CITIZENSHIP RIGHTS IN THE TURKISH REPUBLIC: A RE-EVALUATION IN THE EURO-MEDITERRANEAN AREA

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I. Introduction

Citizenship has lately become the key word for the movements of democratic renewal in nation-states as well as in a supranational political formation such as the European Union (EU). Citizenship, however, is not a fixed concept for all nation-states or for all times. This study presents the citizenship concept, its historical background and its present-day reorientation in Europe and in the Turkish Republic. Against the backdrop of the transnational social arena in the EU and an emerging European Citizenship regime, this paper proposes the creation of a 'peoplehood' in the Euro-Mediterranean area, sharing the common rights, privileges and duties of a common regional citizenship without eliminating national identities and allegiances. It takes note of the prevailing system of citizenship in the non-member countries of the Euro-Mediterranean area which retains its strong ethnic, cultural and national component and its strong basis of 'demos.' Turkey is presented as a model, under the impact of the 'Copenhagen criteria' which must be adhered to before this candidate country can attain membership in the EU, but still experiencing the embeddedness of citizenship in the national and Islamic tradition. Finally the following question is posed: Is there any possibility of creating a collective Euro-Mediterranean identity parallel to the unitary European Citizenship which is in the process of development beyond and above the national legacies of nation states?

Citizenship is primarily a set of rules, rights and obligations separating 'insiders' from 'outsiders,' and defining 'what is shared by those included.' In contemporary debates on citizenship,

¹ Bernhard Giesen and Klaus Eder, (2003) "Introduction: European Citizenship," 1-13, European Citizenship between National Legacies and Postnational

diverse subjects such as politics, public law and social sciences meet in order to solve the controversy between the "inclusive thrust of universalism and the fact that citizenship can never avoid exclusion."²

The idea of universal inclusion leads us back in history to the philosophy of the European Enlightenment. Informal rules or law that give shape to embryonic civil rights were needed to protect the liberties of all when the human beings moved from a state of nature into an ordered one of reciprocal rights and forbearance. This came before the development of state institutions and government. The ideas of great thinkers such as Aristotle, Thomas Hobbes, John Locke, Jean Jack Rousseau and John Stuart Mill differed about men in the state of nature and their relations with political leaders, but all have inspired in one way or another the twentieth-century tenets of participatory forms of citizenship.³

Missionary expansion and inclusion went hand in hand, overthrowing the dogma of the church, the teachings of the privileged aristocracy and the domination of the prince and his Court. However, the practice of inclusive citizenship is a relatively recent achievement. Today, the hope in Europe is that a culture of citizen democracy, of individual rights, of a vigorous civil society form the new basis of social cohesion

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Projects, Eds. Klaus Eder and Bernhard Giesen, Oxford University Press, 2001, Reprinted 2003, 2.

² Bernhard Giesen (2003), "National Identity and Citizenship," 36-58, *European Citizenship, Ibid.*, 36.

³ Isaiah Berlin (1958), 'Two Concepts of Liberty (Inaugural Lecture), Oxford: reprinted in Anthony Quinton (ed.) (1967) Political Philosophy. Oxford: Oxford University Press.

II. The Concept of Citizenship and the EU Citizenship

Throughout history, "citizenship has meant a reciprocity of rights against, and duties towards, the community." However, citizenship today is a lot different from the concept of citizen utilized in ancient Greek city states from which women, slaves and 'aliens' were excluded. Citizenship today entails the full participation of all adults regardless of 'race,' ethnicity, gender or creed. It has become a project by which the 'nation' (or Union) seeks to obtain legitimacy in the eyes of both that country's (Union's) inhabitants and the 'international' community ('third countries').

The political rationalism of the Enlightenment gave rise to the concept of citizen democracy and "a technologically, instrumentally defined concept of progress." In parallel, a tradition of nationalism was nurtured with ideas of "popular sovereignty, through elite-fostered forms of state creation and cultural homogenisation," leading to "irrationalist cults of xenophobic and personalistic assertion."

There is firstly the classic notion of citizenship canonized by T. H. Marshall, whereby civic, political, and social rights enable the construction of a society based on freedom and equality. In this model, there is also the basic assumption of the collective identity of the nation. When there is more than one nation in a state, then there should be "an aggregation of different nations under one sovereign rule defined as equal (group) subjects with their specific cultural rights." This means differentiated rights imposed and controlled by an enlightened type of government. 6

⁴ David Held (1999), "Between State and Civic Society: Citizenship," *Citizenship*, Ed. Geoff Andrews, London: Lawrence and Wishart, U.K., 20.

⁵ Stephen Howe (1999), ""Citizenship in the New Europe: A Last Chance for the Enlightenment?" 123-135, *Citizenship, Ibid.*, 124.

⁶ Bernhard Giesen and Klaus Eder (2003), "Introduction," Op. Cit., 2.

National models of citizenship can have two dimensions: 1- The first dimension which is national citizenship may be conceived of as either, a) ascriptive, ethno-cultural community of descent and common cultural traditions (jus sangunis) based on parentage and blood relations or, b) a civic community defined by adherence to common political values and institutions, and residence on the state territory (jus soli) based on birthplace. 2- The second dimension of citizenship relates to the culture obligations which a country places on defining access to citizenship. Such requirements range from assimilationist to cultural pluralist approaches, which differ in the degree of cultural homogeneity that is demanded by a nation-state for attributing full rights. Here, assimilationism is more demanding; potential new members undergo full conversion to the dominant national culture as the single and unitary focus of identity in the public domain.

Cultural pluralism is more accepting; the receiving state recognizes, or even facilitates, the right of migrants to retain their ethnic or religious differences.

Combining the two citizenship dimensions above, we arrive at four ideal-typical national models:

- Ethno-cultural assimilationism (until recently in Germany)
- Ethno-cultural pluralism (Switzerland)
- Civic assimilationism (France)
- Civic pluralism (Britain, Sweden, The Netherlands). Multiculturalists even provide for special, formal rights and exemptions from obligations for cultural groups.

