

Exploring Turkishness: Rights, Identity and the EU Essay Series
The Issue of “Turkish” and “Türkiyeli” (Turkey National; from Turkey)

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On 1 October 2004, the Human Rights Advisory Commission (HRAC) ⁱ appointed by the Prime Minister’s Office published “The Report on Minority Rights and Cultural Rights”. Produced by one of the thirteen subcommittees of the HRAC, it was approved in the Commission’s plenary by 24 votes against 7 objections and 2 abstentions. Shortened in the media as “Minority Report”, it was prepared in accordance with paragraphs a, b and d of article 5 of the HRAC Regulation, titled “Duties of the Commission”. These paragraphs charge the Commission with the task to “provide advice, submit recommendations and reports, express opinion, and recommend adoption of administrative measures”.

And this made all hell break loose in Turkey. There were all sorts of attacks against the Report. For example, one members of the Commission instigated an attack and tore the papers held by the Chairman of HRAC. The attacks included all sorts of threats and insults. For example, we witnessed some trade unionists issuing death threats in their statements to newspapers. One member of the parliament took the floor and spoke outside the agenda and said: “People looking for minorities by producing this report should ask their mothers about who their fathers are”. I must provide an explanation here for foreign readers. I do not know what this statement amounts to in their respective countries, but you cannot imagine a worse insult in Turkey, and this person was finally acquitted in court. Let me also indicate this: we have taken legal action against these death threats and harsh insults – 14 legal actions in total. We lost on all counts in all of them, except one, and this verdict is not final yet (end of 2010). The reason articulated by Turkish judges is that “these utterances are part of the freedom of expression”.ⁱⁱ

The public prosecutor instigated legal action against the Report. He requested a sentence of 5-year imprisonment for the author of the Report (Prof. Baskin Oran) and the Chairman of HRAC (Prof. İbrahim Kaboglu) under article 301 of the Turkish Penal Code (TPC). The indictment was based on “Insult against the Judiciary” (Art. 301) and “inciting hate and enmity among the public” (Art. 216).

I should summarise the result by saying that the case ended with acquittal in the court of first instance. The public prosecutor of this court appealed to the Court of Cassation. Penal Chamber No. 8 of the this Court approved the acquittal ruling. Then the public prosecutor of the Court of Cassation placed an appeal against this with the Plenary of the Penal Chambers. That body finally and decisively approved, on 29th April 2008, the acquittal ruling concerning Art. 216 of the Turkish Penal Code.

As the permission of the Minister of Justice was necessary to continue the trial concerning allegations about Art. 301, the court asked for this permission in December, in accordance with the amended Art. 301. Although Oran and Kaboglu declared willingness to be tried, the Minister refused to grant this permission and the trial ended. (March 2009).ⁱⁱⁱ

In this article, I will elaborate only on one part of the Report – the concept of “Türkiyeli” that has attracted the harshest reactions. First, I will summarise and respond to the objections against this concept and then I will conclude with historical uses thereof.^{iv}

Objections to “Türkiyeli”

This concept was used repeatedly in 1990s as “constitutional citizenship” and “citizenship of the Republic of Turkey”. The originality of the concept consisted in the following: the Report was proposing the supra-identity concept “Türkiyeli”, which has a territorial meaning and is

encompassing all ethnic-religious communities in the country, to replace the concept “Turkish” that has an ethnic meaning. With this, the Report was aiming to prevent any of the powerful sub-identities to relegate the other sub-identities to a secondary status by claiming the following: “We are the constitutive element and superior to others”. While there was no need for change on the part of those who identify themselves by saying “I am Turkish”, this concept would allow those who do not identify themselves as such to be able to say “I am a Kurd of Turkey or an Armenian of Turkey”. Would a non-assimilated Kurd say “I am Turkish”? However, this person can easily say “I am a *Türkiyeli* Kurd”.

The situation will become clearer if I summarize the objections to the term “*Türkiyeli*”.

1) “Turkish is not the identifier of an ethnic group; it is an identifier of a nation”. This argument is used by the prosecutor who took the legal action, but it reflects not the reality but a wish. The extent to which this argument is detached from reality is explained in detail in my book titled *Minorities in Turkey* (see endnote ii). Here, it will be more than enough if I can just summarize what I said in the Counter-Indictment.^v

2) “There will be no difference whether we use “Türk” (Turkish) or “*Türkiyeli*”. On the contrary, hell broke out because there will be a lot of change. The term *Türkiyeli* is an indicator that the monist outlook that had taken roots in the 1930s at early stages of the Republic (One Unique: Nation, Flag, Language, Doctrine (Kemalism), etc.) will change. *Türkiyeli* is also a symbol of a pluralist outlook that would embrace all sub-identities in Turkey.

