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Ahmet İçduygu & B. Ali Soner

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Turkish Minority Rights Regime: Between Difference and Equality

AHMET İÇDÜYGU & B. ALİ SONER

Although there has not yet appeared an internationally recognized definition, the concept of ‘minority’ has traditionally been associated with those objective elements of citizenship, common ethno-cultural and linguistic heritage, and of subjective elements including having a sense of communal solidarity and willingness to preserve group-specific particularities. In other words, minority peoples have indicated those sections of national citizens who manifested ethno-cultural, linguistic and religious distinctions in respect of the mainstream identity category of the country’s majority population. Accordingly, the legal–political status of minority peoples in modern conditions has been based on two sources of citizenship and ethno-cultural distinctions.

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

Beyond doubt, legal equality is the sine qua non of citizenship status, but legal equality in itself is not sufficient to guarantee achievement of genuine equality, particularly in those social circumstances where population displayed ethno-cultural diversity. It is because of this that treating essentially different groups in an identical fashion, that is, treating minority groups in the same manner as the majority, has equally tended to violate principles of both equality and non-discrimination. Putting the matter differently, the principle of citizenship equality in culturally diverse societies calls for accommodating both similar and distinct circumstances of peoples.

Having pointed out the fact that a theory and practice of equality ‘grounded in human uniformity is both philosophically incoherent and morally problematic’, Parekh suggested that ‘human beings are at once both natural and cultural beings’, that is ‘they are both similar and different . . . We cannot ground equality in human uniformity’, because, ‘while granting them equality at the level of their shared human nature, we deny it at the equally important cultural level’. For Parekh, only when we break the traditional equation of equality with similarity, the principle of equality would ‘require us to take into account both their similarities and differences’.
Thus, differential treatment renders specific treatment of minority distinctions not external to individualist measures of equality and non-discrimination, but an integral norm of it which takes ethno-cultural, linguistic and religious distinctions into account. Differential treatment, in the absence of equal citizenship status is equally dangerous. Since citizenship equality guarantees equal grounds of non-discrimination, the neglect of it bears an immediate danger of inegalitarianism for minority groups entitled to measures of differential treatment. Discrimination, communal isolation, persecution or even oppression are likely to appear in a legal–political setting where fully fledged scope of citizenship status is denied to any section of the population because of their ethno-cultural, religious and linguistic otherness.

It is already evident in the views of Parekh, that true equality should reconcile universal aspects of citizenship equality with the different treatment of ethno-cultural minorities. It is in this context that the second dimension of minority status comes to the fore while compelling state authorities to create legal–political grounds of ethno-cultural diversity within the universal realm of citizenship equality. In doing this, the principle of citizenship equality, with regard to the distinct position of minority groups might be interpreted in a broader manner of substantive equality which is generally described as an act of treating like cases alike and different cases differently. It is under these circumstances that homogenizing affects of citizenship universality are removed in the direction of urging states to undertake positive measures addressing protection and promotion of minority particularities in articulating their cultural, legal, administrative, economic and educational policies.7

International efforts in the field of minority rights have focused on reconciling citizenship equality with the different treatment of minority peoples. From the Treaty of Westphalia to the comprehensive regime of the post-Cold War period, national governments have undertaken internal and external commitments to accommodate minority distinctions without neglecting citizenship rights of the same population groups. The Turkish regime, as regards the issue of minority protection, presents no exemption to this international venture. Starting from the early decades of the nineteenth century, the Turkish minority rights regime has evolved under the close impact of international standards. The Turkish context, however, has exhibited difficulties in creating a substantive form of equality. The two aspects of minority conditions, that is, citizenship equality and group-specific treatment, would hardly be reconciled. It is only under the recent impacts of the European Union integration that the Turkish regime has come closer to overcome its traditional maladies.

In light of this, an attempt to analyse the Turkish minority rights regime will be made, focusing first on the implications of the Ottoman millet system which provided a framework of differential but not equal treatment. Secondly, we will have a brief look at the failure of the Ottomanist policies that sought to accomplish a framework of equality within difference. Thirdly, the study will review the modern establishment of the Republican minority rights regime. In doing this, special emphasis will be placed on the formulation of the scope of minority provisions in the Treaty of Lausanne concluded in the aftermath of the First World War. Next, socio-political and legal ramifications of the regime, on the part of both majority and minority sections of the Republican population, will be elaborated. Lastly, by touching on recent developments, both internal and external, we will try to point out
contemporary transformation evident in the established structures and practices of the Turkish regime.

The Ottoman Empire was a multi-ethnic, multi-religious and multi-lingual Islamic empire. Although ethno-lingual differentiation was not unknown to the Ottoman world, owing to the universal nature of canonical law (Sharia), religion was the chief source of identity. An Ottoman subject was a Muslim, a Christian, or a Jew before being a Turk, an Arab, a Kurd, an Albanian, a Greek, a Serb, a Bulgarian or an Armenian. It was in this religiously determined legal–political and cultural context that the imperial order (nizam) incorporated a policy of ethno-lingual indifference in its administrative policies. Accordingly, in managing its multi-dimensional society, the Ottoman Sultans favoured a long-established instrument of the millet system which classified subject peoples first into Muslims and non-Muslims and, in turn, the latter were further divided into Greek Orthodox, Armenian Gregorian and Jewish communities.

It was doctrinally believed that Muslim subjects constituted a compact religious brotherhood of umma community within which there would be no legal sub-division. Not only ethnic and linguistic but also sectarian differentiation was strongly denied among Muslim people. Ottoman rulers, including Turks, identified themselves with the Sunni version of Islam and submerged particular identities within it. In so doing, the Muslim subjects were totalized under an all-inclusive category of the millet-i Islamiyye or millet-i Muslime. State authorities attributed greater significance to the preservation of this religious unity. The Alevies in Anatolia, the Shia population of the Arab lands, the Zaidies in Yemen, the Nusairies of Syria, and the Druzes in Lebanon were all considered by the Ottoman administration as heretical. No official recognition and millet-system-like communal autonomy was extended to these heterodox Muslims.

Unlike the uniform conceptualization of the Muslim peoples, the non-Muslim sections were classified into two categories of polytheists who did not have a divine adherence and the ‘Peoples of the Book’ (ahl al-kitab) who maintained a Godly origin. It was affirmed that only the latter group would be granted protection, dhimmi (protected) status, which secured a legitimate ground for the persistence of their communal distinctions. In Islamic tradition, the Jewish and Christian communities were the major groups belonging to the dhimmi category. Having granted the dhimmi status, the same groups guaranteed protection and promotion of their ethno-religious distinctions within a framework of communal autonomy. By the middle of the fifteenth century, the prominent non-Muslim subjects of the Empire, those of the Orthodox and Armenian Christians and the Jewish communities, were granted communal autonomy in spiritual as well as secular matters including religious, educational, juridical as well as fiscal affairs.