Citizenship and migrant/minority politics of countries do not conform fully to one of the four ideal types above. We can see varying "mixes" of all four types. Historic traditions of national identity and citizenship may affect the legal and discursive boundaries of a country's minority politics. What is prominent especially in the European Union today is the creation of *de facto* trans-state spaces due to mass international migration brought about by globalization. Thus, the EU member countries are under pressure to grant political, social and cultural rights to foreign

nationals residing within their territories who have not yet obtained citizenship (formal membership) through naturalization. The term denizen (non-national resident) has come into use to designate a foreign national residing in a nation state having obtained a firm base within the receiving society without being a formal member of it.⁸ Their political citizenship (the right to vote and to be elected) is restricted to the communal and local level and to European Parliament elections. Welfare entitlements are stated in the status of the Citizenship of the Union for national and non-national citizens in principle, but these entitlements differ according to member states' measures. As to non-resident aliens at the borders of the EU, there is no solution other than different rules of member state governments. In order to foster international mobility among the youth, access to educational institutions is open to all European citizens, as well as those from countries subject to special programmes of the Union.

The structural aspects of citizenship are: access to labour market, wages, residence, inheritance, political participation (to stand in elections and to vote) and formal membership in the society. There are also other components of citizenship which refer to cultural aspects, such as community formation, organization of cultural events, participation in education and religious activities.⁹

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⁷ Bianca Kaiser (2003), Life Worlds of EU Immigrants in Turkey, 269-289, *Migration and Labour in Europe; Views from Turkey and Sweden*, Eds. Emrehan Zeybekoğlu and Bo Johansson, Marmara University Research Center for International Relations (MURCIR) and Swedish National Institute for Working Life (NIWL), Istanbul, 280.

⁸ T. Hammar (1990), Democracy and the Nation State: Aliens, Denizens and Citizens in a World of International Migration, Aldershot: Avebury.

⁹ B. Kaiser-Pehlivanoğlu, A. E. Çakır and E.İ. Mutlu (2001). "The Concept of Free Movement of Persons and Turkey's Full Membership in the European Union," Final Project Report for the Research Fund of Marmara University (No. 2000/SOB-5), Istanbul.

Citizenship regulates the relationship of individuals to the bodies of governance to which they are subjects, affecting greatly also the lifeworlds of (third country) migrants. Migrant groups classify themselves according to their collective identities. Variables may be, the migrants' belonging in a specific ethnic group; their religious affiliation; their identification in terms of a particular race; or, their degree of attachment to their country of origin. Collective identities are not fixed and stable attributes which migrants take with them and insert into the country of settlement. Such identities are to a considerable extent influenced by both other explanatory variables, such as the receiving state's integration and citizenship regime, and the conglomerate of homeland influences.

Migrants often arrive with several overlapping, cross-cutting and competing identities formed by ethnic, religious, or racial group they belong to. There is the possibility that the receiving state's policies alter the balance among diverse identifications that migrants bring along, and switch migrants' primary allegiances from one to the other. Then, migrant identities may be influenced by new categories of identification: immigrant, foreigner, ethnic minority, asylum seeker. Transnationalism has provided the means of universal civil rights of 'personhood' that have superseded national citizenship as the guarantor of migrant rights. The so-called 'postnational rights' now make it easier for migrants to sustain their claims to residence and welfare in the receiving country without even the need to naturalize.¹⁰

Citizenship relates by means of various mechanisms the state and civil society; government and the people; or, the territorial political organization and its members. This relationship can roughly be described under three different paradigms, which exist not only at the level of reflecting the mode of citizenship exercised, but also at

¹⁰ Ruud Coopmans and Paul Statham, (2003) "How National Citizenship Shapes Transnationalism: Migrant and Minority Claims-making in Germany, Great Britain and the Netherlands," 195- 238, Eds. Christian Joppke and Ewa Morawska, *Toward Assimilation and Citizenship: Immigrants in Liberal Nation-States*, Palgrave Macmillan, 198

the level of legal institutions and social and political practices in the nation-state. First is the "individualist paradigm, which focuses on legal guarantees for the rational pursuit of individual interests. The second is the "political paradigm" which puts forward the ideal of participation of all in public debates. The third is the "collective identity" paradigm, which links citizenship to a common culture, nationality and tradition; that is, to boundaries between those who are included on the basis of some fundamental similarity and others who are viewed as different, as strangers or outsiders.

The three paradigms differ considerably in their requirements imposed on or expected of the potential citizens: "The first is that which sets free citizenship practices - this is their negative freedom. The second puts obligations on citizenship practices - this is the effect of the positive freedom to constitute oneself as a citizen. The third does not require practical action on the part of citizens; it favours the passive, but emotionally engaging citizen. It demands conformity to collective norms of behaviour and to commonly shared values and convictions, but it neither requires nor demands citizens' critical involvement in public affairs." 11

Citizenship in Turkey is taken up as an example of the third paradigm ("the collective identity" paradigm) in Part III of the present study, and a proposal based on the second paradigm is presented for a common citizenship model to be structured in the Euro-Mediterranean region.

When we look at the three paradigms of citizenship enacted in different social arenas, we also see that citizenship may also exist on three different levels, such as the level of practices, the level of institutions, and the level of discursive rationalization. The membership model in the paradigm of "collective identity" leads, in terms of practices, to common virtues and values; in terms of

¹¹ Bernhard Giesen and Klaus Eder (2003), "Introduction," Op. Cit., 6.

institutional forms, to common culture and tradition; and in terms of discourses, to the rhetoric of "belonging." ¹²

When one talks about inclusive citizenship, it is seen that primordialism, traditionalism, and universalism are three ways of creating boundary demarcations in the course of the establishment of citizenship laws. They are different models of justifying claims on citizenship by appealing to constructions of collective identity, and they provide different strategies for inclusive citizenship.

Primordialism constructs and reinforces the boundary between inside and outside by relating collective identity to empirical conditions like territory or kinship, climate or ethnicity. Thus, codes of primordiality provide a firm and stable basis which cannot be changed by voluntary action. Primordial variation of real individuals was believed to be easily surmounted by the universality of reason. However, with the onset of German romanticism, a disregard for the Enlightenment duality turned primordial differences into fundamental natural cleavages.

Ideas of racism flourished at the end of the nineteenth century, bringing along "rituals of purification," meant to extinguish the traces of the outside in the members of a collectivity. Such striving for purity of style or ethnic purity is also seen in modern patterns of collective identity. Outsiders are not seen as capable of being "converted and adopted, educated, developed, or even understood." Primordial codes, by reducing the identity of the whole to the sum of its equal elements, ascribes and links citizenship to descent and natural ties and questions egalitarian distributions of entitlements.

