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## ***Mustafa Kemal Atatürk's Effect on the New Concept of the Turkish Identity and Citizenship in Particular the Constitutional Regulation of the Young Turkish Republic***

*"loss of national rights was identical with loss of human rights, that the former inevitably entailed with the latter."*<sup>1</sup>

### *I. Introduction*

Citizenship is a strategic concept that is central in the analysis of identity, participation, empowerment, human rights and public interest.<sup>2</sup> In his speech to commemorate the tenth anniversary of the Turkish Republic, *Mustafa Kemal Atatürk*<sup>3</sup> (the founder of modern Turkey) congratulated the nation on the amount of progress and results it had made in such a short period of time, closing with the famous words *"How happy is the one who says I am a Turk."* (*Ne mutlu Türküm diyene*).<sup>4</sup> These words came to embody the concept

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<sup>1</sup> ARENDT, HANNA: *The Origins of Totalitarianism*. George Harvest Book, London, 1979. p. 292. [http://monoskop.org/images/7/7e/Arendt\\_Hannah\\_The\\_Origins\\_of\\_Totalitarianism\\_1979.pdf](http://monoskop.org/images/7/7e/Arendt_Hannah_The_Origins_of_Totalitarianism_1979.pdf), 2016.01.06.

<sup>2</sup> NYERS PÉTER: *Introduction: Why Citizenship Studies*. *Citizenship Studies*, 2007/11/ 1., pp. 1–4. [http://www.academia.edu/514268/Introduction\\_Why\\_citizenship\\_studies](http://www.academia.edu/514268/Introduction_Why_citizenship_studies), 2015.12.01.

<sup>3</sup> At that time, when *Atatürk* was born the concept of surname from the West was still unknown. *Atatürk's* birth name *Mustafa*, which is of Arabic origin, meaning "the chosen", one indicator of the *Prophet Muhammad*. *Mustafa* as he completed military school in Thessaloniki, the "perfect" meaning *Kemal* was named by his math teacher. From that time he was known as *Mustafa Kemal*. In 1916, he was promoted to brigadier general, for which the address and salutation Pasha was attended and he was called *Kemal Pasha*. On 19 September 1921 the Turkish National Parliament for his achievements in the war of independence in Gazi, "Hero" award bestowed to him and he was called *Gazi Mustafa Kemal*. In 1934, as part of the reforms, the parliament introduced the public registration of a surname. On November 24, the parliament named *Mustafa Kemal Atatürk*, which means "father of all Turks." The law states that this last name can not be beared by another person. In: KINROSS, PATRICK: *Atatürk. The Rebirth of a Nation*. Weidenfeld & Nicolson, London, 2012.p. 12. KARPAT, KEMAL: *The Personality of Atatürk*. *The American Historical Review*, 1985/90/4. pp. 893–899. [http://www.jstor.org/stable/1858844?seq=1#page\\_scan\\_tab\\_contents](http://www.jstor.org/stable/1858844?seq=1#page_scan_tab_contents), 2016.01.03.

<sup>4</sup> For the full text of the *Atatürk's* speech to commemorate the tenth anniversary of the Turkish Republic see: <http://www.columbia.edu/~sss31/Turkiye/ata/onuncuyil.html>

of citizenship (*vatandaslik*) in Turkey since the establishment of the Republic.<sup>5</sup> Since the establishment of the Turkish Republic and creation of the legal definition of citizenship, the national identity issues played a pivotal role in the Turkish society.

On the 1 January 1995, former Turkish Prime Minister, *Tansu Ciller* reformulated *Ataturk's* famous words by declaring "How happy is the one who says I am citizen of Turkey." (*Ne mutlu Türkiye'nin vatandasiyim diyene*).<sup>6</sup>

*Recep Tayyip Erdoğan* (2003-2014) and *Ahmet Davutoğlu*, the current Turkish prime minister have taken the concept of citizenship one step further by declaring Turkish identity to be a sub-identity. They argue that being Turkish means belonging to a sub-identity encompassed by the larger supra-identity of Turkish citizenship. These declarations have sparked a new debate on supra-sub identity (*üst kimlik/alt kimlik*). Some citizens – politicians in particular – have begun to refer to themselves as being from Turkey (*Türkiyeli*), rather than being Turkish (*Türk*). In relation with the Kurdish issue there were published new proposals (*anayasal vatandaslik*) for the constitutional concept of a new "super citizen identity", which would be used for the members of society who - with this self-definition – wanted to contribute to the peace in Turkey.<sup>7</sup>

The motivation behind all these statements on citizenship stems from the challenge that powerful ethnic, religious, and secretarian movements pose for the official view of Turkish citizenship, which based on the kemalist "one language one culture and one ideal" principle.<sup>8</sup> This official view and concept of Turkish citizenship was codified in the Constitution of 1879 and 1921 and 1924.