However, the Ottoman nizam relied not on the principle of equality but on a certain version of justice (adalet) which recognized equality neither between the rulers and the ruled nor among the different sections of the ruled. The Ottoman adalet prescribed, instead, to secure to each of the communal groupings a legal status no less and no more than they deserved. Thus, communal autonomy had nothing to do with originally modern concepts of universal equality or non-discrimination.
The millet system adopted an idea of ontological inequality that was considered to have existed between believers and unbelievers (dhimmis). That is, all residents were protected, but not all persons had the same legal protection or standing. Though they were granted state protection and communal autonomy, non-Muslims were accorded a lower socio-political and legal status as compared to Muslim subjects. In return for protection, they were subjected to an inegalitarian treatment in a number of civil, political and legal issues including, among others, judicial proceedings where their testimony was inadmissible; political and military affairs from which they were exempt; obligation to pay extra taxes in the form of cizya and haraf; prohibition from constructing new places of worship and dressing in group-specific colours and styles. Thus, though the millet system was usually examined on the basis of the concept of religious tolerance, it concealed within itself an institutionalized form of inequality. The dhimmis were tolerated to exist with their belief systems and religious practices but only at the expense of inegalitarian obligations and responsibilities. Putting the matter differently, privileges and obligations were distributed not on the basis of political membership to the Ottoman state, but on the particularistic basis of peoples’ communal membership.

This is to say, membership of the Ottoman State did not automatically result in egalitarian political and civil recognition. Although state membership decided one’s eligibility for freedom and privilege, the set of freedoms and obligations were indirectly obtained through the communal membership. In other words, religious affiliation of an Ottoman subject decided his or her socio-political as well as legal position. Compartmentalized in the form of ‘umma communities’, there was almost no room for free existence of the individual or development of an upper Ottoman identity associated with political membership of the Ottoman State and its common territory. Notwithstanding the fact that they were members of the same political community, Ottoman subjects were considered primarily members of their millet compartments. In so doing, neither the concept nor the practice of citizenship involving equal rights and obligations appeared in the Ottoman Empire before the nineteenth century. On the contrary, the classical policy of tefrik-i anasir (separation of elements), that is allocating privileges and obligations not on the unifying basis of law and politics but on the dividing force of religion, remained the main characteristic of the classical administration.

The classical policy of tefrik-i anasir smoothly advanced so long as religion remained the dominant source of identity in the Ottoman heritage. However, by the late eighteenth century, the impacts of economic, scientific and political revolutions that transformed Western Europe began to insert influence upon the Ottoman lands as well. Transformation of the classical corporate structures of the millet system into a new form of minority treatment based on an egalitarian configuration of the population was one of the most pressing and problematic wings of this process. In parallel to the developments of the early nineteenth century that harboured pillars of the classical millet system, the Ottoman rulers faced contemporary Western concepts of state, nation, equality, citizenship as well as a new version of minority treatment. The new concepts marked the termination of the terms of the dhimma contract and the administrative rationality of the millet system. Particularly the concept of universal equality gradually undermined legitimate grounds of the dhimmi inegalitarianism. Major parameters of the classical nizam, therefore, disappeared.
as it paved the way for the emergence of a deep disharmony in the channels connecting the non-Muslims to the Muslim Ottoman state.23

It was in this context that Ottoman reformers vested greater efforts on the concern of developing an egalitarian Ottoman citizenship out of legally compartmentalized ‘federation of millets’. By this time, therefore, the Ottoman rulers began to abandon the classical policy of tefrik-i anasir in favour of creating an equal Ottoman citizenship cutting across ethnic, linguistic and religious lines. The classical millet system, henceforth, was replaced by an egalitarian political project of ittihad-i anasir (union of elements) which was expected to constitute an Ottoman ‘nation’ on the basis of civil and political equality granted universally irrespective of one’s religious, sectarian and ethno-linguistic affiliation. The Ottoman reforms of modernization, the so-called Tanzimat, accordingly put emphasis on the civil, political and legal equality through which inegalitarian aspects of judiciary, taxation, military obligation, public employment and daily life were gradually eliminated.24

The reforms were intended to create an Ottoman population consisting of equal individuals directly connected to the state without having the intermediate role of the corporate millet structures. In other words, the Ottoman administration sought, on the one hand, to dispense with the corporate structures of the classical system in the direction of creating both a centralized state and a community of equal individuals integrated in the notion of Ottomanism surpassing ethno-cultural distinctions. It was expected, on the other hand, that once obtained equal rights and obligations, impaired from the communal cleavages of the millet system, non-Muslim minorities would no longer seek secession from the Empire.25 Thus, the centrifugal tendency of ethnic disintegration would be directed from liberation towards personal emancipation and social integration.

Indeed, the unilateral religious tolerance, that had hitherto determined the legal scope of millet privileges, was replaced by constitutional rights and liberties.26 However, once harboured by the winds of nationalism, emancipation from the unequal implications of the dhimmi status and political liberation went hand in hand in the Ottoman context. Contrary to the spirit of the reform policies, it was not the ‘Ottoman nation’ of citizens that replaced millet inequalities but rather national states of non-Muslim minorities. The conundrum of duality that existed between the notion of Ottoman citizenship and equal accommodation of minority distinctions remained unsolved. Particularly the Christian communities moved out of a millet consciousness directly into a national consciousness without ever having accepted Ottoman citizenship.27 Rumania, Montenegro and Bulgaria followed the Greek and Serbian examples in the course of the nineteenth century. Moreover, by the turn of the century even some Muslim elements, including Albanians and Arabs, had joined in this venture of ethnic dismemberment. When the final collapse came with the Treaty of Sèvres in 1920, the disintegration of the Empire along the lines of minority identities was almost complete.28 The ideal of creating an equal Ottoman citizenship out of the corporate millet structures remained unfulfilled. The issue of minorities and the question of minority rights, consequently, lost its naiveté in the Turkish eyes and came to be considered not as a matter of respect, liberty, freedom or equality but more as an instrument of ethnic dismemberment.

