before the development of a market, then all forms of state effort toward forced assimilation serve only to strengthen and sharpen minority consciousness.

Empire, National State, Nation-State

Although they are often used interchangeably, in political analysis of minorities and minority rights, it is necessary to distinguish the concept of nation-state from that of national state. The national state can be traced back to 1789, to the French Revolution. It denotes a form of state that establishes the *nation* as the source of sovereignty (as opposed to God, king, or dynasty). The nation-state, by contrast, is a more recent concept. It emerged late in the nineteenth century to denote a form of state that claims that the nation it seeks to establish is homogenous and has a single main identity; that identity corresponds to the identity of the reigning ethno-religious group; it serves as the *supra-identity*, with the consequence that all other identities, which can be called *sub-identities*, are rejected. To ensure cohesion, this supra-identity is venerated as the only acceptable identity for the citizen.²

The nation-state was first born in Europe at the last quarter of the nineteenth century in response to the need to establish cohesion. France and Germany, which were emerging as the rivals of Great Britain in its imperialist ventures, needed to have the support of all their peoples, to make the state a singular, homogenous bloc. Thus, the emphasis was on eradicating all differences through assimilation.

As these imperialist countries expanded their control across the world, they profoundly affected the dominated lands and their people. Yet, either because they looked down on them or because they assumed standardization in the colonies was simply impossible, they did not seek forced assimilation in the controlled territories. However, they unwittingly created their antithesis: the development of national consciousness and nationalism in their colonies. The petit bourgeois intellectuals of the dominated territories, who received Western education, propagated nationalism and called for independence. After gaining independence, through a “revolution from above,” they set out to construct a previously nonexistent social entity, a nation. A revolution from above may constitute a jump start of sorts for the newly independent countries with weak internal institutional structures, but it can be carried out only through major repression.

Thus, we can briefly tell the story of “nation-state” as emerging first in Europe in the 1870s and then showing signs of a transformation to a democratic state after World War II, followed by its reemergence in non-Western countries to promote a monotype national identity—a model that was learned from the countries of imperialist Europe and founded on Western values.

The Republic of Turkey was one such state, arguably the first. What Turkey pioneered in the 1920s would be repeated in some form or another following the waves of independence in the former colonies starting in the late 1950s. Because the founders of these nation-states were aware that the nation that was claimed to be monist in identity in fact embodied significant ethno-religious diversity, they carried out two types of policies to forcibly achieve homogenization—assimilation and ethno-religious cleansing—with the policy choice depending on the character of the people in question. Those who could not be assimilated were subjected to the second policy.

Minority Policies of the State: Recognition, Assimilation, and Cleansing

From the perspective of minorities, states can be divided into two categories: (1) a host state, that is, a state in which minorities live and which they refer to as their country; and (2) a kin state, that is, another state (usually neighboring) to which the minority group feels some ethnic or other affinity and thinks of as a motherland. Host states may apply three types of policies toward minorities: the recognition of rights, assimilation, and ethno-religious cleansing.

The recognition of rights may come about as a result of a constitutional order or international treaties. For minorities, these rights appear in two forms. “Negative rights” are those possessed by everyone in the country, such as the right to vote, own property, or travel. “Positive rights,” by contrast, are granted only to so-called disadvantaged groups. Positive rights (also called positive discrimination) intend to ensure equal outcome, to uplift the disadvantaged, which of course includes minorities, and to help minorities in maintaining their identity (e.g., setting up their own schools and carrying out education in their own language).

Minority rights are a sub-branch of human rights. However, historically, the concept of minority rights emerged before that of human rights, surfacing in international documents in the sixteenth century, whereas the concept of human rights emerged in the late eighteenth century (1789) and entered into international law in 1945, with the Charter of the United Nations.

The paired concepts of negative and positive rights, as well as minority rights and human rights, are reflected in policies that employed the concepts of the “prevention of discrimination” and the “protection of minorities.” These policies can also be referred to as individual or group rights. Although they are interdependent, on the distinction between collective rights/group rights and individual rights, we can state that the first refers to rights deployed by groups. For instance, a tribe might collectively decide on the number and kinds of animals to be hunted each year. The second refers to rights used by “individuals belonging to a group,” referred to as “minority rights.”

A nation-state may try to avoid granting minority rights and resort to assimilation or ethno-religious cleansing. Assimilation policies involve dissolving the particular characteristics of a minority within the majority, and in so doing, it eliminates the minority. Such policies involve not only repression of distinct cultural characteristics but also the erasure of the social memory of groups presenting differences. Assimilation strategies may take different forms: hard or soft, slow or fast, forced or voluntary, and so on. In the Balkans and the Middle East, assimilation has been sought typically for different ethnic or linguistic groups that belong to the same religion or sect as the dominant group. The Turkish nation-state has implemented such policies for a range of groups that are Muslim but not Turkish (e.g., Bosnians or Kurds).

The policy of ethno-religious cleansing is typically applied to minorities that the state considers, for various reasons (often due to racism), as impossible to assimilate or that it does not wish to assimilate.

late. Policies geared toward eliminating minorities can be grouped into three major categories:

1. Cleansing the group. This policy involves a rapid physical elimination of minorities. It takes a number of forms: genocide, deportation (forced migration, exile), expulsion through denaturalization, and forced exchange.
2. Physical attacks. They involve applying physical violence, threats, and intimidation to push minorities to emigrate.
3. Discrimination. This involves depriving minorities of the rights of citizenship through imposing restrictions in domestic law or obstruction of rights extended to minorities, whether in domestic law or in international agreements. Complicating the lives of minority individuals, discriminatory policies may force them to emigrate.

At the same time, the lines that separate these policies can at times be porous. Where soft or natural assimilation does not succeed, there may be a transition to hard assimilation or ethno-religious cleansing; or different forms of ethno-religious cleansing can be employed at different points in time.

Segregation as a policy aims neither to expel a minority from a country nor to attempt assimilation but intends to remove a minority from the sight and space of the majority, as much as possible. Thus, it may be considered a specific form of ethno-religious cleansing. The most prominent examples are the apartheid regime in South Africa until the 1990s and the racial segregation in the South in the United States until the Civil Rights Act of 1964 especially.

All of these methods have been applied both in the Ottoman Empire and in the Republic of Turkey, in various forms and degrees, sometimes in unique ways. For example, as elaborated in Chapter 5, erasure of non-Turkish identities was sought by changing the names of people and places.

STRUCTURE OF THE BOOK

The construction of minorities in Turkey, various policies pursued over time, their consequences, and the implications for the future are discussed in the subsequent seven chapters. Chapter 2 focuses on minorities in the Ottoman Empire. It explains the Ottoman *Millet* system, its roots in the conditions prevailing during the early years of Islam (the

seventh century), and how the notion of minority protection that emerged in sixteenth-century Europe resonated in the Ottoman Empire. The effects of this watershed event are followed through the capitulations extended to some European countries, to the bilateral and collective protection treaties imposed by major European powers to safeguard Christian minorities, and to the policies of a major international organization, the League of Nations.

In Chapter 3, I offer a map of minorities in the Republic of Turkey. I begin by distinguishing between non-Muslims whose rights are recognized by the Turkish state ("official minorities") and those who are not recognized. I then consider ethnic groups such as Kurds and Alevi, who are accepted as minorities according to international standards but not by the Turkish state.

Chapter 4 is devoted to Turkey's international obligations regarding minority rights. I begin with a discussion of minority-related provisions of the Lausanne Peace Treaty, signed on July 24, 1923, and carried out under the auspices of the League of Nations, and then consider the problems of their implementation by the Republic of Turkey. I then examine Turkey's resistance to the human rights and minority rights conventions adopted by the UN, either by avoiding ratification or ratifying them with reservations.

In Chapter 5, I examine the body of current law on minorities in the Republic of Turkey, considering both the implementation and case law. I uncover the relationship between the term *Türk* and the concepts of race and religion as expressed in the various constitutions and in laws issued since the 1920s. I then turn to the implementation of current laws for various minority groups mentioned in Chapter 3. I conclude the chapter with an explanation of the underlying philosophy of minority policies and how the high courts have handled the cases, by offering examples of specific court decisions.

A critical period for the advancement of human rights and minority rights in Turkey occurred in the early 2000s, when the parliament adopted a series of reform packages in order to harmonize the country's laws with those of the European Union (EU). In Chapter 6, following a discussion of these most radical democratic reforms carried out since the establishment of the republic, I examine how these reforms have been implemented. Although I place emphasis on the problems surrounding non-Muslims' charitable foundations, I also explore the reforms related to the Kurdish question and their implementation. In the second half of the chapter, I trace the process of deviation from these reforms after 2005, by examining the later laws and practices that undo

or undermine them, and I discuss their implications, particularly for Kurds. Under a separate heading, I analyze the deterioration under the state of emergency (Olağanüstü Hal, or OHAL), declared in response to the July 15, 2016, coup attempt.

In Chapter 7, I examine the ideological roots of the repressive and discriminatory mentality/philosophy that has been shaping the democracy and minority policies in Turkey, and I analyze the consequences of this mentality, with an emphasis on hate speech and discrimination. In Chapter 8, the final chapter, I summarize the culminating impact of the issues and policies discussed in the previous chapters and discuss their future implications for both the state and the people of Turkey.

Notes

1. George 1984, 113.
2. Oran 2010a, 21.

2

Minorities in the Ottoman Empire

As noted in the previous chapter, the Ottomans had no terminology directly corresponding to the contemporary concept of “minority.” Even so, they established the *Millet* system that assigned non-Muslims a position similar to what we would today refer to as minority status.

MINORITIES IN THE *MILLET* SYSTEM

This system was inspired by a document, the Constitution of Medina (Medine Vesikası),¹ that was issued by the Prophet Muhammad upon his migration to Medina in 622 CE, to regulate the relationship between the Muslim and non-Muslim tribes of Medina. It is important to note that this document had been issued well before the term *minority* had ever been voiced, some nine centuries before the concept emerged in sixteenth-century Europe. As I discuss in the following section, the document resonates in contemporary Turkey as well, because of its pre-modern Muslim origin and link to the country’s Ottoman heritage.

The Minority Issue in the Early Islam Period

The Constitution of Medina was a written contract devised by the Prophet Muhammad in the city of Yathrib (later named Medina), to which Muslims emigrated when they were forced to flee Mecca. Meccan Muslims, referred to as emigrants (*muhajirun*), and Yathrib Muslims who helped them settle in the new city and were thus called helpers

(*ansar*) constituted the Muslim community (*ummah*). Based on the principles of equality and voluntary participation, the constitution laid out the rights and duties of three groups: Muslims, Jews, and Arab polytheists (*mushrikun*).

The content of this contract was shaped by the particular conditions of this city. First, in 622 CE, Muslims were very much in the minority. Second, Yathrib was in a state of chaos, worn down by warfare and the animosity generated by a 120-year blood feud among the tribes. Everyone was waiting for a savior, and ultimately Muhammad was seen as the one.² This unifying figure, being a new migrant and belonging to the numerically minority group, would be more likely to be democratic, and he was. Moreover, this uniting figure offered a solution that would end the chaos but would not disrupt the traditional order, perhaps because he understood that bringing peace to Medina would reinforce his power and the city could be the base from which he could spread his faith. In other words, it was a win-win situation.

As Islamic rule expanded, however, the rulers' approach to non-Muslims changed. Especially under the rule of the second caliph Umar (634–644), following the territorial conquests in the Sasanian and Byzantine Empires, non-Muslim populations, instead of being treated as parties to a social contract, were subjected to a system of hierarchy and autocracy. They became *dhimmi* (persons under protection), as the Islamic state protected their lives and properties in exchange for obedience and extra taxation (*jizya*). They were allowed to observe their own religious and cultural traditions, but their ability to enjoy the "protected status" would continue insofar as the conditions imposed by Muslims were observed.

This system of protection was based on religious law (*sharia*); and it was bestowed, not guaranteed. It did not involve rights obtained through negotiations, as had happened in Europe following the conflicts between Protestants and Catholics. Nor did it involve a shift from subject to citizen and lead to democracy. The Muslim majority remained the custodian of the non-Muslim minority.

The Ottomans eased this order to some extent and recognized a form of nonterritorial autonomy for non-Muslims. However, they maintained the Muslim tutelage and established the *Millet* system in 1454.

The Millet System

With the conquest of Constantinople in 1453, the proportion of the non-Muslim population in the Ottoman Empire reached 60 percent overnight.

It became impossible to rule over so many different peoples through a legal system based on sharia. What we today call the *Millet* system set in motion the development of an order that involved autonomy and decentralization for non-Muslim groups but within a religious hierarchy. The system was made up of two asymmetric elements: (1) those who rule and judge (*Millet-i Hakime*), who were mainly Muslims, with Turks being “first among equals” in this group; and (2) those who were ruled, dominated, and judged (*Millet-i Mahkume*), which included non-Muslims recognized as the people of the book (*ehl-i kitap*), and Greeks (Rums) being the first among equals in this group.

Non-Muslims included three peoples: Rums, Armenians, and Jews. From the perspective of Rums and Armenians, the system was based on denomination. For instance, the Rum *millet* included other Orthodox groups (for example, Bulgarians) linked to the Fener Rum Ecumenical Patriarchate.³ Similarly, included within the Armenian *millet* were Syriacs (Assyrians), who belonged to an Orthodox group different from that of the Rums. In the nineteenth century, as a result of Western missionary activities, these groups grew in kind. By World War I, there were more than ten different *millet* groups, including categories such as Protestant Armenians, Catholic Armenians, and not ethnically defined Protestants and Catholics. This was partially caused by the strengthening of a bourgeoisie within Rum and Armenian communities that created centrifugal class tendencies affecting the religious hierarchy. At the same time, some Rums and Armenians left their Orthodox churches to embrace Protestantism and Catholicism as a result of missionary activity.

Significant restrictions and regulations were imposed on non-Muslims. In addition to paying an additional tax, or *jizya*, they could not wear green, ride horses, carry weapons, testify against Muslims, be heirs to Muslims, marry Muslim women, or become the head of state. Until the Tanzimat reforms of 1839, and even until the 1856 Edict of Reform, they could not attend military schools or become civil servants.

At the same time, non-Muslim communities enjoyed a significant degree of autonomy and self-governance in their affairs, including the areas of administration, supervision, finances, education, law, and particularly religion. The religious leader of every *millet* was to establish and implement rules related solely to that group. He would collect taxes from the community, administer and supervise the use of funds, represent the community before the state, and adjudicate civil lawsuits among members of the community. (The penal code was centralized.) He was also held responsible for the community's loyalty to the sultan.

The sultan, in turn, ensured that the members respected and obeyed their community leader.

Compared to the European countries at the time, where there was very little religious tolerance and massacres were common, non-Muslims in the Ottoman Empire were quite well-off. Thus, many tend to view the Ottoman model as a system of tolerance. However, far from being a multicultural system of mutual respect, the *Millet* system was a “rational” response to some conditions specific to the period:

1. The systemic situation: Granting some autonomy to various groups was not unique to the Ottomans but was practiced by the empires of antiquity (e.g., the Roman Empire); the endurance of the empire depended on it. In fact, the limited communication and transportation technologies would not permit any other viable way to rule over such large and varied populations and structures. What was expected of different communities was nothing more than paying their taxes and remaining loyal to the emperor.
2. The economy: The bulk of the Ottoman Empire’s income came from the spoils of European conquests every spring (from plundering), and from the imposition of taxes on certain geographic regions. Yet as the mercantilist system took hold toward the end of the fifteenth century, trade routes shifted away from land routes crossing Ottoman territories in favor of sea trade between Europe and Asia, which led to economic stagnation in the Ottoman Empire. Moreover, unable to acquire new lands in Europe, especially after Europeans somewhat resolved their religious conflicts in the seventeenth century, the Ottomans depended on the wealth generated by their non-Muslim subjects. This was especially the case because non-Muslims were keeping the economy alive through production and trade, introducing technological novelties and a modern culture in Europe.
3. Foreign policy: The system made it possible for the Ottomans to maintain equilibrium with the world beyond. The moment Constantinople was seized, Mehmet the Conqueror worked toward strengthening the Fener Patriarchate against the papacy, allowing it to achieve a degree of power far greater than what it had enjoyed during the Byzantine Empire.
4. Domestic policy: The system integrated all Muslim groups—Turkish or non-Turkish—into a single Islamic *umma*. At the same time, it facilitated a practice of divide and rule by treating non-Muslims as distinct *millet* groups. Thus, non-Muslims could be played against each other in a balancing act.⁴

The Ottomans' tolerance toward and protection of non-Muslims are also eclipsed by some other events. As Europeans slaughtered their Christian minorities and tortured and expelled Jews, the Sunni Ottomans, the majority sect of Muslims, also slaughtered Alevis for centuries. Such massacres continued, on a smaller scale, during the republican period, and even after the country adopted some democratic institutions. The important point here is that the ruling group (*Millet-i Hakime*) is essentially composed of Sunni Muslims. Alevis, considered heretics by the Sunni state, were simply not considered to be part of the *Millet-i Hakime* by the Ottomans, a distinction that also applied to Roma people (commonly referred to as gypsies), who were counted as a "half-millet," leading to the popular saying, "There are 72.5 *millets* in Turkey." Alevis did not count either as "proper" Muslims or as non-Muslims, but rather occupied a liminal space, a gray zone of sorts, in state policies. It was only after the establishment of the republic that Alevis started to be considered a part of the majority and were sometimes included in the circle of Turkishness, at least by the secular state.⁵

The *Millet* system was abolished by the 1839 Tanzimat/Gülhane Edict, which declared all subjects of the sultan to be equals.⁶ The change, however, was only on paper, with little impact on the mentality or practices of the society. In fact, the Ottoman notion of the *Millet-i Hakime* continues to this day. The *Millet* system—created two centuries before religious minority rights began to be recognized in Europe, much to the credit of the Ottomans—was cloned in the Republic of Turkey in at least five documents or practices that overtly established a distinction between Muslim and non-Muslim: (1) the 1923 (compulsory) population exchange in the Lausanne Peace Conference, (2) Section III of the 1923 Lausanne Peace Treaty (Protection of Minorities), (3) the implementation of the 1936 Declaration, (4) the implementation of the 1942 Law on Wealth Tax, and (5) the establishment in 1962 of the Subcommittee on Minorities. The contents of these are discussed in subsequent chapters.

THE PROTECTION OF MINORITIES IN EUROPE AND ITS IMPLICATIONS FOR THE OTTOMANS

The emergence of Protestantism in Europe led to two kinds of bloodshed: Catholic and Protestant rulers massacring their own Protestant and Catholic subjects, respectively, and the sectarian religious wars between the Protestant and Catholic states, which were essentially political and enveloped all of Europe. When it became clear that matters could not go on this way and that their religious conflict was benefiting the Ottomans,

European states issued documents that provided provisions on freedom and protection of religion, such as the 1598 Edict of Nantes. The period between May and October of 1648 also involved a series of agreements bringing an end to the interstate Thirty Years' War, ultimately leading to the Treaty of Westphalia. These Western European principles about the protection of minorities spread first to Eastern Europe and then to the neighboring Ottoman Empire, in relation to its Christian subjects.

The Protection of Christian Minorities in the Ottoman Empire

External attempts regarding the protection of Christians in the Muslim world can be traced back to the outset of the Crusades in the mid-thirteenth century,⁷ but Europeans' concrete acts of intervention started in the Ottoman era. The Christians targeted for protection included both the "Levantines," meaning the European traders living in various Ottoman port cities, and the Christian subjects of the Ottoman Empire. The latter would be minorities by our conventions today.

Major European powers saw the protection of Christian minorities as an opportunity to intervene in Ottoman domestic affairs and advance their own interests. This intervention, starting with the protection of minorities by one single European state and expanding in different phases, can be taken as the most concrete example of the process of *internationalization* of minority protection in history.

Protection Through Bilateral Treaties: Capitulations

The term *capitulations* refers to an old practice carried out by the Byzantines beginning in the early twelfth century. It involved offering some privileges to foreign traders, particularly to those from the Italian city-states, as a means of encouraging foreign capital to vitalize the economy. The first Ottoman capitulations were granted through an edict issued by Orhan Bey to the Genoese around 1362. These financial, judiciary, commercial, and administrative rights and privileges, constituting extraterritorial concessions, were later extended to other European traders. They involved the ability to establish organizations in Ottoman cities, the recognition of the judicial authority of consulates in cases of commercial disagreements between foreigners, the right to coastal trade in Ottoman waters, and the freedom to travel, transport, and sell in Ottoman lands.⁸

At the beginning, those protected by capitulations were only foreign Christian traders. However, gradually, parallel to the increases in the European state representations in İstanbul, non-Muslim subjects of the empire started to be granted or sold these licenses issued for foreign traders. The Ottoman Christians who worked for the Europeans, referred to as *mahmi* (protected) and numbering more than 1 million by the second half of the nineteenth century,⁹ were the first ones to benefit. Because of these *mahmis* at least, we can claim that the bilateral treaty-based protection of minorities began with the advent of capitulations, known as *ahitname* in Ottoman Turkish.

Capitulations, which were originally granted by edicts, started to be granted through bilateral treaties. The most important bilateral capitulation, which came to play a significant role in Ottoman foreign policy and was renewed for centuries, was based on a 1535 agreement between the French king François I and Suleiman the Magnificent, officially known as the Treaty of Peace, Friendship, and Commerce with France, and it was expected to be valid in all future lands either ruler might hold and to be in force as long as each lived. Thus, capitulations were valid only during the reign of the signatory sultan. This practice continued until 1740, when those granted to France were made permanent by an agreement between Mahmut I and Louis XV.

The privileges granted with capitulations were reciprocal, but they tended to be asymmetrical. In fact, some would be moot for the Ottomans in practice, because Ottoman ships could not travel to Europe for trade purposes.¹⁰

After the Industrial Revolution, capitulations became a stumbling block for the empire. Because the land-oriented Ottomans had missed out on the economic phase of mercantilism, they quickly fell into a secondary position vis-à-vis Europe. Following the Industrial Revolution, the pre-capitalist Ottoman Empire found itself increasingly dependent on exporting cheap raw materials and importing expensive finished products.

With the outbreak of World War I, the government of the Committee of Union and Progress of the Young Turks unilaterally ended capitulations in 1914. After the war, Europeans attempted to restore capitulations in a stronger form in the 1920 Sèvres Treaty, but Article 28 of the 1923 Lausanne Peace Treaty ended them entirely. Until then, however, capitulations and the protection of Ottoman Christian minorities through them were sought via several bilateral treaties. The major ones are discussed briefly below.

The 1606 Peace Treaty of Zsitvatorok,¹¹ signed with Austria, ended the Fifteen Years War between the Ottoman Empire and the Habsburg

monarchy and involved several Ottoman concessions. This agreement can be taken as a symbol demonstrating that the Ottoman Empire no longer constituted a threat to Europe. The 1615 Treaty of Vienna, again signed with Austria, extended the Zsitvatorok Treaty for another ten years. Important for minority rights, Article 7 of the treaty stipulated that “clergymen who belong to the people of Jesus and bow before the Pope” (meaning Catholics) would, regardless of their citizenship, be able to build churches in the Ottoman Empire, worship, and enjoy the good treatment of the sultan and his people. Thanks to this provision, not only Catholics from Austria or other countries, but also Ottoman Catholics, started to enjoy a new sense of security.¹²

Between 1683 and 1698, the Ottomans clashed with the Holy Alliance, a group composed of four states (the Holy Roman Empire/Austria, Venice, Poland-Lithuania, and Russia) emboldened by the second Ottoman defeat in Vienna in 1683. This conflict, known in non-Turkish sources as the Great Turkish War, came to an end in January 1699 with the Treaty of Karlowitz,¹³ which included documents signed by the first three powers separately. Particularly important for minority rights is Article 13 of the treaty with Austria. This article guaranteed that Catholic priests would be able to carry out their duties with ease, repair their churches, and conduct religious ceremonies. Encouraging the “ambassador of the Emperor of Rome” to notify İstanbul of religious ceremonies and “Places of Christian Visitation in the holy City of Jerusalem,” it allowed the Austrian ambassador to reach out to the sultan concerning the religious problems of Catholics. Similar provisions are included in Article 7 and Article 14 of the documents signed with Poland-Lithuania and Venice, respectively.

This treaty marked the beginning of the period of protection for Catholic minorities in the Ottoman Empire through *de facto* interventions by foreign states. Such provisions were later renewed in Article 11 of the 1718 Passarowitz Treaty, Article 9 of the 1739 Treaty of Belgrade, and Article 12 of the 1791 Treaty of Svishtov, and reached a peak in the 1774 Treaty of Küçük Kaynarca with Russia.

The Treaty of Küçük Kaynarca¹⁴ brought an end to the Ottoman-Russian war of 1768–1774 and again marked a significant loss of territory for the Ottomans. The significance of the treaty for minority rights is layered. Article 7, noting a commitment to ensure the protection of the religious rights of Christians and their churches, extended the protections previously recognized for Catholics to all Christians. Thus, Orthodox Christians, too, could enjoy international protection. Moreover, the article paved the way for the Russian ambassador to “come

whenever necessary” to the Court of Sultan to make “various declarations” on the matter of the representation and protection of both a Russian church to be built in Beyoğlu (mentioned in Article 14) and its staff. It also ensured that future religious activities of the sort would be accepted by the Ottoman court.

Russians, like Greeks and Bulgarians living in the Balkans, that powder keg of the Ottoman Empire, were also Orthodox Christians. Given the large size of the Orthodox Christian population of the Ottoman Empire, Russia began to interfere ceaselessly in the Ottomans’ internal affairs, and its ambassador kept trying to bring the Balkans and the Turkish Straits (İstanbul and Çanakkale Straits) under Russian rule by invoking Article 7, which permitted the ambassador to “come whenever necessary.” In 1851, Russia demanded that the Sublime Porte explicitly recognize that Orthodox Ottoman subjects were under the protection of Russia. When it became clear that this would not be accepted, the Russian army was mobilized. Because the British and the French were concerned about Russia’s empowerment, they, along with the Kingdom of Piedmont, fought alongside the Ottomans against Russia. The Crimean War, which lasted for three years (1853–1856) ended with the 1856 Treaty of Paris, ushering in a new era for the Christian minorities of the Ottoman Empire.

Collective Protections: The Treaties of Paris and Berlin

The Treaty of Paris marked the beginning of multilateral negotiations and protection of minority rights.¹⁵ The Ottoman delegation went to Paris with its recently issued Edict of Reform (Islahat Fermanı), which renewed the principles of equality already announced in the 1839 Tanzimat Edict but now included long references to minorities and foreigners. Article 9 of the Treaty of Paris thus acknowledged this edict, stating that the sultan had issued an edict confirming the rights of Christian people without distinguishing between different races and religions. It also stated that this had been approved by the other signatories. This article further specified that the declaration of this edict did not grant the Christian states the right to interfere in the Ottomans’ internal affairs, separately or collectively. Thus, the Treaty of Paris employed the multilateral approach to minority rights that had been implicitly introduced at the 1815 Congress of Vienna¹⁶ and made the Ottoman Empire responsible, vis-à-vis those countries that joined the empire against Russia during the Crimean War. By these means, the treaty transitioned the empire into the nineteenth-century international system for

the protection of minority rights. Similar provisions were later included in the 1878 Treaty of Berlin.

The 1878 Treaty of Berlin granted civil and political rights to everyone living in the countries that had separated from the Ottoman Empire.¹⁷ The treaty was also important for recognizing national minorities, along with religious minorities, and bringing the Ottoman Armenian issue into the realm of international law. After all, the Berlin Treaty was issued to curb the influence of Russia over the eastern Anatolian Armenians. The Armenians of İstanbul, particularly the rich and the highborn (Amira), had long been integrated into the sultan's palace and occupied a privileged position within the empire. However, the Armenians of Anatolia (mountain people, peasants, and townsmen) owed their survival to the yearly tributes paid to the local Kurdish rulers—and these payments were in addition to the taxes they paid the Ottoman state.

This order was challenged when a Kurdish leader, Bedirhan of the Botan emirate in Cizre, who had risen up against the Ottomans, was defeated and exiled to Crete. Kurds, left without a leader and in chaos, began to plunder and kill Armenians, the goose that laid the golden egg. The situation of Anatolian Armenians grew even worse after 1859, when Circassian people from the South Caucasus, who were exiled after the defeat of Sheikh Shamil by the Russians, started to plunder Armenians as an easy way of making a living.

Armenians complained about their situation to İstanbul. Yet the Amira class and the patriarchate paid them little heed, as in their eyes the Armenians of Anatolia were mere peasants who did not share their refined culture and sensibilities. The palace also turned a deaf ear, because the 1839 Tanzimat Edict's declaration of the equality of Muslims and non-Muslims had already angered Muslims, mainly Kurds. Ultimately, the Ottoman state could not or did not prevent the constant attacks and plundering of its Armenian subjects by some of its Muslim subjects, namely, Kurds and Chechens, a situation that had been going on since the late 1840s. In other words, the Anatolian Armenians were abandoned. As a rural minority without weapons, organization, or anyone to lead them, they could not defend themselves.

However, their hopeless resistance movements, which began rather explosively in 1862, started to change when young Armenians began to organize and turn into petit bourgeois revolutionaries. They were influenced by social revolutionary Narodniks in European cities, especially in Saint Petersburg in Russia, where they went to receive an education. As a consequence, the neighboring Orthodox Russia decided to look out

for the eastern Anatolian Armenians. Article 16 of the 1878 San Stefano Treaty, signed at the end of the Turko-Russian War (1877–1878), addressed the Armenian issue for the first time in an international document.¹⁸ It stated: “the Sublime Porte engages to carry into effect, without further delay, the improvements and reforms demanded by local requirements in the provinces inhabited by Armenians, and to guarantee their security from Kurds and Circassians.”

San Stefano was a bilateral treaty, so the article in question made the Ottomans responsible to Russia, but the British could not allow any advancement of Russia’s position in relation to the “Eastern question.” British pressure resulted in the cancellation of nearly all articles of the San Stefano Treaty. Instead, within the same year, the Treaty of Berlin mentioned above was devised. Article 61 of this latter treaty stipulated the same reforms, though with a major difference: it made the Ottomans responsible not only to Russia but also to Austria, Great Britain, France, and Germany, though in practice, it meant being responsible to Great Britain. “The Sublime Porte undertakes to carry out, without further delay, the improvements and reforms demanded by local requirements in the provinces inhabited by Armenians, and to guarantee their security against the Circassians and Kurds. It will periodically make known the steps taken to this effect to the powers, who will superintend their application.”

The Ottomans, however, had no intention of carrying out any reforms. In fact, since the Armenian youth had organized and established parties such as Hinchak (1887) and Dashnak (1890), Abdülhamid II set out to silence eastern Armenians through bloodshed and mobilized the Hamidiye Regiments, which had been established in 1890 and were composed of large Sunni Kurdish tribes, to do the job.

Meanwhile, Russia emerged from this entire process as a major influential actor in eastern Anatolia.¹⁹ The Treaty of Yeniköy, signed on February 8, 1914, assigned about one-third of Anatolia to the administration of two European “General Inspectors” equipped with emergency authority. More important, there was a return to the San Stefano Treaty of 1878, meaning that the Ottomans were again responsible to the Russians on the matter of Anatolian Armenians. The Metz Yeghern (Great Calamity) of 1915–1916, which savagely erased the traces of Armenian existence and civilization in Anatolia, would erupt in the great panic engendered by the Treaty of Yeniköy within the Union and Progress government in İstanbul.

The “Eastern question” had transformed into the “Armenian issue.”

The Protection of Muslim Minorities in the Former Ottoman Territories in the Balkans

In addition to intervening on behalf of Christian minorities in the Ottoman Empire, Western European states also endeavored to protect Muslim minorities in the Balkan countries that gained their independence or autonomy. The main goal of France and Great Britain was to prevent Orthodox Russia from benefiting from any conflicts among religious minorities that might erupt in this Orthodox region, as well as to establish their own tutelage in these new states. Interceding immediately, they began to impose upon these states a number of treaties to protect religious minorities. These states had to accept these documents of protection in order to have their independence or the new expansion of their territory recognized.²⁰

The 1830 London Protocol recognized Greece as an independent state. According to Article 5, the Muslims who chose to remain on the lands and islands left to Greece would have their properties protected and be able to live in full security together with their families. Through another protocol, France assumed the protection of Catholics in newly founded Greece.²¹

The 1879 İstanbul Convention, signed between Austro-Hungary and the Ottoman Empire, dealt with transferring Bosnia-Herzegovina to Austria.²² According to Article 2, the relations of Muslims with their spiritual leaders were to occur in total freedom. Austro-Hungary was to protect the dignity, customs, religious freedoms, personal security, and properties of Muslims and severely punish attacks on the persons, properties, or religious lives of Muslims. The freedom of all religions and their open practice was guaranteed for everyone in Bosnia-Herzegovina.

The 1881 İstanbul International Convention was signed with France, Germany, Austro-Hungary, Great Britain, Italy, and Russia constituting one side, and the Ottoman Empire the other, with an eye to the expansion of Greece.²³ Article 3 stated that the lives, goods, dignity, religion, and traditions of Muslims living in Greece had to be respected, and these people were to possess the same civil and political rights as citizens with Greek origins. Articles 4–6 protected their property rights. Article 7 stated that those living in neighboring regions would continue to send their flocks to pastures where they had before. Article 8 specified the protection of religious autonomy, the organization and administration of property, and it recognized the authority of local sharia courts on religious matters. Greece would not conduct searches and purges specifically targeting weapons owned by Muslims (Article 11). Those who

wished to maintain their Ottoman citizenship could have three years to move their residence to the Ottoman Empire (Article 13), and they were to be exempt from military service during this period (Article 6).

Following the Balkan War of 1912–1913, the Ottomans signed bilateral peace treaties, on September 29, 1913, with Bulgaria; and then with Greece on November 14, 1913, which gained Thessaloniki, South Macedonia, and Crete.

The 1913 Treaty of Athens,²⁴ signed with Greece, was quite important in terms of minority rights granted to Muslims. The authority of muftis (Islamic jurists) and head muftis, who would be elected by Muslims, would not be limited to overseeing religious matters and the administration of religious foundations, but extended to matters related to Muslim marriages, inheritance, alimony, and the appointment of guardianship. Of the three protocols added to the 1913 treaty, the third granted important minority rights to Muslims. It allowed the head mufti and other muftis to hold the rights and duties assigned to Greek public servants. The education in Muslim private schools would follow the state program but would be conducted in Turkish, with the condition that Greek be required as well. Muslim communities were also recognized as legal entities. The most important aspect of the protocol was that it extended the rights granted in the 1913 treaty, which had been applicable only in lands transferred to Greece, to all Greek lands, including the lands that could be acquired after 1913.²⁵

Other treaties of protection in territories that changed hands in the nineteenth century were carried into the twentieth century. Following the establishment of the League of Nations on January 10, 1920, the practice of collective protection transformed into international protection under the umbrella of an international organization. Before delving into the discussion of this phase in Chapter 4, I will lay out the range of minorities in the Republic of Turkey that were inherited from the Ottoman Empire.

Notes

1. Bulaç 2020.

2. Hür 2013.

3. The official name is the Ecumenical Patriarchate of Constantinople. I also employ the Fener Patriarchate and the Rum Patriarchate.

4. For example, in 1461, Mehmet the Conqueror moved the Armenian bishopric from Bursa to İstanbul and established the Armenian Patriarchate to balance the power of the Fener Patriarchate, which he had strengthened upon the conquest. Similarly, in 1493, his son Bayezid II brought thousands of Jews expelled from the

Iberian Peninsula, not as a protector of human rights but to prevent Rums and Armenians, autochthonous peoples of Anatolia, from gaining a monopoly over trade and to counterbalance their power by supporting an allochthonous group, in this case Sephardic Jews.

5. See, for instance, Ateş 2011.
6. See https://en.wikipedia.org/wiki/Edict_of_Gülhane.
7. Thornberry 1994, 27.
8. For details on capitulations in the Ottoman Empire, see Pamir 2002.
9. Bozkurt 1998, 154.
10. For these asymmetrical concessions in the treaty, see Erim 1953, 9–15.
11. For the text, see http://germanhistorydocs.ghi-dc.org/pdf/eng/77_A_B_Peace_1606_ENG.pdf.
12. Rudesco 1929, 28; Krstitch 1924, 48.
13. For the text of the treaty, see http://www.fas.nus.edu.sg/hist/cia/documents_archive/karlowitz.php.
14. For the text of the treaty, see https://wikivisually.com/wiki/Treaty_of_Küçük_Kaynarca.
15. For an English version, see https://content.ecf.org.il/files/M00934_TreatyOfParis1856English.pdf.
16. During the 1815 Congress of Vienna, held to discuss Europe in the post-Napoléon era, a conservative order was established, known as the Concert of Europe. Christian minorities, who had been previously protected by bilateral treaties, would now be brought under the collective protection of the major Western monarchies. Although not stated explicitly, this was what the treaty implied (Krstitch 1924, 181).
17. For the text, see https://archive.org/stream/jstor-2212670/2212670_djvu.txt.
18. For an English version, see <http://www.deutscharmenischegesellschaft.de/wp-content/uploads/2011/01/Der-vorläufige-Friendsvertrag-von-San-Stefano-17.-März-1878.pdf>.
19. The British finally gave up on reining in Russia, because Germany, after its unification in 1871, constituted a greater threat. In order to win an ally capable of exerting pressure on Germany from the east, the British kept quiet on the Russian imposition of a new treaty on the Ottomans.
20. On these treaties, see Macartney 1934; Rudesco 1929.
21. Clercq 1880, 557–560.
22. Hurst 1972, 583.
23. Clercq 1880, 32–37.
24. For the text, see https://www.jstor.org/stable/2212405?seq=1#metadata_info_tab_contents.
25. These continue to be in the international law: (1) Article 15 of the 1978 Vienna Convention on the Succession of States in respect of Treaties states that the previous treaties that were effective in the territory are binding on the states established after succession, effective starting with the date of succession; and, (2) “All Greek lands” is a generic term. According to the 1969 Vienna Convention on the Law of Treaties, specific terms in international law are to be interpreted by their meanings at the time the treaties were made, whereas generic terms are to be interpreted according to their meanings at the time of implementation.

3

Minorities in the Republic of Turkey

In Turkey, the term *minority* is used only in reference to its non-Muslim citizens. Muslim citizens are not officially recognized as minorities, no matter how different they may be from the majority in terms of ethnicity, language, religious sect, and other characteristics, and regardless of their self-identity as a distinct minority group. Moreover, even for the non-Muslims, only three groups—Armenians, Jews, and Rums—are recognized as minorities with rights. Other non-Muslims, with some exception for Syriacs, are overlooked. This chapter presents the groups that would be considered “minorities” in international law.

“OFFICIAL” MINORITIES IN TURKEY: NON-MUSLIMS

Why the Republic of Turkey has recognized only non-Muslims as minorities is a complex question that generates multiple explanations. However, the reasons can be summarized in three categories, as historical, political, and ideological.

1. Historical reasons: As already noted, the Republic of Turkey is in many senses a continuation of the Ottoman Empire. The *Millet* system shaped the republican leaders’ understanding of the concept of minority, despite the fact that they were secularist and sought a modern secular state. Moreover, Section III of the Lausanne Treaty inadvertently reinforced the *Millet* system and carried it into the republican era, as the republic was obliged to implement the treaty. What changed in the transition was not the status of minorities but simply how they were

referenced. The Ottoman *Millet* system referred to non-Muslims as *Millet-i Mahkume*, and they were commonly mentioned as “non-Muslim elements,” or simply “*millet*.” Under the constitutional monarchy, when the Committee of Union and Progress was in power, these groups were referred to by the term *ekalliyet* to imply “minority.”

The first official use of *ekalliyet* appears in the fifth article of the National Pact—adopted on January 28, 1920, by the last Ottoman Chamber of Deputies and publicly announced on February 17 of the same year—in reference to the rights of minorities (*ekalliyetler hukuku*).¹ In the early years of the republic, *ekalliyet* was employed along with the Turkish term *azlık*, which was later standardized as *azımlık*. Regardless of the terminology, the people in question remained in the same second-class position. Moreover, the Turkish nation-state began to regard them as a “fifth column” (*beşinci kol*), operating within Turkey to serve the interests of Western/imperialist powers.

2. Political reasons: The protection of Christian minorities in the Ottoman Empire by European countries grew in speed and strength in direct proportion to the weakening of the empire. Because the protection served as a cover for them to interfere in Ottoman internal affairs, a sense of resentment emerged. As the beneficiaries of the foreign intervention, non-Muslims started to be regarded as “foreign,” accentuating their “otherness” already based on religious differences.

3. Ideological reasons: By the twentieth century, the Ottoman Empire, once a world power ruling a vast territory spanning three continents, had shrunk significantly both in size and power, creating serious trauma for Turkey, both for the leaders and the public. The fear that the republic could also be subject to partitioning by external powers sustained this trauma. Concerns about an imminent territorial disintegration, which were continuously fanned by those in power to strengthen their position, led to widespread skepticism and intolerance of cultural identities other than Muslim Turk.

The “Big Three”

Although the Lausanne Treaty recognized minorities in Turkey as “Turkish nationals belonging to non-Muslim minorities,” in implementation the governments in Turkey have defiantly accepted only three groups as minorities. In this section, I discuss the three groups in alphabetical order, which also corresponds to their population size: Armenians, Jews, and Rums.

Armenians

Armenians are an autochthonous people of Anatolia who differ from the majority population of Turkey in ethnic, religious, and linguistic ways. Prior to 1915, their estimated number ranged from 1.5 to 2 million, but the enormous massacres carried out by the deportation (*tehcir*) policy pursued by the Committee of Union and Progress government and the waves of flight that followed had reduced their population to 65,000 people by 2020. Nearly all live in İstanbul. Some two hundred additional Armenians live in the southern province of İskenderun and in Turkey's only remaining Armenian village, Vakıflı, in the province of Hatay.

The vast majority of Armenians are Orthodox Christians; a few are Catholics, and fewer still, Protestants. Orthodox Armenians are tied to the Armenian Apostolic Church, established in 1461, when Mehmet the Conqueror moved the Armenian bishopric of Bursa to İstanbul and elevated the title to "patriarchate." This church had been separated from the Greek Orthodox Church as a result of the 451 Council of Chalcedon.² The Armenian Apostolic Church is also known—incorrectly and to the dismay of Armenians—as Gregorian, in reference to Saint Gregory, who spread Christianity among Armenians.

It is also no secret that the grandchildren of Armenians who were forced to convert to Islam to escape deportation and death, or who were forcibly converted, now live in the mountainous parts of the eastern Black Sea and in eastern and southeastern Anatolia. Some have recently begun to return to Christianity.³

The Armenians of Turkey, already burdened by the traumatizing memory of 1915 and by the Armenian Secret Army for the Liberation of Armenia (ASALA) murders⁴ that erupted especially between 1973 and 1985, had kept very much to themselves. However, thanks to the powerful voice of Hrant Dink, who founded the Armenian newspaper *Agos* (Furrow) in 1996, a renaissance of sorts started to capture the attention of the Turkish public, and the Armenian community has embarked on serious and intense intellectual activities.

Armenians in Turkey have a total of sixty-seven foundations,⁵ the majority of them (fifty-four) being in İstanbul,⁶ five outside of İstanbul,⁷ and eight "private" foundations in İstanbul.⁸ The Armenian community maintains a total of fifty-eight churches in Turkey. Six are in Anatolia, and the rest are in İstanbul. Forty-two are Armenian Orthodox churches.⁹ There are also fourteen Armenian Catholic churches, almost all in İstanbul, except for one in Mardin and one in Diyarbakır.¹⁰ There are two Armenian Protestant churches.¹¹ Armenians also maintain twenty-one

church choirs, some of which give concerts around the world, performing both religious and nonreligious music.¹²

Currently, there are sixteen Armenian cemeteries, all in İstanbul.¹³ An additional seven cemeteries in İstanbul, as well as nearly all those in Anatolia, have disappeared.

There are eighteen Armenian schools, all of them located in İstanbul. The schools are organized according to religion, including thirteen Orthodox, four Catholic, and one Protestant. The Protestant school operates without official status and thus cannot award diplomas.¹⁴

Armenians have a total of thirty-two associations, including eighteen alumni associations,¹⁵ nine community (*hemşerilik*) associations,¹⁶ and five cultural, professional, athletic, and solidarity associations.¹⁷ They also have ten poverty-relief organizations.¹⁸

The community also runs two hospitals. The Surp Hagop/Agop Hospital belongs to Catholic Armenians, and Surp Pırgıç goes beyond hospital services and includes a nursing home and the Center of Help to Mentally and Physically Disabled Children (ZEBİÇ). Both hospitals are, like all non-Muslim hospitals in Turkey, open to the general public.

Five active Armenian publishing houses produce a range of material in both Armenian and Turkish.¹⁹ All Armenian newspapers are published in İstanbul. *Jamanak* (Time) was founded in 1908. Ara Koçunyan serves as its editor in chief, and the paper is published daily (except Sundays) in Armenian. *Marmara/Nor Marmara* (New Marmara), founded in 1940, is published daily (except Sundays) by Rober Haddecıyan/Haddeler in Armenian, but it includes a Turkish insert on Fridays. *Agos* is a weekly, founded in 1996 by the late Hrant Dink to reach the general public in Turkey. It is published on Fridays, with twenty pages in Turkish and four in Armenian. This linguistic distribution can be interpreted as a sign of both the desire of Armenians to integrate into Turkish society and their resistance to assimilation. Armenian publications also include seven journals.²⁰ Five are school journals published irregularly, and all are in Armenian. A number of schools also publish journals in Turkish, such as *Evrım*, from Surp Haç Tıbrevank High School.²¹

As for broadcasting, Armenians have had both radio and television programs, although they have been limited in number and scope. In 2006 and 2007, Yaşam Radyo broadcast Sayat Tekir's *Anuşabar* programs for mainly an Armenian audience. Nor Radyo began broadcasting in Armenian in 2009; Özgür Radyo started a program for Armenians in 2013 (Sayat Tekir's *Nor Or* programs). A variety of programs on Açık Radyo, primarily the program called *Radyo Agos*, broadcast about Armenian literature, history, arts, and other cultural subjects of inter-

est. The Armenian presence on television has been more limited. Aris Nalcı's programs (*Gamurç*, *Nar Taneleri*) on IMC TV covered various subjects, ranging from political to cultural, until IMC TV was closed down in October 2016, by a state of emergency (OHAL) decree, and its assets were transferred to the state Turkish Radio and Television (Türkiye Radyo Televizyon Kurumu, or TRT).²²

Currently, there are two Armenian-related websites: the general portal bolsohays.com, active since 1999, and hyetert.blogspot.com, active since 2001.

Jews

The Turkish language has two terms for "Jew/Jewish"—*Musevi* and *Yahudi*. *Musevi* is derived from the name Moses (Musa) and denotes religious belonging. *Yahudi* comes from Judah, the founder of the strongest of the twelve tribes of Israel, and denotes ethnic belonging. These two terms are used interchangeably and sometimes simultaneously, both within the Jewish community and the public in general.

This ambivalence can be partially explained by the fact that, unlike the other Abrahamic religions of Christianity and Islam, the Jewish faith largely follows bloodlines, intertwining kinship and religion by recognizing matrilineal heritage in both. Moreover, although it is an established term, *Yahudi* has been used by some in a pejorative sense (especially after Israel's occupation of Palestine and cruel treatment of Palestinians), as an insult (e.g., as in "*Yahudi dölü*" [Jewish sperm]). Thus, some people prefer the term *Musevi*, to avoid insulting or speaking negatively of Jews.

The affairs of the Jews of Turkey are administered by the chief rabbinate in İstanbul. Both the chief rabbinate, who represents the community, and other Jewish community leaders opt for the term *Musevi*. The younger generation of the Jewish minority in Turkey, however, tends to use *Yahudi*, perhaps to assert that one's objective ethnic identity cannot be a source of pride/shame or to avoid describing themselves in terms of religion.

Unlike Armenians or Rums, the vast majority of Jews in Turkey are not autochthonous but are Sephardic Jews who came to the Ottoman Empire at the end of the fifteenth century, after fleeing the Iberian Peninsula. Others include descendants of a small Byzantine Jewish colony (Romaniotes) living in Galata, in İstanbul, ancient Jewish communities in Anatolia, the Eastern European Jews (Ashkenazis), and Karaites, a Jewish sect.

The mother tongue of the majority of Turkish Jews is Judeo-Spanish, essentially a branch of Spanish, which is also known as Ladino.²³ As a result of various language campaigns and pressures forcing them to adopt Turkish in the 1930s and 1960s, along with the effects of natural assimilation over time, this language is being lost among the younger generation of the Jewish minority in the twenty-first century.²⁴

Differing from the majority of Turkey in ethnic, religious, and linguistic terms, the Jewish community has assiduously tried to stay close to and avoid conflict with the state, to a much greater degree than either the Armenians (who survived the massacres of the 1850s and 1915) and the Rums (who have been subjected to systematic discrimination since 1923). Unlike those two groups, the Jews of Turkey have not formed political organizations. In 1925, they immediately waived Article 42/1 of the Lausanne Treaty, which essentially pertains to non-Muslims' right to marriage in their own church or synagogue. In the 1930s, they quickly consented to speak Turkish. They also tended to disapprove of Turkish Jewish intellectuals who have disclosed illegal pressure against the Jewish community.²⁵

The main reason for Jews' deliberate effort to maintain good relations with the state is their non-autochthonous character—that is, most of them acquired their residency through migration. Another reason may be the absence of a kin-state, until the establishment of Israel in 1948, and subsequently Turkey's good relations with Israel, at least until the later Justice and Development Party (Adalet ve Kalkınma Partisi, or AKP) governments.

Nevertheless, it should be noted that this accommodating stance by the Jews of Turkey did not save them from discriminatory and violent state policies. The population of 82,000 or so at the outset of the Turkish republic had shrunk to around 20,000 by 2020, a consequence of ethno-religious cleansing and Jewish migration to Israel after its founding. After 2015, when Spain and Portugal began to offer citizenship to Sephardic Jews who had been expelled from the Iberian Peninsula at the end of the fifteenth century, some people applied for dual citizenship.

Although Jews in Turkey have typically tried, as much as possible, to keep a low profile, this changed when other non-Muslims, impressed by the publication of Hrant Dink's *Agos* (1996), began publicly claiming their identities at the end of the 1990s. For instance, at the suggestion of İvo Molinas, the leading writer of the newspaper *Şalom* (Peace), on the night of December 13, 2015, Jews for the first time openly celebrated Hanukkah according to their own rituals, lighting candles on a street between the main mosque and the synagogue in

the Ortaköy district of İstanbul. Perhaps more important, when the chief public prosecutor of Çankırı Province stated that Fethullahist Terrorist Organization (Fethullahçı Terör Örgütü, or FETÖ)—the name the AKP government assigned to the network of followers of the Muslim cleric Fethullah Gülen, which was accused of organizing the failed coup of July 15, 2016, and charged with terrorism—was a “full-blooded Jewish organizing,” from a tweet account under the name “the Turkish Jewish Society,” the Jewish community responded: “We condemn the hate speech of the prosecutor who is supposed to be our safeguard against hate speech.”²⁶

The places of worship of the Jewish community in Turkey are called *havra* (synagogues). Because every Jewish foundation was established as a synagogue, the terms for *synagogue* and *foundation* are almost synonymous.²⁷ The majority of a total of nineteen “synagogue foundations” (twelve) are in İstanbul, with one each in seven other cities—Edirne, Kırklareli, Çanakkale, Bursa, Antakya, Ankara, and İzmir.²⁸ Some foundations have more than one synagogue connected to them. Although there are forty synagogues, some are not active, as they are closed, in ruins, or used as exhibition spaces. İzmir is the city with the second-largest Jewish population in Turkey (around 1,200–1,400), after İstanbul. However, only some of its twelve synagogues are active. The İzmir community, startled by the 1934 attacks in Thrace (see Chapter 5), was hesitant to hand in the 1936 Declaration.²⁹ Consequently, many synagogues were listed as having no proprietor in the deeds records and were able to continue only with the support of the community. They could not establish new foundations, because Article 101/4 of Turkish Civil Code No. 4721, dated 2001, contains the provision that “a foundation cannot be established with the aim of supporting the members of a particular race or community.” Nevertheless, these twelve synagogues were eventually connected to a synagogue foundation, the İzmir Jewish Community Foundation, established in 2011, when the Directorate General of Foundations (Vakıflar Genel Müdürlüğü, or VGM) granted permission for the establishment of such a foundation.

As of 2020, there are eleven Jewish cemeteries in use.³⁰ They are almost all in İstanbul, except for one in İzmir and one in Bursa.

Until the 1960s, Jews in Turkey had a variety of schools to their name. Among these, one was a vocational high school that trained clergymen. Since then, five schools, including the clerical one, closed down. The academic schools witnessed a decline in the number of students, caused by an overall decline in the Jewish population. As of late 2015, the Jewish community had one K–12 school in İstanbul, operating under

the name Ulus Private Jewish Schools. The primary school in İzmir was closed in the early 2000s because there were not enough students.

The Jewish community has eleven associations in İstanbul and three in İzmir.³¹ The İstanbul community's Or-Ahayim Jewish Hospital, connected to the Or-Ahayim Jewish Hospital Foundation, is a health facility open to all, as is the Or-Yom Nursing Home, affiliates with the Neve Şalom Jewish Synagogue Foundation. A hospital in İzmir was closed in 2014 because of administrative instability and financial losses.

The Jewish community has one weekly newspaper of twenty pages, *Şalom* (Peace), published in İstanbul in Turkish. It includes two pages in Judeo-Spanish. The Jewish community in İzmir publishes the community news in a newsletter, *Diyalog*. It is published bimonthly online.

Rums

Technically, Rum in Turkey would refer to a member of the Hellenic minority living mainly in İstanbul whose mother tongue is Greek, or Rumca. However, this term has been used in different senses and has had multiple connotations—territorial, ethnic, and religious:

1. Territorial: The term *Rum* was adopted by Ottoman sultans who, after the conquest of Constantinople in 1453, saw themselves as the continuation of the Eastern Roman Empire (calling themselves Sultan-ı İklim-i Rum, or the “Sultan of the Roman Lands”), to refer to people from the lands of the Eastern Roman Empire, namely, Anatolia (as used in reference to the well-known Sufi mystic Mevlana Celalettin-i Rumi). Because the Byzantines ruled the Balkans as well, the terms *Rumeli* and *Rumelili* were also used to refer to the *land* and *people* of the Balkans, respectively.

2. Ethnic: The term for Greek in Turkish, *Yunan* or *Yunanlı* (deriving from Ion/Ionia), which emerged after Greece became an independent state in 1829, are used in Turkish to refer to citizens of that state, whereas *Rum*, which derives from the word *Romios* (pl. *Romioi*), meaning Roman, in reference to the fact that Byzantium, also called the Eastern Roman Empire, is used to refer to the Hellenes living outside the borders of Greece (in, say, Cyprus, Turkey, the United States, or Australia).

3. Religious: Greek Orthodox (Rum Ortodoks in Turkish) is a religious term, referring to a sect of Christianity. Among the members of this sect are a number of ethnic groups unrelated to Greeks, such as Slavs (Russians, Bulgarians, and so on) and Arabs. Thus, for instance, when in 1939 the Sanjak of Alexandretta (İskenderun) was reincorporated into Turkey (now called Hatay), its Arab inhabitants who belonged

to the Greek Orthodox sect became a part of the Rum Ortodoks population of Turkey. Currently, Rum Ortodoks refers to two Greek Orthodox minorities from two different ethnic backgrounds who belong to two different Greek Orthodox churches: Hellenic-rooted Rums, also known as Rums of İstanbul; and Antiochian/Arab Greek Orthodox Christians.

Rums exhibit ethnic, religious, and linguistic differences from the majority population of Turkey. Of Hellenic roots and largely Orthodox Christian, though also containing a small number of Catholics and Protestants, this minority is one of the autochthonous peoples of Anatolia.

Following the Turkish War of Independence (1919–1922), 1 million Rums fled Anatolia and took refuge in Greece. In 1923, within the framework of a compulsory population exchange, 189,916 Greek Orthodox people had to relocate to Greece, and 355,635 Muslims in Greece moved to Turkey.³² Some 110,000 Rums remained in the state of Turkey, mostly in İstanbul, but also concentrated in the Gökçeada (İmroz) and Bozcaada (Tenedos) Islands.³³ As those who were subjected to the compulsory population exchange and left Turkey were known as *mübadil* (exchanged), those who were not subjected to exchange and were allowed to stay were called *etabli* (settled); 110,000 Rums who remained in Turkey became *etabli*. The Antiochian/Arab Greek Orthodox Christians were not a part of this exchange, as they were beyond the borders of Turkey before 1939.

Due to the persistent discrimination and pressures by the state (explored in Chapter 5), the deterioration of the relations between Turkey and Greece into overt hostilities after 1964, and their conflicting claims over Cyprus, the number of Rums kept declining to leave about 2,000 to 2,500 people today. The majority of this population, nearly all living in İstanbul, are of advanced age. However, the descendants of some who were exchanged and left Turkey in 1923 started to move from Greece to Turkey. Although very limited in number, this younger generation has revitalized the community to some extent.³⁴ Roughly starting in the early 2010s, the Rums of İstanbul have experienced a cultural renaissance, largely due to the efforts of the Association to Support Greek Community Foundations (RUMVADER) and its president Laki Vingas. These young migrants from Greece also revived the community in İzmir, which was the second important center for the Ottoman Rums. After years of decline, the İzmir Rum population increased from a little over forty in 2017 to nearly two hundred.

Regarding religion, Rums have been associated with the Ecumenical Patriarchate of Constantinople. The “ecumenical” (universal) reference

in the title implies that the patriarchate is the spiritual and honorary leader of other Greek Orthodox patriarchates and churches and is considered “first among equals.” Located in the capital of the Eastern Roman Empire and being the mother church of most Orthodox churches today, the patriarchate has a special place among the other three historical Orthodox patriarchates (Alexandrian, Antiochian, and Jerusalem) and other Orthodox churches. The official title of the patriarch in the Christian world is “Archbishop of Constantinople, New Rome, and Ecumenical Patriarch.” He is the spiritual leader of some 250 million Greek Orthodox believers belonging to churches grouped under the name of the Eastern Orthodox Church. His religious authority, including appointments and dismissals of the clergy, extends to certain other archbishops and metropolitan bishoprics.³⁵

The “ecumenical” designation is not accepted by the Turkish state, whereas all other states and international institutions recognize this designation and title. The Council of Europe’s Venice Commission, in its March 2010 opinion, made clear that although the Republic of Turkey is not required to use this designation itself, preventing the Ecumenical Patriarchate from using this religious title would be a violation of Article 9 of the European Convention on Human Rights (ECHR).

The Rums of Turkey, once the most important non-Muslim community in İstanbul, possess a total of sixty-nine foundations in İstanbul, as well as in the islands of Gökçeada and Bozcaada.³⁶ Not all, but most of these are church foundations; because churches are not recognized as legal persons (legal entities) by the state, it is the foundations that ensure that these places of worship remain open and active. Similarly, school foundations support schools. Although the Rum population in İzmir had been increasing, as of 2020, there were no Greek Orthodox foundations there.

In İstanbul, Gökçeada, and Bozcaada, there are 180 churches, thirty-three *ayazmas*,³⁷ twelve monasteries, and nearly thirty cemeteries belonging to the Rums of İstanbul.³⁸ Sometimes, church services are held in other places of worship, though not every Sunday—for example, in Bulgarian and Russian churches that are connected to the Fener Patriarchate, as well as in churches tied to the Patriarchate of Jerusalem. The Rum Catholic church, once active in İstanbul, is now used by the Catholic Chaldean (Syriac) community.

Lacking a church, the Greek Orthodox community in Antalya and Alanya carry out their religious services in other community buildings. In Bursa, weekly prayer services are held in the Protestant church. Worship activities in Ankara, which began in 2017, are held once a month in the French church.

The Rum community of İzmir uses the Flemish church (the New Aya [Saint] Fotini Church), which the Greek government rented from the government of Holland in the 1950s, for a period of ninety-nine years. Since the appointment of a priest in December 2014, they hold prayer services every Sunday. The church is financially assisted by the İzmir Metropolitan Municipality and the Municipality of Konak. Other prayer services are carried out on special occasions, and with special permission, in churches and *ayazmas*, the property of which belongs to municipalities in and around İzmir. The largest of these, Aya Voukolos Church in Basmane, is a cultural center owned by the İzmir Metropolitan Municipality but earmarked for use by the Rum community for the February 6 Feast of Aya Voukolos, for Easter, and for other important days. The garden of the Konak Municipality's City History Unit includes a water channel from Roman times, in the middle of which stands the Nursing Madonna *ayazma*. There is only one Rum cemetery in İzmir,³⁹ compared to twenty-five cemeteries in İstanbul (though four are not operating anymore), five in Gökçeada, one in Bozcaada, eight in Hatay, and one in Mersin.⁴⁰

Of the sixty-three Rum schools that once existed in İstanbul, only six are active today, and the number of students has been dwindling (see Figure 3.1).⁴¹

Figure 3.1 Number of Students in Rum Schools, 1920–2009



Source: İstanbullu Rumların Evrensel Federasyonu (İREF), “Number of Students at the Greek Schools During the Last Period of the Ottoman Empire and Republic of Turkey” (in Turkish), <http://www.conpolis.eu/Anakoinwseis/Anakoinwseis.aspx>.

Education in the Greek language, which was banned in 1927, despite the provisions of Articles 14 and 20 of the Lausanne Treaty, resumed in September 2013 in an old school building in Gökçeada and Bozcaada. After a forty-nine-year hiatus, the school was allowed to reopen as a four-grade primary school, with four students. Among the schools reopened during the Democrat Party (Demokrat Parti, or DP) period (1950–1960) but closed again in 1964, one reopened on September 28, 2015, in Tepeköy, Gökçeada, with eleven students, as the Private Gökçeada Rum Middle School and High School.⁴² In İzmir, there are no Rum schools today.

Despite their shrunken population, Rums maintain a community through various mechanisms. Currently, they have twenty-seven associations active in a range of fields, with twenty-three in İstanbul, three in Gökçeada, and one in İzmir, the İzmir Rum Culture and Thought Association.⁴³ There is also a health facility, the Balıklı Rum Hospital, which is open to the general public and includes a nursing home.

Currently, publication activities by the Rum community in Turkey are limited to İstanbul. There are two Rum newspapers published: *Apoyevmatini* (Late Afternoon), originally published in 1925, is currently run by Mihail Vasiliadis and his son Minas, and *İho* (Echo), which started in 1977 and is now published by Andreas Rombopoulos. Both of them are four pages long and are published in Greek on weekdays. The number of their printed editions, varying between six hundred and eight hundred, is roughly the same as the number of Rum families in İstanbul. There are approximately 2,500 online subscribers. Since 2012, *İho* has also been broadcasting an online radio program in Greek, *İho Tis Polis* (Echo of İstanbul). After a half century of silence, the Rum youth have revived Rums' engagement in publishing by establishing the İstos Publishing House in İstanbul in 2011, releasing nearly twenty works in Greek and Turkish.

Non-Muslim Minorities Overlooked by the State

Although the Lausanne Treaty refers to the people whose rights are defined and protected by the treaty as “Turkish nationals belonging to non-Muslim minorities,” the Turkish state has disregarded non-Muslim groups other than Armenians, Jews, and Rums, and it has denied them the minority rights enumerated in the Lausanne Treaty. The reforms carried out in relation to Turkey's aspiration to join the European Union and strong support from some democratic groups in Turkey has led to some significant progress toward the recognition of these minorities and their rights.

Antiochian/Arab Greek Orthodox Christians

When Sanjak became a part of Turkey in 1939 and was renamed Hatay,⁴⁴ a community of the descendants of an ancient Syriac group (called Melkite or Rumi) that sided with the Byzantines after the Council of Chalcedon in 451, was also integrated into Turkey.⁴⁵ This closed community of some 8,000 people, living in today's provinces of Hatay and Mersin, is different from the majority population in terms of ethnicity, language, and religion. Although they are Orthodox Christian, these people are not related to the Rums of Hellenic origin, either. They are ethnically Syriac, their mother tongue is Arabic, and their religious services are carried out in Arabic. Although some refer to this community as Arab Greek Orthodox, they are religiously connected not to the Fener Patriarchate but to the Greek Orthodox Patriarchate of Antioch and All the East.⁴⁶

The members of the community are typically shopkeepers, and mostly jewelers. Marriage outside the community (that is, marriage to Muslims) is frowned upon, as most children born from such marriages are not baptized. However, the community is exposed to other forms of assimilation, both natural or otherwise.

The native language of Arabic (and thus the ancient culture of the community) has been lost, especially because their only school offering instruction in Arabic was closed by the state in 1939, in the name of "Hatay joining the motherland." Opening a new school has been prevented, under the claim that this would be contrary to the Lausanne Treaty. Thus, assimilation continues through education, as the children of this minority have to attend Turkish schools and the mandatory religious instruction in state schools is based on Sunni Islam.

In a workshop organized by RUMVADER in Antakya in 2014, young people complained about the absence of a minority school and noted that the only places for them to socialize were the church's courtyards and social facilities. Aside from religious foundations, there are no civil society organizations in the region. There are also no publication activities beyond a number of websites.

This community has endured a number of difficulties. Both the occupation of Hatay by the French and the subsequent transfer of Hatay to Turkey forced them to learn foreign languages—first French, and then Turkish—and they experienced four great migrations: (1) in 1915–1916, when the Armenian massacres occurred and tragically affected non-Muslims in the region, many of the Greek Orthodox went to South America, sometimes risking three to four months of sea travel; (2)

between 1938 and 1942, when nearly half of the population migrated to Syria and Lebanon in order to preserve their language and culture; (3) in the 1960s, when many members of the community relocated to Europe, chiefly to Germany; and (4) more recently, with globalization, more and more young people leave the region to attend universities in other cities and do not return because there is a lack of jobs.

It is estimated that about 1,000 members of the community had migrated to İstanbul and still live there. Of this group, constituting a minority within a minority, nearly half are below the age of thirty, and some three hundred are between the ages of thirty and fifty-five. Because they can attend the schools of the Greek Orthodox community of İstanbul, they also learn Greek. The migrants make up nearly half of the student population of these schools. Most young people of this community attend a university, and a number pursue postgraduate study.⁴⁷ Father Yorgos Kasapoğlu writes that it is more apt to refer to this İstanbul community, more than half of whom were born in İstanbul, not as Antiochian (Antakyalı) but as Greek Orthodox of Antiochian extraction (Antakya kökenli), especially as many İstanbul Rums (just like Armenians in İstanbul) hailed from different parts of Anatolia, as well.⁴⁸

There is one cultural organization belonging to Antiochians in İstanbul, the Antioch Altınözü Tokaçlı Village Association of Culture and Solidarity. In the Hatay-Mersin region, there are seven Greek Orthodox Church foundations, all of which operate under the auspices of the VGM and hold minority foundation status.⁴⁹ These foundations rank at the top of all non-Muslim foundations in Turkey for difficulties encountered, because they were not able to benefit from the 1936 Declaration (regarding the title deed registration of religious properties), because they joined Turkey later, in 1939. However, Provisional Article 11 of the Law of Foundations (see Chapter 6) brought the requirement that a property had to be included in the 1936 Declaration to be registered as the asset of a religious foundation. The community faced a new problem when the Metropolitan Municipality Law was amended in May 2017.⁵⁰ For example, although there were ten separate pieces of property belonging to the Mar Yuhanna Church, connected to the İskenderun Arsuz Greek Orthodox Church Foundation, after the amendments to the law, Arsuz became a district separate from İskenderun and the number of its properties dropped suddenly to three, as the other seven properties were seized by a state agency, the VGM. This church has been inactive for over four years. The İskenderun Greek Orthodox Church Poor Foundation constitutes another example. A piece of land donated to this foundation from one of the most valuable parts of the

city could not be used, because the foundation had not been included in the aforementioned 1936 Declaration. In such situations, zoning permits are not issued, money in an account cannot be accessed, and property rights are frozen. In this case, although the foundation brought its case to the Hatay Administrative Court and won the lawsuit, the VGM Assembly rejected the matter by a vote of 14–1 by invoking the 1936 Declaration. (The appeal of this decision was at the Council of State, the highest administrative court, in 2020.)

There are ten churches administered by these foundations.⁵¹ Although the Rum Catholic community in Antioch is nearly extinct (reduced to only thirty to thirty-five people), its members have a legally recognized foundation, the Rum Catholic Foundation, in Antioch. A few years ago, the VGM restored the old Rum Catholic Church in İskenderun, which for many years had been used as a pool hall, and reopened it for prayer services. The church is Latin Catholic,⁵² and the Catholic community of İskenderun uses it to hold services for some occasions.⁵³ This minority community has cemeteries in İskenderun, Mersin, and Antioch,⁵⁴ but it has no schools in the Mersin-Hatay region.

Syriacs

The ethnonym of Syriac (Süryani in Turkish) refers to a Semitic people with ethnic and cultural characteristics rooted in Mesopotamia/Asia Minor (similar to Akkadians, Babylonians, Assyrians, or Chaldeans), and they speak the Aramaic language. Syriacs sustained many political and, in particular, religious divisions, over several centuries, leading to the emergence of groups that bear different names, each expressing Süryani identity: Arameans, Melkites, Nestorians, Meronites, Assyro-Chaldeans, Syriac Catholics, Syriac Orthodox, Syriac Protestants. They are also referred to by such alternative names as Jacobites, Mhallamis, Assyrians, and Eastern Syriacs, so Süryani becomes a very complex and complicated label used by many and for many different people.

As is the case for all non-Muslim groups other than the “big three,” the Turkish state does not recognize various institutions (chiefly, foundations) of these early Christians, who live in rural areas such as Turabdin (the area of Mardin-Midyat), and closed their community schools in 1928. The state also falsely claims that Syriacs renounced their rights stipulated in the Lausanne Treaty. (I discuss these policies in the subsequent chapters.)

Known in Turkey particularly for their fine craftwork, especially jewelry, Syriacs constitute a peaceful and rather introverted minority that

has only wanted to not be subjected to discrimination and to be able to practice its religion and language. However, Syriacs were first subjected to significant attacks during the Armenian massacres of 1915, as they were viewed as Christians with wealth. Later, in the 1980s and 1990s, they were indirectly but seriously affected by armed conflict between the Kurdish militia (Workers' Party of Kurdistan or *Partiya Karkerên Kurdistanê*), known as the PKK, and the Turkish military that devastated the southeastern region of the country. Their territory decreased significantly, as people migrated from their historical homes in Turabdin to, first, İstanbul, and then from there to Europe. When the situation improved in the region, many wanted to return to and resettle in their old villages. However, they faced many obstacles, because local landlords, influential tribal heads, politicians, and particularly the "temporary village guards" (created by the state to counter the PKK forces in the early 1980s and later renamed "security guards," which became standing paramilitary forces) have occupied their lands.⁵⁵

The US Department of State notes that the number of Syriacs in Turkey, as of the early 2000s, was around 15,000.⁵⁶ According to Syriacs themselves, their population today is around 5,000 in Turabdin and around 20,000 in İstanbul, reaching a total of nearly 25,000.⁵⁷ In addition to Turabdin, they also live in Adıyaman and Elazığ, numbering around 350 families there. They also claim that there are some 11 million people worldwide who claim membership in the Syriac Church.

The Syriac language is a later version of Aramaic, the mother tongue of Jesus, and is divided into two dialects, Eastern and Western. The Eastern dialect is known, popularly, as Chaldean or Assyrian. The Western dialect is known as Syriac. Beyond pronunciation, there are few differences between them. Syriacs of Turkey, based mainly in the region of Mardin, speak Turoyo, a modern dialect of the Western Syriac language.

Today, the Syriac Orthodox Church, the Syriac Catholic Church, and the Syriac Maronite Church use the Western dialect of Syriac in their daily prayers and worship, in addition to the local language. However, the Syrian Nestorian Church (Eastern Assyrian) and the Syriac Chaldean Church use the Eastern dialect. The Syriac Melkite Church (Orthodox and Catholic) leaned toward Arabic after the seventh century.⁵⁸

Syriac foundations were indirectly recognized, when they were added by the government, for the first time, to the list of non-Muslim foundations, which was released on January 24, 2003. Today in 2020, Syriacs have thirteen foundations in İstanbul and Anatolia.⁵⁹

Syriacs own or use a total of ten churches in İstanbul.⁶⁰ Although there are many places of worship in Turabdin, the site of two ancient and

large monasteries, Deyrulzafaran and Deyrulumur (the latter also called Mor Gabriel), it is impossible to verify their total number, as most of the sites fell into ruin over time or were deliberately destroyed.

The Church of Mor (Saint) Fetrus-Mor Favlus in the region of Adıyaman and Elazığ is a metropolitan bishopric center. The Virgin Mary Church in Elazığ is also attached to this metropolis. Both properties are owned by Syriacs. Orthodox or Ancient Syriacs of Turkey have four metropolitan centers: (1) the metropolitan of İstanbul-Ankara, Mor Philoxenos Yusuf Çetin, (2) the metropolitan of Adıyaman-Elazığ, Mor Grigorios Melki Ürek, (3) the metropolitan of Mardin-Diyarbakır, Mor Philoxenos Saliba Özmen (the monastery of Deyrulzafaran), and (4) the metropolitan of Turabdin, Mor Timotheos Samuel Aktaş (the monastery of Deyrulumur). These centers are attached to the Syriac Orthodox Patriarchate of Antioch and All the East, in Damascus. The metropolitans of Yusuf Çetin and Melki Ürek were appointed as patriarchal councils by the patriarchate and can be deposed by the same authority. The other two were appointed by the spiritual leadership of the Holy Synod and can be deposed by this governing body. There is also the Assyro-Chaldean Catholic Metropolitan Authority, served by the patriarchal authority in Turkey, Monseigneur Fransuva Yakan, and the Syriac Catholic Metropolitan Authority, served by the patriarchal authority Bishop Yusuf Sağ.

All Syriac schools were closed down in 1928, as a part of the implementation of the Law on the Unification of Education, but in violation of Article 40 of the Lausanne Treaty. Decades later, in June 2012, Syriacs delivered a petition to the İstanbul Directorate of National Education, expressing their desire to open a preschool, by invoking Article 40 of the Lausanne Treaty. The Ministry of National Education replied to this petition in a formal document, dated July 26, 2012, though in a rather mocking tone, paraphrasing: “You are not a minority, but a fundamental element. Because you are not a minority, you cannot carry out education in a foreign language in the preschool you wish to open. Because there is no mother tongue of Turkish citizens other than Turkish, you cannot teach children in Syriac.”⁶¹ Syriacs, then, made another attempt and applied to open an institution. The Beyoğlu Süryani Kadim Meryemana Church Foundation applied to the ministry, specifying the desire to “be able to give lessons in Syriac on certain days and hours, in addition to the National Education curricula [required to be followed by all schools],” but the application was denied again. When the foundation applied again on September 24, 2012, the ministry did not even reply. Thus, the Syriacs filed a lawsuit. The Thirteenth Administrative Court of

Ankara, in a decision delivered on June 18, 2013 (No. 2012/1746, 2013/952), recognized the rights of Syrians granted in the Lausanne Treaty. Because the ministry did not appeal, there was no obstacle to Syrians opening a preschool. Thus, after eighty-six years of yearning and struggle, permission was given in 2014 to open a school in Yeşilköy, İstanbul. It was named Syriac Mor Efrem Syriac Primary School and started to enroll students for the 2014–2015 academic year. Syrians attained the rights of education in Article 40 of the Lausanne Treaty.⁶²

This was a milestone, because the status of Syrians was addressed for the very first time in relation to the Lausanne Treaty. The reasoning behind this revolutionary court decision can be summarized as follows: *non-Muslim Turkish citizens* was the term used in the Lausanne Treaty for minorities, yet precisely who constitutes these minorities was not specified. Syrians, who are non-Muslim citizens, must benefit from the rights granted to other minorities in Articles 40 and 41 of the Lausanne Treaty. The narrow interpretation of the law employed by the defendant here is not valid, because, according to Article 90/5 of the constitution, in the event of a conflict between domestic law and international treaties related to basic rights and freedoms, such as the Lausanne Treaty, the provisions of the international treaty shall be taken as base.