In this study I examine the evolution of the legal aspects of citizenship with the emergence of Republic of Turkey.

## II. The ottoman citizenship

The introduction of the term citizenship dates back to the end of the nineteenth century in the Ottoman Empire. The underlying aim was to save the empire from the collapse by gathering the religiously and ethnically fragmented subjects<sup>9</sup> of the empire under the specific identity of "Ottoman Citizen".<sup>10</sup>

<sup>5</sup> 29 October 1923.

<sup>6</sup> CILLER, TANSU: *Entertaining the Citizen*. [http://www.academia.edu/3426161/ENTERTAINING\\_THE\\_CITIZEN\\_TANSU\\_CILLER\\_A\\_CASE\\_STUDY](http://www.academia.edu/3426161/ENTERTAINING_THE_CITIZEN_TANSU_CILLER_A_CASE_STUDY), 2015.12.01.

<sup>7</sup> INCE, BASAK: *Citizenship and Identity in Turkey*. I.B. Tauris, New York, 2012. pp. 2–7.

<sup>8</sup> CASTLES, STEPHEN – DAVIDSON, ALASTAIR: *Citizenship and Migration. Globalization and the Politics of Belonging*. Routledge, New York, 2000. pp. 81–84.

<sup>9</sup> Reactions accompanying the introduction of the reforms were not entirely positive. In the Balkans, Christians have refused to support the reforms because they wanted the centralized power to recognize their autonomy. Only strong British support could maintain the territorial integrity of the Ottoman Empire and achieved enforcing the reforms.

<sup>10</sup> ERGUL, ASLI: *The Ottoman Identity: Turkish, Muslim or Rum?* Middle Eastern Studies, 2012/48/4, pp. 629–645. <http://www.tandfonline.com/doi/full/10.1080/00263206.2012.683337>, 2016. 01. 06.

In achieving this, a set of legal reforms were undertaken, starting with *Tanzimat*, continuing with the Reform Edict, Ottoman Citizenship Law (*Tabiiyet-i Osmaniyye'ye dair Nizamname*) and finally *Kanuni Esasi*, the Constitution.<sup>11</sup>

The *Gülhane Hatt-ı Şerif*<sup>12</sup> (*Supreme Edict of the Rosehouse*) one of the most important document of the Turkish constitutional history, promulgated by the edictum of *Sultan Mahmut* (1839–1861) in 1839, was the first declaration of fundamental rights, the first charter of liberties. This proclamation assured the Ottoman subjects (*tebaa*) – including the non-Muslim population – with protection of life, honor and property. In this context, all of the rights regarding life, property and honor vest equally all the habitants of the Ottoman Empire, Muslims and non- Muslims, regardless of their religion.

In 1844 there was introduced the first official ottoman identification document (officially called *Mecidiye*, identity document, inofficially called *Kafa kağıdı*, the head paper).<sup>13</sup>

Provision *Islahat*<sup>14</sup> *Hatt-I Hümayunu*<sup>15</sup> (*Islahat Fermani*) even more firmly carried on the results of the reform era in respect of equal treatment of non-Muslim and Muslim population. The *Islahat Hatt-I Hümayunu* confirmed the 1839 edict and promised full legal equality for citizens of all religions before the law.

The famous Nationality Law of 1869 (*Tabiiyet - Osmaniyye'ye Dair Nizamname-i*)<sup>16</sup> as a milestone in the reform era has created the term of the unified and common Ottoman citizenship irrespective of religious and ethnic divisions in the population.<sup>17</sup> The law was based on the principle of *ius sanguinis* (Article 1). Accordingly, a child from foreign parents was born in Ottoman land can apply for Ottoman nationality after the age of 3 (Article 2). For the acquisition of citizenship at least five years ongoing imperial residence was necessary (Article 3), or it could be obtained on the basis of individual merit (Article 4). According to the final provisions inhabitants of the Ottoman dominion were automatically Ottoman citizens, until their other nationality were established (Article 9).

Among the conditions of the acquisition of citizenship, conversion to Islam was not included. This provision was a radical break with the former tradition and meant the creation of a secular citizen. However, through the implementation of the law the State Council and the Council of Ministers considered conversion to Islam sufficient reason to exceptionally awarded citizenship (Article 4). The major step forward was that although for the acquisition of citizenship was advisable to convert to Islam but it was not mandatory.