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¹² Figure 1.1. Three conceptions of Citizenship, Bernhard Giesen and Klaus Eder, "Introduction," *Ibid.*, 7.

¹³ Bernhard Giesen (2003), "National Identity," Op. Cit., 42.

¹⁴ *Ibid.*, 42.

"Primordialization allows for the exclusion of denizens and immigrants who are declared to be ethnically different. It reinforces boundaries under conditions of rapid mobility and close contact with outsiders. But it also offers a strategy for defending the collective identity of a minority against majority pressure for assimilation and even for claiming an independent and separate political community. Even if the minority were willing to ignore the difference, the primordial boundaries would resist any attempt at assimilation." ¹⁵

Traditional codes of boundary construction are constructed on the basis of familiarity with implicit rules of conduct, traditions, and social routines. ¹⁶ While the insider is familiar with the rules, the outsider marks himself by questioning or asking for instructions with respect to proper behaviour.

Behind the undefined and diffuse frontier of traditionalism, commemorative rituals and the representation of the past, of continuity, routine, recreate the traditional forms of collective identity. The traditional identity of a nation is also "related to mythical origins, to founders or historical events." The criterion of tradition provides the basis for the justification of citizenship. Citizenship education for immigrants is not provided; however, if an alien succeeds in proving his or her civility for some time, he may be considered as eligible for admission regardless of descent, origin, or cultural conviction.

The universalist project combines the ideal of universal inclusion with the practical inevitability of exclusion and "links the

¹⁵ *Ibid.*, 43.

¹⁶ E. Shils (1981), *Tradition*. Chicago: University of Chicago Press.

¹⁷ Bernhard Giesen (2003), "National Identity," Op. Cit., 45.

constitutive boundary between 'us' and 'them'"... "to a particular relation of a collectivity to the transcendental realm of reason and perfection." Adopting a missionary orientation towards outsiders, universalism encourages outsiders to cross the boundaries by acquiring learning and education; thus provides easier and faster access for some social groups who have grasped the transcendental ideal. "Outsiders are considered to be neutral objects requiring cultural formation and identity." Universalist conceptions of citizenship favour immigration and multi-ethnic citizenship as long as the migrants can be regarded as potential members of the cultural community. Such marginal groups help them to maintain the dynamism with respect to the inclusive boundary, however strong cultural or ethnic movements that insist on insurmountable differences and refuse to get assimilated are not at all favoured.

Some elements of the above-mentioned three constructions of collective identity are found in various combinations in public discourses on national identity in the nation-states of Europe. According to the particularities of the historical situations in which they were established, states show differences in their citizenship laws and create different patterns of citizenship.

European Citizenship, included in the Constitutional Treaty of the EU, is "a project which does not seek to achieve cultural integration at the level of an overarching European society, but instead accepts a generalized and competitive pluralism of values." It is a bundle of rules which specify the powers, liabilities and immunities of individuals, including the right to move and reside freely within the EU territory; the right to vote and stand as a candidate both at municipal elections and at elections to the European Parliament (EP) in the country of residence, under the same conditions as nationals of that state (this right, however, does

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¹⁸ *Ibid.*, 44.

¹⁹ Yves Déloye, (2000) "Exploring the Concept of European Citizenship: A Socio-Historical Approach," 197-219, *Yearbook of European Studies*, 14, Europeanization; Institutions, Identities and Citizenship, The Netherlands.

not extend to cover general elections on the national level); protection by diplomatic and consular authorities of any member state where the state of which the person is a national is not represented; the right to petition the EP; and the right to apply to the Ombudsman.

Next to the most significant source of human rights protection in Europe, the 1950 European Convention on Human Rights and Fundamental Freedoms, the 1987 Single European Act (SEA) of the European Community provided the basis for a European Citizenship by developing the political side of bringing the Community closer to the citizen.²⁰ The 1992 Treaty on European Union (Maastricht Treaty) institutionalised the concept of "Citizenship of the EU" by declaring that "every person holding the nationality of a member state shall be a citizen of the Union."²¹ Formerly, the member states resisted any fundamental change in this subject by creating new objectives, policies, content or procedures. In the new Part Two (Citizenship of the EU) Article 8, the Maastricht Treaty accepted that "Citizenship of the Union brings the citizens additional rights and protection without in any way taking the place of their national citizenship."

The 1997 Amsterdam Treaty, which came into force in May 1999, further reiterated that "citizenship of the Union shall complement and not replace national citizenship." The preamble to the Treaty of Amsterdam also refers to the 1961 Council of Europe Social Charter and the 1989 Community Charter of Fundamental Social Rights of Workers. The Treaty of Nice (2000) provided the opportunity to bring forth the Charter of the Fundamental Rights of

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²⁰ Jacqueline Bhabba (1999), "Enforcing the Human Rights of Citizens and Non-Citizens in the Era of Maastricht: Some Reflections on the Importance of States," in B. Meyer and P. Geschiere (Eds.), *Globalisation and Identity: Dialectics of Flow and Closure*, Oxford: Blackwell Publishers.

²¹ Jo Shaw (2000). "Constitutional Settlements and the Citizen after the Treaty of Amsterdam," in K. Neunreither and A. Wiener (Eds.), *European Integration After Amsterdam - Institutional Dynamics and Prospects for Democracy*, Oxford: University Press.

the European Union, which has become Part II of the present draft Constitutional Treaty of the EU. It includes civil, political, economic and social rights which are closely related to the European Citizenship and divides these rights into six sections: dignity, freedoms, equality, soldiarity, citizens' rights and justice. Certain provisions of the Charter are directed at all residents and not confined to citizens of the EU.

Some claim that the maintenance of national identities prevents European citizens from developing a sense of the 'generalized other' that would give meaning to European Citizenship and create a collective sentiment of belonging. Moreover, the post-national European Citizenship is premised on the separation of civic rights and duties. Is it possible that the European citizen can have full enjoyment of rights without being bound by a political territory in which each citizen is protected from the actions of other citizens? There is the vertical dimension of citizenship and the horizontal dimension. The obligations which the state authorities or institutions impose on citizens are a necessary condition for the respect of rights. Such relations are part of national politics and they can not be dissociated from the relations which individuals maintain in a society.