3) The root of “*Türkiyeli* is “Turk”; therefore it does not solve the problem”. Yet, it was not the Turks who named this country; it was the Venetians who had named the Ottoman Empire as “Turchia” in the 14th century and helped establish this in Western languages. Some countries or people are given names by outsiders. For example, the name “Turk” had been given by the Chinese. The text of the Sevres Peace Treaty, which became extinct and was replaced by the Lausanne Treaty, used the term “Ottoman Empire” 20 times and the term “Turkey” 308 times. Both terms were used interchangeably.

4) “This term is artificial. It cannot be translated into other languages”. Is it that strange that the foreigners don’t translate “Türk” as *Türkiyeli* when we don’t do it at home? Furthermore, this reveals the level of ignorance about the history of the early Republic (I’ll come to that further below); and it also shows that we do not know much about international affairs or about the terms supra-identity and sub-identity. *Türkiyeli* is a term that is just like the term “British” – that is the supra-identity of the people who live in Great Britain. The term Turkish, on the other hand, corresponds to “English”.

Now let us look at this from a French language perspective. Why should we not use the term proposed by Prof. Efrasiyap Gemalmaz – i.e., “Turquien, Turquienne”?^{vi} *Türkiyeli* is also the same as Spanish, French, Iraqi, Syrian, Swiss, Chinese, etc. None of these supra-identities has any relation to sub-identities. There is no “Spanish” sub-identity in Spain. 92% of the population in China is ethnically “Han”; China is just the name of the Country. There is no Frank sub-identity in France. The original name of this country, Francia, comes from the Franks who were a Germanic confederation and invaded this country.

5) “This term will lead to the disintegration of our country”. This is the most heated objection. Yet, the truth is just the opposite. What divides Turkey is the use of the term “Turkish”. The term Turkish alienates all citizens who either do not belong to the ethnic Turkish identity (objective identity) or do not want to adopt this Turkish ethnic identity (subjective identity). What would you do if a Kurd or a non-Muslim say “I am not a Turk”? However, the same person can easily say “I am a *Türkiyeli* Kurd” or “*Türkiyeli* Armenian”. The objection to this term is due to the view that the nation should be built on *jus sanguinis* (blood basis), with a very strong emphasis on Muslim religion as well, stemming from the “*Millet-i Hakime*” (Dominant Community) ideology dating from 1454 glorifying Muslims as

opposed to “*Millet-i Mahkume*” (Dominated Communities) meaning the non-Muslims. However this blood principle is bound to be divisive in a country such as Turkey, with a multi-ethnic, multi-lingual and multi-religious composition. What would be a uniting principle is the territorial principle – i.e., *jus sol*.

6) “We cannot give up on the superiority of Turkishness”. In fact, that is the very question. This candid objection is the reason for the biggest objection indicated above. This is because the use of “Turkish” means that the strongest of the sub-identities becomes the supra-identity as well. It accords privileges to that sub-identity. Those who do not want to give up these privileges form a very significant segment among those who abhor the term *Türkiyeli*.

The term *Türkiyeli* has a long history

The term *Türkiyeli* caused a huge turmoil in Turkey, but its use is nowadays considered as normal. In fact, the term has been in use since 1960s to identify those people who went to Europe for work, or to distinguish the Cypriot Turks from those who went there from Turkey. Yet, the history of the term goes much further back. It was in use before the republic was established.

1) As far as I was able to establish, the term was first used by M. Kemal Atatürk. During the Ankara movement that emerged when Greeks occupied Anatolia in May 1919, he refrained from using the term “Turkish”. Instead of “Turkish State” he used “The State of Turkey”, and instead of “Turkish Nation” he used “the Nation of Turkey”.^{vii} When amendment of the 1921 Constitution was under discussion, in his handwriting in July 1923, he wrote “*Türkiyeli*” in four different articles of the draft text^{viii}: During the difficult moments of the War of Independence (1919-22) he did not want to alienate the Circassians, and in particular, the Kurds.