In theory, under the provisions of 1869 Act, the Ottoman Muslims and the Ottoman non-Muslims belong to the same political community created equal legal footing (even if the *millet* system was still in place) and ignored the nation based on the Islamic principles

<sup>11</sup> DAVISON, RODERIC: *Reform in the Ottoman Empire 1856–1876*. Princeton, New Jersey, 1963. <http://psi427.cankaya.edu.tr/uploads/files/Davison,%20Reform,%201856-1876-1.pdf>

<sup>12</sup> Gülhane (Rose House) was a small building of Old Palace. MÉSZÁROS GYULA: *A török alkotmány alaptörvénye, Az Erdélyi Múzeum-Egyesület Jog- és Társadalomtudományi Szakosztálya*. Kolozsvár, 1912. Introduction.

<sup>13</sup> Avedian, Vahagn: *State Identity, Continuity, and Responsibility: The Ottoman Empire, the Republic of Turkey*. The European Journal of International Law, 2012/23/3., 797–820. <http://www.ejil.org/pdfs/23/3/2306.pdf>, 2016. 01.05.

<sup>14</sup> Meaning reform, renewal.

<sup>15</sup> Hungarian translation In: MÉSZÁROS 1912. pp. 24–43.

<sup>16</sup> 19 January 1869.

<sup>17</sup> PAROLIN, GIANLUCA PAOLO: *Citizenship in the Arab World. Kin, Religion and Nation-State*. Amsterdam University Press, 2007, pp. 73–76.

(*ummah*). In practice, however, in respect of the Persians living in the Ottoman dominions, the Persian and the Ottoman authorities agreed that the Persian inhabitants of the Ottoman Empire could count Ottoman citizens only if they converted to the Islamic religion.<sup>18</sup>

Thus, the results of the reform era was that the government ignored the religious intolerance, the violence conversion to Islam, and not tolerated anymore the execution of the apostates. In practice however significantly slashed the rights of non-Muslim citizens. The non-Muslim citizens were given the opportunity to recouse *dhimmi* status. This meant that – not-Muslims - could follow their original religion, could acquire property in the Ottoman Empire, but could do all this for extra poll tax (*jizya*). We can say, therefore, that the Turkish reform period was the first era of Turkish history, which declared that everyone is free to exercise their religion without harassment. However, for the Ottoman ruling elite the religious freedom was not yet freedom of religion, but freedom of “protection of their own religion”.<sup>19</sup>

The first Constitution (1876) following the reform era (*Kanuni Esasi*) in the Article 8 was practically confirmed the concept of the citizenship of the Nationality Act as follows: "The Ottoman Empire's people, regardless of religious or racial affiliation are Ottoman Tebaa<sup>20</sup> (subjects)."<sup>21</sup>

### III. The concept of citizenship in the Constitution of 1921 (*Teskilat-i Esasiye Kanunu*)

At the turn of the 20th century on the Arab areas, particularly among the Persians, where the main condition of the Turkish citizenship was the conversion to the Islamic religion two forms of citizenship appeared: the Ottoman citizens and local indigenous citizens. The lawmakers have introduced the concept of the secular citizen, but in relation to people living in the Ottoman dominions the most important criterion of the Ottoman nationality was religious.<sup>22</sup> Before the World War I the patriots took up more and more forcefully for the establishment of their own national state.

Towards the end of the first World War on 30th October 1918 in Mondrose port, aboard the "Agamemnon" cruiser was signed the armistice agreement, according to which the Entente can occupy the strategic points in any part of the Ottoman Empire in case of their security-threatening situation. The conditions are clearly aimed at the elimination of the Turkish state and at the same time enforcing the British interests unconditionally.<sup>23</sup>

The government of the last *Sultan Vahdettin* (*Mehmet VI.*, 1861-1926)<sup>24</sup> even though reluctantly accepted on 10 August 1920 the treaty of Sévres<sup>25</sup>, which divided the Ottoman's country between the imperial powers. This further strengthened the opposition. This national resistance movement and the process of the Turkish National Independence War were

<sup>18</sup> Ottoman- Persian Treaty, 14 December 1873, Article 6.

<sup>19</sup> DAVISON, RODERIC: *Reform in the Ottoman Empire 1856-1876*. Princeton, New Jersey, 1963. <http://psi427.cankaya.edu.tr/uploads/files/Davison,%20Reform,%201856-1876-1.pdf>

<sup>20</sup> According to *Nihal Uluocak* the concepts of Turkish *vatandaslik* (citizen) and *tabiiyet* (nationality) comes from *tebaa* (subject).

<sup>21</sup> INCE, BASAK: *Citizenship and Identity in Turkey*. I.B. Tauris, New York, 2012. p. 223.

<sup>22</sup> PAROLIN, GIANLUCA PAOLO 2007, p. 75.

<sup>23</sup> DZSIHANGIR FEHMI: *A Török Köztársaság Fél Évszázada*. Kossuth, Budapest, 1974. p. 13.

<sup>24</sup> KINROSS LORD: *The Ottoman Centuries. The Rise and Fall of the Turkish Empire*. Perennial, New York, 2002. p. 609.