Despite their small population, Syrians have an active associational life. In addition to nine organizations established in cities, they have ten village-based associations.⁶³ The monthly Syriac newspaper *Sabro* (Hope) was issued by Tuma Çelik beginning in March 2012, printing sixteen pages in Turkish and three in Syriac. Moreover, the İstanbul Meryem Ana Syriac Church Foundation publishes a biannual Syriac Orthodox Church news and culture journal, *İdem*, and the Syriac Women's Center SURKADİM has been publishing a women's newspaper since July 2014. Called *Neshe* (Women), this paper is published every three months and distributed alongside *Sabro*. As for online publishing, Gabriel Agirman Beth-Kathe, a Syriac from Turkey living in Sweden, publishes news links in eight languages.

Other Non-Muslims

In addition to the groups discussed above, there are smaller non-Muslim communities in Turkey. They include Bahaists, Yezidis, Protestants, Jehovah's Witnesses, and Levantines.

Bahaism is a religion that emerged in Iran in the mid-nineteenth century as an extension of Mahdi belief. Its founder and prophet, Mirza Husayn Ali (who held the title Bahau'llah) was exiled from Iran. He first

went to Baghdad, then to İstanbul and Edirne, and finally Akka, where he died in 1892. The world center of Bahaism is in the city of Haifa, neighboring Akka. In Edirne, where Bahaullah lived for five years, there is a home and a Bahai cemetery; they are included among the pilgrimage sites for Bahaists. There are around 5 million Bahaists globally, and the number in Turkey is reported, according to oral information provided by the community itself, to be around 10,000.

Bahaism is not recognized as a distinct religion in Muslim-majority countries, including Turkey; thus, Bahaists have no accepted places of worship in these countries. Because prayers are carried out individually in Bahaism, its adherents do not maintain places for congregational worship or mass, but they have been establishing temples as centers of worship and community service in many countries. They have no such places in Turkey. Bahai communities have no clergy and are administered by local and national institutions (*mahfil*) composed of nine elected officials.⁶⁴

The Bahai effort to have a foundation in Turkey was rejected by the Court of Cassation on the grounds that the foundation would aim to support a community by establishing a house of worship and other institutions for the Bahai community.⁶⁵ There are no Bahai schools in Turkey, either, and Bahaists made no such request because they do not consider themselves to be a minority, as they claim that “the Bahaists in Turkey are a part of the international Bahaist community.”⁶⁶

The Yezidi religion is quite distinct, and there are very few studies on the subject. It is based on Mesopotamian beliefs dating back 6,000 years (for which the worship of birds was an important feature), as well as on Zoroastrianism, dating back some 3,500 years. Yezidi beliefs and practices also include baptism, as in Christianity, and circumcision, as in Judaism and Islam. In this belief system, one is born with the faith; there is no conversion into the religion. As with Hindus, Yezidis also have a caste system, and marriage outside one’s own caste is forbidden.

The Yezidi religion was institutionalized in the twelfth century by Sheikh Adiy bin Musafir, who came from the same lineage as the fourth caliph of the Ummayyads. Because the second Ummayyad caliphate, named Yazid, has a very negative image in Muslim communities as the person who ordered the massacre of Prophet Muhammad’s grandson and his family in Karbala, the very name Yezidi (often pronounced the same as Yazid) engenders negative and hostile feelings toward the Yezidis in many Muslims. Lately, the term *Yezidi* is replaced by *Ezidi* in progressive circles in Turkey, as an effort to avoid conflating the names and to deflate hostilities.

According to the dualist and dichotomous belief of the Yezidi religion, for there to be good in the world, there must also be evil. The “Angel Fowl,” depicted as a peacock, is seen by Yezidis as the most powerful angel but, at the same time, as a satanic figure who rebelled against the god Azda, but who still passed each test with success before being pardoned. Throughout history, Yezidis have been oppressed by both Christians and Muslims, and labeled as “Satan worshippers.”

The name *Yezidi* is said to derive from the god of this religion, Azda (Ezda in Kurdish; this also justifies the contemporary use of “Ezidi” instead of “Yezidi”). A number of Yezidis speak Arabic, but the majority speak Kurdish. It is accepted that they are, in ethnic terms, Kurdish. Because Yezidis are largely believed to be Kurdish in ethnic origin, they have been subjected to persecution on the claim that they support the Kurdish militia, the PKK.

Based primarily in the Mosul province of Iraq and said to have a worldwide population of around 1 million, Yezidis once lived in the areas of Urfa and Viranşehir in Turkey as a community of around 80,000. In the 1980s, facing severe oppression, many migrated abroad, particularly to Germany. The population had declined to about 23,000 by 1985 and is now believed to be just a few hundred. Despite several court rulings, Yezidis who wish to return to their lands have been prevented from doing so by groups called Village Guards that have seized their properties and begun to work the land, as they did with Syriac property.⁶⁷ Needless to say, minority rights have not been recognized for Yezidis.

When the Sinjar province of Iraq, where a considerable Yezidi population lived, was occupied and ravaged by ISIS (Islamic State of Iraq and the Levant) in 2014, Iraqi Yezidis sought refuge in Turkey.⁶⁸ Although the state settled them in a camp in Diyarbakır, they were first subjected to insults by President Recep Tayyip Erdoğan,⁶⁹ then forced into further hardship caused by government policies.⁷⁰

The Protestant population in Turkey numbers about 5,600, and according to a 2012 survey of Protestants in Turkey, 90 percent of them were converts from Islam. However, considering the fact that many would hesitate to disclose their faith for fear of the periodic waves of intimidation and persecution, both by the state and Muslim society, their number was estimated to be higher, around 6,000 or 7,000, in 2015.⁷¹

There are around 120 churches and gathering places for Protestants in Turkey, but about half of these are homes that have no public visibility. Their religious rites are carried out primarily in Turkish, though English, and even Korean, is used in some locations. As of 2020, Protestants had thirty-four “churches as associations”⁷² with thirty-five representa-

tives, and five “foundation churches”⁷³ with three representatives. There are also five “service group associations.” The Association of Protestant Churches is an umbrella organization designed to promote church representation and solidarity.⁷⁴

There are no Protestant schools in Turkey, nor is there permission to open any. As for other cultural activities, they include: a television program in İstanbul, *Sat7Türk*; satellite broadcasts *Hayat TV* and *Radio Light*; and the Ankara-based *Shema Media Group*, which broadcasts in Antalya, Samsun, and Mardin.

Several attacks have been carried out against Protestant places of worship and religious figures. The Pastor Andrew Brunson affair, which I discuss in Chapter 5, stems from this situation.

Jehovah’s Witnesses emerged in the late nineteenth century in the United States as an extension of Messianic belief, and the religion was institutionalized by C. T. Russell. The name derives from the name of God in the Old Testament, Jehovah. Adherents to this faith, known for such attributes as being against blood transfusions, soft drinks, military service, and the carrying of weapons, are considered nonbelievers by both Jews (who accuse them of referring to the Lord’s name in vain), and Christians (Catholics, Orthodox, and Protestants who accuse them of falsification in the Holy Scripture). However, some may consider Jehovah’s Witnesses to be an extension of Protestantism. Every Jehovah’s Witness carries out missionary work, visiting homes and individuals in a persistent manner, in order to win them over to their faith. Members of the group, who view themselves as citizens of the world, are administered through a center in New York and they number around 8 million globally. They are estimated to have around 2,000–3,000 members in Turkey. Since 1961, Jehovah’s Witnesses have had either Jehovah’s Witness or Christian entered in the box of religion on their national identity cards. Because military service is mandatory for all able-bodied males in Turkey, Jehovah’s Witnesses have faced punishments for refusing to serve in the military or use a weapon, and they have been prosecuted under Article 163 of the Turkish Penal Code (*Türk Ceza Kanunu*, or *TCK*) for endangering secularism.

Until 1975, the group carried out worship services in home meetings, and then they began to meet in “worship halls” (*İbadet Salonları*) established by the Association of Holy Book Courses. Although a decision of the Court of Cassation’s General Assembly of Criminal Chambers (the General Assembly hereafter), issued on March 24, 1980, reversed an earlier court decision against them and offered some relief, they were further subjected to prosecution, particularly in 1984 and 1985.

On May 26, 1986, the parliament recognized the rights of Jehovah's Witnesses to conduct religious services and spread their religious beliefs. Although this was a significant move, they were forbidden to use the apartments they rented in Mersin and İzmir for communal prayers, and no alternative places were offered to them. The Jehovah's Witness Solidarity Association took their cases to the European Court of Human Rights (ECtHR) in 2010 and 2012. Reaching a decision in May 2016, the ECtHR indicated that not permitting this group to have a place of worship constituted an intrusion into their freedom of religion and thus decided that Turkey had violated Article 9 (freedom of thought, conscience, and religion) of the ECHR.⁷⁵

Jehovah's Witnesses have nearly thirty communities in Turkey, and they maintain several worship halls. They publish two regular journals, the monthly *Uyan* (Wake Up) and the bimonthly *Gözcü Kulesi* (Watchtower). They also have a publishing house named *Kule* (Tower).

There are few Levantines in Turkey, and they are not a well-known non-Muslim group.⁷⁶ The term *Levantine*—from *levant*, the French word for “rising,” that is, where the sun rises (the East)—was coined by Western Europeans to refer to Western Christian Europeans who settled in the lands belonging to Eastern empires, including the Ottoman Empire. Looking down on people living in the “Orient,” they used it somewhat condescendingly. Western-educated Ottomans, however, drawing on the term *Frank* (*Frenk*) used in reference to Western Europeans, named this settler group “Freshwater Europeans” (*Tatlısu Frengi*). The term hinted at the relatively lower rank of these people, akin to second-class Europeans, but at the same time it implied a sense of admiration, even jealousy, toward these people who, in Ottoman lands, represented the civilization of their ideals. Although there were a small number of Anglicans and Protestants among them, Latin Catholics constitute the bulk of the Levantine population. Italians, French, and Maltese made up their majority, though there were also some Dutch, Austrians, and Germans.

There is no clear data regarding the population of Levantines in the Ottoman period; they are said to have numbered around 40,000 by the end of the nineteenth century. After the establishment of the republic, some Levantines acquired citizenship. Currently, a significant proportion of Levantines hold dual passports. The total number of Levantines living in Turkey in 2020, including Turkish citizens, dual-passport holders, and foreign citizens, is thought to be around 5,000. Nearly 60 percent are said to be Turkish citizens.

Levantines have protected the language of their place of origin, but in the Ottoman Empire they also spoke Turkish, a vernacular of

Ottoman Greek (Rumca),⁷⁷ as well as French. They adopted French as a lingua franca of the community, because in the nineteenth century, there were many French schools, and French was the most popular and widely spoken language around the world.

Regarding their rights, Levantines who are Turkish citizens are not accepted as minorities by the state, thus the minority rights in Articles 37–44 of the Lausanne Treaty are not recognized for this group. For instance, they have no schools, hospitals, or aid organizations (Article 40), or foundations (Article 42). At the same time, Levantines who are Turkish citizens cannot benefit from certain rights normally granted to citizens—such as free transportation cards issued by the Metropolitan Municipality of İstanbul to Turkish citizens over the age of sixty-five.

The Catholic schools⁷⁸ and hospitals⁷⁹ in Turkey do not belong to Levantines; these were established by religious congregations not based in Turkey. Schools established by foreigners were founded prior to the establishment of the republic, and they function according to the letters of agreement that the republic had exchanged, at the end of the Lausanne Conference, with Great Britain, France, and Italy.⁸⁰

The churches used by Levantines⁸¹ are also the property of religious congregations outside of Turkey, which also administer them. These properties, as discussed in Chapter 6, which originally had to be registered under respectable persons and saints, are encountering a number of problems in the twenty-first century.

There are a small number of associations and aid organizations established by Levantines. The most important of these institutions, which have very few members, is Artigiana, a nursing home in Harbiye established in 1838, which acquired the status of a public benefit association in 1967. Among the other Levantine institutions, we can count Circolo Roma (est. 1931), Società Operaia Italiana di Mutuo Soccorso (or Garibaldi House, est. 1863), Camera Italiana di Commercio (est. 1885), the Union Française (est. 1894), and Club Teutonia (est. 1847).

Levantine publications include the monthly newspaper *La Gazzetta di İstanbul* with a limited circulation, and the monthly French journal, *Présence*, which is religious in content.

Finally, Molokans, who escaped from Tsarist Russia fleeing religious persecution, can be included among the non-Muslims denied minority status by the state.⁸² They sought refuge in Turkey in the eastern province of Kars at the end of the nineteenth century. These people, who are egalitarian and pacifist (they refuse military service) had to leave Turkey in waves, first in 1920 and again in 1962. Consequently, given their tiny number, they can barely be counted as a minority group.

There are just a few families remaining, and many Molokan women have married Muslims.

OTHER MINORITIES IN TURKEY ACCORDING TO INTERNATIONAL STANDARDS

By applying the triple grounds for minority recognition—ethnic, linguistic, and religious—which have been accepted as an international standard since World War I, it becomes apparent that in Turkey there are a number of minority groups in addition to non-Muslims. These are Muslims who display differences in terms of ethnicity, language, or religious sect from the majority population.

In fact, such groups in Turkey are often referred to as minorities by other countries and international organizations. For instance, in its 2016 Turkey Report, the European Commission Against Racism and Intolerance (ECRI) refers to all different groups (religious, national, ethnic, linguistic, and so on) as minority groups.⁸³ In this section, I discuss a range of these minority groups that fall outside the Lausanne Treaty or the Turkish state definition of minorities. However, it should be noted that I employ the contemporary international standards and define these groups in an “objective” sense. Thus, these groups do not necessarily meet the criteria for minority in “the subjective sense,” that is, they may not have self-awareness as a minority.

Arabs

There are over 1 million Turkish citizens who are Arabic speakers or of Arab extraction. Those who live in Mardin, Urfa, Siirt, and their surrounding areas are mainly Sunni Muslims and present ethnic and language differences. Those who live in Mersin, Adana, Antakya and the vicinity tend to be Arab Alevi (Nusayri) but different from Alevis in the rest of Turkey. People from both groups have migrated to various parts of Turkey, and thus they are scattered all around the country.

Sunni Arabs, identifying with the majority population as Sunni Muslims, do not stress ethnic identity or object to “Turkishness” as supra-identity. For Alevi Arabs, however, the Alevi identity is the most prominent. Thus, I discuss them under the heading of Alevis.

The Arab minority population is likely to grow, as the AKP government is planning to grant Turkish citizenship to Syrian refugees to

expand the party's electoral base, and at least some of them would embrace this opportunity and become citizens.⁸⁴

Alevis

Known in Ottoman times as Qizilbash in rural areas and Bektashis in cities, Alevis⁸⁵ in Turkey come from three different ethnic backgrounds: Turkmen, Dersimli/Kurd,⁸⁶ and Arab. For all three groups, the Alevi identity takes precedence over ethnic identity, perhaps due to the strength believers derive from the past oppression they endured as Alevis. Although estimates of the number of Alevis vary greatly, they are believed to number around 15 million.

Alevis' status as a minority has been rejected by the Turkish state. In fact, there was a deliberate effort by the Turkish delegation to the Lausanne peace talks to exclude Alevis from the minority classification. As clearly stated in the memoirs of Rıza Nur, the Turkish Grand National Assembly of Turkey (Türkiye Büyük Millet Meclisi, or TBMM) delegate who negotiated minority issues at the Lausanne Conference, the Turkish delegation rejected the inclusion of religion as a criterion to be added to race and language criteria employed to define minorities, and the main reason for this was to avoid counting Alevis as a minority and bringing them under international protection. This clearly demonstrates that the founders of the nation-state were fully aware that Alevis were different.

This difference comes from the fact that the *Millet* system attributes a privileged position (*Millet-i Hakime*) to Sunni Muslims only. In the eyes of the Turkish delegation, and subsequently the Turkish state, Alevis are neither Muslims nor non-Muslims, but somewhere in between. Wanting to avoid delving into their hierarchical system during the Lausanne negotiations, they found the solution in rejecting "religion" as a criterion and counting only "non-Muslims" as minorities. Rıza Nur addresses this in his memoirs:

Europeans (*Frenkler*) know three types of minority (*ekaliyet*) for us [in our country]: racial minority, linguistic minority, and religious minority. This is, for us, a quite calamitous thing, a great danger. . . . Through the term race, they will place Circassians, Abkhaz, Bosnians, Kurds, and the like alongside Rums and Armenians. Through the term linguistic, they will make Muslims who speak other languages minorities. And through the term religion, they will make two million pure Turk Qizilbash [Alevis] minorities.⁸⁷

Although the issues of where to place Alevis in terms of religion, and, thus, whether they constitute a minority, are debated overseas, such questions have rarely appeared on agendas within Turkey. Alevis themselves do not claim minority status and often strongly object to the idea of being treated as a minority. In addition to pointing out that their sizable population is much larger than minority groups, they see themselves as a “fundamental and constituent element” (*asli ve kurucu unsur*) of the country and the nation. In fact, the historical role and impact of Alevism in Anatolia and, in particular, in the Balkans have been significant. Bektashis and similar religious orders played an important role in the colonization of the Balkans by the Ottomans. Their liberal interpretation of religion and respect for other faiths allowed them to be more easily accepted by the peoples of the Balkans.

Alevis continue to frame their political issues and demands as a “fundamental and constituent element” of the Republic of Turkey. More recently, following the 2009–2010 “Alevi Workshops,” for example, Alevis expressed their demands not within the framework of minority rights but by arguing for equal citizenship and secularism. In this sense, they seek and contribute to the overall democratization of Turkey.

Further, Alevis reject minority reference and classification because of the negative connotations of the term in Turkey. As already discussed here, the term *minority*, typically employed for non-Muslims, has been used as a synonym for “untrustworthy” and “disloyal,” and the minority groups, being “second class,” are expected to be subject to the will of the majority. Accepting minority designation means accepting exclusion and the risk of being banished from the country at any moment.

On the issue of minority classification, Alevis and Kurds resemble each other. Both groups are not considered minorities by the state, and they also reject being called or considered a minority. I discuss this further in the next section.

The religious origin and identity of this group can be quite complex. Within the Alevi community, there are at least five views.⁸⁸ First, some Alevis, including the Cem Foundation (officially known as the Republican Education and Cultural Center Foundation), contend that Alevis are “true Muslims” and that Alevi religious heads (*dede*) have descended from the line of the Prophet (“sayyids”). In order to support the claim of “true Muslims,” they point to the important role that Alevi religious leaders (*baba* and *dede*) played in the Islamization of the Balkans. The second view holds that Alevism is a syncretic faith, bringing together various elements from different religious beliefs. In this approach, Islam is one of many elements that make up Alevism. Containing elements of

Shamanism, Zoroastrianism, and Christianity, and other beliefs, Alevism cannot be reduced to Islam alone. A third group defines Alevism not as a religious belief but as a culture, worldview, and philosophy peculiar to Anatolia. The fourth view holds that Alevism is an Anatolian-based sect within Islam, which is distinct from both Sunni and Shia Islam. Finally, a small group of Alevis, who are not taken very seriously by other Alevi groups, treats Alevism as a sect of Shiism.

In terms of minority categories, these different definitions and identifications yield two broad approaches. The first approach does not place Alevis within the scope of Islam. Alevis are entirely different. Alevi practices are not related to the five pillars of Islam—proclamation of the faith, five daily prayers, fasting during the month of Ramadan, the pilgrimage to Mecca (Hajj), and annual alms-giving (*zakat*)—institutions of Islam (e.g., mosques) and other common practices and rituals. According to some holding this belief, Alevi practices, at their foundation, show resemblances to Central Asian Shamanism. The figure of *dede* takes the place of the shaman, Ali (Prophet Muhammad's cousin and son-in-law) takes the place of the Sun God in Tengrism, and the *cem* ceremony, in which women and men participate together and in which poetry, music, ritual dance (*semah*) and sometimes drinking occur, take the place of *koumiss* drinking rituals.⁸⁹ Alcohol consumption is not forbidden for Alevis or Bektashis; limited drinking is allowed, but too much is considered harmful. The drink included in the *cem* ceremony is called *dem* after it is blessed by prayers by the *dede*.

It would not be incorrect to state that several fundamental institutions and symbols of Alevis owe their basis to the mediation of certain symbols tied to Shia Islam (e.g., Karbala, Ali, Hasan, Hussain). These symbols of oppression, based on Shiites' oppression in Arab-Islamic history, resonate with Alevis, who were continuously persecuted by the Ottomans and were subjected to widespread massacre.

According to the second approach, Alevism is a branch of Islam. Yet Alevis possess different religious practices, significant enough to lead to the marginalization of Alevis by the majority (Sunnis) and the state, as evident in the policies and funding priorities of the Directorate of Religious Affairs (Diyanet İşleri Başkanlığı, or DİB) that upholds Sunni Islam.

Both of these views would qualify Alevis to be considered as a minority on the basis of the minority definition introduced at the beginning of this book and recognized in international law today. They clearly meet four of the five qualifications: they are fewer in numbers; they are not of the dominant group, they are different; and, they are citizens. As

for self-awareness as a minority, it is an unquestionable fact that Alevis see themselves as quite different and that they are quite decisive about maintaining these differences that they see as pillars of their distinct identity. Various forms of oppression endured by Alevis throughout their history, and the persistent state efforts at Sunnification, have only reinforced this awareness.

Alevis and the Ottoman State: Massacres and Reconciliations

The relationship between the Ottoman Empire and Alevis was always volatile, revealing two contradictory strains. On the one hand, the Ottomans carried out waves of mass slaughters against Alevis, at several junctures. On the other hand, there have also been various forms of accommodation of Alevi needs and interests. The factors that instigated massacres are numerous. They can be summarized as follows:

1. Superstructural reasons: The liberalism of Alevi religious belief and its many differences from Sunnism were viewed as adversarial and challenging the interest and identity of the Ottoman state and the Sunni masses.

2. Infrastructural/class reasons: The Ottomans, at first a nomadic conqueror, settled down to establish an empire after the conquest of Constantinople (Eastern Rome) in 1453, started to distinguish themselves by “othering” other Turkmens, including Alevis, who continued to maintain a nomadic lifestyle.

3. Political reasons: The characteristics of autonomy and equality stemming from the nomadic culture of Turkmens living in rural areas upset the Ottomans a great deal, as their power was justified by a form of Sunnism based on inculcated obedience to the state. Moreover, during the 1915 Armenian massacres it was the Alevi people of Dersim who saved Armenians, by either taking them into their own communities or accompanying them on their long walk to the Russian border.

4. External factors: Shah Ismail, who took the Iranian throne in the early sixteenth century, was an Anatolian Alevi whose mother tongue was Azeri Turkish. The existence of such a person defending the Qizilbash Turkmens (Alevis) of the Ottoman Empire encouraged some Alevis who were alienated by İstanbul to lean toward Iran, the only Ottoman competition in the East. This was not tolerable for the Ottomans, who at the time were busy expanding in Europe and did not want another front in the East.

As for the accommodation of Alevis, there may be three explanations:

1. Bektashism: Following a form of Alevism rooted in big cities, particularly in İstanbul, Bektashis did not challenge the Ottomans. Accommodating each other, they existed alongside Sunnis.

2. Colonization: In the process of Turkification and Islamization of the Balkans in the early Ottoman period (fourteenth century), Bektashis, as the primary power, as well as Mevlevi, Halveti, and similar religious orders were used. They were instrumental in imperial expansion, because their liberal approach to religion and respect for other faiths prevented negative reactions from the non-Muslim population of the Balkans. Even today, there are a number of active religious orders, chief among them Bektashi *tekkes*, in some Balkan countries. One of the main benefits of such colonization for Ottoman rule was the transferring of Alevi tension in Anatolia to the Balkans, thereby reducing it.

3. The Janissary corps: Bektashis became a sizable group within the Janissary corps established in the early Ottoman period at the time of Orhan Ghazi (1281–1362). Thus, the Bektashi order was within the Janissary corps. Here, the Ottomans used Alevi belief as a syncretic belief system. The Janissary corps was composed of young Christian children who were taken, adopted, and raised as Muslims. Although they were Islamized, they tended to feel closer to Alevis and Bektashis than they were to Sunni Muslim communities. The Bektashis served as chaplains for the Janissaries until they were banned when the guild of Janissaries was banned in 1826.

Alevis' Languages

The majority of Alevi people are Turkmen in origin. However, as for the languages they speak, the Alevi community can be divided into four different groups.⁹⁰

1. Azeri Turkish speakers: These are Alevis who are connected to the Shia of Iran. Known as Caferi or İmamiyye, this group has its origins in Azerbaijan. Their population in Turkey is estimated to be 1–1.5 million. They lived in the Turkish cities of Kars, Ardahan, Iğdır, and Erzurum before migrating to the major cities of Turkey in the 1970s.⁹¹ Most live in the district of Esenyurt in İstanbul and have their own mosques.

2. Turkish speakers: This is the most populous and influential Alevi group in Turkey. Although ethnically and linguistically Turkish

(Turkmen), they have a very strong sense of Alevi identity and consciousness, arguably more than any other Alevi group.

3. Arabic speakers: This group is a part of the Arab Alevi (Nusayri) community of Syria. In Turkey, they mostly live around the cities of Mersin, Adana, and Antakya. They do not have historically common roots with the other Alevi communities; they are also significantly different from Anatolian Alevis in terms of religious beliefs. Their religious identity is stronger than their ethnic identity. Consequently, their Arab identity poses no problem to a Turkish supra-identity, and they have little presence in, and impact on, Alevi politics.

4. Zazaki (Dimili/Kirmancki) and Kurdish (Kurmanci) speakers: This group is estimated to be around 3 million. Within this community, most distinct are the Alevis of Dersim.

Because of the significant differences they present, the last two groups, Arab Alevis (Nusayris) and Dersim Alevis deserve closer examination.

Nusayri people⁹² typically describe themselves as “Arab Alevis.” The term *Nusayri* appears in the early Shia literature, used in a pejorative sense to humiliate the Nusayri leader Muhammad bin Nusayr and his followers. Subjected to countless accusations, cruelties, and massacres throughout history, like other heterodox religious groups, the Nusayri people were forced to relocate to the Alevi/Nusayri mountains in Latakia, Syria. They experienced the largest massacre perpetrated against them after the Ottoman-Memluk battle of Marj Dabiq in 1516. Consequently, the Ottoman ruler Yavuz Sultan Selim is still popularly known as a great enemy of Alevis, like Muawiyah and Yazid, who massacred the Prophet Muhammad’s grandson’s family and followers in the seventh century.

Living under Ottoman rule for four centuries, Arab Alevis were treated as within the boundaries of Islam but as a deviant (heretical) group. After years of poverty, isolation, and state violence, they tried to achieve some calm by agreeing to the Islamization policies carried out by Sultan Abdülhamid II. In an attempt to Sunnify Alevis, the state built mosques and schools in Alevi villages, and Alevis acted as if they had adopted Sunnism. In reality, they had not given up Alevism and become Sunni, nor did the state believe that these “Alevi deviants” had “found the right path.” This type of “pretense” was illustrated by governments of the Republic of Turkey, as well; their assimilationist policies were carried out by *publicly speaking* of Alevis as our “Hittite Turkish brothers” (“Etili Türk kardeşler”)—a term employed in the 1930s to allude to

the assumed Hittite roots of the Turks—but in *official records*, they always referred to these groups as Arabs and Alevis.

Arab Alevis were organized around their “Arab identity” as the National Awakening Association (Intibah-ı Milli), in the Cilician plain (Çukurova), to resist French occupation after World War I. Later, they joined the Turkish National Struggle against the occupation. Arab Alevis sided with the Turkish government in its claims over Hatay and played a decisive role in the province’s integration into Turkey in 1939. Later, however, they tried to maintain a low profile to avoid overt repression by the government.

In the twenty-first century, it is believed that some 1 million Arab Alevis live in Adana, Mersin, Hatay, and environs. Although many of the younger generations have forgotten their mother tongue, especially those living in Mersin and Adana, thanks to the traditional religious education provided by Alevi sheikhs, they sustain an Alevi identity mainly defined in religious terms, rather than one based on ethnic belonging.

Regarding their religion, Arab Alevis maintain a closed community. Because their beliefs and teachings have been denigrated and deemed “heretical,” they have kept quiet about them; even when they obtained political dominance in some periods, they never attempted to impose their beliefs on others living under their rule.

Arab Alevis acknowledge all holy books, accept all Abrahamic prophets, and celebrate many holidays, from the birth of Jesus to Moses’s encounter with the Holy Spirit, and they insist that they are a Muslim community. Although they show important differences in terms of teachings and rituals from other Alevi communities, such as Anatolian Alevis or the Alevis of Dersim, Alevi faiths have certain common denominators. In recent times, all Alevi groups show the tendency to stress the commonalities rather than the differences, and to present a shared, institutionalized reaction to threats and hate speech against Alevis.

The Alevis of Dersim follow a religion that has strong traces of animism. Along the narrow road that follows the banks of the Munzur River, which they consider holy, a number of trees, hollows, and stream mouths carry holy significance, and there are countless sites for sacrifice and holy tombs. Because of their close connection to the land and the fear that holy places in and around the Munzur River will be destroyed, Dersim Alevis have been strong opponents of building dams in the region. They have also been concerned that dams would isolate the people of Dersim from one another and make them more vulnerable to state repression and assimilation efforts.

The Alevis of Dersim display significant differences from the majority population of Turkey, as well as from the Kurds. Their language, which is variously called Kırmancki, Zazaca, Zazaki, or Dimili, is quite different from other dialects of Kurdish spoken in the region. People in Dersim call themselves Kırmanç. Their religious belief system is also a distinct form of Alevism.

After the establishment of the republic, the Alevis of Dersim were subjected to persecution more than any other Alevi group, or even Kurds. Subjected to a systematic plan of subjugation starting in 1925, they have been devastated by the state. The violence against them reached an all-time high in 1937 and 1938, resulting in massacres, scorching of their fields and harvest, aerial bombing, and poison gassing of people. A makeshift court, set up on a Sunday, sentenced the Alevi leader Seyit Rıza and his son to death, after reducing the age of the father and increasing that of the son, to be able to hang both. Not knowing enough Turkish, the accused Alevis at the court received the death verdict in cheers, because they did not understand that the court's wording, "to be penalized by hanging," actually meant execution (*idam*).⁹³ In open violation of Article 39/5 of the Lausanne Treaty, the court did not use translators.

The Alevis of Dersim have been active in electoral politics and have consistently voted, as a bloc, for the Republican People's Party (Cumhuriyet Halk Partisi, or CHP). Although this is the party that persecuted them throughout the period of single-party rule, especially in 1937–1938, Alevis support the party because they have been able to live according to their Alevism principles mostly because of this party's secular policies. This demonstrates just how important Alevi belief is for the people of Dersim.

Alevi Kurds constitute a religious and ethnic minority not only within the majority Sunni Turkish society but also within the Alevi and Kurdish minorities. They are, in other words, a minority within minorities; they are different in ethnic and linguistic terms from Turkish Alevis, and in religious and linguistic terms from Kurds, as most Kurds are Kurmançi speakers and Sunni.

Pressures on the Alevi Population

The state, treating Islam as a monolithic religion and trying to force the Muslim population to conform to the state-sponsored version of Islam, have placed heavy pressure on Alevis to give up their "heretic" or misguided beliefs. These pressures can be examined in four different categories:

1. Alevis have been subjected to state attacks, both under Ottoman rule and in the republican period, and have endured the pogroms of Sunni peoples. Some such relatively recent major events took place in Malatya (September 1978), Kahramanmaraş (December 1979), Sivas “Madımak” (July 1993), and İstanbul Gazi Quarter (March 1995).

2. Alevis’ freedom and rights to assembly and association have been consistently violated. As a part of Turkey’s unique conceptualization of secularism, which brings all Muslim religious groups under the state-run religious institutions, Alevi and Bektashi associations have been closed. Only recently, thanks to ECtHR rulings and the EU Harmonization Packages, Alevis have been able to enjoy these rights to some extent.

Nevertheless, restrictions related to associations continue to be instituted. For example, the Second Civil Court of First Instance of Ankara ruled that associations focused on Alevism could not be established under the name of “Alevi,” or a name alluding to Alevi, on the grounds that *Alevi* was a sectarian or religious term. In February 2002, the court closed the Culture Association of the Union of Alevi-Bektashi Foundations because of its name. When the decision was reversed in November 2002, by the Second Civil Law Chamber of the Court of Cassation, the Ankara chief prosecutor objected in May 2003 by issuing the following opinion: “Laws have changed, but the prohibition remains. If Alevis are granted permission, then following this [as an example], Aczmendis, Naqshbandis, and Zoroastrians will set up associations, and the secular order will be lost. When Alevi subculture turns into a social organization, it can easily be provoked by people with bad intentions.”

However, the Court of Cassation rejected this objection within the same month, on account of changes to the Law of Associations, and thus left the door open for the establishment of associations and foundations aiming to protect, develop, and spread different languages and cultures.

3. The religious beliefs and worship places of Alevis were not recognized and thus were excluded from the programs and funds of the DİB, which was established in 1924. It is true that Alevis, having not migrated to cities until the 1950s–1960s, and, consequently, having not gained an awareness of their different identity, played a significant role in this omission. However, even after this issue was brought up, the DİB and other state agencies continued with their discriminatory practices.

4. The Lausanne Treaty provision stating that “all inhabitants of Turkey shall be entitled to free exercise whether in public or private, of any creed, religion or belief, the observance of which shall not be incompatible with public order and good morals” (Article 38/2) has been violated through various mechanisms of religious pressure exerted upon Alevis:

- In schools, Alevi children are required to attend the mandatory “Religious Culture and Moral Knowledge” course, designed according to Sunni-Hanefi beliefs and practices. Despite the rulings of the ECtHR and national courts against this policy, the Ministry of National Education has resisted and kept obtaining favorable rulings from other courts. (The court rulings on this matter are further discussed in a later section on mandatory religious instruction at the courts.)
- The state did not recognize *cemevis* as places of worship, but recently there has been some progress. As part of the EU Harmonization Package, in 2003, documents started to employ the language “places of worship” instead of “mosque.” The 2015 government program made the commitment that “the traditional centers of learning and the demands based in belief and culture of our Alevi citizens will be met . . . we will recognize their legal status.” Prime Minister Davutoğlu repeated this promise at a meeting with Alevis on January 14, 2016.⁹⁴ More important are decisions of the ECtHR, the Court of Cassation, and the Council of State that declare *cemevis* to be “places of worship.” However, because *cemevis* are still not recognized as places of worship by the state, their basic utility costs are not covered by the DİB and no spaces are assigned for *cemevis*, even though these services are provided for mosques. Only a few municipalities provide space for *cemevis* on their own.
- Although not demanded by Alevis, in fact despite rejection, the state builds mosques in Alevi villages with the aim of assimilation and appoints Sunni imams to run them.⁹⁵ They remain unused by Alevis.⁹⁶
- As a result of various forms of public and government pressures, Alevis are pushed to conceal their identities in many places, particularly when seeking work.

Resisting Pressures:

Alevi Organizations and Collective Action

In addition to several independent and Arab Alevi (Nusayri) associations, in Turkey and in Europe, there are a total of eight umbrella organizations that work as Alevi federations and confederations:⁹⁷

1. Alevi Bektashi Federation (Alevi Bektaşî Federasyonu, or ABF): Originally formed in 1994 as the Alevi-Bektashi Assembly of Representatives, the federation was established in September 2000, and despite the objections of the Ankara governorate to the name *Alevi* in

the title, it became a legal entity in 2002. It has nearly 120,000 members and 214 member associations. Among these, there are two large federations. The Alevi Culture Associations was established in 1992 in İzmir as the Hacı Bektaş Veli Culture and Solidarity Association, and it is the largest association-based Alevi organization in Turkey, with 108 branches and nearly 60,000 members. The Pir Sultan Abdal Culture Associations was formed in 1988 in Ankara, as the Banaz Village Pir Sultan Abdal Tourism and Solidarity Association; it has seventy-four branches and nearly 40,000 members.

2. The Federation of Alevi Foundations (Alevi Vakıfları Federasyonu, or AVF): Officially established in 2008, the AVF is composed solely of foundations. It has sixty-three branches; fifty-three of them are in Turkey and the others in Germany and Austria. The largest member is the Cem Foundation, established in 1995.

3. The Hacı Bektaş Veli Anatolian Culture Foundation (Hacı Bektaş Veli Anadolu Kütür Vakfı, or HBVAKV): Established in 1994, it has thirty-nine branches.

4. Federation of Alevi Associations (Alevi Dernekleri Federasyonu, or ADF): Established in 2010, mainly as a *dergah*—a place where *cem* ceremonies are held, animals are sacrificed, *lokma* sweets are distributed, funerals are held, and ritual food is shared—the federation has thirteen branches.

5. Confederation of European Alevi Associations (Avrupa Alevi Birlikleri Konfederasyonu, or AABK): Established in 1988 as the Alevi Community Federation of Germany, this confederation's name was changed in 1993 first to the Federation of Germany Alevi Associations, and then to its current name. The federation includes 248 associations, 141 of which are in Germany. A significant proportion of these are called Alevi Culture Centers, and in recent years, many branches have been organized under the name Alevi Society (Alevi Toplumu).

6. Federation of Democratic Alevis (Demokratik Alevi Federasyonu, or FEDA): The group was established in 1994 by the Kurdish movement in Europe as the Association of Alevis of Kurdistan. After a number of changes, the federation settled on this name.

7. Federation of Tahtacı Culture Associations (Tahtacı Kültür Dernekleri Federasyonu, or TADEFE): Established in İzmir in 2012 by the Tahtacı Alevi Village Associations, this organization has twenty-three branches.

8. World Foundation of Ahlul Bayt: Established in 1996, the foundation is associated with the name of Fermani Altun, a conservative politician. It is quite weak organizationally and is believed to have no social base in the Alevi world.

The ideological disposition of these organizations can be loosely grouped into three categories. The first one sees Alevism as a belief particular to Anatolia and leans toward the left and social democracy. ABF, HBVAKV, AABK, and FEDA can be placed in this category. The second tendency primarily emphasizes an Islamic form of Alevism, without a particular political position. AVF and ADF belong in this group, as do the Tahtacı Culture Associations, which emphasizes both Turkmen and Alevi heritage. The third position is represented by the World Foundation of Ahlul Bayt, which is close to political Islam.

The Mandatory Religious Instruction at the Courts

The state policy of mandatory religious instruction at schools has been challenged by parents at courts, sometimes reaching to the ECtHR. In the following discussion, I briefly review a few illustrative cases.⁹⁸

In two important cases—*Hasan and Eylem Zengin vs. Turkey* (2007)⁹⁹ and *Mansur Yalçın and Others vs. Turkey* (2014),¹⁰⁰—the ECtHR decided, by unanimous vote that the way the course “Religious Culture and Moral Knowledge” was taught in primary and middle schools constituted a violation of rights guaranteed by the second sentence of Article 2 of Protocol No. 1. Turkey objected to the 2014 decision, but this objection was rejected by ECtHR on February 17, 2015.¹⁰¹

The rulings by the administrative courts in Turkey have not been consistent. In 2009, when an atheist family in Antalya asked that their daughter be exempt from this course, a court in Antalya accepted their plea, but the Council of State reversed this decision, reasoning that some positive changes had been made in the textbooks for the course. On the same grounds, the administrative court rejected the case in 2013. When the family appealed, this disavowal was brought to the Council of State, where it was reversed. In fact, the Ministry of National Education had been to the Council of State and requested the revision of this decision, where the decision is still pending in 2020. The same family sued again in November 2016, this time for their younger daughter, and a court in Antalya decided on a stay of execution in favor of the family in March 2017.¹⁰²

On November 14, 2017, a news article reported that the Tenth Administrative Court in İstanbul, evaluating the application of a family in Eyüp, İstanbul, ruled in favor of the family’s demand to have their child exempt from the mandatory religious course. The unanimous decision stated that “in case the syllabus in use is based on the understanding of a specific religion, it is clear that it cannot be accepted as a ‘Reli-

gious Instruction and Moral Knowledge' course, and that it will become 'religious education.'"¹⁰³

Court Cases Regarding Cemevis

A lawsuit was filed by the Cem Foundation, demanding that the state cover the cost of electricity in the Yenibosna Cemevi. It was rejected on the grounds that "Alevism is not a religion, and *cemevis* are not places of worship." The Second Chamber of ECtHR investigated the issue as a possible "discrimination based upon belief" and on December 2, 2014, found Turkey at fault for the violation of ECHR Article 14 (on discrimination) and Article 9 (on freedom of belief). On June 20, 2017, the ECtHR ordered Turkey to pay the Cem Foundation 44,000 euros in non-pecuniary damages and 10,000 euros in pecuniary damages.¹⁰⁴

On April 26, 2016, the ECtHR Grand Chamber, whose decisions cannot be appealed, issued a ruling on İzzettin Doğan and Others vs. Turkey. This is a particularly important case, because the decision not only states that Alevi rights, protected by Articles 9 and 14 of the ECHR, are violated but also issues a reminder that the state is obliged to provide public services to all religious/belief systems, and that the state must act impartially and without discrimination.¹⁰⁵ In other words, this ruling protects the rights of religious/belief groups in Turkey.

In March 2009, the Court of Cassation ruled that *cemevis* were not places of worship, but on December 3, 2014, this position was changed on the basis of the ECtHR decision. The General Assembly of Civil Law Chambers ruled that it would not be able to adjudicate on whether or not *cemevis* were places of worship, but declared that associations could be established for the purposes of creating a *cemevi*. Thus, *cemevis* acquired a legal status, though not as places of worship. This status was reached following a decision taken on May 28, 2015, by the Third Chamber of the Court of Cassation, after the finalization of an April 21, 2015, ECtHR decision regarding the exemption of places of worship from paying electricity costs.¹⁰⁶

Peoples from the Balkans and the Caucasus

In addition to the people who were born within the borders of the Republic of Turkey, there are minority populations that moved to Turkey. The descendants of migrants from two regions, the Balkans and the Caucasus, include a variety of ethnic and linguistic groups.

Balkan Peoples—Slavs and Albanians

Balkan peoples are ethnic Turks and other Muslim groups who fled the Balkans in the late Ottoman period to save their lives, as well as those who migrated to Turkey from the Balkan states in the republic era. The latter group may also include Aegean islanders, who came to Turkey mainly as a part of population exchanges with neighboring countries. These island migrants are typically called “Cretan” (Giritli), regardless of whether they came from Crete.

In addition to those of Turkish descent, those who came from the Balkans can be grouped as Slavs and non-Slavs. Slav groups include Bosnians, Torbesh, and Pomaks. Bosnian is the name for Muslim Slavs in Bosnia, Torbesh for those in Macedonia and Kosovo, and Pomaks for those in Bulgaria and Greece.¹⁰⁷ Albanians are non-Slavs. Younger generations of these groups tend to speak only Turkish, as they no longer know their mother language.

Bosnians, numbering close to 2 million, live primarily in Adapazarı, İzmir, and Manisa. Pomaks live generally in the environs of Bursa, and number around 600,000. Both of these Balkan peoples have been entirely Turkified. Indeed, in June 2004, when the state radio, TRT, began broadcasting in Bosnian, as a part of the EU Harmonization Package, ethnic Bosnians in Turkey protested this decision.¹⁰⁸

Many people in Turkey came to learn that Bosnians are not ethnic Turks only after the dissolution of Yugoslavia. The majority still believes they are ethnic Turks for several reasons:

1. Bosnians are Sunni Muslims within a Sunni Muslim majority country.
2. Because they settled in coastal towns or big cities—areas where they were able to easily integrate into the national economy—they were able to participate in the national economy and markets.
3. They had already been assimilated to Turkishness in the Balkan countries in which they were born, because in those places, Turk designates the predominant Muslim element, both in political or economic terms. In fact, Muslim minorities in the Middle Eastern and Balkan countries tend to undermine their ethnic identity, regardless of the predominant ethnic element, and stress their Muslim identity in order to assimilate or establish a close tie to other Muslim ethnic groups.¹⁰⁹
4. But perhaps the most important factor is that these groups are migrants, not autochthonous. They are groups that came to Turkey to establish a new life after having left their historical land, after life in

their own countries had become unviable. This condition prevented them from developing self-awareness as minorities, and unlike other Anatolian Muslims still living in their own historical homes (e.g., Kurds), their migrant status facilitated their integration and natural assimilation.

There are as many as 1 million Albanians in Turkey. Although not to the same degree as Bosnians or Pomaks, a sizable segment of them have become Turkified. Even though those over a certain age retain self-awareness as Albanian, they do not perceive this as being in opposition to the supra-identity of Turkishness.

Bosnians, Torbesh, and Pomaks show no self-awareness as minorities, as they consider themselves Turkish. An indication of this is that they always use the word *Türk* in the names of the foundations and associations established by Western Thracians (among them Pomaks) in Turkey.

Peoples of the Caucasus— Laz, Georgians, and Circassians

The Muslim and migrant peoples from the Caucasus tend to have a more pronounced sense of ethnic identity. Although they remained quiet and showed little self-awareness as minorities until the 1990s, the rise of Kurdish nationalism and identity stimulated the development of ethnic and cultural sub-identities among other groups, including people from the Caucasus. However, though they are eager to maintain their communities and culture as distinct from the majority population, they are far from interrogating Turkishness as a supra-identity. The peoples of the South Caucasus include Laz, Georgians, and Circassians.

Laz people¹¹⁰ have been in Turkey for a long time and are usually considered autochthonous to Turkey. They live in the eastern Black Sea districts of Pazar, Ardeşen, Fındıklı, Arhavi, Hopa, and Borçka. But they have also migrated to urban centers such as İstanbul, Ankara, İzmir, Bursa, Samsun, and Zonguldak. In public opinion the entire eastern Black Sea region is often counted as Laz, though their true number is generally put at around 80,000. Some estimates, however, put their number as high as 1.5 million.

Their language is Lazca, but fewer and fewer young people speak it. Perhaps because they are so acclimatized to Turkey's economic life, identity has not been an issue for the Laz people. However, Laz intellectuals began to highlight different cultural traits held by Laz people and attempted to revive forgotten ones. In 1993, they published a cultural journal called *Ogni* (Hear), though only six issues were published. A

lawsuit filed against the editor of the journal on charges of Laz separatism resulted in his acquittal. After this case, a number of journals were published: *Mjora* (Sun) in 2000, *Skani Nena* (Your Language/Voice) in 2008, *Tanura* (Aurora) in 2012, and in 2013, *Ağani Murutsxi* (New Star), entirely in Lazca.¹¹¹

Currently, there are ten active Laz associations; nearly all include the word *Laz* in their title.¹¹² The Laz people have two foundations. However, perhaps on account of Civil Code Article 101/4, which states that “a foundation cannot be established with the aim of supporting members of a particular race or community,” none of these foundations include the word *Laz* in their title.

Another group, which includes Georgians and Circassians, came from the Caucasus to escape Russian repression.¹¹³ Georgians have settled along the coast of the Black Sea, particularly the eastern part, as well as in the Marmara region. Older Georgians still speak Acara, the main dialect of Georgian. Georgians in Turkey, speaking among themselves, refer to each other and their community by using the term *çveneburi*, (of us, particular to us). Their numbers are around 1 million.

Between 2007 and 2010, Georgians published the quarterly journal *Pirosmani* (the name of a Georgian painter; eleven issues) both in Turkish and Georgian, as well as *Çveneburi*, which discontinued after publishing fifty-nine issues, and *Mamuli* (Motherland), which met the same fate after publishing only four issues. Similarly, the online radio station Radyo Çveneburi, founded in 2006, closed after two or three years of broadcasting. An internet site, *chveneburi.net*, has been publishing since 2000. Volunteers who maintain this site established the Georgian Culture House Association at the same address. Activities and news of the community are mainly carried out through the Culture House site. A popular page on the site provides information on how to apply for Georgian citizenship.

As far as I could ascertain, Georgians in Turkey have two foundations, the Turkish Georgian Education and Culture Foundation in İstanbul, and the Turkey-Georgia Friendship and Solidarity Foundation in Ankara. Georgians have many associations, covering a range of issues and activities pertaining to the environment, town or place of origin, community assistance, sports, education, and village life. In addition to these associations, there are eighteen institutions that focus on Georgian heritage, culture, and identity.¹¹⁴

Another group, the Circassians,¹¹⁵ if defined broadly, can constitute a supra-identity, encompassing a range of people of the Caucasus, such as Abazins, Abkhazians, Adyghe, Karachay-Balkars, Dagestanis,

Ingush, Karachays, and Ossetians. The narrow definition would include only Adyghe.

Circassians in Turkey are believed to number somewhere between 2.5 and 6 million people. They were settled along two primary lines during the Ottoman period. The first line of settlement includes the provinces of Sinop, Samsun, Çorum, Amasya, Tokat, Sivas, Yozgat, Kayseri, Kahramanmaraş, Adana, and Hatay, and perhaps Muş and Kars. The second line, constituting the majority of Circassians, includes Çanakkale, Balıkesir, Bursa, Eskişehir, Bilecik, Kocaeli, Düzce, and Sakarya. Some other, smaller groups of Circassians live in Kütahya, Afyon, Konya, Aydın, and İzmir.

The open expression of Circassian identity can be dated back to 1908, the start of the Ottoman second constitutional monarchy period, when Circassians founded the Circassian Assistance Association. More recently, they established Caucasian Association (Kafkas Derneği, or KAF-DER) in 1993, and encouraged by the EU Harmonization process, they founded the Federation of Caucasus Associations (Kafkas Dernekleri Federasyonu, or KAFFED) in 2003. Currently, there are fifty-four associations affiliated with this federation. Most of these organizations include *Caucasus* in their name. Eleven of them include *Circassian*, one *Adyghe*, and one *Adyghe-Circassian*.¹¹⁶

Circassians have six foundations, and, again, probably because of Civil Code Article 101/4, the word *Circassian* is not found in their names.¹¹⁷

Finding KAFFED's defense of the rights of Circassians inadequate, a group of Circassians founded the Circassian People's Initiative in 2011. They also established the World Circassian Solidarity Committee in 2012, to support Circassians in Syria, and the Circassian Federation of Associations in April 2013. The same group established a political party in January 2015, the Pluralistic Democracy Party, arguing that issues and demands around ethnic identity in Turkey have been reduced to Kurdish ethnic identity alone and that Circassians are overlooked and can achieve awareness of their identity only by becoming more political.¹¹⁸

Circassians issued their first newspaper in 1911, under the title *Guaze* (Beacon). Now, they publish the journal *Nart* (Brave), which began in 1997 as the media outlet for KAF-DER and started to serve the same function for KAFFED in 2004, as well as a monthly newspaper *Jineps* (Tears of a Tree). When the TRT started broadcasting in some minority languages on June 10, 2004, Circassians welcomed the thirty-minute weekly broadcast in the Circassian language and commented, referring to the first day of broadcasting, "Today is, for us, a feast day."¹¹⁹

The Positions of the Caucasian and Balkan Migrants Compared

A comparison of the relative positions of the Caucasian and Balkan migrants tells us that the Muslim peoples of the Caucasus were exiled by Tsarist Russia, at the end of the Caucasian War, to Ottoman lands (today Turkey, Jordan, Syria, and Israel). Unlike the Balkan immigrants, people from the Caucasus, and Circassians in particular, display a significantly stronger ethnic self-awareness, despite the fact that both groups are similar as allochthonous and Muslim people. This difference can be attributed to a few factors:

1. People coming from the Caucasus, unlike those from the Balkans, were never under Ottoman rule.

2. When Circassians were exiled to the Ottoman Empire, after the oppression of Tsarist Russia, they arrived with their weapons and with their family structures and social hierarchies intact.

3. Although they made significant contributions to the Committee of Union and Progress, the National Forces (Kuvvayı Milliye), and the War of Independence, they did so as an organized group with its own leaders, and this helped the Circassians to preserve their ethnic identity.

4. Unlike Balkan migrants, from the first days of their arrival, “return to the homeland” has been a consistent theme for Circassians. Georgian websites such as chveneburi.net provide guidance to those who wish to have dual citizenship by acquiring Georgian citizenship. This yearning for the homeland inevitably leads to a diasporic feeling of living outside of one’s mother country. This feeling, after a brief rupture during the communist period, was revived, following the rapid urbanization and the establishment of associations in the 1950s, and intensified again in the 2000s.

Moreover, the concept of diaspora among Circassians is in a sense two-layered: there is the diaspora of those who left the “homeland” Caucasus for the land of Turkey, and there are those in the second wave of diaspora who, starting in the mid-1960s, left Turkey and settled in various European centers in waves of economic migration. There they established various organizations such as the European Circassian Federation and the Federation of Circassian Culture Associations of Europe.

The emphasis on ethnic and cultural identity can be observed in the mottos and slogans of the mimeographed newspaper *Şible* (Lightning), published in Germany in the 1980s (likely between 1984 and 1987), before the strengthening of Circassian self-awareness in Turkey in the

2000s. They include: “The one who forgets his/her original is a bastard child,” “Circassians are the French of the Caucasus—Noussimbaum,” “[Anyone] who cause[s] one to forget his language, culture, and nation is a traitor,” “Read and write in the mother tongue Circassian!” “Mother, don’t leave me without a language!” “Mother, teach me Circassian!” “Teach me such that I may remain Circassian,” or “Those who oppress other people cannot speak of oppression.” The paper also finds Turkey’s opposition to the Bulgarian government’s campaign to drop Turkish names hypocritical, writing: “A state that has suppressed by denying the existence of 1.5 million Circassians (and others) living in Turkey, that recognizes no democratic rights for Circassians, that has openly denied all sorts of our cultural and ethnic rights, how can it call for such rights for the Turkish minority in Bulgaria?”

Kurds

The number of Kurdish people in Turkey is estimated to be between 12 and 20 million, including some who settled in the western provinces of Turkey a long time ago, have become assimilated, and have forgotten Kurdish. Yet a significant majority maintains an awareness of being Kurdish, and many of those living in the eastern and southeastern regions of Anatolia speak their mother tongue in addition to Turkish.

About 75 percent of the Kurds are Sunni Muslims, the great majority of whom follow the Shafii school. They refer to themselves as Kurds or Kurmanç, and their mother tongue is Kurmanci, commonly referred to as Kurdish.

As noted above, the Alevis of Dersim call themselves Kırmanç, and their language Kırmancki or Kırmançça. The other names of this language of the Alevis of Dersim, among whom there are tribes that speak Kurmanci, are Dimili, Zazaki, and Zazaca. In addition to Dersim, the Alevi tribes speaking Zazaca/Kırmancki live in Erzincan, the western part of Bingöl, Varto, and Hınıs in Erzurum; Alevi tribes speaking Kurmanci live in Dersim, Sivas, Elazığ, Malatya, Maraş, and central Anatolia. People from Dersim do not refer to themselves as Zaza and do not call their own language Zazaca, saying instead, “*Zonê ma Kırmanckî yo*” (Our language is Kırmançki). The Alevis of Dersim use the term *Zaza* for Sunni/Sunnified Kurds who use their language, and the term has a rather pejorative sense.¹²⁰

Debates over whether Zazas are Kurds or a separate people began to intensify in the 1980s. Some Zazas see themselves as a separate people from the Kurds, yet most consider themselves to be a sub-group of Kurds.¹²¹

There are two additional groups also known as Kurds, Yezidis and Mhallamis. As mentioned above, Yezidis practice a distinct religion. However, they primarily speak Kurdish. Mhallamis, converted to Islam from Orthodox Christianity in 1609, according to the Syriac patriarch Mor Efrem, and live in Mardin and its environs.¹²² Their ethnic origins are believed to be a combination of Kurdish, Arab, and Syriac. Although they mostly speak Arabic, they consider themselves Kurdish, as do other Kurds.¹²³

Why Have Kurds Not Been Assimilated?

Unlike other Muslim groups, Kurds have protected their identity for generations, and except for some living in large cities in the western provinces of Turkey, they have not been assimilated. Kurds' successful resistance to assimilation can be attributed to many factors:

1. Population and density: In addition to being far greater in number than the other Muslim minorities, the vast majority of the population has long lived in a specific geographic region, constituting the majority in many provinces in the eastern and southeastern regions of Turkey.

2. Geography: The landlocked and mountainous character of the terrain was not conducive to Kurds' participation in, and integration into, the national economy and led them to their relative isolation, both economically and culturally. Their isolation was facilitated by a state policy, known to be designed by Field Marshall Fevzi Çakmak in the first years of the republic, that deliberately intended to limit their access to the outside world, by not building roads, for instance. In contrast, Kurds maintained ties with Syrian and Iraqi Kurds, some of whom happened to be relatives separated as a result of the Lausanne Treaty frontier lines, and continued with their traditional economic relations as nomads or through cross-border smuggling.

3. Modes of production: As a result of this seclusion, Kurds have long preserved their precapitalist mode of production and lifestyle. Thus, they have maintained their differences vis-à-vis other parts of Turkey, particularly the heavily populated western part of the country.

4. Autochthony: As indicated at the very beginning of this book, autochthonous minorities are known to be more ambitious in protecting their particular identity, compared to the allochthonous minorities. As autochthonous people who lived in Anatolia well before the arrival of Turks in 1071, Kurds hold a significantly different position than other Muslim groups that arrived through migration after the establishment of

a state (the Ottoman one in 1299, and the Republic of Turkey in 1923). The state repression and pressure also reinforced their sense of identity.

5. The dominant group in the region: Kurds constitute the overwhelming majority in eastern and southeastern Anatolia, as well as the predominant culture. They have produced important literary works such as *Şerefname* and *Mem û Zin*, and perhaps because of this and other cultural accomplishments, they have influenced other minority groups in the region, including Christian minorities such as Armenians and Syrians, who were gradually assimilated into Kurdish culture and adopted Kurdish as their language.

As a result of these and other factors, the sub-identity of this people gradually grew more distinct.¹²⁴ There are three crucial points to highlight here. First, there has been an intense and ongoing conflict between the highly centralized nation-state (the Turkish republic), founded upon the decentralized Ottoman Empire, and the centrifugal feudal elements (the Kurds). Second, the transition from the Ottoman Empire, which held the supra-identity of “Ottoman” that kept all sub-identities distinct, with no intrusion into each another’s affairs, to the Republic of Turkey, which privileged the strongest of these sub-identities, “Turk,” and elevated it to be the “national identity” of all residents, drew a major reaction from Kurds, the second strongest sub-identity. Third, the development of Kurdish identity and political consciousness, emerging in the 1960s if not earlier, preceded the development of the national economic market, which took shape after the 1980s.

Are Kurds a Minority?

Kurds meet all of the criteria for the definition of a minority, both the objective ones (being different, not being dominant, being few in number relative to the national whole, and being citizens) and subjective ones (awareness of being different, the will to remain different). However, both Kurds and the Turkish state fiercely reject any proposition that labels them a *minority* that should enjoy *minority rights*. Although the state justifies this position by noting that “the Lausanne Treaty only accepts non-Muslims as minorities,” the rationale of the Kurds is more complex.

Similar to Alevis, the rejection of minority categorization by Kurds has its foundation in the *Millet* system. “The minority reference,” applied only to non-Muslims, suggesting second-class status and implying potential traitors (who could at any moment be subjected to cleansing), has not been attractive. Kurds view themselves as a “people”—a

reference that can be deemed more dignified than a minority and allows for claims for “self-determination.”¹²⁵ Again, similar to Alevis, Kurds note that they are among the “fundamental and constituent” peoples. Such claims, of course, mean that they privilege themselves, just as Turks, compared to other peoples or groups. Those lacking the fundamental and constituent status (Rums or Circassians, for instance) are automatically placed into a secondary position.¹²⁶

Roma People (Gypsies)

The majority of Roma people are thought to have arrived in Anatolia around the tenth century, coming from India via Iran. Located primarily in Thrace, they are spread throughout the country, and thus they are known by nearly twenty different names in Turkey.¹²⁷ The most commonly used terms are *Çingene* (Gypsy), and in more recent years, *Roman*, *Roma*, or *Romani*.

According to Council of Europe documents, the population of Roma people in Europe is around 11 million.¹²⁸ The fourth-largest group among this population lives in Turkey. With a population estimated to be between 550,000 and 700,000 people, nearly 50 percent of Roma in Turkey live in five provinces (İstanbul, Edirne, Bursa, İzmir, and Balıkesir), and more than 60 percent in ten other provinces.¹²⁹

Roma in Turkey can be classified into four groups, based on linguistic and religious differences: Roma, Dom peoples, Lom peoples, and Nomads. Nomads are very small in number. Roma share many characteristics with European Romani, with musicians making up their elite class. Doms are Middle Eastern, live in small numbers in the east and southeast of Turkey, speak Domari among themselves, are mostly nomadic, and some are Yezidi. Loms, whose origins are unknown, live in the northeast of Turkey and the Black Sea region; they are mostly settled and are also known by the demeaning term *Poşa*. Most have forgotten their mother tongue, Lomavren. Most nomadic groups are Alevi, refer to themselves as Abdal, and reject the term *Çingene* and its legacy.¹³⁰

Different from the majority population in terms of ethnicity, language (to some degree), and perhaps more important, lifestyle and culture, Romas have endured a range of discrimination and violence in Turkey, instigated by both the public and the state.¹³¹ This situation results from a class rather than an ethnic condition. Unlike their kin in Europe, in the Ottoman era, Roma were not subjected to intense and widespread massacres, but since that time, having been perceived as the

lowest of classes, they have been subject to extreme forms of discrimination.¹³² The term *Çingene* is used only pejoratively and is often employed to insult other people as well.

A group of Roma who lived in Sulukule in İstanbul, until they were removed by the “Sulukule Project” under the guise of “urban renewal,” did not accept being addressed as “Çingene” and could be heard, from time to time, asking, as a rhetorical plea in response to their treatment, “What, are we *Çingene*?”

Similar to Alevi and Kurds, Roma characterize themselves not as a minority but as a “fundamental” people.¹³³ As a result of the heightened sensitivities about ethnic identities caused by the rise of Kurdish nationalism and political liberalization of the country as a part of the EU Harmonization, Romas, too, began to claim their identity and rights in the 2000s. It was in this process that the pejorative term *Çingene* was replaced with *Roma*, and it is now more common to hear the term *Romani*. There are judicial decisions that both do and do not count the term *Çingene* as an insult.¹³⁴

Now that they are politically more conscious, Roma in Turkey have over three hundred associations. The Turkey Roman Rights Forum, which was founded in 2012 and includes around sixty associations and four federations, works mainly on issues of housing, education, employment, discriminatory laws, and impunity granted to security officers and lay people who harass them. Another umbrella organization is the Roman Confederation.

As of 2020, there were no Roma publication outlets, but sites such as cingeneyiz.org (We are Gypsies) can be found online. In February 2016, Radyo Romano Vast, Turkey’s first Roma radio station, was established and began broadcasting under the auspices of the Federation of Mediterranean Romani Associations.¹³⁵

An important outcome of political awareness and engagement by Roma is the election of Özcan Purçu as a member of parliament (MP), in June 2015, on the CHP ticket, making him Turkey’s first and Europe’s fourth Roma MP.

Discrimination and unequal treatment of Roma, ignored for years, started to be addressed under “Roma Opening,” an AKP government initiative launched in 2009 to alleviate negative reactions to the Sulukule Project.¹³⁶ Since 2012, relevant ministers in the leadership of the Ministry of Family and Social Policies have carried out a variety of meetings with Roma civil society organization experts in order to prepare a national action strategy required by the EU Framework for National Roma Integration Strategies created by the European

Commission in 2011. The resulting document was published on April 30, 2016, in *Resmî Gazete* (Official Gazette) as “Strategy Document and First Stage Action Plan for Romani Citizens.”¹³⁷ It marks the beginning of progress, even though it fell quite short of meeting expectations. During the December 2017 parliamentary budget debates, MP Özcan Purçu raised his voice in protest, noting that although the government’s Romani Strategic Document and Action Plan had been published, no related budget had been set aside.

Notes

1. Bayır 2013, 68–69.
2. The conflict and the following split are attributed to theological differences, but the underlying reasons for Armenians splitting from the Greek Orthodox Church were largely political, stemming from their desire to free themselves from Byzantine tutelage. A precondition to grant autonomy to a community at the time, when religion was the primary uniting identity, was practicing a distinct religion, and that could be demonstrated by establishing their own church.
3. See Yılmaz 2015.
4. See “Armenian Secret Army for the Liberation of Armenia,” https://en.wikipedia.org/wiki/Armenian_Secret_Army_for_the_Liberation_of_Armenia.
5. For a list of non-Muslim foundations, 167 in total, see <https://www.vgm.gov.tr/vakif-sorgulama/vakif-sorgulama?Page=1&FoundationCategoryId=2>.
6. For their names and locations, see <https://www.cemaatvakiflaritemsilcisi.com/index.php/vakiflar/ermen-i-vakiflari>. Of these, fourteen are Catholic, two are Protestant, and the rest are Orthodox. Despite the fact that they are protected today as corporate entities, a number of churches, schools, and cemeteries have “disappeared.” Some have relocated to cities with larger Armenian populations.
7. Two of these are Catholic, and three are Orthodox. For the list, see Oran 2018, 174, n. 23. I am grateful to Zakarya Mildanoğlu for providing the list.
8. For the list, see Oran 2018, 174, n. 24. Armenian Foundations were mainly neighborhood based, and their administrators were chosen from the neighborhood residents and by neighborhood residents. This system changed after 1915. The influx of orphans from Anatolia led some foundations to provide services not only to those in their neighborhood but to all Armenians. For example, the foundations of Karagözyan and Kalfayan were created for Anatolian orphan boys and girls, respectively. Similarly, Surp Pırgiç cared not just for Armenians in İstanbul but for those from across Anatolia. Again, I thank Zakarya Mildanoğlu for the detailed information.
9. On the Orthodox Armenian churches attached to the Armenian Patriarchate in Kumkapı, see <http://www.turkiyeermenileripatrikligi.org/site/surp-kevork-ermen-i-kilisesi/>.
10. For the list of Armenian Catholic churches in İstanbul, see Oran 2018, 174–175, n. 26. I thank Boğos Levon Zekıyan, Archbishop of Catholic Armenians in Turkey, for the information.
11. The Gedikpaşa Armenian Protestant Church and the Aynalı Çeşme Armenian Protestant Church.
12. For a list, see <http://turkiyeermenileripatrikligi.org/site/kilise-korolari/>.
13. See <http://turkiyeermenileripatrikligi.org/site/mezarliklar/>.

14. For a list of schools, see <http://www.turkiyeermenileripatrikligi.org/site/getronagan-ermeni-lisesi-cemaat-okullari/>.
15. For a list of alumni associations, see <http://www.turkiyeermenileripatrikligi.org/site/dernekler/>.
16. For the list, see Oran 2018, 175, n. 32. I am grateful to Zakarya Mildanoğlu for the information.
17. For the list, see *ibid.*, n. 33. My thanks to Zakarya Mildanoğlu for this.
18. See www.turkiyeermenileripatrikligi.org/site/fakirlere-yardim-kollari/.
19. For the list, see Oran 2018, 176, n. 39. I thank Aris Nalcı for providing the information.
20. For the list, see *ibid.*, n. 37. For Armenian publications before 2000, see Mildanoğlu 2014.
21. For the list, see Oran 2018, 176, n. 38. I thank Zakarya Mildanoğlu for this.
22. See <http://t24.com.tr/haber/imc-tvnin-mallari-trtye-verildi,363340>.
23. Actually, they are different languages. Whereas the term *Judeo-Spanish* denotes a spoken language, *Ladino* refers to the exact translation of religious texts. I am grateful to Rita Ender for this information and for the resources.
24. Yıldız 2013, 195–221.
25. Hrant Dink's initiatives were not welcomed by the wealthy Armenians of İstanbul, either, but Dink was immediately embraced by Anatolian Armenians who migrated to İstanbul; they carry on his work and constitute the core Armenian population today.
26. See <http://gazeteduvar.com.tr/gundem/2017/06/18/bassavci-feto-tam-bir-yahudi-orgutlenmesi/>.
27. Four of the foundations in İstanbul are not, however, synagogue foundations. My thanks to Moris Levi for this.
28. For a list of foundations and their affiliated synagogues, see Oran 2018, 179, n. 52. I am grateful to Rita Ender, Ester Zonana, Moris Levi, and Sami Azar for this information.
29. Many non-Muslim organizations in Anatolia hesitated to hand in the 1936 Declaration (for more on this document see the end of Chapter 5), for fear that, after the trauma of 1915, “they will take it from us.”
30. For the list, see Oran 2018, 180, n. 58. My thanks to Ester Zonana.
31. For the list, see Oran 2018, 180, n. 59. I thank Rita Ender, Ester Zonana, Moris Levi, and Sami Azar.
32. Macartney 1934, 445–446.
33. On the *établissements* in the Lausanne Treaty, see Oran 2003.
34. On İstanbul Rums living outside of Turkey, see Ecumenical Federation of Constantinopolitans 2015.
35. On the patriarchate, see Macar 2003. For a list of the Fener Patriarchate's domain of religious authority, see <http://www.megarevma.net/patrikhane.htm>.
36. For a list of these foundations, see <http://www.rumvader.org/Page/80/vakiflarimiz.html>. Also see Tsitselikis 2015.
37. *Ayazma*, a term that means “curative” or “holy water,” is a small prayer space without an altar.
38. See <http://www.rumvader.org/Page/84/anasayfa.html>.
39. I thank Teodora Hacudi and Laki Vingas for information related to İzmir.
40. See <http://www.rumvader.org/Page/84/anasayfa.html>.
41. For a list of Rum schools, see Oran 2018, 185–186, n. 75. I thank Laki Vingas for the information.
42. For information on Gökçeada and Bozcaada, see Antonopoulou 2015.
43. See <http://www.rumvader.org/assets/images/rumdernekler.pdf>.

44. See Hurigil 2015 and Kasapoğlu 2015. I also thank Can Teymur and Fadi Hurigil for valuable oral information.

45. See <http://www.suryaniler.com/suryani-tarihi.asp?id=33>.

46. With the passage of Antioch (once one of the most important centers of Christianity) into Ottoman hands, this autocephalous patriarchate, which relocated to Damascus in 1343, where it remains today, ranks third in the quadripartite hierarchy of historical churches in the Eastern Roman Empire, after Constantinople and Alexandria, and ahead of Jerusalem. See “Autocephaly,” <https://en.wikipedia.org/wiki/Autocephaly>.

47. On the Antiochian community in İstanbul, see Özgür Kaymak and Anna Maria Beylunioğlu 2017.

48. Kasapoğlu 2015, 122–124.

49. For the list, see Oran 2018, 189, n. 83.

50. On Yetvart Danzikyan, see <https://artigercek.com/yazarlar/yetvartdanzikyan/ne-diyanet-ten-ses-var-ne-de-hazine-den>.

51. For the list, see Oran 2018, 190, n. 86.

52. The Roman Catholic Church is the general classification for all Christians who have accepted the pope as their religious leader. The classification Latin Catholic Church is used for those who both accept the pope as their leader and worship according to Roman Christian tradition. By contrast, Eastern Catholics (Byzantines, Copts, Ethiopians, Assyrians, and Armenian Catholics) worship differently (January 2017 interview with Boğos Levon Zekiyan).

53. On Catholic Rums and Catholic Bulgarians, see Macar 2002.

54. For the list, see Oran 2018, 190, n. 89. My thanks to Fadi Hurigil.

55. See <http://www.agos.com.tr/tr/yazi/11424/midyat-taki-suryani-ve-ezidilerin-mulkiyet-cilesi-devam-ediyor>.

56. See <https://www.state.gov/j/drl/rls/irf/2002/13986.htm>. See also Kurban 2003, 178.

57. Because data and statistics regarding minorities who are not officially recognized are hard to come by, it is necessary to consult verbal accounts and foreign written sources. The information on Syriacs was obtained through interviews with community leaders (January 2018).

58. Interview with Yusuf Beğtaş, December 2016.

59. For the list, see Oran 2018, 194, n. 97. My thanks to Muzaffer İris, Tuma Çelik, and Tuma Özdemir.

60. For the list, see Oran 2018, 194, n. 98.

61. *Sabro* monthly newspaper, year 1, no. 7 (September 7, 2012).

62. See <http://www.milliyet.com.tr/86-yil-aradan-sonra-yeniden-acildi-gundem-1941377/>. This school, which originally had about thirty students, has been increasing its enrollment modestly. See <https://artigercek.com/yazarlar/nurcan-kaya/suryaniler-azinlik-oldu-da-sonra-ne-oldu>.

63. For a list of urban associations, see Oran 2018, 102. I am grateful to Muzaffer İris, Tuma Çelik, and Tuma Özdemir for this.

64. See <http://www.bahaitr.org/index.php/tr/gunumuz-turkiye-bahai-toplumu>.

65. Bayır 2013, 118.

66. From information I procured on October 19, 2015, from the Turkey Bahai Community’s foreign relations representative.

67. See <http://www.sabah.com.tr/yazarlar/ovur/2015/02/13/ezidilere-korucu-baskisi>.

68. See Baysal 2016.

69. He said: “We value humans as humans, even if they are Yezidis, so long as they are not engaged in terrorism.” See <http://www.hurriyet.com.tr/yezidi-degil-ezidiyiz-21794754>.

70. The Turkish government's emergency decree appointment of a trustee (*kayyım*) to the Yenışehir Municipality—the local government in charge of the camp—forced Yezidis to evacuate the camp, despite the persistent requests that they be allowed to stay until the harsh winter conditions passed. Yezidis were then transferred to the camps of the Disaster and Emergency Management Authority of the Prime Ministry. See <http://www.bbc.com/turkce/haberler-turkiye-38448251>.

71. For information on Protestant organizing in Turkey, I thank İhsan Özbek and Soner Tufan for providing and allowing publication of the data.

72. For the list, see Oran 2018, 198–199, n. 113.

73. For the list, see Oran 2018, 199, n. 114.

74. For the latest report by this organization, published in 2019, see “2018 Human Rights Violations Report” at <http://www.protestankiliseler.org/eng/?p=843>.

75. See <http://hudoc.echr.coe.int/eng?i=001-163107>.

76. Unless otherwise specified, the information in this section is based on an interview with an İstanbul Levantine, Fortunato Maresia, conducted in October 2017.

77. They learned Greek, mostly through intermarrying. See <https://tr.wikipedia.org/wiki/Levantenler>.

78. For a list of Catholic schools run not by international religious organizations but by civil servants sent from overseas, see Oran 2018, 202, n. 121.

79. Two of these hospitals remain today: Saint Georges (*Avusturya Hastanesi*; founder: Avusturya Filles de Charité Rahibeleri) and La Paix (*Lape Hastanesi*; founder: Fransız Filles de la Charité Rahibeleri).

80. Özbek 2010, 139.

81. These churches are mostly in İstanbul (e.g., Saint Antoine on İstiklal Caddesi), as well as in İzmir (e.g., Saint Jean Cathedral, next to İzmir Atatürk Lisesi), Bursa, Efes, Konya, Antalya, İskenderun, Antakya, Mersin, Adana, Tarsus, Samsun, and Trabzon.

82. See “Molokan,” at <https://en.wikipedia.org/wiki/Molokan>.

83. Mentioned in Bayır 2017, 3. For ECRI's report, see <https://rm.coe.int/fifth-report-on-turkey/16808b5c81>, p. 29, para. 73.

84. See http://www.cumhuriyet.com.tr/haber/siyaset/741016/Erdogan_dan_Suriyelilere_vatandaslik_sinyali_Kacak_mi_calissinlar_.html.

85. For their help on the subject of Alevis, I thank Mustafa Şen, Kazım Arık, and Martin van Bruinessen.

86. Whether people from Dersim are a branch of Kurds or not is a debated question.

87. Rıza Nur 1967, 1044.

88. Interview with Mustafa Şen, July 6, 2004.

89. The similarities between Alevism and Shamanism are based on the information in Yalçınkaya 1996, 19–21.

90. See Bruinessen 1996.

91. Albayrak 2008, 121–128.

92. The information in this section is from Mertcan 2017, 223–224.

93. Çağlayangil 1990, 51. Çağlayangil, a chief constable at the time, served as minister of foreign affairs in 1965–1971, 1975–1977, and 1977–1978, then chaired the Senate in 1979–1980.

