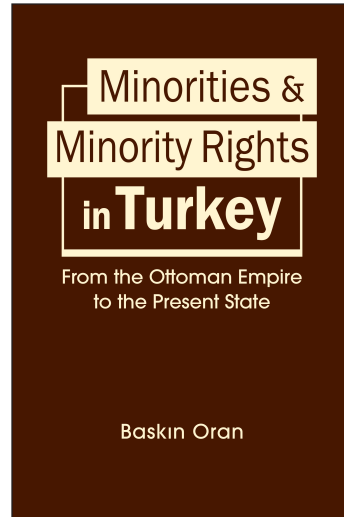


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Minorities and
Minority Rights
in Turkey:
From the Ottoman Empire
to the Present State

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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.