<sup>25</sup> DZSIHANGIR FEHMI 1974, p.14.

started organizing by *Mustafa Kemal (Ataturk)* after his arrival in Samsun city in the Black Sea on 19 May 1919.<sup>26</sup> First of all *Mustafa Kemal Pasha's* declaration (21-22 June 1919) in the Amasya circular (Turkish *Amasya Gemelgesi* or *Amasya Tamimi*) issued in Amasya city located in the Black Sea Region, stressed the necessity for a national will and determination of the Turkish nation to save the independence of the nation.<sup>27</sup> This was followed by the National Congress of Erzurum consisted of the delegates from the eastern provinces and held in Erzurum city located in Eastern part of Turkey. According to the declaration of the Erzurum Congress opened and continued in session from 23 July to 17 August 1919, the entire country within its (undefined) national frontiers is an undivided whole and any foreign act of forcefully taking possession of a Turkish area would be opposed forcefully.<sup>28</sup>

After the Erzurum Congress the delegates of the whole country were called to Sivas located on the east part of Central Anatolia for another congress to be taken place 4-13 September 1919. It refined the terms made use of the Erzurum Congress, but this time in the national scale.<sup>29</sup> In the face of this resistance, the Istanbul Government had to be allowed parliamentary elections to do. Those advocating for a national liberation war have won elections by a large majority. The principles and resolutions of the Erzurum and Sivas Congress, known as the *Misak-i Milli (National Pact)* which form the basis of the Turkish national liberation movement, were adopted on January 28, 1920 by Parliament (Turkish *Meclis-i Mebusan*) in Istanbul and it is actually considered the fund statement of the national nationalist program.

According to this six articles pact<sup>30</sup> the territories which were not occupied at that time and inhabited by the Ottoman Muslim majority (united in religion, aim and race) are the homeland of the indivisible nation; the status of the territories inhabited by Arab majority will be determined by a referendum. The rights of minorities will be issued on condition that the rights of the Muslim minorities in neighboring countries are protected. The country should be independent and free; all restrictions on political, judicial and financial development will be removed. The status of Kars, Ardahan, Batum, Western Thrace will be determined by referendum. Transport and free-trade on the Straits of the Bosphorus and the Dardanelles will be determined by Turkey. This was the fundamental statement of the nationalist programme. It is significant that it advocated not Turkish national sovereignty but that of all Muslim Ottomans. In practise this meant Turks and Kurds as well as smaller groups like Laz and Cerkez.<sup>31</sup>

There was no map appended to the *Misak-i Milli*; the names of the towns, mountains, and hills over which the border would pass were not set forth by being cited. The geography of the fatherland was defined in principle: the geography of the people both "within and

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<sup>26</sup> ZÜRCHER ERIK JAN: *The Young Turk Legacy and Nation Building from the Ottoman Empire to Atatürk's Turkey*. I.B. Tauris, New York, 2010. pp. 221–222.

<sup>27</sup> KEDOURIE, SYLVIA (ed.): *Seventy-five Years of the Turkish Republic*. Middle Eastern Studies, Routledge, New York, 1999. pp. 152–186.

<sup>28</sup> STARR, JUNE: *Law as Metaphor: From Islamic Courts to the Palace of Justice*. State University of New York Press, New York, 1992. p. 190.

<sup>29</sup> HEKIMOGLU, MEHMET MERDAN: *Constitutional Developments Of Turkey Since Ottoman Times To The Present Sate Of The Modern Turkish Republic*. Grin, Munich, 2010. p. 21.

<sup>30</sup> ZÜRCHER, ERIK JAN 2004, p. 139.

<sup>31</sup> JUNG, DIETRICH – PICCOLI, WOLFANGO: *Turkey at the Crossroads: Ottoman Legacies and a Greater Middle East*. Zed Books, London, 2001. p. 68.

without” the line where our army was when the Armistice of Mondros (Mudros) was signed on 30 October 1918, and who had a shared purpose and were respectful of each other’s rights...<sup>32</sup>

When Istanbul was occupied by the English (16 March 1920) the parliament was dissolved by the Ottoman Government which headed *Damat Ferit Pasha* in collaboration with the English. In response to this *Mustafa Kemal Pasha* possessing extraordinary powers ordered new elections through a circular sent to provinces and declared convening a parliament in Ankara. On 23 April 1920 the new Parliament came together as the “Grand National Assembly of Turkey” (Turkish *Türkiye Büyük Millet Meclisi*) in Ankara, which consisted of representatives either new elected or escaped from Istanbul. The Government of Grand National Assembly announced the republic form of state on 23 April 1920 and adopted the Constitution of 1921 (Turkish 1921 *Teskilat-i Esasiye Kanunu*)<sup>33</sup>, roughly nine months after its establishment, on January 20, 1921.