94. See <http://www.memurlar.net/haber/558597/>.

95. See <http://www.alevinet.com/2016/04/23/yine-alevi-koyu-yine-cami/>.

96. See <https://www.birgun.net/haber-detay/dersimde-hayali-imamlar-metruk-binalar-cami-gosterilip-imam-atanmis.html>.

97. Necdet Saraç, <http://blog.milliyet.com.tr/alevileri-kim-temsil-ediyor-/Blog/?BlogNo=448334>.

98. For more examples, see Oran 2018, 213–214.

99. See <https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=002-2493&filename=002-2493.pdf&TID=thkbhnlzk>.

100. For the English text, see <http://hudoc.echr.coe.int/eng/?i=001-146487>. For an analysis of these 2007 and 2014 decisions, see Tolga Şirin, “Zorunlu Din Dersi Tartışmasının Görülmeyenleri,” http://www.aihmiz.org.tr/files/zorunlu_din_dersi.pdf.

101. See <http://www.evrensel.net/haber/105179/aihm-zorunlu-din-dersine-son-noktayi-koydu>. For Prime Minister A. Davutoğlu’s reaction to the ECtHR decision, see <http://www.cnnturk.com/video/turkiye/davutoglundan-aihmin-din-dersi-kararina-ilk-tepki>.

102. See http://www.cumhuriyet.com.tr/haber/turkiye/699138/Mahkeme_yurutmeyi_durdurdu_Zorunlu_din_dersi_hukuka_aykiri.html. All information regarding administrative justice is based on an interview with attorney Nusret Gürgöz, conducted on March 28, 2017.

103. See <http://www.cumhuriyet.com.tr/haber/mahkemededen-zorunlu-din-dersi-karari-devlet-dinler-karsisinda-tarafsiz-kalmali-865717>.

104. See <http://bianet.org/bianet/insan-haklari/187619-cemevlerine-ayrimciliga-54-bin-400-euro-tazminat>.

105. The Grand Chamber found the state’s failure to grant *cemevis* the status of places of worship a violation of the right to religious freedom, and Alevis’ lack of access to the services of the DİB a violation of antidiscrimination provisions of the law. See Case of İzzettin Doğan and Others v. Turkey, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-162697%22%5D%7D>. For an analysis of the chamber’s reasoning, see <http://t24.com.tr/yazarlar/riza-turmen/aihmin-aleviler-ve-cemevleri-ile-ilgili-karari-hangi-gerekcelere-dayaniyor,14502>.

106. For more decisions concerning the *cemevi* problem by the ECtHR, the Court of Cassation, and the Council of State, see Oran 2018, 215–216.

107. On the Pomaks of Western Thrace and Bulgaria, see Oran 1991, 134–143, and Dayıoğlu 2005, 62–73, respectively.

108. *Akşam*, June 12, 2004. Cemal Şenel, deputy chairman of the Federation of Bosnia-Herzegovina Culture Associations, considered this radio broadcast as unnecessary: “Blessed the state. But we have never had such a demand. After all, we aren’t Bosnians living in Turkey, but first-class Turkish citizens” (*Milliyet*, August 6, 2004).

109. Oran 1994a, 308–323.

110. For information about Laz people, I thank Memedalı Barış Beşli, the publisher of *Ogni*. Also see Şendeniz 2020.

111. *Ogni* resumed publication in 2018. On the assimilation of Laz people, see Oral 2014.

112. For the list, see Oran 2018, 218, n. 161.

113. For information about Georgians, I am grateful to Erdal Küçük, the founder of Georgian Culture House Association.

114. For the list, see Oran 2018, 219, n. 165.

115. I am grateful to Betül Dinçer for providing most of the information on Circassians in Turkey reported here.

116. For the list, see Oran 2018, 220, n. 167.

117. For the list, see *ibid.*, 220–221, n. 169.

118. See <http://www.radikal.com.tr/politika/cerkeslerin-partisinden-ilk-toplanti-1270277/>.

119. See <http://www.hurriyet.com.tr/gundem/trtde-ilk-cerkezce-yayin-232526>.

120. Interview with Kazım Arık, the former president of the Tunceli Foundation for Education and Health, on October 16, 2015.

121. See Bruinessen 1994 and Bruinessen 1997.
122. See <http://www.suryaniler.com/suryani-tarihi.asp?id=33>.
123. Bruinessen 1994.
124. For reciprocal hardening of Kurdish and Turkish nationalisms, see Oran 2002.
125. For an analysis of the debate on whether Kurds would opt for independence, see Oran 1997, 22–33.
126. On the concept of “fundamental and founding people” and its critique, see my interview: “70 Milyon da Kurucu Unsur,” by Derya Sazak, *Milliyet*, December 8, 2004.
127. See <https://tr.wikipedia.org/wiki/%C3%87ingeneler>.
128. See https://rm.coe.int/1680088eaa#_ftn4.
129. Arayıcı 2008.
130. Marsh 2008. Also see <http://t24.com.tr/haber/cingenelerde-kimlik-bilinci-roman-acilimiyla-olustu,250534>.
131. The provision of the 1934 Settlement Law, stating, “Those who have no ties to Turkish culture, anarchists, nomad gypsies, spies, and deportees cannot be accepted as refugees to Turkey,” was lifted by Law No. 5542 on September 19, 2006. See Pelin Tünaydın, http://bianet.org/biamag/toplum/166812-irkcilik-ve-antikomunizm-arasinda-bulgaristan-gocu-ve-romanlar#_edn55. The removal of the term *Gypsy* from the 1950 Law on Foreigners Residing and Traveling in Turkey did not occur until January 5, 2011: <http://www.radikal.com.tr/politika/cingene-tabiri-yasadan-kaldirildi-1035318/>.
132. On this, see Karan 2017.
133. Based on a February 15, 2016, interview with Hacer Foggo, who works on issues of the Roma people. Given the demeaning nature of the term *Gypsy* and its discriminatory echoes in Turkish society, a member of the community felt the need to repeatedly stress: “We are all Turks and Muslims. . . . Roma are clean, hard-working and moral people, whereas Gypsies are dirty, wandering thieves.” Roma in İzmit described sending their sons off to military service as a way of protecting the state, that they were “supporting the state in the struggle against separatists [Kurds]” and they were “against those who worked to sabotage the unity of the Republic” (Marsh 2008.)
134. One is a March 2016 decision by an İzmir court; see <http://www.takvim.com.tr/guncel/2016/03/28/sen-misin-cingene-diyen>. Another is decision E. 2015 /997, K. 2015/580 from the Court of Cassation; see <http://www.hukukihaber.net/kararlar/cingene-gibisin-dagda-yasaman-lazim-sozunun-hakaret-olmadigi-h67126.html>. For both, I thank Hacer Foggo.
135. Interview, February 15, 2016, with Hacer Foggo. See also <http://www.mersinportal.com/mersin/romanlar-seslerini-radyodan-duyuracak-h29612.html>.
136. See <http://haber.sol.org.tr/devlet-ve-siyaset/acilim-romani-roman-acilimi-haberi-21426>.
137. See <http://www.hurriyet.com.tr/resmen-roman-paketi-40097379>. The CHP MP Özcan Purçu, Hacer Foggo from the Roma Rights Foundation, and president of the Roma Rights Association Yücel Tatal note the limitations of the strategic document and action plan, such as the lack of concrete proposals and no mention of budgetary allocations. However, Foggo and Tatal emphasized including a strategy specifically related to the Roma people in a state policy for the first time as an important development. See “What Do Romans Say About Strategy Document?” at <http://bianet.org/english/minorities/174406-what-do-romans-say-about-strategy-document>.

4

Turkey's Obligations Under International Law

How the state, both the Ottoman Empire and the Republic of Turkey, defined and treated its minority populations has been influenced not only by its internal affairs but also by its international relations. As has been mentioned repeatedly in the previous chapters, the Lausanne Treaty was a key document for minority issues. Later, Turkey's participation in the international and regional human rights regimes and ratification of various international human rights treaties required Turkey to implement these treaties, some of which include provisions regarding minority rights.

In this chapter, I discuss Turkey's international obligations regarding minority rights. I start with the period of the League of Nations, which produced the Treaty of Lausanne, and then continue with the conventions adopted after the establishment of the UN.

THE ERA OF THE LEAGUE OF NATIONS

The protection of minorities in Turkey by the League of Nations started with the Treaty of Sèvres (1920). Just as with other countries that lost in World War I (Austria, Bulgaria, and Hungary), this peace treaty with the Ottomans included Articles 140 to 151 of Section XIII, Part IV, titled "The Protection of Minorities."¹

When Turkish resistance to the occupation of the empire after World War I turned into another war, which was later labeled the Turkish War of Independence, the Treaty of Sèvres became obsolete and was never implemented. The military success of the "nationalist" resistance forced

the occupying countries into negotiations, and a peace conference was held in Lausanne. The Lausanne Treaty was the outcome of that conference. It was signed on July 24, 1923, with the Ankara government, formed by the Turkish Grand National Assembly (TBMM), and established the Turkish state.²

Similar to the Treaty of Sèvres, the Lausanne Treaty included several articles on the protection of minorities, but with some significant differences. First, compared to the Sèvres ones, the articles in the Lausanne Treaty were less demanding, toned down. Second, while protection of minorities is addressed under a separate “Part” with a specific heading in the Treaty of Sèvres, in the Lausanne Treaty, Articles 37 to 45 constitutes Section III, entitled “The Protection of Minorities” and is placed under Part 1, “Political Provisions.”

Before discussing the content of the Lausanne Treaty here and its implementation in Chapter 5, it is important to make a few observations about the nature of the negotiations of minority provisions in this period. The protection of minorities was typically imposed by the major powers on the defeated, weak, or small states that were unwilling to take measures to protect their minorities. Even after those defeated states signed treaties, they continuously tried to avoid their implementation. In fact, some Eastern European countries took World War II as an opportunity to rid themselves of the very physical existence of minorities, whom they considered to be a “fifth column.”³ The Republic of Turkey approached the protection of minorities with the same mentality.

The contents of Articles 37–45 of the Lausanne Treaty can be summarized by breaking them into their paragraphs. I provide the paragraph number in parentheses and briefly indicate whether it targets prevention of discrimination (PD) or protection of minorities (PMR).

Article 37: Turkey may in no way modify Articles 38 to 44, and in no official function or application may act contrary to them.

Article 38: (1) The Turkish government will in no way discriminate against inhabitants of Turkey⁴ and will protect their lives and freedoms (PD); (2) every inhabitant of Turkey is free to carry out what their faith requires (PD); (3) non-Muslim minorities are free to travel and migrate within the country (PD).

Article 39: (1) Non-Muslim minorities have the same civil and political rights as Muslims (PD); (2) every inhabitant of Turkey is equal in the eyes of the law, regardless of religion (PD); (3) every citizen has the right, regardless of religion, to benefit from civil and political rights, to work in various professions and lines of work, and in particular to

become civil servants (PD); (4) all citizens may use whatever language they wish in private affairs, or in matters of trade, religion, the press, and publication, and in public meetings [in other words, everywhere except at government agencies] (PD, PMR); (5) Turkish citizens who speak languages other than Turkish have the right to orally use their own languages in courts (PMR).

Article 40: Non-Muslim minorities possess equal rights in establishing, administering, and overseeing all sorts of charities, religious or social institutions, schools, and educational institutions, on the condition that they themselves cover the costs. They also possess equal rights, therein, to use their own languages and carry out their own religious ceremonies (PMR).

Article 41: (1) Necessary arrangements will be made to facilitate non-Muslim minorities' pursuit of education in the mother tongue in primary schools in places where they reside in significant numbers (PMR); (2) an equitable share of various budgets is to be allocated to the non-Muslim minorities for their education, religion, and charitable works (PMR); these funds are to be paid to the relevant institutional representatives (PMR).

Article 42: (1) The Turkish government will take measures to resolve problems related to the family law or personal status of non-Muslim minorities with respect to these people's traditions and customs (PMR); (2) such measures are to be arranged by special commissions made up of representatives in equal parts from the Turkish government and the minority community (PMR); (3) religious institutions and cemeteries belonging to non-Muslim minorities are to be protected, and all manner of accommodation and permission is to be granted to existing foundations and religious and charitable institutions of these minorities, and for the establishment of such new institutions, the same accommodations are to be provided as would be to any other private institution (PMR).

Article 43: (1) Non-Muslim minorities cannot be forced into actions contrary to their beliefs (PMR); (2) this provision should not adversely affect the protection of public order.

Article 44: (1) The protections of these rights of non-Muslim minorities are international obligations. They are under the protection of the League of Nations and cannot be modified without the majority approval of the Council of the League of Nations (PMR).

Article 45: The very same rights recognized in Section III for non-Muslim minorities in Turkey are to be recognized by Greece for the Muslim minority in that country.⁵

Examining the Concept of Minorities Introduced by the Lausanne Treaty

There are two important points regarding Turkey's recognition of only non-Muslims as minorities. First, the principle that minorities officially recognized by Turkey through the Lausanne Treaty are limited to non-Muslims is legally consistent. Second, Turkey's practice of limiting minority rights to non-Muslims is far behind the contemporary international standards.

Turkey restricts the concept of minority, by invoking the Lausanne Treaty, to non-Muslims. This situation rests on two legal bases, which themselves stem from two basic characteristics of the minority protection treaties issued at that time. First, the Lausanne Treaty uses the term *non-Muslim*, instead of the standard criteria (race, language, and religion) employed for designating minority status at the time. Second, in the treaty, the rights protected by international organizations are extended only to non-Muslims. Let's unpack these two points:

First, minority protection treaties adopted at the end of World War I included the criteria of "racial, linguistic, and religious minorities." It became the standard practice. For instance, the first such treaty, the Polish Minority Treaty, which served as the template for the subsequent ones, includes these criteria in Articles 8, 9/2, and 12.⁶ In fact, the Sèvres Peace Treaty, which was signed with the Ottoman Empire in 1920 but was never implemented, included the same criteria in Articles 145, 147, and 148.

The Lausanne Treaty narrowed this far broader definition, because the Lausanne Treaty was a peace treaty that was signed not to end World War I (1914–1918), at least not entirely, but that was meant to end the Turkish War of Independence (1919–1922). Emerging from the latter war as victorious allowed Turkey to have its demands about the definition of minorities accepted by the Allies.

The second distinguishing feature of all minority protection treaties made at the end of World War I was recognizing the rights extended to racial, linguistic, and religious minorities as "international provisions," placing these rights under the protection of the League of Nations. Article 44/1 of the Lausanne Treaty also upholds this principle.

Consequently, the standard criteria for defining a minority and international guarantee converged on the subject of non-Muslims. As such, Turkey has been legally consistent, with regard to the Lausanne Treaty, in counting only non-Muslims as minorities. Because treating only non-Muslims as minorities has been embedded in the fifteenth-

century *Millet* system, the treaty's conceptualization was acceptable to both the state and the public in Turkey.

Turkey is out of sync with contemporary international norms for two reasons. First, it still subscribes to the conceptualization of minority and implementation of minority rights based on the Lausanne Treaty, which is an old, dated treaty. Second, Turkey falls short of even implementing the Lausanne Treaty provisions.

It has been nearly a century since the Lausanne Treaty was adopted. Since then, both the international world order and the conceptualization of human rights have changed significantly. Thus, the Lausanne Treaty is an outdated document. For one thing, the trilogy of race, language, and religion, adopted as criteria for minority status after World War I, has now become universally accepted, but with one difference. Instead of the word *race*, the word *ethnicity* started to be used after World War II.

Second, as I explain in detail below, it is no longer up to the state to decide whether there are minorities within its borders or what type of minorities they may be. If there are groups of citizens who exhibit ethnic, linguistic, and religious differences, and who see these differences as an inseparable part of their identity, then minorities are deemed to exist in that state. The objective criteria for minorities have been settled in international law, ever since an advisory opinion by the Permanent Court of International Justice in 1930. Moreover, many international treaties signed and ratified by Turkey are clear on this subject and legally binding.

Third, although Turkey has placed declarations or reservations on a number of human and minority rights documents it signed or ratified, it is increasingly difficult to have these objections, which were placed by following a conservative and nationalist mentality, respected by the international community in the event of disagreement.⁷ It should be further emphasized that declarations and reservations placed on international documents dealing with minorities imply that the state, in its internal policy, differentiates between "real citizens" and "citizens on paper," restricts minorities' participation in social life, and continues to view minority rights as a threat, disruptive to social cohesion.⁸

Fourth, although the European Convention on Human Rights does not directly articulate minority rights, they are embedded in its antidiscrimination clauses. In fact, the European Court of Human Rights, an enforcement mechanism of the convention, ruled that Turkey, in a number of cases (on the closing of political parties, on non-Muslim foundations, on the rights of Alevis), violated minority rights and ordered it to pay compensation. In other words, the new international legal obligations

of Turkey show that Turkey's insistence on following the principles of minority protection as spelled out in the 1923 Lausanne Treaty does not match the requirements of the twenty-first century.

In addition to the Lausanne Treaty being from another era, Turkey falls short of following and implementing even the provisions of that treaty. Turkey's interpretation of the treaty is much narrower than what the treaty intends. Section III of the Lausanne Treaty, which addresses minority rights, does not define minorities as Christians and Jews but uses the wording "non-Muslims." Although signatories at the time might have understood non-Muslim to mean Christians and Jews, the implementation of the treaty today would require the expansion of the definition. According to the 1969 Vienna Convention on the Law of Treaties, in international law, specific terms are to be considered in light of their meaning at the date when the document was written, whereas generic terms are to be considered in light of the meaning the terms have acquired in time at the date of implementation. As a generic term, *non-Muslim* today applies not only to Christians and Jews but to all who follow any faith other than Islam. Thus, all non-Muslim citizens in Turkey, including Yezidis, Bahaists, and others discussed in Chapter 3, as well as smaller groups (e.g., Buddhists, Shintoist, Taoists) should hold all the minority rights recognized for non-Muslims in the Lausanne Treaty.

Examining Minority Rights Introduced by the Lausanne Treaty

Minority rights in Turkey are linked to an internationally guaranteed protection mechanism, as indicated in Article 44/1 of the Lausanne Treaty. Since the international system of the League of Nations dissolved, this guaranteed protection mechanism has also disappeared. However, these rights are not only Turkey's international political obligations but are also a part of Turkey's laws, as specified by Law No. 340.⁹ Moreover, the amendment of Article 90/5 of the 1982 constitution in May 2004, to read: "International agreements duly put into effect bear the force of law," and, "In the case of a conflict between international agreements in the area of fundamental rights and freedoms duly put into effect and the domestic laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail."¹⁰ This amendment allows the Lausanne Treaty to trump the related laws of the country.

It is evident that Turkey has violated the Lausanne Treaty in many ways. These violations in implementation have distinct features for dif-

ferent minority groups, as they stem from two types of failures: the limited implementation of the rights extended to non-Muslims, and the lack of any implementation of the rights in Section III to certain groups that fall outside the category of non-Muslims.

The rights extended to non-Muslims are not fully implemented. The lack of implementation for non-Muslims can be examined from two perspectives—the problem of definition and the problem of violations.

The problem of definition: Despite the explicit provision of the treaty, rights holders are limited to three groups of non-Muslims. Not all non-Muslims in Turkey benefit from minority rights. Rather, these rights have been granted, from the outset, only to the “big three” minority groups: Armenians, Jews, and Rums. And this position continues today, even if, from the perspective of Syriacs, things have improved slightly.¹¹

Every non-Muslim Turkish citizen who meets the internationally accepted standards of minority status must benefit from the rights guaranteed in the Lausanne Treaty, yet in implementation, this is still not the case. This practice stems from the desire to limit the principles of the Lausanne Treaty that are binding on Turkey to as few groups/people as possible. It should be further noted that a number of these minorities have not been able to claim or enjoy these rights; living in the rural southeast of Turkey, they have been in many ways disconnected from the rest of the country.

The false assumption that non-Muslims recognized in the Lausanne Treaty include only three groups (Rums, Armenians, and Jews) is so widespread in Turkey that even ostensibly well-read people, including prominent professors and high-level judges who appear in the media, repeat that Section III of the treaty indeed mentions Rums, Armenians, and Jews. Those who take this position put forward two reasons. First, they contend that non-Muslim minorities, who have gained access to some rights thanks to the secular stance and provisions of the 1926 Civil Law, made it clear at the end of 1925 that they had renounced the rights mentioned in the Lausanne Treaty. They further claimed that Syriacs, similarly, and during the same period, renounced their rights, a claim that rests on a single local newspaper piece.¹²

Such renunciations are meaningless in at least two senses. First, aside from being entirely invalid in law, they would be related *not* to the Lausanne Treaty as a whole but to a single clause of it (Article 42/1), allowing the religious wedding ceremonies of non-Muslim minorities to take the place of civil ceremonies. When the Civil Code, adopted from the Swiss Code, introduced the requirement of civil ceremonies, the state required that these three minorities renounce their “traditions and

customs” on this matter and then exerted no shortage of force to this end. As a result of the use of a range of pressure methods (detailed in Chapter 5), including imprisonment, these minority groups had little choice but to renounce the rights that this clause guaranteed. But that had no bearing on the other rights in the Lausanne Treaty. Second, there is no such concept as renunciation in minority rights law. The holder of rights is not minority groups or communities, but rather the minority individual. As such, it is not possible for the group to which an individual belongs, or the representatives who claim to speak for that group, to renounce the rights of an individual. Renunciation by individuals is not possible either, because people cannot give up their rights. These rights are granted by an international treaty signed by eight states, and Article 37 of the treaty declares that the principles in Section III should be taken as a legal whole that “no law or . . . official process” can remove.

The second rationale for including only the three largest groups as the holders of the rights granted by the Lausanne Treaty follows the simplistic logic that “it has been the custom to date, and it will continue to be so.” There is no such defense allowed by logic, or history, or law. If custom means a practice that lasts a long period of time, usually centuries, non-Muslims, who carried out religious wedding ceremonies throughout the Ottoman era, would have custom on their side. However, customs can be followed in accordance to the law; there can be no custom that is contrary to the country’s laws or to the ratified treaty. Even though the Anglo-Saxon legal system seems to recognize custom in its “common law” tradition, it does so in a supplementary fashion; and continental European law, which informs the legal system in Turkey, has no room for customs. These types of defense amount to saying: “We have been violating the Lausanne Treaty since its earliest days, and because no one objected, we are determined to continue doing so.”

Even for the three major groups of non-Muslims, rights are not fully recognized and are implemented in a deficient manner. The state has never considered these groups as “full citizens” and always looked for excuses to restrict their power and limit their operation space. I discuss this point by providing detailed examples in Chapter 5.

The rights extended to groups beyond non-Muslims are not recognized. According to the Lausanne Treaty, only non-Muslims are counted as minorities, but the wording of the treaty indicates that the rights stipulated in Section III do not apply only to non-Muslims. Rather, they have been extended, to varying degrees, to three groups beyond non-Muslims. A careful reading of Section III reveals that there are precisely four rights groups, and they are granted different levels of rights. I discussed them in

detail in an earlier study,¹³ and here I summarize their rights by assigning them into groups (from A to D) and in an order starting with those that hold the most rights and ending with those that hold the least:

Group A includes “Turkish nationals belonging to non-Moslem [*sic*] minorities.” They can enjoy the freedoms of movement and migration, as these apply to all Turkish citizens (Article 38/3). They should have the same civil and political rights as Muslims do (Article 39/1). They have the rights to establish, run, and oversee organizations (e.g., foundations, schools) at their own expense, as well as to use their own languages at these organizations and to carry out their own religious ceremonies (Article 40). In order to have education in their mother tongue in provinces or districts where they live in significant numbers, they have the right to receive an equitable share from the budgets of the national or municipal government agencies (Article 41/1 and 2). Also included are the right to have their family law or personal status matters settled in accordance with their customs and traditions (Article 42/1), and the right to not be compelled to perform any act that constitutes a violation of their faith or to perform any legal business on their sabbath (Article 43). (The official day of rest/weekend was Friday at the time of the signing of the Lausanne Treaty.) In addition to these rights, this group should enjoy the rights recognized for the other three groups.

Group B includes “Turkish nationals of non-Turkish speech.” They have the right to orally use their own language in the courts. This group’s rights, naturally, include those of Groups C and D.

Group C includes “All Turkish citizens.” Their differences in religion, belief, or sect are not to lead to any discrimination (Article 39/3). They have the right to use whatever language they wish in both private and in commercial interactions (Article 39/4). This group’s rights, naturally, include those of Group D.

Group D includes “All inhabitants of Turkey.” They are to enjoy the right to life and freedom from discrimination on the basis of nationality, language, race, or religion (Article 38/1). They have the right to practice their faith, religion, or sect free from interference (38/2). Equality before the law and freedom from religious discrimination are also among their rights (Article 39/2).

The Lausanne Treaty thus grants different rights to these four groups, and by the requirements of Article 37, none of these rights can be divested by any law or official act. Among these groups, non-Muslims have two privileges: they hold a broader spectrum of rights, and these rights are under international guarantee, as required by the provision of Article 44/1. They may be privileged, but non-Muslims are not the only

group whose rights are recognized; they are one of the four groups granted rights in Section III of the Lausanne Treaty.

Section III, then, covers both minority rights and human rights. Moreover, as stipulated in Law No. 340 and Article 90/5 in the constitution, the international treaties have to be honored, and the rights of the groups beyond the non-Muslims included in the Lausanne Treaty must be recognized and implemented.

The Lausanne Treaty as a Human Rights Document: Articles 39/4 and 39/5

Those who insist that the treaty addresses only minority rights point to the title of Section III, "The Protection of Minorities," and contend that what is covered under this heading means only minority rights. Of course, there are reasonable explanations as to why such a heading was employed at the time. First, when the Allied Powers were creating peace treaties, they were eager to address the problems of minorities in Central and Eastern Europe, which were one of the two key reasons for the outbreak of World War I. Yet in doing so, they brought rights not only to minorities but also to everyone living in these countries. Clearly, their concerns about protecting their own citizens carrying out trade in these countries also played an important role in this.¹⁴

Second, the very term *human rights* was to enter into international instruments after World War II, through Article 1/3 of the Charter of the United Nations. (Although the term was employed in the 1789 French Declaration of the Rights of Man and of the Citizen, that document applied to a particular country, pertaining to a national arena.) In other words, at the end of World War I, "human rights" was not a part of the international lexicon and could not be in the title of that section of the treaty.

Third, the term *minority* used in the title of Section III of the Lausanne Treaty is not a specific term, but rather a generic term. As indicated earlier, according to international law, generic terms must be interpreted in light of their contemporary, broad meanings.

Those who claim that Section III addresses only minority rights that apply to only non-Muslims also refer to certain passages in the official conference proceedings¹⁵ to justify their argument. Indeed, both a report that Giulio Cesare Montagna, the chair of the Subcommittee on Minorities, presented to Lord Curzon on January 7, 1923, as well as what Curzon said in proceedings (No. 19) of the session held on January 9, 1923,

show that Allied diplomats accepted the provision “to limit measures of protection to only non-Muslims minorities.”¹⁶ However, it would be a mistake to reach the above claim from these speeches. First, according to the general principles of law, and furthermore, as indicated in Article 32 of the 1969 Vienna Convention on the Law of Treaties, one may appeal to the preparatory work or proceedings only when ambiguity exists in a treaty. Yet Articles 37 and 39 are quite explicit and clear in their wording. Second, what Montagna and Curzon intended to say (and which was included in the proceedings) was *not* about “to whom” the rights applied but which rights should be placed “under international guarantee,” because this was the topic of the session and “minority rights” were discussed in that context. In fact, the international guarantee, specified in Article 44/1 of Section III, is given only to non-Muslims; no such guarantee is in place for the rights extended to the other three groups mentioned above.

If the statements of these two Western diplomats are read in light of paragraphs four and five of Article 39, the situation can be seen more clearly, and those two paragraphs should be examined closely. Article 39/5 reads: “Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of their own language before the Courts.” Here, the phrase, “of non-Turkish speech,” does not refer to those who do not know any Turkish. If that were the case, it would have said as much. The phrase also does not mean those who can speak a language in addition to their mother tongue Turkish, which would be an unnecessary accommodation. Therefore, what is meant is a situation where the language the person knows best—that is, the mother tongue—is a language other than Turkish. The right granted by Article 39/5, then, is a right for those who do not belong to the majority (but whose mother language is Turkish). It is a positive right.

Moreover, as indicated by the phrase “notwithstanding the existence of the official language,” this right is the sole exception to the rule of not using any language other than the official language of Turkish in government agencies. And this important exception, undoubtedly, stems from the idea that it is a basic right to be able to adequately defend one’s rights in the courts. Mother tongue is usually the language a person knows best; as such, to defend oneself in this language rather than another is very important in terms of protecting one’s rights.¹⁷

However, courts in Turkey resisted implementing this provision for those wishing to defend themselves in Kurdish. For example, in 1987, in relation to a criminal investigation about an interview he had given in

prison, the mayor of Diyarbakır, Mehdi Zana, rejected speaking in Turkish; he spoke Kurdish to protest and call attention to Law No. 2932.¹⁸ This situation was entered into official proceedings as “speaking an incoherent language,” to avoid mentioning Kurdish and thus inadvertently recognizing the existence of the language that the state repeatedly denied, and Zana was removed from the hearing, with a new lawsuit brought against him.

At a later date, in 2012, in İstanbul, when suspects in a Union of Communities of Kurdistan (Koma Civaken Kurdistan, KCK) case that involved seventy-two people wished to give their defense statements in Kurdish, reminding the court of Article 39/5 of the Lausanne Treaty, the court rejected their request on the grounds that Kurds are “fundamental and constituent citizens,” and that the right to defend oneself in one’s own language was a right granted only to non-Muslims.¹⁹

Article 39/4 states: “No restrictions shall be imposed on the free use by any Turkish national of any language in private affairs, in commerce, religion, in the press, or in publications of any kind or at public meetings.” There are three important points regarding this clause, which gained further importance as a consequence of recent debates over cultural rights, particularly regarding whether Kurds can carry out television and radio broadcasting. First, this provision grants people the right to use whatever language they wish, whenever and wherever they wish (with the exception of use in government offices). It lists all possible places and venues of communication conceivable in 1923, when the treaty was negotiated and adopted. Second, at that time, regular radio broadcasting was carried out only in the United States, and television had not been invented yet. Thus, the wording of “in the press, or in publications of any kind,” covered all possible forms of publication, and because it is a generic term, it is clear that the provisions of Article 39/4 would include radio, TV, internet, and related broadcasting outlets today. Third, and perhaps most important, although the holders of the rights granted in this clause are all citizens of Turkey, in practice this provision brings about a right that benefits Turkish citizens whose mother tongue is not Turkish, especially because the possibility that someone whose mother tongue was Turkish would use a language other than Turkish in personal or commercial interactions was rather slim in 1923. Thus, this clause, too, can be said to bring about a right benefiting primarily the minorities (a positive right).

These arguments have been rejected by those who claim that it was not the intention of the treaty signatories to extend these rights to all groups in Turkey who had different mother tongues (Kurds or others), and that on this matter there is a need to turn to the official proceedings

for guidance. It is important to note that the situation in the Turkey of that time would not necessitate any objection to the use of different languages. Because all types of languages were spoken in the empire, it would not make any sense for the Ankara delegation to Lausanne to interfere with the languages of Muslim ethnic groups. Moreover, the Ankara delegation claimed that it represented Kurds, as well.²⁰

Those who have such objections search in vain to find a reference in the proceedings of the Lausanne Conference, as the proceedings indicate no debates on this matter. There were no such debates because Article 39 was the shared proposal of the Allied Powers and the Turkish parliament. Clauses 39/4 and 39/5 of the Lausanne Treaty were copied from the Polish Minority Treaty (Clauses 7/3 and 7/4), and they matched, word for word, the draft articles 3/4 and 3/5 that the Turkish delegation proposed to the Subcommittee on Minorities on December 18, 1922.²¹

To avoid misunderstandings, it must be remembered that aside from these two clauses of Article 39, Kurds (as well as other Muslim citizens of Turkey whose mother tongue is not Turkish) have no positive rights in the Lausanne Treaty, and like other Muslims, the rights they do have are not under international protection. Even so, and again as noted earlier, all these rights are, on account of Law No. 340, under the protection of the Turkish national legal system.

Nevertheless, the international legal literature has been silent on this matter; there is no reference to or claim that Article 39/4 of the Lausanne Treaty has been violated by Turkey. This may be due to the fact that the rights extended to groups other than non-Muslims in Turkey are not under international legal guarantee.²² And because Law No. 340 made the Lausanne Treaty a part of Turkey's national law, any conflicts regarding the Lausanne Treaty have been referred to national courts. Now, after legal reforms carried out during the last few decades, the propositions of the Lausanne Treaty can be used as international protection. For example, if a political party, relying on Article 39/4, uses a language other than Turkish, say, at election campaigns, or at other public meetings, and faces the threat of punishment for this (as happens often), the party officials should be able to assert that they have this right both under the Lausanne Treaty and the ECHR, which, according to Article 90/5 of the Constitution of Turkey, trump national law. If the courts in Turkey do not accept this argument, they can take the case to the ECtHR to determine whether restricting linguistic rights listed in Article 39 constitutes a violation of the ECHR. The ECtHR uses the European Convention for its rulings

sometimes to assess whether there is a violation of domestic law. The court may choose not to do this concerning this particular matter, but in case it does mention that such domestic restrictions also violate the Lausanne Treaty, then this would indirectly point to a violation of the Lausanne Treaty Article 39/4.²³

Understanding which rights were granted to which groups in the Lausanne Treaty is important for framing rights today. If we consider the negotiation of the Lausanne Treaty, its historical context, spirit, and wording, and the meaning and aims of its provisions, in light of the contemporary international standards and law, we can reach the following conclusions:

1. One must not confuse the definition of minority in the Lausanne Treaty with the rights brought about by the Lausanne Treaty. It is a treaty that defined only non-Muslims as minorities but also brought rights to other groups, although the latter groups' rights are guaranteed not by international law but by the nation's laws.

2. Consequently, the interpretation that Article 39 brings language rights to Muslim groups such as Kurds is well founded. This article (which according to Article 37 cannot be modified by any official act) presents a clear answer to futile debates, which have for years preoccupied the country in vain, on the issue of whether radio and television broadcasts can be conducted in Turkey in languages other than Turkish.

3. Accepting this interpretation would not upset Turkey's official discourse, as the rights and freedoms introduced by Article 39/4 relate not to minorities but to all Turkish citizens. The right brought about by 39/5, meanwhile, has been in place continuously since the beginning of the republic (except for certain periods during the September 12 military coup era). Because some people (for instance, refugees or women) in some regions (the east and southeast of Turkey) do not know Turkish, recognizing language rights in courts is inevitable, if the courts are to function.

In fact, this interpretation of Article 39 can help the entire country. First, if Turkey is to accede to the European Union, it has to abandon outdated approaches and the mentality upon which they rest. Turkey's carrying out progressive policies and changes not only as a response to the EU pressure but at its own will is important in terms of the concept of national sovereignty. On the international stage, presenting such policies as the implementation of the Lausanne Treaty, the treaty that founded Turkey, would help reinforce the prestige of the state. To do otherwise amounts to a violation of Turkey's own founding treaty.²⁴

Second, in light of recent debates and developments, one should assume that one day, publishing and broadcasting will be possible in all languages. Such a trend is noticeable in significant sections of the public in Turkey, ranging from the fringes of the left to the leaders of the Turkish Industry and Business Association (Türk Sanayici ve İşadamları Derneği, or TÜSİAD) the key organization of the Turkish upper class. If there is a desire to carry out this delicate transition within the country, without creating discord and conflict, claiming that Turkey is implementing the provisions of its founding treaty would make sense, as it does not threaten the state.

Third, in order not to “create minorities” in Turkey, it is necessary to grant all kinds of freedoms to all citizens. A wholesale lifting of prohibitions and restrictions and the expansion of “negative rights” to all would render it unnecessary to repress the demands of certain groups of citizens for “positive rights.” Furthermore, this would disarm the foreign entities that might be pursuing their own self-interest in the disguise of advocating for the rights of various minorities in Turkey.²⁵

Fourth, considering the matter in philosophical terms, it is certain that in Turkey the state’s treating its own citizens humanely will be of crucial importance to assuring cohesion within the country. This is because cohesion can be assured not by generating “compulsory citizens” (people who were born in the country but would like to leave it as soon as there is such an opportunity) but by maintaining “voluntary citizens” who are content and willing to live in the country.

Common Myths in Turkey About the Lausanne Treaty

Although the Lausanne Peace Treaty is Turkey’s founding treaty, it is not adequately or properly taught in schools. The vast majority of the population, lacking accurate information and reliable sources, can fall for bizarre fantasies that circulate on the web and in print media. Some of these are rooted in ignorance, and some are produced deliberately in an effort to generate anti-Western sentiments or to reinforce the already strong nationalist and expansionist mentality.

I have already discussed some of these myths, but here I revisit them and add others, along with their correctives:

1. “In the Lausanne Treaty, rights were only extended to Armenians, Rums, and Jews.” Incorrect. The only related passage mentions “Turkish nationals belonging to non-Muslim minorities.”

2. “In the Lausanne Treaty, rights were extended only to non-Muslims.” Incorrect. Rights were extended to three groups beyond non-Muslims.

3. “With the 1926 Civil Code, non-Muslims renounced some rights articulated in the Lausanne Treaty.” Incorrect. This is legally impossible.

4. “In the Lausanne Treaty, of the criteria of race, language, and religion, only religion is accepted as criterion.” Incorrect. Religion was not accepted as a criterion, either; otherwise Alevis would have international protection.

5. “Article 45 of the Lausanne Treaty is about reciprocity with Greece.” Incorrect. If one of two countries, which were assigned parallel obligations, renounces the granted rights, the other side is not entitled to reciprocate and do the same. Negative reciprocity is not valid for human rights.

6. “The Lausanne Treaty is a fiasco.” Incorrect. As it is the case for most major events, the outcome has been complex. Ending two wars with totally different results, the Lausanne Treaty was an accommodation, though still tilted in favor of the victorious party. Since the War of Independence ended with a Turkish victory and the Western Europeans were convinced that the Anatolian movement would not become Bolshevik, they could no longer pressure the Turks. Moreover, the British sought immediate peace, as British people had grown weary of war, the problem of Ireland was going on, and there were frictions with France and Italy.

In addition to these ongoing false notions, even more fantastic claims started appearing on the internet and circulating via social media, each causing little storms. Chief among these more recent myths are:

1. “The Lausanne Treaty was made for one hundred years and will automatically expire in 2023.” Incorrect. The Lausanne Treaty is a multilateral international peace treaty that was registered to the League of Nations on September 5, 1924. Unlike trade, defense, or friendship agreements, peace treaties issued to end wars have no sunset clauses or expiration dates.

2. “The Lausanne Treaty contains secret articles.” Although these “hidden articles” were never revealed by those who claimed their existence, it is often argued that they prevent Turkey from searching for and processing strategic natural resources such as boron and petroleum until 2023. Yet Turkey has been, since the first days of the republic, searching for, processing, and exporting all of its natural resources. In fact, there is a fairly well-known state company, TPAO, that has been involved in searching for, processing, and selling petroleum.

3. "If Mosul and Kirkuk somehow come under the rule of a state other than Iraq, then Turkey has the right to annex them." This argument must be stemming from wishful thinking by those who are enthusiastic about annexing Mosul and Kirkuk. There may also be some confusion about geography and mixing up Mosul and Kirkuk with Nakhichevan, an autonomous republic within Azerbaijan, which is contiguous to Turkey's eastern border. Nakhichevan is mentioned in Article 3 of the 1921 Moscow Treaty, but Turkey has no such annexation rights.²⁶

4. "The United States refused to ratify the Lausanne Treaty." The United States attended the Lausanne Peace Conference as an observer and could not be a party to the treaty. Some people may mistake the Lausanne Treaty as a bilateral agreement between Turkey and the United States, called "Friendship and Trade," an agreement that was also signed in the Swiss city of Lausanne on August 6, 1923. This bilateral agreement, which sought to reestablish the diplomatic relations interrupted since 1917, failed to gather the two-thirds majority support in the US Senate and was not ratified.

THE ERA OF THE UNITED NATIONS

Turkey was among the founding members of the UN, which was established in 1945. The UN included the promotion of human rights as a goal of the organization within its charter and employed an approach that emphasized the enjoyment of human rights by all, without any discrimination, rather than the protection of minority rights.

The UN Conventions and Turkey's Reservations and Interpretations

Starting with the Universal Declaration of Human Rights,²⁷ adopted in December 1948, the UN and its specialized organizations issued various human rights declarations, as well as treaties/conventions that become binding once the member state ratifies them. Some of these documents directly addressed minority rights, in addition to their antidiscrimination clauses. The collapse of the Soviet Union and other Eastern European "communist regimes" after 1990 revived ethnic and religious conflicts, giving new urgency to the matter of minority protection.

In order to understand Turkey's approach to the issue of minorities under the UN-led global human rights regime, it is necessary to review

the conventions it signed and did not sign. It is also important to examine the nature of major reservations and declarations that Turkey issued regarding these conventions.

Turkey did *not* sign the following UN conventions related directly or indirectly to minorities: (1) The Convention Against Discrimination in Education, adopted in December 1960 under the auspices of the United Nations Educational, Scientific and Cultural Organization (UNESCO); (2) the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, adopted by the UN General Assembly in November 1968 and entered into force two years later; (3) the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the UN in December 2006, taking effect in December 2010; and (4) the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, adopted by the UN in December 2008 and entered into force in May 2013.

A UN convention that is particularly important for minority groups and rights is the Convention on the Prevention and Punishment of the Crime of Genocide, which was adopted by the UN General Assembly in 1948 and entered into force in 1951. Turkey ratified this convention on March 23, 1950. Turkey also ratified the following human rights instruments particularly relevant to minorities and minority rights by placing reservations or declarations:

1. The Convention Relating to the Status of Refugees (1951) and its Optional Protocol (1967). Turkey signed this convention in 1951 and ratified it in 1962, with the following declarations or reservations:

On Article 1/B: Implementation is limited to individuals who are made to be refugees as a result of events occurring only in Europe. On Article 1/C: Here protection regarding some categories is subject to state approval. On Article 2: No provision can be interpreted in a way that would afford for a refugee more rights than those afforded Turkish nationals in Turkey. On the Protocol: while ratifying it in 1968, Turkey made known that geographical restrictions (only Europe) would still apply.

2. The International Convention on the Elimination of All Forms of Racial Discrimination.²⁸ This convention was adopted in December 1965 and entered into force in January 1969. It was signed by Turkey in 1972 and ratified in 2002, with the addition of one reservation and two interpretative declarations.

3. The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).²⁹ These “twin covenants” were both adopted in 1966

and took effect in 1976, with a few months' difference. They were signed by Turkey in 2000, with one reservation and three interpretative declarations, and took effect on December 23, 2003.

There are two optional protocols to the ICCPR. The first of these was adopted by the UN at the same time as the twin covenants and took effect on the same date. The second protocol, adopted in December 1989, involving the abolishment of the death penalty, was signed by Turkey in 2004 and ratified in 2005. Turkey signed the first protocol in February 2004 and ratified it in 2006. Turkey reiterated that the reservation and three declarations placed on the covenant also applied to the protocol, and it limited the complaints to be made to Article 26 of the covenant, which deals with the prohibition of discrimination.

4. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This convention was adopted by the UN General Assembly in December 1979 and took effect in September 1981. Turkey ratified it in July 1985 with some reservations but removed the reservations gradually. Currently, there is only one remaining reservation, on Article 29/1 of the convention.

The Optional Protocol to CEDAW, which permits individual applications, was adopted in October 1999 and took effect in December 2000. Turkey ratified it in August 2002.

5. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.³⁰ This convention was adopted in December 1984 and took effect in June 1987. It was signed by Turkey in January 1988, was ratified in June 1988, and took effect in September 1988 with one declaration and one reservation. An optional protocol related to the convention was adopted in December 2002 and took effect in June 2006. It was signed by Turkey in September 2005, was ratified in June 2011, taking effect in October 2011.

6. The Convention on the Rights of the Child. Adopted on November 1989 and entered into force in September 1990, this convention was signed by Turkey in September 1990, was ratified in December 1994, and took effect with one reservation in May 1995. Related to this convention, the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict was adopted in 2000 and entered into force in February 2002; it was ratified by Turkey in March 2004, with three declarations,³¹ and took effect in June 2004. Again, related to this convention, the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, adopted in May 2000 and entered into force in January 2002, was signed by Turkey in September 2000, was ratified in May 2002, and took effect with one

interpretative declaration in September 2002.³² Also related to this convention, the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, adopted in December 2011 and taking effect in April 2014, was signed by Turkey in September 2012, was ratified in April 2017, and took effect in March 2018. Turkey explicitly stated that the reservations and declarations placed on the convention and its two protocols applied to this protocol as well.³³

The reservations and declarations issued by Turkey vary depending on the treaty and would express certain contingencies for the implementation of some articles or aspects of the treaty in question. The typical and shared points made in all of these declarations and reservations can be grouped and summarized as follows:

1. "The Republic of Turkey declares that it will implement its obligations under the Covenant in accordance to the obligations under the Charter of the United Nations (especially Article 1 and 2 thereof)." With this statement, Turkey refers mainly to the provisions of Articles 2/1 and 2/7 of the UN Charter, which stress the sovereignty of member states, especially regarding the domestic affairs and domestic jurisdiction in Article 2/7.

2. "The Republic of Turkey reserves the right to interpret and apply the provisions . . . in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Lausanne Treaty of July 24, 1923, and its Appendixes." Here, Turkey first refers to the provisions of its 1982 constitution, which, as a document prepared by military rulers who carried out the September 12, 1980, military coup, is highly restrictive on human rights. Then, by mentioning the Lausanne Treaty that Turkey has been interpreting very narrowly, Turkey insinuates that only non-Muslims are recognized as minorities and holders of rights.

3. "The Republic of Turkey declares that it will implement the provisions of this Covenant only to the States with which it has diplomatic relations." Here, it is indirectly conveyed that Turkey will not perform any application concerning the Republic of Cyprus, which it does not recognize. This would also apply to any state that might be established in the future but that would not be recognized by Turkey, which would definitely include a Kurdish state.

4. "The Republic of Turkey declares that this Convention is ratified exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey is

applied.” Here, Turkey aims to rule out any responsibilities that might arise from its having armed forces in northern Cyprus.

These reservations and declarations stem from Turkey’s various ongoing concerns and worries about potential internal and external threats to its territorial integrity. These are the worries of a nation-state rooted in the fear that recognizing the human and minority rights included in these agreements might hurt and divide the country.

Regional Organizations and Turkey

In addition to the UN and its human rights regime, Turkey has been engaged with various other intergovernmental organizations and has participated in different regional human rights regimes. I highlight two particularly significant regional systems.

The European Human Rights Regime: The Council of Europe and Turkey

The importance of the Council of Europe,³⁴ which is part of the European human rights regime, derives from the fact that it is a guarantor of the ECHR, which is also enforced by the ECtHR. Together, they constitute the most influential supervisory mechanism in the world on the matter of human rights.

Turkey signed the ECHR on April 11, 1950, ratified it on March 10, 1954, and put it into effect on May 18, 1954. Turkey recognized the individual applications mechanism of the convention in January 1987, and the authority of the court in September 1989. On the latter, in order to rule out any complaints by the Greek Cypriots related to disappeared people or seized properties, Turkey presented an interpretative declaration that would limit the court’s authority to events occurring within its national borders and after a certain time period. However, because the court does not recognize the Turkish Republic of Northern Cyprus, it holds Turkey responsible, on the grounds that Turkey has effective control over northern Cyprus. Thus, the court initiated a series of serious compensation payments in relation to the *Loizidou* case.³⁵

Turkey is not a party to the European Charter for Regional or Minority Languages, signed in 1992 and entered into force on March 1, 1998. It also does not participate in the Framework Convention for the Protection of National Minorities, adopted in 1995 and entered into

force in 1998. Yet this document, which represents the most comprehensive multilateral convention to date on the subject of minority rights, offers significant flexibility to signatory states. For instance, it is possible for a signatory state to determine where within its national borders and to whom these rights are applicable. Furthermore, application for accession becomes effective three months later, and it can be revoked. It is also possible to withdraw from the convention anytime, on the condition that the notification will be valid six months later.

The Framework Convention has several similarities with the Lausanne Treaty, as the rights granted in the convention correspond to the Lausanne Treaty rights of non-Muslim Turkish citizens, which are under international protection, as well as the language rights of Muslim Turkish citizens, which are not under international protection. Moreover, the convention does not define *minority* and leaves it up to the states to determine the holders of rights. For instance, Germany, in a declaration, presents an understanding of minority that excludes migrant workers. Given the sizable migrant worker population from Turkey, in the event that Turkey becomes party to the convention, it would be possible to object to Germany's definition.

The Transatlantic Human Rights Regime: The CSCE/OSCE and Turkey

The second important international group, known as the transatlantic human rights regime, was initiated in 1973, when the United States, Canada, and thirty-three European countries, including the Soviet Union and Eastern European countries, met in Helsinki. Following the third round of talks of the Conference on Security and Cooperation in Europe (CSCE),³⁶ at a summit meeting held in 1975, the Helsinki Final Act was signed. Later, after the conference was transformed into the Organization for Security and Cooperation in Europe (OSCE), the Charter of Paris for a New World was adopted in November 1990. Although the CSCE/OSCE has essentially been concerned with security issues, it operated on the notion that human rights, including minority rights, are an important element in the area of security. With human rights constituting an existential issue for Europe, both the Helsinki Final Act (1975) and the Charter of Paris (1990) focused on these issues. As a member, Turkey participated in both, and as such assumed certain obligations regarding minorities.

In the Helsinki Final Act, a document prepared in 1975, the subject of minorities occurs only in a single paragraph, indicating that deter-

mining whether or not there are minorities in a country is left to the state to decide.³⁷ The document grants rights on the basis of equality only, meaning that it focuses on the prevention of discrimination. Until the adoption of the Paris Charter in 1990, however, there was considerable change regarding the conceptualization of rights and recognition of cultural identities. Thus, the Paris Charter notes: "We affirm that the ethnic, cultural, linguistic and religious identities of minorities will be protected and that persons belonging to national minorities have the right freely to express, preserve and develop that identity without any discrimination and in full equality before the law." Moreover, the charter also states: "We reaffirm our deep conviction that friendly relations among our peoples, as well as peace, justice, stability and democracy, require that the ethnic, cultural, linguistic and religious identity of national minorities be protected and conditions for the promotion of that identity be created."

Another OSCE instrument, the Copenhagen Document,³⁸ that preceded the Paris Charter by a few months and was adopted in June 1990 at the OSCE's Human Dimension meeting, spares paragraphs 30–40 to address national minorities. For instance, paragraph 33 states: "The participating States will protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for the promotion of that identity."

About a year later, a report published by the Meeting of Experts on National Minorities held in Geneva, in 1991, goes much further. The third paragraph of Section II of the report reads: "Issues concerning national minorities, as well as compliance with international obligations and commitments concerning the rights of persons belonging to them, are matters of legitimate international concern and consequently do not constitute exclusively an internal affair of the respective State."³⁹

The meaning of this principle is this: the matter of minorities is now a matter beyond domestic jurisdiction, as indicated in the UN Charter Article 2/7; it cannot be accepted as merely a matter of a nation's internal affairs. States can no longer treat the criticisms of the international community on minority issues as interference in their domestic affairs.

Upon a recommendation by Turkey, a clause was added to the 1991 report to note that "not all ethnic, cultural, linguistic or religious differences necessarily lead to the creation of national minorities." Nevertheless, it is important to stress that Turkey had already accepted, as part of the provisions of Articles 37 and 44 of the Lausanne Treaty, that minority issues are not to be seen within the boundaries of domestic jurisdiction; they are not just domestic affairs. Moreover, Turkey had taken a

further step toward accepting international oversight in 1987, by accepting the jurisdiction of the ECtHR at that time.

Notes

1. For the text of the treaty, see <http://www.hri.org/docs/sevres/part1.html>.
2. At the end of the Lausanne Conference on Near Eastern Affairs, a total of eighteen acts were signed in 1923, two on January 30, and sixteen on July 24. See <https://babel.hathitrust.org/cgi/pt?id=mdp.35112104720216&view=1up&seq=5>. For the treaty itself, see https://wwi.lib.byu.edu/index.php/Treaty_of_Lausanne.
3. Yerasimos 1997, 321.
4. “All inhabitants of Turkey” included foreigners, especially the Europeans who lived and engaged in trade in Turkey for centuries.
5. This last article of Section III is not about the protection of minorities in Turkey but concerns the protection of the Muslim minority in Greece. Yet this is not a provision of reciprocity, because the 1969 Vienna Convention on the Law of Treaties Article 60/5 rules out reciprocity in human rights.
6. For the text of the treaty, see Thornberry 1994, 399–403, or <http://www.forost.ungarisches-institut.de/pdf/19190628-3.pdf>.
7. States, when they sign or ratify an international instrument, may add certain annotations to protect themselves, variously called reservations or declarations. Reservations, the stronger of the two, tend to express an objection to one or more articles, allowing the state to exempt itself from implementing the provisions articulated in those articles. Declarations, sometimes described as interpretative declarations, specify how a particular signed agreement or provision is understood and implemented by a state.
8. Kaygusuz 2003, 52–53 and 67–68.
9. See https://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanun_tbmcc002/kanun_tbmcc002/kanun_tbmcc00200343.pdf.
10. For an English translation of the latest version of the Turkish Constitution (as of the end 2020), see https://global.tbmm.gov.tr/docs/constitution_en.pdf. For an English translation of the original text of the 1982 Constitution, see https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legal_document/wcms_127495.pdf.
11. Syrians were able to open a primary school in 2014, thanks to a court decision: <http://www.agos.com.tr/tr/yazi/5734/suryanilerin-okul-sevinci>.
12. The only “document” of this is a news piece that ran on February 9, 1923, in the Ankara local newspaper *İleri*. At that time, the Syriac Orthodox Patriarchate was in Mardin. When Patriarch İlyas Şakir III came to Ankara, he made a statement, saying, “We do not want minority rights.” The reasons had to do with the fact that, at the time, and in the minds of Westerners, there was the vision of a Greater Armenia that might serve as a buffer zone between Soviet Russia and the West. Consequently, in the 1919 Paris Peace Conference, no one even considered the plight of the Syrians, who had no state and were left to their own devices. Helpless, they took refuge in the “tolerance” of the Turks, as they had since 1071. The result of this tolerance was that in 1932, when İlyas Şakir III died, the patriarchate was sent from Mardin to Homs in Syria. Since 1959, the patriarchate has been located in Damascus.
13. Oran 1994b.

14. Moreover, Sir Horace Rumbold, the British head delegate at the conference's Subcommittee on Minorities, accepted the Turkish delegation's persistent desire to limit minority rights to non-Muslims, following a session of diplomatic bargaining. According to the minutes of No. 9 of the session, dated December 23, 1922, he said that if Ankara were to accept the term "all inhabitants of Turkey" in place of "minorities" in the Lausanne Treaty Article 38, then the Allies would accept the term "non-Muslim minorities" in other articles. It is difficult to find a clearer expression of the fact that for the Allied Powers, of primary importance here was Europeans being able to carry out trade in Turkey.

15. For the proceedings, see https://archive.org/stream/recordsofproceed00confuoft/recordsofproceed00confuoft_djvu.txt.

16. See *ibid.*

17. The same right is mentioned in the Sèvres Peace Treaty (Article 145/4), but that treaty further allowed the submission of written defense in one's own language in the courts.

18. A law, devised during the military coup and later based on Articles 26 and 28 of the 1982 constitution, was announced in October 1983 as Law No. 2932, "The Law on Publications in a Language Other than Turkish." Article 2 stated: "It is forbidden to make a remark, disseminate, and publish thoughts in any language except the first official languages of states, recognized by the Turkish state." Through an expression that displays great intellectual effort to outlaw Kurdish without actually mentioning the word *Kurdish*, it was masterfully noted, in saying "the first official language," that the second official language of Iraq was Kurdish. Adding the condition of "recognized by the Turkish state" was a means of preempting the supposed danger of an independent Kurdistan that might be formed in Iraq. Article 3 of the same law stated unequivocally that the "mother tongue of Turkish citizens is Turkish." During a period when TRT broadcast the news throughout the day in four languages, and when Kurdish publications mushroomed, the government of Turgut Özal abrogated Law 2932 (the law was a clear violation of the Lausanne Treaty Article 39/4) on April 12, 1991, yet it took until the European Union reforms in October 2001 to abrogate the related articles (26 and 28) in the constitution.

19. See "Kurdistan Communities Union," https://en.wikipedia.org/wiki/Kurdistan_Communities_Union; <http://www.haberturk.com/gundem/haber/711875-kurtce-savunma-talebine-tarihi-ret>.

20. Rıza Nur added that in Turkey, there existed only Turks and Kurds. He held the view that the fate of Turks and Kurds was shared. Kurds did not want to benefit from minority rights. See Note 15 above.

21. See *ibid.*

22. Soykan 2004, 75.

23. Interview with Professor Oktay Uygun, May 31, 2004.

24. The Lausanne Treaty is the founding treaty of the Turkish state. Although the regime (the republic) was set up on October 29, 1923, whereas the state (Turkey) was founded three months earlier (on July 24, 1923) when it received international recognition at the signing of the Lausanne Treaty. The name of the delegation sent from Ankara to the Lausanne Conference was the "Delegation of the Government of the TBMM," whereas the name of the delegation that returned was the "Delegation of Turkey."

25. The example of France is instructive here. See Oran, "Ulus-devlet ve Üniter Devlet: Kürt Sorununda Anlatılan Fransa Masalları," *Radikal*, September 6–11, 2009; Guimezanes 2002.

26. See Tellal 2010, 617–622.

27. For the text of all conventions mentioned below and their optional protocols, see <https://www.ohchr.org/EN/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx>.

28. For Turkish and English texts of the convention, as well as all applied reservations and interpretative declarations, see <https://humanrightscenter.bilgi.edu.tr/media/uploads/2015/08/03/IrkAyrimciligininOrtadanKaldirilmasinaDairSozlesme.pdf>.

29. For Turkish and English texts of the covenants as well as all applied reservations and interpretative declarations of Turkey, see <https://humanrightscenter.bilgi.edu.tr/media/uploads/2015/08/03/MedeniVeSiyasiHaklarAlliskinSozlesme.pdf>; and <https://humanrightscenter.bilgi.edu.tr/media/uploads/2015/08/03/EkonomikSosyalKulturelHaklarSozlesmesi.pdf>.

30. For English and Turkish texts of the convention and all related reservations and declarations of Turkey, see https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter=4&lang=en.

31. For the text of the convention and Turkey's three declarations in Turkish and English, see <https://childrenandarmedconflict.un.org/tools-for-action/optional-protocol/>.

32. For the convention and Turkey's interpretative declaration in Turkish and English, see https://humanrightscenter.bilgi.edu.tr/media/uploads/2015/08/03/CocukSatisiFahiseligiPornografisi_Protokol.pdf.

33. For the text of the convention and Turkey's reservations and declarations in Turkish and English, see https://humanrightscenter.bilgi.edu.tr/media/uploads/2018/02/07/cocuk_haklari_sozlesmesi_ ihtiyari_protokol.pdf.

34. For a complete list of the Council of Europe's treaties, see <https://www.coe.int/en/web/conventions/full-list>.

35. See "Loizidou v. Turkey," https://en.wikipedia.org/wiki/Loizidou_v._Turkey.

36. For key documents, see <https://www.osce.org/resources/csce-osce-key-documents>.

37. Some states do not accept the existence of minorities within their borders. Thus, the UN Human Rights Committee, in its General Comments on Article 27 of the UN International Covenant on Civil and Political Rights, stressed that the basic existence of minorities is not dependent upon whether or not states accept and recognize them.

38. For the text, see <https://www.osce.org/odihr/elections/14304?download=true>.

39. For the full report, see <http://www.osce.org/hcnm/14588>.

5

Minorities in Turkey's Laws and Legal Structures

Although Turkey has embodied a diverse population, historical records show that Turkish governments have not been interested in maintaining this diversity or respecting differences and granting all groups equal citizenship rights. Although the policies pursued in relation to Turkey's "officially recognized minorities" and the "officially denied minorities" seems to be different, the underlying goals of the various governments appear to be erasure: ethno-religious cleansing of non-Muslims, and assimilation of Muslim groups, in particular, Kurds.

In this chapter, I present the current legal structures and formulations that sustain such policies by focusing on main branches of the government. First, I discuss the legislative and executive powers, and then I turn to the judiciary.

THE LEGISLATIVE AND THE EXECUTIVE POWERS

Nation, State, Language: Formulations in the Constitution and Laws

Designed by a military government and adopted in 1982, the current constitution of Turkey is a restrictive document, preoccupied with limiting freedoms and rights, rather than protecting them. Article 3/1 states: "The State of Turkey, with its territory and nation, is an indivisible entity. Its language is Turkish." This is a fundamental article of the constitution that "shall not be amended, nor shall its amendment be proposed," as indicated in Article 4. Quite important for the purposes of

this discussion, the meaning of Article 3/1 deserves to be examined closely, by focusing on each part, separately.

"Indivisibility of the State with Its Territory and Nation."

To declare the state and territory of Turkey an indivisible entity is normal. No state wants to be divided, and reasonable measures taken by states to prevent this are legitimate. However, the notion of an indivisible nation runs contrary to the core of democracy. In fact, in reference to the contemporary European democracies, Oktay Uygun noted that "the concept of the indivisibility of nation is alien to Europeans."¹ Claiming that a people is a single, monolithic, indivisible entity is to reject sub-identities and would lead to antidemocratic policies shaped according to the values of the ethno-religious group that holds the state power and would assert an oppressive sovereignty.

This constitutional provision puts Turkey at odds with the international human rights law. Although the international law accommodates the notions of national security and territorial indivisibility, there is no room for the "indivisibility of the nation." In addressing cases from Turkey, the European Court of Human Rights (ECtHR) has repeatedly found Turkey in violation, stressing that the existence of national minorities cannot be obstructed for reasons of national security.

The monist understanding that finds expression in this provision of the 1982 constitution is not new but is an intensified form of the principle of nation-state devised in the 1930s. It inevitably leads to the claim that there are no minorities in the country (aside from those compulsorily accepted in the Lausanne Treaty), and thus no minority rights. Any opposition or objection to this understanding is retorted with punishment. This understanding is embedded in countless laws, executive decrees, and other administrative practices. For example, Article 1 of the 1991 Anti-Terrorism Law (No. 3713) defines "terrorism" as "all manner of acts undertaken by a person or people belonging to an organization, aiming to undermine the indivisible unity of the state with its territory and nation." The phrase "the indivisible unity of the state with its territory and nation" is also repeated word for word in the following:²

- Article 8 and Additional Article 7 of the Law on Police Powers (1934, No. 2599)
- Article 5/A of the Law on Turkish Radio and Television (No. 2954)
- Article 4 of the Law on the Establishment and Broadcast of Radio and Television (No. 3984)

- Article 44 and Article 55 of the Law on Associations (No. 2908)
- Article 78 and Article 101 of the Law on Political Parties (No. 2820).

The reiteration of this wording in multiple laws has important consequences in practice. As soon as a person asserts the existence of minorities based on ethnic and linguistic differences in Turkey, the person is considered as intending to undermine the unity of the state; those who do so are accused of and punished for “secessionism” and/or “sedition.” Thus, the Constitutional Court has frequently closed down political parties by invoking this principle and laws that ban “creating minorities.”

The term “creating minorities,” as well as its criminalization and, thus, banning, appear in the Law on Associations and the Law on Political Parties.³ This demonstrates that the “national security state” concept does away with the “human rights state” concept. Many people tend to view these two values—national security and human rights—as constituting two ends of a policy continuum, believing that one can be fully achieved only at the expense of the other. Turkey’s political and military leaders tended to be in this group and have tried to achieve maximum security by sacrificing human rights.

The Language of the State Is Turkish

The notion of “state language” is contrary to democracy and, indeed, to nature. A state cannot have a language; it can have an “official language,” which would be used in conducting “official” state business, with many other languages that can be spoken and written in addition to the official language. In fact, the 1961 constitution, the most democratic constitution Turkey has had to date, employed the term “official language.”

The best example of how Turkish governments’ effort to preserve the “indivisibility of the nation” in linguistic terms undermines democracy can be observed in the wording and implementation of Law No. 2932, issued in 1983 by the military government. Although this law was replaced in 2001, as a part of the European Union Harmonization reforms, the mentality behind it has been persistent in many other laws. Here are some examples of the legal provisions that ban using languages other than Turkish and their implementation:

Article 58 of the 1961 Electoral Law (No. 298), amended on May 17, 1979, by Law No. 2234 to read: “It is forbidden to use, in speech or writing, a language other than Turkish in propaganda broadcasts on radio or television, or in other forms of election propaganda.”⁴

Article 43/3 of the Law on Political Parties states: “Candidates may use no other language than Turkish in speech and writing.”⁵

Tahir Elçi⁶ and Mahmut Vefa from the Diyarbakır Bar Association were prosecuted and sentenced because in some congresses over which they presided, participants spoke Kurdish. These two attorneys were saved from imprisonment only because a new Turkish Penal Code (TCK) was legislated in the process. Previously, İbrahim Güçlü, chair of the Rights and Freedoms Party (Hak ve Özgürlükler Partisi, or HAK-PAR), was tried and imprisoned for the same reason.

On July 22, 2007, Orhan Miroğlu, who ran in the parliamentary elections as an independent candidate, faced three lawsuits for using “election propaganda in Kurdish,” with one resulting in a six-month prison sentence.

The amended Election Law removed the ban, but Article 81 of the Law on Political Parties still maintains it.⁷

An extension of the language ban appears in the form of banning names. The provision of Article 16 of the Law on Population Registration (No. 1587) adopted in May 1972 states: “A child’s name is given by the mother and father. However, names that are not suitable to our national culture . . . cannot be given.” This has prevented generations of fathers and mothers, especially Kurdish parents, from giving the name they wished to their children. This bizarre name ban was lifted, at least on paper, as part of the Sixth EU Harmonization Package adopted in June 2003, to read: “Only names unsuitable for moral rules and injurious to the public cannot be given.” However, the ban resurfaced in the form of restrictions on the use of some letters of the Latin alphabet. Although the law contained no such restriction, the Reforms Monitoring Group, made up of representatives from related ministries, required that all names “be written according to the Turkish alphabet,” and as a result of a circular sent to the governors of provinces by the Ministry of Internal Affairs (İçişleri Bakanlığı), banned names containing the letters q, w, and x, often resulted in prison sentences for the violators of the ban.⁸ Because the population records constitute official business, and the letters q, x, and w are not found in the Turkish alphabet, all names were recorded by using the Turkish alphabet. Although this practice can be understandable for official bookkeeping purposes to some extent, banning the name of a music group or a book title on these grounds—especially in this age of globalization when English and other foreign-language words are used everywhere, including the web address of the Ministry of Internal Affairs, which uses “gov”—only displays an excess of power. The ban on names, however, has not been

limited to Kurdish names. Giving children certain names that are not “Turkish,” such as Melisa or Eftelya, was also part of the ban.⁹

This antipluralist mentality is also reflected in the last clause of Article 42 of the 1982 constitution: “No language other than Turkish shall be taught as a mother tongue to Turkish citizens at any institution of education.” What is dictated here again is the notion that the mother tongue of all citizens is Turkish; if it is not, then Turkish will be the assumed mother tongue. Here, we hit the problem of defining citizenship. It is the fundamental problem, because Turkey has been insisting on defining it in ethnic terms. We can understand this problem better by examining the definition in various laws and their implementation.

The Problem of Defining the Citizen and the Turk

Article 66/1 of the 1982 constitution states, “Everyone bound to the Turkish state through the bond of citizenship is a Turk.” In defining citizens, the article connects being a Turk to a legal relationship between the state and the individual, that is, to citizenship. Thus, at first glance, it seems to be a modern provision. However, because “Turk” is understood in the intertwined use of “Turk” and “Muslim” in Turkey, the word “Turk” in the article refers in an ethnic sense to Turks and in a religious sense to Muslims. In other words, “Turk” refers not to the name of a nation but to a dominant group composed of people who are Turkish in ethnicity and Muslim in religion. I postpone the discussion of the philosophical implications of the term *Türk* to the end of the book, focusing here on how the term has been historically used in laws and their implementation by providing various examples.

Mustafa Kemal Pasha, the founding leader of the republic, used the term *Türk* in distinct meanings in two different periods: before the establishment of the new Turkish state and after the republic was established.

Before the Establishment of the State and Regime

This period, spanning nearly four years between 1919 and 1923, begins on the date when Mustafa Kemal Pasha set out for Samsun to start the resistance to the country’s occupation, known as the War of Independence, and ends with the establishment of the new state on July 24, 1923, with the signing of the Lausanne Treaty, and the establishment of the new regime, the Republic of Turkey, on October 29, 1923.

In this period, in all mobilization and organization efforts, Mustafa Kemal Pasha carefully avoided mention of Turkish ethnic identity and employed a territorial (or land-based) reference. In this way, he meant to say that the War of Independence was not only a war of the Turks but was also a war of other Muslim ethnic groups—chief among them the Kurds—and that the Turkey to be established after liberation would be their state, too.

Mustafa Kemal Pasha applied this territorial reference in two ways. First, he created propositional phrases that used “Turkey,” instead of “Turk/Turkish.” For example, he used “*Türkiye milleti*” (the nation of Turkey), instead of “*Türk Milleti*” (the Turkish Nation). Second, in referring to citizens, he employed “*Türkiyeli*” (people of Turkey), instead of “Turk.” The more frequent use of “Turkey,” as opposed to “Turkish,” before the establishment of the state and republican regime can be seen in Table 5.1, which is based on a tallying of the terms employed by Mustafa Kemal Pasha through the content analysis of his various speeches, declarations, memorandums, interviews, and telegrams.¹⁰

“Turk,” taught in schools and used elsewhere as the “name of our nation,” has been the name of an ethno-religious group, as it is not possible to think of the term separately from “Muslim.” *Türkiyeli* (of or from Turkey), by contrast, is a territorial term; pointing to the land where one lives, it covers all citizens, regardless of their ethnic or religious belonging.

This territorial term was used by Mustafa Kemal Pasha before the republic, as there was a need for unity during the War of Independence. After the republic was established, however, the name of the citizen turned into “Turk.”¹¹

The shift in favor of “Turk” in the wording of different constitutions is also apparent. The count of the term *Türk* is zero in the 1921 constitution, twelve in the 1924 constitution, twenty-two in the 1961 constitution, and fifty-six in the original text of the 1982 constitution, before its several amendments.

As of 2020, we frequently see the use of the term *Türkiyeli* by some progressive groups and media outlets, despite the strong opposition of nationalists—secularist or religious. The use of *Türkiyeli* actually goes back further than the War of Independence. That can be traced step by step:

1. I find the first use of the term in the Ottoman period, in Articles 1, 3, and 8 of the Private Schools Ordinance,¹² issued by the Union and Progress government in August 1915.

Table 5.1 Mustafa Kemal Pasha's Choice of Words Before and After the Republic

Nation of Turkey	Turkish nation
Before: 3	Before: 60
After: 1	After: 186
People of Turkey	Turkish people
Before: 51	Before: 1
After: 4	After: 1
State of Turkey	Turkish state
Before: 24	Before: 6
After: 2	After: 10
Army of Turkey	Turkish army
Before: 9	Before: 4
After: 0	After: 13
Government of Turkey	Turkish government
Before: 6	Before: 3
After: 0	After: 7
of Turkey (flag, community, national goal, rights, teachers)	Turkish (national existence, history, youth, women, men, life, restaurateurs, heroism, community, and the like)
Before: 5	Before: 26
After: 1	After: 61
Kurd	
Before: 16	
After: 1	
Kurdistan	
Before: 10	
After: 0	

2. Others engaged in the War of Independence used the term as well. It appears several times in the proceedings of the first parliament of Turkey (1921–1922).¹³

3. I find the first use of the term by Mustafa Kemal Pasha in a ceremony held on December 20, 1921. In praise of General Frunze, the head of the Soviet Russia delegation, and the Soviet citizens, he stressed the parallel struggles of two peoples: “*Türkiyeliler* (people of

Turkey), the targets of imperialism's most violent attacks, knew that there were people struggling against the same ambitions from the other side of the Black Sea."¹⁴

4. The term was used during the early attempts to amend the 1921 constitution, in reference to Articles 12, 13, and 14, as well as in relation to Article 15 of the draft constitution prepared in July 1923, all written by Mustafa Kemal Pasha in his own handwriting.¹⁵

5. The term was used in September 1923, by the Heyeti Mahsusalar (Special Commissions) established in the parliament to limit the number of military officers (whose numbers had greatly increased during the War of Independence) entitled to receive a retirement pension. For example, Minister of National Defense Kazım (Özalp) Pasha stated: "Of course we wish to limit this business [retirement pension] to officers within our own national borders, to those of Turkey (*Türkiyeli olanlara*)."¹⁶

6. Again, my research detects the term in a legislative text in Article 2 of the 1924 Legal Practitioners Act, which states: "Concerning the required conditions to become an attorney, one has to be of Turkey (*Türkiyeli olmak*)."

7. After a long period of disuse, the term again appears in the 1960s, in various documents issued by the Workers' Party of Turkey (TİP). Because the party was labeled "communist," an ideology that was banned as divisive and thought to instigate class wars, the TİP's employment of the term drew strong negative reactions.

8. It was used on June 30, 1964, in the very first parliamentary discussion concerning the Kurdish problem.¹⁷

9. In a lawsuit against the Kurdistan Democrat Party of Turkey (TKDP, an illegal party), the term was used in the form of a verb, *Türkiyelileşmek* (to become "of Turkey").¹⁸

10. The Kurdish movement, which emerged from within Turkish leftist movements, used the term between 1965 and 1970, before it adopted the phrase "peoples of Turkey." As the Kurdish movement is labeled "separatist," the term garnered strong opposition. After 1984, the PKK leader Abdullah Öcalan used the term in various speeches, also stirring negative reactions.

11. Marking a milestone, in the Minority Rights and Cultural Rights Report (October 2004) adopted by the Human Rights Advisory Board of the Prime Ministry (İHDK), the term was cited as the proper name for supra-identity in Turkey.¹⁹ Given the level and intensity of the debates generated by the use of the term and the significance attached to it, this report deserves closer examination.

The Minority Report and its lawsuit. The İHDK was formed on April 12, 2001, as part of the reforms carried out to fulfill the Copenhagen political criteria in the process of EU candidacy. Among its duties were to “provide advice, present recommendations and reports, to offer views, and recommend administrative measures to be taken” to the state minister responsible for human rights.

Among its thirteen reports, the report on “Minority Rights and Cultural Rights,” published in October 2004 and known publicly as the “Minority Report,” led to serious reactions and prosecutions. Made up of five sections, the report was based on social scientific and legal research and analyses. The last section aimed at drawing closer attention to two points:

1. The use of the term *Türk*, which is at the same time the name of the dominant ethno-religious group, as the supra-identity of the people of the country, alienates other sub-identities. In place of this, the use of the territorial concept of *Türkiyeli*, which embraces all citizens, will be unifying.

2. Due to the effects of the so-called Sèvres Syndrome/Paranoia, which involves the fear that the splitting up of the country foreseen by the August 8, 1920 Sèvres Peace Treaty is likely to happen, or is even imminent, even the most innocent expressions of sub-identity are interpreted as the splitting up of Turkey. This is destructive to democracy and does great damage to the country.

The negative reactions that the report garnered, including death threats from the right, were mainly because it proposed using the term *Türkiyeli*. The change, it contended, would remove the concept of Muslim Turk from its position of superiority and bring about an order of equality for all citizens. The report was first attacked by progovernment groups within the İHDK. Following this, the İHDK never made the call for another meeting, despite the fact that, according to Article 6/a of its bylaws, it had to meet three times a year. The two professors who were responsible for the report, its writer, Baskın Oran, and the president of the İHDK, İbrahim Ö. Kaboğlu, who put the report to a vote (twenty-four approved, seven rejected, two abstained), were charged with insulting the judiciary (TCK Article 301/2) and “spreading animosity and hate among the people” (TCK Article 216/1), with the demand of a prison sentence of five years for each.

For both professors, the case ended in acquittal on Article 216 and dropped charges on Article 301/2. However, the Ankara public prosecutor

appealed the case. When the Eighth Criminal Chamber of the Court of Cassation reversed the decision, the file went to the General Assembly of Criminal Chambers of the Court of Cassation, which, in a decision dated July 18, 2008, acquitted both professors and brought an end to the case. The last decision is important for stating that the report carries no clear and imminent danger in terms of “public order” and “public safety,” because it contains no call for violence. It also indicates that rejecting the official view of the state is within the scope of freedom of expression as defined by the constitution.