One result of the reforms was the extinction of the classical millet system. As long as the dhimmi status drew boundaries between Muslim and non-Muslim subjects, it had
also produced a socio-political and legal duality between the terms of state-membership and communal membership. Nevertheless, it was this duality that separated the cultural world from political matters while facilitating persistence of ethno-cultural peculiarities. In this context, religious or sectarian affiliation, but not numerical size, had determined people’s legal status. It should be noted here that the millet system, in essence, was not a ‘minority policy’ in the modern sense of the word, but was a unique instrument of the Islamic tradition adopted in governing the ‘other’. In this sense, it had nothing to do with proportional figures of the population. However, as its legal boundaries disappeared under the egalitarian premises of the Ottoman citizenship, the relative position of the communal groupings began to be decided more on numerical criteria. The traditional Muslim/dhimmi classification, therefore, began to be articulated in terms of majority/minority relationships. 29

The second was the failure of the political project of ittihad-i anasr. It was this failure that caused much resentment among the Muslim peoples and the rulers of the Empire, predominantly the Turks, who had invested great hopes in the principle of citizenship equality to save the state from collapse. While the constitutionalist era continued to uphold the ideal policy of ittihad-i anasr, it eventually came to credit, legally and politically, the domination of the Muslim millet and the Ottoman version of the Turkish language. In one sense, this political-cultural amalgamation was the natural result of the modernization process. But, it reflected also, in the eve of the Republican state, the deep resentment the Ottoman statesmen felt towards the failure of the egalitarian policy of citizenship equality.

The failure of the policy of ittihad-i anasr prompted ethnic Turkism particularly among several intellectuals. 30 Yet, imperial administration, in general, remained loyal to the ideal of the Ottomanist unity, in particular, to the uniform image of the Muslim millet. 31 The true result of the failure was seen in the attitudes of nationalist leaders when they had to fight a war of liberation against Western and Greek occupation in 1919–22. Having learned much from the Ottoman experiences, the new leaders seemed to have lost their belief that a stable reconciliation would be achieved between different treatment of minorities and egalitarian implications of national unity expressed in the universal principle of citizenship equality. Unlike the late Ottomanist policies of ittihad-i anasr, the nationalist leaders, therefore, ceased to promote a political definition of Turkish national identity. Nevertheless, under the influence of the Ottoman legacy of inclusion/exclusion practices, the policy of ittihad-i anasr was by no means substituted with an exclusivist policy of ethnic Turkism but with a strong policy orientation of ittihad-i anasr-ı İslamiyye (union of the Muslim elements).

Thus, while searching a new national form, the source of national cohesion was sought within the imagined unity of the Muslim elements. Despite the fact that non-Muslim minorities still constituted 15 per cent of the Anatolian population, 32 they were categorically excluded from this earlier stage of the nation-building process. The Anatolian lands inhabited by an overwhelming Muslim majority delimited both geographical and ethno-cultural boundaries of the new state. 33 Not surprisingly, therefore, minority issues and egalitarian regulations consistently addressed non-Muslim minority distinctions without having taken into account sub-religious
particularities of the Muslim population. Yet, nationalist leaders constantly stated that traditional rights and immunities of the non-Muslim minorities would be respected so long as they did not involve in actions inimical to the territorial and national unity of the country.  

Following the national war, the founding leaders of the Republican state agreed on the terms of the Peace Treaty of Lausanne (1923) which reconciled principles of citizenship equality and differential treatment. However, consistent with the policy of the ittihad-ı anasır-ı İslamiyye, the Turkish conceptualization of the term minority drifted from the mainstream standards of its contemporaries that had extended the effect of minority protection from religious communities to ethnic and linguistic groupings. Following the parameters of the millet system’s limited diversity, the Republican state preserved its traditional concerns with regard to the definition of the concept. In the view of the Turkish authorities, there was no ethnic or linguistic minority in the country except those of the historically constituted non-Muslim communities. The Turkish minority rights regime, in so doing, established a strong continuity between the socio-political and legal stratification of the Ottoman millet system and minority/majority classification of Republican Turkey. Under the imprints of the former, the issue of minority rights was exclusively associated with non-Muslim citizens, the Greeks, the Armenians and the Jews, who had been granted millet status in the Turkish ancien regime.

The Lausanne framework, therefore, aimed at constituting legal equality without neglecting distinct circumstances of non-Muslim Turkish citizens. Accordingly, minorities were granted affirmative treatment in affairs of education, religious practices and cultural foundations. The government undertook to provide non-Muslim citizens with equal rights to establish, manage and control their own charitable, religious and social institutions and schools to use their own language and to exercise their own religion freely therein (Art. 40). The free use of the mother tongue of ‘any Turkish national’ in private intercourse, in commerce, religion, in the press and publications, at public meetings and in judicial proceedings was guaranteed (art. 39). Furthermore, provided that the teaching of the Turkish language remained obligatory, it was affirmed that minority peoples could opt for receiving primary instruction in their mother tongues in those regions or districts where they constituted a considerable proportion of the resident population (Art. 41).

On the other hand, compatible with the then prevailing international standards, minority provisions of the Treaty also assured that differential treatment would by no means be understood contrary to the basic principle of citizenship equality. The Treaty supplemented the group-specific rights with egalitarian framework of Turkish citizenship. Thus, the provisions guaranteed full and complete protection of life and liberty to all inhabitants of the country without distinction with regard to birth, nationality, language, ethnicity or religion (Art. 38). It was stipulated that ‘Turkish nationals belonging to non-Muslim minorities will enjoy the same civil and political rights as Muslims…shall be equal before the law…(and in) admission to public employment, functions and honours, or the exercise of professions and industries’ (Art. 39).

It is evident that the Lausanne framework intended to reconcile the notion of citizenship equality with the group-specific particularities of minorities. Because of this, minority provisions of the document referred not to the corporate personality
of non-Muslim groups but to ‘Turkish nationals belonging to non-Muslim minorities’. Non-Muslims were considered primarily individual members of the Republican state, not of the religious communities. In reconciling citizenship equality with the notion of different treatment, the communal membership, if ever it existed, remained secondary in the formulation of the new regime. For doing this, the regime promoted emergence of ethno-cultural diversity, legally and politically respected, that guaranteed, at the same time, civil and political equality embedded in the universal aspect of the citizenship status. Minority differences would no longer be associated, at least in principle, with the terms of inegalitarian forms of treatment. It was in this sense that the new regime largely overcame the shortcomings of the traditional duality that had long existed in the Ottoman context between the legal–political status of citizenship and the ethno–cultural particularity of group membership. Therefore, the traditional Turkish minority rights regime that hitherto had relied upon traditional practices and instructions of the Islamic religion encountered with a sharp rapture. Although its minority/majority categories remained intact, administrative, judicial and political ramifications of the millet system privileges henceforth ceased to determine the Turkish minority rights regime.