The Constitution of 1921, which has not repealed the Ottoman Constitution of 1876 was made up of 23 articles. It incorporated no provision for changing itself. Therefore its regulations could be amended with simple majority of the Grand National Assembly of Turkey and became the only flexible constitution in Turkish constitutional history.

In this study I do not examine the content of the Constitution of 1921 in detail I only focus on the Article 1, in which the principle of national sovereignty was firstly adopted in the constitutional history of Turkey: “Sovereignty unconditionally entitled to the nation. The governmental system is based on self-determination and national governance.” Thus the fundamental principles of the republic have been constitutionally recorded.<sup>34</sup>

#### IV. The CHP’s concept of Turkish identity

*Mustafa Kemal Atatürk*<sup>35</sup> officially founded the Republican People’s Party (Turkish *Cumhuriyet Halk Partisi*, CHP) on 9 September 1923, as a political expression of the Turkish War of Independence and its aim was to achieve national unity and integrity.<sup>36</sup> The CHP was the dominant ruling political organization in Turkey from 1923 to 1945. The CHP played a prominent role in defining citizenship. To understand the CHP’s approach to national identity and to defining citizenship, the CHP programmes need to be examined. “*In today’s Turkish national, political and social community we have patriots and citizens who have been subjected to propaganda about Kurdish, Caucasian and even Laz and Bosnian nations. But there are misnomers, which are a result of the despotic ages of long ago, they have no influence on the individuals of this nation, except for a new enemy agents and brainless reactionaries, and have left our people in grief and sorrow.*”

<sup>32</sup> AKYOL, TAHA: “Greater Turkey” [http://www.biyokulule.com/view\\_content.php?articleid=5823](http://www.biyokulule.com/view_content.php?articleid=5823), 2015.12.01.

<sup>33</sup> Some parts of the Constitution of 1921 in English <http://genckaya.bilkent.edu.tr/1921C.html>, 2015.12.01.

<sup>34</sup> ISIN, ENGIN: *Citizenship after orientalism: Ottoman Citizenship*, in: KEYMAN, FUAT – ICDUYGU, AHMET (ed.): *Citizenship in a Global World: European Questions and Turkish Experiences*. Routledge, New York, 2005. pp. 31–52.

<sup>35</sup> TURNER, BRYAN: *The Citizenship and Capitalism: The Debate Over Reformism*. Allen and Unwin, London, 1986. pp. 27–53.

<sup>36</sup> This point is elaborated in the Introduction.

*Because individuals of this nation, as members of the integrated unified Turkish community, have a common past, history, morality and law.*<sup>37</sup>

According to the CHP's program the nation is a political and social community of citizens based on the principle "one language, one culture and one idea" (*tek dil, tek kültür, tek ülkü*).<sup>38</sup> This concept later became the nation's motto of the Republic and played very significant role in the construction of Turkish citizenship. Kemalist secularism (*laiklik*) also played an important role in establishing the political and cultural basis of Turkish citizenship.<sup>39</sup> During the single-party period the CHP distinguished between citizenship (being a Turkish citizen) and nationality (Turkishness), and tied citizenship rights to nationality. The single party period not only differentiated between Turkish citizenship and Turkishness but also as the political scientist *Mesut Yegen* puts it clearly, what the Turkish state understood by Turkish citizenship, which was said to be less than Turkishness.<sup>40</sup>

The CHP during the single-party period differentiated three categories of citizenship: Turkish ethnic Muslims, non-Turkish ethnic Muslims and non-Muslim minorities. According to *Rifat Bali*, Turkish ethnic Muslims were considered to be the "real citizens" or first-class citizens of the Republic, non-Turkish Muslims, such as Kurds and Lazes, were the second class citizens who earned Turkish citizenship as long as they assimilated, and the non-Muslims, such as Christians and Jews, who were the Republic's unwanted citizens since it was difficult to assimilate<sup>41</sup> them and they were subjected to segregationist policies. Turkishness was open to non-Turks but not to all of them, only to Muslims.<sup>42</sup> The political scientist *Arus Yumul* argues that the term Turk has always been perceived as Muslim and non-Muslims have always been included in the category on non-Turk.<sup>43</sup>

One of the major tasks of CHP during this period was "*turkification*" the citizens belonging various ethnic and religious backgrounds. Within this program speaking Turkish was considered the most significance criteria of the Turkish nationality, so the men who do not speak Turkish were called "false", second-class citizens of the Republic.

<sup>37</sup> INAN, AFET: *Atatürk and the History Thesis*. Belleten 3/10, 1939. p.244.