Most important, the Minority Report ultimately led to the normalization of the use of the term *Türkiyeli* (though not among Turkish nationalists). It introduced the terminology of “sub-identities” and “supra-identity,” unknown until then, into the Turkish lexicon; they started to appear in everyday discourse, and even led to such terms as “*Turquality*,” used by the Ministry of Economics to create a supra-identity for Turkish trademarks.²⁰ Kurdish leader Abdullah Öcalan said, “We accept a Turkish Republic supra-identity. We want the obstacles standing before sub-cultural identities to be lifted.”²¹ *Türkiyeli*, in addition to becoming increasingly common in the media, started to be used by politicians, including Erdoğan, who used the term with emphasis in a number of speeches he delivered as the president of the country.²²

The use of “Kurds” and “Kurdistan” before the establishment of the republic. Mustafa Kemal Pasha abstained as much as possible from using the terms *Kurd* and *Kurdistan*. In place of the former, he preferred the wording “Ottoman-Islam plurality” or “Islamic elements,” which included Kurds, as well as other groups. However, the Ankara government was quite warm to Kurds during the War of Independence and talked, sometimes tacitly, sometimes overtly, about granting them local autonomy. Here are some illustrative situations:

- In numerous telegrams sent in mid-1919 to Kurdish tribal leaders and sheikhs (and compiled in volume 3 of Mustafa Kemal’s “Great Speech”),²³ Mustafa Kemal Pasha alludes to the shared religion of Islam to gather their support. He talks of “preventing the holy homeland from being trampled under Armenian feet,” and of recognizing Kurdish rights.
- The August 7, 1919, and the September 11, 1919 Declarations of the Erzurum and Sivas Congresses. The Erzurum Declaration states: “All Islamic elements [living in Eastern provinces] are full brothers, filled with a feeling of mutual devotion to one another and

respectful of lineage and social positions.”²⁴ In Sivas, the brotherhood language is even stronger: “full brothers entirely respectful of their regional conditions and their social and legal rights.”²⁵

- The second of two secret protocols issued at the Amasya Meeting on October 22, 1919, when the government of Ankara met with the Ottoman government, reached an agreement on the matter of “making for a better situation in terms of racial and social rights in a way that would ensure Kurds’ freedom to develop,” and decided to inform Kurds of the situation “to prevent foreigners from stirring up trouble.”²⁶
- Article 1 of the January 28, 1920 National Pact defined the national lands “constituting a whole” as: “places inhabited by the Ottoman-Islam majority entirely respectful of each other’s regional conditions and racial and social rights, which nourish feelings of mutual respect and devotion, and which bind one to another religiously, racially, and ideationally.”²⁷
- In the proceedings of parliament dated April 24, 1920,²⁸ May 1, 1920,²⁹ July 3, 1920,³⁰ and March 1, 1922,³¹ Mustafa Kemal Pasha repeated that all manner of rights of all “Islamic elements” would be respected.
- Article 11 of the January 20, 1921 constitution granted local autonomy: “The province . . . is autonomous. . . . The order and administration of works of foundations, madrasahs, education, health, economy, agriculture, public works, and social assistance are within the authority of that province’s council.”³²
- The proceedings of a July 22, 1922, closed session of parliament, signed by “Speaker of the Parliament Mustafa Kemal,” states that instructions sent to the Northern Iraq Command warned: “We have accepted the principle of self-determination; it must be declared that Kurds are already in possession of their own futures and that they aspire to live under the administration of the TBMM.”³³
- On January 16, 1923, at the İzmit Press Conference, Mustafa Kemal Pasha, referring to Article 11 of the 1921 constitution stated: “rather than thinking of a Kurdishness by itself, already as required by our constitution, a type of local autonomy will be set up. In this situation, whichever provinces’ people are Kurds, they will administer themselves autonomously.”³⁴

It is clear that all these discourses on autonomy and local government aimed, from the very beginning, to get the Kurds’ support for the War of Independence. Afterward, as has already been mentioned, when

the Lausanne Conference started in 1922, the Turkish Great National Assembly delegation impressed upon Europeans that they represented the Kurds, as well.

After the Establishment of the State and Regime

This territorial stance regarding the identity of the citizen completely changed following Turkey's war victory. On the one hand, the state left non-Muslim citizens entirely outside the term "*Türk*," and on the other hand, it began to lean toward assimilating Kurds into being Turks.

Let us begin by considering the stance toward non-Muslims. In the creation of the 1924 constitution, while the draft Article 88 stated that "the people of Turkey, regardless of religion or race, are called *Türk*," in the course of meetings, it was requested that the phrase "in terms of citizenship" be added. The rationale for this addition is explained in parliament, by the "Turkist" MP Hamdullah Suphi Bey (Tanrıöver) who proposed it. It follows the logic that citizens of Rum and Armenian descent who were working at the time in foreign companies in İstanbul (and whose termination was being planned) were thought of as outside the category of "*Türk*."³⁵ The form of citizenship mentioned here is citizenship in name only. Article 88, in a single sentence, turned two different definitions of Turkishness into a constitutional provision.³⁶

As for the stance related to Kurds, whereas previously the idea that Kurds possess a different identity was voiced without hesitation, now this began to be explicitly denied. There began an attempt to assimilate these people, by referring to them as "Mountain Turks," a primitive branch of Turks who had forgotten Turkish. This stance was to harden after the Kurdish uprising of 1925, and it further intensified in the 1930s.

The process of Turkification in the republic can be analyzed under two separate categories: "*Türk*" and race; and "*Türk*" and religion.

"Türk" and race. The leadership's concerns over national unity in the 1920s gave way to overt racism in the 1930s. In the 1930s, skull measurements were carried out to prove that Turks belonged to the most advanced rank called "Alpine" of the brachycephalics, said to be a more developed human type than the dolichocephalic group. For example, the grave of the great architect Sinan was exhumed and "biological and morphological" research was carried out on the basis of skull measurements of the skeleton.³⁷ The irony here is that Turkists, who felt that the notion of "*Türk*" had been humiliated by both Europeans and Ottomans, and who were at the same time affected by the international racist envi-

ronment, which raged like a storm between the two wars, had become so fascinated with proving the superiority of the Turkish race that they could not even consider that Sinan had nothing to do with Turkishness in ethnic terms. He was a janissary, an enslaved Christian boy trained to be a soldier. He was picked up from the village of Agrianos (today called Ağırnas) in Kayseri during Sultan Yavuz Selim's reign. Perhaps a Rum or, more likely, an Armenian Orthodox, he was made a Muslim and taken into the service of the state.

In the 1930s, it was forbidden in Turkey, through a variety of means, to speak any language other than Turkish. Non-Muslims living in western provinces were subjected to oppression. In the eastern provinces, meanwhile, in 1932, Kurds, Arabs, and Syriacs were slapped with a five *kuruş* fine, a steep amount at that time.³⁸ This language ban was instituted not so much in villages or cities, but in towns, where monitoring was much easier.

The source of this ban and punishments is a secret official document known as the Eastern Reform Plan (*Şark Islahat Planı*), prepared in the wake of the 1925 uprising, as well as a circular, again secret, numbered 1/28, known as the Turkification Memorandum (*Türkleştirme Genelgesi*). Article 14 of the Eastern Reform Plan foresaw the punishment of the use, anywhere, of any language but Turkish as a "crime of opposing and resisting the orders of the government and the municipality." Article 17, meanwhile, states that "importance should be given to girls' schools to ensure that women speak Turkish."

The 1930 Turkification Memorandum foresaw such measures as "marrying Turkish woman to villagers who do not speak Turkish, and, through the summoning of villager women who do not speak Turkish to cities, settling them into appropriate service jobs in Turkish households" (Article 10). The memorandum was related not just to Kurds but to all non-Turkish Muslim ethnic groups, such as Circassians and Pomaks, and requested, among other things, the changing of village names in "those dialects." The denial of translators to Kurds in trials that followed the military operations in Dersim, was another form of this language repression.

The original text of the Settlement Law (June 14, 1934, No. 2510), issued to forcibly settle Kurds in western provinces, explicitly referred to these areas by stressing their dominant ethnic character and employing terms such as "tied to Turkish culture" or "Turkish lineage/ancestry." Additionally, in seven different places in the law, the term *Turkish race* is used.³⁹ The same term appears in a number of regulations issued during the same period.

In terms of Turkification policies, the Turkish nation-state has made use of two basic methods to render minorities invisible. The first one involves regulating and restricting people's surnames (patronyms). The Surname Act (June 21, 1934, No. 2525)⁴⁰ banned assuming surnames such as "Kürdoğlu" (literally, son of a Kurd) or "Boşnak" (Bosniak), characterizing these names as of a "foreign" race, people, or tribe. In so doing, it aimed to assimilate and render invisible various Muslim ethnic groups in the country, chiefly Kurds. The same policy of "making invisible" or erasing identities was carried out on non-Muslims, by banning surnames ending with "yan" or "pulos," typically corresponding to Armenian and Rum heritages, respectively.⁴¹

The second method has been about changing the names of settlements and geographic place-names (toponyms). The republic continued with an Ottoman-era policy that had been initiated in 1913 by the dictatorship of the Union and Progress government. The successive implementation of the policy resulted in changing a number of toponyms across the country. These changes included originally Armenian, Laz, Georgian, Circassian, Bulgarian, Kurdish, Zazaki, Syriac, and Arabic names of 12,211 villages (amounting to one in every three villages), 4,000 towns, and 4,000 other geographic place-names.⁴² And during the Cold War, the geopolitical tension between the Western and Eastern blocs roughly between 1947 and 1991, names that were considered to remind of or imply communism were also changed: for example, Kızılçullu (red-clothed) in İzmir was changed to Şirinyer (cute place).

The most intensive period of changing names was immediately after the May 27, 1960, military coup, and strict policies were followed to efface old names. Linguist Sevan Nişanyan explains the situation as follows:

Printing, importing, and distribution of maps with old names, even in parentheses, were prohibited. In Turkey, the production and sale of all forms of maps, atlases, globes, and similar documents were tied to the permission of the General Command of Cartography, a part of the General Staff. In towns and villages, people were prevented from establishing businesses using a place's old name. The Ministry of Internal Affairs' 1968 catalogue, [titled] *Köylerimiz* [our villages], the only official publication listing together the old and new names of places, was taken out of commercial distribution, and was no longer to be found in public libraries.⁴³

To be able to enter the ranks of civil service or to attend a military school, as well as to study in Europe, the first condition was not to be a

Turkish citizen but “to be a Turk,” “to be of the Turkish lineage,” “to be from the Turkish race.”⁴⁴

Although the Civil Servants Law (1965, No. 657) changed the eligibility requirement for civil service to “being a Turkish citizen,” the influence of the qualification set in the older version of the law as “being a Turk” (1926, No. 788, Art 4/A)⁴⁵ continues in practice. Several examples related to the purpose of this book can be found in the laws on citizenship and settlement and various regulations. They include researching the “racial situation” of people applying for Turkish citizenship⁴⁶ or identifying if these foreigners are “of Turkish lineage, of foreign lineage, or of indeterminable lineage.”⁴⁷ The latest Settlement Law (September 19, 2006, No. 5543),⁴⁸ which employs the phrase “being of Turkish lineage” thirteen times, uses the criteria of “being linked to Turkish lineage and to Turkish culture” in all of its definitions of “migrant” and includes the provision that those who do not meet these criteria will not be accepted as migrants.

We find a definition of this phrase “being of Turkish lineage” in Article 3/1 of the Regulation on Foreigners of Turkish Lineage to Be Exempted from Work Permits, which is an appendix to Cabinet Decree No. 14699 (dated February 23, 2009). It includes “Western Thracian Turks and Iraqi, Chinese (Eastern Turkistan), Afghani, Bulgarian, and Turkish Republic of Northern Cyprus-national foreigners of Turkish lineage.”⁴⁹

The judiciary has displayed pretty much the same stance. Whenever the word *Türk* is uttered, members of the judiciary understand it as not referring to a nation but as referring to an ethnic and religious entity. Until the 2000s, even mentioning belonging to an ethnic group other than Turkish was punishable. For example, when Şerafettin Elçi was minister of public works, a journalist asked him if it was true that he spoke Kurdish with constituents who came to visit him. Simply because he replied by stating, “There are Kurds in Turkey; I, too, am a Kurd,” Elçi was arrested and imprisoned by invoking the TCK Article 142/3 (“making propaganda to weaken or destroy national feelings [sensibilities], through whatever means”) and Article 142/6 (to commit this crime via publications). By his own counts, his twenty-two months of service as a cabinet minister (January 3, 1978 to November 12, 1979) was responded to with a sentence of thirty months of imprisonment as a detainee or as a convict.

The mentality of the judiciary is most evident in its use of Article 301 of the TCK to charge and sentence all critical voices for “openly humiliating Turkishness.” This is more widely used in response to some

statements by those whose ethnicity is other than Turkish (e.g., Hrant Dink, an Armenian intellectual and journalist) or who defend ethnic minorities (e.g., Orhan Pamuk, Nobel Laureate novelist who referred to the 1915 massacres of Armenians as genocide). Criticized by many Turkish citizens and various EU members and agencies, Article 301 was not removed, but its use by the judiciary was subjected to the approval of the justice minister for implementation in 2008.

However, people were allowed to freely humiliate or even insult non-Muslim or non-Turkish citizens of Turkey. For instance, on March 27, 1997, Minister of Internal Affairs Meral Akşener managed to insult two different religions and ethnicities constituting Turkey's varied human geography, by calling the Kurdish leader Abdullah Öcalan an "Armenian Sperm." Yet not even an investigation was launched against her on the matter.

The system in Turkey is self-contradictory. On the one hand, it suggests that "Turk" is the name of an entire nation, but on the other hand, it teaches in its schools that "Turk" is the name of an ethnic group. For instance, one textbook, the *Primary School Social Studies Textbook*, noting that Turks originated in Central Asia, indicates that "Turk" is the name of an ethnicity.⁵⁰ The same is posted on the website of the Prime Ministry's Atatürk High Council for Culture, Language and History: "Turks first emerged on the stage of history around the middle of the third millennium BCE, as what we call the Nomadic Horse Cultures of the Steppes, in an area between the Altai Mountains and what are today the steppes of Kazakhstan."⁵¹

In addition to stressing the primacy of ethnic Turks, official statements marginalize Kurds and non-Muslims. Such statements are not limited to the 1930s, as there are many examples from recent history. For instance, in April 2009, Cemil Çiçek, when he was deputy prime minister, expressed just how much he saw Kurds as outside the definition of "Turk" and indeed "Turkish citizen," as well as how he saw them as a security problem, when he noted, after the pro-Kurdish Democratic Society Party's (DTP) candidate won the mayorship of the eastern border city of Iğdır, that "they also took Iğdır, I mean, they are at Armenia's gates."⁵² In order to prevent the pro-Kurdish Peoples' Democratic Party (Halkların Demokratik Partisi, or HDP) from winning the March 31, 2019, municipal elections and gaining control of Iğdır again, AKP withdrew its own candidates in favor of the Nationalist Movement Party (Milliyetçi Hareket Partisi, or MHP).⁵³

On November 10, 2008, at a ceremony commemorating Atatürk at the Turkish Embassy in Brussels, the AKP's minister of national defense,

Vecdi Gönül, boldly stated: "Today, if Rums were still living in the Aegean, and if Armenians were still living across Turkey, I wonder, could Turkey have been the same national state?"⁵⁴ Thinking of any non-Turkish identity as inferior, speaking as a presidential candidate in August 2014, Erdoğan complained: "There have been some who have called me Georgian or, excuse me, but much uglier things like Armenian."⁵⁵ Such posture and statements by government officials would also affect the public, which has already been influenced by and lives under a lingering *Millet* system. Today, in some quarters of Turkey, if one says, "I am Armenian," a well-intentioned response, stemming out of respect, may be "*Estağfurullah!*" ("Oh, not at all," meaning "Don't insult yourself").

"Turk" and religion: Territorial purge, physical attacks, and discrimination. In Turkey, despite the emphasis placed on secularism in the constitution, to be counted as Turk, it is also necessary to be Muslim. Furthermore, the "desirable Turk" is a Hanafî Sunni Muslim Turk. A counterpart of the privileged White Anglo-Saxon Protestant (WASP) in the United States, or more broadly, what might constitute "White Turks" in Turkey can be abbreviated as LAHASÜMÜT (Laic Hanefî Sunni Muslim Turk). Although the first two letters, standing for *laic*/secular, seem to have dropped under the pro-Islamist regime of AKP since 2003.

That is to say, "Turk" carries not only an ethnic, but at least as strongly, a religious meaning. In Turkey, for instance, though *Türk* is used in reference to, say, a Bosnian migrant (who is assumed to be Muslim), the term *citizen* is used in reference to a non-Muslim citizen of Turkey—as a short reference to "non-Muslim citizens," as in the slogan, "Citizen! Speak Turkish!" Thus, no Muslim Turkish citizen, no matter how well-educated, secular, or cultured, would use the term *Türk* to refer to a non-Muslim citizen of Turkey; they would say Rum, Armenian, or at best, Rum citizen or Armenian citizen. Of course, non-Muslim citizens also do not consider themselves to be Turks.

Before delving into the approach of the Court of Cassation and the Council of State to the connection of the term *Türk* with religion, which has led to some discriminatory practices in recent history, it is necessary to address the forms of ethno-religious cleansing carried out against non-Muslim citizens resulting from their not being counted as Turks. They have been numerous and have appeared in different forms: territorial purges, physical attacks, and religious discrimination in laws, treaties, and practice.

As I already indicated, in the Middle East and the Balkans, the main operative element in the definition of national identity has been not so

much ethnicity or language, but religion—indeed, sect. For this reason, it has been easy, or at least possible, for those of the dominant ethnicity to assimilate ethnicities from the same religion as theirs. Yet it has been nearly impossible, or at least very difficult, to assimilate those from different religions or even sects.

Thus, the Turkish nation-state carried out ethno-religious cleansing through different means, with the aim of ridding the country of non-Muslims who were deemed “unassimilable.” This approach had its foundation in the late Ottoman era.

In the history of the first three decades of the twentieth century, purging territorially began before the establishment of the Turkish republic, during the Union and Progress period of the Ottoman era. Rums were forced to flee as a result of the attacks carried out in the Aegean and Marmara regions between 1913 and 1914; Armenians across the country (including Thrace, though excluding İstanbul and İzmir) were subjected to collective deportation and massacres in 1915 and 1916. Such purges continued legally by the Ankara government, which sent away Orthodox Rums to Greece in relation to the implementation of the Convention Concerning the Exchange of Greek and Turkish Populations,⁵⁶ signed on January 30, 1923, after the War of Independence and six months before the Lausanne Peace Treaty.

The measures and laws issued at this time, meant to estrange “foreigners” from economic and cultural life, served as a means of ethno-religious cleansing from the perspective of non-Muslims, some of whom had lived in this geographical region for centuries, yet had not become citizens of Turkey.

For example, the Law on Arts and Services Allocated to Turkish Citizens (June 11, 1932, No. 2007),⁵⁷ seemed to target White Russians who had come to İstanbul after 1917. However, it actually aimed to remove İstanbul’s small-shopkeeper and street-vendor Rums holding Greek passports (as well as Levantines living in the city since the ninth century) and to transfer their businesses to Muslim Turks. In so doing, this 1932 law violated the provisions of the Agreement on Residence, Trade, and Navigation less than two years after it was signed on October 30, 1930, with Greece to guarantee that the İstanbul Rums without Turkish citizenship could hold residence, set up a business, and work legally.⁵⁸

Purges gained momentum in the Republic of Turkey as a result of Turkey’s unilateral withdrawal from the aforementioned 1930 agreement with Greece, in an effort to pressure Greece to make some concessions to resolve the Cyprus crisis.⁵⁹ The agreement—by making it possible for Turkish and Greek nationals to reside, own property, work, and engage in

economic activities in one another's countries—foresaw “freedom of movement” some forty years before the EU. After its abolition by Turkey, however, the İstanbul Rums with Greek nationality were expelled with only 200 TL (at today's rate, about \$22) and twenty kilos of personal belongings. And in a secret decree adopted in November 1964, the same people were forbidden from using their real estate in Turkey, and they found out that their earnings from such property had been blocked.⁶⁰

In addition to these nearly 12,000 Greek-citizen Rums, tens of thousands of Turkish-citizen Rums were also forced to move to Greece. This is both because they had married Greek-citizen Rums, or because, after suffering the blow of the September 6–7 pogrom (examined below) they realized that they no longer had a future in Turkey. Among those expelled, there were also Greek-passport-carrying Levantines.

Turkey's military intervention in northern Cyprus in 1974 was, from the perspective of Rums, the completion of this process. It emptied İstanbul of their presence and led to the current situation: the dwindling of the Rum population. It also led to the increase in the Greek government's hassling of the Turkish minority living within its borders.⁶¹

At the end of each wave of deportation and departure came a great looting of non-Muslim properties. The noble yet abandoned and dilapidated buildings of Tarlabası, in Beyoğlu in İstanbul, occupied by the homeless and now subject to “urban renewal,” are the enduring witnesses to the events of 1964.

The same process, though in different form, repeated itself for non-Muslims living in the east of Turkey. Syriacs were forced to abandon their historical lands and migrate first to İstanbul, and then abroad. Yezidis, who struggled throughout history for sheer survival, had their land seized between 1985 and 1990 when they refused to serve as state “village guards” (a paramilitary force of sorts) against the PKK; they were displaced and forced to migrate to Western countries.⁶²

Physical attacks against minorities first occurred in the 1920s and 1930s, then resurfaced in later years and continue today. They reached an all-time high in 1955. At that time, in addition to the attitude of those in power, the racist and provocative discourse of the press played a major role in the events that ensued.

Public harassment of and attacks against Jews, accompanied by deeply anti-Semitic writings in the press, began in 1923, immediately after the advent of the republic, and forced the Jewish communities of a few hundred people in some places such as Çorlu, Çatalca, and Urla to abandon their homes without even a chance to pack their belongings. The threats were extended to the Jews living in İstanbul, and writings

that called on Turkish merchants to gather and struggle against the Jews in an organized fashion began to surface and appeared in the press.⁶³

Among these, an incident that involves a young woman, Elza Niyego (age twenty-two), and appears to be just a crime committed by an individual at first glance, actually reveals the political situation at the time. After being engaged to marry, Elza was murdered in the street on August 17, 1927, by the son of an Ottoman pasha, who was married and had grandchildren but had been harassing Elza. When people in the Jewish community expressed their indignation during the funeral, the public prosecutor threatened them, and their community leaders were arrested. A ban on leaving İstanbul, which had been carried out against non-Muslims but had been lifted for Jews after a certain date, was reinstituted after these events.⁶⁴ This incident and following events, wherein for the first time the Jewish community raised its voice, led to a strong backlash in the press and government circles. Some in the community were charged with insulting Turkishness. Elza's murderer was sent to a mental hospital, instead of prison.⁶⁵

Most of the attacks against Jews took place in 1934. Jews living in the provinces of Thrace left their homes and workplaces and took refuge in İstanbul, when threats and attacks (directed by provincial organizations of the CHP) did not stop.⁶⁶ The press's aggressive stance was mimicked or stimulated by the state during the one-party rule of the CHP. A government memorandum, dated July 14, 1934, voiced a classic security argument: "Because Jews insist on sticking to foreign languages and cultures, there are suspicions rising about the existence of spies among them and [Jewish] men endangering the safety of the country in demilitarized zones."⁶⁷ The reference here was to Thrace, which is close to the region of the Turkish Straits that remained demilitarized between 1923 (the Lausanne Treaty) and 1936 (the Montreux Convention).

The pogrom of September 6–7, 1955,⁶⁸ was the largest of such physical assaults and involved attacks on non-Muslim people and their property and institutions by low-income groups. The groups were gathered from small towns on the outskirts of İstanbul and beyond and were transported to the city on buses. Lists of places to be destroyed were passed on to the team leaders beforehand,⁶⁹ and they were strictly instructed to cause only material damage, not injure anyone or commit theft.⁷⁰ The distinguishing feature of this event is that ethno-religious animosity and class antagonism went hand in hand. Exceeding the parameters of the Turkish-Greek conflict, this dual hostility created a more perilous situation, pitting "the poor Muslims against the rich infidels."

The pogrom, which occurred in İstanbul on September 6 and 7, and in İzmir on September 6, quickly spun out of control, resulting in the destruction and looting of thousands of non-Muslim properties, places of worship, and cemeteries, including those of Levantines and foreign diplomats. Attacks also occurred, if on a smaller scale, in the southeast, in places with Syriac and Armenian populations, such as Diyarbakır and Mardin.⁷¹ By the order they received, the police were to remain entirely as a spectator to these attacks, so long as they were limited to material damage.

According to various sources, the pogrom resulted in somewhere between eleven and fifteen deaths, 300 injuries, and at least sixty rapes, though the actual numbers remain unknown. In monetary terms, as much as 1 billion TL in damage (when \$1 was roughly 2.8 TL) occurred in İstanbul alone, striking 5,317 locations, including 4,214 homes, 1,004 workplaces, seventy-three churches, two monasteries, twenty-six schools, and a number of factories, hotels, and bars.⁷²

Understanding how events escalated to such a state is as important as studying the events themselves. There were several contributing factors:

1. The Democrat Party (DP), which came to power in 1950 after the transition to the multiparty system in 1946, had its strongest showing ever in the May 1954 elections. This was largely a result of its strengthening support in rural areas. In response to the increased international demand for food created by the Korean War in the early 1950s, agriculture was expanded, and productivity was increased with the introduction of mechanized agriculture, along with the benefits of “good seasons” with the right amount of rain. Peasants in the countryside were happy. Moreover, many people had grown tired of twenty-seven years of CHP autocracy, which was also blamed for the difficulties experienced during the war. In addition to this, the material contributions of the July 1947 Truman Doctrine and the July 1948 Marshall Plan started to yield their economic results mostly after the DP came to power.

But things started to change after the 1954 elections, which were in fact the last time that the DP had a landslide victory. People started to feel the negative effects of the DP’s unplanned development. Starting in the mid-1950s, the economy worsened, to the extent that even the 1958 devaluation, which increased the value of the US dollar from 2.8 to 9 TL, could not help. Consequently, the DP began to resort to repression and kept inciting nationalist sentiment as a distraction from worsening conditions. Prime Minister Menderes even threatened to declare war against Syria in 1957.

2. Since the first days of the republic, the dominant forces in the press were influenced, if not guided, by the nationalist stance of the state. When the Cyprus issue turned into an international crisis, the press—chiefly the daily paper *Hürriyet* that was founded in 1948 and increased its circulation partially by devoting headlines to the Cyprus issue—set in motion an intense campaign of hate speech about non-Muslims and particularly the İstanbul Rums.⁷³ By 1954, the Cyprus issue had become an overwhelming concern of the public. Rums and the patriarchate were publicly portrayed as traitors. A commission set up in 1954 in Cyprus to protect the rights of Turks wrote to the Fener Patriarchate, asking the patriarch to get his bishops in order; in other words, Patriarch Athenagoras should silence Archbishop Makarios in Cyprus,⁷⁴ although the archbishopric in Cyprus was not attached to the Fener Patriarchate. Additionally, allegations started to circulate about donations collected by the patriarchate in sums of millions of TL with the intention of sending that money to EOKA, the Greek Cypriot nationalist organization that sought to incorporate Cyprus into Greece. Moreover, Papa Eftim, leader of the Turkish Orthodox Church, established in 1924 and always in sync with state policy, started to talk about the “plots of the Fener [Patriarchate].”⁷⁵

3. On September 6, *İstanbul Ekspres*, a small newspaper with a circulation of about 25,000, was the first paper to announce that “a bomb was dropped to the house of Atatürk in Thessaloniki.” It ran two printings and sold approximately 300,000 copies. It was later revealed, by investigations carried out in Greece and in Turkey as a part of the trials of the DP leaders after the 1960 military coup, that an agent of the National Intelligence Organization (*Milli İstihbarat Teşkilatı*, or MİT) threw a stun grenade into the garden of Atatürk’s home in Thessaloniki to instigate public outrage and set off the events.

At the time, Cyprus was a British colony, and British action influenced the events as well. Cypriot Greeks’ calls for self-determination (*enosis*) frightened the British, especially because the UN meetings began to include talks about the elimination of colonies. It was very likely that the demands of Cypriot Greeks for self-determination would be supported at the UN. Such support could encourage the separatists in Ireland and independence movements in all British colonies. Moreover, the British had many economic, political, and strategic interests in the Middle East, and their protection would require the use of Cyprus as a military base. Thus, trying to avoid standing alone at the UN in the face of Cypriot Greeks’ demands, on August 29, 1955, the United Kingdom

(UK) organized a conference in London on the subject of "Security in the Eastern Mediterranean." The minister of foreign affairs, Fatin Rüştü Zorlu, representing Turkey at the conference, instigated by the UK,⁷⁶ in an effort to strengthen Turkey's hand at the conference, communicated to Ankara that the Turkish public should show that it was sensitive about the Cyprus issue. Upon this, the Menderes government contacted the Cyprus Is Turkish Association, founded by a nationalist youth association called the National Turkish Student Union (MTTB), and the decision was made to organize a mass demonstration.

Then, the execution of the operation was transferred to the "deep state" and the deep state took control of matters. This is revealed by one of the most authoritative voices on the events, the commander of the Special War Department at the time, General Sabri Yirmibeşoğlu. He proudly declared: "September 6–7, too, was the work of the Special War [Department]. And it accomplished its goal. I ask you, was it not a magnificent organization?"⁷⁷

At the London conference, as suited the British plans, Turkey was made to take a side in the dispute. The conference was adjourned on September 6, as a result of the pogrom.

After the pogrom, despite all the efforts of the Fener Patriarchate, which did not wish to lose its community, nearly 5,000 people migrated to Greece, chief among them the upper class and the children of Rums who held Greek passports. A number of Armenians and Jews also left the country at the same time. According to documents from the American Consulate, although the Christian population of Turkey was around 270,000 in 1955, this dropped to nearly 230,000 in 1960, and to 206,000 in 1965.⁷⁸ Still, the major milestone for Greeks leaving Turkey should be noted as the Exile of 1964, after the DP period came to an end and the mentality of the Union and Progress period returned with the May 27, 1960, military coup.

In an attack on the Neve Şalom Synagogue in Galata in İstanbul on September 6, 1986, twenty-one Jews died and four people were injured. On March 1, 1992, the synagogue was struck by a suicide bomber, and another such attack occurred at the Beth Israel Synagogue in Şişli, on November 15, 2003, killing twenty-seven people and injuring hundreds.

In the 2000s, the rise of Turkish nationalism, which was embraced by a number of small parties known as Ulusolcu (Nationaleftists), fostered an intensely hostile environment to the detriment of Kurds and non-Muslims. This is the environment in which the above-mentioned Minority Report was attacked and subjected to prosecution in December 2004. Similarly, a conference to be held at Boğaziçi University, entitled

“Ottoman Armenians During the Decline of the Empire: Issues of Scientific Responsibility and Democracy,” was twice banned by state authorities. Politicians, academics, officials, bureaucrats, and (habitually) the media came forward with intense forms of hate speech against non-Muslims and missionaries. Public attacks started to be carried out against non-Muslims, against a small number of people who had converted to Protestantism,⁷⁹ against Christian religious leaders, and against missionaries. On February 5, 2006, the priest of the Santa Maria Catholic Church in Trabzon, Andrea Santoro, was shot and killed by a sixteen-year old assailant. The murderer, who spent twelve years in prison and has since been released, has said that he killed Santoro for carrying out missionary activities.⁸⁰ This was followed by other killings of religious leaders.

On July 1, 2006, the priest of the Italian Catholic Church in Samsun, Pierre Brunissen, was attacked with a knife and wounded. On April 18, 2007, the downtown Malatya office of Zirve Publishers, which publishes Protestant religious materials, was raided by a group of “nationalist” youth, and two Turkish citizens and one German had their throats cut and were killed. Another tragic aspect of this story is the fact that in the ensuing lawsuit on this issue, of the thirty-two files in the indictment, eight were related to murder and twenty-four to missionary activities.⁸¹ On December 17, 2007, in Bayraklı, İzmir, the priest of the Saint Antoine Church, Adriano Francini, was attacked with a knife by a nineteen-year-old assailant and wounded. A July 22, 2008, report by the subcommittee established by the Human Rights Investigatory Commission of the parliament to investigate the murder of Hrant Dink in January 2007 (see below) reached the conclusion that all of these above-listed attacks were linked. On June 3, 2010, Catholic priest Luigi Padovese, serving in Iskenderun, was killed when his throat was cut. In November 2017, after the doors of the homes of thirteen Alevis in Malatya were marked with red paint, the Malatya representative of the Association of Salvation Churches was assaulted with stones.⁸²

The most recent and well-known of the attacks against missionaries is the case of Andrew Brunson, an American pastor at the İzmir Resurrection Church who had lived in Turkey for twenty years. Brunson was first the subject of an armed attack by Mehmet Ali Eren, from the city of Manisa, who in April 2011 shouted out in the courtyard of the church: “Traitors, we will bomb the church in Manisa. Al Qaeda will account for this.”⁸³ Then, Brunson and his wife were taken into custody briefly in preparation for their deportation and were charged with “arranging religious ceremonies for Kurdish-origin citizens.” Finally, he

was arrested in December 2016 on the claim that he was “committing crime in the name of FETÖ and the PKK, and engaging in espionage.” The pro-government media immediately began broadcasting and publishing against the pastor. In August 2017, a new arrest warrant against Brunson was issued, on the claim that he was “obtaining classified state information for the purposes of political or military espionage, attempting to eliminate the Parliament, and attempting to change the constitutional order.”⁸⁴ By the end of 2017, rumors spread about a government desire to use the pastor to bring Fethullah Gülen to Turkey in a barter deal, as the AKP government had requested of the United States to extradite Gülen, without success. Erdoğan unofficially confirmed these claims, uttering, “America wants us to return a priest. You have a priest, too. You give him to us then.”⁸⁵ In the end, the court delivered a prison sentence of three years, one month, and fifteen days to Brunson for “harboring and supporting a terrorist organization.” He was let free after serving 593 days in prison and staying two and a half months in home detention. After the judicial monitoring and travel ban on him were lifted, he and his wife left Turkey.

Of these attacks against non-Muslims, the one generating the greatest public outcry was the murder of Hrant Dink, the founder and editor in chief of *Agos*, in front of the newspaper’s headquarters. When Dink published a story on February 6, 2004, on how the birth name of Atatürk’s adoptive daughter, Sabiha Gökçen, was in fact Hatun Sebilciyan, and she was an Armenian orphan, he drew fierce criticism from the General Staff. One sentence in a series of eleven articles, which was actually critical of the Armenian diaspora,⁸⁶ was interpreted not as a criticism of Armenians but as an insult to Turkishness. In October 2005, Dink was tried under TCK Article 301/1, and other lawsuits followed. In such a hostile and charged atmosphere, Hrant Dink was shot in the back of the neck and killed on January 19, 2007 in front of the *Agos* building by a young man of seventeen from the Black Sea city of Trabzon. Following his murder, the ECtHR examined the verdict of the Turkish judiciary that found Dink guilty of Article 301/1, along with five different applications from the Dink family, and ruled against Turkey on September 14, 2010. Turkey was convicted of violating Articles 2 (the right to life), 10 (freedom of expression), and 13 (the right to effective remedy) of the ECHR.

The trigger for these practices marginalizing non-Muslims is the distinction, described above, between “being a Turkish citizen” and “being a Turk,” which Article 88 of the 1924 constitution constructed entirely on the concept of religion. This distinction constitutes the basis

of Article 92 of the same constitution, as well as all laws released throughout the entire period. Examining these laws in chronological order will show their development and how they led to the violation of minority protection provisions in the Lausanne Treaty.

The exclusion of non-Muslims from the concept of Turkishness because of their religion began immediately after the Lausanne Conference. Article 92 of the first constitution of the republic,⁸⁷ dated April 20, 1924, opened the possibility of becoming a civil servant to “every Turk [not “Turkish citizen”] in possession of political rights.” This provision of Article 92 was used in the Civil Servants Law (1926, No. 788), which in Article 4/a specifies “being a Turk”—and with no mention of citizenship—as the first condition of being able to serve as a civil servant. In other words, Article 88 of the constitution was used to write Article 92 of the same document, Article 92 was used to write Law 788, and this law was used to set in motion practices violating Articles 39/1, 39/2, and 39/3 of the Lausanne Treaty, if not some others.

Here, I itemize some major instances of the implementations of these laws and indicate in parentheses which articles of the Lausanne Treaty they primarily violated, though it should be noted that every one of these violations is also a violation of Article 37.

- Article 1 of the Law on Pharmacists and Pharmacies (January 24, 1924, No. 964)⁸⁸ mentioned being “a Turk” as among the conditions for opening a pharmacy. (Violating Articles 39/1, 39/2, and 39/3.) From the names of the owners of the pharmacies ordered closed, we can conclude that 87 percent of these were non-Muslims.⁸⁹
- The files of attorneys registered with the İstanbul Bar Association were examined according to the Legal Practitioners Act (No. 460, dated April 3, 1924),⁹⁰ and according to some subjective criteria such as “not being known by a bad reputation,” set in Article 2/2 of the law. It was decided that 75 percent of Rum attorneys and 73 percent of Armenian attorneys would not be able to continue in their profession. Consequently, the number of Rum and Armenian attorneys dropped to one-fourth of what it had been.⁹¹ (Violating Articles 39/1, 39/2, and 39/3.)
- In 1924, the “Independent Turkish Orthodox Church,” founded by Pavli Karahisaridis of Kayseri (also known as Papa Eftim I, and Zeki Erenerol), was used by the state to rival the Fener Patriarchate. The church, with a community of no more than a few hundred people, occupied, with the support of the state, three churches in Galata belonging to the Fener Patriarchate and consistently put

serious pressure on the Ecumenical Patriarchate. (Violating Article 40.) Yet, particularly after the 1940s, this “church,” the entire community of which was composed of members of the Erenerol family, was doomed to be forgotten by the state. Sevgi Erenerol, who was judged in the Ergenekon trial with the charge of carrying out deep state meetings in these churches and of being part of this organization, is the granddaughter of Papa Eftim.

- The semi-official “*Vatandaş Türkçe Konuş!*” (“Citizen, Speak Turkish!”) campaigns were organized in the 1920s and 1930s, under the leadership of the Turkish Hearths (*Türk Ocakları*). Overt interventions occurred, sometimes using violence, when non-Muslims were heard publicly speaking a language other than Turkish. (Violating Articles 38/1, 39/1, 39/2, and in particular, 39/4.)
- MP of Antalya, Rasih Kaplan, spoke the following words before the parliament in 1924: “Certain elements quite shamelessly do not show reverence for the language of the Turkish people. They can speak whatever language they wish in their own homes. However, in public places, the language that a part of Turkish citizens speak is [still] not Turkish. Hey citizen! If you are a Turkish citizen, show respect for the Turkish language. Don’t offend the Turks before you.”⁹²
- Through an administrative law stretching from February 1925 until the 1930s, non-Muslims were prevented from leaving the borders of the province of İstanbul without official permission.⁹³ This ban particularly afflicted non-Muslim wholesalers who procured goods to Anatolia. And after 1964, the Rum residents of Gökçeada-Bozcaada were required to obtain special permission to travel back and forth between the island and İstanbul. (Violating Article 38/3.)
- At the end of 1925, with the introduction of the Civil Code, all non-Muslims in İstanbul, chiefly Rums, were forced to renounce all their privileges of “tradition and custom” recognized for them by Article 42/1 of the Lausanne Treaty, in particular, church weddings. Arrests began for those who resisted. Jews complied immediately, Armenians after some resistance, and Rums, after a long period of resistance.⁹⁴ This pressure and the resulting “renunciation of rights,” as noted in detail in Chapter 4, was devoid of any sort of basis in international or national law and was contrary to the theory and law of minority rights. (Violating Articles 42/1 and 42/2.)
- In 1926, foreign companies came under serious pressures to fire non-Muslim personnel, whether they were Turkish citizens or

foreigners, and to hire Muslim-Turkish personnel in their place.⁹⁵ (Violating Articles 38/1, 39/1, 39/2, and 39/3.)

- Article 28 of the Law for the Encouragement of Industry (May 28, 1927, No. 1055),⁹⁶ tied the ability to benefit from legally guaranteed work leave and exemptions to the condition that all janitors, civil servants, and workers (with the exception of directors and accountants) be Turkish. The same condition was present in Article 23 of the Law on the Supervision and Inspection of Insurers and Insurance Companies (June 26, 1927, No. 1149).⁹⁷ (Violating Articles 39/1, 39/2, and 39/3.)
- Article 1 of the Law on the Performance of the Art of Medicine and Its Branches (April 11, 1928, No. 1219),⁹⁸ made becoming a doctor in Turkey conditional on “being a Turk.” (Violating Articles 38/1, 39/1, and 39/3.)
- Although they are non-Muslim, Syriacs’ minority schools (high schools) in Mardin, Adıyaman, Elazığ, Diyarbakır, and Antakya were closed in 1928, citing the Law on the Unification of Education (March 3, 1924, No. 430).⁹⁹ (Violating Articles 37, 38/1, 39/1, 39/3, particularly Article 40, and consequently Article 41.)
- According to Article 6/1 of the Law on Securities and Exchange Markets (May 27, 1929, No. 1447),¹⁰⁰ to be a stockbroker, one must be a Turk. (Violating Articles 39/1, 39/2, and 39/3.)
- Another obstacle for non-Muslim businessmen was set in connection with the “Use Turkish Products” campaigns, launched to support domestic industries. These campaigns, which later assumed the slogan “Use Domestic Products,” transformed in the 1950s, under the impact of the Cyprus imbroglio into “Do Not Shop from Non-Turks!” campaigns.¹⁰¹ (Violating Articles 38/1, 39/1, 39/3.)

A provision of the Lausanne Treaty that has never been implemented is Article 14, regarding the islands of Bozcaada and Gökçeada. Previously, like other Aegean islands with Hellenic populations, it was debated that they would be given to Greece, as was also determined at Sèvres. Yet in the Lausanne Treaty, they were conditionally given to Turkey for security reasons, due to their being located at the mouth of the Strait of Çanakkale. Article 14/1 granted a significant degree of autonomy to Bozcaada, which had a Rum population nearly double the size of its Turkish population, as well as to Gökçeada,¹⁰² which was almost entirely Rum. These two islands were given so much autonomy that they were to have their own “special administration” that would command a police force “chosen from among the local people.” Article

14/2, meanwhile, gave Rums here the same *etabli* status as the Rums of İstanbul, stipulating that they would be able to profit from the minority rights in Section III of the Lausanne Treaty.¹⁰³ This article remained a dead letter (a violation of the Lausanne Treaty Article 14). The situation can be summarized as follows: The local autonomy brought about by Article 14/1 of the Lausanne Treaty was never implemented after the Lausanne Treaty and was lifted by the Law on the Local Administration of the Districts of Bozcaada and Gökçeada (June 25, 1927, No. 1151).¹⁰⁴

According to Article 7 of the law, the Ministry of Internal Affairs can cancel the decisions of the sub-district council. According to Article 15, if civil servants and janitors cannot be found from among the islanders, they would be provided from Turkey's other regions. According to Article 16, officers in the police force, which according to the Lausanne Treaty is to be made up of islanders, have to possess the qualifications required by the gendarmerie regulations (to be a graduate of military school). The *mukhtar* (village or neighborhood headman), according to Article 17, should be chosen by the sub-district administrator from among three candidates in possession of electoral capacity.

Despite being counted as *etabli* in Article 14/2 of the Lausanne Treaty, non-Muslim islanders have never been able to make use of these rights. According to Article 14 of the Law on the Local Administration of the Districts of Bozcaada and Gökçeada, on these two islands the language of instruction at schools would be Turkish. Children were to learn their own religion and language only by securing a private teacher to be hired outside of the regular curriculum and class hours. Two-thirds of the teachers were to be Turkish, and their salaries would be paid by the Rum community.¹⁰⁵ Greek lessons were reduced to one hour per day. In September 1925, it was requested that Rum teachers take Turkish exams.¹⁰⁶ Since that date (1925), only teachers who were high school graduates and who had permission from Ankara would be able to work on the islands, yet all teachers but one were graduates of the islands' eight-year schools.

Given these conditions, in the 1926-1927 school year, only two schools were able to stay in operation.¹⁰⁷ As a result, those students who had the means were forced to migrate with their families to nearby Greek islands, as well as to Thessaloniki and İstanbul, in order to receive an education in Greek. (A violation of the Lausanne Treaty Article 40, and consequently, of Article 41.)

Although this situation was remedied somewhat in the middle of the 1930s, it continued until 1951. The ban on Greek instruction was lifted in February 1951 through Law No. 5713,¹⁰⁸ by the DP government that

was ousted by the 1960 military coup. After the country returned to civilian rule and a coalition government was established by İsmet İnönü, the ban on instruction in Greek was brought back through Law No. 502 on July 16, 1964.¹⁰⁹ Following this, school properties were transferred to local authorities through an executive decree (No.701-16-0-41156), on September 25, 1964. The name of İmroz was changed to Gökçeada on July 29, 1970, by the Council of Ministers' Decree No. 8479.

As indicated in Chapter 3, education in the Greek language began again after 2013, even though the number of students had been dwindling. Yet this became possible through an executive decision, as a result of political determination; however, it has no legal basis, since the 1964 ban on instruction in Greek is still the law. Although the school building, which once belonged to Rums and was then transferred to local authorities, is now again designated to be used as the community's school, this decision is revocable at any time. In other words, this is a rather tenuous situation.

Pressures on Minorities in the 1930s and 1940s

The discriminatory practices and harassment of minorities during this period were also numerous. They can be listed as follows, with violated articles of the Lausanne Treaty indicated in parentheses:

- Although it seems to be about prohibiting foreigners from working in Turkey, the Law on Arts and Services (June 11, 1932, No. 2007) was essentially a Turkification law that took aim at non-Muslims (including Levantines) who had not acquired Turkish citizenship. (Violating Article 38/1.)
- Campaigns under the banner of "Citizen, Speak Turkish!" were initiated by university and military school students and involved breaking shop signs, ripping down signboards, insults, beatings, obstruction of religious practices, and detentions. February 1933 witnessed particularly violent events, including the destruction of the offices of the Wagon-Lit Company. As a result, in places like İzmir and Edirne, where minorities were fewer in number relative to İstanbul, it became dangerous to speak a language other than Turkish in public.¹¹⁰
- As a part of these pressures carried out by the state and the press, in December 1932, Jews in İzmir were made to sign a covenant stating, "I will strive to adopt Turkish culture and seek national cohesion among my citizens, and in order to achieve this goal, I will

speak Turkish at all times.” Furthermore, sermons were preached to this effect in synagogues.¹¹¹ Jews living in various cities of Anatolia and Thrace also announced that they would speak Turkish. (Violating Articles 38/1, 39/1, 39/2, and particularly 39/4.)

- As already discussed, the Surnames Act (June 21, 1934, No. 2525), as well as the subsequently issued Surname Regulation, rendered non-Muslims invisible in the public domain. The regulations first outlawed certain non-Muslim surname endings, but probably because such an overt ban was seen as problematic in terms of the criticisms that could stir abroad, gradually softer terms were used to describe the changes. Nevertheless, it was once again made clear that non-Muslims are “foreigners.” (Violating Articles 39/2 and 39/3.)
- The practice of changing in particular Armenian, Rum, and Syriac place-names was widely applied.
- Between May 1941 and July 1942, non-Muslim males in İstanbul and Thrace between the ages of twenty-five and forty-five (or according to some sources, twenty to sixty), including those who had already carried out mandatory military service, were collectively enlisted and sent to “labor battalions” to construct roads. (Violating Articles 38/1, 39/1, 39/2, and 39/3.) The first signs of this incident, known as the “Yirmi Kura İhtiyatlar Olayı” (conscription of non-Muslim men into labor battalions),¹¹² came from General Kazım Karabekir. Speaking at a CHP parliamentary group meeting in November 1940, he made the following recommendations: “We should send the dangerous elements to Anatolia. We should give the homes that these elements leave behind, particularly those in Beyoğlu, to Turks. . . . These elements, living in the most beautiful houses while sucking the blood of Turks.”¹¹³ These words of Karabekir are important for expressing in a crystallized form the common sentiment of the Muslim populace (even today), seeing the non-Muslims as rich and, therefore, “exploiters.” Of course, these words, which encapsulate class envy atop national hatred, overlook the fact that non-Muslims were officially barred from serving as civil servants or administrators until the 1856 Edict of Reform, and then the ban remained *de facto* in place (to this day). Thus, for city dwellers excluded from public employment and professions, the only option to make a living was in trade.
- In February 1942, the ship *Struma*, with nearly 800 Romanian Jews on board to flee to Palestine,¹¹⁴ was denied entry to İstanbul and was sunk just offshore of İstanbul by a Soviet submarine,

which was instructed to target all ships, whether neutral or enemy, that had entered the Black Sea. Afterward, a ceremony of mourning was held in Jerusalem. When news of the ceremony was reported by the state's news agency, Anatolia Agency (AA), Ziya Gevher Etili, the Çanakkale MP, complained: "Anatolia Agency is a national establishment. . . . [Yet] I see that nearly fifty percent of those working here are not of my race. . . . My Prime Minister will clean up this agency, and we will see clean people there." Soon afterward, all Jewish civil servants working at the AA were fired. The German embassy wrote to express its satisfaction. Jewish artists and musicians working in hotels and restaurants across the country also lost their jobs.¹¹⁵ (Violating Article 39/3.)

- Until the 1940s, the population registry of non-Muslims was not kept in the same place as the majority of citizens (Muslims), but in a separate registry for foreigners.¹¹⁶ (Violating the entire Section III.)
- Since the 1970s, the foundation properties of non-Muslim citizens of Turkey (theirs since Ottoman times) have been seized without any compensation on grounds of the 1936 Declaration (to be described at the end of this chapter). In the decisions of the Court of Cassation on this matter, non-Muslim citizens continued to be referred to as foreigners. (Violating Article 42/3.)

The most important and blatant discrimination against non-Muslim citizens during this period was a tax imposed during World War II. This tax dealt *the* ultimate blow, in economic terms, to non-Muslims in the Republic of Turkey and constituted the single-greatest transfer of wealth from non-Muslims to Muslims. Thus, it exceeded all previously known instances of discrimination.¹¹⁷ (Violating Articles 38/1, 39/1, 39/2, and 39/3.) Given its significance, this subject deserves a more detailed discussion.

The Law on Wealth Tax (No. 4305) was enacted on November 11, 1942, in the middle of an intense campaign of hate against non-Muslims, instigated by the press, which was entirely state controlled at the time, and immediately following the "Yirmi Kura İhtiyatlar Olayı" described above. The amount of tax to be paid was left to the discretion of bureaucrats. There was no process of objection or appeal. If the taxpayers could not pay the designated amount within fifteen days, their properties and all goods therein (including those of any relatives living with them) would be impounded and sold. If the sales could not yield the amount necessary to cover the debts, taxpayers were sentenced to physical labor, and one-half of their wages was withheld to cover their debt.¹¹⁸

Two months before the law was passed, relying on a range of intelligence sources, formal (MİT and banks) and informal (neighborhood residents), tallies were taken of de facto Muslim (M) and non-Muslim (G, by the Turkish *gayrimüslim*) taxpayers. In addition to these two categories, which are not spelled out in the law, on the instructions of the prime minister, there was also a tally of Jewish converts (D, standing for convert in Turkish, *dönme*) and foreigners (E, the Turkish *ecnebi*).¹¹⁹ Due to pressure exerted by foreign embassies, the tally of E was insignificant. Ds were treated as a subcategory of Gs. Because the amount of tax was determined at the discretion of the valuation commission, the tax levy arbitrarily set for Gs and Ds was two to two-and-one-half times higher than was set for Ms of the same level of wealth.

Presented as a wartime requirement, the Wealth Tax was seen by many analysts as normal and understandable.¹²⁰ Among these, Cahit Kayra, who by his own definition was the “youngest inspector working on the implementation of the Wealth Tax,” covers the subject in a 2011 book.¹²¹ Contrary to what is commonly understood, he claims that it was Muslims who were taxed more than non-Muslims, indicating that “Ms were charged 6,102 TL per capita, whereas Gs paid 5,326 TL.”¹²² In an interview printed in 2001 in the newspaper *Cumhuriyet*, he had referred to the Wealth Tax as racist. Ten years later, he revisited the subject by employing a rather bizarre statistical method. He first added the taxes paid by subgroups, whether Gs or Ms, without paying attention to the differences in their income levels; he aggregated what should not be aggregated. He then added the number of G and M taxpayers and divided the first figure by the latter. This yielded the false figures that he reported. In reality, the largest subgroup of taxpayers in G had no equivalent in the M group, because the economically weak subgroups in G, such as “street vendors” or “service employees,” were ordered to pay taxes by Prime Minister Şükrü Saracoğlu, whereas Muslims in this position were exempt from paying taxes.

The total number of taxpayers in these two subgroups was 26,404, constituting 42 percent of the 62,575 taxpayers in İstanbul who paid a Wealth Tax. Dividing the total taxes paid by G by a number including this sizable figure, the level of per capita tax paid by G appears much lower than that of M.

A corrective to this mass statistical analysis has been introduced by Ayhan Aktar in his book, *The Wealth Tax and Turkification Policies*,¹²³ by employing the information reported by Faik Ökte, the provincial treasurer of İstanbul at the time the law was implemented. Paying attention to different subgroups, Aktar reports the tax levels as follows:

Extraordinary Taxpayers:

(M): 17,294,549 TL / 460 people = 37,596 TL per person

(G): 189,969,980 TL / 2,563 people = 74,120 TL per person

Here non-Muslims appear to have paid 197 percent more (nearly twice as much) per person than Muslims.

Declarant Taxpayers:

(M): 3,128,310 TL / 924 people = 3,385 TL per person

(G): 10,364,466 TL / 1,259 people = 8,232 TL per person

Here non-Muslims appear to have paid 243 percent more per person than Muslims (nearly 2.5 times as much).

Shopkeepers and merchants:

(M): 4,055,100 TL / 2589 people = 1,566 TL per person

(G): 72,811,850 TL / 24,151 people = 3,014 TL per person

Here, non-Muslims appear to have paid 192 percent more per person than Muslims (nearly twice as much).

Some 1,400 non-Muslims who were not able to immediately pay the requested amount of excessive and unequal taxes were sent, in caravan fashion, to Sivrihisar (about 250 miles from İstanbul) and Aşkale in Erzurum (about 730 miles from İstanbul) to break rocks for road construction.¹²⁴ Of these city dwellers, all of whom were non-Muslims and many of whom were elderly, twenty-one died, unable to tolerate the difficult conditions.¹²⁵

The architect of this law, Prime Minister Saracoğlu, had revealed his ideology on August 5, 1942, five weeks before the law passed, when he read his government program in parliament: "We are Turks, we are Turkists, and we will always be Turkists. (cheers) For us, Turkism is a matter of conscience and culture, as much as it is a matter of blood."¹²⁶ Saracoğlu openly declared in a number of statements that the basic aim of this tax was to cause non-Muslim citizens to go bankrupt and to replace them with Muslim traders. A statement he gave to *The Times* in London on January 16, 1943, constitutes a fine example: "The law will be applied in full force to anyone who, despite having become rich by benefitting from the hospitality this country has shown them, escapes from doing his duty at this critical moment."¹²⁷ During his presentation of the law to parliament, Saracoğlu referred to non-Muslims as "foreigners": "This law is at the same time a revolutionary law of the Republic. We face a situation that could win for us our economic independence. This is how we will rid our economy of the rule of foreigners, we will deliver Turkish markets over to the hands of Turks."¹²⁸

Saracoğlu's aim in this law was to cause non-Muslims to go bankrupt and to be forced to give away their assets, under the cover of absorbing excess money on the market; it was apparent in a conversation between him and the provincial treasurer of İstanbul, Faik Ökte. When Ökte said, "I am concerned that taxpayers, in this very short period of time, will not be able to find liquid cash," Saracoğlu replied: "After our dreams come true about the prices, I will give you the terms you want."¹²⁹ By the time the implementation of the Wealth Tax came to an end in March 1944, most of the property of minorities had passed into the hands of Muslim Turkish traders at almost no cost.

Non-Muslim minorities tend to agree that they experienced relative relief starting in the late 1940s, and especially under the first government of the DP. In the 1950 and 1954 elections, four non-Muslims were elected as Democrat Party MPs from İstanbul. Below are a few examples of this relative relief, which to some extent stems from the long-delayed implementation of the Lausanne Treaty rights.

For example, a Rum attorney was able to convey the problems of Rums to the CHP headquarters. A CHP document dated October 21, 1946, indicated that minorities too could be registered as party members,¹³⁰ meaning that, previously, the CHP had banned minorities from being party members. This ban must have been around since the War of Independence, when non-Muslims were prevented from taking seats in the First Parliament (1920–1923).¹³¹ There were no non-Muslim MPs in the Second Parliament, either, which began work on August 11, 1923.

In the period of relief following World War II, the Sotiros Hristos Church—which was among those churches the Turkish Orthodox Church seized from the Fener Greek Orthodox Patriarchate with the help of the state—was returned to the patriarchate in 1948.¹³² Turkish-Greek relations, which were progressing in the Cold War environment, particularly due to the implementation of the Truman Doctrine, reached a peak when Archbishop of North and South America Athenagoras, a graduate of the Heybeliada Seminary in İstanbul, was made a Turkish citizen and was chosen as the Fener patriarch in 1948. Again in 1948, the CHP had Sadi Irmak (who later became prime minister, 1974–1975) prepare a report about the problems of the Rum community of İstanbul.¹³³

In accordance with Law No. 3513, dated June 28, 1938, minority foundations were being administered by a "single trustee system,"¹³⁴ and these administrators were appointed by the Directorate General of Foundations (VGM). Through the efforts of İstanbul DP MP Salamon Adato, this system was lifted by Law No. 5405, adopted on May 31, 1949, allowing the minority communities to elect their own administrators.

Furthermore, with the cancellation of Article 24 of the 1935 Law on Foundations, the 5 percent “control right”—which was taken from the revenues of foundations and transferred to the VGM—was also lifted.

In 1950, the Armenian Patriarchate, which until that point had been administered by an acting patriarch, was able, for “one time and one time only,” to elect a patriarch.¹³⁵

The four-year middle school belonging to the Heybeliada Seminary became a high school like other minority schools, and its theological section was announced as a “Post Graded Theology School” that would offer education to foreign students who would easily obtain a visa for such purposes.¹³⁶ Rum schools on Gökçeada and Bozcaada, which were required to cease activities in 1927, began offering education in Greek again on April 21, 1951, after the Culture Agreement was signed by Greece and Turkey. This agreement made possible the attainment of “contingent teachers,” equal in number, in the minority schools of respective countries, sent by both kin-states, as well as the reciprocal attainment of school materials in the mother language.

Prime Minister Menderes and his minister of foreign affairs, Mehmet Fuat Köprülü, visited the patriarchate on June 6, 1952. Permission was granted for the repair of various Rum schools.¹³⁷ On June 13, 1952, King Paul and Queen Frederica of Greece also visited the patriarchate. Patriarch Athenagoras was invited to Ankara on November 10, 1953, for the transfer of Atatürk’s body to Anıtkabir.

In 1953, the Jewish community, which since 1921 had been administered by an appointed “acting chief rabbi,” was given the opportunity to elect their own chief rabbi. In the same year, President Celal Bayar participated in a religious holiday celebration by the Jewish community.¹³⁸

The financial support of the state in the areas of “education, religion, and aid,” which was included in Articles 41/2 and 41/3 of the Lausanne Treaty, finally started to be provided for the minority schools.¹³⁹ When a draft bill related to minority schools was debated, minority MPs had a seat on the parliament’s Education Commission.¹⁴⁰ The DP government granted permission to establish new non-Muslim schools. When the Surp Haç Tıbrevank Armenian Seminary was opened in 1954, the governor and mayor of İstanbul, F. K. Gökay, as well as the İstanbul director of national education, attended the opening ceremony.¹⁴¹

In 1958, as part of making good on obligations outlined in the Lausanne Treaty Articles 41/2 and 41/3, cash transfers between 20,000 and 60,000 TL were made to the Jewish Hospital, the Balıklı Rum Hospital, and the Armenian Hospital in İstanbul, and to the Moris Şinasi Hospital in Manisa.¹⁴²

Despite the trauma of the September 6–7, 1955 pogrom, a majority of non-Muslims voted for the DP in the 1957 elections. Compared to the CHP, which dealt them a number of major blows between 1923 and 1948 (particularly the Wealth Tax), they considered the DP as the lesser of two evils.¹⁴³ The DP's accommodating approach had been diminishing prior to the pogrom and came to an end afterward. Permissions for the reelection of community council members whose period of office had run out were increasingly denied. The DP, just like the CHP, began to claim that these communities did not need a centralized institution of their own to administer their social and religious institutions. Consequently, the activities of Rum and Armenian communities had to be carried out with the aid of community donations, depending on a system that lacked a legal framework. Although there was no legal basis, the CHP practice of not allowing non-Muslims to be civil servants was maintained during the DP period. When this party came to power, it failed to keep its promise of repaying non-Muslims for the Wealth Tax levies, citing budgetary problems.¹⁴⁴ Later, when the Cyprus issue came to the fore, the situation rapidly worsened.

What are the reasons for the relative relief of non-Muslims during the DP period? First, if we look closely, this was less related to the DP coming to power than to democracy beginning to come to Turkey. Democratization took place because the country had little choice but to move to multiparty politics, as a result of its UN membership and opening up to Western influence. Another critical factor, related to multiparty politics, is the importance of non-Muslim votes in İstanbul, where, at the time, roughly one-third of the electorate was non-Muslim.¹⁴⁵

The first factor came into play with the end of World War II in 1945. After the defeat of the fascist bloc, both Turkey and Greece, in a milestone in their relations, joined the Western bloc through the 1947 Truman Doctrine, the 1948 Marshall Plan, North Atlantic Treaty Organization (NATO) membership in 1952, and the 1953 Balkan Pact. These external dynamics reinforced the processes of democratization and liberalization in Turkey, no matter how limited they were. They ended the single-party system in 1946 and enabled the peaceful transfer of power to the DP after twenty-seven years of CHP rule. These changes consequently affected the practices and views taken toward non-Muslim minorities.

The second important factor is the ideology of the DP. Indeed, Article 13 of the party's 1946 program, in the section called "Common Principles," states: "Our party counts all citizens as Turks, regardless of differences in religion or race, and recognizes their rights as Turks."¹⁴⁶ Although the party still employs the problematic wording "counts as

Turks,” it does imply nondiscrimination; unlike the CHP, it appears, at least in theory, as not Muslim Turkist. In fact, the DP behaved far better, in comparison to the CHP, not only toward non-Muslims, but toward Kurds as well. The maltreatment of Kurds in the east, epitomized by the term “gendarmerie slap,” decreased, and Kurdish voters could be heard speaking Kurdish with their “Doğulu” MPs when they visited them in parliament. (*Doğulu*, meaning Easterner, was the term used at that time, because it was not possible to use “Kurd.”) Moreover, the DP, after all, was the representative of the rising bourgeoisie, and the non-Muslim minority was the *crème de la crème* of the bourgeoisie.

Despite all of this, when internal affairs were strained, the DP gave in to the Turkish nation-state’s DNA and turned away from the more inclusive approach it employed in relation to non-Muslims. The DP refused to accept any responsibility for the September 6–7 pogrom. The only meaningful gesture by the government was hoisting the Greek flag during a ceremony for the destroyed Greek Consulate in İzmir. Several other promises to redress the disturbance and damage experienced by Rums were met only partially and half-heartedly. Although the government announced on September 8 that the damages would be compensated and the victims would be distributed materials such as nails, paint, window glass, coal, and food, with the help of municipalities, the amount allocated from the state treasury was only 60 million TL.¹⁴⁷

Additionally, the government established a committee for compensation “under the auspices of the President Celal Bayar.” The committee issued a call for donations, particularly from large banks. By the end of 1957, they had collected nearly 8.7 million TL, half of which came from these banks and a dozen large companies. The catch here is that of the ninety-four real and legal persons who donated to the committee, forty-two were foreign institutions active in Turkey or were companies that belonged to non-Muslims. This fact leads many to treat these donations as amounting to another form of the Wealth Tax. In other words, the DP government to a large extent burdened the victims with the bill for the pogrom that the party itself organized.

By the end of 1957, the total amount of compensation paid out to 3,247 real and legal persons was 6,533,856 TL. An affidavit was, in turn, taken from those who received compensation, declaring that they had been compensated in full, that they had no further requests, and that they would apply to no other official institutions regarding the matter. It should be noted that the victims were frightened by the events and were, thus, quite timid when it came to officially declaring their losses. The press, meanwhile, continuously published the telegrams sent to Prime

Minister Menderes by individuals and companies that had voluntarily renounced their requests for compensation. Some victims sought the help of experts, yet some evidence emerged later showing that some experts worked on the condition that they would take half of the compensation to be received.

Although it was less than meticulous when it came to paying out compensation, the government moved swiftly to identify the culprit for the attacks—communists! Forty-two “communists” were arrested immediately (among them famous writers Aziz Nesin and Kemal Tahir), followed later by nineteen more. These “communists” were freed toward the end of 1955, without any explanation.

After the 1954 elections, the DP set its sights on high-ranking civil servants, especially members of the judiciary and university faculty, as well as the opposition press (e.g., the *Ulus* newspaper and the weekly *Akis*) and CHP officials. For instance, in 1954, Hüseyin Cahit Yalçın, at seventy-nine years old, was hit with a twenty-six-month prison sentence for his article in the newspaper *Ulus*, the CHP’s media organ. The CHP general secretary, Kasım Gülek, who strolled along the streets and shook hands with shopkeepers in Rize, was sentenced to six months for making an “unauthorized demonstration march.” Another journalist, Metin Toker, the son-in-law of İsmet İnönü, received a sentence of seven-and-a-half months in 1957 for his article in his weekly magazine, *Akis*. In fact, making use of the atmosphere of the September 6–7 pogrom, the DP established an ever-deepening regime of oppression, first by activating martial law, and then, after it was lifted, by capitalizing on its significant majority in parliament.

The DP rule in the second half of the 1950s resembles the recent situation in Turkey. If we replace the terms *communist* with *terrorist*, and *martial law* with *OHAL* (state of emergency), the process put in place by the DP government appears to be the progenitor of the AKP regime after 2010, especially following the July 15, 2016, coup attempt, which Erdoğan referred to as “a blessing from God” and used as an excuse to charge all dissident voices with terrorism.

The state pressure experienced by the Rums living in Gökçeada and Bozcaada was not limited to the events discussed in earlier pages. The National Security Council, through a decision dated March 27, 1964 (No. 35), aimed to Turkify the region by compelling Rums to emigrate from the islands. Accordingly, a gendarmerie training battalion was to be deployed, a “modern mosque” was to be built, and a “cultured and highly educated mufti” would be appointed. Further, a boarding teacher-training school, an agricultural open prison, and

a state farm would be established in Gökçeada, which appears to be the main target at that time.¹⁴⁸

An executive decision to initiate cadastral survey activities on the islands was also related to these policies. The Rum-owned lands were expropriated, on the grounds that the land needed to be used for the construction of a military airport and a semi-custodial prison and the establishment of a farm for state production. The Gökçeada Rums, constituting nearly the entire population, relied upon agriculture and fishing for their living, but they lost access to agriculture to a great extent when Gökçeada's three major plains were expropriated within two years for this state farm. The Rum population that was engaged in farming tended toward animal husbandry, yet animals were forbidden in many areas on the grounds that forestation efforts were underway. Fishing, too, was outlawed in 1964 on "security" grounds. The travel of islanders to and from İstanbul was regulated by some internal passports, the procurement of which sometimes took months. Life on the islands was thus made nearly impossible for Rums.

Consequently, the Rum population dropped down from 5,487 to only 200. At the same time, people from the eastern Black Sea region had been encouraged to migrate to the islands since 1946, in an effort to change the demographic composition of the islands through Muslim colonization.¹⁴⁹

Prisoners incarcerated in the island's prison were allowed to walk freely on the island, even carrying knives. Their terrorization of Rum islanders was frequently the subject of media reports. However, public awareness about these and other attacks, which even involved soldiers on the island, increased only in 2008, when a girl named Marina from the island was announced as the first-place winner of a competition to sing the National Anthem.¹⁵⁰

Several repressive policies carried out in the late 1960s, when combined with the implementation of the 1936 Declaration and the above-mentioned pressures, made the situation worse, leaving Rum villagers and fishermen on these two islands with no choice but to leave for Greece.¹⁵¹ Among the measures taken in the 1960s, a circular (No. 3885), issued in November 1964, forbade morning prayers in Rum schools (a violation of Lausanne Articles 40 and 43/1). The printing house of the Fener Patriarchate, active since 1672 and publishing only theological works, was closed on the grounds that "only real and legal persons may establish printing houses" (a violation of Lausanne Article 40). The legal personality of the Fener Patriarchate, of the Armenian Patriarchate, of the Jewish Rabbinate, and of their places of worship

(churches and synagogues) remained unrecognized (and continue to be so even in 2020).¹⁵²

The Heybeliada Seminary, linked to Fener, was closed in July 1971, with the government citing a ban on the establishment of private universities. Despite the fact that private universities have been reopened since 1984, the seminary has been kept closed (a violation of Lausanne Article 40). The seminary issue warrants closer attention.¹⁵³

In the nineteenth century, newly independent Balkan countries took initiatives to establish their own national churches, at the same time that Christian missionaries from the West began to convert Orthodox subjects of the Ottoman Empire (Rums, Syriacs, and Armenians) to Catholicism and Protestantism. Just as the Ottoman Empire took great trouble to prevent losing its lands, the Fener Rum Patriarchate tried to prevent losing its own congregation. Thus, the seminary was founded in 1844 by the patriarchate with the aim of keeping Orthodox unity alive by training its own clergy. The educational design at the school passed through the following phases: (1) between 1844 and 1919, four years of middle school and three years of theology; (2) from 1919 to 1923, only five years of theology; (3) from 1923 to 1951, a return to the first stage; and (4) between 1951 and 1971, four years of high school and three years of theology.

In the 1930s and 1940s, when anti-minority policies grew to grave dimensions, the Seminar was left open to expropriation, among other efforts by the state. Yet after the DP came to power, the situation changed. The first four-year department was accepted as equivalent to other minority high schools, and the theology department qualified as "Post Graded Theology School" and began accepting students from abroad. On the diplomas awarded by the theology department, it was written that graduates were to be counted as having been educated at the level beyond high school education and obtaining at least one additional year of vocational training.

A new period of oppression resurfaced after the May 27, 1960, military coup, and the school began to be used as a trump card in Turkish-Greek relations. On August 12, 1971, the Constitutional Court canceled some articles of the Law on Private Educational Institutions (June 8, 1965, No. 625) on the grounds that private universities could not be founded. The theology department was thereupon closed down through an August 12, 1971, "secret writing of the İstanbul Directorate of National Education."

The high school section of the school continued under the name of "Heybeliada Private Rum Boys High School." Yet the Ministry of

National Education, claiming this might lead to a “reciprocal” situation in Western Thrace, rejected the patriarchate’s request for the formal closure of the theology department.

Meanwhile, the trustee appointed to the school filed a suit against the closure in November 1971. This case essentially rested on three main grounds. First, within the scope of the Lausanne Treaty Article 40, the seminary does not have the status of a higher education institution (*yüksekokul*). This is reflected also in the theology department diplomas, which contain a sentence clearly stated in the school’s Heybeliada Rum Clergy Education Regulation (1953), certified by the Ministry of National Education: “According to the regulation certified by decision No. 151 of the Turkish Education Board, dated September 25, 1951, those who complete the Theology department will be counted as having been educated at the level of post-high schools that provide at least one additional year of vocational training.” Moreover, aside from the last part of this sentence, these diplomas are not at all different from the regular high school diplomas issued in Turkey. Both sets of diplomas carry the signature of the school director and the provincial director of national education, whereas college diplomas, at that time, were signed by the college director and the minister of national education. Graduates were able to carry on only in the profession of priesthood. Like other high school graduates, they fulfill the mandatory military service as privates (while college graduates would be trained as reserve officers). And if they wished to continue their studies at a university, they had to take an entrance exam, like all other high school graduates.

Second, the seminary was not established according to Law No. 625 mentioned above; it was opened in 1844 as a minority vocational school, way before this 1965 law went into effect. Article 25 of Law No. 625, which the Constitutional Court did not cancel, refers to the Lausanne Treaty Article 40, which gives non-Muslims equal rights on the matter of schools. Because other secondary schools were not closed down by the Constitutional Court decision, the principle of equality was violated. Furthermore, this closure prevented the training of clergymen, an inseparable part of religious rights and freedom guaranteed by the Lausanne Treaty Article 40.

Third, all private institutions of higher education closed by the Constitutional Court’s 1971 decision were later affiliated with a university. No such action was taken for the seminary, which shows that it was not accepted as a higher education institution. The case was rejected by the court on the grounds that the patriarchate was not a legal person, and thus lacked the qualifications to file a court case.

When private higher educational institutions were once again opened in the 1980s across Turkey as “foundation universities,” some considered that the seminary might also be allowed to reopen. However, this was not possible, because of provisions introduced by Article 24 of the 1982 constitution and Article 3 of the Law of the Council of Higher Education, stating that military and religious institutions of higher education could only be established and run by the state. Consequently, many contemplate that the patriarchate, which already has a small staff, will, *de facto*, come to an end by the middle of the twenty-first century, as the result of a lack of clergymen. Meanwhile, those who put forward the idea that the Fener Patriarchate is a source of malice and intrigue and that it harbors ambitions to be like the Vatican strive to keep the seminary closed.

The pressure on and discrimination against minorities carried out in the 1960s were not limited to the seminary. The Büyükada Rum Boys and Girls Orphanage, belonging to the Fener Patriarchate, was closed on April 21, 1964, and its title deed was seized in 2005 through a court decision. (Violating the Lausanne Treaty Articles 40 and 42/3.)

In Article 5/j of Appendix 1 (“People Who Can Carry Out Sabotage”) of the Regulation for Protection Against Sabotage, issued on December 28, 1988, by the Council of Ministers, which was in effect until 1991, non-Muslim Turkish citizens are given a new, highly creative name, “native foreigners” (*yerli yabancılar*), as the foreigners living within the country are referred to as “native foreigners (Turkish nationals) and people of a foreign race.”¹⁵⁴

A decision by the İstanbul Second Administrative Court (April 17, 1996, No. E. 1995/1271, K. 1996/552) clearly shows that the politics and mentality at the time affected the judiciary. Here again Rum citizens are innovatively referred to as “Turkish citizens of foreign nationality.” The court decision containing this scandalous term was unanimously approved by the Council of State Twelfth Chamber.

In the same vein, the Law on Private Educational Institutions was amended by Article 15 of a new law (No. 2843), adopted by the military government in June 1983, to add a clause (Article 24/2). Among the eligibility requirements for the “Turkish Head Vice-Principal” position in minority schools, to be appointed by the Ministry of National Education, the clause specifies being “of Turkish descent, and citizen of the Turkish Republic” (“*Türk asıllı ve T.C. uyruklu*”).¹⁵⁵ Because Turkish vice-principals held sway over everything in minority schools, this would mean not leaving minority affairs to minorities. The removal of the “Turkish descent” requirement, a blatant expression of ethno-religious

discrimination, became possible only in 2007, when the new Law on Private Educational Institutions (No. 5580)¹⁵⁶ abolished Law No. 625. However, the change was only on paper, which left the practice unchanged.

This new law, recognizing only Rums, Armenians, and Jews as non-Muslims (Article 2/e), is also representative of a nationalist mentality that regarded non-Muslim citizens as dangerous foreigners. First, Article 5/c/1 seeks reciprocity in order to implement the rights of non-Muslims, as if these people were citizens of another country. Second, the headline of Article 5 is “International private educational institutions, foreign schools, and minority schools.” In other words, it places the schools of non-Muslim citizens in the same category as foreign schools.