2) The term “*Türkiyeli*” was also used frequently in the proceedings of the “*Heyeti Mahsusalar*” (Special Commissions), which were established around the same date (20 September 1923) to discuss the discharge of military officers that accumulated due to the war and to confine retirement pensions to a smaller number of people. In these proceedings, the term “*Türkiyeli*” was profusely used to describe the people who presently lived within the boundaries of the Republic of Turkey, which were drawn by the Lausanne Treaty signed on 24 July 1923. As the Defence Minister, Kazım (Ozalp) Paşa himself said: “Of course we want to devote this [privilege] to the people who are within our boundaries, to those who are *Türkiyeli*”.^{ix}

3) After this, the term “*Türkiyeli*” was forgotten since a nation-state under the control of the Turkish ethnic element was established with the Constitution of 1924. The first time the term re-emerged after this, as far as I could establish, was among members of the Workers Party of Turkey (TİP; Marxist). The latter was established under the relatively democratic conditions brought about by the 1961 Constitution.

4) Kurds of Turkey used the term between 1967-1969, before they had established the Revolutionary Eastern Cultural Societies (DDKO) in 1969. The term would be forgotten again as the term “Peoples of Turkey” was used instead as Kurdish nationalism soon developed. This has lasted until the publication of the Minority Report in October 2004.

5) The leader of PKK, Abdullah Öcalan, would subsequently use the term “*Türkiyeli*” at several occasions.

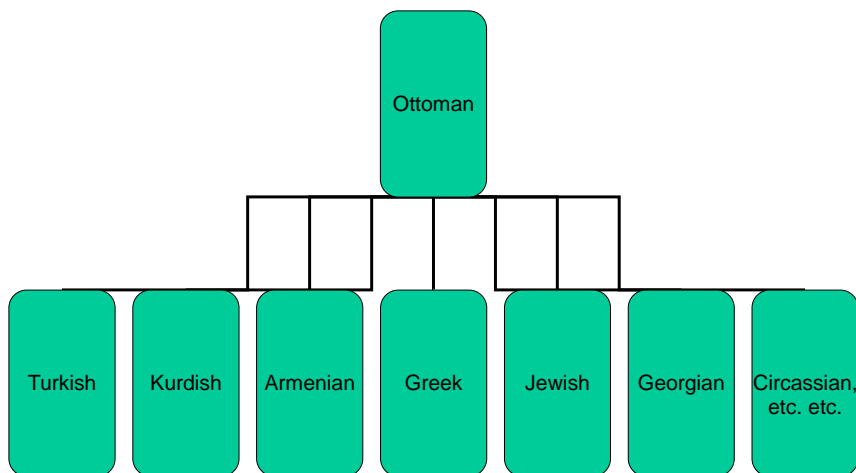
Conclusion

The term “Turkish” is used by many people as an identifier of ethnic belonging and as the name for a nation. However, there are people who know that the term is used as an ethnic identifier and think that its use as an identifier of a supra-identity is inappropriate. In addition, the situation is radically different especially for Kurds and for non-Muslims. This is why the term “Turkish” is a divisive term.

Instead, the term “*Türkiyeli*”, which has a totally territorial meaning and embraces all citizens, should be used as a unifier concept. As of 2010 this term is more and more accepted in media use.

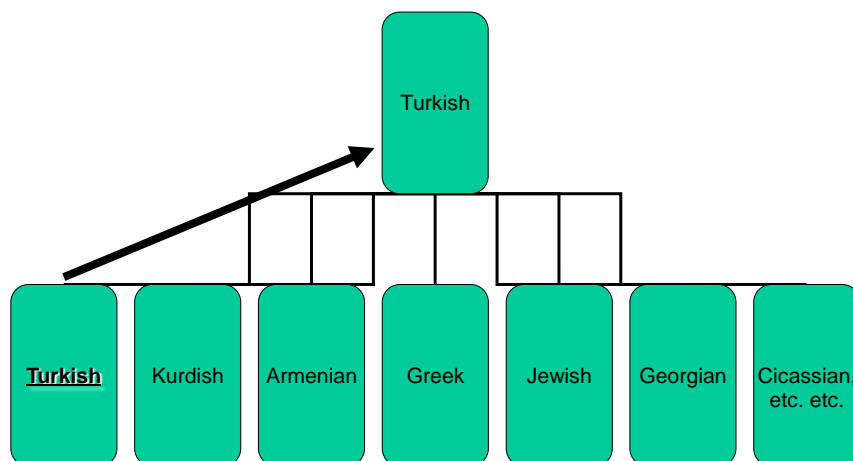
However, those who object to the dethroning of the Turkish element to the level of all citizens still vehemently object to the term “*Türkiyeli*”. Their only aim is to maintain the hegemony of the ethnic Turkish element – just as they want to maintain all monist values of the 1930s. However, at a time when Kurdish awareness has become irreversible, maintaining Turkey’s unity would depend on the extent to which the views represented by the term *Türkiyeli* become firmly established.