European Citizenship lacks the value-formations equivalent to that which accompanied the birth of nation-state citizenship. However, a modern society should not be organized around a central value system of inclusion and exclusion; it can be based on a competitive pluralism of values without cultural integration. Then, the question of legitimacy shall no longer be posed at the level of ultimate values but at the administrative and technocratic level. If there is weakness of cultural integration, then it can be "compensated for by the capacity (notably, economic) of the system to ensure that

²² Jürgen Habermas (1992). "Citizenship and National Identity: Some Reflections on the Future of Europe," 1-19, *Praxis International* 12 (1).

everyone enjoys a certain equality of access to material well-being."²³ One may add "moral" well-being as well.

At present, multiculturalism presents a weakly integrative model of citizenship on the political and cultural planes by favouring equal access of all to social and economic goods, services and privileges. Such a conception of citizenship may fail to produce a sentiment of belonging to a "European space," but it leaves the individual free to choose his cultural affiliations and identities.

Déloye quotes a study of Jean Leca (1986): "All historically attempted models of citizenship may be situated relative to a scale premised on the two attitudinal dimensions of belonging and commitment." Feelings of belonging: from particular to the general; from the communitarian to the social; from bottom to top. Feelings of commitment: from the civic to the civil; from behavioural conformity to individual autonomy; from affirmation of obligations to assertion of rights. European Citizenship is concerned with multicultural expression, respecting local and particularist attachments. It sanctifies the private individual primarily concerned with securing the full enjoyment of his rights; the civil winning over the civic.

There is no unique European culture which could form a basis for social integration and common citizenship as exercised in one way or another in each nation-state. Yet, the EU has almost successfully created a European Citizenship, which will show better in time that cultural cohesion is not a precondition of social integration.

III. Turkey

Turkey is a good example of a state that has historically worked hard at establishing republican citizenship with its institutions and

²⁴ *Ibid* 206

²³ Yves Deloye (2000), "Exploring the Concept.." Op. Cit., 205.

its power of creating a unitary nationhood. A strong and active *demos* keeps (and is deliberately kept) reiterating the feeling of belonging to the Turkish nation-state. However Turkey is also a good example of a state (with a population of nearly 70 million) where the alleged cultural cohesion for the formation of integrative citizenship and public commitment, as it is often taken for granted, has not been fully operative on the national level. Thus, with the eighty-plus years of relative 'republican success' of the Turkish Republic, it can be seen that cultural cohesion is not a precondition of social integration.

Citizenship in Turkey has always been dominated by laws and administrative practices that favor and sustain nationalism and show great concern for the integrity of the state. Commitment to (a) public cause(s) is required of citizens. Common values are presupposed and considered as the indispensable basis for settling political conflicts and generating a common political will. A common horizon of values as well as a common historical experience and memory is often underlined. Public debates are expected to appeal to common tradition if they are to arrive at some acceptable consensus. Myth and ritual in connection to citizenship is highlighted as a response to the modern acceleration of change and increase in complexity of issues. All this goes along with a vague distrust of the "foreign" and the "foreigner." Therefore a foreigner who has resided in Turkey even for a long period of time can not easily obtain the unlimited right of residence or full access to the labor market ²⁵

The idea of the "unitary state" gives shape to the concept of citizenship. The Constitution adopted the "unitary state" model and the principle of a "single people" within the cultural mosaic. The nation is "single," the country is "whole", and the State is

²⁵ More liberal measures are introduced by the Law on the Work Permit for Foreigners, No. 4817, which was enacted on 27.02.2003 and published in the Official Gazette No. 25040, dated 06.03.2003.

"one." But recently, within the last year or two, there are reasons to doubt that all this may be changing.

The eighteenth century marks the beginning of Turkish modernization, following a systematic attempt to understand the difference between the Ottoman and the European military systems. Disciplined troops could be established and trained under the supervision of Western, mostly French, advisers. At the turn of the nineteenth century, modernization involved not only military but also civilian and political matters; and nationalism penetrated into the Ottoman Empire. By the proclamation of the Tanzimat Charter in 1839, the Sultan tried to change the way it classified its subjects (kul) by religion according to the millet system, and created instead the 'Ottoman citizen.'26 This was a liberal move which met with the resistance of the governing Muslim elites since the new citizenship disregarded religious affiliation. The Sultan, who was under pressure to hold the declining Empire together, reverted back to Islam and stressed the role of the Sultan as Caliph. A major reorganization was nevertheless enacted by the Tanzimat reforms at the levels of provincial administration, education, and the judiciary. These brought new rights and obligations for the citizens

In the Turkish Ottoman Empire, there was a strong political organization and a state elite who spoke Turkish, but the elite did not single out the Anatolian peasantry as its favored object. There was an identification with Islam, but the state elite controlled an ethnically and religiously variegated population. The Anatolian peasantry was there but it was not a homogeneous ethnic group conscious of its uniform culture. Individual peasants thought in religious and ethnic rather than political terms.

An ethnic Turkish nationalism arose early in the twentieth century against the competing claims of the Islamic community. The new

²⁶ Şerif Mardin (1990) "European Culture and the Development of Modern Turkey," Eds. Ahmet Evin and Geoffrey Denton, *Turkey and the European Community*, Leske: Budach Opladen.

Turkism, which looked to fellow Turks, could not help but come under the effects of two other competing programmes of representation for the people of the Ottoman territory: one was Ottomanism, and the other was Islamism.²⁷ The struggle among these three contradictory bases of representation has survived up to the present day in Turkey and continues to create schizophrenic schisms in the minds of a great number of people with respect to their sense of identity.

In the 1920s, the reforms in the Turkish Republic sought to elevate Turkey to the level of 'contemporary civilization,' which became a long-lasting slogan of the Turks. The new citizen was thus faced with the dilemma of achieving a balance between the material progress of the West, on the one hand, and the spiritual rituals of Islam and indigenous cultural traits, on the other. The writings of Young Ottomans (Young Turks) had been all expressive of the attempt to come to terms with the ongoing modernization and prove its compatibility with Islam.

One basic characteristic of Turkish nationalism was its search for a defining group identity by separatism. Various slogans were deliberately created by the Kemalists and Mustafa Kemal Atatürk himself that would constitute different aspects of a comprehensive definition of the new "Turk," the citizen of the Turkish Republic. This citizenship consisted of a strong refusal of tribalism, or similar sectional and religious identities, which were seen as threatening to the creation of a unified nation-state. The inhabitants of The Thrace and Anatolian peninsula had all sorts of identities, some even speaking their own languages other than Turkish, but they all had to submit to a new state which had come into existence over their heads.