Although the Lausanne Treaty provided non-Muslim minorities with a substantive right to ethno-cultural and religious diversity as well as citizenship equality, the imprints of the millet system and Ottomanist experience continued to affect minority policies in Turkey in two ways. First, one’s creed has continued to determine the criteria of ‘inclusion’ and ‘exclusion’ in the Turkish regime so long as we referred to minority/majority classification. The imagined unity of the Muslim millet remained intact against the ‘other’ position of the non-Muslims. Second, the fifth-column and/or secessionist acts of the latter resulted in the loss of confidence against both the issue of minority rights and that of the minorities themselves. In the eyes of both the Turkish authorities and the general public, they usually were perceived as ‘suspect’, ‘dangerous’ and ‘foreign’ elements within the Turkish-Muslim nation. Hence, though they achieved a secure existence at Lausanne, non-Muslim minorities in Turkey frequently found themselves in a vulnerable position. Centuries-old cleavages and confrontations continued to poison the possible grounds of citizenship equality for the non-Muslim sections of the population.

When discussing ‘the sources of Turkish civilization’, Bernard Lewis argued that ‘one may speak of Christian Arabs – but a Christian Turk is an absurdity and a contradiction in terms . . . a non-Muslim in Turkey may be called a Turkish citizen, but never a Turk’.37 Indeed, it was this long-established national distinction that has given a dual and flawed face to the implementation of the Lausanne rights. Although the 1924 Turkish Constitution stipulated that ‘the name Turk, as regards to citizenship, shall be understood to include all citizens of the Turkish Republic without distinction of, or reference to, race or religion’ (Art. 88),38 the Republican authorities wavered in formulating an egalitarian citizenship status concerning minority sections of the population. Having drawn a strict distinction between ‘Turkish nationality’ (milliyet) and ‘Turkish citizenship’ (tabiyyet), the non-Muslim minorities were included in the latter category but excluded from the former, that was a privilege reserved for the Turkish–Muslim peoples.39
Notwithstanding the civic features of the legal definition, the national distinction carried two significant implications for the citizenship practices in regard to minority treatment. Firstly, the Muslim-inclusive formulation of nationality, which superseded ethno-linguial and sectarian differences of Muslim citizens, reproduced the Ottoman Muslim millet within the national borders of modern Turkey. The formula of ‘national citizenship’ has tended to totalize and disregard, if not deny, ethno-linguistic, cultural and sectarian particularities that existed among anasır-ı İslamiye. Secondly, because of this formal distinction, going contrary to the Lausanne commitments, the Republican authorities could not accomplish a compromise between the universal aspects of citizenship equality and the specific treatment of non-Muslim minorities. Parallel to the classical dimensions of the millet system, the notion of minority difference has often been associated with inegalitarian treatment. However, the basis of exclusion and inclusion was no longer the legal-political and social implications of the millet system, but legal-political conceptualization and practices of the Republican citizenship. Once Turkish politics established a close linkage between citizenship and nationality, it operated as an instrument of Muslim-inclusive policy, in which the principle of citizenship equality has generally been equated with national uniformity, while the same instrument has proceeded in an exclusivist manner to the ethno-cultural others.

The first constitution of Turkey entertained a civic definition which associated national identity with the legal-political affiliation of Turkish citizenship. However, it has never been conceived in the sense that this formal conceptualization would recognize ethno-cultural and linguistic differences of its Muslim citizens. As subsumed peoples’ differences into an all-inclusive constitutional identity, the legal notion of Turkish nationality neither was elaborated nor did it function as a neutral ground under which ethnic differences would gain a legal status. In place, though not truly a Turkish ethnic designation, the legal-political connotation of ‘Turk’ emerged as a political project in which other (Turkish-Muslim) identities were to be amalgamated. Neither Turkish ethnic identity nor any other ethnic element was situated in the core of national identity.40

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

Relying on this political culture, Republican governments, from the outset, insisted on the ‘one and indivisible’ unity of the Turkish nation. In this context, contrary to ethno-linguial diversity that existed among different groups of the Turkish-Muslim population,41 fundamental pillars of the Republican state, in
respect of its legal, political and administrative organization, reflected this essential political and cultural concern that inhibited free expression and legal accommodation of Muslim particularities. Under these circumstances, the substantive scope of the Lausanne rights has been bounded with the traditional condition of non-Muslim citizens while granting each member of the Turkish-Muslim population formal (legal) equality of being treated alike within the indivisible unity of Turkish national entity.

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

Owing to this essential concern, the Turkish constitutional setting drew further boundaries so as to inhibit political expression of socio-cultural diversity. The Turkish Law on Political Parties presents a good example.42 In fact, the Constitution granted full recognition to the principle that ‘political parties are indispensable elements of the democratic political system’. However, it was also brought forward that each political party was to be subject to the same constitutional limitations enforced in the exercise of other civil and political rights. In particular, the Constitution made it clear that their statutes and programs would in no way involve any objective contrary to the unitary features of the country (Art. 68–69). In the line of constitutional regulation, the Law on Political Parties has prohibited political expression of ethnic, linguistic, religious or sectarian distinctions (Art. 78). Nor would they consider ethno-linguistic, religious, or sectarian criteria for membership or claim that there are any national minority based on differences of national or religious cultures or on differences of sect, race or language (Art. 12). Political objectives seeking protection and promotion of sub-national languages and cultures or regional interests have been conceived as an act of ‘disrupting the national integrity by creating minorities on the territory of the Republic of Turkey’ (Art. 81). The provisions of the Law precisely concluded that any political party convicted of violating these principles would be closed down completely. As is well known, several political parties, including the pro-Kurdish Demokrasi Partisi (Democracy Party) and the pro-Alevi Barış Partisi (Peace Party) were either banned or taken
under investigation several times for pursuing separatist and divisive goals on the basis of ethnic, regionalist or sectarian differences.

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

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

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

The uniform image of the ‘Muslim millet’, thus, has been carefully observed in the socio-political and legal structure of the Turkish state. Having limited differential treatment to the case of non-Muslim minorities, the principle of legal equality in regard to different sections of the Turkish-Muslim population has been carried out in a form of uniformity. Turkish governments never considered granting official recognition or legal accommodation to ethno-cultural, linguistic or sectarian distinctions that existed among the Turkish-Muslim majority. Whenever there emerged any ethno-cultural claims among its Muslim elements, such particularistic demands have officially been interpreted not in ethno-cultural terms. The prominent example was the Kurdish question. Although the Kurdish identity underwent an ethno-lingual
disintegration and has been seeking official recognition and legal accommodation, particularly since the late 1970s, the Turkish governments never examined it in ethnic terms that would be considered in the context of minority protection. The PKK’s separatist upsurge, which has dominated Turkish politics for over two decades, has officially been identified with economic backwardness, reactionary movements or with tribal aspects of socio-economic relations in the region.45

One face of the Turkish minority rights regime centred all Turkish-Muslim citizens in a compact identity, the other face proved almost the reverse. Since the ratification of the Peace Treaty of Lausanne, the Republican state bestowed official recognition to non-Muslim distinctions and has treated them accordingly. They have received differential treatment with distinctive facilities of positive measures in the fields of education, religious practices and cultural development. However, running contrary to the Lausanne commitments, the Turkish authorities have been unable to devise a harmonious compromise between the policies of citizenship equality and differential treatment. In this regard, the ethno-cultural neutrality of Turkish citizenship remained almost a myth and its rhetoric has often advanced on a duality of ‘national’ and ‘formal’ citizenship.