Between 1968 and 2000, children whose national identity cards did not include a reference as Rum or Armenian could not enroll at these minority schools. Although a change was ordered by a court, the decision of that court was rejected. This practice was revealed in 2013, when a note by the İstanbul Directorate of National Education (probably handed out by mistake), indicating that non-Muslims had been flagged since the time of the Lausanne Treaty, and that each group had been given a secret “lineage code” recorded in the certificate of identity register, became public.¹⁵⁷ Accordingly, the code for Rums was 1; for Armenians, 2; and for Jews, 3. National Education authorities pleaded that this situation of flagging had been used for school records. Yet in the days that followed, it was discovered that the lineage code for Syriacs, who were not allowed to open schools, was 4, and the code for “Others” was 5.¹⁵⁸ Further, when Syriacs, who could no longer live in their ancestral region because of years of harassment and attacks, migrated to İstanbul, they were forbidden to register their children at Rum schools.¹⁵⁹

Although they were to be exempt from the mandatory religious classes established by the military government in 1982, from time to time, non-Muslim students were required to attend those courses. For example, in 1985, when Christian children in Diyarbakır were counted as absent for an entire school day, because the children not attending the mandatory religion class left the school, their families filed a suit and called on the Diyarbakır Governorate. A reply sent on January 28, 1986, from the Ministry of National Education notified the governorate that by Article 24 of the constitution, it was obligatory that “all students” attend this course.¹⁶⁰ Forcing non-Muslim students to take the mandatory religion classes that focus on Islam came to an end in January 1987, in response to the reactions of German churches upon learning that Muslims in Germany would also have to attend Christian religious classes.

This type of discrimination is hardly a thing of the past. For example, on February 3, 2015, a document was sent to governorates by the

Directorate General of Religious Education of the Ministry of National Education, notifying that for students not in minority schools, if the term *Christian* or *Jew* was not entered in the religion section of their identity card, or if this section was left blank, then by Article 24 of the constitution, these students had to take the mandatory religion class.¹⁶¹ The difficulties encountered by Christian students were aggravated, in 2015 and 2016, as they were required to produce a document proving their baptism in order to receive exemption from the class. This practice was brought up as a problem in parliament in September 2016 by the pro-Kurdish People's Democracy Party (HDP).¹⁶²

Non-Muslim students were prevented from registering for schools in districts outside of where they live; in fact, some minority schools had no students and had to close. Moreover, since 1980, the directors of these schools have had, in practice, no authority. Even the authority to sign payroll checks was transferred to the aforementioned state-appointed "Turkish Head Vice-Principal."

In October 1993, the Ministry of National Education banned Armenian as the language of instruction in Armenian schools and required even religion classes to be taught in Turkish.¹⁶³ However, because there was significant public outcry, the ban did not last long.¹⁶⁴ In 1998, the election of the Armenian patriarch was delayed for months. When it was finally able to take place, Mesrob Mutafyan was elected. Yet after 2008, when he became unable to carry out his duties due to dementia, the state created a completely new office, a "General Deputy Patriarch." The Armenian Synod, following the recommendations of the government, selected Archbishop Aram Ateşyan for the position, a selection that was endorsed by the Council of Ministers. When this situation led to significant discomfort both among the Armenian clergy and the broader community, Ateşyan felt the urge to take steps toward electing a *değabah* (deputy patriarch). The election was carried out on March 15, 2017, and Archbishop Karekin Bekçian won with twenty-three of thirty-four of the clerical votes. However, when the election ended up in Bekçian's favor, Ateşyan produced a document signed by the İstanbul deputy governor declaring that due to rules, methods, and usages pertaining to the patriarch election, initiating *değabah* elections was legally impossible.¹⁶⁵

The Minority Subcommittee (Azınlık Tali Komisyonu) can be taken as the epitome of the view and treatment of non-Muslim citizens of Turkey as foreigners who are deceitful and disloyal. The subcommittee was established in secret in 1962, soon after the May 27, 1960, coup. It does not rank in the state's organizational schema, and there is no clear information regarding what it is. Nevertheless, the decisions it makes can

constitute the basis of court judgments. In a February 2003 court case initiated by the Treasury to cancel the title deed of a non-Muslim minority high school in Üsküdar in İstanbul, the Treasury makes a reference to the decision and function of the subcommission: "In a decision taken by the Ministry of Internal Affairs' Minority Subcommission, tasked with monitoring minority activities from the perspective of national security."¹⁶⁶ Ironically, the public learned of its existence on February 24, 2004, in a news story about its secret dissolution. According to the news report, it was composed of representatives from MİT, the Ministry of Internal Affairs, the National Security Council, the Presidency of General Staff, the VGM, the Directorate General of Security Affairs, and the Ministry of Foreign Affairs.¹⁶⁷

The commission was in fact never dissolved, only its name and composition were changed. It became the Committee on the Evaluation of Minority Issues and is now composed of representatives from the Ministry of State (responsible for foundations), as well as the three ministries of Internal Affairs, Foreign Affairs, and National Education. It is tied to the Ministry of Internal Affairs. The duties of the new committee include "to carry out tasks and operations relevant to our Ministry [of Internal Affairs] in the scope of fighting against the unfounded claims of genocide our country is exposed to." In other words, securitization of minority issues continues to be a persistent approach and practice within the state apparatus.¹⁶⁸

In the 2000s, the Sèvres Syndrome/Paranoia reached a peak in Turkey. As this psychology feeds anti-Western and anti-non-Muslim sentiment, the state began to interfere with Christian propaganda. Missionaries were tried for passing out Christian literature or spreading Protestantism and even had court cases filed against them for "insulting Turkishness." The rise of such sentiments and such a hostile environment also facilitated attacks on Christian religious leaders.

Despite successive EU Harmonization Packages adopted by the parliament, the various forms of pressure and harassment facing the Fener Patriarchate continued into the 2000s. For instance, the patriarch was accused of having an illegitimate child, then was tried and acquitted.¹⁶⁹ The patriarch was again tried on the allegation that he had interfered in the Bulgarian church (the Saint Stephen or Iron Church in the Golden Horn). He was acquitted on these charges as well. However, the Court of Cassation, which heard this case, issued an *ex officio* opinion on a matter entirely unrelated to the court case, stating that "the title *ecumenical* cannot be used by the Fener Patriarchate."¹⁷⁰

Thus, the days of non-Muslims not being counted as part of the nation are far from over. Aside from universities and certain art institutions of the state, such as the opera, there are no employment opportunities for non-Muslims in state institutions. Some explain this outcome by claiming that “non-Muslims don’t want to be civil servants, they want to be merchants.” Even if this is the case, it is necessary to address: (1) how this explanation might be related to the non-Muslim claims that “even if we apply, they won’t take us,” and (2) how both of these claims emerged and solidified in Turkey. Some rules are not written, yet they are enforced more strictly than the written rules.

All of these unlawful situations arise as a systematic policy embedded in the 1936 Declaration, described in detail below. Whereas one goal of this policy is to create a “homogeneous Turkish nation,” another is to enable a transfer of capital from non-Muslims to Muslims.

However, it should not be assumed that the laws and practices examined above are limited only to non-Muslims. As a result of the deployment and/or perception of the term *Türk* as an ethnic category, Circassians, Kurds, Alevis, and others have been prevented from naming their children as they wish, from establishing political parties, from setting up organizations in their own names, and they have been restricted in many other ways. I address these by examining the case law in the following section on the judiciary. Here, it is necessary to point out that all of this unlawfulness and misfeasance has caused not only significant human suffering but has also seriously hurt and impaired the Republic of Turkey itself. On the latter point, I contend the following:

1. These hostile approaches and practices—which have eradicated millions of people, living in the country for thousands of years, from their homelands—have damaged Turkey’s international stature.

2. The attempt, in the name of “total independence,” to create from scratch a Muslim-Turkish bourgeoisie, which lacked both economic experience and, for a long time, the requisite skills, delayed Turkey’s industrialization and development by at least half a century. Moreover, this “expensive” nationalism was not able to achieve its goal of “total independence,” because the moment that the principle of profit maximization entails articulation with the international economy, the distinction between national and non-national bourgeoisie disappears.

3. The elimination of non-Muslims led, to put it mildly, to a drought in cultural activities in Turkey. İzmir, the third largest city of Turkey,

would serve as an illustrative case. Whereas in 1922, it was a city of approximately 250,000 people, there was one private opera house and thirteen private theaters,¹⁷¹ by 2016, in a city of nearly 4 million, there is one state-funded opera-ballet (founded in 1982), one state theater, and two private theaters open only in winter months.

Laws, executive decisions, and practices were important in bringing about such damage, but it is important to examine how these discriminatory constitutional provisions and laws were implemented by the high courts of Turkey. This brings us to the case law. It is important because the Constitutional Court's decisions lay the grounds for ostracizing Kurds in the concept of Turk, just as the decisions of the Council of State and, in particular, the Court of Cassation play a similar role for non-Muslims. And all three play a reinforcing role in the practice of discrimination against these categories of citizen.

THE JUDICIARY

The Constitutional Court: Decisions to Close Kurdish Parties

An overview of the judiciary¹⁷² tells us that the Constitutional Court, which was initiated by the 1961 constitution and granted the authority to close down political parties, used this power often against various parties on the grounds that they constituted a threat to the "indivisible unity of the people," the principle that has been upheld especially in laws dealing with minority population and issues in Turkey.

The Court exercised this authority for the first time with the closure of the Workers' Party of Turkey (TİP), in July 1971. It claimed that the party presented a perspective and position antithetical to Article 57 of the constitution upholding the principle of the "indivisibility of the state with its territory and nation," as well as the provision of Article 81 of the Law on Political Parties, stipulating that "they [parties] cannot assert that minorities exist, and cannot harbor the aim of undermining national unity by creating minorities."

The Constitutional Court used the same reasoning in the closing of the Laborer Party of Turkey (TEP) in May 1980. In this decision, the court debated the third provision of Article 3 of the constitution, which specifies that the language of the state is Turkish. The court interpreted this article to deny the existence of other languages and cultures, by not-

ing that “in addition to formal correspondence, education and national culture are based solely on Turkish, or in other words, the only national culture in the country is Turkish culture.” The explanation of the decision also included that the “[constitution] is not open to behaviors aimed at undermining national unity based on constituents such as religion, language, or race in a way that is contrary to Turkish nationalism.”

This decision of the court is antithetical to the basic principles of international law and is perilous particularly for minority rights. Although the court claims that “the provisions [in the Lausanne Treaty] are based on reciprocity, and the Muslim minority in Greece benefits from the same rights and privileges,” a provision of an international treaty cannot be removed for reasons of reciprocity. Thus, with this reasoning against the international law, the court would be opening the door for a dangerous situation. By its logic, if Turkey were to abandon recognizing the rights of minorities, it would be normal for Greece to abandon the rights it recognizes for Muslim Turks in Western Thrace. The Constitutional Court seems to be unaware or dismissive of the international law that there can be no reciprocity in human rights (1969 Vienna Convention on the Law of Treaties, Article 60/5).

Parties Closed Down Due to the Kurdish Issue and the ECtHR Response

In July 1991, the Constitutional Court closed the United Communist Party of Turkey (TBKP) for “undermining the indivisible unity of the state with its territory and nation.” The party lawyers took the case to the ECtHR, as Turkey had accepted the jurisdiction of the ECtHR in 1989 and it became effective in 1990. The ECtHR found the closure of the TBKP in violation of Article 11 of the ECHR (freedom of association) and in January 1998, required Turkey to pay compensation.

In July 1992, the Socialist Party (SP) was closed down by the court for “contradicting the Constitution of the Republic of Turkey and the Law on Political Parties (No. 2820), for undermining the indivisible unity of the state with its territory and nation.” The court also noted that “everywhere in the country, there live citizens of different extractions in different ratios. There [are] no sufficient features and properties to count an entity as a minority, in scientific terms.” In May 1998, the ECtHR viewed this as a violation of Article 11 and obliged Turkey to pay compensation.

The year 1993 witnessed the closure of three different political parties. The first of these was a party defending Kurdish rights, the People's

Labor Party (HEP), closed on July 14, 1993. On April 9, 2002, the ECtHR decided that this was a violation of Article 11 and sentenced Turkey to pay compensation. The Freedom and Democracy Party (Özgürlük ve Demokrasi Partisi, or ÖZDEP) was closed down in November 1993, with the claim that it upset the unity of the Turkish nation by splitting it into two nations by mentioning Turks and Kurds. In December 1999, the ECtHR treated this as a violation of Article 11 and sentenced Turkey to pay compensation. Finally, the Socialist Turkey Party (STP) was closed down in November 1993 for “undermining the indivisible unity of the state with its territory and nation.” Similar to the other cases, the ECtHR decided the closure was a violation of Article 11, on December 12, 2003, and sentenced Turkey to pay compensation.

The Constitutional Court maintained the same interpretation and position for the Democracy Party (DEP) in regard to another pro-Kurdish party, established after the closure of the HEP, and closed it down on June 16, 1994, stating that “recognizing minority status according to differences of race and language does not accord with the concept of the unity of the country and nation.” According to the court, “the state is single, the nation is a whole, the country is one” and the Lausanne Treaty recognized only non-Muslims as minorities. On December 11, 2002, the ECtHR declared this decision a violation of Article 11 of the ECHR and sentenced Turkey to pay compensation.

It is necessary to linger a bit on this last decision regarding the DEP. The court’s rejection of “minority status” to uphold “the unity of territory and nation” in Turkey, which it defines as a single state, whole country, and one people, raises serious doubts as to whether the provisions of the Lausanne Treaty and the fundamental principles and concepts of international law have been accurately understood by the court.

First, the Constitutional Court states that the Lausanne Treaty assures that non-Muslims can benefit from the same civil and political rights that Muslims benefit from, and accordingly, this grants equality to all before the law, regardless of their religion. The equal rights mentioned here by the court are “negative rights,” meaning “nondiscrimination” in the terminology of minority rights. That is, they are rights that extend to all citizens. The Lausanne Treaty, however, goes beyond this and extends to non-Muslim minorities “positive rights,” that is, “additional rights” given only to the disadvantaged citizens. For example, the right to establish their own school and to carry out education in their own language.

The more troubling aspect of this decision is anachronism, the court’s echoing the concept of *Millet-i Hakime* (those who handed down

decisions) used to define Muslims in the *Millet* system in the fifteenth century. In other words, citizens belonging to the majority (Muslims) are seen as the first class, and minority citizens (here, non-Muslims) are seen as the second class. Stating that “it is clearly meaningless to transform unrestricted rights into restricted rights and a nation itself into a minority,” the court inadvertently implies that Kurds (as Muslims) possess unrestricted rights, whereas minorities (as non-Muslims) possess restricted rights. Another sentence from the decision is clearer about normalizing the discriminatory treatment of minorities and affirming that they hold restricted rights: “To create the feeling and thought of belonging to a minority among a certain section of citizens, to wish that they are subjected to a regime of restricted rights and that they become a minority though they themselves are the nation, cannot be interpreted as anything but ruining the indivisibility of the nation.” Whether following fifteenth-century prescriptions by the court was deliberate or not (and it is perhaps less upsetting to think that it was not), it is difficult to interpret these statements otherwise.

The Democracy and Change Party (DDP), established on April 3, 1995, was closed down by the Constitutional Court on March 19, 1996, on the grounds that the party platform “threatened the indivisibility of state territory, the unity of the people, and its official language” and violated the “ban on parties based on region and race.” On April 26, 2005, the ECtHR found this to be a violation of Article 11 of the ECHR and sentenced Turkey to pay compensation.

The Labor Party (EMEP) was closed down on February 14, 1997, for challenging the “indivisible unity of the state with its territory and nation.” Here, the Constitutional Court repeated its interpretation that indicating the existence of minorities in Turkey is equivalent to destroying national unity. On May 31, 2005, the ECtHR found this to be a violation of Article 11 of the ECHR and sentenced Turkey to pay compensation.

The Democratic Mass Party (DKP), chaired by Şerafettin Elçi, was closed down in February 1999 for positing the existence of minorities and thus instigating separatism. In May 2007, the ECtHR treated this decision as a violation of Article 11 of the ECHR and sentenced Turkey to pay compensation.

On March 13, 2003, the People’s Democracy Party (HADEP), a successor to the closed down HEP and DEP, was also closed down by a unanimous decision of the Constitutional Court. Again, deciding on December 14, 2010, the ECtHR found this to be a violation of Article 11 of the ECHR and sentenced Turkey to pay compensation. A case to

close the Democratic People Party (DEHAP), which was established with the anticipation that the court would decide to close down HADEP, was initiated on the same day the verdict about HADEP was issued. After the Democratic Society Party (DTP) was founded, the Democratic People Party dissolved itself in November 2005.

The Democratic Society Party, founded on November 9, 2005, was closed on December 11, 2009, by a unanimous decision of the Constitutional Court, on the grounds that it had “become the center of terrorist activities.” The ECtHR found this to be a violation of Article 11 of the ECHR and of Article 3 of its Additional Protocol (on free elections), and in January 2016, it sentenced Turkey to pay compensation.

Two Important Observations on the Constitutional Court's Closure Decisions

Regarding the Constitutional Court's decisions to close down political parties, I would like to emphasize two points. First, the Constitutional Court's decision to close down the TEP for “positing the existence of minorities” and “creating minorities” elaborates on their meaning: “To speak in objective terms of the language or religion of a particular group of citizens within the nation as being different from the rest of society does not, by itself, amount to ‘positing the existence of a minority.’ In addition to this . . . it is necessary to assert, explicitly or implicitly, that these people have earned the right to benefit from minority rights.”¹⁷³

This wording implies that the position of the Constitutional Court on minority status is consistent with international trends—positing the existence of minorities does not amount to committing a crime. However, the court's decision continues to read: “Keeping in mind that the phrase ‘creating minorities’ is closely related to the phrase ‘positing the existence of minorities,’ one must interpret it in the same sense. And the result reached by such an interpretation is that the phrase ‘creating a minority’ amounts to ‘creating the idea that it is necessary for a group of citizens to make use of minority rights.’”¹⁷⁴

The Constitutional Court, in other words, gives with one hand and takes away with the other, and in this way, it tries to “protect” the indivisible unity of the state with its territory and nation.

Second, while stating that the principle of the indivisible unity of the state with its territory and nation has been violated by stressing differences of race and language, the Constitutional Court does not reject the existence of individuals with different ethnic origins within “the Turkish nation.” In fact, in relation to the DEP case, commenting on the

principle in Article 66 of the constitution—"Everyone bound to the Turkish state through the bond of citizenship is a Turk"—the court states that citizenship and national identity do not "amount to a denial of the ethnic roots of citizens." According to the court, "It is not the aim of the legal reforms [on this matter] to ban differences in the country or their languages and cultures . . . What is banned is their ruining the unity of the nation by creating minorities in the Republic of Turkey, and their use with the aim of establishing a new state order based on differentiation." Thus, the court voices its concern that "requests for the recognition of cultural identity related to discrimination, which at first may seem like acceptable requests, in time [would] lean toward a rupture from the whole."¹⁷⁵

These decisions show how laws related to minorities and their implementation in Turkey have been held captive by a great fear, holding that any recognition of different identities will lead to the disintegration of the state. Or, the fear that any move toward the development of a human-rights-respecting state would destroy the national security state. Operating with the same fear, the Constitutional Court has been considering minority rights not in the context of universal human rights but in the context of its own security-oriented interpretations, and the court has treated the concept of minority as a category at odds with the principle of the unitary state and indivisible unity of the country.¹⁷⁶ This perspective, rooted in the 1982 constitution and in the Law on Political Parties legislated by the military government, has taken over all the stances of the judiciary and indeed the entire state on this subject.

A 2001 amendment to the constitution changed the simple majority requirement sought for party closure decisions by the Constitutional Court to a three-fifths "qualified majority." Consequently, a six-to-five vote in favor of closing down the Rights and Freedoms Party (HAK-PAR) taken by the court on January 29, 2008, turned out to be insufficient, and for the first time, a party defending Kurds' rights was saved from a closure on the grounds of threatening "the indivisible unity of the state with its territory and nation," closing down a party now requiring seven of eleven votes.

Perhaps more important than this mathematical formulation, what helps prevent party closures is a new reasoning by the court: "If the discourses employed in the bylaws and platforms of political parties, which are claimed to be in violation of the constitution, do not constitute a direct, overt and imminent threat to democratic life, they must be accepted as within the scope of freedom of expression."¹⁷⁷

Finally, following the closure of the Democratic Society Party (DTP) in 2009, the qualified majority was raised from three-fifths to two-thirds, by the 2010 Constitutional Referendum.

The 1936 Declaration and Its Implementation

The 1935 Law of Foundations, which took effect in 1936 among other “revolutionary laws” of the republic, requested from all foundations a declaration of assets showing a list of all the real estate they possessed. Mainly targeting Islamist groups, the goal was to regulate these groups by monitoring their economic resources. The foundations submitted the requested statement, but when President Atatürk took ill and died soon after, these documents were forgotten.

When the Cyprus issue began to negatively affect Turkish-Greek relations in the late 1960s, to put pressure on Greece, the VGM began to ask Rum foundations to submit their foundation charters, but they extended this requirement to all non-Muslim foundations. However, these institutions had no foundation charters, because, during the Ottoman period, each was established by a separate royal decree. Thus, the VGM announced that the 1936 declarations of assets would be counted as charters for these foundations, and that any property acquired by these foundations after 1936 would be seized. According to the VGM, because the document had no provisions indicating that these foundations could acquire property, properties not registered in the 1936 Declaration would not be legitimate.

Non-Muslim foundations contended that it was impossible for the 1936 Declaration, a mere list of real estate holdings, to contain such a provision, but they could make no impact. No matter how they were acquired (through purchase, donation, lottery, bequest, etc.), all properties acquired after 1936 began to be seized. These seized assets, in violation of both the Lausanne Treaty and the international norm of the right to property, were either returned to their previous owners who had sold them (or to their inheritors), without charge, or, when no inheritor existed, they were transferred to the Treasury.

The Court of Cassation

The state policies pursued in relation to the 1936 Declaration were repeatedly reinforced by the decisions of a high court, the Court of Cassation. This court’s stance and rulings have been very similar to the

position taken by the Constitutional Court, discussed in the previous section. Non-Muslim citizens of Turkey have been treated as “non-Turks” or “foreigners.” Here are some examples.¹⁷⁸

On the subject of the 1936 Declaration, the explanation of a unanimous decision taken by the Second Civil Law Chamber of the Court of Cassation states: “It is evident that the legal persons set up by non-Turks are forbidden from acquiring property” (decision dated July 6, 1971, No. 4449 E, 4399 K). In fact, the legal person mentioned here is the Balıklı Rum Hospital Foundation, which was established by Turkish citizens of the Orthodox faith; it has never been a “foreign” foundation, but the court treated these Turkish citizens as “foreign.” Moreover, when the case came before the Court of Cassation General Assembly of Civil Chambers in 1974, the same decision was repeated, only this time by employing modern Turkish, instead of using some Ottoman Turkish words (decision dated August 8, 1974, No. 1971/2-820 E, 1974/505 K).

The following year, a unanimous decision by the First Civil Law Chamber of the Court of Cassation would follow the same logic and state that “it had been forbidden for foreigners to acquire property in Turkey” (decision dated June 24, 1975, No. 3648-6594). When the attorneys for the Balıklı Rum Hospital Foundation requested a correction of this decision, the same chamber offered a revision of the wording of the decision:

Despite the fact that the defendant foundation [*mülhak vakıf*] was established by Turkish citizens, in the decision of approval, mentioning of “laws forbidding foreigners in Turkey to acquire property” is a result of error. [Thus, that sentence] is removed from the decision through revision, and the request for any other revisions is denied (decision dated December 11, 1975, No. 975/11168 E, 975/12352 K).

In other words, nothing changed in the Court of Cassation’s decision to seize the property of non-Muslim foundations except the wording employed in the decision. The significance of the decision lies in showing that the distinction between foreigners and citizens had not escaped the attention of the court, but it continued to treat some Turkish citizens as foreigners, not citizens, on account of being non-Muslim.

Consequently, properties acquired since 1936 were, once again, transferred to the Treasury of the Turkish state in the 1970s. As a result of such decisions, these foundations have not been able to acquire new properties. This situation, of course, is a clear violation of the Lausanne Treaty Article 42/3, which addresses the securing of permissions and all manner of accommodations for minority foundations.

Moreover, non-Muslim Turkish citizens were not able to abolish existing foundations or establish a new foundation with a charter, because setting up a new foundation was forbidden. As I noted a number of times above, a provision brought about first in 1967 in Article 74/2 of the Civil Code, and later in 2001 in Article 101/4 of the same law, states that “no foundation can be established with the aim of supporting members of a specific race or community.”¹⁷⁹ With these decisions, Turkish lawmakers decisively violated the Lausanne Treaty’s Article 42/3, protecting minority foundations, as well as Article 40, introducing for non-Muslims the right to “establish, manage and control at their own expense, any charitable, religious and social institutions.”

This unlawful practice of the Court of Cassation came to an end thanks to the provision of Article 3 of the omnibus bill No. 4788, issued in January 2003 as a part of the EU Harmonization Packages. The article states: “Community foundations, regardless of whether or not they have a foundation charter, may acquire and dispose of property, with the permission of the VGM, to meet their needs in religious, charitable, social, educational, health, and cultural areas.”¹⁸⁰

However, a 2004 decision by the First Civil Law Chamber of the Court of Cassation again surprised many (decision No. 8622 E, 9589 K, dated September 29, 2004). In 1965, the Treasury had filed a court case, requesting the title deed be revoked for a property that the Yedikule Surp Pırgiç Armenian Hospital Foundation had acquired through bequest. The Court of First Instance rejected the Treasury’s request. The Treasury appealed. The First Civil Law Chamber of the Court of Cassation convened on the matter and overturned the court’s decision, on the grounds that it had been decided upon without looking into whether the foundation had applied to the VGM for the registration of this property. The chamber concluded that if the foundation had not applied, then the hospital should be given the chance to apply, and the decision about the case should be reached afterward.

In this case, although non-Muslim foundations gained the right to apply for registration even for properties without a title deed, they are overburdened by the requirement of applying to register properties *with title deeds*, ending up with “double registration.” The more recent situation of non-Muslim foundations is addressed in Chapter 6.

The Council of State

The Council of State is another higher administrative judicial organ that plays an important role in interpreting the law and affecting the human

rights conditions in the country.¹⁸¹ Regarding foundations, the Twelfth Chamber of the Council of State noted in the late 1960s that there were no provisions in the Foundations Law or in other legislation that forbade foundations to construct income-generating properties, and the defendant administration's not granting permission for such constructions would be unlawful (decision No. 1969/337 E, 1970/391 K, dated March 2, 1970).

Yet the subsequent decisions of the Council of State would be entirely different. This time, the Twelfth Chamber decided that the 1936 Declaration might stand in for a foundation charter, though it includes no provision allowing for the acquisition of new property (decision No. 1975/1181 E, 1976/1508 K, dated June 21, 1976). On January 11, 1989, the Administrative Court of İstanbul reached a decision that mimicked this one. The administrative jurisdiction also ruled that the list of properties included in the 1936 Declaration could be treated as a foundation charter.

This negative stance of the Council of State changed after the EU Harmonization Packages started to be adopted. When a court case, filed in January 1997 against the VGM that had seized the administration of the Büyükada Rum Girls and Boys Orphanage Foundation, was brought to the council in 2005, the Tenth Chamber ruled in favor of the foundation. The chamber noted that this foundation's administration could not be seized by the state because the former "had been in continuous operation."

Notes

1. As quoted in Kaboğlu 2002, 380.

2. Examples are mainly drawn from Ayzit 2002.

3. Article 5 of the Law on Associations: "It is forbidden to establish an association with the aim of creating minorities by means of asserting that there exist in the country of the Republic of Turkey minorities based on differences of race, religion, sect, culture, or language, or by protecting, developing, or spreading languages or cultures separate from the Turkish Language or culture." Article 81 of the Law on Political Parties is more explicit in treating the concept of minority as perilous to the "integrity of the nation": "[Political parties] cannot assert the existence of minorities, and cannot harbor the aim of undermining the integrity of the nation by creating minorities." These bans in the law have their source in Articles 68 and 69 of the 1982 constitution.

4. See <http://www.mevzuat.gov.tr/MevzuatMetin/5.4.298.pdf>, pp. 694–716. This article was previously softened by Law 5980, dated April 8, 2010: "It is essential that political parties and candidates use Turkish in the propaganda they carry out." See <http://www.mevzuat.gov.tr/MevzuatMetin/5.4.298.pdf>, pp. 694–724. This was further liberalized by Law 6529, adopted on March 2, 2014: "In all manner of

propaganda by political parties and candidates, in addition to Turkish, other languages and dialects may be used.”

5. This clause was abolished by Article 16/b of Law No. 6529 on March 2, 2014. See <http://www.resmigazete.gov.tr/eskiler/2014/03/20140313-15.htm>.

6. Elçi was killed by an armed attack in front of cameras on November 28, 2015, in Sur in Diyarbakır. As of 2020, the murder remains unsolved.

7. See <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.2820.pdf>, p. 5726.

8. For instance, in the eastern province of Van, the outdoor concert of the band Koma Rewşen was prevented by the police, who advised them to use V in the place of W in their name and try again (*Milliyet*, October 20, 2003). A lawsuit was brought against attorney Mahmut Alınak for using these three letters (*Radikal*, November 20, 2007), and another attorney, Mehdi Tanrıkulu, was given a five-month prison sentence for the same reason (*Milliyet*, February 8, 2008).

9. *Cumhuriyet*, January 21, 2003.

10. Oran 1999, 209–211.

11. The name of the country, *Türkiye* in Turkish, of course comes from the word “Turk.” Yet Turks did not choose the former name (neither did they choose the latter, which was coined by the Chinese). The name (*Turchia*) was coined by Italian maritime republics, chiefly Venice and Genoa, which since the fourteenth century carried out trade in this locale. The West has long used the term “Turkey” instead of “Ottoman,” the name of the dynasty that ruled the empire. In the text of the Sèvres Peace Treaty, *Turkey* is used 305 times and the adjective *Turkish* 376 times, whereas *Ottoman* is used only nineteen times.

12. See Somel 2013, 312.

13. See <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c014/tbmm01014105.pdf>, pp. 71 and 72; <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c020/tbmm01020059.pdf>, p. 560; <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c021/tbmm01021069.pdf>, p. 302; and <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c025/tbmm01025149.pdf>, p. 161.

14. See http://ankaenstitusu.com/wp-content/uploads/2016/06/soylev_ve_demecleri.pdf, p. 135.

15. *Türkiye Cumhuriyeti İlk Anayasa Taslağı*, 1998.

16. Koçak 2005, 25.

17. *TBMM Tutanakları*: B 14, 30.6.1964, 0:2 in Çetin Çeko, “Kürtlerde Türkiyelilik,” <http://m.t24.com.tr/yazarlar/cetin-ceko/kurtlerde-turkiyelilik,11307>.

18. See <http://m.t24.com.tr/yazarlar/cetin-ceko/kurtlerde-turkiyelilik,11307>.

19. See Oran 2007.

20. See http://www.radikal.com.tr/ekonomi/turquality_hayata_geciyor-729698.

21. *Hürriyet*, December 7, 2005.

22. See <http://www.hurriyet.com.tr/balkon-konusmasinda-kritik-iki-kelime-26981066>.

23. Atatürk, 1969, 937–945.

24. See <https://acikerisim.tbmm.gov.tr/xmlui/handle/11543/2319>, p. 20, Article 1/2.

25. <https://acikerisim.tbmm.gov.tr/xmlui/handle/11543/2319>, p. 30, Article 1.

26. See <http://www.baskinoran.com/belge/AmasyaProtokolleri.pdf>.

27. See <https://acikerisim.tbmm.gov.tr/xmlui/handle/11543/2319>, p. 37.

28. See https://www.tbmm.gov.tr/tarihce/ataturk_konusma/1d1yy1.htm.

29. See <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c001/tbmm01001008.pdf>, p. 165.

30. See <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/GZC/d01/CILT01/gcz01001026.pdf>, p. 73.

31. See <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c018/tbmm01018001.pdf>, p. 3.

32. The people of each province chose their councils. The governor appointed by Ankara had no authority on these specified subjects. Article 14 reads: "The governor [elected by the Parliament] intervenes only if there is a disaccord between the state's general duties and local duties." See <http://www.anayasa.gen.tr/1921tek.htm>. Article 11 specifies the central government domain as including: domestic and international policy; matters related to sharia, the judiciary, and the military; international economic relations; matters related to the interests of more than one province.

33. See <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/GZC/d01/CILT03/gcz01003078.pdf>, p. 551.

34. Mustafa Kemal 1993, 105.

35. *TBMM Zabıt Ceridesi*, Dönem 2, vol. 8, Birleşim 42, 20.04.1924.

36. Yeğen 2006, 103.

37. Kocatürk, 1973, 373. After this research, Mimar Sinan's skull was lost and its whereabouts remain unknown; see <https://www.evrensel.net/haber/278642/mimar-sinanin-kayip-basi-aslinda-hic-yok-muydu>.

38. *Son Posta* issue of September 23, 1932, reads: "Dörtüyl-Special: It was publicly announced by the District Governor that heavy punishments would be given through the intense prosecution of those who spoke any language other than Turkish in a public place" (quoted in Kırılcımlı 1979, 318).

39. For the original 1934 document, see http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc013/kanuntbmmc013/kanuntbmmc01302510.pdf.

40. See <https://link.springer.com/content/pdf/bbm%3A978-1-137-56656-0%2F1.pdf>.

41. Dokuyan 2016.

42. Tunçel 2000; İçişleri Bakanlığı İller İdaresi Genel Müdürlüğü 1977.

43. Nişanyan 2020; see also İçişleri Bakanlığı İller İdaresi Genel Müdürlüğü 1977. For more on changing place names, see Nişanyan, 2011.

44. Yıldız 2004, 327–333.

45. See <https://www.memurlar.net/haber/550893/788-sayili-memurin-kanunu.html>.

46. See <https://www.resmigazete.gov.tr/eskiler/2004/05/20040504.htm>.

47. See <http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=3.5.2010139&MevzuatIliski=0&sourceXmlSearch=T%C3%9CRK%20VATANDA%C5%9ELI%C4%9EI%20KANUNU>.

48. See <http://www.mevzuat.gov.tr/Metin1.Aspx?MevzuatKod=1.5.5543&MevzuatIliski=0&sourceXmlSearch=iskan&Tur=1&Tertip=5&No=5543>.

49. See http://www.ttb.org.tr/mevzuat/index.php?option=com_content&view=article&%20id=737:tk-soylu-yabancilardan-lia-nden-muaf-tutulacaklara-k-glyet-mel-b-kisim-hler-ymes-durdurulmasina-k-daniay-karari&catid=24:belgeler&Itemid=41.

50. See http://www.meb.gov.tr/Ders_Kitapları/2013/IlkOgretim/Devlet/Ilkogretim/SosyalBilgiler6_DK.zip. This link has now been deleted from the website of the Ministry of National Education (MEB).

51. See <http://www.atam.gov.tr/dergi/sayi-54/ataturkcu-dusunce-sistemi>.

52. See <http://www.hurriyet.com.tr/akp-de-cicek-catlagi-11342316>.

53. See <https://tr.sputniknews.com/turkiye/201901311037416401-aksener-igdir-hdp-ak-parti-mhp/>.

54. See <http://www.cnnturk.com/2008/turkiye/11/10/vecdi.gonul.nufus.mubadelesine.dikkat.cekti/499977.0/index.html>.

55. See <http://www.diken.com.tr/afedersin-cok-daha-cirkin-seylerle-ermeni-diyen-oldu/>.

56. See <https://babel.hathitrust.org/cgi/pt?id=mdp.35112104720216;view=1up;seq=233>, p. 175. On the story of the exchange, see Hirschon 2003.

57. See http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanun/tbmmc011/kanuntbmmc011/kanuntbmmc01102007.pdf.

58. For treatment of the current laws that still block foreigners from certain professions, see Koraltürk 2011, 279–280.

59. Demir and Akar 1994; Akgönül 2007, 251–284; Alexandris 1983, 280–286.

60. For the original document, see Oran 2017, 612. Their possessions were released under Turgut Özal's administration in 1988, during the "Davos Spirit" that allowed for better relations with Greece.

61. See Oran 1991, 113.

62. Hür 2012.

63. Bali 2010, 45–54; Levi 1998, 24–38.

64. This law, which will be discussed again later, is a clear violation of the Lausanne Treaty Article 38/3 (freedom of movement).

65. Bali 2010, 109–131; Levi 1998, 75–85.

66. On the 1934 Jewish events in Thrace, see Levi 1998, 100–130; Bali 2010, 243–254; Aktar 2000, 71–99; Yıldız 2004, 253–257.

67. Aktar 2000, 87. For the integral text of the official declaration, see *Aydın Tar-ih-i*, no. 8 (August 1934), pp. 52–54.

68. See "İstanbul Pogrom," https://en.wikipedia.org/wiki/Istanbul_pogrom.

69. Such scale and scope of coordination could not be possible without the involvement of the state's intelligence organizations (Güven 2006, 142). On September 6–7 events, see also Alexandris 1983, 256–266; Akgönül 2007, 175–224; Dosdoğru 1993. For chief prosecutor in the Military Court of Cassation Retired Admiral Fahri Çoker's photograph exhibition in Beyoğlu, İstanbul, which was attacked and destroyed by nationalists, see <http://geckal.blogspot.se/2014/09/yuzlesilemeyen-iki-gunden-6-7-eylul.html>.

70. Güven 2006, 39–40.

71. Revolting slogans such as "Either half of Cyprus, or Hanna's/Bedros's wife," which comes up in conversations with the grandchildren of these people, are the remnants of this period, see http://www.radikal.com.tr/turkiye/ya_bedrosun_karisi_ya_kibrisin_yarisi-1211358.

72. AESF, *Fahri Çoker Dosyası*, 6 Eylül Hadiseleri Hasar Endeksi, Ekler, in Güven 2006, 48 and 220.

73. Greek Cypriots are also called Rum in Turkey, Cypriot Greeks and their attacks on Turks have been associated with İstanbul Rums.

74. Alexandris 1983, 253–254.

75. Güven 2006, 134–135.

76. Dilek Güven's study of the British Foreign Office documents reports that the British ambassador in Athens wrote to London on August 19, 1954: "Greek-Turkish friendship is fragile; a very small shock could be sufficient. Such as writing slogans in chalk on the walls of the home in Thessaloniki where Atatürk was born" (Güven 2006, 167).

77. Fatih Güllapoğlu's interview with General Yirmibeşoğlu, *Tempo*, June 9–15, 1991; Güllapoğlu 1991, 104.

78. Güven 2006, 146–147.

79. Minister of State Mehmet Aydın, responsible for the DİB, announced on March 28, 2005, that missionary activities led a total of 368 people to change their religion (<http://www.radikal.com.tr/turkiye/aydin-misyoner-hareket-siyasidir-742205/>). According to information from the Ministry of Internal Affairs, between 1999 and 2006, 338 Muslims converted to Christianity (<http://www.radikal.com.tr/turkiye/isagci-da-solcu-da-misyonerlik-alar-mi-veriyor-ibrl0-bin-kisi-hiristiyani-old-811935/>).

80. See <http://www.hurriyet.com.tr/rahip-santonun-katili-11-yil-sonra-konustu-40337132>.
81. Önderoğlu, <https://m.bianet.org/bianet/azinliklar/103006-malatya-davasi-nda-cinayet-degil-misyonerlik-yargilaniyor>.
82. See <http://malatyahaber.com/haber/kilise-temsilciligine-tasli-saldiri/>.
83. See <http://www.hurriyet.com.tr/gundem/protestanlara-milli-veto-40248163>.
84. See <http://www.hurriyet.com.tr/trumpin-iadesini-istedigi-papaza-casusluk-ve-darbe-tutuklamasi-40560412>.
85. See http://www.cumhuriyet.com.tr/haber/siyaset/833488/Erdogan__Sizde_de_bir_papaz_var_bize_verin.html.
86. In this eleven-part series in *Agos*, Hrant Dink addressed the diaspora: "The clean blood that will fill the place of the poisoned blood discharged from the Turk, is present in the noble vein that Armenians will establish with Armenia." The court-designated expert produced a report saying, "The matter referred to as poisoned blood is not in Turkishness or in Turks, but in the misguided understandings, in the defendant's words, of the identity of Armenians." For the entire series, see <http://www.baskinoran.com/belge/ErmeniKimligiUzerine-HrantDink.pdf>.
87. For a French translation of the document, see <http://mjp.univ-perp.fr/constit/tr1924.htm>. I offer the French, because the English translation of the constitution, by Edward Mead Earler in 1925, incorrectly translates Article 92 as "any . . . citizen of Turkey," whereas it should read "any . . . Turk." See <http://www.worldstatesmen.org/Turkeyconstitution1924.pdf>.
88. See http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanun_tbmnc005/kanuntbmnc005/kanuntbmnc00500964.pdf.
89. Bali 2010, 218.
90. See http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanun_tbmnc002/kanuntbmnc002/kanuntbmnc00200460.pdf.
91. Akgönül 2007, 78–80; Bali 2010, 225–226; Alexandris 1983, 111–112. The ban affected 43 percent of Jewish lawyers and 47 percent of Muslim lawyers, and different rationales were used for Muslim and non-Muslim lawyers; see Akgönül 2007, 78–80.
92. *Akşam*, August 6, 1942, in Akar 2009, 159.
93. Bali 2010, 45, 89–90 and 220–221; Alexandris 1983, 140, 180, and 318. Whereas Bali claims that this law was lifted in 1932 (p. 127), Alexandris (p. 318) puts the date at 1930.
94. On this matter, see Alexandris 1983, 136–139; Bali 2010, 57–66 and 87–102; Aktar 2000, 112–113.
95. Bali 2010, 206–228.
96. See http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanun_tbmnc005/kanuntbmnc005/kanuntbmnc00501055.pdf.
97. See http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanun_tbmnc005/kanuntbmnc005/kanuntbmnc00501149.pdf.
98. See http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanun_tbmnc006/kanuntbmnc006/kanuntbmnc00601219.pdf.
99. See <https://www.mevzuat.gov.tr/MevzuatMetin/1.3.430.pdf>.
100. See http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanun_tbmnc007/kanuntbmnc007/kanuntbmnc00701447.pdf.
101. Akgönül 2007, 83.
102. In 1927, the date of the first census in Turkey, the total population of Gökçeada was 6,762, with 6,555 Rums and 157 Turks (Bozbeyoğlu 2001, 10 in Macar, 2014, 374).
103. See <https://babel.hathitrust.org/cgi/pt?id=mdp.35112104720216;view=1up;seq=233>, p. 20.

104. See http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanun_tbmme005/kanun_tbmme005/kanun_tbmme00501151.pdf.
105. Alexandris 1980, 17.
106. Macar 2014, 374; Daldas 1996, 26.
107. Macar 2014, 135–140.
108. See http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanun_tbmme033/kanun_tbmme033/kanun_tbmme03305713.pdf.
109. See http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanun_tbmme047/kanun_tbmme047/kanun_tbmme04700502.pdf.
110. Bali 2010, 105–109 and 131–181.
111. *Ibid.*, 159.
112. *Ibid.*, 408–423; Akgönül 2007, 99–114; Bali 2004, 299–319.
113. Bali 1998, 11–17.
114. See “Struma Disaster,” https://en.wikipedia.org/wiki/Struma_disaster.
115. Bali 2010, 360–362.
116. Çetin 2002, 73–75.
117. See http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanun_tbmme024/kanun_tbmme024/kanun_tbmme02404305.pdf. In English, see “Varlık Vergisi,” https://en.wikipedia.org/wiki/Varlık_Vergisi. On this law and its implementation, Ökte (1951) offers the fundamental information based on his direct observation.
118. Ökte 1951, 35–38. As provincial treasurer of İstanbul (the highest civil servant in the province working for the Ministry of Finance), Ökte was responsible for the implementation of the tax law. If we follow his figures, someone sent to Aşkale for a debt of 100,000 TL would be able to pay off his debt in 250 years because he is paid 2 TL per day for his forced labor, and half of that is taken to pay his debt (p. 57).
119. Ökte 1951, 48.
120. I, too, am guilty as charged. In the 1960s, being unaware of all these pressures on non-Muslims and analyzing events solely from a class perspective, I interpreted the Wealth Tax as a “clash between bureaucracy and advancing bourgeoisie” and linked it to the wartime black market. See Oran 1969, 243–245.
121. Kayra 2011. For my critique of this book, see http://www.radikal.com.tr/radikal2/ikinci_varlik_vergisi_faciya-1044340.
122. Kayra 2011, 183.
123. Aktar 2000, 154. The indicated title is translated.
124. Ökte 1951, 232; Akar 2009, 107; *Cumhuriyet*, February 12, 1943.
125. Akar 2009, 107. According to Parseh Gevrekyan, who spent ten months in these camps, the number of deaths is twenty-five.
126. *Ayın Tarihi*, no. 105 (August 1942), p. 31.
127. See “Başvekilimiz Şükrü Saracoğlu’nun ‘Times’ Gazetesine Beyanatı,” *Ayın Tarihi*, no. 110 (January 1943), pp. 37–39.
128. Aktar 2000, 148; Barutçu 1977, 263.
129. Ökte 1951, 52.
130. Macar 2003, 180.
131. The resistance organizations, which initiated the Turkish War of Independence, did not allow non-Muslim minorities to participate in the first parliamentary elections. The draft decision prepared by Mustafa Kemal Pasha notes: “Non-Muslim elements will not be allowed to participate in elections” (Tunçay 1981, 41).
132. Macar 2003, 179.
133. *Ibid.*, 180.
134. For comprehensive treatment of the single trustee system, see Macar 2011.
135. Akkaya 2011, 70 and 73.

136. Macar 2003, 291. Greece responded in kind to these positive approaches on the Turkish side.
137. Akkaya 2011, 76–77.
138. Ibid., 78; Levi 1998, 159–160.
139. Interview with Armenian lawyer Diran Bakar in 2009, soon before he passed away. None of this aid was provided.
140. Akkaya 2011, 62.
141. For legal steps concerning minority schools in the Democrat Party era, see Akkaya 2011, 58–71.
142. Ibid., 52.
143. Interview with Mihail Vasiliadis, publisher of *Apoyevmatini*, November 2017.
144. Güven 2006, 131–132.
145. Akkaya 2011, 16. Professor Cem Behar, an expert on population studies, also confirms this ratio. According to Behar, in the 1927 census, 35.2 percent of İstanbul's population was non-Muslim. This percentage remained the same in 1946, both because the population in the city had not increased much (rural to urban migration began after the 1950s) and the non-Muslim population of İstanbul only decreased after 1948 (with Jewish migration to Israel) and after 1955–1964 (Rum migration to Greece). Interview with Behar, September 2016; also see Behar 1996, 64.
146. See <http://demokratlarkulubu.blogspot.com.tr/2014/12/demokrat-parti-program-07-ocak-1946.html>.
147. The following information on September 6–7 is taken from Güven 2006, 31–56.
148. Katsanos and Macar 2019, 167–180. For a summary of the paper, see <http://bianet.org/biamag/azinliklar/160560-imroz-dan-gokceada-ya-giderken-1964-te-ne-oldu>.
149. For example, when Kemal Pilavoğlu, a leader of the (radical Muslim) *Ticani* religious order, was exiled to Bozcaada by the leaders of the 1960 military coup for allowing his disciples' destruction of Atatürk statues, Pilavoğlu spread the idea that winemaking was a sin and prevented the sale of grapes (the island's main means of livelihood) to vintners; then, buying up islanders' vineyards, he made a fortune through grape molasses production. See Ayşe Hür, <http://www.radikal.com.tr/yazarlar/ayse-hur/5186-sayili-Ataturku-koruma-kanunu-1468104/>.
150. In 2009, when Marina Sözde, an eleven-year-old Rum girl from Bozcaada who took first place in a "National Anthem Recital" competition organized by the İstanbul Provincial Directorate of Education, people learned that her house in the village of Gliki on Bozcaada had been set on fire on October 17, 1999, and that her older brother Aleksandr, who was four at the time, died in the fire. Her mother barely escaped with fifteen-month-old Marina in her arms. Three soldiers related to the event were detained, and one received a life sentence. See <http://www.gazetevatan.com/11-yasindaki-marina-hepimizi-cok-utandirdi-277324-gundem/>.
151. See <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=12011&lang=en>. Also see Elif Babül's articles: "Claiming a Place Through Memories of Belonging," https://www.academia.edu/452311/Claiming_a_Place_Through_Memories_of_Belonging_Politics_of_Recognition_on_the_Island_of_Imbros, and "Belonging to Imbros," https://www.academia.edu/6707095/Belonging_to_Imbros_Citizenship_and_Sovereignty_in_the_Turkish_Republic.
152. On the legal person of the Fener Patriarchate, see Sofuoğlu 2011.
153. The following information is from: Macar 2003, 288–299.
154. Çetin 2002, 70. For the regulation and Appendix 1, see <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/arsiv/20033.pdf&main=http://www.resmigazete.gov.tr/arsiv/20033.pdf>, p. 16. This Appendix 1, and thus the phrase "*yerli yabancılar*," was abolished in 1992; see <http://www.resmigazete.gov.tr/arsiv/21189.pdf>, p. 6.

155. Çetin 2002, 78. For the law, see <https://www.memurlar.net/haber/1194/625-sayili-ozel-ogretim-kurumlari-kanunu.html>.

156. See http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanun_tbmcc091/kanun_tbmcc091/kanun_tbmcc09105580.pdf.

157. Ferda Balancar, *Agos*, August 2, 2013. For a photocopy of the document, see <http://www.agos.com.tr/tr/yazi/5384/90-yildir-soy-kodu-ile-fislemisler>.

158. İsmail Saymaz, <http://www.radikal.com.tr/turkiye/soy-kodu-osmanlidan-suryaniler-4-numara-1144612/>.

159. This situation of the Syrians was straightened out in 2013, thanks to an administrative court decision.

160. *Cumhuriyet*, March 3, 1986, p. 14. On a similar incident in Antalya, see <https://www.hristiyan-turk.com/forums/topic/hyristiyan-oedrenciye-din-dersi-ithkencesi/>.

161. See <http://www.hurriyet.com.tr/din-dersi-muafiyetine-belge-sarti-28164296>.

162. Uygur Gültekin, <http://www.agos.com.tr/tr/yazi/16620/kayitlardaki-vaftiz-sarti-meclise-tasindi>.

163. Aydın Engin, *Cumhuriyet*, December 1, 1993.

164. *Cumhuriyet*, December 10, 1993.

165. It was established that this formal document was faxed to Ateşyan at 1:47 p.m.; see <http://www.agos.com.tr/tr/yazi/19936/atesyan-devlete-itaat-cagrisi-yapti>. Because the voting took place at a meeting that began at 3:00 p.m., if the *değabah* had won the election, it is understood that Ateşyan would not have shown voters this document, and that it was produced only when Bekçiyan won. See “What Happened in the Patriarchate Yesterday?” <http://www.agos.com.tr/en/article/17975/what-happened-in-the-patriarchate-yesterday>. In the end, the İstanbul Governorate announced, through a letter, that it refused to recognize the elected Bekçiyan but recognized Ateşyan; see <http://t24.com.tr/haber/patrikhane-valilige-uydu-atesyan-vekillige-devam-ediyor.557228>.

166. *Agos*, no. 361 (February 28, 2003).

167. See <https://www.hurriyet.com.tr/gundem/iste-o-gizli-karar-38572478>.

168. Bayır 2017, 194.

169. *Hürriyet*, April 21, 2004.

170. *Sabah*, June 27, 2007.

171. Interview in 2012 with Professor Engin Berber, whose doctoral thesis was on İzmir during the armistice and Greek occupation.

172. Unless specified otherwise, the case studies mentioned under this heading are taken from Aliefendioğlu 2002, 218–241.

173. Çavuşoğlu 2002, 135–136.

174. *Ibid.*, 136.

175. *Ibid.*, 127 and endnotes 23, 24, and 25 on p. 141.

176. Aliefendioğlu 2002, 237.

177. *Resmî Gazete*, no. 26923 (July 1, 2008).

178. The Court of Cassation’s stance, mentioned below, is a summary of information from Reyna and Şen 1994, 90–93.

179. For the law (in Turkish) see <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.4721.pdf>.

180. See http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanun_tbmcc087/kanun_tbmcc087/kanun_tbmcc08704778.pdf.

181. Examples on this subject were taken from Reyna and Zonana 2003, 513–520.

6

Legislative Reforms, Resistance, and Reversals

In the land that became Turkey, six systematic waves of modernization took place, all amounting to an effort to espouse various aspects of Western culture and institutions: (1) The Tulip period (1718–1730); (2) the Tanzimat reform (1839) and the Royal Edict of Reform (1856); (3) the New Ottomans and the First Constitutional era (1876); (4) the Young Turks and the Second Constitutional era (1908); (5) Kemalist reforms (1920s and 1930s); and (6) the EU Harmonization Packages of 2001 to 2004. All of these were top-down initiatives, and the last two took place after the establishment of the Republic of Turkey. This chapter focuses on the last wave.

Those who do not belong to the Sunni Muslim-Turk majority have faced discrimination and oppression since the earliest years of the republic. An attempt to remedy this situation came with the important reforms carried out after October 2001, in an effort to meet the EU membership criteria, upon the announcement of Turkey's candidacy at the EU Helsinki Summit in December 1999. It will be helpful to highlight a few points about these reforms before examining them:

1. Constituting the second wave of modernization by the republic, these reforms were meant to make up for the democratic deficiencies of the first wave.

2. Initiated in October 2001 under the leadership of the Democratic Left Party (DSP), which was established by some members of the CHP who had brought the first wave of reforms in the 1920s and 1930s, the reforms were enthusiastically kept in motion by the AKP, a party established by the descendants of those who opposed the first reforms, after it came to power in 2002.

3. Revolutions from above, being a form of coercion carried out to spur a leap forward in the direction of modernity, inevitably encounter resistance. However, the two waves of modernization differed in terms of the resistance they invoked. First, the resistance to the second wave was not from below. Rather, it came from the class produced by the first wave—the bureaucracy and judiciary of the nation-state—because this class, imbued with the ideology of the nation-state, believed that recognizing the rights of different citizens (Alevi, Kurds, non-Muslims) would divide the country. Second, although the AKP originally kept in motion this second revolution from above, a clear renunciation of reforms and a redoubled return to oppression came again from the AKP within a few years. The 2006 amendments to the Anti-Terrorism Law (Terörle Mücadele Kanunu, or TMK)¹ can be treated as the beginning of this process, and the OHAL declared in 2016 and the subsequent government practice as its peak.

I discuss this curious circular situation in the conclusion of the book. Let us now take a closer look at these reforms.

In the process of EU reforms, freedom of expression has been the most emphasized concept, because it constitutes the foundation and the critical element of liberal democracy and is a prerequisite for all other freedoms. In international human rights documents, the standards of freedom of expression are set in Article 19 of the ICCPR and Article 10 of the ECHR.²

The international standards set in these two conventions, to which Turkey is a party, are quite high. According to the case law of the ECtHR, for example, for a statement to exceed the limits of freedom of expression: (1) the content of the statement should harbor discrimination, incitement to violence, or expressions of insult or hatred; (2) the person making the statement should have the capacity to bias other people; (3) attention should be paid to the context in which the statement is uttered; (4) and the place and manner in which the statement was made must be of a quality and capacity to bias public opinion. In Turkish laws, by contrast, out of these four points, typically only one is taken into consideration: the content of the statement.

Moreover, in terms of determining the scope of freedom of expression, the characteristics of the person or institution being criticized is very important for the ECtHR. The broadest sense of freedom of expression encompasses criticisms directed at the following sequential categories:

1. Criticisms directed at the state, the government, and public institutions are protected, because the state, fully equipped with institutional

mechanisms to exercise its sovereign power, is able to defend itself in many ways, without resorting to repression or threat of punishment.

2. Criticisms directed at politicians and accountable bureaucrats are protected, because those individuals are protected by a range of formal mechanisms.

3. Criticisms directed at ordinary citizens constitute the least protected group, because there are very few shields to protect ordinary citizens.

This sequence appears to be precisely the opposite in the content, interpretation, and implementation of Turkish laws—the easiest thing is to tear into an ordinary citizen, and the most difficult is to criticize a state or government official, or even a state institution and agency. Nevertheless, as a result of changes introduced by the EU Harmonization Packages, some important progress was achieved in the field of law.³

RADICAL REFORMS REGARDING MINORITIES

After Turkey's candidacy was registered at the December 1999 Helsinki Summit meeting, the Accession Partnership Document (a road map prepared by the EU for Turkey) was accepted in December 2000. This document required a number of conditions to be met within a certain time frame to actualize the membership. Thus, Turkey published its National Program in March 2001 and announced its planned compliance with EU regulations by detailing which regulations would be changed in what time frame. The EU started to evaluate Turkey in its yearly progress reports (later called country reports).

The reforms that were carried out in relation to the harmonization of Turkey's laws and legal system with those of the EU can be separated into two groups: (1) amendments of the highly restrictive 1982 constitution devised by the military government, and (2) amendments and replacements of repressive laws, carried out through massive and rapid legislative action, yielding laws that were adopted in "packages."

Constitutional Amendments

The country made a number of amendments to the constitution in two major waves, in October 2001 and May 2004. On October 3, 2001, a broad reform package, encompassing thirty-four articles of the constitution, was accepted in parliament. The limits of freedom of thought

were broadened. Problematic concepts such as “indivisible unity” and bans on “legally forbidden” languages were removed. The establishment of associations was made easier, and closing down political parties was made more difficult, by requiring a three-fifths majority in the Constitutional Court to pass such measures.

An additional ten-article constitutional package was adopted by the parliament on May 7, 2004. The most important amendment was adding a sentence to Article 90 of the constitution to elevate the power of international treaties above the national law: “In the case of a conflict between international agreements, duly put into effect, concerning fundamental rights and freedoms and the laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail.”

The EU Harmonization Packages

In addition to these constitutional reforms, in the course of two and half years, the parliament adopted eight EU Harmonization Law Packages.⁴ They aimed at achieving five broad goals: (1) expanding freedom of expression and a “human rights state” and moving away from a “national security state”; (2) increasing protection from state persecution and repression; (3) stressing the distinction between dissident or critical thought and acts of violence, as well as between criticism and insult; (4) limiting the political power of the military; and (5) preventing torture and cruel treatment.

Each package addressed these general human rights goals, sometimes including changes and measures regarding minority rights.

First Package (February 6, 2002): The Turkish Penal Code (TCK) was amended to make it possible to treat statements as freedom of expression as long as they do not “openly provoke hatred or hostility” or create “a clear and imminent danger to public security.” Also, a clause was added to allow punishing “any person who openly humiliates another person just because [the person] belongs to [a] different social class, religion, race, sect, or comes from another origin.” The maximum duration of detention for collective crimes was lowered from seven to four days, and from ten to seven days when the OHAL is in effect. Defendants were granted the right to meet with their attorneys as needed, and prison sentences were reduced.

Second Package (March 26, 2002): Establishing an association with the aim of “positing the existence of minorities” was excluded from the purview of bans. In regulating relations with foreign associations and

establishments, “notification” of the state replaced seeking the state’s “permission.” Associations were allowed to use languages other than Turkish on placards and other items and communications. Prohibitions and fines for meetings and demonstration marches were reduced. The field of activity for student associations was broadened. People judged by the State Security Courts were granted the right to meet alone with their attorney. In an ECtHR ruling against Turkey in cases of torture, people were granted the right to sue the state agency, upon which the latter would be able to hold accountable the responsible personnel. Gendarme officers were prevented from standing in for district governors even temporarily. State officials were prevented from limiting or prohibiting public gatherings and protests on the grounds of “protecting the indivisible unity of the state with its territory and nation.”

Third Package (August 3, 2002): Restrictions on publication in “various customary languages and dialects” were removed. Turkish radio and television broadcasting in “different languages and dialects traditionally used by Turkish citizens in their daily lives” was made possible, although on the condition that “they not be contrary to the essential features of the Republic stated in the Constitution and to the indivisible unity of the state with its territory and nation.” It also became possible to open private classes to teach these languages and dialects, though only according to the same condition stated above. The Law on Foundations was also amended, enabling the non-Muslim foundations to acquire property, with the permission of the Council of Ministers, regardless of whether they hold a foundation charter. They also gained the right to freely dispose their assets and have them registered in the foundation’s name. Article 159 (now 301) of the TCK was changed to decriminalize critical remarks that have no malicious intent of deliberate insult and humiliation. In situations where the ECtHR finds a violation to have occurred, it was made possible for the person, under some circumstances, to request a retrial against a final criminal judgment. Again, in line with Protocol No. 6 of the ECtHR, the death penalty was abolished, except in situations of war and a near threat of war.

Fourth Package (the Copenhagen Package, January 2, 2003): The Law on Foundations was amended to further ease non-Muslim foundations’ ability to acquire and dispose property by switching the permission from the Council of Ministers to the Directorate General of Foundations. During OHAL, medical examinations were required for people in custody taken out of jail or prison to give a statement, both upon their exit and reentry, as a measure against torture in police custody. Again, to prevent torture, a rule against using statements taken in custody without the

presence of an attorney as evidence in the State Security Courts was introduced. In the event of a claim of torture, the requirement to seek administrative permission to bring a public official before the court was removed. New rules removed the option of converting punishments for torture into fines, or any sort of precautionary measure, or suspending them. Finally, several measures were introduced to protect journalists from pressures to divulge their sources.

Fifth Package (January 23, 2003): The penalty for association executives who were found guilty of various kinds of negligence was limited to fines, and not allowing prison sentences.

Sixth Package (July 15, 2003): The definition of terrorism in the TMK was changed to restrict it to acts of violence and coercion. Further, this was tied to the provision that only "criminal acts" could constitute terrorism crimes. The option of reducing sentences in cases of honor killings was removed. It became possible for private radio and television channels to broadcast in a variety of languages and dialects. The period for registration in the land registry of properties used by non-Muslim foundations was extended from six months to eighteen months. The word "mosque" in the Development Plan Law was replaced with "place of worship." Amendments to the Law on Population Registration reduced the restrictions on naming children.

Seventh Package (July 30, 2003): The TCK was amended to mitigate the penalty for "degrading" Turkishness or the organs of the state, to narrow down the scope of activities that qualify as "aiding a terrorist organization," to remove the ban on the founding of associations by people who were tried for crimes of "creating a minority," and to ensure that cases involving torture and mistreatment would be heard with priority and urgency.

In an effort to curb the power of the military, military courts were no longer allowed to try nonmilitary persons who committed the crimes of "encouraging the soldiers to rebellion and disobedience" and "turning the people against the military service" (crimes listed in the Military Penal Code) during peacetime. Also, the Court of Accounts was granted the authority to audit the accounts and transactions of "all public institutions and establishments," including the military ones. Finally, the authority of the National Security Council was restricted.

An amendment to the Law on Associations made legal persons eligible to establish associations. Other changes were made to facilitate Turkish citizens' ability to learn traditionally used languages and dialects, which includes offering special courses in existing facilities for language instruction.

Eighth Package (July 14, 2004, and after): The death penalty was completely abolished, leading the EU to state that Turkey had sufficiently met the political criteria of Copenhagen and that negotiations could begin.

Most of the reform packages were adopted under AKP rule. The AKP came to power at the end of 2002 and has been ruling the country since as a majority government. This government assumed a pro-EU and pro-human rights position in its first years in power and continued with the reform process set by the previous governments. However, it then started to change its stance and became increasingly restrictive and authoritarian. Immediately after the coup attempt, the government declared a national OHAL and maintained that emergency status for two years, and on July 31, 2018, the same authoritarian regime was prolonged for another three years through OHAL powers given to province governors. Thus, it is appropriate to examine the implementation of the laws adopted through these reform packages in two periods—before and after the declaration of OHAL.

IMPLEMENTATION OF THE REFORMS UNTIL 2016

It is not enough to change and improve the law, because those in the position of implementation—in Turkey, particularly the bureaucracy, which had been molded, since 1924, by the mentality of the national security state—resist the progressive content. Both the military and the civil bureaucracy have made a number of overt and covert interventions in order to curb the implementation of these reforms. For instance, in May 2003, four-star general Tuncer Kılınç, general secretary of the National Security Council, sent a “confidential” document, which was leaked to the press, perhaps purposefully, protesting Article 3 of the Sixth Package and stressing the importance of the following: (1) Article 8 of the TMK, which upholds “indivisible unity of the nation,” should not be changed, (2) allowing foreign observers in elections is a capitulation and should be prevented, and (3) there should be no private television broadcasts in mother tongues (namely, Kurdish).⁵

Some politicians were not eager for all of these changes, either. However, as various representatives of the bureaucracy tried everything in their power to empty out the EU Harmonization Packages, the committed lawmakers were often forced to issue a number of additional laws on the same subject.

Practices Related to Non-Muslim Minorities

The approach that sees non-Muslims as “dangerous” and “foreign” met with pushback in an important way through a law that made up Article 4 of the Third EU Reform Package. The law also assures that non-Muslim foundations are equal to other foundations. Yet its legislation was not an easy process.

As these reform bills were being debated and drafted, the restrictive “national security” mentality resurfaced on the subject of regulating foundations’ acquisition and disposition of property. A proposal tried to put into law the requirement that minority foundations must seek the permission of both the Ministry of Internal Affairs and the Ministry of Foreign Affairs. Requiring the permission of the former is equivalent to saying that the police and intelligence agencies would control the foundations, and seeking the permission of the latter is still implying that minority foundations are in fact “foreign.”

Such efforts were thwarted by the joint work of the Ministry of State in charge of human rights, the Ministry of Foreign Affairs, and the EU General Secretariat. Yet a clause requiring the permission of the Council of Ministers was made part of the law. The problem here is that when other foundations in Turkey acquire and dispose of assets, they are required to obtain the permission of only the VGM. Hence, in addition to being inconsistent with a number of international treaties and agreements (chief among them, the Lausanne Treaty), this discriminatory provision is a violation of the equality principle stated in Article 10 of the constitution.

The main problem, however, became clear in a directive prepared by the VGM for the implementation of this law, published in *Resmî Gazete* (No. 24896) on October 4, 2002. The directive was written to obstruct the equality that other state agencies attempted to bring about through law. With this directive, in order to acquire property, non-Muslim foundations were required to present a good number of documents, which were not required from other foundations. The VGM also had the authority to block these documents from reaching the Council of Ministers, which would make the final decisions. Furthermore, the directive’s implementation was made conditional on “international reciprocity.”

This situation makes both the law and the directive in violation of multiple documents of national and international law: Articles 2, 10, 35, and 90/5 of the constitution; Article 44 of the Law on Foundations; Article 4 of Law No. 4771; Articles 37, 39/2, 40, and 42/3 of the Lausanne Treaty; Article 14 of the ECHR; and Article 60/5 of the Vienna Convention on the Law of Treaties.⁶

Thus, in an effort to correct this discriminatory approach toward the non-Muslim foundations, the Fourth EU Harmonization Package replaced a phrase used in the Third EU Harmonization Package that required “the permission of the Council of Ministers” with “the permission of the VGM.”

However, the same anti-democratic mentality was operative during the drafting period and ultimately resurfaced in a directive. The new implementation directive issued on January 24, 2003, introduced a condition for non-Muslim foundations only: applications by non-Muslim foundations to buy and dispose of property could be reviewed by taking into consideration, “when needed, the views of relevant Ministries and public institutions.” The institutions referred to here are, of course, once again the police and intelligence organizations. In the absence of such restriction in the law, this directive violates the general principles of law (for instance, “a law cannot be changed by a bylaw”), as well as the provisions of the constitution and the Lausanne Treaty.⁷

The impact of this illegality soon became noticeable. The daily newspaper *Radikal* told the story on May 5, 2003, under the headline, “Foundations Could Not Find What They Expected.” The text stated, “[Non-Muslim] Community foundations that earned the right to acquire property in the scope of EU reforms met with a bureaucratic obstacle. Out of 1813 applications, 574 were rejected, 579 were returned due to missing documents, and an additional 226 were returned, rejecting [the notion] that the applicants had a right to apply.”

The following day, the newspaper offered the backstory of this outcome, revealing the content of a confidential document sent on April 7, 2003, by the National Security Council to the Prime Ministry and distributed from there to the relevant state offices (before being leaked to the press). The document states: “While the two-month period recognized for the VGM to examine applications is extremely limited, because it is legally difficult to extend this period, it was thought that the Directorate may be able to use this time more efficiently through a number of administrative practices. It will be appropriate that applications [are sent out to] receive the views of ministries and institutions and [be] responded [to] after detailed analyses.”

The “a number of administrative practices” reference in this confidential communique, in a rare instance of stylistic agility, intending to keep applications regarding non-Muslim foundations unresolved by engaging in a specified set and number of “administrative practices.” As usual, the “ministries and institutions” reference implies intelligence agencies and the secret official organization, the Minority Subcommission,

which was discussed in Chapter 5. This is probably the best example for showing how a major state institution intervenes to prevent non-Muslim citizens from enjoying their legally recognized rights. Moreover, this institution that authored the document advising religious discrimination is the National Security Council, which was largely controlled by the Turkish armed forces, which are supposed to be the “main defender of secularism” in Turkey. In fact, the signature on the confidential document belongs to Lieutenant General Fethi Tuncel, then the undersecretary general of the National Security Council.

Because the application period recognized for the registration of non-Muslim foundations had been tightened as a result of the opposition of the VGM and a number of other state institutions, the legislators found it necessary to extend this period in the Sixth Reform Package, issued on June 19, 2003.

Non-Muslim foundations ended up applying twice, in two different periods (at the end of November 2003 and the end of May 2004), because the VGM found shortcomings in the first round of applications and sent them back. According to VGM data, by November 2003, there were 1,532 property applications; 242 of these were accepted and registered with a title deed, resulting in an acceptance rate of 15.79 percent. After the improvements, by the end of May 2004, this rate rose to 18.66 percent. This means that despite the improvements, non-Muslim foundations could not register even one in five of the properties they held. Procedural errors and missing documents in applications cannot explain this low rate. In fact, it is quite easy for the state agencies, much easier than it is for the foundation, to find and access these so-called missing documents. If we look at the figures in light of the April 7 confidential document issued by the National Security Council, it is far more convincing to attribute the outcome to the difficulties deliberately created for the minority foundations by the vestiges of the ideology of *Millet-i Hakime*.

The EU Harmonization Packages were not particularly successful in lifting the legal monstrosity known as the 1936 Declaration affair. As illustrated by the “double registration” decision of the Court of Cassation discussed in Chapter 5, even the registered properties of non-Muslim foundations remained in jeopardy.

On the Immovable Property of Non-Muslim Minority Foundations

The immovable property problems of non-Muslim foundations after EU reforms can be defined and analyzed in three separate categories.⁸

First, there is the problem of properties seized by the Treasury and the VGM. No lasting solution has been found regarding the properties that had been seized by and transferred to the state in the late 1960s and later, with the claim that these properties had not been listed in the 1936 Declaration. The EU Harmonization Packages created a number of opportunities for these foundations, on paper at least, but they lacked specific provisions on how and when the seized properties would be returned to their owners. The provisions were not easy to implement, especially in the face of bureaucratic resistance. For instance, a provision was introduced stating that the properties of fused foundations that had passed to the VGM were to be registered in the name of the foundation “without searching for any judicial provision or decision.” Yet this can happen only upon a “VGM request,” and moreover, as my earlier review shows, in Turkey, no land registry official would carry out a transfer of property without a court decision. The same situation was observed in cases of properties registered under figurative and fictitious names (*nam-ı müstear* and *nam-ı mevhum*).⁹

Second, there are the problems caused by the sale of the state-seized properties to third parties. If such properties were sold to bona fide third persons, the sales cannot be revoked. Therefore, the state is required to pay compensation for these to the foundations that own the property. To date, however, no such compensation has been paid.

Third, there is the problem of properties registered in the 1936 Declaration and used by foundations, yet not registered in their name. Although a property of this sort may be used by a foundation, it officially belongs to another, as (1) belonging to an aforementioned figurative and fictitious name, and (2) still belonging to its donor or legator, if it was a donated or bequeathed property. The title deed registration of these properties was stipulated in the Third (2002) and Fourth (2003) EU Harmonization Packages but could not make much impact, because the title deed registrations that had been carried out by May 2004, at a rate of 18.66 percent, were properties that had blank (no names) on the line listing the name of the “proprietor.” All other applications that had a figurative and fictitious name were rejected by the VGM. Furthermore, the VGM continued to resist change; whenever administrative courts wanted these cases to go to civil and criminal courts on the grounds that there had been changes in ownership, the VGM sent them back to the administrative courts, noting that an administration decision (by the VGM) had already rejected them.

The rationale behind the administrative court’s attempt to refer these cases to the civil and criminal courts is also interesting. Although

the court knows very well that these proprietors (for instance, “Virgin Mary”) are pseudonyms, it still considers them actual individuals; calling them third persons and noting that “authority has not been granted, through these legal reforms, to the Foundations Directorate to change records of land register,” it expects any case taken to a civil or criminal court to result in a cancellation of the title deed.

Because this cyclical situation does not allow all the domestic remedies to be exhausted, there is also no recourse to the ECtHR. In subsequent years, due to the resistance by state institutions, the success rates of foundation applications declined; four-and-a-half years after the Third EU Reform Package, released on August 3, 2002, the number of properties that non-Muslim foundations wished to register had risen to 2,332, but only 364 had been approved for a title deed. In other words, within this time frame, the rate of success had dropped from 18.66 percent to 15.6 percent.

The New Foundations Law of 2008

A new Foundations Law (No. 5737) was enacted in 2007 and took effect on February 22, 2008.¹⁰ This law had been previously adopted by the parliament on November 9, 2006, but was sent back by President A. N. Sezer for reconsideration. Sezer’s veto was also based on the approach that sees non-Muslim citizens of Turkey as “foreigners” and therefore as “dangerous.” Invoking the preamble of the 1982 constitution, which states that “no protection shall be accorded to an activity contrary to Turkish national interests . . . [or to] historical and moral values of Turkishness,” Sezer claimed that this law would pave the way for non-Muslim foundations to attain economic and political powers “not authorized in the Lausanne Treaty.”¹¹

As discussed earlier, this justification, which counts only Jews, Armenians, and Rums as minorities holding rights in the Lausanne Treaty and leaves out other non-Muslims (such as Syriacs), is at odds with the spirit and letter of the Lausanne Treaty. The same approach is evident in a February 6, 2006, report by the State Supervisory Council, which works under the Office of the Presidency. The report classifies non-Muslim foundations and “foreign foundations” within the same category.

Nevertheless, the law vetoed by the president was readopted by the parliament after the 2007 elections, simply by changing the number of the law.¹² A report issued by the think tank Economic and Social Studies Foundation of Turkey (Türkiye Ekonomik ve Sosyal Etüdler Vakfı, or TESEV), identifying several problems with the law, characterized it

as far from offering a solution to the foundations' problems.¹³ The main points of the report can be summarized as follows:

1. Article 5/1 states: "New foundations are to be established and to act according to the provisions of [the] Turkish Civil Code." Yet because Civil Code Article 101/4 states that a "foundation cannot be established with the aim of supporting members of a distinctive race or community," non-Muslims were unable to establish new foundations. This restriction is a violation of the right to organize, guaranteed by the ECHR, Articles 11 and 33 of the Turkish constitution, as well as Article 40 of the Lausanne Treaty that recognizes non-Muslim minorities' right to establish, run, and oversee their own associations. Protection of these rights would require nullification of Article 101/4 of the Civil Code.

2. Article 7/2 states: "The election and appointment of administrators cannot be carried out for foundations included among fused foundations before this law was put into effect and foundations included among fused foundations by this law." The VGM, seeking no consultation or judicial ruling, decided that they perform "no charitable services anymore" and brought non-Muslim foundations under its own control. Although the seizures of foundations were often based on the argument that no foundation elections were held, such elections were in fact blocked by the VGM itself. This article is contrary to Article 40 of the Lausanne Treaty, and because Article 90/5 of the constitution upholds the power of international human rights treaties over the national law, it is in violation of the constitution, as well.

3. Article 25/1 states: "Foundations, provided that it is permitted in their foundation charter . . . can take part in international activities and cooperation." This is a deceitful statement, because, as has already been noted, non-Muslim foundations have no foundation charters, and thus they cannot include international relations in their charter. The recognition of minority rights would require removing the phrase "take place in foundation charters."

4. Provisional Article 7, putting forward various reasons, envisages the return, under certain conditions, of *some* of the properties that had been seized from minority foundations. Yet it also contains important mistakes and deficiencies. First, the phrase "still at the disposal of," in clause (a) of the article, is problematic. Properties seized from these foundations through illegal court decisions since the mid-1960s, despite the fact that they were registered in the 1936 Declaration, are of course no longer "at their disposal." This article makes their return entirely impossible, and in fact it amounts to a deterioration of the current situation.