In the 1930s, Kemalist values were inculcated through education, and frequent use of symbolic acts such as flag saluting, singing the

²⁷ Hugh Poulton (1997). *Turkish Nationalism and the Turkish Republic; Top Hat, Grey Wolf and Crescent*, London: Hurst Company.

national anthem, state parades, and use of republican slogans. This continuing and consistent socialization aimed at producing a Turkish rather than a Muslim identity.²⁸

In the Ottoman Empire/Turkish Republic historical development, the transition from the concept of "subject" (kul) to nationality-citizenship has been experienced. The evolution of an official Turkish identity was achieved in the formative early years of the Turkish Republic by the application of an elitist project from above. The popular consciousness was transformed, within the confines of a peculiar Turkish nationalism, into a sui generis combination of cosmopolitan French civilization based on the premises of Enlightenment and Romantic German thought emphasizing culture. Otherwise, civilization would become a matter of simple imitation without a cultural basis. The source of cultural values was to be found in the social unit called the "nation." The paradoxes contained therein are reflected up to the present day in the concepts of Turkish identity and citizenship.

A hostility towards an imitation of Western ways has accompanied the modernization process throughout the twentieth century. The task of the modernizing elite has been not only adopting the positivistic stance in order to turn the citizens of the new Republic into individuals capable of using the science and technology of the West but also to free them from the grip of superstition and irrational folk religion.²⁹

In Turkey, the participatory element of citizenship has occurred close to the German concept of *Staatsbürger*, with its relation to the sphere of state than to society. There is clearly an emphasis on the formal and legally defined adherence to the state. Since the

²⁸ Metin Heper, "Political Culture as a Dimension of Compatibility," Eds. Heper, Öncü and Kramer, *Turkey and the West.*

²⁹ Deniz Ilgaz (1995). The Kemalist Ideology and the Village Institutes in Turkey, Unpublished PhD Dissertation, Department of Political Science and International Relations, Boğaziçi University, Istanbul.

Turkish state and the nation were formed together at the time of the founding of the Turkish Republic, the concepts of nationality and statehood are closely related. However, the memory of the historic use of the concept "millet" (nation) as it referred to different ethnic/religious/national groups in the Ottoman Empire still lingers on.

The secularization process in the Turkish Republic brought the biggest changes in citizenship. The majority of the reforms constituted an onslaught on the existing cultural practices that held people captive in the dictates of religio-mystical tradition. Although Islam played a mobilizing role during the Turkish War of Independence, shari'a, or Islamic law, had never formed an integral part of the legal system of the Turkish Republic. Muslim jurists were not allowed to play an autonomous role in legislative matters at the national level. Religious affairs were put firmly in the hands of the state, and a Department of Religious Affairs attended to the appointment or dismissal of imams or Muslim clergymen, the building of mosques, the review of Friday sermons, the administration of religious endowments, and the setting up of Islamic institutions of higher learning.

The abolition of the office of the Caliphate followed the proclamation of the Republic in 1924. In the course of the 1920s and early 1930s, the Ministry of Religious Affairs and Pious Foundations was abolished, as well as religious courts and dervish orders. Atatürk demanded that all citizens take on a family name. As he always lent his personal being as a representation, he chose his own name as Atatürk (the ancestor of the Turk). The *fez*, which was religious headgear for men was prohibited outside the mosque, the Western calendar was adopted along with the Swiss Civil Code. Islam was disestablished as state religion; the Latin alphabet was adopted; and the Turkish language in the Islamic call to prayer was put into practice, to be reverted back to Arabic with the surge of 'democratization' in the 1950s by the coming into power of the Democratic Party.

The Republican regime in Turkey brought secularized arrangements of marriage, education, and democratization of the

electoral process and distanced itself from the Islamic heritage of the Ottoman Empire. This has been a process that exerted a pull on the individual in two opposite directions. First, he was forced to imitate a model in the name of progress and accept the value of the standards set by the alien culture. While the individual grew hostile to the model he imitated, he was also disturbingly aware that his act was a rejection of ancestral ways which were seen "as obstacles to progress and yet also cherished as marks of identity." The paradox of creating a nationalist identity and building citizenship in Turkey is then an effort to transform the nation culturally while at the same time retaining its distinctiveness.

The emphasis placed on notions such as science, modern education, rationality and secularism marked several critical turning points that brought wider citizenship rights for both men and women and created increasing friction between the state and civil society. The Republican elites of the 1930s were not keen on adopting the principles of liberalism and democracy; these two concepts were not included among the six fundamental and unchanging principles of the Turkish Republic. Liberalism and democracy would hinder the state from tightening its grip on the periphery, the provinces which constituted areas of potential disaffection.

The emerging new Turkish identity was distinguished by its manufactured character, along Jacobin lines that the French revolutionaries followed in creating the Frenchman. In the power balance between the state elites and political elites in Turkey, the latter have been punished and pushed off-stage whenever they could not play their roles properly in the system. The three military interventions (in 1960-61; 1971-73; 1980-83) were examples of such an overtake by the state elites that led to the emergence of a

³⁰ Ayşe Kadıoğlu, "The Paradox of Turkish Nationalism and the Construction of Official Identity," 177-193, *Turkey: Identity, Democracy, Politics*, 178.

Turkish identity which can be described as 'official, absolutist, and monolithic '31

It was after the globalizing effects of liberal economic policies, adopted in Turkey in the early 1980s, that the 'monolithic Turkish identity' started to lose much of its fundamentalist character. Kemalism also lost much of its impact as an ideological manifesto. An opening, due to international and internal factors which took effect in Turkish political structure led to a shattering of homogeneous, standardized and monolithic tendencies. Global integration of Turkey as a result of liberal economic policies also encouraged the emergence of local identities.