Indeed, though they were granted civil and political equality apart from the rights to differential treatment, non-Muslim minorities have occupied a suspect place in Turkey. In the eyes of both state authorities and the general public, their loyalty to the state and nation has been considered unconvincing. It has generally been believed that in order to achieve a coherent national entity, minority groups must first lose their influence either through assimilation, integration or expulsion. However, under the legacy of the Turkish-Muslim majority identity, Turkish nation-building intended to follow an assimilationist intention only with regard to Muslim elements, whereas it has appropriated an exclusivist stand against non-Muslim minorities. This resulted in a rise in the share of the Turkish-Muslim population within the whole, while the size of non-Muslim minorities gradually decreased throughout the Republican years.

In fact, the official establishment of the Lausanne commitments was accompanied with process of demographic nationalization. Bearing in mind religious core in national definition, nationalization meant, in practice, Islamization of the population in terms of religious affiliation. The Turkish–Greek exchange of populations became the earliest instrument in this endeavour.46 Through the implementation of the exchange, more than 1.2 million Anatolian ‘Greeks’ were exchanged with Muslims from Greece who numbered about 400,000.47 In conformity with the major premises of the Turkish minority rights regime, citizenship status was reciprocally bestowed upon religious brethren, but not those of the ethno-linguistic kin living on the other side of the national frontiers. Consequently, apart from Greek-speaking ones, the Turkish government exchanged many Turkish-speaking Orthodox citizens with many Greek-speaking Muslims or Greek Muslims speaking a tongue other than Turkish.48

During the years of demographic ‘nationalization’, the government initiated a new process of exchange, particularly in the personnel of minority or foreign-owned companies, as they were compelled to exchange their foreign and non-Muslim staff with Muslim-Turkish citizens.49 It is estimated that by 1926 approximately 5,000 employees from the Greek minority had been replaced with Muslim Turks.50

Indicating the ‘other’ status of the non-Muslim minorities, the government blocked...
their avenues of public employment as well. The Law on Public Employment, dated 1926, conditioned public employment with ‘being Turkish’, not with ‘being a Turkish citizen’. Hence, because non-Muslim minorities were considered Turkish only in terms of citizenship, the law, in practice, excluded non-Muslim citizens from the state sector, reserving it exclusively as a privilege for Turkish-Muslim citizens.\(^{51}\) Though the law was subsequently amended in 1962, having been isolated for a long time from public works, non-Muslim citizens have seen little change occur in their occupational position in the state sector.\(^{52}\)

The law violated the civil and political equality guaranteed by the Lausanne commitments and the subsequently elaborated constitutional setting. The next face of nationalization was seen in the issue of the linguistic rights of minority citizens. From the early years of the Republic, the liquidation of minority languages became one of the most delicate aspects of national cohesion. The Turkish language began to be emphasized as an essential criterion not only for Turkish nationality but also for Turkish citizenship.\(^{53}\) Therefore, instruction of minority languages was greatly limited even in minority educational establishments.\(^{54}\) Subsequently, several municipalities agreed to discourage minority citizens from speaking a non-Turkish language in public places.\(^{55}\) Most significantly, a widespread campaign of ‘Citizen! Speak Turkish’ – one periodically repeated up through the 1950s – was initiated in 1928 in the Turkish press, political circles and the general public against the persistence of minority languages.

Thus, notwithstanding national and international commitments undertaken in relation to the protection and promotion of minority languages, linguistic distinctions came to be perceived incompatible with the terms of national projects and equal citizenship. Having been aware of the fact that they had obtained international guarantees to protect and reproduce communal languages, non-Muslim citizens became the primary objects of linguistic Turkification. Istanbul, Izmir and Edirne, where non-Muslim minorities constituted a considerable proportion of the resident population, were the major centres of the linguistic campaign.\(^{56}\)

In parallel to the rising trend of nationalist currents in Europe, the emphasis of Turkish nationalism shifted in the 1930s from Muslim-Turkish culture to Turkish-ethnic cores.\(^{57}\) However, this transformation by no means transformed basic features of the Turkish minority rights regime.\(^{58}\) An immediate affect of this appeared, in 1934, in the promulgation of a new settlement law (İskan Kanunu)\(^ {59}\) which greatly restrained living conditions, especially for those non-Muslim minorities who inhabited strategic regions of the country. Citing the political, cultural and security considerations of the state, the Law closed certain parts of the country to non-Muslim minority settlement. The Jewish residents of Turkish Thrace, for instance, were forced to evacuate the region, with more than 10,000 of them forced to seek refugee in Istanbul in the summer of 1934.\(^ {60}\)

The Turkish minority rights regime exhibited a stronger inegalitarianism in the implementation of the Capital Tax (Varlık Vergisi).\(^ {61}\) When enacted in 1942, the law had, in fact, been promulgated in order to levy an extraordinary tax wealth earned through exploiting the then prevailing wartime conditions.\(^ {62}\) However, apart from the officially declared one, the law was said to have an implicit objective of levelling off the non-Muslim presence from the country’s commercial life.\(^ {63}\) Indeed, although occasional assurances were given that the government recognized no distinction
between the citizens of the country, the taxpayers were categorized on the basis of the traditional duality rooted in the Turkey’s minority rights regime. One’s creed determined the amount of the tax to be assessed. Thus, the burden of the tax fell on the shoulders of non-Muslim minorities who were assessed a proportion up to 10 times higher than the amounts levied on their Muslim equivalents. Most significantly, those who declared their inability to pay the assessed amount were banished to labour camps established in the remote corners of Anatolia where they were expected to pay off the tax by working for the state. Interestingly, though the liability conversion to forced labour was, in principle, applied to Turkish-Muslim defaulters as well, in conformity with the inclusion/exclusion practices of the regime, the administrative organs refused to dispatch Muslim Turks to labour camps.