<sup>38</sup> The 1931 programme of of the Republican People's Party CHP (*Cumhuriyet Halk Partisi*), defined nation as a political and social community formed by citizens bound by an unity of language, culture and ideal". This definition of nation „one language, one culture, one ideal", then became the motto of the Republic. CAGAPTAY, SONER: *Islam, Secularism, and Nationalism in Modern Turkey. Who is a Turk?* Routledge, New York, 2006. p. 44.

<sup>39</sup> BABAN, FEYZI: *Community, Citizenship and Identity in Turkey*, in: KEYMAN, FUAT – ICDUYGU, AHMET (ed.): 2005. pp. 52–70.

<sup>40</sup> KARDAM, FILİZ – CENGİZ, KURTULUS: *Republican Citizenship in Turkey: Historical Development, Perceptions and Practices*. Middle Eastern Studies, 2011/47/1. pp. 151–165.

<sup>41</sup> BASKIN, ORAN distinguishes between two analytical categories of assimilation: natural/voluntary and forced. A minority group may – naturally over time, or voluntarily, consciously and willingly – assimilate into the majority culture. Alternatively, it may be forced by the majority to forego its natural characteristics and to assimilate into the majority culture. This latter form of assimilation is often a product of oppressive state policies. During the Republican period the Turkish state used different forms of assimilation.

<sup>42</sup> BALI, RIFAT: *Politics of Turkification During the Single Party Period*, in: KIESER, HANS LUKAS (ed.): *Turkey Beyond Nationalism*. I.B. Taurus, London, 2006. <http://www.rifatbali.com/images/stories/dokumanlar/base1.pdf>, 2016.01.05.

<sup>43</sup> KAHRAHAM, HASAN BÜLENT: *The Cultural and Historical Foundation of Turkish Citizenship*, in: KEYMAN, FUAT – ICDUYGU, AHMET (ed.) 2005. pp. 70–87.

The Turkish Hearts<sup>44</sup> (*Türk Ocakları*) association played a very significant role in spreading the use of Turkish language among the minorities. In a speech in 1923 the head of the Turkish Hearts *Hamdullah Suphi*, argued that “People who speak Turkish, who are Muslim, and who carry the love of Turkey in their hearts are Turkish. We are looking for unity in language, religion and will among these people.” In *Suphi*’s view, minorities could not be accepted as citizens of Turkey without both learning Turkish and accepting Turkish culture.<sup>45</sup>

After the National Independence War ended in victory, the Turkish Grand National Assembly announced the end of the Ottoman Empire and the Sultanate retroactively two historically significant decision (No. 307 and 308 laws). The Turkish Grand National Assembly ratified the Treaty of Lausanne<sup>46</sup>, fixed the republic form of government in a constitutional amendment relating to the 1921 constitution, which was enacted by the newly elected parliament on 29 October 1923.<sup>47</sup>

#### V. The concept of citizenship in the Constitution of 1924 (*Teskilat-i Esasiye Kanunu*)

The relatively short Constitution of 1921 was no longer meets the requirements of the new modern Turkish Republic. So the new constitution was adopted by the Second Grand National Assembly of Turkey on April 20 and published on 23 April 1924. The text of the Constitution of 1924 (*1924 Teskilat-i Esasiye Kanunu*) was a short, simple, durable and consistent with 105 articles and 6 chapters.<sup>48</sup> In this essay I do not examine the full content of the Constitution of 1924, I focus only to the regulation of nationality. The constitution adopted the French Revolution’s natural law approach regarding freedoms, it listed the the basic rights and freedoms of the citizens without detailed specification, but lacked the protection of the rights (Article 68, 70).

Article 88 of the Constitution of 1924 was almost entirely adopted from the Constitution of 1876 that defined citizenship as follows: “People of the Ottoman Empire, regardless of their religion and race, are Ottoman tebaa (subjects).”<sup>49</sup> The famous Article 88 stated: “The people of Turkey, regardless of their religion and race, are Turkish in terms of citizenship”. Thus it seems that Turkishness was not defined in terms of race or religion, but it was defined in terms of a territorial national identity.

<sup>44</sup> Founded in Istanbul on 22 March 1912, Turkish Hearts was closed and reopened several times between that date and 10 May 1949, when it was permanently closed down.

<sup>45</sup> This idea was also addressed during the debates in Parliament over the 1924 Constitution. In the Parliament there was attempt to pass a law making Turkish compulsory and not speaking in punishable by a fine. The proposal was not adopted.

<sup>46</sup> 24 July 1923. For the text see [http://wwi.lib.byu.edu/index.php/Treaty\\_of\\_Lausanne](http://wwi.lib.byu.edu/index.php/Treaty_of_Lausanne).

<sup>47</sup> HEPER, METİN: *Inönü İsmet, The Making of a Turkish Statesman*. Brill, Leiden, 1998. p. 11.