After 1983, an urge for greater democratization, in parallel, created possibilities for easier references to the significance of the Islamic, Kurdish, or similar identities of the Turks. Even the state elites joined in the support lent to Islamic Turkish identity, thus elevating Islam from the periphery to the centre of Turkish politics. Civil society elements were on the rise and these groups joined forces with "the technocratic elites of the 1980s who 'defined their goal less in terms of educating the people than of synthesizing Islamic values and pragmatic rationality." This gave rise to a political climate that allowed the search for a more historically rooted Turkish identity.³²

The Kemalist regime also achieved considerable progress in realizing gender equality. Kemalism tried "to equip the Turkish women with education and finer skills" and Turkish women have

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³¹ *Ibid.*. 189.

³² Nilüfer Göle, 1994. "Towards an Autonomization of Politics and Civil Society in Turkey," Eds. Metin Heper and Ahmet Evin, *Politics in the Third Turkish Republic*, 213-222, Oxford: Westview Press.

enjoyed civil and political rights while they became more visible in the public domain. As early as the 1920s, they gained several legal rights including the right to choose their own spouses, initiate divorce and demand child custody. Elementary education was made mandatory and free for both sexes in 1923. In the 1930s, women were granted certain political rights: the right to vote and run in municipal elections in 1930, and in national elections in 1934." Today, female representation among professionals, such as lawyers, doctors and members of academia, is quite impressively high in Turkey.³³

However the progress of gender equality has been of a limited nature due primarily to the strength of the Islamic tradition which kept curtailing the intended goals of Kemalism. Another reason could be the patriarchial nature of the Kemalist government that sought progress only to improve the contribution of women to the new Republic as "Western" wives and mothers, which is a common practice in developing countries.³⁴ The rights granted to women, moreover, have been utilized unevenly due to the great gap between urban, upper and middle class women, on the one hand, and rural, lower class women, on the other.³⁵

³³ Ayşe Öncü (1982). "Uzman Mesleklerde Türk Kadını" (Turkish Women in Professional Occupations), in Nermin Abadan-Unat, Ed. (1982) Türk Toplumunda Kadın (Women in Turkish Society). Sosyal Bilimler Araştırmaları Dizisi 1., Second Edition, İstanbul: Araştırma, Eğitim, Ekin Yayınları, and Türk Sosyal Bilimler Derneği (Turkish Social Sciences Association).

³⁴ Nilüfer Çağatay and Yasemin Nuhoğlu Soysal (1990). "Uluslaşma Süreci ve Feminizm Üzerine Karşılaştırmalı Düşünceler" (Comparative Reflections of the Process of Nation-Formation and Feminism), in Şirin Tekeli (Ed.) (1990). Kadın Bakış Açısından 1980'ler Türkiye'sinde Kadın. Istanbul: İletişim Yayınları; K. Jayawardena (1988). Feminism and Nationalism in the Third World, London: Zed Press; Naida H. Youssef (1976). "Women in the Moslem World," in Women in the World, Eds. B. İglitzin and R. Ross. Oxford: Clio Books.

³⁵ Zehra Arat (1994). "Kemalism and Turkish Women," 57-80, *Women and Politics*, Vol 14 (4), The Haworth Press: U.S.A., 58.

Kemalist reforms have been ineffective or had only modest impacts in rural areas where the power of conservative groups and the Islamic tradition prevailed. The primary aim of the Kemalist government was stimulating economic development and modernization according to the Western model. Social life was accordingly reorganized by the replacement of the Islamic patriarchy with that of a secular, 'Western' one. The single-party Kemalist state nurtured a 'corporatist nationalism' which recognized no special group interests or any conflicts of interest. Both the education of all citizens and the participation of women in social life as citizens were seen as "tools for national development rather than as means that would enable them to develop either an individual consciousness to exist 'for themselves' or a collective consciousness to form a gender class." ³⁷

In restructuring the patriarchal tradition within a new, nationalist and reformist context, the Kemalist regime functioned consistently in its rhetoric as well as in the context of its legal and administrative policy frameworks. From the early years of the Republic, the Grand National Assembly (TGNA) legislated laws that organized every aspect of life including the family. In 1926, the TGNA adopted the Swiss Civil Code as the basis of its Civil Law which included Family Law. The Swiss model favoured the Catholic tradition of its society and was not the most progressive of its time in the West. The Turkish Civil Law abolished polygamy, prevented child marriages by imposing a minimum age for marriage³⁸ and recognized women as legal equals of men in certain areas (e.g. as witnesses in courts; in inheriting and maintaining property). It granted women the right to choose their spouses, initiate divorce, and maintain their maternal rights even after divorce. "All of these had been limited or not recognized in the

³⁶ Deniz Ilgaz (1995). The Kemalist Ideology.. Op. Cit.

³⁷ Zehra Arat (1994). *Op. Cit.*, 59

³⁸ The Law No. 3453 in 16 June 1938 changed the original minimum age, 17 and 18 for men and women respectively, to 17 and 15.

Islamic Law which had served as the principal source for the Ottoman legal codes."³⁹

According to the Islamic tradition, marriage and family were arranged and treated as a binding private agreement performed before two witnesses while no legal authority was required to oversee the marriage contract. The presence of an *imam* (local religious leader) was sought in practice to bless the union with prayers. The marriage could easily be ended with verbal repudiation of the husband. The Civil Law established state control over the institutions of family. It introduced a set of detailed codes which organized every step of marriage and divorce, including the engagement stage that precedes the formal marriage. Polygamy was banned and the nuclear family was recognized as an institution to be organized and protected by law. Although the Civil Law treated the husband and wife as legal equals. an inegalitarian picture was presented with the division of labour in the family and the rights and responsibilities of each spouse. A recent Law has amended Article 152 that established male dominance in marriage. The position of women constitutes today, once more in Turkish history⁴⁰ a major item on the government agenda and of public debate due to a new effort to bring back the former Turkish Penal Code⁴¹ rule that makes adultery a crime for both men and women but with some gender differences.⁴²

³⁹ Zehra Arat (1994). *Op. Cit.*, 63.

⁴⁰ Nükhet Sirman (1989). "Feminism in Turkey: A Short History," 1-34, *New Perspectives in Turkey*, 3 (1), Istanbul

⁴¹ Adopted in 1926 from the 1889 Italian Penal Code, this Law has been amended 60 times in order to make it stricter in the direction of limiting freedoms, while it retains the Christian sensibilities of the Middle Ages. There is however a new 346-article Turkish Penal Code which was passed through the TGNA on 26.09.2004

⁴² Yurdagül Şimşek (1.09.2004). "Partilerden 'zina' ittifakı," Radikal Newspaper, 6.