Towards the end of the Second World War, the Turkish government ended both the Capital Tax and the labour camps. Yet, from the political point of view, the Capital Tax had already reproduced traditional Muslim/non-Muslim segregation with its internal aspects of legal-political inequalities. Non-Muslims’ confidence in the inclusive framework of the Lausanne commitments was once again shaken. In the aftermath of the war, Turkey sided with the Western world which was preaching democratic governments and individual human rights. The single-party rule of the Republican People’s Party (RPP) was replaced with the Democrat Party (DP) government in 1950. Democratic transformation of the political system raised hopes among minority groups as well. It came to be said that religious, linguistic and cultural distinctions would no longer be subjected to inegalitarian policies but would henceforth be treated equally in deed and practice.

It was particularly expected that substantive principles of the regime, as established at Lausanne, would command higher respect in the new period. However, it became obvious by the mid-1950s that the democratic context would hardly wipe away the imprints of the foundational duality embedded in the Turkish minority rights regime. Ethno-cultural difference continued to be associated with socio-political and economic aspects of inegalitarian treatment. Political authorities and the general public continued to rank non-Muslim citizens within exclusivist categories of ‘unreliable’, ‘undesirable’, and ‘foreign’ residents of the country.

Yet, unlike the previous decades, the position of minorities began to be defined this time not by nationalist aspirations of internal politics but by diplomatic crises of external relations. Having been considered as internal extensions of external enemies, non-Muslim minorities frequently lost socio-political and economic security inside whenever the Turkish governments faced diplomatic crises outside. The first example of this attitude surfaced by the mid-1950s from strained Greek-Turkish relations over the issue of Cyprus. As Turkey and Greece disagreed on the final status of the island, running against the principle of citizenship equality, particularly members of the Greek minority began to be treated as ‘foreign’ and ‘dangerous’ residents of the country. On the night of 6–7 September 1955, inflamed by the Cyprus crisis, a mass riot in Istanbul and Izmir destroyed the cultural, religious and economic presence of minorities. The total amount of damages assessed in Istanbul alone was estimated at $60 million. Helsinki Watch subsequently reported that human losses of the riot totalled 15.

The persistence of diplomatic tensions between Greece and Turkey culminated in the curtailment of minority educational rights as well. The most obvious example of
this was the closing down of the Theological Seminary of Khalki \textit{(Heybeliada)} in 1971.\textsuperscript{71} The seminary had been the centre of Orthodox ecclesiastical learning for centuries. In consequence, the decision badly affected the educational capacity of the Greek-Orthodox Patriarchate. It is for this reason that the restoration of the institution to its original position still occupies a prominent place in the issue of minority treatment in modern Turkey. Furthermore, during the 1970s and 1980s, attacks on Turkish institutions and diplomats by the ASALA (Armenian Secret Army for the Liberation of Armenia)\textsuperscript{72} damaged particularly the social position of Turkey’s Armenian minority. Though social unrest never turned into a real attack against the Armenian minority, they increasingly found themselves in an insecure situation and many opted to emigrate from Turkey.

The second face of the Turkish minority rights regime, which has treated ‘different citizens’ of the country in an inegalitarian manner, resulted largely in the gradual homogenization of Turkish society in terms of religious affiliation. Though the first Republican census had counted 2.8 per cent non-Muslim citizens, the proportion fell to 2 per cent by 1935, 1.6 per cent in 1945, 1.1 per cent in 1955, 1 per cent in 1960, and to 0.8 per cent in 1965.\textsuperscript{73} In the 1990s, the number declined further to 0.2 per cent. According to estimates made in 1992, apart from earlier ones, in the last three decades over 20,000 Armenians, 23,000 Jews and more than 55,000 Greeks have emigrated from Turkey.\textsuperscript{74} Today, community sources count no more than 50,000 Armenian, 27,000 Jewish and 3,000 Greek minorities left behind.\textsuperscript{75}

The Republican minority rights regime helped greatly to replicate the Muslim/\textit{dhimmi} compartmentalization with its latent aspects of inegalitarianism. Almost no compromise would be achieved between the principle of civil and political equality of citizenship status and the specific treatment of minority rights. In practice, the notion of full citizenship was exclusively reserved to the Turkish-Muslim sections of the population. Thus, though they were formally considered equal citizens irrespective of ethnic, religious and linguistic distinctions, the practice proved the reverse. In the case of the non-Muslim minorities, the right to ethno-cultural and linguistic differentiation has gone hand in hand with extensive practices of inegalitarianism.

The traditional framework of the Republican minority regime based upon an exclusivist duality of difference and equality were considerably challenged by the 1980s. One challenge came from a gradual disintegration of the traditionally uniform image of the Turkish-Muslim nation along the lines of ethnic and sectarian differences. In particular, the ethnic-Kurdish, Alavi-sectarian and fundamental-Islamist claims began to take a critical stand against the uniform definition of national identity. The second stemmed from the Turkish integration with the European Union (EU) which has attributed greater significance to the protection and promotion of cultural, linguistic and religious distinctions of minority peoples.

In general, the first factor has advanced depending on the pace and shape of Turkey-EU relations. Drawing attention to the shortcomings of minority protection in Turkey, the EU authorities insisted, firstly, on the extension of official recognition from traditionally acknowledged non-Muslim communities (Armenians, Greeks, Jews) to the distinct presence of the Kurdish, Alevi and Assyrian groups. To this end, the Turkish governments were urged to facilitate cultural and political expression of minority differences whether Muslim or non-Muslim. In particular, the government has to enable both the Muslim and non-Muslim minority groups to promote their
distinct identities through allowing the use of their mother tongues in political communication, education and radio-TV broadcasting. In doing this, it has been suggested that Turkey was to take appropriate steps in the direction of integrating its constitutional system with contemporary standards of minority protection laid down in the post-Cold War documents of the European regional organizations including the Council of Europe, the Organization for Security and Cooperation in Europe and the EU.  

Evidently, by the 1990s, the internal and external conjuncture was pushing Turkey to review its traditional understanding of the concept of and treatment of minorities. Concerning the given conjuncture, the Turkish Parliament enacted a number of reform packages addressing a wide range of human rights issues, including rights and freedoms pertaining to the case of minority citizens. The first reform package, dated February 2002, amended the so-called ‘Article 312’ of the Turkish Penal Code with an aim to further expand the scope of freedom of expression relating to ethno-cultural diversity. The same package also extended the scope of ethno-cultural expressions through narrowing the legal implications of the acts considered inimical to the unitary characteristics of the state that took place in the Turkish Anti-Terror Law and reducing the range of sanctions to that effect.  