Supra- and Sub-Identities in Ottoman Empire



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Supra- and Sub-Identities in Turkey



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Endnotes

ⁱ On HRAC, see the following articles by HRAC Chairman Prof. İbrahim Kaboğlu: 1) « Quelques remarques préliminaires à propos d'une institution nationale des droits de l'homme (Cas de Turquie) », *Revue trimestrielle des droits de l'homme*, n° 68, 1^{er} octobre 2006, pp.1057-1069 ; 2) « Le Conseil des Droits de l'Homme devant le Tribunal Pénal », *Revue de Science criminelle*, juillet-septembre 2006, pp. 521-535 ; 3) « Liberté de pensée et d'expression en Turquie », *Cahiers de la Recherche sur les Droits Fondamentaux*, No 8, 2010.

ⁱⁱ On these attacks, insults and the story of the Report, see B. Oran, *Minorities in Turkey*, 5th edition, İstanbul, İletişim Publications, 2008, p. 191-204 (in Turkish). Also, see [www.baskinoran.com / yazilar / "Yargıtay 4. Hukuk Dairesini Takdimindir"](http://www.baskinoran.com/yazilar/Yargitay_4_Hukuk_Dairesini_Takdimindir) (Let Me Introduce You The Penal Chamber no. 4 of the Cassation Court) (in Turkish). Those who cannot read Turkish please see endnote iii below.

ⁱⁱⁱ For all stages of this case, the indictment by the public prosecutor and the long defence [Counter Indictment] I have presented at the court, see Baskın Oran, "The Minority Report Affair in Turkey", *Regent Journal of International Law*, Vol. 5, 2007, no. 1, s. 2-93. This Counter-Indictment provides an extensive summary of this Report affair. For news about the Minister's refusal to grant permission to trial under article 301, see Bianet, 5 March 2009.

^{iv} The paragraphs of the Report on the term "Türkiyelî" were as follows:

Foundations of the Situation in Turkey

It is clear that the question of minorities, which we discuss here, is considered from a very narrow and very mistaken viewpoint in Turkey. The fundamental reasons for this viewpoint may be summarised as follows:

- 1) Instead of keeping track of international developments with regard to the minority concept and law, Turkey is stuck with 1923 and moreover interprets the Treaty of Lausanne incorrectly/deficiently.
- 2) Recognising the different identity of a minority and granting minority rights to it are considered to be the same. However, the former implies an objective situation while the latter is a matter of discretion for the State.
- 3) It is thought that "internal self-determination", which means democracy, is the same as "external self-determination", which means fragmentation, and consequently the recognition of different identities is held to be the same as the territorial fragmentation of the State.
- 4) With respect to nation oneness and unity with respect to nation are considered to be the same and they are not aware of the fact that the former is gradually destroying the latter.
- 5) While speaking of the Turks as a nation, it is not realised that the term "Turkish" also denotes an ethnic group.

These facts have two causes, one of which is theoretical and the other historical/political.

The Theoretical Cause: The Relationship between the Supra-identity and Sub-identities in the Republic of Turkey.

While replacing the Ottoman Empire after it collapsed, the Republic of Turkey completely inherited the sub-identities that existed within it (the various ethnic, religious and other groups). However, while the supra-identity in the Empire (the identity accorded by the State to its citizens) was

“Ottoman”, it emerged as “Turk” in the Republic of Turkey. Thus, one of the sub-identities was determined as the supra identity.

This supra-identity tends to define the citizen with race and even with religion. For example, when the phrase “our kinsfolk abroad” is mentioned, people of ethnic Turkish origin are meant. In addition, it is clear that one must also be a “Muslim” in order to be considered a “Turk” because our non-Muslim compatriots are referred to not as “Turks” but simply as “citizens”. In Turkey, nobody uses the word “Turk” when talking about, say, a Greek or Jewish citizen because they are talking about a non-Muslim citizen. Regrettable examples of this in state practices are sufficiently given above.