In his efforts to transform Turkey into a "civilized nation," Atatürk, in several of his speeches, "reflected his concern about Westerners equating Turkish women's excessive covering with a state of ignorance." The new Turkish women were also warned by Atatürk not to overdo and imitate the promiscuity of the Western women, but maintain modesty in their clothing. The dress codes of 1925 outlawed the traditional outfits for men, but touched neither the women's garments nor the use of the veil or covering of the head. In 1935, the Republican People's Party (the single party in power) proposed a ban on the veil at its national party congress, but no legal action was taken up in the TGNA.

Atatürk also talked women out of their attempt to establish a political party in 1923. The women who were organized as the Turkish Women's Federation, were forced to sacrifice special interests for the sake of national unity. The Federation was also discouraged in its attempts to nominate its own parliamentary candidates for the 1927 elections. In the 1930s, their demands for membership in the political party were similarly denied. Suffrage did not result for women in independent political acts or further politicization. Women candidates acquired 4.5 percent of the parliamentary seats in the 1935 national elections, but these 17 women were picked out by Atatürk as 'docile' women who were 'dedicated to Atatürk's principles.'

In the area of education which has served as the most important tool of citizenship training for the government in Turkey, the 1924 Law of Unification of Instruction (No. 430) which is still in effect, seeks to secularize, centralize and bring standardization of the curricula for schools of all levels. By eliminating the regional or

⁴³ Zehra Arat (1994). *Op. Cit.*, 62.

⁴⁴ Deniz Kandiyoti (1987). "Emancipated but Unliberated? Reflections on the Turkish Case," 317-338, *Feminist Studies*, 13 (2).

⁴⁵ Zehra Arat (1994). *Op. Cit.*, 67.

inter-institutional differences, the Law provides the same and equal level of education and issues the standard type of diplomas at all levels. The schooling system dictated that a "patriotic Turk should try to achieve a balance between the benefits of the West and the East by opting for adopting the science and technology of the former and the spirituality of the latter." Thus, since the early days of development and Westernization even at the beginning of the nineteenth century, Turks have been compelled to walk the difficult line between tradition and modernity. The tension which necessarily exists between modernity and tradition reflects not only in the behaviour and dress codes, but also in less apparent ways in other domains of Turkish social life.

Religion has great importance in everyday life in Turkey and one can even talk of "a strong symbiosis between Kemalist nationalism and Islam." Especially in the countryside, two contradictory sets of ideas about Turkey as a nation-state and ideas about Islam are mutually reinforcing, which make agreeable the "Turkish Islamic Synthesis." However, the superior role of Islam over Turkish identity still prevails. Studies in 1969 of workers in the *Sümerbank* Factory in İzmir found that 38 percent of respondents saw themselves as Muslims rather than Turks. Only 50 percent saw themselves foremost as Turks. And they perceived others in society as "religious brothers" (ahret kardeşi) (52 percent), as opposed to those who said "fellow nationals" (36 percent). The interesting point here is that the latter group was almost entirely comprised of *lycée* graduates, showing the role of education in building an awareness of citizenship.

A similar poll in Istanbul (a city with over 10 million population of migrants from other areas of Turkey), carried out in 1993, found that 69 percent of residents defined themselves as 'Turks,' 21

⁴⁶ Deniz Ilgaz (1995). "The Kemalist Ideology..." Op. Cit

⁴⁷ Ayşe Kadıoğlu, "The Paradox of Turkish Nationalism..." 177-193, *Op. Cit.*, 178.

⁴⁸ Hugh Poulton, Op. Cit., 197.

percent as 'Muslim Turks,' and 4 percent solely as 'Muslims.' The remainder identified themselves as members of other groups like Kurds or Caucasians.⁴⁹ A study found that migrants exposed to the upheavals associated with transition temporarily turned to religion, but until they fully integrated.⁵⁰ Family, kinship, friendship, comradeship, partnership, and patronage (unofficial and uncodified associations of unwritten identities, especially of people from the same 'localities' of Turkey) form circuits of interpersonal exchanges that operate more or less autonomously and independently of public institutions even while influencing their concept of identity.⁵¹

The ongoing effort in Turkey to fulfill the requirements of the Copenhagen Political Criteria in order to start accession negotiations with the EU has created a new awareness with regard to the civil, political, social, cultural and economic rights of Turkish citizens as well as foreign nationals residing in Turkey. The legitimizing force of the "Western" revolutionary and participatory concept of citizenship is quite rampant in present-day Turkey, which has recently been urged on with democratic reform packages adopted by the present and the former governments in the process of meeting the membership criteria of the EU. Merely legal adherence to the state as conceptualized by "nationality" is giving way to a more pronounced and specified status of citizenship rights. In Turkey today, both primordial and universalist as well as traditional elements can be found in legal

⁴⁹ Milliyet Newspaper, 27 February 1993.

⁵⁰ Ned Levine (1983). "Value Orientations Among Migrants in Ankara, Turkey: Case Studies," *Journal of Asian and African Studies*, Vol. 8.

⁵¹ Michael E. Meeker, (1997), "Once There Was, Once There Wasn't; National Monuments and Interpersonal Exchange," 157-191 *Rethinking Modernity and National Identity in Turkey*, Ed. Sibel Bozdoğan and Reşat Kasaba, University of Washington Press, U. K., 159.

texts and in public inclinations concerning national identity and citizenship.

When people are searching for a 'real' Turkish identity, it is no more a superficial adaptation of Western norms and code of behaviour, but a historically rooted Turkish identity. This search contradicts the official Turkish identity of the early Republican period that could be summed up as secular, nationalist, statist, republican, populist, and reformist. Since the new 'rooted' Turkish identity brings along a certain tolerance towards religious concerns, then this has led to the development of the most pronounced political cleavage in Turkey, starting in the 1990s.

Even though the two trends, the secular versus the religious identity, in their current political manifestations, are trying to contradict each other, a synthesis between the Western norms and Islam has been developing in the Turkish context all along. At the roots of Turkish identity, one can observe the synthesis not only of the materialism of the West and the cultural traits of Islam, but also of pre-Islamic Turkic elements. The social engineering from above that had been undertaken by the early Republican elites could constitute only partially the present-day characteristics of Turkish identity/citizenship alongside the emerging peripheral challenges against the authority of the center. Even opposition parties in Turkey have been formed according to the said demands of the periphery, either of Islamic or Turkic tradition or even ethnocultural loyalties, representing long-suppressed multiple identities in Turkey. The best course should be to allow representation to all tendencies under a wider framework Turkish citizenship, which would adopt the inclusiveness and move closer to the basic principles of European Citizenship.