Although the first package improved conditions of social diversity, it would make no sense unless substituted by associational freedoms. Because of this, the second reform package, in April 2002, concerned basically with the Law on Associations that was subjected to amendments in order to remove particularly the existing bans inhibiting international connections of the associations. Yet, article 5 of the Law, which prohibited formation of associations on the grounds of or in the name of any specific region, ethnicity, social class, religion or sect, was preserved intact. Establishment of associations based on the distinctions of citizens’ ‘ethnicity, religion, sect, culture and language’ was banned since they were considered as agents of ‘creating new minorities’ on the lands of the Republic of Turkey.  

It was only by the third reform package, August 2002, that the Turkish government introduced substantive amendments to such effect that greatly challenged traditional parameters and practices of the Turkish minority rights regime. Indicating its deep implications, the Package was considered as the ‘third Tanzimat’ of the Turkish Westernization process. Indeed, though the major concern of the first two ‘Tanzimats’, the Imperial Rescript of 1839 and the Reform Edict of 1856, adopted in the early decades of the Turkish modernization, had centred chiefly on the ethno-cultural circumstances of non-Muslim minorities. The ‘third Tanzimat’, however, expanded the scope of this traditional concern to all Turkish nationals irrespective of ethnicity or religion.  

Prominent amendments of the third reform package, in an attempt to meet the requirements of the EU integration, provided ethno-cultural freedoms that were to be equally applicable to both Muslim and non-Muslim sections of minority groupings. To this end, the package, in the first instance, concerned with linguistic freedoms pertaining to learning one’s mother language and using it in radio/TV broadcasting. Article 26 of the Constitution, which specified that ‘No language prohibited by law shall be used in the expression and dissemination of thought’ had already been removed in the year 2001. In order to make it applicable in practice, the reform package facilitated radio/TV broadcasting in different languages and dialects.
used traditionally by Turkish citizens in daily life. In doing this, the package added to the High Audio–Visual Board Law that ‘broadcasting shall be permitted in different languages or dialects used traditionally by Turkish citizens in their daily lives so long as it does not contradict with the fundamental principles of the Turkish Republic and the indivisible integrity of the State’.81

Concerned linguistic rights and freedoms in the field of education, to make possible mother tongue education, the package also amended the Law on Foreign Language Education and Teaching. The amendment provided for the possibility of learning different languages and dialects traditionally among different sections of Turkish citizens. To this end, it was affirmed that private courses, pertinent to teaching traditional tongues and dialects, would be allowed so long as it did not conflict with the indivisible unity of the State and its territory.82 However, the reform did not admit that languages or dialects other than Turkish would be used in public education. Article 42 of the Constitution, which specified that ‘no language other than Turkish shall be taught as a mother tongue to Turkish citizens,’ remained untouched.83

Formal affirmation of linguistic diversity in Turkey was a breakthrough in the traditional backbone of the Turkish minority rights regime, particularly regarding the ethno-cultural distinctions of Turkish-Muslim citizens. The EU reform packages dealt also with the conditions of non-Muslim citizens as the property rights of their pious foundations have taken the prominent place. The 1936 declaration had fixed properties of the pious foundations in the given year and those properties that had been obtained after the given date have been either confiscated or returned to their original owners. Because of this, particularly pious foundations belonging to non-Muslim minorities had lost many properties and the remaining were at risk.84 In an effort to remedy problems related to the property rights of the non-Muslims’ pious foundations, the third reform package introduced a modification to the Law on Foundations. Community foundations were given the right to acquire and to hold any kind of property at their disposal. In this context, within a period of six months, non-Muslim minorities were entitled to register their existing properties as long as they could prove ownership.85 Considering the fact that the six-months time period would be insufficient to complete bureaucratic procedures, the sixth reform package, in July 2003, extended the time period to 18 months.86

The implementation of this provision, however, was subjected to a number of conditions. On the one hand, the permission for the acquisition and disposal of new property was to be obtained from the Council of Ministers. Since the registry procedure was a complicated one full of bureaucratic interference, the regulation tended to encounter problems of political attitudes. On the other hand, the discretionary power of the Directorate General of Foundations over community foundations, including the possibility of dismissing their trustees, remained unchanged. Because of this, although the reform seemed, at face value, to remedy shortcomings of the 1936 declaration, it was hardly possible to put its principles into practice. Most significantly, the amendment did provide nothing for the return of the already confiscated properties. This is why the reform was widely considered to mean no more than giving legal legitimacy to confiscations that had already been implemented so far.87

Notwithstanding its shortcomings, the reforms aimed at improving legal-political circumstances of minority distinctions in Turkey. Yet, non-Muslim minorities continue to have problems particularly due to the lack of a legal recognition for
pious foundations and lasting restrictions on religious education. Since it has not been considered within the scope of the Lausanne regime, the Assyrian community, for example, has not yet been permitted to have its own educational establishments and, consequently, has no legal capacity to teach its liturgical language to its youth. Similarly, although they have traditionally been considered within the terms of the minority status and treated accordingly, the Greek-Orthodox and Armenian communities have not yet been accorded the right to have theological schools pertaining to educating the men of religion. For example, the governmental authorities have not yet permitted the re-opening of the Orthodox Seminary of Khalki which has been closed since 1971.

Universal principles of equality and non-discrimination, embedded in the modern concept of citizenship status, were hardly implemented in the Turkish context with regard to the treatment of non-Muslim minorities. The Republican minority rights regime reproduced, to a large extent, traditional Muslim/dhimmi compartmentalization with its inegalitarian aspects of socio-political, economic and legal treatment. The issue of different treatment has usually been associated with practices of inegalitarian treatment. Putting the matter differently, almost no compromise would have been achieved between the principle of civil and political equality and the group-specific treatment of minority rights. Though appearing to have been implemented uniformly, the fully fledged scope of citizenship equality has, in practice, been confined to the privileged Turkish–Muslim citizens who have been grouped under a Turkish national category of religious distinction in which ethno-cultural and linguistic distinctions were neglected. In so doing, contrary to the secular transformations in the Republican regime, religion has remained an integral feature of the Turkish national identity with regard to the minority/majority categorization of population.

Recent reforms brought about a substantial transformation in the traditional parameters of the Turkish minority rights regime. A system of equality within ethnocultural diversity gradually replaced dual practices of the Turkish regime. In the post-Cold War era, traditional attitude of associating ethno-cultural difference with practices of inegalitarian treatment is paving the way for a new regime which is more responsive for both Muslim and non-Muslim minority distinctions. It was in this context that not only Muslim distinctions came to be granted official recognition and the legal–political instruments of differential treatment, but also shortcomings of the Lausanne regime, relating to the position of the non-Muslim minorities, began to be removed. The Turkish regime, today, came closer to creating a peaceful compromise between citizenship equality and group-specific treatment of ethno-cultural distinctions. Turkey’s EU integration process has played a central role in this essential transformation. In one sense, Turkey’s integration with the EU has advanced on a path of integrating with the contemporary standards of the European minority rights regime.