<sup>48</sup> For the English text of the Constitution of 1924 see EARLE, EDWARD MEAD: *The New Constitution of Turkey*. *Political Science Quarterly*, 1925/40/1. pp. 73–100. <http://links.jstor.org/sici?sici=0032-3195%28192503%2940%3A1%3C73%3ATNCOT%3E2.0.CO%3B2-6>; <http://genckaya.bilkent.edu.tr/1924constitution.pdf>, pp. 19–29.

<sup>49</sup> *ÖNİHAL Uluocak* points to the usage of *vatandaşlık* (citizenship) and *tabiiyet* (nationality) deriving from *tebaa*. INCE, BASAK: *Citizenship and Identity in Turkey*. I.B. Tauris, New York, 2012. p. 223.



The difference between the two constitutions is obvious: the “*term of citizenship*” condition of the 1924 Constitution does not exist in the 1876 Constitution.<sup>50</sup> The reason behind adding the terms of citizenship was expressed in the long parliamentary debates over who would be defined as a Turk during the discussion of Article 8.

At first the CHP deputies voted for an article saying: “The people of Turkey, regardless of their religion and race are Turkish.” The membership of the assembly, however, had differing views on who would be called a Turk. For instance, the CHP deputy *Ahmet Hamdi* suggested, “people of Turkey who experience Turkish culture are Turkish”. He emphasized the importance the Turkish culture in contrast to another deputy, *Celal Nuri*, who rejected the emphasis on Turkish culture, because for him it violated Article 39 of the Treaty of Lausanne which stated: “*Turkish nationals belonging to non-Muslim minorities will enjoy the same civil and political rights as Muslims. All the inhabitants of Turkey, without distinction of religion, shall be equal before law.*”

It is also necessary to clarify what *equality in law* and *equality in fact* actually mean. For the purpose of argument it is necessary to state that citizenship is not just a legal status but also it involves practices. In my opinion equality in law is a question of process, whereby minorities are guaranteed equal protection before the law. Such procedural (legal) equality is the *sine qua non* of the citizenship status<sup>51</sup> but is by no means the sufficient precondition of full equality. States must also guarantee substantive equality – equality in fact – by undertaking institutional and financial arrangements to provide the institutional embodiment of minority cultures in every aspect of social life including the education, the media and the government. In the final analysis equality does not mean treating everyone the same for all purposes, but may require treating some individuals differently and in fact more favourably than others precisely because they are different. The principles of equality and affirmative action are not contradictory. On the contrary, they are independent because the former justifies the latter and the latter is often prerequisite to achieve the former.<sup>52</sup>

According to the Article 69 equality in law means: differences of religion, creed or confession shall not prejudice Turkish nationals in matters relating to the enjoyment of civil or political rights, for instance, admission to public employments, functions and honors or the exercise of professions and industries.

The term “Turk” had a special place in the 1924 Constitution. Instead of using the term individual or citizen, the constitution preferred using the term “Turk”. For example, “Every Turk is born free.” (Article 68); “Every male Turk has the right to choose a deputy.” (Article 10) and “Every Turk can be elected as a deputy.” (Article 11).

Until 1928 the second article of the 1924 Constitution stated that “The religion of the Turkish state is the religion of Islam (*Din-i Islam*).” This already shows us clearly that the state took sides in matters of religion, and it is only to be expected that non-Muslims were accorded second-class citizenship. It is true that this article was removed from the

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<sup>50</sup> ÖZBUDUN, ERGUN – GENCKAYA, ÖMER FARUK: *Democratization and the Politics of Constitution-Making in Turkey*. CEU Press, Budapest, 2009. pp. 13–15.

<sup>51</sup> KYMLICKA, WILL: *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford University Press, New York, 1995. p. 23.

<sup>52</sup> KURBAN, DILEK: *Confronting Equality: The Need for Constitutional Protection of Minorities on Turkey's Path to the European Union*. <http://www.hyetert.com/prmyazi3.asp?s=&Id=200&Sayfa=0&DilId=2&AltYazi=>, 2016.01.03.

Constitution in 1928, but this did not alter the fact that the Republic was built on the understanding that in practice a Turk is equal to a Muslim.