This situation alienated the other sub-identities who do not consider themselves of the Turkish race and created problems. This wouldn’t have happened had the supra-identity been *Türkiyeli* (“being from Turkey”). Because then it would have embraced all sub-identities equally without involving ethnic, religious, etc. aspects, since it is fully based on “territory” and completely ignores “blood”.

The definition of citizenship in the 1982 Constitution is much narrower than the one in the 1924 Constitution of Atatürk. The latter used the term “people of Turkey”. This definition recalls the supra-identity which we named as “*Türkiyeli*”, since it also refers to the territories on which the people live. This supra-identity will embrace all sub-identities living on these territories without any exception and it will ensure that the concepts of “nationality” (being of a particular ethnic origin) and “citizenship” (the legal bond between the individual and the State) are taken up as separate and independent concepts, which used to be considered as identical terms. There is no doubt that a nation composed of “voluntary” citizens would be much more willing to embrace the State.

^ The Office of the Public Prosecutor (...) claims that in Turkey the term “Turk” is not used in the racial context. (...) One can simply open the 24-volume Meydan Larousse Dictionary and Encyclopaedia, which is the largest dictionary ever published in Turkey, Volume 19, page 471. Under the term “*Türk*,” the first sentence says: “A person of Turkish race.” As simple as that. But I don’t think I am going to leave it at that. If the term “Turk” is not the name of an ethnic group, then the Public Prosecutor’s Office must answer the following four questions:

a) What does “*Domestic foreigners (Turkish citizens)*” mean? This term was used in the “Regulation For Protection Against Sabotages” dated December 28, 1988, as it listed which categories were most likely to carry out sabotages. If this did not mean non-Muslim citizens, then what did it mean? Didn’t the Office of the Prosecutor claim that the term “Turk” was used for citizenship only?

b) What does “*of Turkish origin and of Turkish citizenry*” mean? This term is used to describe the characteristics of the Deputy Principal to be assigned by the Education Ministry to a foreign or minority private school, as listed in Article 24/2 of the Law Number 625 still in force now. Once you say “*of Turkish citizenry*” why do you repeat it by saying “*of Turkish origin*”? Did not the indictment claim that the term “Turk” was used for citizenry only?

c) What does “*Turkish citizen with foreign nationality*” mean? This term was used in a decision of the Istanbul Administrative Court Number 2, dated April 17, 1996. Whom did the court mean when it used this term? It was our Greek Orthodox citizens. Didn’t the indictment claim that the term “Turk” was used to indicate citizenship only? Has anybody in this court room or in entire Turkey heard of a more weird “legal” term than this? A person is either a foreigner or a citizen.

d) What does “*Foreigners are not permitted to acquire immovable property in Turkey*” mean? This sentence is from the Court of Cassation Grand Chamber dated May 8, 1974. Who did the Court of Cassation have in mind while using it? It used it for the administrators of the Balikli Greek Orthodox Hospital Foundation established by our Greek Orthodox citizens. Didn’t the indictment claim that the term “Turk” is used to indicate citizenship only?

^{vi} <http://incigemalmaz.tripod.com/yazilar/diller.pdf> The point made by Professor E. Gemalmaz is striking: “Why can we perfectly say ‘Erzurumluluk’ (Erzurumness, being from Erzurum, a town in Turkey) but we cannot say ‘Türkiyelilik’ (Turkeyness, being from Turkey)?”

^{vii} M. Kemal Paşa totally altered this approach after the National Liberation movement had ended and the Republic was established (29 October 1923). For instance, he used the term “The People of Turkey” 54 times before October 1923, but he used it only 2 times thereafter. For detailed statistics, see B. Oran, *Atatürk Milliyetçiliği: resmî ideoloji dışı bir inceleme (Ataturk Nationalism: An Investigation beyond the Official ideology)* 5th edition, Ankara, Bilgi Publications, 1997, p. 209-211, footnote 343a.

^{viii} Article 12: “Freedom of movement for the *Türkiyelis...*”; Article 13: “Every *Türkiyeli* is entitled to public and private education”; Article 14: “Compulsory education and training for the *Türkiyelis...*”; Article 15: “All *Türkiyelis* can establish all types of companies within the law”. See, *Türkiye Cumhuriyeti İlk Anayasa Taslağı* [First Draft of the Constitution of the Republic of Turkey], İstanbul, Boyut Publishing Group, October 1998.

^{ix} Cemil Koçak, *Belgelerle Heyeti Mahsusalar (Special Commissions in Archive Documents)*, İstanbul, İletişim Publications, 2005, p. 25.