However, the lawful practice would require these wrongfully seized properties to be taken away from the VGM or the Treasury and returned to their owners, and it requires compensation if the seized properties had been sold to a bona fide third party.

Second, the phrase “on the grounds of not being able to acquire property” in clause (b) of the article is very problematic. Here, the properties to be returned constitute only a small part of the properties that were in the possession of the foundations but then were passed into the hands of the Treasury, VGM, or legators in different ways at various junctures. There are many more properties seized from foundations on different grounds and by other methods, yet there is no law concerning their return.

Third, there is no stipulation to compensate foundations for the properties that were seized and transferred or sold to a third person. Introducing the condition that seized properties be “at disposal” for their return already contradicts the core of the idea of return. Nor was it stipulated that the properties of the fused foundations be returned. As for establishing a new foundation, Article 101/4 of the Turkish Civil Code prevents it, and there is no effort to eliminate or change this article.

Consequently, the implementation of Provisional Article 7 resulted in little improvement.¹⁴ Although 108 non-Muslim foundations applied for a total of 1,412 properties, the VGM registered only 181 of these to non-Muslim foundations. It rejected 347 on the grounds of being “outside the scope of the article,” and an additional 893 on the grounds that “no information-documents to form the basis of registration were submitted.” With a rejection figure of 1,240, the proportion of properties that managed to be registered remained about 13 percent (181 of 1,412).

For the foundations to solve the problem of properties seized by the state, there was no other solution than to turn to the ECtHR, on the grounds that these unlawful acts constituted a “continuing violation.” As it became clear that it was not possible to obtain from national courts decisions that would protect the rights of citizens of different religions, it was necessary to engage international courts.

First, the Fener Rum Boys’ High School Foundation applied to the ECtHR in 1997, because the title deed it obtained twice in 1952 and 1958 was canceled in 1996 by a court decision and its property was seized by the Treasury. In 2007, the ECtHR ruled in favor of the foundation and demanded that Turkey pay 910,000 euros in compensation on account of a violation of Article 1 (the right to property) of ECHR Protocol No. 1.¹⁵ After this decision of 2007, which set a precedent, Turkey was to repeatedly lose cases against foundations at

the ECtHR and would repeatedly pay compensation and lose international prestige.

In July 2008, in a case brought up by the patriarchate about the building of the Büyükada Rum Boys' and Girls' Orphanage, the ECtHR concluded that Turkey had committed a violation of property rights but decided to determine the amount of monetary compensation at a later date.¹⁶ That decision came on June 15, 2010, and the ECtHR ruled that Turkey register the property to the patriarchate within three months and pay 6,000 euros in monetary compensation. The significance of this decision lies in the fact that the registration of the deed for the orphanage in the name of the Fener Patriarchate amounted to a *de facto* recognition of the Fener Patriarchate as a legal person.¹⁷

The 2008 ruling of the ECtHR was followed by similar decisions. Cases about a property belonging to the Yedikule Surp Pırgıç Armenian Hospital Foundation,¹⁸ a property belonging to the Samatya Surp Kevork Armenian Church, School, and Cemetery Foundation,¹⁹ and several properties belonging to the Bozcaada Kimisis Teodoku Greek Orthodox Church²⁰ were ruled to be violations of property rights, and Turkey was ordered to pay compensation.

These decisions steered Turkey toward coming to terms and to seek friendly settlements with some applicants. Losing case after case at the ECtHR damaged Turkey's international reputation and created its statistical record as a country with a high number of violations. Taking care of cases through friendly settlements, instead of waiting for an unfavorable ECtHR decision, would help improve the statistical records. This is how the case of the Yedikule Surp Pırgıç Armenian Hospital Foundation was resolved, and for the first time a seized property was returned to a non-Muslim foundation through a friendly settlement.²¹ However, Turkey did not continue with this strategy for too long and let the cases be decided by the ECtHR, resulting in a series of rulings against Turkey.

Faced with such unfavorable rulings, the Turkish government introduced Provisional Article 11 by a statutory decree issued in August 2011.²² According to the data provided by the VGM, the implementation of Provisional Article 11 led to the following outcomes: 116 non-Muslim foundations applied for 1,560 properties, and the VGM registered 332 of these to the foundations; it decided to pay compensation to the foundations for twenty-one properties; it rejected 1,206 applications related to properties by considering them to be beyond the scope of the article. Consequently, the proportion of properties registered through Provisional Article 11 was 22 percent (353 out of 1,560).

The main reason for this low proportion is the fact that Provisional Article 11 did not resolve problems, neither for the properties included in the 1936 Declaration that were subsequently expropriated, nor for the properties seized by the state and sold to third parties. A closer examination reveals that because it was also developed by following the security-oriented nation-state mentality, Provisional Article 11 and its implementation were far from offering a solution for a variety of reasons.²³

1. The shared feature of clauses (a), (b), and (c) is the conditionality of being registered in the 1936 Declaration. Thus, for instance, because Hatay joined Turkey in 1939, it was impossible for the Greek Orthodox foundations in that province to submit their information in a 1936 Declaration. Moreover, demanding that minority foundations show declarations submitted decades ago and similar documents (utility bills and the like) is sheer obstruction, as such documents would already be in the state files and state officials would be able to locate them more easily than the foundations could.

2. Related to clause (b), the article leaves out “expropriations.” These expropriations were wrong, because they were all seized in a fashion contrary to the commonly accepted goal of expropriation, that is, seeking public interest; instead of using them for public interest, they were a form of extortion from a particular group of citizens and were used to enrich some private entities and state agencies. For instance, certain buildings in central İstanbul—currently used by TRT, the Radio House (Radyo Evi), the Officers’ Club (Ordu Evi), the Divan Hotel, the Convention Center, the Hyatt Hotel, and in part, the Hilton Hotel—a combination of state and private corporate enterprises—were built on what used to be the Pangaltı Armenian Cemetery (Surp Hagop), as well as several blocks with dozens of commercial establishments on the main road between the Taksim and Şişli districts of İstanbul. This cemetery was bestowed on the municipality in 1934 through a court decision, so it cannot make use of clause (b). In addition to expropriations, clause (b) leaves out “sales.” When the state returned the property seized from the foundations to the previous proprietor free of charge, such owners who may resell the property would make a profit for a second time.

3. Properties found in the 1936 Declaration but registered in the name of a fused foundation also cannot benefit from clause (b), because the VGM Council would claim that they are “registered not to the VGM, but in the name of a foundation.” Along these lines, it was necessary to add a clause here reading “and those registered in the name of a fused foundation.”

4. The phrase “registered in the 1936 Declaration” in clause I is very problematic, because many properties, such as the enormous Pangaltı Cemetery, were not registered in 1936. No solution has been introduced for these unregistered properties.

5. Cemeteries mentioned, again, in clause I(c) were sometimes not considered in the category of “property” and were thus not entered into a registry by foundations. There is no solution for such unregistered cemeteries. Moreover, because Article 42/3 of the Lausanne Treaty states that “the Turkish government undertakes to grant full protection to the . . . cemeteries . . . of the above-mentioned minorities,” cemeteries are untouchable, whether registered in 1936 or not, at least as long as the Lausanne Treaty is in effect.

6. Again, related to clause c, if it is truly thought that these properties were wrongfully taken from the minority community and should be returned, inserting a formality such as a VGM Council decision is both unnecessary and risky. Until very recently, the decisions of this council have been quite unfavorable. Although the council seems to have been on the right track, in light of recent history one would expect it to return to the old practice, especially in case of a potential dispute with Greece or a change in the government’s position. Besides, title deeds registry offices, until very recently, did not heed the law and required a further court decision for changes in proprietor.

7. Again, related to clause c, the phrase “on the grounds of being unable to acquire property” is very problematic, because no solution was brought to the types of property mentioned for the following categories of properties:

- Properties registered to their old proprietors by a court decision. For instance, when Kamp Armen, which Hrant Dink helped to foster and eventually administered, was seized, the state returned it free of charge to its old proprietor, who then resold it.
- Properties transferred to a trustee in situations where the old proprietor to whom the property was returned was missing, before being transferred to the state in ten years.
- Properties seized from foundations as a result of a court annulment of a will. The statutory decree that introduced Provisional Article 11 is very ambiguous and insufficient on this issue. In some situations, the state files a suit regarding a property registered to a foundation as the result of a will and asks it to be reclaimed (that is, the property be reversed to its devisor). If the court takes such a decision, the property returns to its previous owner, and in this situation, compensation can only be a fantasy.

- Properties seized on the grounds that an institution is not a legal person, such as properties belonging to a patriarchate or a Catholic or Syriac foundation. This was the case with the Büyükağa Rum Orphanage, which belonged to the Fener Patriarchate but was seized on the grounds that the Fener Patriarchate was not a legal person. It was recovered only through an ECtHR decision.

8. Provisional Article 11, by replacing Provisional Article 7, also blocked the implementation of some rights recognized by Provisional Article 7 that were yet to be implemented. The situations of *nam-ı mevhum* and *nam-ı müstear* properties would exemplify this.

9. Provisional Article 11 did not clearly define the nature and boundaries of the authority exercised by various state institutions in determining the property rights of foundations, allowing the decision by one agency to be undone or reversed by another agency. Consequently, as in the case of the Kandilli Metamorphosis Rum Church Foundation or of the Heybeliada Aya Triada Rum Monastery Foundation, despite the fact that foundations had the title deeds of their estates registered in their name, some state institutions (e.g., the Treasury, the Ministry of Forestry) could claim rights to them and initiate a legal process to acquire those rights.

The seizure of non-Muslim foundation properties has also been a part of the process of the accumulation of “national” capital in Turkey. Whereas the capital accumulation in the West occurred as a result of transferring the agricultural sector surplus to trade and the surplus acquired from trade and colonialism to the industrial sector, in Turkey this process functioned in a different manner.

First, capital was transferred, through various means, from non-Muslims to Muslims. It was probably the most important instance of capital transfer. Included here is the usurpation of Armenian properties by the state and notables following the 1915 deportation, as well as the dispossession of non-Muslims as a result of systematic pressures carried out since the foundation of the republic. The 1923 compulsory population exchange, the 1934 Thrace events, the 1942 Wealth Tax, the 1964 exile, and the seizure of non-Muslim foundation properties through the 1936 Declaration, involved not only confiscation of non-Muslim properties and wealth by the state but also their transfer to Muslim citizens.

Second, when no non-Muslim property was left to seize, small savings of people of all faiths and ethnicities have been transferred to private enterprises, especially since the 1980s. One such initiative resulted in a disaster, known as the “Bankers’ Scandal,” when mushrooming private

investment agencies (bankers) that had promised returns up to 140 percent on small savings went bankrupt, producing tens of thousands of victims.²⁴

Third, the state's capital accumulation, which led to the establishment of various state economic enterprises since the 1930s (e.g., factories, companies, institutions, banks), supported the development of the private sector, first by providing cheap inputs and then through their privatization (by selling them at extremely low prices, almost at the value of the land that they occupy).

Finally, there is a particular type of capital transfer that can be called concentration of capital. Following the July 15, 2016, coup attempt, the properties and accounts of a number of private holding companies were seized through OHAL statutory decrees (KHK) without a single court decision, on the grounds that these holdings had transferred funds to the Gülen movement, which was accused of planning the coup. Subsequently, all of their assets were put up for sale by the Savings Deposit Insurance Fund (TMSF) and transferred under very favorable conditions to companies close to the AKP government.

Recent Status of Non-Muslim Institutions and Properties

First, let us talk about accomplishments and then the failures in this field.

There have been a number of positive developments regarding minority rights, including their property rights.²⁵ In addition to the registration of the Büyükada Orphanage to the patriarchate, after an ECtHR ruling following the legislation of the new Foundations Law in 2008, there has been some change in practice toward recognizing the rights of non-Muslims, as expressed in the foundations' laws and in the Lausanne Treaty. Important milestones include having a representative of a non-Muslim foundation on the VGM Council, as well as the appointment of Adnan Ertem, whose doctoral research was on foundations, as the general director of the VGM in October 2010. There emerged an environment conducive to dialogue between non-Muslim foundations and communities and various state institutions such as the VGM, the EU General Secretariat, the Ministry of Culture, and the Ministry of Foreign Affairs, as well as among the foundations of different non-Muslim communities. This stimulated social and academic activities. Other positive developments can be summarized as follows:

Through resistance and public pressure, the Tuzla Armenian Orphanage (Kamp Armen)²⁶ was returned to its owner, the Gedikpaşa Armenian Protestant Church Foundation. Community schools began to generate revenue for the foundations by changing their status from charitable

(*hayrat*) to income-generating institutions (*akar*). For the first time it was ensured that non-Muslim Turkish citizens in need could benefit from the dry-foods assistance mentioned in Articles 66 and 68 of the 2008 Foundations Regulation. It was ensured that places of worship of fused foundations could design projects and carry out restoration work through funding from the VGM budget. For instance, the Edirne Synagogue, one of the biggest in Europe, was restored by VGM and reopened in 2015. Conferences began to be held on the subject of the challenges facing non-Muslims.²⁷ Boğaziçi University granted Patriarch Bartholomeos an honorary doctorate and used the title “Ecumenical Patriarch.” Financial support was secured from the formal Press Ad Agency (Basın İlan Kurumu), which distributes official announcements to the press. As noted before, a Rum primary school on Gökçeada was opened in 2013, and it was followed by a middle and high school in 2015. Most important, although the law still does not allow communities to establish new foundations (Article 101/4 of the Civil Code), political will enabled a way to work around it, which led to the establishment of a completely new foundation, the İzmir Jewish Community Foundation. The Üsküdar Haç Tıbrevank Foundation and the Beyoğlu Central Rum High School Foundation finally gained legal personhood. However, as exceptional cases with uncertain futures, these examples are far from becoming the norm.

The progress in some areas was tentative and subject to reversals. First, the assistance to non-Muslim newspapers was terminated in 2015. A new regulation, published on October 5, 2015, allowed the state to exert a set of serious economic pressures on the news media.²⁸ According to Article 110/1 of the regulation, in the event of a criminal court case filed in the scope of either the TCK (“Crimes Against the Constitutional Order and the Functioning of this Order”) or the TMK, a paper’s right to publish official announcements would be suspended, immediately, without waiting for the court’s judgment. If the prosecuted employees of the paper were not dismissed within five days, the newspaper would face the same charge and be punished accordingly. According to Article 39/2, aside from private notices and advertisements, all written documents must be in Turkish. In other words, the “Citizen Speak Turkish” slogans of the 1930s and 1960s have become “Citizen Write Turkish.”²⁹ This, of course, is a clear violation of Article 39/4 of the Lausanne Treaty, and the regulation subjects non-Muslim newspapers to undue economic and legal pressures. These problems apply to Kurdish papers as well. In December 2016, it was announced that the state support for minority newspapers would be reintroduced; but now, they are required to pay, as a commission fee, 15 percent of the income

they may receive from the advertisements/notices by public institutions, if they manage to get them through their own effort.

Second, the deficiencies of Provisional Article 11 have not been addressed. Only the problem of Kamp Armen, a cause that the public took up avidly in memory of Hrant Dink, was resolved, but this should be treated as an entirely exceptional administrative gesture.

Third, the election bylaws of foundations, which had been nulled by the VGM in an effort to prevent foundations from forming their executive boards, have not been reissued.

Fourth, in 2017 the deputy governor of İstanbul attempted to prevent the election of the Armenian Patriarch. Despite Armenians' protests and attempts to boycott the election,³⁰ ultimately a candidate who was able to obtain the approval of the government was elected in December 2019. Not surprisingly, the April 2017 report of the Pew Research Center counted Turkey among the most restrictive countries on freedom of religion and noted that the situation had deteriorated since 2007.³¹

What is the situation according to the European Commission's progress reports? These progress reports consider changes in the candidate country's laws, legal processes, judicial decisions, and their implementation. The main problems mentioned in the 2015 report on Turkey can be summarized as follows:³²

1. Aside from the "big three minorities," the rights in the Lausanne Treaty of non-Muslims remain unrecognized, especially in two areas.

- Regarding the opening of foundations and schools: The VGM has officially accepted 167 non-Muslim foundations, yet the authority to establish new foundations or schools has not been granted to all non-Muslim communities. Consequently, since 1971, non-Muslim minorities have not been able to open semi-nary schools.
- Mandatory religious courses: Because the content of these courses, named "Religious Culture and Moral Knowledge," is based on Sunni Islam teachings, it is unlawful for everyone to have to take these courses regardless of their religion, whether they follow another Islamic sect, another religion, or no religion at all. The ECtHR 2007 decision on *Zengin vs. Turkey*, as well as the 2015 decision on *Mansur and Others vs. Turkey*, are yet to be implemented.

2. Property rights: Despite some improvements since 2002, the Catholic community, for instance, still faces serious problems regarding

the management of its property. The problems of fused foundations, as well as the foundation properties sold to third parties, remain unsolved.

3. Conscientious objectors: Despite multiple ECtHR decisions, no solution has been offered to people who wish, for religious or other reasons, to be exempted from the mandatory military service. Turkey is the only European Council member that does not recognize conscientious objectors.

4. Places of worship: Except the case of the Protestant Church Foundation in İstanbul, Protestants and Jehovah's Witnesses have not been able to acquire places of worship. Aside from Diyarbakır and Van, municipal governments have also failed to help communities in this respect. Moreover, the ECtHR decisions in favor of Alevis have not been implemented.

5. Hate speech, hate crimes, and threats: All progress reports clearly state that anti-Semitism, hate speech, hate crimes, and threats continue against churches, synagogues, Jewish citizens, the Alevi community, and atheists.

6. Decisive administration: Given the bureaucratic culture of resistance to the implementation of legal reforms, progress can take place only as a result of exceptional administrative decisions.

7. The problem of legal personality: Patriarchates, rabbimates, and Syriac monasteries are devoid of legal personality. Thus, especially after a clarification made in the March 2010 decision of the Venice Commission, the importance of the legal personality issue was raised in multiple EU progress reports.³³

Progress reports issued after 2015 (more recently called country reports) did not note any important changes in the ongoing problems of freedom of religion and belief. The 2018 report revealed that articles/news targeting national, ethnic, and religious groups increased during the reporting period. Anti-Semitic rhetoric still continues to be employed in the media and by public officials.³⁴

There was an important development toward the end of 2018. The famous Sanasaryan Inn in Eminönü in İstanbul was donated to the Sanasaryan Foundation to offer poor Armenian children a chance to study, and the administration was to be monitored by the Armenian Patriarchate. When the VGM declared this foundation as a fused foundation, the Armenian Patriarchate filed a lawsuit in 2014. When the file went to the Court of Cassation First Chamber, it was ruled in December 2017 that the inn belonged to the Armenian Patriarchate. This decision is important for two reasons. First, it announced that the process of seizing the inn was illegal and further noted that it belonged to the Sanasaryan Foundation,

whose legal personality was accepted. Second, and more important, just as in the July 2008 ECtHR decision on the Büyükada Rum Orphanage, this decision also amounted to a *de facto* recognition of the legal personhood of the Armenian Patriarchate, as the Court of Cassation accepted that the Armenian Patriarchate had the authority to file a suit.³⁵ However, the same chamber, convened in December 2018 after the VGM requested a retrial, reversed its previous decision and declared that the inn in fact belonged to the VGM.³⁶

In June 2017, the media began to report stories about fifty to a hundred Syriac religious institutions in the Turabdin region near Mardin and Midyat being transferred to the Treasury, which then transferred these to the DİB and gave the cemeteries to the Mardin metropolitan municipality.³⁷ The DİB immediately denied the news. Yet documents were leaked to the media demonstrating both the transfer to the DİB and then the cancellation of the transfer by the Mardin Governorate.

As a new addition to the longtime practice of plundering Syriac properties in the region,³⁸ the events unfolded rather slowly. The Metropolitan Municipality Law (No. 6360), issued on November 12, 2012, redesigned local administrative units, reclassified villages as neighborhoods, and placed them under the authority of the province governor. In 2014, a commission established by the Mardin Governorate transferred the Syriac properties originally held by these villages to the Treasury, and the Treasury passed them to the DİB. Syriac foundations, noting that there had been a clear violation of Article 42/3 of the Lausanne Treaty, which assured the “full protection” of non-Muslim religious institutions, applied to the aforementioned commission. However, the commission rejected their objections in May 2017. When the media drew attention to these decisions as a tragicomic situation that involves assigning properties of non-Muslim religious institutions to the Hanefi Sunni Muslim DİB and stirred a negative public reaction, the commission took a step back and rescinded the transfer to the DİB. However, no actions were taken to reverse the transfer of properties to the Treasury. As more people learned of the situation and as court cases continued, the title deeds of fifty Syriac churches, monasteries, and cemeteries were returned to the Mor Gabriel Monastery Foundation in May 2018.³⁹ As of early 2020, court cases regarding unreturned properties are ongoing.

Implementations Related to the Kurdish Issue

The EU Harmonization Packages have led to important improvements regarding the status and rights of Kurdish people. Nevertheless, the

bureaucratic resistance, stemming from the decades-long mentality that puts the security of the Turkish nation-state above all, produced a number of tragicomic obstacles in the early 2000s, which were then revived in March 2015 when the AKP government abruptly halted the Kurdish peace initiatives.

*Radio and Television Broadcasting
in "Different Languages and Dialects"*

The Second Package, issued on March 26, 2002, lifted the "ban on broadcast in forbidden languages." Yet the bureaucracy continued with this ban, making use of a set of radio and TV regulations. The state-owned but autonomous TRT announced that it was not able to broadcast in Kurdish.⁴⁰ Furthermore, while claiming that it had made preparations for broadcasting in Kurdish, the TRT also secretly filed a case with the Council of State, seeking the cancellation of the regulation that orders the broadcasting in Kurdish.⁴¹

Then, the government released the Third Package on August 3, 2002, and lifted some of the "restrictions on the learning of different languages and dialects traditionally used by Turkish nationals." The bureaucracy responded to this by introducing an interpretation that "only the state radio could make [such] broadcasts" and attempted to exclude private radio and television.

In 2003, the Sixth Package made it possible for private radio and television channels to broadcast in other languages, but a regulation announced that such broadcasting by private companies could be done only at the national level, effectively preventing such activity by local stations. The regulation also indicated that programming could not be directed at children and could not teach language, and that every program had to have verbatim Turkish subtitles or had to be immediately followed by a Turkish translation. Radios could broadcast in "languages and dialects other than Turkish" for no more than sixty minutes a day or five hours a week, and television could broadcast for no more than forty-five minutes a day or four hours a week.⁴²

Finally, on June 7, 2003, TRT began broadcasting *Our Cultural Riches* on weekdays, at 6:10 AM, in the following languages: Bosnian (Monday), Arabic (Tuesday), Kurmanji Kurdish (Wednesday), Circassian (Thursday), and Kırmancki/Zazaki (Friday). There would be no broadcast in Laz. The program was limited to thirty-five minutes per day. Consequently, "Radio-1 and TRT-3, separately, would broadcast for a total of 175 minutes per week."⁴³ The choice of early morning hours

can be taken as an indicator of bureaucratic resistance by the Radio and Television High Council (Radyo ve Televizyon Üst Kurulu, or RTÜK), the autonomous state agency that regulates all radio and television programming in the country, which was pointed out by some newspapers.⁴⁴

In June 2008, an amendment of the TRT law allowed (or rather pushed) TRT to start broadcasting in languages and dialects other than Turkish, and on January 1, 2009, the institution began broadcasting twenty-four hours a day in Kurdish.

Learning "Different Languages and Dialects": Kurdish Courses

Offering Kurdish courses also followed a long and discursive trajectory. First, it was required that the governorate that received an application to open a course write to the ministry to inquire whether such a request was legal, although the applicant would have already submitted to the governorate a photocopy of the relevant issue of the *Resmî Gazete*.⁴⁵ The office of the governor would then object to the names of the courses. For example, in Şanlıurfa, it was suggested that a course proposed under the name "Private Instruction Center of Urfa for Kurdish Language Dialects" be retitled as "Private Urfa Local Dialect Language Course."⁴⁶ As another hurdle, it could be required that the language courses be held in a building other than the one where other courses were offered, or a different manager and secretary would be required for the language courses.⁴⁷

To overcome these bureaucratic obstacles, the AKP government released the Seventh Package on July 30, 2003, which made it possible to open private classrooms to teach permitted languages in the existing language-course buildings. This could not end the resistance, though. Finding problems with the building would be used to prevent the courses. First, it would take a long time for the inspector to show up, then the long-expected inspector would declare that a permit could not be granted as there was no fire escape. If there was a fire escape and its previous inspection had been documented, authorities from the Ministry of Public Works would come and declare that the building had no building survey.⁴⁸ If a survey was located, it would be declared that regulations stipulated that doors be 36 inches wide, yet here they were found to be only 34 inches, thus a permit could not be issued.⁴⁹

Qualifications of teachers would establish another obstacle. In Turkey, to offer instruction in a language, one must hold a university degree in that language. However, there have been no university classes

or training in Kurdish offered in Turkey, and it is forbidden to employ foreign teachers for this purpose.

The Regulation on Learning Different Languages and Dialects, published in *Resmî Gazete* on December 5, 2003, allowed the opening of a “Private Kurdish Language Course” in the city of Batman. Yet it was quickly banned on the grounds that “there is no mention of the word dialect in its name.”⁵⁰

Meanwhile, court cases were filed for “harboring an illegal organization” against 446 of the 10,538 students who submitted a petition to have Kurdish language courses in universities. A further 3,621 were detained, 533 were arrested, and fifteen were given prison sentences of up to three years.⁵¹ Seven students at Dicle University in Diyarbakır were suspended for a half semester or a semester for crimes such as “attempting to submit a petition.”⁵²

Nevertheless, by the end of May 2004, three officially recognized language courses began in Turkey. But the newspaper *Radikal*, on August 2, 2005, announced that the last Kurdish course was closed down allegedly because of a lack of students. It was noted that although older people already knew Kurdish, those below the age of eighteen were not allowed to take the course. The high cost was another factor.

CONDITIONS AFTER THE 2016 DECLARATION OF OHAL

The Situation Pertaining to All Citizens

The shift from the democratic reformist AKP to the oppressive AKP became most overt and pronounced in mid-2013. The Gezi Park protests in İstanbul,⁵³ which developed spontaneously in late May 2013 from an effort to protect the environment, elicited a disproportionate use of power by the government that mobilized the security forces and the judiciary. Even the young doctors who administered first aid to the injured in hotel lobbies and mosques received prison sentences.⁵⁴ Turkey entered into a period of intense repression. The release of certain video and audio tapes in December 2013, implicating several cabinet members, their sons, and other state officials, as well as the then prime minister Erdoğan and his son, in various acts of corruption (the so-called tapes scandal)⁵⁵ only intensified government repression.

The level of repression reached an all-time high after the July 15, 2016, coup attempt. Oppositional groups of all sorts with no connections to the coup, in particular leftists, Kemalists, and Kurds with no

relationship to fundamentalist Islam or the Gülen community, were subjected to persecution and prosecution. The OHAL, declared on July 21, 2016, allowed the government to rule by decree and escape any form of parliamentary oversight. Renewed seven times every three months, OHAL became a permanent state of affairs until it was lifted on July 19, 2018. During this period, people were dismissed from their jobs, arrested without being allowed to make statements, kept in custody without any formal charges for months, and subjected to torture and many other forms of human rights violations and unjust treatment. Although OHAL was formally lifted in July 2018, the government's mode of operation has not changed much since then.

The Legal Situation

At the beginning of this chapter, I identified five basic goals for the reform packages adopted to meet the EU membership criteria. The little progress made toward achieving these goals in the 2000s was not only eroded (except for the goal of limiting the political power of the military), but under the state of emergency the situation got worse than the pre-reform periods. Here, I revisit each reform package to highlight the deterioration in areas in which the package introduced progressive reforms.

Concerning the First Package: Mass attacks and lynch attempts, which constitute hate crimes, were now tolerated, if not instigated, by the government, and glossed over in court decisions as a form of "property damage." (I discuss this further in Chapter 7.) Critical voices in academia and media were silenced through various mechanisms. As of late January 2019, 231 journalists who were detained immediately after July 15, 2016, were still in prison.⁵⁶

It became significantly more difficult for people who were detained or under arrest to gain access to an attorney.⁵⁷ Attorneys are no longer able to meet alone with detainees, and no documents can be exchanged or they can be seized.⁵⁸ In addition to the presence of an official, an audio or video recording of the meeting is kept. Prosecutors can request a change in attorneys or ask the bar to send a new attorney. Books and other material sent to the detainees and prisoners are also subject to heavy censorship; even nineteenth-century novels such as *Père Goriot* or children's books such as *Peter Pan* or *The Little Prince* are not allowed in prisons, on the grounds that they may "endanger the security of the institution."⁵⁹

Statutory Decree No. 694 made detention up to five years possible for people accused of crimes within the scope of the TMK. In several

cases, prosecutors delay the preparation of an indictment, thus managing to render the period of detention indefinite. In some cases, when a detainee is acquitted from a given offense, the prosecutor immediately detains the person for another offense, thus the detention continues indefinitely. For instance, the director of the Anatolian Culture Association, the philanthropist businessman Osman Kavala, by the time of this writing (October 21, 2020) was still in prison (for 1,086 days) as a detainee, that is, without being convicted of any offense.

When the attack on Syria by the Turkish armed forces began in January 2018, war propaganda was carried out continuously by President Erdoğan himself and other members of the government. The hostile and militaristic discourse continues to be employed by government officials and their supporters, but it is justified as “fighting against” or “preventing terrorism.”

Concerning the Second Package: Especially after the July 2016 coup attempt, torture became a common practice. As interrogations take place in prisons, in rooms without cameras, it has become nearly impossible to determine what the conditions really are,⁶⁰ though stories of torture keep multiplying.⁶¹

Although closing political parties by the Constitutional Court became harder, the pro-Kurdish People’s Democracy Party (HDP), the third largest party in the parliament, has been rendered *de facto* closed through at least five political strategies pursued by the AKP government:

1. The widespread arrests of local leaders: According to a study conducted by the legal commission of the HDP, between July 2015 and December 2019, 15,530 members of the HDP and its fellow party, the Democratic Regions Party (Demokratik Bölgeler Partisi, or DBP), had been taken into custody, and 3,361 of these had been detained. The removal of so many local leaders has practically paralyzed the party.⁶²

2. Appointing trustees (*kayyım*) in place of elected mayors: According to an announcement by the minister of internal affairs, as of October 11, 2017, the number of municipalities governed by appointed trustees had reached 101. Of these, all but eight were HDP members or other Kurdish politicians who were accused of “adhering to” (*iltisak*) the PKK, though without any evidence. By November 2017, there was only one municipality in Diyarbakır that was not run by a trustee.⁶³ When the HDP won sixty-five municipalities in the March 31, 2019 elections, the High Council of Elections annulled six of them on the grounds that they had not been eligible to run due to their earlier removal by an OHAL decree. Ultimately, trustees were appointed to

other HDP-run municipalities, and as of October 21, 2020, only six HDP mayors were still at their post.

3. The arrest and conviction of parliament members: In 2016, an amendment to the constitution (Article 83/2) was passed that allowed the removal of parliamentary immunity. As of 2019, eighteen HDP MPs had been arrested or imprisoned.

4. The termination of parliamentary membership of MPs who received sentences of one year or more: The MP status of ten HDP parliamentarians was revoked, and two of them were still in prison as of June 2020.

5. The termination of parliamentary membership due to absenteeism: Although this old rule had never been applied in Turkish parliamentary history, it was invoked for the HDP members, and three MPs of the HDP were removed from office.

As a result of the last three mechanisms, although the HDP won fifty-nine seats in the November 2015 elections, its representation was reduced to forty-eight deputies, and the sixty-seven seats acquired after the June 2018 elections were effectively decreased to fifty-eight MPs (because some of them were selected as mayors, and one resigned). The HDP representation is likely to decline further, as all but four MPs are facing trials.⁶⁴

Concerning the Third Package: After the 2016 coup attempt, President Erdoğan started to declare at every opportunity, “If the Parliament accepts the death penalty, I will sign it immediately.”⁶⁵ When suspects are brought to court, nooses are thrown over them by surrounding demonstrators, and the security forces remain unmoved and dismissive in cases of such demonstrations at courts.⁶⁶

Erdoğan and prosecutors increasingly use the courts to suppress criticisms of Erdoğan by charging the critics for committing the crime of “insulting the President,” despite the fact that Erdoğan is not only the president, but he is also the leader of the AKP and fully engaged in partisan politics. As of December 2018, there were 26,115 lawsuits filed against people for committing this “crime.”⁶⁷ People are arrested as soon as they are charged, and according to the TCK (Article 299), they can be given prison sentences of one to four years.

Concerning the Sixth Package: By the end of 2017, all Kurdish radio and TV channels in Turkey were closed,⁶⁸ and there were successful attempts to close those outside of Turkey, by inducing the broadcast satellite company Eutelsat to remove them from its list of contractors.

The accusation of “aiding a terrorist organization” started to be used widely. All oppositional groups, particularly writers and journalists, continuously and repeatedly face sentences of up to twelve years on charges of “committing a crime in the name of a terrorist organization without being a member thereof,” “aiding a [terrorist] organization,” “aiding and harboring [terrorism],” and, most frequently, for “engaging in propaganda for a terrorist organization.”⁶⁹ A person can be accused of “being a member of a terrorist organization” simply for receiving a cellphone message from someone using the app ByLock.⁷⁰ For instance, *Cumhuriyet* writer Kadri Gürsel spent 330 days in prison as a detainee for this reason.

Even MPs are unable to enjoy freedom of expression. Using terms such as *Kurdistan* or *Armenian genocide* can be used as the grounds for suspension from parliamentary sessions or to charge monetary fines. Not only freedom of expression but also freedom of thought has been under attack. For instance, a prosecutor initiated judicial proceedings for “engaging in terrorist propaganda” against the HDP MP Ömer Faruk Gergerlioğlu for not raising any objections to what a speaker said at a conference that he had attended.⁷¹ Similarly, a group of academics, collectively known as Academics for Peace, were charged with and tried for “engaging in propaganda for a terror organization” on the grounds that they requested that the state lay down its arms but did not ask the same of the PKK. Judges at their hearings tended to ask these people the standard question: “According to you, is the PKK/KCK a terror organization?” Yet, two things cannot be done, even during times of war: (1) torture and (2) forcing someone to reveal personal convictions. Articles 15 and 25/2 of the Turkish constitution clearly state that no one can be compelled to reveal “conscience, thought or opinion, nor be accused on account of them.” This case indicates that people in Turkey can be prosecuted not just for what they say but also for what they don’t say.

Anyone involved in nonviolent demonstrations can be subject to immediate police intervention or the use of nightsticks or tear gas. Even hunger strikes are criminalized. For example, two educators, Nuriye Gülmen and Semih Özakça, who were dismissed by statutory decree from their teaching positions for being part of the Academics for Peace campaign, were tear gassed, attacked with nightsticks, and arrested while on a hunger strike,⁷² along with people who showed solidarity with them in a peaceful demonstration.⁷³ Family members of protesters were subjected to the same treatment.⁷⁴

In December 2013, the Court of Accounts’ audits of public institutions were postponed for three years.⁷⁵ After the publication of a 2017

report that found multiple instances of irregular transactions and expenses, the deputy chair in charge of auditing practices was dismissed.⁷⁶

In accordance with Article 120 of the constitution, the government may declare a state of emergency in the event of “the spread of violent incidents and the serious deterioration of public order” and may temporarily restrict freedoms.

Before examining how the AKP government used its OHAL powers after the July 15, 2016, coup attempt, it is important to review the constitutional rules that protect citizens from abuse of power, even under special situations such as a state of emergency.⁷⁷

According to Article 15 of the constitution, the ability to suspend fundamental rights and freedoms under OHAL depends on certain conditions. First, the state cannot undermine its treaty obligations and act in violation of international law. Any suspension of rights cannot exceed what the situation requires. A person’s right to life and the integrity of his or her tangible and intangible assets are untouchable. No one can be compelled to reveal personal convictions related to religion, conscience, or thought. Crimes and punishments cannot be applied retroactively. No one can be presumed guilty until the guilt is determined through a judicial process and decision.

According to Article 121/2 of the constitution, when OHAL is declared, the government is to immediately present this act to the National Assembly. If the National Assembly is on holiday, a meeting is to be called immediately.

According to Article 121/3 of the constitution, as long as OHAL is in effect, the government can rule by statutory decree, but the decrees have to be submitted for review by the National Assembly on the same day that they are published in *Resmî Gazete*. According to Article 128 of the National Assembly bylaws, statutory decrees are assigned top priority and urgency and are “debated and decided upon within thirty days” in parliamentary committees and plenary sessions.

According to Article 148 of the constitution, “Presidential decrees issued during a state of emergency or in time of war shall not be brought before the Constitutional Court alleging their unconstitutionality as to form or substance.”

In light of the above-listed provisions, we can highlight the important characteristics of statutory decrees under OHAL and examine how they were implemented by the AKP government:

1. OHAL statutory decrees are subject to limitations in terms of their *subject*. They can be drawn up only on subjects related to the situation that required the declaration of OHAL and by taking into consideration

the principle of proportionality. For example, statutory decrees cannot bring about permanent rules such as removing people from their position permanently.

Because there were no oversight mechanisms, statutory decrees were gravely exploited and drawn up for subjects entirely unrelated to the prevention of terrorism. These include: making the use of winter tires compulsory; banning wedding shows and the promotion of food supplements on TV; requiring prosecuted people to wear color-coded coveralls to their trial hearings (light brown for FETÖ suspects and gray for other terrorism suspects); introducing written and oral exams for subcontracted workers seeking permanent status; fixing earnings from the lottery and horse racing; moving an entire town to a different location; and establishing, closing down, and renaming universities.

Statutory Decree No. 696 announced that “regardless of whether or not they have an official title or carried out an official duty, people who acted with the intention of suppressing the July 15, 2016, coup attempt and acts of terrorism, as well as follow-ups of these” would not be subject to any punishment.⁷⁸ This amounts to a general pardon for those who committed crimes such as injuring and killing people during and after the July 15 coup attempt, and indeed, a *carte blanche* to commit crime by the AKP supporters.

2. OHAL statutory decrees are subject to limits in terms of *time*. They cannot introduce any permanent rules, and the provisions brought by statutory decrees are supposed to be limited to the OHAL period.

First, this time regulation requires the decree to be presented to the National Assembly, which is expected to be convened immediately and review the decree within thirty days. Second, statutory decrees and administrative decisions declared under OHAL are valid for a limited period of time; they are to expire automatically with the lifting of OHAL. This basic rule is true not just for a state of emergency, but also for decisions taken under a martial law rule, a far heavier regime. The Council of State has binding decisions on this matter.⁷⁹

In implementation, however, out of the thirty statutory decrees issued under OHAL, only five were signed into a law in the plenary of the National Assembly (as the constitution stipulates). The rest were sent, together with an explanation of their reasoning, to the National Assembly on the day they were issued, but the speaker of the National Assembly, İsmail Kahraman (a member of the AKP), did not bring a number of them before the relevant committees, nor did he put any of them on the agenda of the plenary.

Thus, these remaining twenty-five statutory decrees should be null and void. The absence of sanctions on this matter (that is, the lack of

any punishment for violating the constitution) has been used to excuse this clear violation. Moreover, although rules require the immediate congregation of the National Assembly even in case of holidays, a holiday was declared so that the National Assembly could not discuss the statutory decrees.

Similarly, closing universities where thousands of students are enrolled, opening up new universities, or closing companies where thousands of people worked before selling them to third parties and firing their employees are all decisions with permanent consequences. In fact, both the Council of Europe's September 2016 report⁸⁰ and the Venice Commission's 2016 report on OHAL decrees⁸¹ treat these decisions as extralegal and amounting to oppression.

3. OHAL statutory decrees are limited in terms of their *status*.

Above all, although laws can only be changed by other laws, by the end of 2017, OHAL yielded thirty statutory decrees, containing a total of 1,199 articles, and made 1,125 changes to 369 laws.⁸²

Although OHAL empowers the executive office and allows it to rule by decree to facilitate rapid response to the emergency situation, those decrees have to be issued and carried out according to the rules set by the constitution and the National Assembly bylaws. Their exemption from the Constitutional Court review would not apply if the decrees are issued in violation of the procedures set for them by the constitution. In cases of statutory decrees issued by the AKP government after July 2016, there are a number of violations that would require the review of the Constitutional Court.

First, as already discussed, the AKP's statutory decrees do not abide by the constitution, not in terms of subject, timing, rules, or restriction of qualifications; as such, they are OHAL statutory decrees in name only. Thus, the Constitutional Court has not only the supervisory authority over the decrees that lack these qualifications, but also the obligation to review them. However, the court avoided doing so and failed to carry out one of its fundamental duties.

Second, most of the statutory decrees were not submitted for National Assembly review. Any statutory decree not approved by the assembly should be nullified by the Constitutional Court, and those that were approved by the assembly became a law, and as such, should be subject to the Constitutional Court's review.

Third, an annulment suit can be filed against administrative conduct during a state of emergency, because according to Article 125/1 of the constitution, "recourse to judicial review shall be available for all actions and acts of administration," though it does not permit the

suspension of the execution of an administrative act *during* the emergency. The AKP's implementation completely undermined this rule and deviated from earlier practices. The 2016 OHAL declaration was not the first time Turkey was brought under a special regime. There were several instances in recent history, and these earlier examples can be a guide in assessing the latest one.

When the Social Democrat Populist Party (SHP) brought two statutory decrees issued in 1990 to the Constitutional Court, the court canceled many articles of those decrees, establishing an important precedent for the rule of law and citizens' freedoms. The court's 1991 decision stated the following:⁸³

1. The decrees not issued on matters necessitated by OHAL cannot be counted as OHAL decrees, and annulment suits can be filed about such decrees.

2. OHAL decrees are valid only for the duration of OHAL. When OHAL is lifted, they expire automatically. Statutory decrees on matters necessitated by OHAL or martial law can be implemented only in regions for which such a regime was declared, and only for the duration of the said regimes.

3. OHAL statutory decrees cannot make changes to laws, and emergency decrees are only about "matters necessitated by the state of emergency" and are valid only for the duration of OHAL. It is mandatory to enact a law to have these rules be valid beyond the OHAL areas or after OHAL has ended, and that specific law will be subject to the review of the Constitutional Court.

Relying on these constitutional rules and previous practices, the CHP applied to the Constitutional Court in 2016, seeking the cancellation of five statutory decrees, but the court reversed its case law. Statutory Decree No. 667, which the AKP government issued immediately after the 2016 coup attempt, required people to be assessed for having any "ties to terrorism" and to be dismissed from their jobs if they did. The decree was applied to the Constitutional Court judges and resulted in the removal of two of its members from their positions on August 4, 2016.⁸⁴ This removal was a violation of Article 88 of the Law on Judges and Prosecutors No. 2802, which states that "except in case of red-handed situations requiring heavy penalty . . . [judges] cannot be apprehended, cannot have their persons and homes searched, and cannot be interrogated."

The Constitutional Court, however, responded to the dismissal of its own members in full compliance with the government order and

declared that it did not have the authority to oversee any document labeled “OHAL statutory decree.” Thus, once again, renouncing its constitutional authorities and duties, and circumventing both itself as an institution and the law, the court rejected the CHP’s request for the cancellation of statutory decrees on November 2, 2016.⁸⁵

After this decision, there remained no obstacles for the AKP government to issue statutory decrees that were broad both in content and scope, including on subjects totally unrelated to the coup. Similar to the Constitutional Court, the other judicial organs remained silent on violations of the constitution and laws and did not accept numerous court cases challenging administrative decisions. This was another display of the lack of an independent judiciary in Turkey. A constitutional amendment adopted in 2010 and an amendment to Article 277 of the TCK in 2014 increased executive branch control over the judiciary, which ultimately enabled the government to issue directives to prosecutors and judges, controlling both the judicial process and decisions.⁸⁶

This reversal of case law by the Constitutional Court was repeated in November 2017. Before OHAL was declared and the judiciary was not completely under government control, the Constitutional Court had voted unanimously in 2013 in favor of protecting MPs’ freedoms; it allowed the release of the CHP MP Mustafa Balbay, by deciding that arresting an MP amounted to an intervention into the person’s right to stand for election. On November 11, 2017, however, the court rejected an individual application made in relation to the arrest of the HDP MP Gülser Yıldırım, stating that the application was “manifestly ill-founded.”⁸⁷

The Consequences of the OHAL

Statutory Decrees and Administrative Decisions:

Detentions, Arrests, Closings, Discharges, and Trustees

With so much disinformation, misinformation, and secrecy around government actions, it is difficult to provide a full and accurate assessment of the consequences of the statutory decrees and other government decisions carried out under OHAL. A trusted source on this subject is the previously mentioned İHOP Report. Thus, unless otherwise specified, I use that report for the factual information employed in this section.

In a December 16, 2017, speech before the National Assembly, Minister of Internal Affairs Süleyman Soylu announced that following the July 15 coup attempt, 159,506 people had been detained. On March 9, 2019, he provided the updated and more detailed figures:

511,000 detentions, 30,821 arrests, 38,578 discharges from his ministry, and 5,679 dismissals.⁸⁸

Under OHAL, thousands of people were dismissed from their jobs. Although the bulk of them were public employees, the private sector was not spared either. Some dismissals were carried out by a judicial authority such as the High Council of Judges and Prosecutors, but the vast majority of them were done through statutory decrees, which were essentially summary dismissals that did not allow any hearings or defense. Statutory Decree No. 697, issued on January 12, 2018, resulted in the dismissal of 114,541 public servants. Of these, 1,823 people were returned to their jobs after it was understood that they had accessed the application ByLock involuntarily when they downloaded a program known as Mor Beyin (purple brain).⁸⁹ Although these people could resume enjoying their employment-related rights so long as they returned to their positions within ten days, they could not open a court case for compensation.

The dismissals have not been limited to those actively serving. The title or rank of many retirees was rescinded by statutory decree and they were banned from any sort of public service.

In the matter of higher education, OHAL was used as an opportunity to increase government control over universities, which are supposed to be autonomous even if publicly funded. Following President Erdoğan's instructions, in July 2016 the Council of Higher Education (YÖK) asked all deans to resign, and deputy deans, who could be dismissed anytime, replaced them. In October 2016, university president elections were canceled by a statutory decree, and the president of the republic was assigned the authority to appoint them directly.

According to a report from the Union of Instructors, the total number of dismissed academics as of May 1, 2017, was 5,295. This figure is 1.5 times the total number of academics working in Ankara University, 5 times the number at Boğaziçi University, 1.7 times the number at Marmara University, 2.5 times the number at ODTÜ (Orta Doğu Teknik Üniversitesi, or METU), and 2.8 times the number at İstanbul University.⁹⁰ More dismissals followed.

In January 2019, 6,081 academics from 117 universities were dismissed, and later only 189 were allowed to return. The passports of all dismissed public servants were confiscated, denying them the option of seeking employment abroad. The passport confiscation applied to their spouses and children as well.⁹¹ An additional 1,356 administrative staff members were dismissed from universities. The processes of promotion to the status of associate professor (*doçent*) or full professor were

frozen for those suspended or under investigation. Those who had earned their retirement rights saw their retirement bonuses seized.

For 274 Turkish students studying abroad, the situation was also dire. They found out that their scholarships had been canceled through statutory decrees and they had lost their student status. They were also barred from applying for an equivalence degree (i.e., to have their foreign degrees recognized within Turkey), nor would they be able to benefit from any rights connected to the academic titles and degrees earned through their education abroad.

On January 11, 2016, 1,128 academics from eighty-nine Turkish universities signed a petition that declared, “We Will Not Be a Party to This Crime.” It called for an end to the state violence and curfews in southeastern Turkey that started in November 2015.⁹² The negative reaction by the government and persecution of some petitioners led others to join the campaign, and the number of petitioners grew to 2,212. This formed the basis of the group Academics for Peace. On December 5, 2017, several of these academics started to be summoned to courts and receive prison sentences ranging between fifteen and thirty-six months. The academics were tried separately, although the alleged crime was committed collectively and would normally constitute a single, “joint” case. This tactic was used in an effort to isolate the academics, drain their energy, and weaken their solidarity. Several legal attempts to link cases have been rejected.⁹³

As a result of these massive dismissals, departments in many universities were de facto closed due to a lack of instructors. Moreover, teaching by emeritus professors, who typically offer graduate courses, was also forbidden. Consequently, the quality of education in many universities declined significantly. According to a report, “The Autumn of Universities and Academic Ruin,” published in February 2019 by the CHP, Turkey ranked third in the world in terms of the number of “falsely or dubiously” written theses and articles, behind India and Nigeria. Moreover, since the year 2015, according to the data provided by the Ministry of National Education, 1,115,530 university students had either withdrawn their registration or asked that it be frozen.⁹⁴

The situation of secondary education also grew dire during OHAL. The parental right to choose schools for their children is no longer recognized. In an effort to raise “pious generations,” religious high schools (*imam-hatip*) were opened in practically every neighborhood, and as students were forced to attend the school closest to their home, they were forced to attend these religious schools unless they had the means to attend a private school. To the extent possible, students and parents

tried to avoid these schools, and in February 2019, five of them had to be closed down due to a shortage of students.⁹⁵

Then there is the case of private educational institutions. University education in Turkey was public and free until the early 1980s. In that period, the military government allowed the establishment of private universities to be run as nonprofit educational institutions by private foundations. Fifteen foundation universities that were established during the AKP's rule, with a teaching staff of 3,041 and 64,533 students, were closed down by Statutory Decree No. 667. The work permits of 21,860 people working in these institutions were permanently canceled. Among the private educational institutions tied to the Ministry of National Education (kindergartens, primary schools, secondary schools), 1,064 were closed by statutory decrees or by a commission established for this purpose within the structure of the Ministry of Education. Additionally, 360 private lessons, 847 student dorms, and forty-eight private health establishments (hospitals and the like) were closed. These educational and other institutions founded under AKP government had been mostly established and run by organizations known or assumed to be Gülenist.

As to media organizations, 177 were closed. Roughly 35 percent of these were newspapers, 17 percent television stations, 16 percent publishing houses and distributors, 10 percent journals, and 3 percent news agencies. Statutory Decree No. 668 seized all of their property and transferred them to the Savings Deposit Insurance Fund, which in turn sold these properties to businessmen who had close ties to the government. Nearly all of the print and internet media fell into the hands of these holding companies, which were collectively labeled by the critics as *yandaş medya* (the partisan media).

In addition to the education, health, and media institutions, 1,424 associations, 145 foundations, and twenty-nine unions were closed.

According to a report issued on December 11, 2017, by the pro-Kurdish DBP, completely undermining the 2014 local election results, the AKP government appointed the province and town governors as trustees (to replace the elected mayors) to ninety-four of the 102 municipalities that the DBP won in southeastern Turkey. In December 2017, of these municipalities, ninety-three municipal co-mayors were arrested and seventy of them were imprisoned.⁹⁶ As of October 21, 2020, only six HDP mayors had remained of the original sixty-five won by the party at the most recent (March 31, 2019) local elections.

The AKP government used the trustee appointment strategy to gain control of not only the pro-Kurdish local governments, but also some companies, particularly those that were assumed to belong to Gülenists.

As of October 24, 2017, 1,022 companies with 49,928 personnel were transferred to the Savings Deposit Insurance Fund. Statutory Decree No. 691, published on December 22, 2017, forbade courts from suspending the implementation of trustee appointments if the cases were challenged in courts by the current owners of these companies.⁹⁷ Ultimately, the properties of these companies were seized through statutory decree and sold to third parties.

The laws in Turkey have always permitted the state to seize people's assets and user rights, but the conditions under which such orders could be carried out have always been specified. How these conditions and rules were changed by the AKP government, especially after the declaration of OHAL, is quite telling in terms of undermining the rule of law and violating rights.

The body of law that was in effect before December 2013, prior to the "tapes scandal" that implicated the AKP cabinet members' engagement in money embezzling and other financial corruption, had been formulated in compliance with European Union standards about rules and regulations in dealing with illicit money and corruption issues. Following the eruption of this scandal, on February 21, 2014, the AKP government introduced additional regulations, which made it very hard to seize someone's assets, perhaps to protect the property of AKP members, in Article 10 of Law No. 6526:

- For seizure, there must exist strong suspicions "based on concrete evidence" relating to these values, indicating them being obtained through committing a crime that is under investigation or prosecution.
- Reports must be obtained about the situation from the relevant institutions, including: the Banking Regulation and Supervision Agency, the Capital Markets Board, the Financial Crimes Investigation Board, the Under Secretariat of the Treasury, and the Public Oversight, Accounting, and Auditing Standards Authority.
- The decision to seize must be taken by the unanimous vote of a high criminal court.

Under OHAL, however, the government made seizure very easy by issuing Article 3/i of Statutory Decree No. 668, on July 24, 2016. Accordingly, no report was required from any official institutions, and more important, the unanimous vote of a high criminal court was replaced by the decision of a single-judge agency, the Criminal Judgeship of Peace.

The Criminal Judgeship of Peace was created in June 2014 to replace the Criminal Courts of Peace.⁹⁸ This is a critical change, because when the Criminal Courts of Peace existed, a person could object to a court's decision by appealing to a higher court, the Criminal Court of First Instance. After the change, however, any objection to the decisions of a single judge have to be taken to another criminal judgeship of peace bearing another number.⁹⁹ And that single judge would also be a judge appointed by the High Council of Judges and Prosecutors (HSYK) after the 2016 coup attempt. This council, the name of which was changed to Council of Judges and Prosecutors (HSK) in 2017, along with its structure, is composed of thirteen members, six of whom are chosen by the president of the republic directly (namely, four judges, the minister of justice, and the undersecretary of the minister of justice), and seven indirectly (appointed by the National Assembly which has been dominated by the president's party).

In the OHAL regime, these "judgeships"—that is, these single adjudicators—make the most important decisions, including arrest orders and the appointment of trustees. Most important, this system established under OHAL has been maintained afterward. These judges, who have the authority to ban news reports in any media, use it to suppress news that is not favorable to the government or which the government wants to go unnoticed.

Under OHAL, 5,615 properties belonging to 4,722 institutions, including private schools, unions, and media organizations, were seized by the state without compensation and were transferred to the Treasury.

Meanwhile, some people who had been arrested and faced trial, without any hearing for over a year, were blocked from using their properties and bank accounts, which had been seized through the imposition of an interim injunction. This was done without any investigation to assess whether the blocked assets had anything to do with the "commission of offense," or when and how they had been acquired.

Nearly 200,000 civil servants had been dismissed from their jobs without their statements taken. They were practically left to starve, because no private business would dare to employ them. In an environment that lacks judicial processes, and when applications to the Constitutional Court and the ECtHR require all domestic remedies first be exhausted, they were barred from any sort of judicial remedy. Instead, the government established its own Board of Review to look into the situation of civil servants dismissed by statutory decree. Although the Venice Commission required such a board to be "independent and impartial," this seven-person board consisted of three members appointed by

the president of the republic, one by the minister of justice, one by the minister of internal affairs, and two by the HSK. In other words, all members were appointed by the AKP, and the board's secretarial services and budget were provided by the Office of the Prime Ministry.

A statutory decree announced that the board members could not be dismissed before completing their period of service. However, the same decree also stated that if an administrative investigation is opened against them, or if the Prime Ministry allows an investigation, their membership to the board may come to an end. In other words, their loyalty to the party in power was ensured.

The board would not take statements from applicants; their review would be based on examining the individual's file. People dismissed would first apply to the board and not to any judicial institution. Should a decision to return to duty be issued, the dismissed employee would be assigned not to the previous workplace but to another public institution. Objections to the board's decisions would be directed to the Ankara administrative courts assigned by the HSK. Moreover, the dismissed could file an annulment action only against the last institution in which they worked, and not against the Prime Ministry.

The board was established eleven months after dismissals began and therefore started to accept applications a year after people lost their jobs. People were expected to file their application within sixty days, and the first decisions were announced sixteen months after dismissals. The decisions of the board have been posted on its web page without any explanation, indicating only whether the individual case was "rejected" or "accepted." Because it is impossible to know the rules and rationales of the board decisions, rejected people had to file court cases in the dark; if they did win, they would not know where they would begin working. Thus, the sole aim of setting up this board appears to be to buy time and to complicate the route to the ECtHR.¹⁰⁰

Ömer Faruk Gergerlioğlu, a physician dismissed by a statutory decree (KHK) who was later elected to the Turkish Grand National Assembly as an HDP MP, held a press conference after the TBMM's Human Rights Investigatory Commission visited the board. He noted that by December 2018, the board had received 125,600 applications and had reviewed 50,300 of these, accepting 3,700 as valid complaints and rejecting 75,300; the rate of acceptance in the last month dropped to 7.3 percent.¹⁰¹

However, a written statement issued by the board on November 9, 2018, provided the following information: As of November 2019, 120,000 people and institutions had applied. Of these, 33 percent had been evaluated, and decisions had been made on a total of 42,000 files.

Of these, 3,000 were accepted (constituting 7 percent), and it was ruled that the dismissed applicants could return to work and those whose business had been taken over could reopen it. The applications of 39,000 were rejected. The review of 83,000 applications is still in process.¹⁰² None of the applications by the Academics for Peace had been accepted by March 2020.

Regarding the OHAL regime of the AKP government, there are four points to stress. First, all decrees were issued in violation of the constitution, extant laws, and provisions of the international human rights treaties to which Turkey has been a party. The principles of rule of law, justice, and human rights became extinct in Turkey during this period. Previously, even during the three military dictatorships—established following the military coups carried out on May 27, 1960, on March 12, 1971, and on September 12, 1980, the government acted to a great extent within the boundaries of the constitution and laws. After July 15, 2016, the constitution and the rule of law were suspended indefinitely, and laws were rewritten by decrees.

Second, as the board mainly served the government as a device for buying time and drawing out the process, and the Constitutional Court rendered itself inactive, there was no mechanism to facilitate oversight or redress regarding the implementation of statutory decrees. This problem is aggravated by the fact that OHAL decrees issued on subjects that had nothing to do with the conditions that led to the declaration of OHAL, and many of the decisions were intended to remain in force or have permanent impact.

Third, the AKP has no goal to renounce the use of statutory decrees and OHAL practices, which reorganized and compromised the judiciary and curbed the power of the TBMM. In fact, as President Erdoğan announced in April 2017, OHAL would not be lifted “until the country attains peace and welfare.”¹⁰³ In December 2017, the minister of customs and trade declared: “We will lift the OHAL and pass into law those articles that are important for the struggle.”¹⁰⁴

Fourth, although OHAL was finally lifted on July 19, 2018, after having been renewed seven times, the omnibus bill No. 7145,¹⁰⁵ which announced that it was “directed at continuing the struggle against terrorism” after the end of OHAL, was submitted to the parliament the very same day and “legalized” the illegal practices of OHAL for another three years. With this new law, exceptionally broad powers, such as banning every type of peaceful protest or stopping press conferences, are granted to governors. Additional periods of detention are introduced. Those who were returned to work after being dismissed are barred from

seeking compensation. Dismissals can continue for another three years, as can the appointment of trustees to public institutions and private companies. During this three-year period, all types of information and documents requested by the National Security Council from all public and private institutions have to be provided immediately.¹⁰⁶

The Situation Concerning the Kurds

From the Dolmabahçe Accord to Trench Operations

In 1991, when he was the İstanbul provincial chair of the pro-Islamist Refah Party, Erdoğan asked his adviser Mehmet Metiner to prepare a report. The report, entitled “The Kurdish Issue and Solution Recommendations” and dated December 18, 1991, was presented to the Refah Party chair Necmettin Erbakan and stated that the subject of the so-called Eastern or Southeastern Issue was in fact a Kurdish issue, and that this could not be tackled through security-based measures. The report had recommended the following solutions: “Let us openly use the term *Kurd*, let us question the ruling official ideology, condemn the state terror, ensure a voluntary form of brotherly co-existence by recognizing cultural rights and granting [the right to] education in the mother tongue, and let us ensure coming together, thanks to Islamism, against all forms of racism.”¹⁰⁷

When Erdoğan became prime minister, he proceeded in the same manner. In March 2005, in Diyarbakır, he said: “The Kurdish problem is not the problem of part of this nation, but all of it. It is also my problem.”¹⁰⁸ He later initiated a comprehensive peace initiative—which over the years was alternatively referred to as “the Kurdish opening,” “the peace process,” “the solution process,” “the democratic opening,” and “the national unity and brotherhood project”—that for the first time in Turkey raised hopes for a solution. In April and May 2013, he sent a selected group of academics, public intellectuals, artists, and other notables, referred to as the Wise People Committee, to the country’s seven different regions to talk to people to discern their sensibilities and explain the peace process.¹⁰⁹

On February 28, 2015, four representatives from the government and three from the HDP met at the Dolmabahçe Palace. After constant telephone contact with President Erdoğan, by overcoming a range of differences, from seating arrangement to drafting the text of the announcement, the committee members did in fact reach an agreement.

They announced, before TV cameras, that there was an agreement to seek a democratic solution to the Kurdish issue and to end the armed struggle.¹¹⁰ As part of this agreement, the PKK leader Öcalan was to make a call on the PKK and tell the organization to convene a conference to lay down arms.

However, President Erdoğan, who had abandoned some earlier peace initiatives before (following the Gezi Park protests and tape scandals), changed his mind again. On March 22, 2015, a few weeks after the Dolmabahçe Accord, he told the reporters that “the government [headed by Prime Minister A. Davutoğlu] acted without reaching an agreement with me. How, in the name of democracy, can I accept this text?” The next day, he added that “in Turkey, there is no Kurdish problem. There are the problems of my Kurdish brothers.”¹¹¹

A statement by Selahattin Demirtaş, the co-president of the HDP, explained President Erdoğan’s attitude and behavior as follows:

At the summit, a negotiation calendar was stipulated related to the PKK laying down arms, within the framework of the ten-article Dolmabahçe Accord. This was about a ten-day process. Nearly one week after the summit, with the Monitoring Board and indeed with journalists in attendance, Öcalan would make a call on the PKK for the convening of a congress to disarm [the PKK]. And within a few days, the PKK was going to convene such a congress. This was the nature of the agreement reached. Yet, in my view, Erdoğan received incomplete information from those around him regarding the negotiation process. He was expecting from Dolmabahçe a clear call to the PKK to disarm. Because this [call] would be enough for [his plans toward] realizing his dream of “Presidential System” in relation to the June 7, 2015, elections. Thus, Erdoğan was making the calculation that an AKP that would go to the 7 June elections as the party that disarmed the PKK would increase the number of its seats [in the parliament] sufficient to open the path to his Presidency [within a Presidential system].”¹¹²

In the June 7, 2015, elections, however, the AKP, for the first time since 2002, was unable to secure enough votes to rule as a majority government. This outcome led to a further hardening of Erdoğan, who blocked formation of any coalition governments and forced the repeat of the elections on November 1, nearly five months after the June elections.

Between these two elections, on July 20, in the district of Suruç in Şanlıurfa, during a press conference held by socialists, thirty-four people died as a result of an ISIS suicide bomb attack. On July 22, in the Ceylanpınar district of Şanlıurfa, two policemen were found murdered in their

homes.¹¹³ Holding the PKK responsible for these killings, the AKP government brought the peace process to an end. The Turkish air force began a series of operations against the PKK. On July 24–25, antiterrorism teams in a number of provinces carried out massive arrests of people, including journalists, for committing the crime of being a member of the PKK, Revolutionary People's Liberation Party (Devrimci Halk Kurtuluş Partisi-Cephesi, DHKP-C), and/or ISIS. At the same time, the military carried out a set of operations, known as the "Trench operation," in which Police Special Team (Polis Özel Harekat, or PÖH) and Gendarmerie Special Team (Jandarma Özel Harekat, or JÖH) members also took part. The southeast of Turkey turned into a war zone, where curfews had already been placed because of the trenches that Kurdish youngsters had begun to dig earlier in the Lice district of Diyarbakır, in reaction to the construction of a fortified military station within the city.

The violent methods used in the military operations in Cizre against those who took refuge in basements, including tank and artillery fire and the burning of buildings, drew strong critical reactions. Pictures of the hate slogans that PÖH and JÖH members in ski masks wrote on the walls of the city circulated widely on the internet. The graffiti on the walls also included the security forces' announcements of their "sexual conquests," thus confirming the news about the use of sexual violence in these operations.¹¹⁴ Among these visual materials, the most shocking was a video shot from both the inside and outside of an armored police vehicle to which the dead body of a young man had been tied by the neck, showing him being dragged along the road.¹¹⁵

A series of bombings carried out in various cities by the PKK after the June 2015 elections did not help the situation either; while allowing the AKP government to justify its hardline policies, they left the HDP in a very difficult position. Thus, the Kurdish peace process was abandoned entirely. In fact, on July 17, 2015, as he was leaving after the Ramadan holiday prayer, Erdoğan uttered the following words: "I never accepted the notion of the Dolmabahçe Accord. Because, at the center there is a government, and on the other side, there is a political party represented in the parliament. You are reaching what agreement, with whom, and why? There can be no such thing. The place for agreement is the parliament."¹¹⁶

After the July 15, 2016, coup attempt, because OHAL was used to undermine the TBMM and the constitution through a series of statutory decrees, the outlook on the Kurds and the Kurdish issue became increasingly negative. Kurds, who have the least to do with the July 15 coup attempt, saw a complete reversal of the progress made since 2010 and a return to the policies of denial and oppression of the 1930s.

The Period of Trustees

From July 2016 on, the repression and oppression of Kurds have occurred largely in the form of the removal of elected mayors from office and their replacement by authorizing city and town governors to perform their duties. The Ministry of Internal Affairs announced that forty-one out of ninety-four mayors were ousted prior to the March 31, 2019, local elections and were sentenced to a total of 250 years among them.¹¹⁷ Some of the ousted mayors and town council members were reelected in the March 2019 elections. The AKP government, however, followed its same strategy. As of late May 2020, trustees were appointed to forty-four of the sixty-five municipalities in which the pro-Kurdish HDP won the election and acquired the mayor post.¹¹⁸ As already mentioned, only six HDP mayors out of the original sixty-five (elected in March 2019) are still at their post as of October 2020.

The initiatives and actions taken by the AKP government to harass, penalize, and oppress Kurdish citizens of the country took various forms, including the following:¹¹⁹

People were not allowed to provide the ritual bath required in Islam to the killed PKK members. The keys of condolence homes (*taziye evi*) used by Kurds were seized and such practices were made dependent on official permission. Associations, libraries, and similar spaces were closed, their books pulled off the shelves. A number of signs and symbols evoking Kurdishness (for example, yellow and red tulips with green leaves) were destroyed. The Kurdish names of places and institutions were changed. A number of monuments were pulled down. A number of people were fired from their municipal jobs for political reasons by trustees.

Notes

1. On these changes, see Sancar 2017, 743.
2. The information under this heading is a summary of Uygun 2004, 26–27.
3. For a detailed explanation of these packages and the related constitutional amendments, see “Political Reforms in Turkey,” <https://www.ab.gov.tr/files/pub/prt.pdf>.
4. For these eight packages, see <http://www.ab.gov.tr/files/pub/abuyp.pdf>, pp. 11–47.
5. *Hürriyet*, May 19, 2003.
6. For a detailed criticism of this directive and the circular issued by the VGM, see the legal opinion I gave in 2002 to the Council of State: <http://www.baskinoran.com/belge/DanistayaVakiflar.pdf>.
7. However, there was an important positive aspect in this directive. As a result of the insistence of the Foreign Ministry, a list added to the directive includes Syr-

iac foundations, as well as other yet-unrecognized foundations, in enumerating non-Muslim foundations in Turkey, allowing these foundations a kind of indirect recognition. According to this list, in Turkey there are a total of 161 non-Muslim foundations: seventy-five Greek, fifty-two Armenian, eighteen Jewish, nine Syriac, three Chaldean, two Bulgarian, one Georgian, and one Maronite. Today, the total has reached 167. See <https://www.vgm.gov.tr/vakif-sorgulama/vakif-sorgulama?Page=14&FoundationCategoryId=2>.

8. Information on the immovable property of non-Muslims was obtained from January 2008 and March 2012 interviews with Armenian lawyer Setrak Davuthan.

9. Until 1913, in the Ottoman Empire, legal personalities did not have the right to register properties they held to legal deeds in their own names. Consequently, non-Muslim institutions registered their properties in the name of respected men of religion (*nam-ı müstear*, pseudonym), or else would register them in the name of major religious figures such as Virgin Mary (*nam-ı mevhum*, fictitious name). Since the mid-1960s, the VGM or the Treasury, in order to seize these properties, has opened lawsuits against non-Muslim foundations, and because the people listed in the title deed, naturally, did not show up at the court hearing, the properties in question were transferred to the VGM or the Treasury.

10. For the text, see “Foundation Legislations,” <https://www.vgm.gov.tr/about-us/about-us/the-regulation-for-foundations>.

11. See <https://www2.tbmm.gov.tr/d23/1/1-0024.pdf>.

12. For a summary of the law, see “The New Law on Foundations Is in Effect,” <https://www.tusev.org.tr/en/civil-society-law-reform/foundations/the-new-law-on-foundations-is-in-effect>.

13. See https://www.tesev.org.tr/wp-content/uploads/rapor_TESEV_Gorusu_Vakiflar_Kanunu_Tasarisi_Gayrimuslim_Cemaat_Vakiflarinin_Sorunlari_Icin_Cozum_Getirmiyor.pdf.

14. Interview with Laki Vingas, March 2014.

15. *Milliyet*, January 10, 2007. Fener Rum Erkek Lisesi Vakfı vs. Turkey, No. 34478/97, January 9, 2007. The names, ECtHR ruling dates, and numbers of this and all following cases (unless otherwise indicated) are taken from Kurban and Tsitselikis 2010.

16. Fener Rum Patrikliği vs. Turkey, No. 14340/05, July 8, 2008, <http://hudoc.echr.coe.int/eng?i=001-87396>.

17. Fener Rum Patrikliği vs. Turkey, June 15, 2010, No. 14340/05, (Article 41 Decision), <http://hudoc.echr.coe.int/eng?i=001-87396>. See Sofuoğlu 2011, 197–202.

18. Yedikule Surp Pırgıç Ermeni Hastanesi Vakfı vs. Turkey, December 16, 2008, No. 36165/02, <http://hudoc.echr.coe.int/eng?i=001-90266>. This decision is very important, because it made it possible to open compensation cases for such properties.

19. Samatya Surp Kevork Ermeni Kilisesi, Mektebi ve Mezarlığı Vakfı Yönetim Kurulu vs. Turkey, December 16, 2008, No. 1480/03, <http://hudoc.echr.coe.int/eng?i=001-90264>.

20. Bozcaada Kimisis Teodoku Rum Ortodoks Kilisesi Vakfı vs. Turkey, March 3, 2009, No. 37639/03, 37655/03, 26736/04 ve 42670/04, <http://hudoc.echr.coe.int/eng?i=001-91542>; Bozcaada Kimisis Teodoku Rum Ortodoks Kilisesi Vakfı vs. Turkey, September 2010, No. 37646/03, 37665/03, 37992/03, 37993/03, 37996/03, <http://hudoc.echr.coe.int/eng?i=001-94719>.

21. Yedikule Surp Pırgıç Hastanesi Vakfı vs. Turkey December 14, 2007, No. 31441/02, <http://hudoc.echr.coe.int/tur?i=001-84071>.

22. See www.Resmigazete.gov.tr/eskiler/2011/10/20111001-3.htm.

23. The information under this subheading is based on a January 2017 interview with Laki Vingas.

24. Oran 2010b, 526.

25. Unless otherwise indicated, information under the paragraph headings “Accomplishments” and “Persistent problems and failures” was obtained during a June 2016 interview with Laki Vingas.

26. See “Former Orphanage in İstanbul Becoming New Symbol of Survival for Turkey’s Armenian Community,” <https://www.nationalia.info/new/10531/former-orphanage-in-istanbul-becoming-new-symbol-of-survival-for-turkeys-armenian-communit>.

27. See “Minorities’ Legal Entity Issues to Be Discussed in İstanbul Conference,” <https://www.hurriyetdailynews.com/minorities-legal-entity-issues-to-be-discussed-in-istanbul-conference-61570>.

28. See <http://www.cumhuriyet.com.tr/haber/tek-tip-gazetecilik-dayatmasi-farkli-seslere-simdi-de-ekonomik-kiskac-610539>.

29. Ayşe Yıldırım, http://www.cumhuriyet.com.tr/koseyazisi/614913/Vatandas_Turkce_yaz.html.

30. See “Patriarch Election,” <http://bianet.org/english/minorities/216675-patriarch-election-nor-zartonk-says-we-don-t-want-an-appointed-patriarch-calls-for-boycott>.

31. See <http://t24.com.tr/haber/pew-raporu-turkiye-inanc-ozgurlugunu-en-cok-kisitlayan-ulkeler-arasinda,399329>; see also http://www.globalreligiousfutures.org/countries/turkey/religion_news.

32. The 2015 progress report (https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2015/20151110_report_turkey.pdf) was summarized from Kılıçer 2016.

33. Ktistakis 2016, 60.

34. See <https://www.ab.gov.tr/siteimages/kapbtablolar/20180417-turkey-report.pdf>.

35. See <http://m.bianet.org/bianet/insan-haklari/194626-yargitay-dan-sanasaryan-han-karari>.

36. See <http://www.agos.com.tr/tr/yazi/21990/sanasaryan-in-mulkiyeti-yine-devlete-dondu>; for the story of the inn in English, see “Sanasaryan Inn,” <https://hatirlayansehir.hakikatadalethafiza.org/en/sanasaryan-inn/>.

37. For Uygur Gültekin’s story, see <http://www.agos.com.tr/tr/yazi/18768/agos-un-manseti-diyanete-mardinde-kilise-piyangosu>.

38. See <https://ahvalnews.com/tr/suryaniler/suryanilere-korucu-baskisi-sizi-de-karilarinizi-kizlarinizi-da-yasatmayacagiz>.

39. See <https://t24.com.tr/haber/suryani-cemaatine-ait-50-tasinmazin-tapulari-iaade-edildi,635155>.

40. *Milliyet*, October 16, 2002.

41. *Ibid.*, June 12, 2003.

42. *Radikal*, January 26, 2004.

43. “Erken Kalkan Kürtçe Dinler,” *Radikal*, June 5, 2004.

44. See “RTÜK, Resisting on the Issue of Broadcast in Mother Tongues,” in *Radikal*, June 8, 2004.

45. *Radikal*, September 22, 2003.

46. *Ibid.*, June 9, 2003.

47. *Ibid.*, October 8, 2002.

48. *Ibid.*, September 22, 2003.

49. *Milliyet*, October 18, 2003.

50. *Ibid.*, January 18, 2004.

51. Yalçın Doğan, *Cumhuriyet*, August 15, 2002. The prison sentences were to be annulled by the Court of Cassation, and the penalty for circulating the petition, by the District Administrative Court.

52. *Radikal*, August 30, 2002.

53. See “Gezi Park Protests,” https://en.wikipedia.org/wiki/Gezi_Park_protests.

54. See <https://www.medikalakademi.com.tr/doktorlara-camiyi-kirletme-iddiasıyla-10-ay-hapis-cezasi-verildi/>.

55. See “2013 Corruption Scandal in Turkey,” https://en.wikipedia.org/wiki/2013_corruption_scandal_in_Turkey.

56. See “List of Arrested Journalists in Turkey,” https://en.wikipedia.org/wiki/List_of_arrested_journalists_in_Turkey. Between April 2017 and January 2020, Wikipedia.org was reachable in Turkey only through VPN.

57. İHOP 2017. Containing detailed information and statistics, this report has been recognized as the most trusted source on the OHAL. For the English text, see http://www.ihop.org.tr/wp-content/uploads/2017/03/Fact-Sheet-of-SoE_23022017.pdf. Published on September 18, 2017 and updated on January 11, 2018, it was expanded to include developments up to December 31, 2017; see “State of Emergency in Turkey,” http://www.ihop.org.tr/wp-content/uploads/2018/04/SoE_17042018.pdf. In this book, statistics and information on the OHAL, unless otherwise specified, are taken from this document, which is an abridged version of the İHOP report.