The sociologist Mesut Yegen pictures a narrative on the connections between citizenship and Turkishness. Yegen means that Turkishness has been divided into two categories: "*Turkishness as citizenship*" and "*Turkishness as such*". Basically Turkishness has been open to non-Turks but not all of them. Yegen goes back to the 1924 Constitution, where Article 88 says "the people of Turkey regardless of their religion and race would, *in terms of citizenship*, be considered Turkish. This indicates that there is Turkishness beyond Turkishness in terms of citizenship. Hence in the eyes of official Turkey there has been a difference between "constitutional turks" and Turks as such. Whereas Muslim Turkish citizens such as the Kurds have mostly been invited to Turkishness as such, non-Muslims have fallen into the category of Turkishness as citizenship.<sup>53</sup>

As the constitutional law professor Ergun Özbudun states the non-Muslim minorities had equal citizenship rights under the 1924 Constitution; sociologically, however, they were not accepted as "Turk", therefore they could not be "real citizens" of the Republic. Thus, only people with ethnic Turkish roots were seen as real Turks, and real citizens.<sup>54</sup>

## VI. Conclusion

Though the founders of the new republic aspired to create a homogeneous nation state whose citizens were Muslim, speaking Turkish, and possessing Turkish culture, Turkey was multiethnic, and to some extent multi-religious. Besides the Muslim majority of the country was hardly homogeneous, there were Kurds, Bosnians, Albanians, Circassians and Arabs, who spoke languages other than Turkish. Thus the central question during the single party period was how to unify the ethnically, culturally and linguistically diversified citizens of the Republic and create a homogeneous nation state.

Citizenship in Turkey appeared not as a revolutionary social struggle from the bottom up by the masses, who asked for their rights from those who did not grant it to them, but as a number of choices made by the ruling elite who tried to grant rights to the masses in order to increase social integration and to empower the state. However, when the state constituted Turkishness and Turk identity and forced its implementation in practice dominated the relationship between the state and the citizens, especially among the non-Muslim and non-Turkish citizens.

While in theory, the constitution provided the citizens' equality before the law, in practice, several anomalies have occurred in the practise of civic rights and responsibilities. Turkey's non-Muslim citizens were under the supervision of a separate civil police unit (*Emniyet Genel Müdürlüğü* EGM). The only way of the political participation was to vote in elections, but this possibility was narrowed to Turkish-speaking Muslim citizens. The political participation of minorities in the 1930's was not mentioned, nor did any part of the minorities take part in the Parliament until 1935. Furthermore, one of the most important

<sup>53</sup> MARDIN, SERIF: *The Genesis of Young Ottoman Thought, A Study in the Modernization of Turkish Political Idea*. Syracuse University Press, 2000. pp. 307–316.

<sup>54</sup> ÖZBUDUN, ERGUN: *Social Change and Political Participation in Turkey*. Princeton University Press, 2015. p. 46.

civic duties, the military service was compulsory among the non-Muslims of the state, despite their will.

Catch 22? Who was Turk and what was it mean in the young Republic? According to Soner Cagaptay kemalism had three overlapping, but inexact categories of Turkishness. The first, the official was territorial, which was the most inclusive of the three. The second definition, less inclusive than the first, and was applied to the inhabitants of the former ottoman dominium, was religious. The third and the least inclusive definition of Turkishness, which was peculiar to the practise of the Republic was ethno-religious. According to the third definition, the state saw only those people who were ethnically Turkish as real citizens of the Turkish Republic and used religion to classify non-Turks into two hierarchical categories: Muslim and non-Muslim and favoured the former over the latter.<sup>55</sup>

## SISKA KATALIN

### MUSTAFA KEMAL ATATÜRK HATÁSA A TÖRÖK IDENTITÁS ÉS ÁLLAMPOLGÁRSÁG KONCEPCIÓJÁRA, KÜLÖNÖS TEKINTETTEL A FIATAL TÖRÖK KÖZTÁRSASÁG ALKOTMÁNYOS SZABÁLYOZÁSÁRA

#### (Összefoglaló)

Az állampolgárság egy olyan stratégiai fontosságú fogalom, amely központi szerepet játszik az identitás, a hatalomban történő részvétel, a hatalommal történő felruházás, az emberi jogok és a közérdek fogalmainak meghatározása során is. *Mustafa Kemal Atatürk* (a modern Törökország megalmodója és alapítója) a Török Köztársaság megalakulásának 10. évfordulója alkalmából tartott megemlékezése során gratulált a nemzetnek a rövid idő alatt elért eredményekhez, majd a következő híres mondattal zárta le a beszédét: *“Milyen boldog lehet az az ember, aki azt mondhatja magáról: Török vagyok.”* (*Ne mutlu Türküm diyene*). A Köztársaság megalakulása<sup>56</sup> óta ez a kijelentés képezi a török állampolgárság (*vatandaslik*) fogalmának alapját. A török állampolgárság hivatalos fogalmának alapjául szolgáló elv - mely az *“egy nyelv, egy kultúra és egy eszme”* kemali ötletén alapult - első alkotmányjogi deklarálása az 1921. évi, illetve az 1924. évi török alkotmányokban található meg, de előzményei már az 1879-es alkotmányban is fellelhetők.

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<sup>55</sup> CAGAPTAY, SONER: *Who is a Turk? Islam, Secularism and Nationalism in Modern Turkey*. Routledge, New York, 2006. pp. 4-7.

<sup>56</sup> 1923. október 29.