**Notes**


14. Despite the fact that Islamic tradition prescribed assimilation (conversion) or extermination of the polytheist groups, in some circumstances, like Persia and India, the effect of state protection was extended also to those groups who did not belong to legally admitted persuasions. H.A R. Gibb and H. Bowen, *Islamic Society and the West: A Study on the Impact of Western Civilisation on Moslem Culture in The Near East* (London and New York: Oxford University Press, 1962), p.208.

15. Ibid., pp.207–08.

16. Braude and Lewis.

17. Berkes, p.11.


28. According to the provisions of the Treaty of Sevres, of European Turkey only Istanbul was to be left to Turkey; in Anatolia, an Armenian state and a Kurdish state were to be created; part of the Western Anatolia was ceded to Greece. Hurewitz, *Diplomacy in the Near and Middle East*, pp.81–7.


32. At the end of the WWI, out of 12 million Ottoman population, per cent 85 belonged to Muslim majority, per cent 9 to the Greek, per cent 5 to the Armenian and less than per cent 1 to the Jewish minority. Sabahattin Selek, *Anadolu İhtilali* [The Anatolian Revolution] (İstanbul: Kastas Yayınları, 1987), p.64.


34. Atatürk clearly expressed minority policy of the war years in his following words: ‘It was a principle for us that the prosperity and happiness of the Armenian and Greek inhabitants of the country would be guaranteed as long as they remained faithful to the Government and our national cause…’ Mustafa Kemal Atatürk, *Müterakeden B.M.M.’nin Açılışa Kadar Olaylar ve Belgeler* [Events and Documents from the Armistice to the Establishment of the GNA], Belgelere Türk Tarihi Dergisi, p.18.

35. For the minority provisions of the Peace Treaty of Lausanne see Hurewitz, *Diplomacy in the Near and Middle East*, pp.119–27.

36. Turkish political culture limited minority status exclusively to religious minorities. Political expression of ethnic and linguistic differences remained alien to Turkish political history. Under these circumstances, Riza Nur Bey proclaimed, Turkish State would under no condition be expected to grant official recognition to ethnic and linguistic distinctions existed among the Turkish-Muslim population. See Seha L. Meray, *Lozan Barış Konferansı: Tutanaklar-Belgeler* [The Lausanne Peace Conference: Records and Documents], Vol.1–2 (Ankara: Siyasal Bilgiler Fakültesi Yayınları, 1969), p.154 and 160.


40. Atatürk himself implicitly affirmed the ethno-lingual differences of Circassian, Kurdish, Boshnack and Laz elements in Turkey. But, depending on the fact that they had shared a long common history in legal and cultural unity, he strongly denied that they would claim a separate national existence in the established form of Turkish nationality. A. Afetinan, *Medeni Bilgiler ve M. Kemal Ataturk‘in El Yazmaları* [Civil Knowledge and Ataturk’s Unpublished Notes] (Ankara: Turkish Historical Society, 1998), p.23.


43. Ibid., pp.175–83.

44. Ibid., pp.142–43.


49. F. Bey, the Minister of Public Works, declared in 1923: ‘According to arrangements concluded with foreign companies, the latter must engage Turkish employees only. This does not mean that they can employ all subjects of the Grand National Assembly of Turkey indiscriminately. They must employ Muslim Turks only. If the foreign companies do not shortly dismiss their Greek, Armenian and Jewish servants, I shall be compelled to cancel the privileges under which they are authorized to function in Turkey’. A. Alexandris, The Greek Minority of Istanbul and Greek–Turkish Relations: 1918–1974 (Athens: Centre for Asia Minor Studies, 1992), p.111.
50. Ibid., p.110.
52. A recent study shows that though today there remains no official ban on employing minorities in the public sector, many seemed to have lost confidence that they could be employed in state offices. See Y. Koçoğlu, Azılık Gençleri Anlatıyor [Minority Youth Speak] (İstanbul: Metis Yayınları, 2001).
53. C.N. Ileri, a prominent politician and journalist, associated the official delimitation of Turkish citizenship with Turkish language. Ileri claimed that if minorities were to be admitted into equal framework of Turkish citizenship, the linguistic rights of Lausanne must have first been liquidated. R.N. Bali, Cumhuriyet Yıllarında Türkiye Yahudileri: Bir Türkeşirme Serüveni (1923–1945) [The Jews of Republican Turkey: A Venture of Turkification] (İstanbul: İletişim Yayınları, 2000), p.107.
56. Aktar, p.131.
58. The Gagauz Turks, who spoke Turkish but followed the Orthodox–Christian faith, were not allowed to migrate to Turkey in the mid 1930s. Because of religious distinction, they were not considered to fall under Turkish national identity. In the same period, however, large groups of Balkan Muslims from various ethnic and linguistic backgrounds were accepted into Turkey. K. Kirıçi, ‘Disaggregating Turkish Citizenship and Immigration Practices’, Middle Eastern Studies, Vol.26, No.3 (2000), pp.1–22.
59. Resmi Gazete [The Official Gazette], No.2733, 21 June 1934.
61. Resmi Gazete [The Official Gazette], No.5255, 12 Nov. 1942.
62. See the press release delivered by the ruling Premier Saraçoğlu, Ayn Tarihi (History of the Month), No.108, Nov. 1942, p.40.
69. Alexandris, p.259.
74. Franz, p.331.
75. Dündar, p.138.
77. The description of the offense under article 312 (‘incitement to hatred on the basis of differences of social class, race, religion, sect or region’) was amended. The scope of incitement was narrowed with an additional wording of ‘in a way that may be dangerous for public order’. The Law No.4744, *Resmi Gazete* [Official Gazette], 19 Feb. 2002.
78. Amendments to the article 8 of the Turkish Criminal Code clarified the meaning of acts committed against the ‘unitary characteristics of the state’ and introduced the notion of ‘propaganda in connection with the terrorist organization in a way that encourages the use of terrorist methods’. The maximum closure period for radio or television channels for propaganda against unity of state was reduced. Ibid.
80. Ibid.
82. Ibid.
84. Throughout the implementation of the confiscations, foundations of the Greek minority lost 152, of the Armenian minority 48, and of the Assyrian groups 6 of its properties. Today, the pious foundations of the non-Muslim minorities have 165 properties (77 Greek, 52 Armenian, 10 Assyrian, 19 Jewish, 1 Bulgarian, 3 Chaldaic and 2 Georgian). A. Şık, ‘1936 Beyannamesi Yırtıldı’ [1936 Declaration was Nullified], *Radikal*, 05 Aug. 2002.
85. The Law No.4771.