58. See <http://www.haber7.com/yazarlar/prof-dr-ersan-sen/2202917-hukumunun-ve-tutuklunun-avukati-ile-gorusme-hakki>.

59. See http://www.cumhuriyet.com.tr/haber/turkiye/891571/Goriot_Baba_200_yil_sonra_yasak.html; <https://www.evrensel.net/haber/341949/peter-pan-ve-kucuk-prens-tehlikeli-diye-cezaevine-alinmadi>.

60. See <https://www.evrensel.net/haber/329900/cezaevinde-iskence-kameralarin-olmadigi-yerde-dovmusler>.

61. See “Torture in Turkey,” https://en.wikipedia.org/wiki/Torture_in_Turkey.

62. I thank the HDP MPs Ayşe Acar Başaran and Mithat Sancar for this information.

63. See http://www.cumhuriyet.com.tr/haber/turkiye/759872/Diyarbakir_da_kayyim_atanmayan_tek_belediyenin_3_dilli_Ramazan_afisleri_toplatildi.html.

64. My thanks to Dr. Ozan Değer, assistant to HDP MP Mithat Sancar, for updating information on these five items on June 6, 2020.

65. See “Defiant Erdogan Attacks EU,” <https://www.reuters.com/article/us-turkey-security-anniversary-idUSKBN1A10E7>.

66. See <http://habervitrini.com/asayis/feto-culerin-de-uzerlerine-idam-ipi-atildi-895626>.

67. See “How Many People Are Behind Bars for ‘Insulting the President’?” <https://bianet.org/english/law/209333-how-many-people-are-behind-bars-for-insulting-the-president>.

68. See http://www.cumhuriyet.com.tr/haber/turkiye/607682/12_TV__11 radyo_kanali_kapatildi.html. Children’s channel Zarok TV was able to reopen shortly after being closed, on the condition that 40 percent of the broadcast be in Turkish. The official broadcast, TRT Kurdî, remains open. All other broadcasts were terminated (November 2017 interview with İrfan Aktan). Also see “Journalism Is Banned Under the State of Emergency,” <http://bianet.org/english/media/185608-journalism-is-banned-under-the-state-of-emergency>.

69. See <http://www.gunes.com/gundem/cumhuriyetin-internet-sitesi-gyysi-oguz-guvenin-teror-orgutu-propagandasi-yapma-sucundan-12-yila-kadar-hapsi-istendi-824815>.

70. See “How a Secretive, Unknown Smartphone App . . .,” <https://www.theverge.com/2018/2/28/17059806/turkey-overthrow-attempt-coup-bylock-app>.

71. See <https://ahvalnews.com/tr/hdp/hakkinda-fezleke-hazirlanan-gergerlioglu-bu-bir-sus-fezlekesi-susmayacagim>.

72. See <http://www.hurriyet.com.tr/son-dakika-aclik-grevi-yapan-gulmen-ve-ozakca-tutuklandi-40467541>.

73. See <http://gazetekarınca.com/2017/07/gulmen-ve-ozakcaya-destek-eyleminde-70-kisi-gozaltina-alindi-bir-kisinin-kolu-kirildigulmen-ve-ozakcaya-destek-eyleminde-71-kisi-gozaltina-alindi-bir-kisinin-kolu-kirildi/>.

74. See http://www.cumhuriyet.com.tr/haber/turkiye/897215/Semih_Ozakca_nin_annesini_yerde_suruklenerek_gozaltina_alindi.html.

75. See <http://www.radikal.com.tr/ekonomi/3-yil-daha-denetimsiz-1165731/>.

76. See http://www.cumhuriyet.com.tr/haber/turkiye/1132445/Devlet_kurumlarindaki_usulsuzlukleri_raporlayan_Sayistay_Baskan_Yardimcisi_gorevden_alindi.html.

77. For a review of legal guidelines, see Baskın Oran and Oya Aydın, “OHAL ve KHK’leri Üzerine Her Şey,” <http://t24.com.tr/haber/ohal-ve-khkleri-uzerine-her-sey,356521>.

78. See http://www.cumhuriyet.com.tr/haber/turkiye/893909/Darbe_sabahi_koprude_oldurulen_askerin_ablasi_Yargi_kapisini_da_yuzumuze_kapattilar....html. Thus, the murderers of a military school student who was lynched during the coup attempt had their charges dismissed. See <http://www.diken.com.tr/gerekce-darbeyi-bastiran-sivillere-ceza-muafiyeti-linc-edilen-harbiyelinin-katillerine-takipsizlik/>. The CHP brought this provision of impunity to the Constitutional Court, which rejected the annulment of the provision. At the same time, because it was specified in the court’s justification of its decision to reject that “the rule proposed to be cancelled did not include actions that constitute an unlawful act or a crime,” the case paved the way for court cases against these individuals. See <http://www.diken.com.tr/aym-ohalde-suc-isleyen-kamu-gorevlilerine-yargilama-yolu-acik/>.

79. Addressing the martial law decisions that followed the 1980 military coup, this situation was made binding through the April 7, 1989, Council of State Decision of Joint Chambers.

80. See https://www.ab.gov.tr/files/pub/2016_progress_report_en.pdf, especially pp. 2–31 and 68–85.

81. See [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)037-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)037-e).

82. See http://www.cumhuriyet.com.tr/haber/turkiye/893258/OHAL_de_demokrasi_tablosu_17_ayda_30_KHK_.html; <http://www.hurriyet.com.tr/yazarlar/sedat-ergin/olaganustu-halin-olaganlasmasi-40693456>.

83. Constitutional Court decision dated 10 January 1991, No. E. 1990/25 and K. 1991/1; *Resmî Gazete*, no. 21162 (March 5, 1992).

84. On the reasonings for the dismissal of the Constitutional Court’s own members, see <http://www.memurlar.net/haber/603657/>. For the full text of this decision, see <http://www.kararlaryeni.anayasa.gov.tr/Karar/Content/717f7c20-b696-4379-84f6-dfb568f8844a?excludeGerekce=False&wordsOnly=False>.

85. On the Constitutional Court’s decision to reject the CHP’s application, see <http://kararlaryeni.anayasa.gov.tr/Karar/Content/b4c7cb83-7168-4295-85a3-2cdedd264b38?excludeGerekce=False&wordsOnly=False>.

86. For the TCK Article 277 texts before and after these changes, see <http://www.mevzuat.gov.tr/Metin1.Aspx?MevzuatKod=1.5.5237&MevzuatIliski=0&sourceXmlSearch&Tur=1&Tertip=5&No=5237>.

87. See <https://www.evrensel.net/haber/338131/aym-hdpli-vekil-gulser-yildirimin-basvurusunu-reddetti>.

88. See <https://www.gazeteduvar.com.tr/gundem/2019/03/10/15-temmuz-sonrasi-511-bin-kisi-gozaltina-alindi/>.

89. When it was discovered that Gülenists, who were accused of organizing the 2016 coup, had been using the application ByLock for their internal communication, all people who had the application on their phones were arrested with the assumption that they were Gülenists and thus terrorists.

90. See http://www.cumhuriyet.com.tr/haber/egitim/731218/Universite_collesti.html.

91. Furthermore, see “Academic Discharges on Map as New Academic Year Begins,” <https://bianet.org/english/human-rights/189957-academic-discharges-on-map-as-new-academic-year-begins>.

92. For the English text, see <https://www.barisicinakademisyenler.net/node/63>.

93. See “Hearing Schedules of 148 Academics Standing Trial,” <https://bianet.org/english/human-rights/192112-hearing-schedules-of-148-academics-standing-trial-for-signing-peace-declaration>.

94. See <https://www.artigercek.com/haberler/1-milyon-universiteli-okulu-birakti-1>.

95. See <https://www.gercekgundem.com/guncel/73484/5-imam-hatip-ogrenci-olmadigi-icin-kapatildi>.

96. See <https://www.birgun.net/haber-detay/dbp-102-belediyemizden-94-une-el-kondu-194985.html>.

97. See <http://www.sozcu.com.tr/2017/ekonomi/kayyum-yargi-zirhina-kavustu-1907284/>.

98. See <http://www.Resmigazete.gov.tr/eskiler/2014/06/20140628-9.htm>.

99. See <https://www.memurlar.net/haber/512056/sulh-ceza-nin-kararina-karsi-asliye-ceza-ya-itiraz-edilir-mi.html>.

100. Altıparmak 2017.

101. See <https://www.gazeteduvar.com.tr/politika/2018/12/28/gergerlioglu-ohal-komisyonuna-yargidan-ilk-iptal-geldi/>.

102. See <http://gazetekarınca.com/2018/11/ohal-komisyonunda-degerlendirilen-basvurularin-yuzde-7si-kabul-edildi/>. As of October 25, 2019, out of 126,000 applications made to the committee, 92,000 were examined, and of these, 8,100 were accepted and 83,900 rejected. See <http://www.diken.com.tr/ohal-komisyonu-istatistikleri-her-100-basvurunun-sekizine-olumlu-yanit/>.

103. See <http://www.hurriyet.com.tr/cumhurbaskani-erdogan-ak-parti-kongresinde-konusuyor-40464893>.

104. See <http://m.t24.com.tr/haber/gumruk-bakani-ohali-kaldirip-bazi-maddeleri-yasaya-koyabiliriz,504525>.

105. See <http://www.Resmigazete.gov.tr/eskiler/2018/07/20180731-1.htm>.

106. See <http://www.diken.com.tr/ohal-sonrasi-kanunu-kabul-edildi-kayyim-atamasina-ve-ihtisara-uc-yil-daha-devam/>.

107. Veysi Polat, <http://t24.com.tr/haber/cumhurbaskani-erdogan-24-yil-once-hazirladigi-kurt-sorunu-raporunda-neler-demisti,321027>.

108. See <http://bianet.org/bianet/bianet/65194-erdogan-kurt-sorunu-hepimizin-sorunu>.

109. See Oran 2014.

110. For the joint statement, see <http://www.aljazeera.com.tr/haber/ortak-aciklamanin-tam-metni>.

111. See <http://www.tccb.gov.tr/haberler/410/29843/kurt-sorunu-yoktur-kurt-kardeslerimin-sorunlari-varidir.html>.

112. See http://www.cumhuriyet.com.tr/haber/siyaset/371753/Erdogan_masayi_neden_devirdi_.html.

113. The Şanlıurfa police department’s report revealed that fingerprints found in the home where the policemen were killed did not match the prints of nine suspects

in the ensuing court case. See <https://bianet.org/bianet/insan-haklari/194813-ceylanpinar-da-2-polisin-faili-mechul-cozum-sureci-bitti-yuzlerce-kisi-oldu>. All nine suspects were acquitted.

114. For photographs and videos of this, see <https://www.google.com.tr/search?q=j%C3%B6h,+p%C3%B6h,+foto%C4%9Fraflar&tbm=isch&tbo=u&source=univ&sa=X&ved=0ahUKEwi6yfbxsxfUAhVGNhoKHQUTClwQ7AkIPw&biw=1360&bih=638>.

115. See https://odatv.com/vid_video.php?id=8DD3B.

116. See http://www.cumhuriyet.com.tr/koseyazisi/324711/Dolmabahce_sirlari.html.

117. See <http://www.diken.com.tr/bakanlik-tan-kayyim-bilancosu-gorevden-alinan-41-baskana-250-yila-yakin-ceza-verilmis/>.

118. See “Interior Ministry Dismisses the Co-Mayors of Four HDP Municipalities,” <https://bianet.org/5/94/224301-interior-ministry-dismisses-co-mayors-of-four-hdp-municipalities>.

119. For details of all the pressures cited below, see Oran 2018, 386–393. For the February 28, 2019, HDP report on trustee governance, see <https://drive.google.com/file/d/1UOqhPsh3jCD9fbUMsGHe-Jz4DQGtNGsv/view>.

7

The Ideological Foundations of Repression and Discrimination

As has been established, discrimination against minorities has been going on in Turkey since Ottoman times. Although the republic granted territorial citizenship, “equal” citizenship rights have never been respected. The discriminatory practices and repression declined to some extent as a result of the EU Harmonization Packages, but this rapid and radical reform process was cut short and stopped by the end of 2004. On October 1, 2004, the Minority Report, issued by the Human Rights Advisory Board of the Prime Ministry, was attacked at a press conference and the board dissipated. A serious backlash against human and minority rights led to gradual deterioration of conditions. A wave of “street nationalism” enveloped Turkey, involving attacks on and killings of non-Muslims, lynch attempts against Roma and Kurds, and persecution and prosecution of the defenders of human rights.

The abuse of the Turkish Penal Code (TCK) Articles 301 and 216 made it easy to silence even the simplest of criticism, on the grounds of “insulting Turkishness and the organs of the state” and the intent to “provoke hatred and hostility.” Kurds were subjected to extra hardship through various restrictive regulations and laws that fit the prevailing nationalist mood in the country.

The TCK and the Anti-Terrorism Law (TMK) were changed in 2005 and 2006, respectively, in ways that restricted freedoms significantly. The scope of the “crime of terrorism” was broadened, and the very definition of “terrorism” was blurred as much as possible. Penalties for press offenses, which had been reduced from prison sentences to monetary fines within the framework of the EU Harmonization Packages, once again increased to include prison sentences. The right to defense was restricted, the authority of security forces to use weapons was broadened,

and children as young as fifteen began to be charged with terrorism and subjected to the same procedures and treatments as adults.¹

The 2016 military coup attempt, which was described by President Erdoğan as a “great favor from Allah,”² was immediately used as an excuse to eliminate the opposition and marked the beginning of a perilous period that undermined human rights, the rule of law, and democracy. In this chapter, I examine the ideological foundations and the dominant mentality that enable and sustain discriminatory and repressive policies.

THE MENTALITY REGARDING MINORITIES, HUMAN RIGHTS, AND DEMOCRACY

Whatever their political ideology, a vast majority of people in Turkey tend to follow a mentality that involves a very narrow understanding of human rights and democracy. This narrow view, which has significant ramifications for minority rights, has been stubbornly resistant to reform. This stubborn resistance is deeply rooted in the country’s history in at least two ways.

First, as the Ottoman decline involved a series of military defeats, millions of migrants from the lost territories took refuge in Anatolia, especially after the 1877–1878 war against Russia. This led many Turks to equate Christian states, some of which caused the Ottoman Empire to collapse, with the Christian subjects of the empire and view them as “enemies.” This skepticism and “othering” continued after the establishment of the republic, as Muslim identity was woven into Turkishness, despite the republic’s secularist stance. This nationalism, reinforced with the security-oriented nation-state mentality, created an environment that also othered Kurds, especially after the 1925 Sheikh Said rebellion.

Second, in the Ottoman *Millet* system, which rested on religious discrimination, non-Muslims enjoyed their autonomy in many areas but occupied second-class status relative to Muslims. This system became the “cognitive operating system” of every Turk, secularist or not. The main body of law on minorities and minority rights is a remnant of the 1923 Lausanne Treaty, which in many ways mirrors the *Millet* system.

This Turkish mentality appears in different forms. On the subject of *nation*, oneness and unity are regarded as the same thing. In this extreme “unifying” approach, all kinds of differences are viewed as dangerous, and those that are viewed as threatening the dominance of Muslim Turks are considered existential threats. Any such differences are rejected, prohibited, and punished.

These prohibitions are not based on any objective danger of schism or separatism. Restrictions and bans can be imposed even when there is no situation of, or possibility for, schisms or violence, as can best be seen in the case of Syrians. What is viewed as intolerable is the difference itself. It is an extension of this mentality that leads to banning LGBTI parades and public events in order to protect “public order and security.” The goal is not just about preventing the public visibility of LGBTI people, weakening non-Muslims’ economic power, or prohibiting Kurdish nationalism; rather, it is about repressing pluralism.

Thus, any talk of minorities, their legal struggles, or rights is framed as a dangerous effort to undermine “the indivisibility of the country.” Constituting existentialist threats, such talks and work are regarded with contempt and suppressed. This mentality is arguably advanced and sustained by two, seemingly diametrically opposed, ideological currents stemming from the *Millet* system: nationalism and Islamism.

Defining Citizenship, Nationality, Sub- and Supra-Identities

The concepts of unitary state and nation-state are different but closely related. In order to understand how these concepts work in Turkey, a comparison with France may be useful. Although both Turkey and France are unitary states, France evolved from a nation-state into a democratic state, but Turkey insists on retaining the nation-state model. The main difference between these two unitary state models—democratic versus nation-state models—is based on which concept they took as the foundation of nation-building, whether that choice was *ethnicity* or *territory*.

France, just like Turkey, is assimilationist and officially rejects the existence of minorities within the country. However, the supra-identity to which it aims to socialize or assimilate citizens is Frenchness, which is understood as a cultural identity that has no ethnic or religious content; it is an entirely territorial term. There is no distinct sub-identity or ethnic group in France that corresponds to the supra-identity of “French.”

France, until the 1950s, was a nation-state, yet unlike Turkey, it never attempted to construct the French nation on the basis of a single ethnic group (that is, through a blood-based approach) within the country. The name of France is based on the territory, and there has been no attempt to construct a shared French culture within this territory on anything more than the basis of the French language. Consequently, when various sub-identities rose up against the assimilationist Republic of

France to protect their own regional identities (e.g., Corsicans, Basques, or Bretons), they were not able to claim that this assimilation was carried out in favor of a dominant ethnicity (based on blood), or that the values of a particular ethnic or ethno-religious group were regnant. Such qualms were avoided, because the Republic of France has been assimilationist, but it has not been discriminatory; it has respected sub-identities. The term *French*, like *British* or *Türkiyeli*, means “of France.” It carries an entirely territorial meaning.

Since the early 1950s, and especially since the presidency of François Mitterrand, France has moved away from being a highly centralized nation-state and has become a democratic state that could seek decentralization. Decentralization was monumentalized in 1981 in the historic words of François Mitterrand: “France needed a strong and centralized power to be built, today it needs a decentralized power to not unravel.”

Although France was as sensitive as Turkey on the minority subject in the early 1950s, French governments began to pursue policies quite different from those of Turkey for the protection and development of linguistic and cultural differences, and it has abandoned its strict assimilationist approach of the past. Thus, to the first article of its constitution—which reads that “France shall be an indivisible, laic, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion”—it was later added: “It shall be organized on a decentralized basis.” Article 2 of the French constitution indicates that the “language of the Republic shall be French.” Although this is similar to Article 3 of the Turkish constitution, which states that “the Language [of the state of Turkey] is Turkish,” France also recognizes “languages of France” (*les langues de France*), and in July 2008, this pluralistic approach was incorporated into the constitution, and Article 75/1 now reads: “Regional languages are France’s national heritage.”

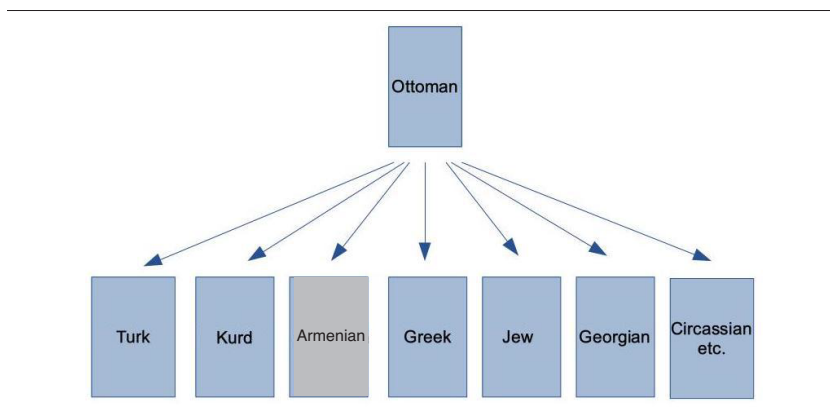
Teaching these regional languages—Breton, Basque, Catalan, Occitan, Corsican, and Alsatian—has been allowed since the 1951 Deixonne Law. Alsatian is used not only in the Alsace region municipalities and associations, but its use as a spoken language is permitted also in national public institutions, as well as in court defenses and hearings. Notaries can also draw up documents in this language. Corsica is more autonomous. To some, this island may look like a state within a state. In accordance with its special status, it has a separate assembly, executive council, and budget, and a separate development plan. In the assembly, both French and Corsican can be spoken.³

The Ideology of the Turkish Nation-State: Nationalism and Turkish-Islamic Synthesis

The unitary state in Turkey has not gone through the evolution it has in France. On the contrary, the nation-state established by the republic not only inherited the hierarchy of the Ottoman *Millet* system but also deepened and broadened the nationalist ideology initiated by the Committee of Union and Progress. The republic deepened this ideology both by curbing the autonomy of second-class non-Muslim subjects and by carrying out ethno-religious cleansing. This stance of nationalists, despite their secularist outlook and policies, has also encountered religious strain. This ideological mold was finally formalized by the September 12, 1980, military junta, which carried out the coup in the name of Kemalism and was divulged to be the Turkish-Islamic synthesis. The supra-identity of Turk, which also meant Muslim, became more acutely Sunni Muslim Turk. It intensified nationalism in the sense that when the supra-identity changed from Ottoman to Turk, it was understood that any group standing up to this, especially the Kurds who could not be assimilated, would be declared an enemy of unity and solidarity.

In the Ottoman Empire, as illustrated in Figure 7.1, the supra-identity of the people was “Ottoman,” though there were many sub-identities. These sub-identities were recognized by the Ottomans, and there was no interference in their languages, religions, education, and customs. The reason is that in the Ottoman Empire, as with all empires, supra-identity

**Figure 7.1 The Supra-Identity and Sub-Identities
in the Ottoman Empire**

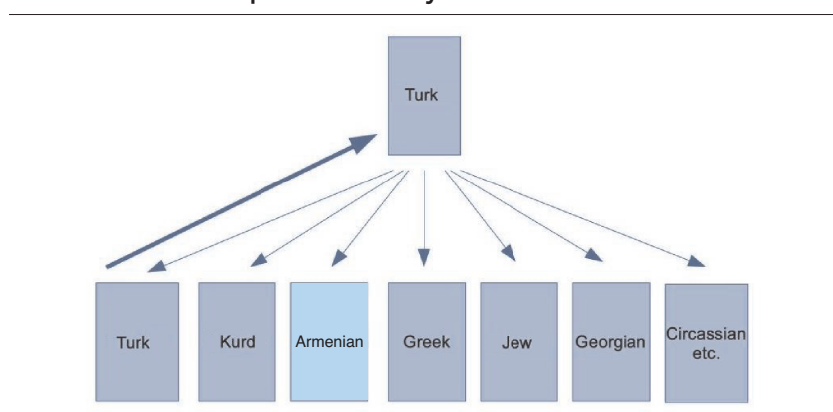


was established on the basis of territory and required only two things from its subjects: loyalty to the empire (to the sultan) and paying taxes. The name of supra-identity was based on the name of the dynasty, Ottoman, therefore it was different than the name of every single sub-identity. Thus, until waves of nationalism swept the entire world, social harmony was possible in the empire; this did not mean equality or absence of conflict, but the conflicts and tensions that did emerge were not rooted in ethnic or religious identity.

The Republic of Turkey was established as a nation-state. Although non-Muslims decreased in number for a variety of reasons (e.g., deportations, migration, population exchanges, pogroms), it was still a diverse population and the sub-identities remained largely the same. The supra-identity, however, now corresponded to the strongest of these sub-identities, took its name, and became “Turk,” as illustrated in Figure 7.2. This was not simply about a change in the name but involved privileging a particular group, creating a country where other sub-identities, particularly non-Muslims and Kurds, were marginalized. This new arrangement, unlike the supra-sub identity relations in the empire, created serious problems in Turkey.

On the brink of the twenty-first century, even when the country was going through a deliberate reform process, some people and institutions in Turkey strove to ensure that “Turk” remained as the supra-identity and resisted reforms. Among the means of sustaining this structure and mobilizing people to resist change was capitalizing on a “chosen trauma.” As noted by Vamik Volkan, “chosen trauma” is based on group

Figure 7.2 The Supra-Identity and Sub-Identities in the Republic of Turkey



psychology, the notion that human groups stick together around shared pains, as much as shared victories, and pain, generating the feeling and expression of victimhood, in fact, may be the stronger social adhesive.⁴

The chosen trauma in Turkey, which became a “holy fear,” has its foundation in the period of transition from the Ottoman Empire to the Turkish Republic, and it can be called the Sèvres Syndrome. The Sèvres Syndrome involves the fear that breaking up the empire after World War I, as foreseen by the Sèvres Peace Treaty, would now be applied to Turkey by its external and internal enemies. The Sèvres Peace Treaty had been imposed by the Great Powers to serve their interests, and with large territories assigned to Kurds and Armenians or turned into economic influence zones for the Great Powers, it would have left less than half the territory of the current Turkey to the control of Turks.⁵ This fear about the partitioning of the country has been repeatedly activated in Turkey as a form of social adhesive. The Sèvres Treaty was never implemented, but the European powers’ hostile plans to distribute the Ottoman territories to various “enemy” groups and to create a Kurdish state are drilled in textbooks and at schools as ongoing, permanent threats.

The Sèvres Syndrome became visible and widespread in the late 1990s along with the rise of Kemalist nationalism (*ulusalcılık*). Nevertheless, the country has been ready for such an adhesive. First of all, people in Turkey have always lived in a psychology of insecurity based on the perception of victimhood. Both the traumatic stories of migration people heard from their families and what they are taught in schools in history lessons instill more or less the following narrative:

We were a great and powerful empire. The intrigues of our Western-Christian enemies and the minorities among us, who are their tools, brought us to ruin. We were not defeated; at the end of World War I, when our allies [Germany, etc.] were defeated, we were considered defeated as well. They continued with their plotting after the Republic of Turkey was founded. Thus, Kurdish rebellions, and then Greece’s great design, *megali idea*, Armenians’ ASALA, and PKK terror all emerged.

This narrative ignores that the Ottoman Empire was a medieval, outmoded state that missed out on the mercantilist revolution of the early sixteenth century, and it similarly denies that nearly all Kurdish rebellions of the 1920s and 1930s, with the exception of Sheikh Said in 1925 and Ağrı in 1930, were incidents of local banditry that lasted only a few days or a few weeks.⁶ It focuses on foreign states and forces as the source of the problem.

Living in a perpetual state of fear, people try to protect themselves by assuming that everyone is their enemy and become selective and ultimately discriminatory. An old saying, “The Turk has no friend but the Turk,” reinforces these insecurities and discriminatory tendencies.

There are three basic reasons for the rise of the Sèvres Syndrome as a chosen trauma in the late 1990s:

1. The international context: In addition to the disintegration of the Soviet Union and the surfacing of problems of ethnic identity, which inflamed fears about Turkey’s disintegration, Turkey entered a period of serious socioeconomic transformation and instability stemming from the new phase of rapid globalization.

2. The fear of the walking dead: Turkey had solved none of the basic problems related to or that emerged in the process of “nation-building” but made do by sweeping them under the rug, or, as in the French saying, by “stuffing corpses into closets.” Now those corpses have begun to rot and stink, and they have returned as the walking dead: the Armenian problem, the Islam problem, the Kurdish problem, and the Cyprus problem. The “Republican Rallies” (Cumhuriyet Mitingleri) organized by Kemalists in 2007 to protest the rising Islamism were essentially cries of fear in the face of these walking dead.

3. Turkish identity’s fear of equality: After the storm of ASALA in the 1970s and 1980s, the PKK and the Kurdish movement registered important advances in the first half of the 1990s, showing that Kurds could resist assimilation and oppression. At the same time, the footsteps of an Islamist power were heard. All of these, particularly in the ultra-nationalist Kemalist (Nationaleftist, or Ulusolcu)⁷ mind, amounted to a removal of the concept of Turk from its throne, and that led to panic.

The Sèvres Syndrome, in time, turned into paranoia, and as with many types of paranoia, things reached irrational dimensions. Similar to the fantastic claims related to the Lausanne Treaty, some new rumors or stories were invented. I will list a few of them here: There were plans to establish a Pontus Greek state in the eastern Black Sea; American physicians had begun collecting blood samples from Turkish citizens in preparation for this;⁸ a number of Jews who had converted to Islam in the seventeenth century (Dönmeler, Sabbathaïans)⁹ had in fact never given up Judaism and were now secretly ruling every part of Turkey; the Kurdish state that the United States wanted to have formed in northern Iraq would break territory away from southeastern Turkey, or else the Kurds of Turkey would join the Iraqi Kurds and break apart the

country; Kurds reproduce in great numbers and will use their numeric growth to justify separationism;¹⁰ the Rums of İstanbul have been buying up homes in the neighborhood of Fener so that the Fener Greek Orthodox Patriarchate becomes something like the Vatican State;¹¹ missionaries are going to turn all Turks into Christians; we, the Muslim Turks, are losing our religion;¹² the Armenian diaspora wants land as one of the three pillars—recognition, compensation, and land;¹³ the imperialist and Christian EU will break up the country and the nation;¹⁴ Turkey is losing Cyprus and Anatolia.¹⁵

The PKK-led Kurdish rebellion, which from the early 1980s to the late 1990s led to nearly 40,000 deaths, at least 30,000 of them Kurds,¹⁶ increased fears that Kurds would wrest territory away from Turkey and thus that the Sèvres Treaty's plan of partitioning Turkey would be implemented. The establishment of the Iraqi Kurdish regional government was another source of panic.

ASALA murders came to an end in the middle of the 1980s. Following this, the Armenian pressure on foreign parliaments and international organizations to pass the Armenian platform fizzled out. The PKK and other Kurdish groups' attacks increased at times but significantly decelerated after the capture of PKK leader Öcalan in February 1999. Moreover, Öcalan worked with the state to come up with nonmilitary solutions and achieve peace. Yet despite these changes, the Sèvres Syndrome/Paranoia persisted.

In the 2000s, the electoral success of the AKP reinforced this paranoia by adding the fear of Islamism, the notion that the AKP, backed by the West, would cater to Western interests while also bringing sharia rule to Turkey. Later, however, when the AKP turned away from reforms and became increasingly authoritarian, it played on the Sèvres Syndrome and embraced fearmongering as a critical political strategy. According to the AKP, the West has always wanted a weak Turkey and tries to break it up. The AKP leadership has capitalized on fear to garner public support for their heavy-handed rule, mainly via two themes: (1) the conspiracies and "tricks" of the West, and (2) the danger of the PKK. Fear was the most powerful weapon in the hands of the AKP-MHP alliance in the 2010s, as both parties presented their rule as the only solution to Turkey's imminent "problem of national survival" (*milli beka meselesi*).

In an environment in which anti-Western/Christian sentiments occupy an important position, even the most innocent demands around identity in Turkey are interpreted as an effort to break up the country and are immediately suppressed. In other words, reading violent *intentions*

into peaceful acts and demands, the government criminalizes them and treats them as if they do involve violence or terrorism.

The AKP's Ideology: Islamism and the Islamic-Turkish Synthesis

As already mentioned, the AKP government continued with the reform process that was initiated by the previous government until the late 2000s, and it introduced various formal initiatives such as the “Kurdish Opening,” the “Alevi Workshops,” and the “Roma Opening.” However, the AKP’s ideology of political Islam has been far from democratic, and its interpretation and use are very amenable to the personal whim of Erdoğan. Thus, a few years after the party came to power, Erdoğan shifted gears and started to shift state policies in the direction of an Islamist autocracy, calling the outlook “local and national” and marking the deviation from standardized international human rights values. This development can be linked to a few facilitating conditions: (1) a lack of competition (largely due to the elimination of military tutelage and the main opposition party CHP’s inactivity); (2) popular reactions to and the feeling of victimhood created by the 1930s mentality, particularly the ban on wearing headscarves in universities; and (3) a psychology of hubris and being intoxicated by power, both stemming from being in power for a long time.

This shift in the AKP’s approach, which first manifested itself in amendments made to the TCK (2005) and the TMK (2006), appeared also in its foreign policy, following an active attempt to oust Bashar al-Assad in Syria in 2011. The AKP also started to take measures to eliminate the Islamist network called the Gülenist community, with which it had closely collaborated since the inception of the party in 2001. The community, led by and named after a Muslim cleric, Fethullah Gülen, had provided the educated cadres that the party used to fill the state apparatus. However, the power struggle between these two groups, which were once staunch allies, eventually turned into an open conflict.¹⁷ Blaming Gülenists for the 2016 coup attempt and seeing it as a golden opportunity, Erdoğan proceeded to eliminate not only Gülenists but all oppositional groups.

In a way, the AKP government followed the example of the Kemalists’ use of the 1925 Sheikh Said rebellion as a pretext to repress all opposition groups in the early years of the republic. However, embracing both nationalism and Islamism, the AKP repression

surpassed the Kemalists, as well as the highly repressive military administrations. As the AKP lacked the supermajority in the National Assembly needed to change the constitution, it sought an alliance, an informal coalition with the ultra-nationalist MHP, which effectively reinforced the Turkish-Islamist synthesis.

Erdoğan, who benefited from the PKK's wrongheaded policies and acts carried out in 2015 and later (e.g., digging trenches, erecting barricades in cities), proceeded to focus on the HDP as its primary electoral challenge and main target. Thus, the HDP MPs started to be expelled from the TBMM, prosecuted, and imprisoned.

In the process, the AKP kept presenting itself as a victim and significantly benefited from this tactic. Having previously benefited from the "chosen trauma" of 1930s Kemalist nationalism and its legacy that prevented headscarved students from entering university campuses in the 1980s and 1990s, after the 2016 coup attempt, the AKP activated the rhetoric of victimhood by designating the FETÖ as the powerful perpetrator.

The second demonized group was the Kurds. A change to the TBMM bylaws made on August 1, 2017, allows the penalizing of MPs for using the terms *Kurdistan* and *Armenian genocide* in parliamentary debates, although they can be used in public anywhere else in the country. Soon after this, Osman Baydemir, an MP from the HDP, was suspended from the TBMM for two days and fined 12,322 TL for mentioning Kurdistan in addressing the parliament. Indeed, even before this regulation was accepted, another HDP MP, Garo Paylan, who is Armenian, was suspended for three sessions for uttering the word *genocide*, and his parliamentary question posed for the government was rejected for mentioning "Kurdish geography."

As the economic situation deteriorated and governing the country became possible only through OHAL and extra-constitutional statutory decrees (KHKs), the AKP embraced Islam more and more to please and appease the conservative religious electorate. Among the countless examples of manipulation of religious sentiments, here are a few highlights.

People were bombarded by fatwas issued by the Directorate of Religious Affairs that attempted to turn the clock back to the seventh century. The *Dictionary of Religious Concepts*, published on the official website of the DİB, declared twelve and nine as the minimum age of marriage for boys and girls, respectively, and noted that girls are capable of getting pregnant at this age.¹⁸ While rejecting non-Muslims' right to church weddings (in violation of the Lausanne Treaty Article 42/1), the Ministry of Internal Affairs decided on a resolution that legalized religious ceremonies conducted by muftis and their designees and equated them with

civil ceremonies conducted by the Office of Mayor, a move allowing even low-ranking mosque officials to function as registrars of marriages. In fact, mufti-conducted marriages had begun before the Ministry of Internal Affairs issued the permission.¹⁹ Fatwas that undermine equality of spouses in favor of the husband, such as “Divorce can occur either upon a court decision or upon the husband’s declaration that he divorced his wife,”²⁰ and “It is possible for a husband to divorce his wife through sending an SMS, fax, letter, or internet message,”²¹ began to echo on a weekly basis from the DİB’s website to the media. Moreover, AKP officials have openly defended the sharia laws upheld by the DİB, claiming that the DİB “has only one law to implement, the law of Allah.”²² Taking their cues from the executive office and top bureaucracy, emboldened conservative constituents and lower officials started to promote use of sharia laws and courts in various areas and took steps to introduce religious education for preschoolers.²³

Recently, Ayasofya (Hagia Sophia) and Kariye (Chora) museums, historical Rum Orthodox churches transformed into mosques during the Ottoman Empire and made museums during the republic, were re-declared mosques in July and August 2020, respectively.

HATE SPEECH, HATE CRIMES, AND DISCRIMINATION

The state ideology that is based on “othering” some segments of the population and its internalization by the public has triggered policies and acts that involved three intertwined evils in a chain of human rights violations: hate speech, hate crimes, and discrimination. Feeding each other, they establish a vicious circle and lead to a chain of violations—hate leads to discrimination, discrimination to hate speech, and hate speech to hate crimes. In addition to hurting individuals and damaging their lives, these three evils also inadvertently damage the state, because the embedded divisiveness instigates the disintegration of the nation.

Hate Speech and Hate Crimes

Although hate speech and hate crimes have been common in Turkey, as in the case of the September 6–7, 1955, attacks, these terms entered into public discourse only in 2007, following the murder of Hrant Dink.

Hate speech is an expression of hate directed at a group (ethnic, religious, linguistic, sexual, economic, etc.) or members of that group.

A 1997 recommendation of the Committee of Ministers of the Council of Europe defines it as “any type of expression that spreads, incites, defends, or legitimizes racial hatred, xenophobia, anti-Semitism, and other forms of hate based on intolerance.”²⁴

Hate crimes are crimes committed against people or their property solely because they belong to a different group. For an offense to qualify as a hate crime, (1) a crime according to the TCK must be present (for example, to break someone’s nose), and (2) the perpetrator must have committed this crime with prejudice (because the hurt person belongs to a group one hates).²⁵ The main target in hate crimes is not a particular person or property but the person’s identity. The crime (a physical attack, graffiti, arson, to praise these in a newspaper, and the like) is directed not against the person but against the entire group. Examples of this appear in various racist and religious slogans. For example, in Germany’s “Türken Raus” (Turks out), Turkey’s “Ya Sev Ya Terk Et” (Either love it or leave it), “Suriyeliler defol” (Syrians get out), or “Pis Yahudi” (filthy Jew). By definition, such statements are exclusive, divisive, and involve defamation of groups.

The Regulation of Hatred and Discrimination in Turkey’s Laws

The Constitution

Article 10/1 of the 1982 constitution declares that “everyone is equal before the law without distinction as to language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such grounds.”

Article 24/1 expresses the same principle indirectly by stressing equality in freedoms and stating that “everyone has the freedom of conscience, religious belief and conviction.” However, the fourth clause of the article contradicts the first one by making religious classes in primary and middle schools mandatory.

The Turkish Penal Code (TCK)

Until the “new” TCK was enacted in 2004,²⁶ discrimination was not treated as a crime in the laws or in the penal system. The new TCK includes several articles that address discrimination. Article 3/2, related to equality before justice and the law, forbids privilege and discrimination.

Article 77, introduced on April 30, 2013, as Law No. 6459, amended Article 9 of the TCK. It indicates that if the acts of killing or torture constitute a “systematic performance of an act . . . against a part of society and in accordance with a plan with a political, philosophical, racial or religious motive shall constitute a crime against humanity,” and the statute of limitations does not apply. However, this article was never implemented. The courts continue to rule that what the police do, including the electrocution and squeezing of testicles, is not torture; if they are ever considered to be some offense, they are referred to as “battery” or “maltreatment.”²⁷

Article 115, changed by an omnibus bill on March 2, 2014, aims to protect freedoms of belief, thought, and lifestyle against any interference by the state or third parties. The AKP introduced this provision in an effort to prevent interventions in the lifestyle of “devout Muslims,” and a range of interventions into the lifestyles of other people continue. The alcohol prohibitions in some AKP-ruled municipalities²⁸ and the de facto prohibition of abortions²⁹ can be listed among various prohibitions enforced even in the absence of prohibitory laws.³⁰

Article 122, modified on March 2, 2014, forbids discrimination in business life. The original heading of “Discrimination” for the article was changed to “Hatred and Discrimination” with the modification. However, neither before nor after the change has the article been put into effect in the justice system; neither hate crimes nor discrimination are punished.

Article 125 punishes acts of personal insults. However, it was not used in the situation of Christian missionaries who were not only insulted but subjected to fatal attacks.

In 2004, the new TCK introduced the concept of “group libel” as a form of racial discrimination (Article 216). This article, which aims to prevent hate speech and preserve the public peace, does not actually punish “group libel.”³¹ Moreover, it is implemented in a way contrary to its aim, because it is used alongside Article 301, which penalizes insulting Turkishness and state institutions. These two articles, invoked together as “twin articles,” are typically used not to punish someone who “publicly provokes hatred or hostility in one section of the public against another section,” but rather to punish human rights defenders who oppose such provocateurs.

In the end, the freedom of expression that the EU Harmonization Packages aimed to bring about turned into something entirely different in implementation. It was transformed into the “freedom to insult and threaten” by the judiciary.

*The Law of the Turkish Institution
on Human Rights and Equality*

Law No. 6701, accepted on April 6, 2016, indicates that it was issued to ensure equality, prevent discrimination, and effectively eliminate torture and maltreatment. Article 3/2 of the law prohibits discrimination on the basis of gender, race, color, language, religion, belief, sect, philosophical and political view, ethnic roots, wealth, birth, marital status, health, disability, and age. Article 5 states that discrimination cannot be carried out in providing goods and services open to the public by real, public, and private corporate persons, nor in accessing the spaces and buildings where such goods and services are offered. Article 21, as a principle, places the burden of proof on the accused. Article 25 states that in the case of a violation of the prohibition on discrimination, the culpable public official will pay a monetary fine to the discriminated real and corporate person.

**Turkey's International Obligations
Regarding Hate and Discrimination**

As indicated in Chapter 4, Turkey has been a party to various international human rights treaties. Among these international instruments, three are very important for prohibiting discrimination, hate speech, and hate crimes: (1) Article 14 of the European Convention on Human Rights, under the heading "Prohibition on Discrimination," states that the enjoyment of the rights and freedoms set forth in this convention shall be secured without discrimination. The European Court of Human Rights, created by this convention, tends to reinforce Article 14 by invoking and strictly applying Article 10 (freedom of expression) and Article 11 (freedom of assembly and association); (2) Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination prohibits practically all forms of discrimination; (3) Article 20 of the International Covenant on Civil and Political Rights forbids hate and discrimination by noting that any propaganda for war shall be prohibited by law and any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence shall be prohibited by law.

The provisions of these international documents, combined with Turkey's laws discussed above, should establish sufficient legal grounds to punish discrimination and hate speech against people, particularly against minorities.³²

Incidents of Hate and Discrimination and Related Lawsuits in Turkey

These protective legal provisions, however, are rarely considered or implemented by the judiciary. Here are a few examples.³³

On October 26, 2004, the AKP's Afyon MP, Süleyman Sarıbaş, addressing the parliament, uttered multiple insults directed toward the two professors responsible of the official Minority Report, including, "Let those who are looking for minorities once again ask their mothers who their fathers are"—a particularly offensive sentence that often leads to murders in street fights. Sarıbaş was acquitted by the Court of Cassation on the grounds that those words were "within the boundaries of criticism."³⁴ The case was taken to the ECtHR in 2007, but it is yet to be reviewed.

On October 7, 2007, Işın Erşen, a columnist for *Bolu Ekspres*, wrote that "instead of following the terrorists in the mountains, we should eliminate a few parasites," and that from now on, there ought to be "one [dead] from us, five from you."³⁵ These statements targeting Kurds were found "within the scope of the freedom of press and expression."

On January 7, 2009, N. Çapa, chairman of the Federation of Eskişehir Osmangazi Cultural Associations, issued a press statement with a dog in his arms in front of the association building, with placards reading: "Armenians and Jews cannot enter, but dogs can enter freely."³⁶ Although the court issued a prison sentence of 150 days for "degrading a segment of the public," the penalty was suspended.³⁷

Responding to the 2016 petition signed by 2,212 academics, entitled "We Will Not Be a Party to This Crime," President Erdoğan characterized the academics as "lowdown," "villain," "pitch black [minded]," "ignorant," "repugnant," "traitor," "lumpen," "instrument of a terrorist organization," "amoral," "colonial mandate residue," and "defiled souls" in TV statements. Four of the petitioner academics, including me, separately filed lawsuits against Erdoğan for insulting them; they were rejected first by a trial court and later by the regional Court of Appeals on the grounds that his statements were within the scope of the "President's freedom of expression."³⁸ The regional court, in my case, noted that the plaintiff as a "public official" should show tolerance, turning upside down a primary principle of law in general, and that of the ECtHR in particular; while a target of insults, I, a retired university professor, was treated as a "public official," but the president of the republic was treated as an ordinary citizen exercising his freedom of expression to criticize "a public official." The case is still at the Court of Cassation.

On February 26, 2016, in Taksim in İstanbul, in a public demonstration held by twenty-five associations and attended by government offi-

cials, such as Minister of Internal Affairs İdris Naim Şahin, the governor of İstanbul, and the metropolitan mayor, racist placards and insulting slogans were in abundance.³⁹ “You’re All Armenians, You’re All Bastards,” “You’re Armenians, You’re Murderers, You’re Occupiers,” “Hrant Dink’s Bastards Can’t Deter Us.”⁴⁰ They were allowed, without any intervention by the police or other state authorities, and no legal action was taken afterward. In fact, the AKP government officials, including President Erdoğan, frequently utter words of insult reaching the level of hate speech, but they do not become the subject of a lawsuit or even of a demand for apology.

An Assessment of Hate and Discrimination Incidents and Lawsuits

As already indicated, Turkey does not lack the laws and regulations needed to prosecute, penalize, and thus to a great extent prevent incidents of hate and discrimination. However, these remedies are rarely implemented. For example, the number of lawsuits filed by minority groups or individuals based on TCK Article 216 are almost nonexistent, despite the fact that government officials or their supporters in the media repeatedly employ insults that provoke hatred and hostility.

Sometimes, TCK Article 216 is implemented in a skewed manner. For example, the two professors responsible for the Minority Report, defending human and minority rights, had lawsuits filed against them based not just on Article 216 (along with Article 301). Similarly, Aytuğ Atıcı, a professor and the Mersin MP of the CHP, was subjected to a police investigation, invoking Article 216 and charging him with “provoking hatred or hostility” after he circulated a memorandum defending secularism in relation to the Gezi Park protests.⁴¹

The most bizarre implementation of Article 216 occurs when people who are targets of the incidents of hatred and hostility end up being accused and even punished when they rise up to defend themselves. In several lawsuits filed on the basis of Article 301, which is used as Article 216’s twin, people who attempt to defend themselves are given sentences based on TCK Article 288 (the attempt to influence a fair trial). This was the situation with the “poisoned blood” lawsuit against Hrant Dink and other *Agos* journalists; when Hrant Dink wrote again in *Agos* and defended himself saying that the accusation of insulting Turkishness was an allegation of racism that he could never accept, he was charged again, this time on the basis of Article 288, for attempting to influence a trial. The case was ongoing at the time of his murder.⁴²

TCK Article 122, which introduces protection against hate and discrimination in business life, was invoked in only a few cases since 2004,

when the law was legislated. Out of ninety-two lawsuits filed between 2009 and 2015, three resulted in sentencing, and sixty-nine in acquittal. According to Ministry of Justice data, as of December 1, 2016, no one has been definitively convicted on Article 122 of the TCK.⁴³

The AKP government's effort to polarize society and control the judiciary makes it nearly impossible to prosecute hate speech and crimes, but there are at least three additional obstacles.

First, viewing events through the lens of hate and discrimination is a new approach in Turkey, even for the judiciary. The judiciary's attitude is affected by social-class differences as well. The majority of prosecutors and judges come from small conservative Anatolian towns, and they owe their relatively high standing in society to their professional position. With their privileged status stemming from the state authority, they tend to act in support of the state. Preoccupied with state security since Ottoman times and increasingly losing its autonomy and nonpartisan stance, the judiciary overlooks the gravity of hate crimes and discrimination. Mithat Sancar and Eylem Ümit Atılğan explain how prosecutors and judges view the state and issue rulings not according to the existing pro-human rights laws but according to their preexisting notions of state.⁴⁴ The words of one of the judges whom they interviewed is illustrative: "Lately, it's said that an individual's freedom is above everything. I don't agree [with this view]. . . . Why don't I agree? My state, first [comes] my state! . . . If I don't have a state, my individual freedom is good for nothing. My individual freedom must not conflict with [the interest of] my state."⁴⁵

Consequently, incidents of hate that may escalate to lynching are largely glossed over in courts. Investigations are not carried out, and the injured parties are prevented from filing criminal complaints. If a criminal complaint is filed and an investigation takes place in response to a public outcry, the penalties are kept light; they rarely result in imprisonments, even when the perpetrator is very likely to resort to violence again.

Second, Turkey is a country where civil society is still nascent, far from establishing a counterforce to the strong, centralized state apparatus. Thus, the egalitarian, antidiscrimination, antidefamation groups struggle to be heard, if they are not being persecuted, whereas the nationalist and discriminatory ideology enjoys the power and reigns supreme.

Finally, due to the impunity readily granted by the authorities, those who commit discrimination and hate crimes are emboldened. The polarizing rhetoric and acts of government officials encourage racism, which makes all kinds of hatred and violence against some individuals and groups acceptable simply because they are different.⁴⁶

Notes

1. See Sancar and Akgönül 2017, 743.
2. See <http://www.dw.com/tr/erdo%C3%9An-istanbulda-a%C3%A7ıklama-yaptı/a-19403922>.
3. Délégation générale à la langue française et aux langues de La France, <http://www.culture.gouv.fr/culture/dglf/>.
4. Volkan and Itzkowitz 1994, 7.
5. See maps on 69–71, Oran 2010b.
6. Retired Lieutenant General Cemal Madanoğlu, who served for years in the east during this period, describes a number of these incidents stemming from a range of ordinary disputes. For the case of one of the “Sason uprisings,” for example, he identifies sexual harassment as the instigating factor (Madanoğlu 1982, 148–150). However, to justify the oppression in the east and stoke public fears of disintegration, the state has framed all protests and conflicts as “Kurdish rebellions.”
7. Kemalism, as an ideology emerging from an anti-imperialist and nation-building movement, upholds nationalism. Thus, all Kemalists subscribe to secular nationalism, though the degree and type of their nationalism varies. Here, the term *ultra-nationalist* *Kemalist* refers to a particular group known as *Ulusolcu*. Obsessed with the Sèvres Syndrome and ethnic Turkish nationalism, they see Kurds as an existentialist threat—although they used to be Marxist and had defended the rights of both Kurds and non-Muslims—and tend to promote anti-Western, isolationist but sometimes interventionist (as in the case of Syria) foreign policy. *Ulusolcu*, a combination of “*ulusalci*,” meaning secular nationalist, and “*solcu*,” meaning leftist, yields a synthetic ironic expression that denotes “an old leftist turned nationalist.”
8. *Milliyet*, December 16, 2002, <https://www.milliyet.com.tr/gundem/pontus-u-mu-ariyorlar-5195147>. Contrary to the claims, the collection of blood samples was pursued for research to develop a medicine.
9. See “Sabbateans,” <https://en.wikipedia.org/wiki/Sabbateans>.
10. See <http://www.turkcuturanci.com/turkcu/gulmece/kurt-hayvaninin-ozellikleri>.
11. İstanbul Rums purchased, over decades, seventeen houses in total in the Fener neighborhood (*Milliyet*, October 29, 1993).
12. In January 2005, Raĥsan Ecevit, a secularist politician and the wife of Prime Minister Bülent Ecevit, issued a written statement, indicating, “We are losing our religion in the name of entering the EU.” See <http://www.hurriyet.com.tr/rahsan-ecevit-din-elden-gidiyor-285758>.
13. See <http://www.habervitrini.com/diaspora-toprak-ve-tazminat-istiyor/678789>.
14. See <http://www.millicozum.com/mc/mayis-2012/irkci-emperyalizm-siyonizmle-hacli-zihniyetinin-bilesimidir>.
15. See <https://istihbaratveanaliz.wordpress.com/2017/01/09/kibris-dosyasi-huseyin-hakki-kahveci-karamanin-koyunu-sonra-cikar-oyunu-kibris-elden-gidiyor/>.
16. Oran 2014, 29–31.
17. On this process, see “Turkish Government—Gülen Movement Conflict,” https://en.wikipedia.org/wiki/Turkish_government-Gülen_movement_conflict.
18. See <https://ahvalnews.com/tr/diyanet/diyanetin-sozlugune-gore-evlenme-yasi-erkeklerde-12-kizlarda-9>.
19. See <http://www.sozcu.com.tr/2017/gundem/ilk-muftu-nikahi-kiyildi-ama-2094056/>.
20. See <http://t24.com.tr/haber/diyanetten-bosanma-sorusuna-yanit-bossun-denildiginde,500021>.
21. See <https://tr.sputniknews.com/turkiye/201712061031284690-diyanet-isleri-sms-faks-mektup>.

22. See <http://haber.sol.org.tr/toplum/bozdag-diyadin-o-fetvasini-savundu-223724>.

23. For examples, see Oran 2018, 409.

24. Quoted in Algan and Şensever 2010, 15–16.

25. For example, in 2010, an assailant broke prominent Kurdish politician Ahmet Türk's nose solely because he is a Kurd (<http://bianet.org/bianet/bianet/121266-ahmet-turk-saldiriya-ugradi-burnu-kirildi>), and the ultra-nationalist Kemal-ist journalist Yılmaz Özdil praised the attack because it was carried out against a Kurd (<http://www.hurriyet.com.tr/yumruk-14412039>).

26. For the text in English, see <https://www.legislationline.org/documents/id/20076>.

27. See <http://bianet.org/biamag/insan-haklari/15064-iskence-insanlik-sucudur-iii>.

28. See <http://t24.com.tr/haber/antalya-valiliginden-alkol-yasagi,401594>. The AKP's policies on alcohol are based on a certain understanding of Islam; otherwise, drinking has not been an issue in Turkey, which hold a global rank of 137 for annual per capita alcohol consumption; see <http://www.diken.com.tr/turkiye-alkol-tuketiminde-137nci-sirada-yillik-kisi-basi-bir-bucuk-litre/>.

29. See <http://www.milliyet.com.tr/yasa-yok-ama-kurtaj-yasak/gundem/detay/1838845/default.htm>.

30. See <http://www.gazeteduvar.com.tr/politika/2017/06/14/iftara-neden-gelmedin-sorusturmasi/>.

31. Bayır 2013, 234–249. Bayır states that no Court of Cassation decision has been made based on group libel.

32. Uygun 2004, 26.

33. For details of these cases and more examples, see Oran 2018, 416–434.

34. See <https://www.milliyet.com.tr/siyaset/babani-sora-tazminat-yok-187069>.

35. See <http://www.guncelmeydan.com/pano/her-sehit-icin-5-dtp-li-oldurulsun-isin-ersen-t22874.html>.

36. See <http://www.radikal.com.tr/turkiye/kopekler-girermis-yahudiler-ve-ermeniler-giremezmi-915950/>.

37. See also the verbal and physical attacks on Jews and the Neve Şalom Synagogue in İstanbul, on July 20, 2017, by K. Mican, chair of İstanbul *Alperen Ocakları*, a youth association imbued with the ideology of Turkish-Islamic Synthesis, at <http://www.diken.com.tr/alperen-ocaklarindan-sinagog-onunde-tehdit-yarin-da-geliriz-iceriye-giremezsiniz/>.

38. For the verdict, see <http://www.baskinoran.com/belge/RTE-istinafkarari.pdf>.

39. See https://tr.wikipedia.org/wiki/2012_%C4%B0stanbul_Hocal%C4%B1_Katliam%C4%B1n%C4%B1_Anma_T%C3%B6reni.

40. See <http://www.ensonhaber.com/taksimdeki-hocali-mitinginde-cirkin-pankart-2012-02-27.html>.

41. See <http://www.birgun.net/haber-detay/laiklik-halki-kin-ve-dusmanliga-tahrik-sayildi-168242.html>.

42. See Çetin 2017, 86. On the unanimous ECtHR decision regarding the five applications of the family about Hrant Dink, see [https://hudoc.echr.coe.int/eng/#{%22dmdocnumber%22:\[%22873669%22\],%22itemid%22:\[%22001-100383%22\]}](https://hudoc.echr.coe.int/eng/#{%22dmdocnumber%22:[%22873669%22],%22itemid%22:[%22001-100383%22]}).

43. Gözde Kazaz, <http://www.agos.com.tr/tr/yazi/17260/tck-122-hayal-kirikligi-nefret-sucu-kagit-ustunde-kaldi>.

44. Sancar and Atılın 2009.

45. Ibid, p. 137.

46. See Nilay Vardar, <https://bianet.org/bianet/toplum/149277-mevzubahis-romanlarsa>.

8

The Implications of Persistent Rights Violations

If I were to distill all that is stated and explained in this book, I would put it into a single sentence that might go like this: No matter how the concept of minority is defined—broadly or just to include the three non-Muslim groups—Turkey has failed to respect and protect their rights, and minority citizens cannot feel secure. In unpacking this statement, let us recall a few points.

THE BASIC APPROACH: “MINORITIES UPSET THE COHESION OF THE STATE AND OF THE NATION”

People in Turkey are indoctrinated into Turkish nationalism since childhood and learn to “love the nation and the state.” Turkish nationalism, be it Kemalist secularist or Turko-Islamist religious, views minorities as outside “the nation” and thus dangerous to both the “unity” of the nation and the “territorial integrity and strength” of the state. This approach is implemented through various mechanisms and yields consequences that are detrimental not only to the minorities but to the entire country.

Multiple and Layered Mechanisms

The denial of minorities and repression of their rights are facilitated by multiple and layered mechanisms, each of which happens to have four dimensions or elements.

The Reversal of Four Principles

Contemporary international human rights law considers the protection of minorities through a four-pronged approach: (1) the protection of their existence and survival, (2) their protection from exclusion and isolation, (3) their protection against discrimination, and (4) their protection from assimilation.¹

The Turkish nation-state has reversed this approach and implemented precisely the opposite of these four principles. It has denied the existence of minorities and has subjected them to exclusionary, discriminatory, and assimilationist policies. Capitalizing on the latter two, the most divisive ones, it has pursued discrimination and assimilation simultaneously.

In the 2010s, the Erdoğan administration revived the monist and nationalist nation-state policies of the 1920s and 1930s, but Erdoğan has used them to Islamize and Turkify the society. With his Islamism and Islamization efforts, Erdoğan recolored the monist methods of the early days of the republic in “green.”

A Four-Layered Hierarchy

These two nationalisms, promoted by the governing party and imposed on the population as a part of the nation-state ideology, divide and classify the citizens of Turkey into a hierarchy with four broad layers.

1. Hanefi, Sunni, Muslim Turks (HASÜMÜT). Muslim Turks who belong to the Hanefi sect of Sunni Islam have always constituted the top layer. The early republican nationalism, which can be referred to as Kemalist nationalism, also promoted laicism as a characteristic of both the state and the individual citizen. Thus, it has added “laic” to the desired qualities. Therefore, the esteemed citizens would have the qualities of Laic, Hanefi, Sunni, Muslim, and Turk, producing the abbreviation LAHASÜMÜT. When the AKP abandoned its EU aspirations and reformism and assumed Islamism under one-man rule, it rejected laicism in all spheres of life and restored the ideal citizenship of HASÜMÜT.

2. Those who are Muslims but not Turks. These are groups that have been subjected to assimilation. Pomaks, Bosniaks, Circassians, Laz, and others in this group are not of Turkish lineage but are given the second spot on account of being “Muslims tied to Turkish culture.”

3. Kurds. Kurds could normally be in the second category, because they are Muslims. However, unlike other non-Turk Muslims, they have

rejected and resisted assimilation. Thus, their defiant stance puts them just above the lowest category.

4. Non-Muslims. Because many of them have had closer ties to European and other neighboring countries and their assimilation is considered impossible, they constitute the lowest rank. Exclusion has been the prominent policy toward them; considered “foreigners,” they were encouraged to leave the country (“Love It or Leave It”) by making life very difficult for them.

The Coalition of Four

While the monist mentality of the 1920s and 1930s renders some Turkish citizens as “obligatory citizens” or “so-called citizens” and demonizes others, the AKP nationalism, based on Turko-Islamism, operates similarly through an informal coalition of four groups. This coalition, which Erdoğan uses to mobilize people and reinforce his power, includes the following: the religious AKP; the Turkish chauvinist/racist MHP; the nationalist active or retired military officers (known as Egenekon); and the Ulusolcu (Nationaleftists). The four components of this bizarre coalition, which I would call “The Four Horsemen of the Apocalypse,” are quite different and often see each other as rivals. However, they have an important common denominator: enmity toward the West and minorities, particularly toward Kurds.

Outcomes of the Basic Approach

This approach that treats all minorities as a threat and tries to repress them does serious damage to both the nation and the state in at least three different ways: it prevents the development of democracy; it divides the nation; it weakens the state’s international reputation and status.

Obstruction of Democracy

Ideologies are belief systems introduced at specific points in history to solve particular problems. Although they may be necessary and useful at a particular point in history, they can become irrelevant when conditions change. If the ideology remains the same, it is likely to fail in addressing new problems, and the efforts to make it relevant make it clumsy and ham-fisted. For ideologies to be able to continue solving problems (that is, to be functional), they must renew themselves.

The founders of the Turkish nation-state in the early twentieth century took the contemporary Western European nation-states as the model to emulate and adopted some of their institutional and cultural formulations, including nationalism, which had already been percolating in the late Ottoman era. This model was majoritarian and assimilationist, if not monist. The one-party rule lacked not only democratic institutions but also sociocultural pluralism. By privileging the Sunni Muslim Turkish population, it created a dictatorship of the majority. The adoption of a procedural democracy in the mid-twentieth century did not change the discriminatory mentality and practices. The global and European human rights regimes expanded the concept of democracy and connected it to the nondiscrimination principles of human rights. Thus, the requirements of democracy in the twenty-first century can be met neither through the monist Kemalist nationalism of the 1920s and 1930s, nor through a revival of some medieval Islamist thoughts and structures.

Division and Polarization of the Nation

Objections to minority rights are justified by claiming that recognition and accommodation of different sub-identities would divide the nation and dismantle the state. However, what makes a nation strong in the twenty-first century is the transformation of individuals who make up the nation from obligatory to voluntary citizens. And this is possible only through the recognition of and respect for the sub-identities of citizens. To defend a monist nation and try to achieve it through assimilation or exclusion are counterproductive efforts, as they sabotage unity. In other words, a monist mentality sets in motion the inevitable rule of the dialectic; instigating or stimulating its opposite, it pushes the country into conflict.

The persistence of the 1930s nation-building mentality ultimately led to the rise of Kurdish armed struggle and the Islamist movement in the 1980s. Similarly, the monist Islamist ideology, promoted by the AKP, which dictates a religious morality and behavioral codes, turns people, particularly young people, away from Islam.² Further, the AKP's promotion of Turkish nationalism, as a part of its Turkish-Islamic synthesis, only helps increase Kurdish national consciousness. Insisting on this approach, which increasingly marginalizes and alienates non-Muslims, Kurds, leftist intellectuals, and other groups, is divisive by definition and erodes national unity, instead of protecting or forging it.

Damaging Turkey's International Prestige and Status

The treatment of minorities as threats to the nation and the state weakens Turkey's international stature in at least three ways. First, the "us versus them" mentality and Erdoğan's rule that has been increasingly stressing Islamism and Turkish nationalism has not only created a very dangerous polarization internally, but it has also put Turkey in conflict both with its Western allies and all of its neighbors (except Georgia). This type of adversarial, multiconflict involving foreign policy is unprecedented in the history of Turkey.

Second, as already indicated, the international community is now more attentive to the protection of human and minority rights. Groups and individuals who fail to acknowledge this development or resist international norms (e.g., Islamophobes, political Islamists, racists, xenophobes, homophobes) draw strong reaction and are denigrated. Turkish policies and practices that fail to grant even legal rights to "the other" make Turkey a noncomplying "rogue state" prone to "naming and shaming" in international forums. Turkey has been monitored closely by various states, as well as intergovernmental and transnational organizations, which often results in highly critical reports.

The number of cases taken to the ECtHR and the court's frequent rulings against Turkey also tarnish the country's reputation. The statistics posted on the court's official website, which cover a period between 1959 and 2016,³ show Turkey's unenviable position. With a total of 3,270 cases, Turkey ranks first among all countries under the ECtHR's jurisdiction in terms of the number of decisions by the court (the second country has 2,351 cases). Turkey also appears as the country with the highest number of violation decisions, which is 2,889. If we add the 204 violation decisions, which are not included in this total because they were resolved through "amicable settlements," the number reaches 3,093, significantly higher than the second-ranking country that had 1,834 violation decisions and thirteen amicable settlements. Turkey's ranking is most striking especially regarding Article 19 (freedom of expression) and Article 11 (freedom of associations) of the ECHR. The number of violations of Article 10 by Turkey is 265 and seventy-five for Article 11, whereas the second-ranking country has thirty-six and twenty, respectively. These figures would be more alarming if we take into consideration that Turkey did not recognize the court's jurisdiction until 1989, and all of the numbers that apply to Turkey have only been generated since 1991.

Third, Turkey's deviation from the European human rights norms and resistance to recognize and protect minority rights put it at odds

with the European Union. The distance between Turkey and the EU results in an inconsistent and volatile foreign policy, which sometimes falls under the influence of the United States, sometimes aligns with Russia, and sometimes appears to be in tune with terrorist organizations such as El Nusra and ISIS.

MODERNIZATION AND DEMOCRATIZATION IN TURKEY: THREE WAVES AND PROBLEMS

Since the late Ottoman era, Turkey has gone through several waves of modernization, which were typically West-oriented. These can be grouped into three major phases, as the Ottoman era, the early years of the republic, and the beginning of the new millennium. Table 8.1 presents a summary comparison of these three waves of modernization.

Critical for the purposes of this book are the two waves of modernization in the republican era. When the Republic of Turkey was founded, Western-educated intellectuals launched a revolution from above to transform what they perceived as a “backward” society and state to catch up with contemporary “Western civilization.” This civilizing process involved a transition from a dynastic empire to a republic and the replacement of the religious identity and concept of *ümmet* (*ummah*) with the secular concept of nation. This first wave of modernization succeeded in its main task, transforming the state from a feudal empire into a modern nation-state, and the role of the individual from subject to citizen. This achievement, however, came at a cost.

**Table 8.1 The Three Waves of Modernization in Turkey:
A Comparative Summary**

	Ottoman Empire	Turkish Republic First Wave (1920s and 1930s)	Turkish Republic Second Wave (2001–2005)
State	Sultan’s possession (semifeudal empire)	Nation-state (national security state)	Democratic state (human rights state)
Core social constituent	Religious community	Nation	The individual
People	Subjects of the sultan	Citizen (obligatory)	Citizen (voluntary)
Supra-identity	Ottoman (dynasty name)	Turk (ethnic and religious term)	<i>Türkiyeli</i> (of Turkey) (territorial term)

The nation-building efforts also involved various repressive, homogenizing or exclusionary policies. As in all top-down revolutions, the process was coercive and carried out by an authoritarian regime. It assigned priority to the security of the state. Again, as is the case in top-down reforms and revolutions, the changes imposed from the top generated resistance. The resistance to this first wave of modernization still continues today.

The second wave of modernization came in the late 1990s and the early 2000s and primarily involved the legislation of the EU Harmonization Packages. This second wave was initiated by Bülent Ecevit's coalition government and later sustained by successive AKP governments. To a great extent, this second wave was an attempt to resolve the issues stemming from the first wave of modernization. Pluralism, human rights, and democratization were among the goals.

Whereas the first wave created "obligatory citizens" whose sub-identities were denied or repressed, the second wave attempted to create "voluntary citizens," because a human-rights-respecting regime would recognize and protect not only individual rights but also collective identities and group rights. Thus, it became necessary to replace the ethnic term *Türk* (which in practice means the ethno-religious Muslim Turk) with the territorial term *Türkiyeli* (of Turkey) in reference to supra-identity. This second wave, however, was aborted by the AKP in the mid-2000s, when it started to pursue a counterrevolution against the Kemalist revolution, not to eliminate its restrictive, nationalist, and assimilationist aspects, but to revive those (except secularism) in order to create an Islamic society and state. The resistance to the egalitarian and emancipatory aspects of the second wave, however, was not limited to the AKP and Islamists.

A Double Contradiction— Entangled Kemalists and Islamists

Although Kemalists and Islamists appear as opposites due to their diametrically opposing positions on secularism, they are also in tune on some policy priorities. These constitute an interesting double contradiction.

First, some Kemalist nationalists have never supported the second wave of modernization, because they believe that showing respect to Turkey's sub-identities would destroy the unity of state and nation. They are the ideological grandchildren of Kemalists who set in motion the first modernization wave. Moreover, some among this group, known

as Ulusolcu (Nationaleftists) not only turned away from the reforms after a certain point but also put their support behind the Erdoğan regime's policies based on a Turkish-Islamist synthesis, despite their secularist stance.

Second, the AKP, which sustained the second modernization wave in the early 2000s, is composed of the ideological grandchildren of those who rejected and resisted the first modernization wave, especially its secularism and policies of cultural Westernization. Later, however, by turning away from the reform process, the AKP and Erdoğan began to bring back the monist regime of the 1920s and 1930s, only now painted green. The leader of this one-man regime, which criticized the Kemalist regime for being an authoritarian secularist type of rule, tried to dismantle not only secularism but all institutions and reshape the society according to his Islamist vision.

In addition to the DİB's various fatwas and decisions that follow an outdated conservative interpretation of Islam, which typically undermines the rights of children, women, and LGBTI people, the process of Islamization has been carried out by other state agencies. For example, the Ministry of National Education emphasizes jihad and drops the evolution theory from the national curriculum,⁴ and the General Staff brings commanders of the armed forces in uniform to do morning prayers in the mosque of the Presidential Palace.⁵

A Cacophony of Herodians and Zealots

The famous Orientalist historian Arnold Toynbee, in his 1948 book, *Civilization on Trial*, in a chapter entitled "Islam, the West, and the Future,"⁶ invokes the case of Jewish society under Roman domination before the birth of Jesus, in explaining a major dilemma faced by a society that collides with a stronger civilization. He identifies two prototypical reactions: Herodianism and Zealotism.

The Herodian reaction involves accepting and implementing the principles and laws of the more powerful civilization, which was the Roman one in the historical case in question. In reference to the Islamic civilization's encounter with the Western one, Toynbee mentions the Turkish republican leader Mustafa Kemal Atatürk as an example of "arch-Herodians."

The Zealot reaction involves a de facto collision with the Roman Empire, resisting or challenging it by staying tightly bound to society's traditional values. Toynbee names the North African Sanusis and the

Central Arabian Wahhabis as examples of “arch-Zealots.” If he were writing today, he might use Erdoğan, who tries to bring in some version of traditional Islam.

The Herodians and Zealots, however, continue to coexist, though they may switch positions. Atatürk was the Herodian in the 1920s and 1930s; accepting the strength of the West, he tried to Westernize the country. The contemporary Kemalists, however, assume a Zealotic position. Erdoğan and the AKP came from a Zealotic group that opposed the Kemalist Herodianism of the 1920s and 1930s, turned Herodian for a very short period in the early 2000s, but then ultimately returned to their Zealotic origins.

As a result of this knot of contradictions, Turkey’s transition from a national security state to a human rights state has been complicated. The advocates of human rights have always faced resistance, even when they managed to be a part of the government. Now, the AKP government is relying on a “national security state” to remain in power, so the prospect of Turkey’s becoming a “human rights state” or a democracy in the near future is dim. In contrast, the respect and protection of minority rights depend on the advancement of human rights as a whole and democratization of both the state and society.

Notes

1. Bayır 2013, 8.
2. See <https://www.bbc.com/news/world-europe-43981745>.
3. See https://www.echr.coe.int/Documents/Stats_violation_1959_2016_ENG.pdf.
4. See <http://www.posta.com.tr/mufredat-aciklandi-cihat-var-evrim-yok-haberi-1316182>.
5. See <https://www.superhaber.tv/komuta-kademesi-sabah-namazini-millet-camiinde-kildivideo-haber-64396>.
6. For Toynbee’s article, see “Islam, the West, and the Future,” <https://www.alislam.org/library/articles/Islam-the-West-and-the-Future-200911.pdf>. I learned about this piece through Mustafa Akyol’s essay, “What Jesus Can Teach Today’s Muslims,” <https://www.nytimes.com/2017/02/13/opinion/what-jesus-can-teach-todays-muslims.html>.

Acronyms

AA	Anatolia Agency (Anadolu Ajansı)
AABK	Confederation of European Alevi Associations (Avrupa Alevi Birlikleri Konfederasyonu)
ABF	Alevi Bektashi Federation (Alevi Bektaşî Federasyonu)
ADF	Federation of Alevi Associations (Alevi Dernekleri Federasyonu)
AKP	Justice and Development Party (Adalet ve Kalkınma Partisi)
ASALA	L'Armée secrète arménienne pour la libération de l'Arménie (Armenian Secret Army for the Liberation of Armenia)
AVF	Federation of Alevi Foundations (Alevi Vakıfları Federasyonu)
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CHP	Republican People's Party (Cumhuriyet Halk Partisi)
CSCE	Conference on Security and Cooperation in Europe
DDP	Democracy and Change Party (Demokrasi ve Değişim Partisi)
DEHAP	Democratic People Party (Demokratik Halk Partisi)
DEP	Democracy Party (Demokrasi Partisi)
DHKP-C	Revolutionary People's Liberation Party/Front (Devrimci Halk Kurtuluş Partisi-Cephesi)
DİB	Directorate of Religious Affairs (Diyamet İşleri Başkanlığı)
DKP	Democratic Mass Party (Demokratik Kitle Partisi)
DP	Democrat Party (Demokrat Parti)
DSP	Democratic Left Party (Demokratik Sol Parti)
DTP	Democratic Society Party (Demokratik Toplum Partisi)

ECHR	European Convention on Human Rights (Convention for the Protection of Human Rights and Fundamental Freedoms)
ECRI	European Commission Against Racism and Intolerance
ECtHR	European Court of Human Rights
EMEP	Labor Party (Emek Partisi)
EOKA	Greek Cypriot National Struggle Organization
EU	European Union
FEDA	Federation of Democratic Alevis (Demokratik Alevi Federasyonu)
FETÖ	Fethullahist Terrorist Organization (Fethullahçı Terör Örgütü)
HADEP	People's Democracy Party (Halkın Demokrasi Partisi)
HAK-PAR	Rights and Freedoms Party (Hak ve Özgürlükler Partisi)
HASÜMÜT	Hanefi, Sunni, Muslim Turks (Hanefi, Sünni, Müslüman, Türk)
HBVAKV	Hacı Bektaş Veli Anatolian Culture Foundation (Hacı Bektaş Veli Anadolu Kültür Vakfı)
HDP	People's Democracy Party (Halkların Demokratik Partisi)
HEP	People's Labor Party (Halkın Emek Partisi)
HSK	Council of Judges and Prosecutors (Hakim ve Savcılar Kurulu)
HSYK	High Council of Judges and Prosecutors (Hakim ve Savcılar Yüksek Kurulu)
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
İHDK	Human Rights Advisory Board of the Prime Ministry (Başbakanlık İnsan Hakları Danışma Kurulu)
İHOP	Human Rights Shared Platform (İnsan Hakları Ortak Platformu)
İREF	Universal Federation of İstanbul Rums (İstanbul Rumların Evrensel Federasyonu)
ISIS	Islamic State of Iraq and the Levant (Irak ve Şam İslam Devleti [İŞİD])
JÖH	Gendarmerie Special Team (Jandarma Özel Harekat)
KAF-DER	Caucasian Association (Kafkas Derneği)
KAFFED	Federation of Caucasus Associations (Kafkas Dernekleri Federasyonu)
KCK	Union of Communities of Kurdistan (Koma Civaken Kurdistan)
KHK	statutory decree (kanun hükmünde kararname)

LAHASÜMÜT	Laic Hanafî Sunni Muslim Turk
LGBTI	lesbian, gay, bisexual, transgender, intersex
MHP	Nationalist Movement Party (Milliyetçi Hareket Partisi)
MİT	National Intelligence Organization (<i>Millî İstihbarat Teşkilatı</i>)
MP	member of Parliament
MTTB	National Turkish Student Union (Millî Türk Talebe Birliği)
NATO	North Atlantic Treaty Organization
OHAL	state of emergency (<i>olağanüstü hal</i>)
ODTÜ	Middle East Technical University (METU) (Orta Doğu Teknik Üniversitesi)
OSCE	Organization for Security and Cooperation in Europe
ÖZDEP	Freedom and Democracy Party (Özgürlük ve Demokrasi Partisi)
PD	prevention of discrimination
PKK	Workers' Party of Kurdistan (Partiya Karkerên Kurdistanê)
PMR	protection of minorities
PÖH	Police Special Team (Polis Özel Harekat)
RTÜK	Radio and Television High Council (Radyo ve Televizyon Üst Kurulu)
RUMVADER	Association for the Support of Rum Community Foundations (Rum Cemaat Vakıflarını Destekleme Derneği)
SHP	Social Democrat Populist Party (Sosyaldemokrat Halkçı Parti)
SP	Socialist Party (Sosyalist Parti)
STP	Socialist Turkey Party (Sosyalist Türkiye Partisi)
TBKP	United Communist Party of Turkey (Türkiye Birleşik Komünist Partisi)
TBMM	Turkish Grand National Assembly (Türkiye Büyük Millet Meclisi)
TCK	Turkish Penal Code (Türk Ceza Kanunu)
TEP	Laborer Party of Turkey (Türkiye Emekçi Partisi)
TESEV	Economic and Social Studies Foundation of Turkey (Türkiye Ekonomik ve Sosyal Etüdler Vakfı)
TİP	Workers' Party of Turkey (Türkiye İşçi Partisi)
TKDP	Kurdistan Democrat Party of Turkey (Türkiye Kürdistan Demokrat Partisi)
TL	Turkish Lira (Türk Lirası)
TMK	Anti-Terrorism Law (Terörle Mücadele Kanunu)

TMSF	Savings Deposit Insurance Fund (Tasarruf Mevduatı Sigorta Fonu)
TRT	Turkish Radio and Television Corporation (Türkiye Radyo Televizyon Kurumu)
TÜSİAD	Turkish Industry and Business Association (Türk Sanayici ve İşadamları Derneği)
UK	United Kingdom
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
VGM	Directorate General of Foundations (Vakıflar Genel Müdürlüğü)
WASP	White Anglo-Saxon Protestant
YÖK	Council of Higher Education (Yükseköğretim Kurulu)
ZEBİÇ	Center of Help to Mentally and Physically Disabled Children

Bibliography

- Akar, Rıdvan. 2009. *Aşkale Yolcuları, Varlık Vergisi ve Çalışma Kampları*. İstanbul: Doğan Kitap.
- Akgönül, Samim. 2007. *Türkiye Rumları: Ulus-Devlet Çağından Küreselleşme Çağına Bir Azınlığın Yok Oluş Süreci*. Translated by Ceylan Gürman. İstanbul: İletişim Y.
- Akkaya, Ahmet Yaşar. 2011. *Menderes ve Azınlıklar*. İstanbul: Mühür Kitaplığı.
- Aktar, Ayhan. 2000. *Varlık Vergisi ve "Türkleştirme" Politikaları*. İstanbul: İletişim Y.
- Aktar, Cengiz, ed. 2011. *Tarihi, Siyasi, Dinî ve Hukuki Açından Ekümenik Patrikhane*. İstanbul: İletişim Y.
- Albayrak, Ali. 2008. "Dini Gruplar Bağlamında Caferilik." *Fırat Üniversitesi İlahiyat Fakültesi Dergisi* 13 (2): 111–128.
- Alexandris, Alexis. 1983. *The Greek Minority of İstanbul and Greek-Turkish Relations, 1918–1974*. Athens: Center for Asia Minor Studies.
- . 1980. "İmbros and Tenedos: A Study of Turkish Attitudes Toward Two Ethnic Greek Island Communities Since 1923." *Journal of the Hellenic Diaspora* 7 (1): 5–31.
- Alğan, T. Cengiz, and F. Levent Şensever, eds. 2010. *Ulusal Basında Nefret Suçları: 10 Yıl, 10 Örnek*. İstanbul: Sosyal Değişim Derneği.
- Aliefendioğlu, Yılmaz. 2002. "Azınlık Hakları ve Türk Anayasa Mahkemesinin Azınlık Konusuna Bakışı." In *Ulusal, Ulusalüstü ve Uluslararası Hukukta Azınlık Hakları (Birleşmiş Milletler, Avrupa Birliği, Avrupa Konseyi, Lozan Antlaşması)*, ed. İbrahim Kaboğlu. İstanbul, İstanbul Barosu, 218–241.
- Altıparmak, Kerem. 2017. "685 Sayılı KHK ile Kurulan OHAL Komisyonu Etkili Bir Hukuk Yolu mu?" *İHOP*. http://www.ihop.org.tr/wp-content/uploads/2017/03/%C4%B0nceleme-Komisyonu_OHAL.pdf.
- Antonopoulou, Valeria. 2015. "İmvros & Tenedos: From Yesterday to Today." In RUM-VADER and İREF, eds., *Minority Citizens—Equal Citizens, Monitoring Reports About the Greek Community in Turkey*, trans. Sofia Koutsou. İstanbul, 57–82.
- Arat, Zehra F. Kabasakal, ed. 2007. *Human Rights in Turkey*. Philadelphia: University of Pennsylvania Press.
- Arayıcı, Ali. 2008. "Gypsies: The Forgotten People of Turkey." *International Social Science Journal* 59 (193/194): 527–538.
- Atatürk, Mustafa Kemal. 1993. *Eskişehir-İzmit Konuşmaları (1923)*. İstanbul: Kaynak Y.
- . 1969. *Nutuk*, vol. 3, *Vesikalar*. 10th ed. İstanbul: Milli Eğitim Basımevi.
- Ateş, Kazım. 2011. *Yurttaşlığın Kıtısında Aleviler: "Öz Türkler" ve "Heretik Ötekiler"*. Ankara: Phoenix Y.
- Ayzit, Aynur. 2002. "Mevzuatın Görünümü." In *Ulusal, Ulusalüstü ve Uluslararası Hukukta Azınlık Hakları (Birleşmiş Milletler, Avrupa Birliği, Avrupa Konseyi, Lozan Antlaşması)*, ed. İbrahim Kaboğlu. İstanbul, İstanbul Barosu, 242–261.

- Bali, Rifat. 2010. *Cumhuriyet Yıllarında Türkiye Yahudileri, Bir Türkleştirme Serüveni (1923–1945)*. İstanbul: İletişim Y.
- . 2004. *Devletin Yahudileri ve “Öteki” Yahudi*. İstanbul: İletişim Y.
- . 1998. “II. Dünya Savaşı Yıllarında Türkiye’de Azınlıklar—I, ‘Yirmi Kur’a İhtiyatlar’ Olayı.” *Tarih ve Toplum* 179: 11–17.
- Barutçu, Faik Ahmet. 1977. *Siyasi Anılar 1939–1954*. İstanbul: Milliyet Y.
- Bayır, Derya. 2017. *Türk Hukukunda Azınlıklar ve Milliyetçilik*. Translated by Ülkü Sağır. İstanbul: İstanbul Bilgi Üniversitesi Y.
- . 2013. *Minorities and Nationalism in Turkish Law*. United Kingdom: Ashgate.
- Baysal, Nurcan. 2016. *Ezidiler: 73. Ferman—Katliam ve Kurtuluş*. İstanbul: İletişim Y.
- Behar, Cem. 1996. *Osmanlı İmparatorluğu’nun ve Türkiye’nin Nüfusu, 1500–1927*, Ankara: DİE Tarihî İstatistikler Dizisi-Cilt 2.
- Bozbeyoğlu, Alanur Çavlin. 2001. “Differentiation in the Demographic Structure of Gökçeada Since 1923.” Unpublished doctoral dissertation, Hacettepe University.
- Bozkurt, Gülnihal. 1998. *Azınlık İmtiyazları Kapitülasyonlardan Tek Hukuk Sistemine Geçiş*. Ankara: Atatürk Araştırma Merkezi.
- Brennan, Shane, and Marc Herzog. 2014. *Turkey and the Politics of National Identity: Social, Economic and Cultural Transformation*. London: I. B. Tauris.
- Bruinessen, Martin van. 1997. “‘Aslini İnkâr Eden Haramzadedir’—The Debate on the Ethnic Identity of the Kurdish Alevis.” <https://www.researchgate.net/publication/46635711>.
- . 1996. “Kurds, Turks and the Alevi Revival in Turkey.” http://dspace.library.uu.nl/bitstream/handle/1874/20749/bruinessen_96_kurdsturksandthealevi.pdf?sequence.
- . 1994. “Kurdish Nationalism and Competing Ethnic Loyalties.” https://www.academia.edu/5192320/Kurdish_nationalism_and_competing_ethnic_loyalties.
- Bulaç, Ali. 2020. *Medine Sözleşmesi*. İstanbul: Çıra Yayınları.
- Clercq, Jules de. ed. 1880. *Recueil des Traîtés de la France, Tome III*. Paris: Durand et Pédone-Lauriel.
- Çağlayan, İhsan Sabri. 1990. *Anılarım*, İstanbul: Yılmaz Y.
- Çavuşoğlu, Naz. 2002. “Azınlık Hakları, Avrupa Standartları ve Türkiye—Bir Karşılaştırma.” In *Ulusal, Ulusalüstü ve Uluslararası Hukukta Azınlık Hakları (Birleşmiş Milletler, Avrupa Birliği, Avrupa Konseyi, Lozan Antlaşması)*, ed. İbrahim Kaboğlu. İstanbul: İstanbul Barosu, 124–146.
- Çetin, Fethiye. 2017. “Hrant Dink ve Agos’a Açılan Davalar—Cinayet Öncesi.” In *Türk Dış Politikası: Kurtuluş Savaşından Bugüne Olgular, Belgeler, Yorumlar*, vol. 3, 2001–2012, ed. Baskın Oran. 3rd ed. İstanbul: İletişim Y., 86.
- . 2002. “Yerli Yabancılar.” In *Ulusal, Ulusalüstü ve Uluslararası Hukukta Azınlık Hakları (Birleşmiş Milletler, Avrupa Birliği, Avrupa Konseyi, Lozan Antlaşması)*, ed. İbrahim Kaboğlu. İstanbul: İstanbul Barosu, 71–81.
- Daldas, Nikolaos A. 1996. *Imbros et sa Diaspora, Paix*. Bulletin de Monastère Orthodoxe Français St. Nicholas de la Dalmerie, supplément no. 87.
- Dayıoğlu, Ali. 2005. *Toplama Kampından Meclis’e—Bulgaristan’da Türk ve Müslüman Azınlığı*. İstanbul: İletişim Y.
- Demir, Hülya, and Rıdvan Akar. 1994. *İstanbul’un Son Sürgünleri, 1964’te Rumların Sınırdışı Edilmesi*. İstanbul: İletişim Y.
- Dokuyan, Sabit. 2016. “Soyadı Kanunu ve Kanunun Uygulanma Süreci.” *Tarih İncelemeleri Dergisi* 31 (1): 129–166.
- Dosdoğru, Hulusi. 1993. *6/7 Eylül Olayları*. İstanbul: Bağlam Y.
- Ecumenical Federation of Constantinopolitans. 2015. “The Problems of the Involuntary Expatriated Greek-Orthodox Community of İstanbul.” In RUMVADER and İREF, eds., *Minority Citizens—Equal Citizens, Monitoring Reports About the Greek Community in Turkey*. İstanbul, 83–108.
- Emon, Anver M. 2001–2002. “Reflections on the ‘Constitution of Medina’: An Essay on Methodology and Ideology in Islamic Legal History.” *UCLA Journal of Islamic and Near Eastern Law* 1 (1): 103–133.

- Erim, Nihat. 1953. *Devletlerarası Hukuku ve Siyasi Tarih Metinleri*. Vol. 1. Ankara: Türk Tarih Kurumu Basımevi, 9–15.
- George, Pierre. 1984. *Géopolitique des Minorités*. Paris: Presses Universitaires de France.
- Guimezanes, Nicole. 2002. “Fransa ve Azınlıklar.” In *Ulusal, Ulusüstü ve Uluslararası Hukukta Azınlık Hakları (Birleşmiş Milletler, Avrupa Birliği, Avrupa Konseyi, Lozan Antlaşması)*, ed. İbrahim Kaboğlu. İstanbul: İstanbul Barosu, 285–294.
- Güllapoğlu, Fatih. 1991. *Tanksız Topsuz Harekât*. İstanbul: Tekin Y.
- Güven, Dilek. 2006. *Cumhuriyet Dönemi Azınlık Politikaları ve Stratejileri Bağlamında 6–7 Eylül 1955 Olayları*. Translated by Bahar Şahin. İstanbul: İletişim Y.
- Hirschon, Renée, ed. 2003. *Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange Between Greece and Turkey*. New York: Berghahn Books.
- Hurigi, Fadi. 2015. “The Structure and Problems of the Christian Communities Living in the Hatay and Mersin Region and Suggested Solutions.” In RUMVADER and İREF, eds., *Minority Citizens—Equal Citizens, Monitoring Reports About the Greek Community in Turkey*, trans. Fevziye İpekçi. İstanbul, 109–122.
- Hurst, Michael, ed. 1972. *Key Treaties of the Great Powers, 1814–1914*. New York: St. Martin’s Press.
- Hür, Ayşe. 2013. “Medine Vesikası ve Ömer Paktı.” <http://www.radikal.com.tr/yazarlar/ayse-hur/medine-vesikasi-ve-omer-pakti-1158696/>.
- . 2012. “Cumhuriyetin Azınlık Raporu.” <http://www.taraf.com.tr/yazilar/ayse-hur/cumhuriyet-in-azinlik-raporu/19607/>.
- İçişleri Bakanlığı İller İdaresi Genel Müdürlüğü. 1977. *Yeni Tabii Yer Adları 1977: Yeni, Eski ve İllere Göre Dizileri*. Ankara.
- İHOP. 2017. *Olağanüstü Hal Tedbir ve Düzenlemeleri, Güncellenmiş Durum Raporu*. http://www.ihop.org.tr/wp-content/uploads/2017/03/Fact-Sheet-of-SoE_23022017.pdf.
- Kaboğlu, İbrahim, ed. 2002. *Ulusal, Ulusüstü ve Uluslararası Hukukta Azınlık Hakları (Birleşmiş Milletler, Avrupa Birliği, Avrupa Konseyi, Lozan Antlaşması)*. İstanbul: İstanbul Barosu.
- Karan, Ulaş. 2017. *Ignored and Unequal: Roma Access to the Right to Housing and Education in Turkey*. Minority Rights Group International, The Zero Discrimination Association. London.
- Kasapoğlu, Yorgos. 2015. “The Condition of the Orthodox of Antakya Who Live in İstanbul Nowadays.” In RUMVADER and İREF, eds., *Minority Citizens—Equal Citizens, Monitoring Reports About the Greek Community in Turkey*, trans. Fevziye İpekçi. İstanbul, 122–124.
- Katsanos, Yorgos, and Elçin Macar. 2019. “İmroz’dan Gökçeada’ya giderken: 1964’te ne oldu?” *İstanbullu Rumlar ve 1964 Sürgünleri—Türk Toplumunun Homojenleşmesinde Bir Dönüm Noktası*, ed. İlay Romain Örs. İstanbul: İletişim Y., 167–180.
- Kaygusuz, Özlem. 2003. “Foreign Policy and the Construction of Modern Turkish Citizenship During the National Struggle Period.” Unpublished doctoral dissertation, Bilkent University.
- Kaymak, Özgür, and Anna Maria Beylunioğlu. 2017. “An Analysis of National and Minority Identity Relationality: The Case of Antiochian Eastern Orthodox Community in İstanbul.” In Anja Zalta and Muhammed Ali, eds., *Poligrafi—İslam and Democracy* 22 (85/86): 65–86.
- Kayra, Cahit. 2011. *Savaş Türkiye Varlık Vergisi*. İstanbul: Tarihçi Kitabevi.
- Kılıçer, Sema. 2016. “An Overview of the European Commission’s Progress Reports on Turkey, 1998 to 2015, Regarding the Freedom of Religion and Belief.” In *Advancing Freedom of Religion or Belief for All, Contributions from the Conference 6–9 September 2015, Halki, İstanbul, Turkey*, Elizabeta Kitanovic and Fr. Aimilianos Bogiannou, eds. Geneva: Globethics.net, 61–80.
- Kıvılcımlı, Hikmet. 1979. *İhtiyat Kuvvet: Milliyet (Şark)*. İstanbul: Yol Y.
- Kitanovic, Elizabeta, and Fr. Aimilianos Bogiannou, eds. 2016. In *Advancing Freedom of Religion or Belief for All, Contributions from the Conference 6–9 September 2015, Halki, İstanbul, Turkey*. Geneva: Globethics.net. <https://www.globethics.net>

- /documents/4289936/17575651/GE_CEC_3_web.pdf/5747ccc9-6362-4721-82c3-b616382a5d29.
- Kocatürk, Utkan. 1973. *Atatürk ve Türk Devrimi Kronolojisi, 1918–1938*. Ankara: Türk İnkılap Tarihi Enstitüsü.
- Koçak, Cemil. 2005. *Belgelerle Heyeti Mahsusalar*. İstanbul: İletişim Y.
- Koraltürk, Murat. 2011. *Erken Cumhuriyet Döneminde Ekonominin Türkleştirilmesi*. İstanbul: İletişim Y.
- Krstitch, Dragolioub. 1924. *Les Minorités, l'Etat et la Communauté Internationale*. Paris: Librairie Arthur Rousseau.
- Ktistakis, Yiannis. 2016. "Reflections on the Ecumenical Character and the Legal Status of the Patriarchate of Constantinople." *Advancing Freedom of Religion or Belief for All, Contributions from the Conference 6–9 September 2015, Halki, Istanbul, Turkey*, Elizabetha Kitanovic and Fr. Aimilianos Bogiannou, eds. Geneva: Globethics.net, 49–60.
- Kurban, Dilek. 2003. "Confronting Equality: The Need for Constitutional Protection of Minorities on Turkey's Path to the European Union." *Columbia Human Rights Law Review* 35 (101): 151–223.
- Kurban, Dilek, and Konstantinos Tsitselikis. 2010. "A Tale of Reciprocity: Minority Foundations in Greece and Turkey." <https://www.tesev.org.tr/en/research/a-tale-of-reciprocity-minority-foundations-in-greece-and-turkey/>.
- Lausanne Conference on Near Eastern Affairs (1922–1923). *Records and Proceedings and Draft Terms of Peace*. London: H. M. Stationery Office.
- Levi, Avner. 1998. *Türkiye Cumhuriyeti'nde Yahudiler, Hukuki ve Siyasi Durumları*. İstanbul: İletişim Y.
- Macar, Elçin. 2014. "İmroz ve Bozcaada'nın Türkiye'ye Bırakılması ve 1928 Tarihli Bir Rapor." In *Suriçi'nde Bir Yaşam—Töktanmış Ateş'e Armağan*. İstanbul: İstanbul Bilgi Üniversitesi Y., 370–378.
- . 2011. "Başbakanlık Cumhuriyet Arşivi Belgelerine Göre Tek Parti Döneminde Cemaat Vakıflarının Sorunları." <http://www.bolsohays.com/yazarmakale-73/anonim-tek-parti-doneminde-cemaat-vakiflarinin-sorunlari.html>.
- . 2003. *Cumhuriyet Döneminde İstanbul Rum Patrikhanesi*. İstanbul: İletişim Y.
- . 2002. *İstanbul'un Yok Olmuş İki Cemaati, Doğu Ritli Katolik Rumlar ve Bulgarlar*. İstanbul: İletişim Y.
- Macartney, C. A. 1934. *National States and National Minorities*. London: Oxford University Press.
- Madanoğlu, Cemal. 1982. *Anılar, 1911–1953*. İstanbul: Evrim Y.
- Marsh, Adrian. 2008. "Etnisite ve Kimlik: Çingenelerin Kökeni." <https://docplayer.biz.tr/3213425-Etnisite-ve-kimlik-cingenelerin-kokeni.html>.
- Mertcan, Hakan. 2017. "Nusayriler (Arap Aleviler)." In *Türk Dış Politikası, Kurtuluş Savaşından Bugüne Olgular, Belgeler, Yorumlar*, vol. 3, 2001–2012, ed. Baskın Oran. 3rd ed. İstanbul: İletişim Y., 223–224.
- Mildanoğlu, Zakarya. 2014. *Ermenice Süreli Yayınlar, 1794–2000*. İstanbul: Aras Yayıncılık.
- Nişanyan, Sevan. 2020. *Türkiye Yer Adları Sözlüğü*. İstanbul: Liberus Y.
- . 2011. *Hayali Coğrafyalar: Cumhuriyet Döneminde Türkiye'de Değiştirilen Yer adları*. İstanbul: TESEV.
- Oral, Hasan. 2014. "Bir İnsan Hakkı İhlali Olarak Asimilasyon ve Laz Halkı." In *Azınlıklar, Ötekiler ve Medya*, ed. Yasemin İnceoğlu and Savaş Çoban. İstanbul: Ayıntı Y., 190–216.
- Oran, Baskın. 2018. *Etnik ve Dinsel Azınlıklar, tarih, teori, hukuk, Türkiye*. İstanbul: Literatür Y.
- . 2017. "1964 Gizli Kararnamesi." In *Türk Dış Politikası: Kurtuluş Savaşından Bugüne Olgular, Belgeler, Yorumlar*, vol. 3, 2001–2012, ed. Baskın Oran. 3rd ed. İstanbul: İletişim Y.
- . 2014. *Kürt Barışında Batı Cephesi—Ben Ege'de Akılken*. İstanbul: İletişim Y.
- . 2010a. "Kemalism, Islamism, and Globalization: A Study on the Focus of Supreme Loyalty in Globalizing Turkey." *Journal of Southeastern European and Black Sea Studies* 1 (3): 20–50.

- , ed. 2010b. *Turkish Foreign Policy 1919–2006*. Translated by Mustafa Akşin. Salt Lake City: University of Utah Press.
- . 2007. “The Minority Report Affair in Turkey.” *Regent Journal of International Law* 5 (1): 2–93.
- . 2003. “The Story of Those Who Stayed: Lessons from Articles 1 and 2 of the 1923 Convention.” In *Crossing the Aegean: An Appraisal of the 1923 Compulsory Exchange of Populations Between Greece and Turkey*, ed. Renée Hirschon. Oxford: Berghahn Books, 97–115.
- . 2002. “Kürt Milliyetçiliğinin Diyalektiği.” In *Milliyetçilik*, ed. Tanıl Bora and Murat Gültekinçil. *Modern Türkiye’de Siyasi Düşünce serisi*. Vol. 4. İstanbul: İletişim Y., 871–879.
- . 1999. *Atatürk Milliyetçiliği, resmî ideoloji dışı bir inceleme*. Enlarged 5th ed. Ankara: Bilgi Y.
- . 1997. “Küreselleşme Ortamında Türkiye’de ‘Birlik ve Beraberlik’, Kürt Kimliği ve Gelecek Üzerine Düşünceler,” *Tarih ve Milliyetçilik, I. Ulusal Tarih Kongresi, Bildiriler*, Mersin Üniversitesi Y.
- . 1994b. “Lozan’ın ‘Azınlıkların Korunması’ Bölümünü Yeniden Okurken.” *SBF Dergisi* 49 (3–4): 283–301.
- . 1994a. “Religious and National Identity Among the Balkan Muslims: A Comparative Study on Greece, Bulgaria, Macedonia, and Kosovo.” *Cahiers d’Etudes sur la Méditerranée Orientale et le Monde Turco-Iranien (CEMOTI)* 18: 308–323.
- . 1991. *Türk-Yunan İlişkilerinde Batı Trakya Sorunu*. Updated 2nd ed. Ankara: Bilgi Y.
- . 1969. “İç ve Dış Politika İlişkisi Açısından İkinci Dünya Savaşında Türkiye’de Siyasal Hayat ve Sağ-Sol Akımlar.” *SBF Dergisi* 24 (3): 227–275.
- Ökte, Faik. 1951. *Varlık Vergisi Faciası*. İstanbul: Nebioğlu Y.
- Örs, İlay Romain, ed. 2019. *İstanbul Rumlar ve 1964 Sürgünleri-Türk Toplumunun Homojenleşmesinde Bir Dönüm Noktası*. İstanbul: İletişim Y.
- Özbek, Nimet. 2010. “The Legal Status of Foreign Schools in Turkey.” *Turkish Foreign Policy 1919–2006*, ed. Baskın Oran, trans. Mustafa Akşin. Salt Lake: Utah University Press, 139.
- Özerdem, Alpaslan, and Matthew Whiting, eds. 2019. *The Routledge Handbook of Turkish Politics*. London: Routledge.
- Özyürek, Esra, Gaye Özpinar, and Emrah Altındış, eds. 2019. *Authoritarianism and Resistance in Turkey, Conversations on Democratic and Social Challenges*. Switzerland: Springer.
- Pamir, Aybars. 2002. “Kapitülasyon Kavramı ve Osmanlı Devleti’ne Etkileri.” *Ankara Üniversitesi Hukuk Fakültesi Dergisi* 51 (2): 79–119.
- Reşit [Unat], Faik. 1927. *Maarif Düsturu*. Vols. 1 and 2. İstanbul: Milli Matbaa.
- Reyna, Yuda, and Ester Moreno Zonana. 2003. *Son Yasal Düzenlemelere Göre Cemaat Vakıfları*. İstanbul: Gözlem Gazetecilik Basın ve Yayın.
- Reyna, Yuda, and Yusuf Şen. 1994. *Cemaat Vakıfları ve Sorunları*. İstanbul: Gözlem Y.
- Rıza Nur, Dr. 1967. *Hayat ve Hatıratım*. 3 vols. İstanbul: Altındağ Y.
- Rudesco, Cornelius-Alexandre. 1929. *Etude sur la Question des Minorités de Race, de Langue et de Religion*. Lausanne: Payot.
- RUMVADER and İREF, eds. 2015. *Minority Citizens—Equal Citizens, Monitoring Reports About the Greek Community in Turkey*. İstanbul. <http://www.rumvader.org/Assets/Upload/Images/file/20150421-DIHAA-EN%20online%20version.pdf>.
- Sancar, Mithat. 2017. “Terörle Mücadele Kanunu ve 2006 Değişikliği.” In *Türk Dış Politikası: Kurtuluş Savaşından Bugüne Olgular, Belgeler, Yorumlar*, vol. 3, 2001–2012, ed. Baskın Oran. 3rd ed. İstanbul: İletişim Y.
- Sancar, Mithat, and Eylem Ümit Atılğan. 2009. “Adalet Biraz Es Geçiliyor.” In *Demokratikleşme Sürecinde Hâkimler ve Savcılar*. İstanbul: TESEV.

- Sancar, Mithat, and Samim Akgönül. 2017. "Türk Ceza Kanunu Md. 301 (eski 159) Değişiklikleri." In *Türk Dış Politikası: Kurtuluş Savaşından Bugüne Olgular, Belgeler, Yorumlar*, vol. 3, 2001–2012, ed. Baskın Oran. 3rd ed. İstanbul: İletişim Y.
- Sofuoğlu, Cem. 2011. "Yetimhane Kararı Kapsamında Rum Patrikhanesi'nin Tüzel Kişilik Sorunu." In *Tarihî, Siyasî, Dinî ve Hukukî Açısından Ekümenik Patrikhane*, ed. Cengiz Aktar. İstanbul: İletişim Y. 197–202.
- Somel, Selçuk Akşin. 2013. *Gayri Müslim Okulları Nasıl Azınlık Okullarına Dönüştü, Geçmişten Günümüze Azınlık Okulları Projesi*. İstanbul: Tarih Vakfı.
- Soykan, Tankut. 2004. "The Implications of the Copenhagen Political Criteria on the Language Rights of the Kurds in Turkey." Unpublished master's thesis, McGill University.
- Şeker, Hilmi. 2019. *Roboski Davası, Mehmet Encü ve Diğerleri Başvurusu*. İstanbul: Kırk Saat Y.
- Şendeniz, Özlem. 2020. "Kimdir Bu Lazlar." In *Laz Kimliği ve Sanal Mekanda Lazca*. İstanbul: İletişim Y.
- Tellal, Erel. 2010. "Relations with the USSR." In *Turkish Foreign Policy 1919–2006*. ed. Baskın Oran, trans. Mustafa Akşin. Salt Lake City: Utah University Press, 617–622.
- Thornberry, Patrick. 1994. *International Law and the Rights of Minorities*. Oxford: Clarendon Press.
- Tsitselikis, Konstantinos. 2015. "Greek Minority Foundations: Their Role and Importance for the Future of the Greek-Orthodox Minority in Turkey." In RUMVADER and İREF, eds., *Minority Citizens—Equal Citizens, Monitoring Reports About the Greek Community in Turkey*, trans. Sofia Koutsou. İstanbul, 13–41.
- Tunçay, Mete. 1981. *Türkiye Cumhuriyeti'nde Tek-Parti Yönetimi'nin Kurulması, 1923–1931*. Ankara: Yurt Y.
- Tunçel, Harun. 2000. "Türkiye'de İsmi Değiştirilen Köyler." *Fırat Üniversitesi Sosyal Bilimler Dergisi* 10 (2): 23–34.
- Türkiye Cumhuriyeti İlk Anayasa Taslağı*. 1998. İstanbul: Boyut Yayın Grubu.
- Uygun, Oktay. 2004. "İfade Özgürlüğü: Ulusal ve Uluslararası Standartlar." *Güncel Hukuk* 1: 26–27.
- Volkan, Vamik D., and Norman Itzkowitz. 1994. *Turks and Greeks, Neighbours in Conflict*. Cambridgeshire: Eothen Press.
- Yalçınkaya, Ayhan. 1996. *Alevilikte Toplumsal Kurumlar ve İktidar*. Ankara: Mülkiyeliler Birliği Vakfı Y.
- Yeğen, Mesut. 2006. *Müstakbel Türk'ten Sözde Vatandaş'a—Cumhuriyet ve Kürtler*. İstanbul: İletişim Y.
- Yerasimos, Stefanos. 1997. "La Naissance des Minorités, XIX^e siècle-Première Guerre Mondiale." *Tarih ve Milliyetçilik, I. Ulusal Tarih Kongresi, Bildiriler*, Mersin, Mersin Üniversitesi Y., 280–321.
- Yıldız, Ahmet. 2004. "*Ne Mutlu Türküm Diyebilene*": *Türk Ulusal Kimliğinin Etno-Seküler Sınırları, 1919–1938*. İstanbul: İletişim Y.
- Yıldız, Süheyla. 2013. "Asimilasyon ile Kimliklenme Arasında Bir Kuşak: Yahudi Gençlerinin Kimlik Stratejileri," *Gençlik Halleri, 2000'li Yıllar Türkiye'sinde Genç Olmak*, der. Demet Lüküslü ve Hakan Yücel, Ankara, Efil Y., 195–221.
- Yılmaz, Altuğ, ed. 2015. *Müslümanlaş(tırıl)mış Ermeniler, konferans tebliğleri November 2013*. İstanbul, Hrانت Dink Vakfı Y.

Index

- Abazins, 64
Abdülhamid II, Sultan, 21, 54
Abkhazians, 64
Academics for Peace, 198, 205, 210
Acara, 64
Aczmemdis, 57
Adato, Salamon, 139
Adyghes, 64, 65
Agos (Furrow), 27, 28, 30, 74, 102, 129, 165, 168, 216, 237, 240, 256
Agreement on Residence, Trade, and Navigation, 122
Agrianos, 117
ahitname, 17
Akgönül, Samim, 164–166, 239, 255, 260
Akis, 143
Akkadians, 39
AKP, 30, 31, 48, 71, 120, 121, 129, 143, 169, 170, 175, 187, 192–194, 196, 197, 199–203, 206, 207, 209, 210, 212–214, 229–232, 234, 237, 238, 242–244, 247, 248, 249, 251
Akşener, Meral, 120, 163
Aktar, Ayhan, 137, 164–166, 255
Al Qaeda, 128
Alevi Bektashi Federation (ABF), 58, 60, 251
Alevi Community Federation of Germany, 59
Alevi Culture Associations, 59
Alevi Culture Centers, 59
Alevi Society (Alevi Toplumu), 59
Alevi Workshops, 50, 230
Alexandris, Alexis, 164–166, 255
allochthonous (nonindigenous), 4, 24, 66, 68
Alperen, 240
Altun, Feri, 59
Amasya Meeting (*Amasya Mülakatı*) (1919), 115
amira, 20
Anatolia Agency (AA), 136, 251
Anatolian Culture Association, 196
Anatolian Culture Foundation (HBVAKV), 59, 252
Angel Fowl, 44
antidiscrimination, 76, 83, 95, 238
Antioch, 37–39, 41, 74
anti-Semitism, 190, 233
Anti-Terrorism Law (TMK), 106, 170, 221, 253
Apartheid, 3, 7
Apostolic Church, 27
Apoyevmatini, 36, 167
Arab, 12, 32, 33, 37, 48, 49, 51, 54, 55, 58, 68, 117
Arab Alevis, 54, 55
Arameans, 39
Arat, Zehra F. Kabasakal, v, xii, 255
Arik, Kazım, 75, 76
Armenians, 13, 20, 21, 23–30, 36–38, 40, 49, 52, 69, 72, 73, 85, 93, 114, 116–118, 120–122, 125, 127–131, 135, 140, 141, 144, 145, 148, 149, 160, 165, 167, 180, 183, 184, 186, 187, 189–191, 198, 215, 216, 227–229, 131, 236, 237, 251; Armenian

- genocide, 198, 231; Armenian issue, 20, 21; Armenian massacres, 37, 40, 52; Armenian sperm, 120
- Article 14 (Lausanne Treaty) 132, 133
- Article 39 (Lausanne Treaty), 56, 80, 81, 87–92, 103, 130, 132, 135, 136, 136, 176, 188
- Article 88 (1924 Constitution), 116, 129, 130
- Article 90/5 (1982 Constitution), 42, 84, 88, 91, 181
- Article 92 (1924 Constitution), 130, 165
- Article 101/4 (Turkish Civil Code), 31, 64, 65, 160, 181, 182, 188
- Article 216 (Turkish Penal Code), 113, 234, 237
- Article 301 (Turkish Penal Code), 113, 119, 120, 129, 134, 237
- ASALA, 27, 227–229, 251
- Ashkenazis, 29
- assimilation, 4–7, 28, 30, 37, 54, 55, 58, 63, 68, 76, 105, 223, 224, 228, 242–244
- Association of Holy Book Courses, 45
- Association of Protestant Churches, 45
- Association of Salvation Churches, 128
- Association to Support Greek Community Foundations (RUMVADER), 33, 37, 73, 253, 255–257, 259, 260
- Assyrian, 13, 39, 40, 74
- Assyro-Chaldeans, 39,
- Atatürk, 75, 109–112, 114, 115, 120, 126, 158, 162, 164, 166, 167, 248, 249, 255, 256, 258, 259
- Atatürk High Council for Culture, Language and History, 120
- Ateşyan, Archbishop Aram, 149, 168
- atheist, 60, 190
- Athenagoras, Patriarch, 126, 139, 140
- Atılgan, Eylem Ümit, 238, 240, 260
- Austro-Hungary, 22
- autochthonous, 3, 24, 27, 29, 33, 62, 63, 68
- Aya Voukolos Church, 35
- ayazma, 34, 35, 73
- Azar, Sami, 73
- Azda, 44
- Azeri Turkish, 52, 53
- azlık, 26
- Bahai(s), Bahatism, Bahaists, 42, 43, 74, 84
- Bali, Rifat, 164–166, 256
- Balıklı Rum Hospital, 36, 140, 159
- Balıklı Rum Hospital Foundation, 159
- Balkan Pact (1953), 141
- Balkan(s), 4, 6, 19, 22, 23, 32, 50, 53, 61, 62, 66, 121, 141, 145, 259
- Banaz Village Pir Sultan Abdal Tourism and Solidarity Association, 59
- Bankers' Scandal, 186
- Banking Regulation and Supervision Agency, 207
- Basque, 224
- Bayar, President Celal, 140, 142
- Baydemir, Osman, 231
- Bayır, Derya, 72, 74, 75, 168, 240, 249, 256
- Bedirhan, 20
- Behar, Cem 167, 256
- Bekçiyan, Archbishop Karekin, 149, 168
- Bektashi(s), Bektashism, 49–51, 53, 57, 58, 251
- beşinci kol, 26
- Beşli, Memedali Barış, 76
- Beth Israil Synagogue, 127
- Beyoğlu Central Rum High School Foundation, 188
- Beyoğlu Süryani Kadim Meryemana Church Foundation, 41
- Bolshevik, 94
- Bolu Ekspres*, 236
- Bosnia-Herzegovina, 22, 76
- Bosniak, 118, 242
- Bosnian, 6, 49, 62, 63, 76, 121, 192
- bourgeoisie, 13, 142, 151, 166
- Bozcaada (Tenedos), 33–36, 73, 131–133, 140, 143, 167, 183, 215, 258
- Bozcaada Kimisis Teodoku Greek Orthodox Church, 183, 215
- Breton, 224
- British, 19, 21, 24, 94, 103, 126, 127, 164, 224
- Bruinessen, Martin van, 76, 77, 256
- Brunissen, Pierre, 128
- Brunson, Andrew, 45, 128, 129
- Buddhists, 84
- Büyükkada Rum Boys and Girls Orphanage, 147
- Büyükkada Rum Girls and Boys Orphanage Foundation, 161

- ByLock, 198, 204, 218, 219
 Byzantine Empire, 12, 14
- Caferi, 54, 255
 Çakmak, Fevzi, 68,
 capital accumulation, 186, 187
 capital transfer, 186, 187
 capitulations, 8, 16, 17, 24
 Capotorti, Francesco, 3
 Catalan, 224
 Catholic(s), 12, 13, 15, 18, 22, 27, 28,
 33, 34, 39–41, 45–47, 72, 74, 75, 128;
 Catholicism, 13, 145
 Caucasus, 20, 61, 63–67, 252
 Çavuşoğlu, Naz, 168, 256
 Çelik, Tuma, 42, 74
 Cem Foundation, 50, 59, 61
Cemevi(s), 58, 61, 76
 Center of Help to Mentally and
 Physically Disabled Children
 (ZEBİÇ), 28, 254
 Çetin, Fethiye, 166, 167, 240, 256
 Chaldean, 34, 39, 40, 215
 Charter of Paris/Paris Charter, 100, 101
 Chechens, 20
 chosen trauma, 226–228, 231
 CHP, 56, 71, 77, 124, 125, 135, 139,
 141–143, 169, 202, 203, 205, 218,
 230, 237, 251
 Christianity, 27, 29, 32, 43, 51, 68, 74,
 164
 Church of Mor Fetrus/Mor Favlus,
 41
 Çiçek, Cemil, 120, 163
Çingene (Gypsy), 70, 71, 77
 Circassian Assistance Association, 65
 Circassian Federation of Associations,
 65
 Circassian People's Initiative, 65
 Circassian(s), 20, 21, 49, 63–67, 70, 76,
 117, 118, 151, 192, 242
 Citizen, Speak Turkish, 121, 131, 134,
 188
 civil society, 37, 71, 215, 238
 cleansing, 5–7, 30, 69, 105, 121, 122,
 225
 cohesion, 4, 83, 93, 134, 241
 Cold War, 118, 139
 Committee on the Evaluation of Minority
 Issues, 150
 compulsory citizen, 93
- Confederation of European Alevi
 Associations (AABK), 59, 60, 251
 Conference on Security and Cooperation
 in Europe (CSCE), 100, 104, 251
 Congress of Vienna (1815), 19, 24
 Constitution of Medina (Medine
 Vesikası), 11, 256
 Constitutional Court, 107, 145, 146,
 152–157, 172, 196, 199, 201–203,
 208, 210, 218
 Constitutions: 1921 Constitution, 110,
 112, 115; 1924 Constitution, 110, 116,
 129; 1961 Constitution, 107, 110,
 152; 1982 Constitution, 84, 98, 102,
 103, 106, 109, 110, 147, 157, 161,
 171, 180, 233
 Convention Against Discrimination in
 Education, 96
 Convention Against Torture and Other
 Cruel, Inhuman or Degrading
 Treatment or Convention Concerning
 the Exchange of Greek and Turkish
 Populations (1923), 15, 33, 62, 122,
 186, 226, 257, 259
 Convention on the Elimination of All
 Forms of Discrimination Against
 Women (CEDAW), 97, 251
 Convention on the Non-Applicability of
 Statutory Limitations to War Crimes
 and Crimes Against Humanity,
 96
 Convention on the Prevention and
 Punishment of the Crime of
 Genocide, 96
 Convention on the Rights of the Child,
 97, 98
 Copenhagen Document, 101
 Copenhagen Package, 173
 Copenhagen Political Criteria, 113, 260
 Council of Europe, 34, 70, 99, 104, 201,
 233
 Council of Higher Education (YÖK),
 204, 254
 Council of Judges and Prosecutors
 (HSK), 208, 209, 252
 Council of State, 39, 58, 60, 76, 121,
 147, 152, 160, 161, 192, 200, 214,
 218
 Country Reports, 171, 190
 Court of Accounts, 174
 Court of Appeals, 236

- Court of Cassation, 43, 45, 57, 58, 61, 76, 77, 114, 121, 136, 150, 152, 158–160, 164, 168, 178, 190, 191, 217, 236, 240
- Court of First Instance, 57, 160, 208
- Criminal Court of First Instance, 208
- Criminal Courts of Peace, 208
- Criminal Judgeship of Peace, 207, 208
- Cumhuriyet*, 75, 76, 137, 162, 165, 166, 168, 198, 216–220, 217, 256–258, 260
- Cumhuriyet Mitingleri, 228
- Çveneburi*, 64
- Cyprus Is Turkish Association, 127
- Dagestanis, 64
- Dashnak, 21
- Davutoğlu, Ahmet, 58, 76, 212
- DBP, 196, 206, 219
- DDP, 155, 251
- decisions to close Kurdish parties, 152
- Declaration of 1936, 38, 73, 136, 144, 158, 161, 178, 179
- dede, 50, 51
- deep state, 127, 131
- değabah, 49, 168
- DEHAP, 156, 251
- Deixonne Law, 224
- dem, 51
- Demirtaş, Selahattin, 212
- DEP, 154–156, 251
- deportation, 7, 27, 122, 123, 128, 186
- dergah, 59
- Dersim, 49, 52, 54–56, 67, 75, 117
- Dersim Alevis, 54, 55
- Deyrulumur, 41
- Deyrulzafaran, 41
- dhimmi, 12
- DHKP-C, 213, 251
- dialects, 194
- diaspora, 4, 66, 129, 165, 229, 239, 255, 256
- Dimili*, 54, 56, 67
- Dink, Hrant, 27, 28, 30, 73, 120, 128, 129, 165, 185, 189, 232, 237, 240, 256, 260
- Directorate General of Foundations. *See* VGM
- Directorate of Religious Affairs (DİB), 51, 231, 251
- disadvantaged, 2, 6, 154
- discrimination, 3, 6, 7, 9, 30, 33, 40, 61, 70, 71, 80, 83, 87, 95–97, 101, 121, 136, 142, 147–149, 152, 157, 169, 170, 178, 221–223, 225, 227, 229, 231–239, 242, 243, 251, 253, 257
- disintegration, 26, 157, 228, 232, 239
- Diyarbakır Bar Association, 108
- DKP, 155, 251
- Doğulu*, 142
- Dolmabahçe Accord (2015), 211–213
- Dom, 70
- Domari, 70
- domestic jurisdiction, 98, 101
- dönme, 237, 228
- DP, 36, 125–127, 133, 139, 140–143, 145, 251
- DSP, 169, 251
- DTP, 120, 156, 158, 240, 251
- Eastern or Southeastern Issue, 211
- Eastern Question, 21
- Eastern Reform Plan (Şark Islahat Planı), 117
- Eastern Roman Empire, 32, 34, 74
- Ecevit, Bülent, 239, 247
- ecnebi, 137
- Economic and Social Studies Foundation of Turkey (Türkiye Ekonomik ve Sosyal Etüdler Vakfı (TESEV)). *See* TESEV
- ECtHR, 46, 57, 58, 60, 61, 76, 83, 91, 99, 102, 106, 129, 153–156, 170, 173, 180, 182, 183, 186, 187, 189–191, 208, 209, 215, 235, 236, 240, 245, 252
- Ecumenical Patriarchate of Constantinople. *See* Fener Patriarchate
- Edict of Nantes, 16
- Edict of Reform (Islahat Fermanı), 19
- Edirne Synagogue, 188
- ehl-i kitap, 13
- ekalliyet, 2, 26
- ekalliyetler hukuku, 26
- El Nusra, 246
- Elçi, Şerafettin, 119, 155
- Elçi, Tahir, 108, 162
- Electoral Law, 107
- EMEP, 155, 252
- Ender, Rita, 73
- ENOSIS, 126

- Erbakan, Necmettin, 211
 Erdoğan, Recep Tayyip, 44, 75, 114, 121, 129, 143, 165, 194, 196, 197, 204, 210–213, 217, 219, 222, 230, 231, 236, 237, 239, 242, 243, 245, 248, 249
 Erenerol, Sevgi, 131
 Erenerol, Zeki. *See* Papa Eftim
 Ergenekon, 243
 Ergenekon Trial, 131
 Ertem, Adnan, 187
 Erzurum Declaration, 114
 etabli, 33, 133,
 Etili Türk kardeşler, 54
 EU Harmonization, 57, 58, 62, 65, 71, 108, 150, 160, 161, 169, 171, 172, 175, 177–179, 191, 221, 234, 247
 European Charter for Regional or Minority Languages, 99
 European Circassian Federation, 66
 European Commission, 189
 European Convention on Human Rights (ECHR), 34, 46, 61
 European Council, 190
 European Court of Human Rights (ECtHR). *See* ECtHR
 European Union (EU), 8, 36, 92, 103, 107, 207, 246, 252
 Eutelsat, 197
 Exile of 1964, 127
 Ezda, 44
 Ezidi(s), 43, 44, 74

 Federation of Alevi Foundations (AVF), 59, 251
 Federation of Caucasus Associations (KAFFED), 65, 252
 Federation of Circassian Culture Associations of Europe, 66
 Federation of Eskişehir Osmangazi Cultural Associations, 236
 Federation of Mediterranean Romani Associations, 71
 Fener Greek Orthodox Patriarchate. *See* Fener Patriarchate
 Fener Patriarchate, 13, 14, 23, 33, 34, 37, 73, 126, 127, 130, 139, 144, 147, 150, 167, 183, 186, 215, 229
 Fener Rum Ecumenical Patriarchate. *See* Fener Patriarchate
 Fener Rum Boys' High School Foundation, 182
 FETÖ, 31, 73, 129, 200, 217, 231, 252
 Fifteen Years War, 17
 fifth column, 26, 80
 Financial Crimes Investigation Board, 207
 Foggo, Hacer, 77
 Foundations Law (2008), 180, 187
 Foundations Regulation, 188
 Four Horsemen of the Apocalypse, 243
 Framework Convention for the Protection of National Minorities, 99
 François I, 17
 freedom of association, 153, 245
 freedom of belief, 61
 freedom of conscience, 233
 freedom of expression, 233
 freedom of movement, 123, 164
 freedom of religion, 46, 189, 190
 freedom of thought, 46, 171, 198
 French constitution, 224
 French Declaration of the Rights of Man and of the Citizen, 88
 Frenchness, 223
 fundamental and constituent element, 41, 50, 70, 77, 90

 Galata, 127, 130,
 Gamurç, 29
 Gayrimüslim, 137
 Gazi Quarter, 57
 Gedikpaşa Armenian Protestant Church Foundation, 187
 Gendarme Special Team (Jandarma Özel Harekat, or JÖH), 213, 252
 General Assembly of Civil Law Chambers, 61
 General Assembly of Criminal Chambers, 45, 114
 General Frunze, 111
 General Staff, 118, 129, 150, 248
 generic term (international treaties), 24, 84, 88, 90
 genocide, 7, 120, 150, 198, 231,
 Genoese, 16
 Georgian Culture House Association, 64, 76
 Georgian Education and Culture Foundation, 64
 Georgian(s), 63, 64, 66, 76, 118, 121, 215

- Gergerlioğlu, Ömer Faruk, 198, 209, 218, 219
 Gezi Park protests, 194, 212, 217, 237
Giritli (Cretan), 62
 globalization, 38, 108, 228
 Gökçeada (İmroz), 33–36, 73, 131–134,
 Gökçen, Sabiha, 129
 Gönül, Vecdi, 121, 163
 Gözcü Kulesi (Watchtower), 46
 Grand Chamber, 61, 76
 Grand National Assembly of Turkey
 (Türkiye Büyük Millet Meclisi, or
 TBMM). *See* TBMM
 Great Britain, 4, 21, 22, 47
 Great Turkish War, 18
 Greece, 22, 23, 32, 33, 62, 81, 94, 102,
 122, 123, 126, 127, 132, 140, 141,
 144, 153, 158, 164, 166, 167, 185,
 227, 257, 258, 259
 Greek Cypriot Nationalist Organization
 (EOKA), 126, 252
 Greek Cypriots, 99, 164
 Greek Orthodox Church, 27, 33, 38, 72,
 183
 Greek Orthodox Patriarchate of Antioch
 and All the East, 37
 Gregorian, 27
 Grigorios Melki Ürek, 41
 group libel, 234
Guaze (Beacon), 65
 Gülen movement / community, 187, 195,
 239
 Gülen, Fethullah, 31, 129, 230
 Gülenist(s), 206, 219, 230,
 Gülmen, Nuriye, 198, 218
 Güven, Dilek, 164, 167, 257
 Gypsy/Gypsies, 15, 70, 71, 77, 255
 Habsburg, 17
 Hacı Bektaş Veli, 59, 252
 Hacudi, Teodora, 73
 Haddecıyan/Haddeler, Rober, 28
 HADEP, 155, 156, 252
 HAK-PAR, 108, 250
 Halvetis, 53
 Hamidiye Regiments, 21
 Hanefi Sunni Muslim Turks
 (HASÜMÜT), 242, 252
 Hanukkah, 30
Hasan and Eylem Zengin vs. Turkey, 60,
 189
 hate and discrimination, 235–238
 hate speech/hate crime, 9, 31, 55, 126,
 128, 190, 195, 232–235, 237, 238
 havra, 31
 hayrat, 188
 Hellenes/Hellenic, 32, 33, 37, 132, 255
 Helsinki Final Act (1975), 100
 Helsinki Summit (1999), 169, 171
 HEP, 154, 155, 252
 Herodians and Zealots, 248, 249
 Heybeliada Aya Triada Rum Monastery
 Foundation, 186
 Heybeliada Private Rum Boys High
 School, 145
 Heybeliada Rum Clergy Education
 Regulation, 146
 Heybeliada Seminary, 139, 140, 145
 Heyeti Mahsusalar (Special
 Commissions), 112
 High Council of Judges and Prosecutors
 (HSYK), 204, 208, 252
 Hinchak, 21
 Hittite, 54, 55
 Holy Alliance, 18
 Holy Roman Empire/Austria, 18
 Holy Scripture, 45
 Holy Spirit, 55
 Holy Synod, 41
 host state, 5
 Human Rights Advisory Board of the
 Prime Ministry (İHDK), 112, 221,
 252
 Human Rights Investigatory
 Commission, 128, 209
 human rights state, 107, 172, 246, 249
 Hür, Ayşe, 167, 257
 Hurigil, Fadi, 74, 257
 İbadet Salonları, 45
 Iberian Peninsula, 24, 29, 30
İho (Echo), 36,
İho Tis Polis (Echo of İstanbul), 36
 İHOP (Human Rights Shared Platform),
 203, 217, 252, 255, 257
 iltisak, 196
 imam-hatip, 205, 219
 indivisible, 105, 106, 152–157, 172, 173,
 175, 224
 indivisibility, 106, 107, 152, 155, 223
 Industrial Revolution, 17
 Ingush, 65

- İnönü, İsmet, 134, 143
 integration, 55, 63, 68, 71
 International Convention on the
 Elimination of All Forms of Racial
 Discrimination, 96, 235
 International Covenant on Civil and
 Political Rights (ICCPR), 96, 97, 170,
 252
 Ion/Ionia, 32
 İris, Muzaffer, 74
 Irmak, Sadi, 139
 İskenderun Arsuz Greek Orthodox
 Church Foundation, 38
 İskenderun Greek Orthodox Church Poor
 Foundation, 38
 Islam, 7, 11, 27, 29, 37, 43, 44, 50, 51,
 54, 56, 60, 68, 84, 114, 115, 148, 189,
 195, 214, 228, 230, 231, 240, 242,
 244, 248, 249, 252, 257
 Islamic, 12, 14, 23, 44, 51, 60, 114, 115,
 189, 225, 230, 240, 244, 247, 248,
 252, 256
 Islamic State of Iraq and the Levant
 (ISIS), 44, 252
 Islamic-Turkish Synthesis, 230
 Islamism, 211, 223, 228–230, 242, 243,
 245, 258
 Islamist, 121, 158, 211, 228, 230, 231,
 241, 244, 245, 247, 248
 Islamization, 50, 53, 54, 242, 248
 Islamophobes, 245
 İstanbul Bar Association, 130
 İstanbul Convention, 22
İstanbul Ekspres, 126
 İstanbul International Convention, 22
 İstanbul Meryem Ana Syriac Church
 Foundation, 42
 İstos Publishing House, 36
 İzmir Jewish Community Foundation,
 31, 188
 İzmir Resurrection Church, 128
 İzmir Rum Culture and Thought
 Association, 36
 İzmit Press Conference (1923), 115
İzzettin Doğan and Others vs. Turkey, 61,
 76
 Jacobites, 39
Jamanak (Time), 28
 Janissaries, 53
 Jehovah's Witnesses, 42, 45, 46, 190,
 Jew(s), 2, 12, 15, 23–26, 29, 30–32, 36,
 43 45, 84, 85, 93, 123, 124, 127, 131,
 134–137, 140, 144, 148, 149, 164,
 165, 167, 180, 188, 190, 215, 228,
 233, 240, 248
 Jewish. *See* Jew
 Jewish Hospital, 32, 140
 Jewish Rabbinate, 144
Jineps (Tears of a Tree), 65
 Jizya, 12, 13
 Judaism. *See* Jew
 Judeo-Spanish, 30, 32, 73
 Justice and Development Party (Adalet
 ve Kalkınma Partisi). *See* AKP
 Kaboğlu, İbrahim, 113, 161, 255–257
 Kahraman, İsmail, 200
 Kamp Armen, 185, 187, 189
 Kandilli Metamorfosis Rum Church
 Foundation, 186
 Kaplan, Rasih, 131
 Karabekir, General Kazım, 135
 Karachay-Balkars, 64
 Karahisaridis, Pavli, 130
 Karaites, 29
 Karbala, 43, 51
 Kasapoğlu, Father Yorgos, 38, 74, 257
 Kavala, Osman, 196
 Kayra, Cahit, 137, 166, 257
 Kayyım, 75, 196, 217, 219, 220
 Kazakhstan, 120
 KCK (The Union of Communities of
 Kurdistan), 90, 198, 252
 Kemalism, 225, 239, 258
 Kemalist, 169, 227, 228, 231, 239, 240–
 242, 244, 247–249
 Kemalist nationalism (*ulusalcılık*), 227,
 231, 242, 244
 KHK, 187, 209, 218, 231, 252, 255
 Kılınç, General Tuncer, 175
 kin state, 30, 140
 Kirkuk, 95
 Kırmanc, 56, 67
 Kırmancı, 54, 56, 67, 192
 Kızılcıullu, 118
 Koçunyan, Ara, 28
 Köprülü, Mehmet Fuat, 140
 Kosovo, 62, 259
 Koumiss, 51
 Küçük, Erdal, 76
Kule (Tower), 46

- Kurdish Opening, 211, 230
 Kurdishness, 115, 214
 Kurdistan, 40, 59, 90, 103, 111, 112, 114,
 198, 231, 252, 253
 Kurmanci, 54, 56, 67
 Kurmanç, 67
- Ladino, 30, 73
 Laic Hanefi Sunni Muslim Turk
 (LAHASÜMÜT), 121
 laic, 121, 224, 242, 253
 Language of the State Is Turkish, 107,
 152, 224
 language rights, 92, 100, 224, 260
 Lausanne (Peace) Conference, 47, 49,
 91, 102, 103, 116, 130, 258
 Lausanne (Peace) Treaty, 8, 15, 17, 25,
 26, 30, 36, 37, 39, 41, 42, 47, 48, 56,
 57, 68, 140, 135–148, 153, 154, 158,
 159, 160, 164, 176, 177, 180, 181,
 185, 187–189, 191, 222, 228, 231
 Law for the Encouragement of Industry,
 132
 Law No. 2932, 90, 103, 107
 Law No. 340, 84, 88, 91
 Law of the Council of Higher Education,
 147
 Law on Arts and Services Allocated to
 Turkish Citizens, 122
 Law on Associations, 107, 161, 174
 Law on Civil Servants, 119, 130
 Law on Judges and Prosecutors No.
 2802, 202
 Law on Pharmacists and Pharmacies,
 130
 Law on Police Powers, 106
 Law on Political Parties, 107, 108, 152,
 153, 157, 161
 Law on Population Registration, 108,
 174
 Law on Private Educational Institutions,
 145, 147, 148
 Law on Securities and Exchange
 Markets, 132
 Law on the Establishment and Broadcast
 of Radio and Television, 106
 Law on the Local Administration of the
 Districts of Bozcaada and Gökçeada,
 133
 Law on the Performance of the Art of
 Medicine and Its Branches, 132
- Law on the Supervision and Inspection
 of Insurers and Insurance Companies,
 132
 Law on the Unification of Education, 41,
 132
 Law on Turkish Radio and Television,
 106
 Law on Wealth Tax, 15, 136
 Laz, 63, 64, 76, 118, 192, 242, 258, 260
 League of Nations, 8, 23, 79, 81, 82, 84,
 94
 legal personality, 144, 190, 191
 Legal Practitioners Act, 112, 130
 les langues de France, 224
 Levantine(s), 16, 42, 46, 47, 75, 122,
 123, 125, 134
 Levi, Avner, 164, 167, 258
 Levi, Moris, 73
 LGBTI, 2, 223, 248, 253
 lineage code, 148
 Loizidou case, 99
 Lom, 70
 Lomavren, 70
 Lord Curzon, 88, 89
 Louis XV, 17
 Love It or Leave It, 33, 43
 lynching, 195, 218, 221, 238
- Macar, Elçin, 73, 74, 165–167, 257, 258
 Mahdi, 42
 Mahfil, 43
 Mahmi, 17
 Makarios, Archbishop, 126
Mamuli, 64
 mandatory religious instruction, 37, 58,
 60
Mansur Yalçın and Others vs. Turkey, 60,
 189
 Mar Yuhanna Church, 38
 Mardin-Midyat, 39
 Maresia, Fortunato, 75
 Marina, 144, 167
 Marj Dabiq, 54
Marmara/Nor Marmara (New
 Marmara), 28
 Maronite, 40, 215
 Marshall Plan, 125, 141
 Meeting of Experts on National
 Minorities (1991), 101
 megali idea, 227
 Mehmet the Conqueror, 14, 23, 27

- Melkite, 37, 38, 41
 Mem û Zin, 69
 Memluk, 54
 Menderes, Prime Minister Adnan, 125, 127, 140, 143, 255
 Meronites, 39
Metz Yeghern (Great Calamity), 21
 Mevlevis, 53
 Mhallami(s), 39, 68
 MHP, 120, 163, 231, 243, 253
 Mildanoğlu, Zakarya, 72, 73, 258
 Millet System, 1, 2, 7, 11–15, 25, 26, 49, 69, 83, 121, 155, 222, 223
Millet-i Hakime, 1, 13, 15, 49, 154
Millet-i Mahkume, 1, 13, 26
 milli beka, 229
 Ministry of Economics, 114
 Ministry of Foreign Affairs, 150, 176, 187
 Ministry of Internal Affairs, 108, 133, 150, 176, 214, 231, 232
 Ministry of National Education, 41, 58, 60, 146–149, 163, 205, 206, 248
 Ministry of State, 150, 176
 minority consciousness, 4
 Minority Report, 113, 114, 127, 221, 236, 237, 259
 Minority Rights and Cultural Rights Report. *See* Minority Report
 Minority Subcommission (*Azınlık Tali Komisyonu*), 149, 150, 177
 Miroğlu, Orhan, 108
 missionary/missionaries, 13, 45, 128, 145, 150, 164, 229, 234
 Mitterrand, François, 224
Mjora (Sun), 64
 modernization, 169, 170, 246, 247, 248
 Molinas, İvo, 30
 Montagna, Giulio Cesare, 88, 89
 Montreux Convention, 124
 Mor Beyin (Purple Brain), 204
 Mor Efrem, 42, 68
 Mor Gabriel, 41, 191
 Moris Şinasi Hospital, 140
 Mountain Turks, 116
 Muawiyah, 54
 mufti, 23, 143, 231, 232
 Muhajirun, 11
 mukhtar, 133
 mülhak vakıf, 159
 Munzur River, 55
 Musevi, 29
 Mushrikun, 12
 Mustafa Kemal. *See* Atatürk
 Mustafa Kemal Atatürk. *See* Atatürk
 Mustafa Kemal Pasha. *See* Atatürk
 Mutaftyan, Mesrob, 149
 Nakhichevan, 95
 Nalcı, Aris, 29, 73
nam-ı mevhum (fictitious name), 179, 186, 215
nam-ı müstear (pseudonym), 179, 186, 215
 Naqshbandis, 57
 Narodniks, 20
Nart, 65
 national economic market, 4, 69
 National Pact (Misak-ı Milli), 26, 115
 national state, 4, 121, 258
 National Struggle, 55, 252, 257
 nationalism, 5, 63, 71, 77, 127, 151, 153, 221–223, 225–227, 230, 231, 239, 241–245, 256
 nation-building, 223, 239, 244, 247
 nation-state, 1, 2, 4–6, 26, 49, 69, 99, 106, 118, 122, 142, 170, 184, 192, 222–226, 242, 244, 246
 native foreigners, 147
 NATO, 141, 253
 negative rights, 93, 154
Neshe, 42
 Nesin, Aziz, 143
 Nestorians, 39
 Neve Şalom Jewish Synagogue Foundation, 32
 Neve Şalom Synagogue, 127, 240
 New Aya (Saint) Fotini Church, 35
 New Ottomans, 169
 Nişanyan, Sevan, 118, 163, 258
 Niyego, Elza, 124
 nondiscrimination, 142, 154, 244
 nonindigenous, 4
 North Atlantic Treaty Organization. *See* NATO
 Noussimbaum, 67
 Nursing Madonna ayazma, 35
 Nusayri(s), 48, 54, 58, 258
 Öcalan, Abdullah, 112, 114, 120, 212, 229
 Occitan, 224

- ODTÜ (Orta Doğu Teknik Üniversitesi, or METU), 204, 253
- Ogni* (Hear), 63, 76
- OHAL, 9, 29, 143, 170, 172, 173, 175, 187, 194–196, 199, 200–205, 207, 208, 210, 213, 217–219, 231, 253, 255
- Ökte, Faik, 137, 139, 166, 259
- Old Testament, 45
- Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, 97
- Optional Protocol to CEDAW, 97
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 97
- Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, 98
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, 96
- Or-Ahayim Jewish Hospital, 32
- Or-Ahayim Jewish Hospital Foundation, 32
- Oran, Baskın, 9, 72–77, 102, 103, 113, 162, 164–166, 214, 216, 218–220, 239, 240, 256, 258–260
- Organization for Security and Cooperation in Europe (OSCE), 100, 101, 253
- Orthodox Church, 13, 27, 33, 34, 38, 40, 42, 72, 126, 130, 139, 183, 232
- Ossetians, 65
- Özakça, Semih, 198, 218
- Özbek, İhsan/Nimet Özbek, 75
- ÖZDEP, 154, 253
- Özgür Radyo, 28
- Padovese, Luigi, 128
- Pamuk, Orhan, 120
- Papa Eftim, 126, 130, 131
- Patriarch Bartholomeos, 188
- Paylan, Garo, 231
- People's Democracy Party (Halkların Demokratik Partisi). *See* HDP
- Permanent Court of International Justice, 83
- Pew Research Center, 189
- Philoxenos Saliba Özmen, 41
- Philoxenos Yusuf Çetin, 41
- Pirosmani, 64
- Pis Yahudi, 233
- PKK, 40, 44, 112, 123, 129, 196, 198, 212–214, 227–229, 253
- pogrom, 57, 123–125, 127, 141–143, 164, 226
- Police Special Team (Polis Özel Harekat or PÖH), 213, 253
- Pomaks, 62, 63, 76, 117
- Pontus, 228, 239
- population exchange. *See* Convention Concerning the Exchange of Greek and Turkish Populations (1923)
- Poşa, 70
- positive rights, 6, 91, 93, 154
- Press Ad Agency (Basın İlan Kurumu), 188
- prevention of discrimination (PD), 3, 6, 80, 101, 253
- Private Gökçeada Rum Middle School and High School, 36
- Private Schools Ordinance, 110
- progress reports, 171, 189, 190, 257
- Protestant, 13, 15, 27, 28, 34, 44, 45, 72, 75, 121, 128, 187, 190, 254
- Protestant Church Foundation, 187, 190
- Purçu, Özcan, 71, 72, 77
- Qizilbash, 49
- Radio and Television High Council. *See* RTÜK
- Radio Light, 45
- Radyo Agos, 28
- Radyo Çvnebur, 64
- Radyo Romano Vast, 71
- reciprocity, 94, 102, 148, 153, 176, 258
- Refah Party, 211
- Reforms Monitoring Group, 108
- Regulation for Protection Against Sabotage, 147
- Regulation on Learning Different Languages and Dialects, 194
- religious instruction, mandatory, 37, 58, 60
- Republic of Cyprus, 98
- Republican Education and Cultural Center Foundation, 50
- Republican People's Party (Cumhuriyet Halk Partisi) *See* CHP

- Republican Rallies, 228
 reservations and declarations, 96, 98, 99, 104
Resmî Gazete (Official Gazette), 72, 168, 176, 193, 194, 199, 218
 revolution from above, 5, 170, 246
 Rights and Freedoms Party (HAK-PAR), 108, 157, 252
 Rıza Nur, 49, 75, 103, 259
 Roma, 47, 70, 71, 77, 221, 257
 Roma Opening, 71, 230
 Roma people, 15, 70, 77
 Roman, 14, 18, 32, 34, 35, 70, 71, 74, 77, 248
 Roman Confederation, 71
 Romani, 70, 71, 72, 77
 Romanioles, 29
 Rombopulos, Andreas, 36
Romios, 32
 RTÜK, 193, 216, 253
 Rum Catholic Church, 34, 39
 Rum Catholic Foundation, 39
 Rum Ortodoks, 32, 33, 215
 Rumca, 32, 47
Rumeli/Rumelili, 32
Rumi, 32, 37

 Sabbathaians, 228
Sabro, 42, 74
 Şahin, İdris Naim, 237
 Saint Antoine Church, 128
 Saint Gregory, 27
 Saint Stephen or Iron Church in the Golden Horn, 150
Şalom (Peace), 30
 Samatya Surp Kevork Armenian Church, School, and Cemetery Foundation, 183
 Sanasaryan, 190, 216
 Sancar, Mithat, 214, 217, 238–240, 259, 260
 Sanjak, 32, 37
 Santoro, Andrea, 128, 164
 Sanusis, 248
 Saracoğlu, Şükrü, 137–139, 166
 Sarıbaş, Süleyman, 236
 Savings Deposit Insurance Fund (TMSF), 187, 254
 Sayyids, 50
 Sebilciyan, Hatun, 129
 secular, 1, 2, 15, 25, 56, 57, 85, 121, 239, 246
 segregation, 7
 self-determination, 70, 115, 126
 Şen, Mustafa, 75, 168
 September 6–7 pogrom (1955), 123, 125, 127, 141–143, 164, 167, 232
 Settlement Law, 77, 117, 119
 Sèvres Syndrome/Paranoia, 113, 150, 229
 Seyit Rıza, 56
 Sezer, President A. N., 180
 Shamanism, 51, 75
 Sharia, 12, 13, 22, 163, 229, 232
 Sheikh Said, 222, 227, 230
 Sheikh Shamil, 20
 Shia, 51, 53, 54
 SHP, 102, 253
Şible (Lightning), 66
 single trustee system, 139, 166
 Soviet Union, 95, 100, 228
 Soylu, Süleyman, 203
 SP, 153, 253
 specific term (international treaties), 24, 84
 state of emergency (Olağanüstü Hal). See OHAL
 State Security Courts, 173, 174
 statutory decree (see KHK)
 STP, 154, 253
 Struma, 136, 166
 Subcommittee on Minorities, 15, 88, 91, 103
 sub-identities, 4, 63, 69, 106, 113, 114, 223, 225, 226, 244, 247
 Sublime Porte, 19, 21,
 Sultan-ı İklim-i Rum, 32
 Sulukule, 71
 Sunni, 15, 21, 37, 48, 49, 51–54, 56–58, 62, 67, 121, 169, 189, 191, 225, 242, 244, 252, 253
 supra-identity, 4, 48, 54, 63, 64, 69, 112–114, 223, 225, 226, 246, 247
 Suriyeliler defol, 233
 Surname Act, 118
 Surname Regulation, 135
 Surp Hagop/Agop Hospital, 28, 184
 Surp Pırgıç (Hospital), 28, 72
 Suruç, 212
 Süryani, 39, 41, 74, 77, 102, 168, 216
 synagogue, 30, 31, 32, 73, 127, 188, 240
 Syriac(s), 13, 25, 34, 37, 39–42, 44, 68, 69, 74, 85, 102, 117, 118, 123, 125,

- 132, 135, 145, 148, 168, 180, 186,
190, 191, 215, 223
- Tanzimat/Gülhane Edict (1839), 13, 15,
19, 20, 169
- Tapes Scandal (December 17 and 25,
2013), 194, 207, 212, 217
- taziye evi, 214
- TBKP, 153, 253
- TBMM, 49, 80, 103, 115, 162, 163, 209,
210, 213, 231, 253
- TCK, 45, 108, 113, 119, 129, 172–174,
188, 197, 203, 218, 221, 230, 233,
234, 237, 238, 240, 253
- Tehcir, 27
- Tekir, Sayat, 28
- Tengrism, 51
- Tenedos (Bozcaada), 33, 255
- terror, 198, 211, 227
- terrorism, 31, 74, 106, 143, 174, 196,
198, 200, 202, 210, 221, 222, 230
- terrorist, 129, 143, 156, 174, 198, 236,
246
- TESEV, 180, 215, 253, 258, 259
- Teymur, Can, 74
- Thirty Years' War, 16
- Thornberry, Patrick, 24, 102, 260
- Thrace, 31, 70, 76, 122, 124, 135, 146,
153, 164, 186
- Timotheos Samuel Aktaş, 41
- TİP, 112, 152, 253
- TKDP, 112, 253
- Toker, Metin, 143
- Torbesh, 62, 63
- torture, 172–174, 195, 196, 198, 234, 235
- Toynbee, Arnold, 248, 249
- TPAO (Türkiye Petrolleri Anonim
Ortaklığı), 94
- Treaty of Athens (1913), 23
- Treaty of Belgrade (1739), 18
- Treaty of Berlin (1878), 20, 21
- Treaty of Karlowitz (1699), 18, 24
- Treaty of Küçük Kaynarca (1774), 18
- Treaty of Lausanne. *See* Lausanne
(Peace) Treaty
- Treaty of Moscow (1921), 95
- Treaty of Paris (1856), 19
- Treaty of Peace, Friendship, and
Commerce with France, 17
- Treaty of Polish Minority (1919), 82, 91
- Treaty of San Stefano (1878), 21, 24
- Treaty of Sèvres (1920), 79, 80
- Treaty of Svishtov (1791), 18
- Treaty of Vienna (1615), 18
- Treaty of Westphalia (1648), 16
- Treaty of Yeniköy (1914), 21
- Treaty of Zsitvatorok (1606), 17
- trench operations, 211
- TRT (Turkish Radio and Television), 29,
62, 65, 73, 76, 103, 184, 192, 193,
217, 254
- Truman Doctrine, 125, 139, 141
- Tufan, Soner, 75
- Tulip Period, 169
- Turabdin, 191, 39, 40, 41
- Turchia, 162
- Türk asıllı ve T.C.uyruklu, 147
- Türk Milleti, 110
- Türken Raus, 233
- Turkification, 53, 116, 117, 118, 134,
137
- Turkification Memorandum
(Türkleştirme Genelgesi), 117
- Turkish Penal Code. *See* TCK
- Turkish Civil Code, 85, 94, 131
- Turkish Hearths (Türk Ocakları), 131
- Turkish citizen of foreign nationality,
147
- Turkish Grand National Assembly. *See*
TBMM
- Turkish Industry and Business
Association, 93, 254
- Turkish Institution on Human Rights and
Equality, 235
- Turkish Orthodox Church, 126, 130, 139
- Turkish Republic of Northern Cyprus
(KKTC), 99, 119
- Turkish-Islamic Synthesis, 225, 240, 244
- Turkishness, 15, 48, 62, 63, 116, 117,
119, 124, 129, 130, 150, 165, 174,
180, 221, 222, 234, 237
- Türkiye milleti*, 110
- Türkiyeli*, 110, 112–114, 224, 246, 247
- Turkmen, 49, 52, 53, 54, 60
- Turquality, 114, 162
- TÜSİAD. *See* Turkish Industry and
Business Association
- Tuzla Armenian Orphanage (Kamp
Armen), 187
- Ulus*, 143
- ulusalcılık*, 227

- Ulusolcu (Nationaleftists), 127, 228, 239, 243, 248
 umbrella organizations, 23, 45, 58, 71
 ümmet, 246
 UNESCO, 96, 254
 Union and Progress (Committee of), 17, 21, 26, 27, 66, 110, 118, 122, 127, 225
 unitary state, 157, 223, 225
 United Kingdom (UK), 126, 254
 United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, 3
 United States, 7, 32, 45, 90, 95, 100, 121, 129, 228, 246
Uyan (Wake Up), 46
 Uygun, Oktay, 103, 106, 214, 240, 260

 Vakıflı, 27
 Vasiliadis, Mihail, 36, 167
 Vatican, 147, 229
 Venice Commission, 4, 190, 201, 208
 VGM, 31, 38, 39, 139, 140, 150, 160, 161, 173, 176–179, 181–185, 187–189, 191, 214, 215, 254
 Vienna Convention on the Law of Treaties (1969), 24, 84, 89, 102, 153, 176
 village guards, 40, 44, 123
 Vingas, Laki, xii, 33, 73, 215, 216
 Virgin Mary, 41, 180, 215
 Volkan, Vamık, 226, 239, 260
 voluntary citizen, 93, 244, 247

 Wagon-Lit Company, 134
 Wahhabis, 249
 War of Independence, 33, 66, 79, 82, 94, 109, 110–112, 114, 115, 122, 139, 166
 We Will Not Be a Party to This Crime, 205, 236
 Western Thrace, 76, 146, 153
 Westernization, 248
 White Anglo-Saxon Protestant (WASP), 121, 254
 White Russians, 122
 Wise People Committee, 211

 Ya Sev Ya Terk Et, 233
 Yahudi, 29, 73, 233, 240, 256, 258, 260
Yahudi dölü, 29
 yandaş medya, 206
 Yaşam Radyo, 28
 Yathrib, 11, 12
 Yedikule Surp Pırgiç Armenian Hospital Foundation, 160, 183, 215
 yerli yabancılar, 147, 167, 256
 Yezidi(s), 42–44, 68, 70, 74, 75, 84, 123
 Yirmibeşoğlu, General Sabri, 127, 164
 “You’re All Armenians, You’re All Bastards,” 237
 Young Turks, 2, 17, 169

 Zana, Mehdi, 90
 Zaza, 67
 Zazaca, 56, 67
 Zazaki, 54, 56, 67, 118, 192
 Zealot/Zealotism, 248
 Zekiyan, Boğos Levon, 72, 74
 Zonana, Ester, 73, 168, 259
 Zoroastrian/Zoroastrianism, 43, 51, 57

About the Book

The collapse of the multiethnic, multireligious, and multilingual Ottoman Empire after World War I led to the establishment of several nation-states, with enormous repercussions for the empire's minority populations. Baskın Oran focuses on religious and ethnic minorities in the Republic of Turkey—home for centuries to Alevites, Armenians, Greeks, Jews, Kurds, Syrians, and more—to provide a comprehensive analysis encompassing the Ottoman era to the present.

Minorities and Minority Rights in Turkey is a revised and updated version of *Etnik ve Dinsel Azınlıklar: Tarih, Teori, Hukuk, Türkiye*, published by Literatür in 2018.

Baskın Oran is professor emeritus of international relations at Ankara University. An outspoken activist, his challenges to the ideology and practices of Turkish state institutions have led to numerous reprisals, but he continues to advocate for human rights.