In the present day, since 1999, Turkey has prepared its National Programme and many a disputed citizens' rights are on the agenda; a great transformation is taking place around some of the basic tenets of citizenship in Turkey. There is a radical attempt in Turkey presently "to free liberalism, democracy, and secularism from a polity that has long repressed those qualities in the name of

those very qualities themselves" and this has its impact on citizenship. 52

Bernard Lewis pointed out, in the "Emergence of Modern Turkey," (1968) the 'deeper affinities' between the democratic ideals of Western society and the Turkish culture. In Turkey, reforms were regarded strictly as a top-down process, and were carried on in that manner. Once the conditions of daily life would be altered, the behavior of individuals was expected to take a new mold and would then be made to fit the requirements of the newly created circumstances. The direct model came from the French Jacobins who dominated the French state in 1793-4. The new citizenship for Ottoman Young Turks and Kemalist leaders, *inter alia*, meant adoption of new style of clothing, new modes of living, new kind of arts and music, a new alphabet, new ways of eating, dining, and other ways of conforming to modern norms. All these together could create the right conditions for the kind of social change the leaders deemed necessary for the country.

The Enlightenment in Europe (defined by David P. Calleo as "to improve mankind through the steady and cumulative application of reason")⁵³ was interpreted by the Ottomans mistakenly as "a marker to describe the inherent qualities of different groups of people." Certain cultures were judged to be unsuitable to take part in progress unless they abandoned their identity.⁵⁴ What went along with such ambitions was a dislike for inclusive liberal ideologies and no tolerance for ambiguity or indeterminacy. This

⁵² Yeşim Arat, (1997) "The Project of Modernity and Women in Turkey," 95-112, *Rethinking Modernity and National Identity in Turkey*, Ed. Sibel Bozdoğan and Reşat Kasaba, University of Washington Press, U. K., 96.

⁵³ David P. Calleo (2001). *Rethinking Europe's Future*, Princeton University Press, U.S.A., 358.

⁵⁴ Reşat Kasaba, (1997), *Rethinking Modernity and National Identity in Turkey*, Eds. Sibel Bozdoğan and Reşat Kasaba, University of Washington Press, U.S.A, 15-36.

is partly the cultural background of the present-day ethnically defined 'solid community' implications of citizenship prevalent in Turkey. The creation of a homogeneous and unified national community of Turks has been seen for too long as the basis of the ruling elite and their legitimacy. The creation and protection of such a community were deemed indispensable also for the maintenance of the nation-state, the Turkish Republic.

Turkish leaders, primarily M. Kemal Atatürk, have used nationalism and modernity to create a nation out of the remnants of an ancient empire. Both nationalism and modernity have become subjects of dispute however in recent years, and have lost much of their aura. The project of modernity "has often engendered protest and resistance, reorganization and adaptation, in a rich variety of ways."

The parochial and exclusive qualities of nationalism, on the one hand, and the cosmopolitan and universal qualities of modernism, on the other hand, together gave shape to the new concept of Turkish citizenship, which helped to mobilize the poor and warworn peoples of Anatolia into the service of modernizing sectors. Especially the young were idealized and egged on as the future soldiers of modernity's army. Critical social dynamics among marginal groups within the society were obscured or ignored.

The project of modernity of Atatürk "was a package including not only the hard core of science and technology, the facts (the positivistic science of the Enlightenment), but also the trappings of style, the fiction," including the cultural life of the country. He pressed for the cleansing from the Turkish language of the "linguistic capitulations" of Arabic and Persian. He summoned the historians to a Turkish Historical Congress in Ankara, and egged

⁵⁵ Joel S. Migdal, (1997) 254, "Finding the Meeting Ground of Facts and Fiction; Some Reflections on Turkish Modernization," 252-260, *Rethinking Modernity and National Identity in Turkey*, Ed. Sibel Bozdoğan and Reşat Kasaba, University of Washington Press, U.S.A, 254.

them on to carry out research with a view to 'proving' the theory that the Turks were a white Aryan race, originating in once fertile Central Asia, which was the cradle of human civilization. The Turks had progressively moved westwards, migrating in waves to various parts of Asia and Africa. They carried their civilization into Anatolia and mingled with earlier civilizations they found there.

What is the main theme of European or what might be called Western or Atlantic sociology? The theme is the transition from *Gemeinschaft* to *Gesellschaft*, from community to society, from the closed community (the integrated world in which vision of the world and social hierarchy and social life all interlock) to the mobile, open, progressive, growth-oriented, and centralized society. For Europeans, this has been the basic direction of history, and it is the concern with this long-term secular trend that the Turks are struggling to come to terms with. ⁵⁶

The Kemalist revolution adopted some western socio-political ideas, such as nationalism, constitutionalism, and these ideas were carried out in the spirit of high religion (Islam), as the old political elite was accustomed to. They had two choices: they would either give up democracy and in doing so would contradict the principles they were supposed to be applying, or else they would implement it, in which case they would allow people who betrayed the Kemalist tradition to win the elections. Thus, "a cyclical political system emerged, which for a time seemed to be institutionalized." 57

The military powers, as the guardians of the new democratic tradition, allowed every time for free elections to take place. If a party won that would betray the Kemalist tradition, the army stepped in and took over. The elected government was allowed to

⁵⁶ Ernest Gellner (1997). "The Turkish Option in Comparative Perspective," 233-244, Eds. Sibel Bozdoğan and Reşat Kasaba, University of Washington Press, U.S.A, 273.

⁵⁷ *Ibid*.. 243.

resume the civilian political life again. The Turkish army thus reestablished democracy for a number of times. In expectation of the same cyclic intervention, the Nationalist People's Party (MHP) recently sent a letter of warning to a number of top level military officers but could not get a response. ⁵⁸

There are now individuals who are trying to find a way out of the dilemma that had led to this cyclic development in politics. The periodic return to purification by the army and then a return to democratization has been a disturbing rotation for Turkish society and quite harmful for democratic institutions. It now seems to have come to an end but not with a real solution to the rigid interpretation of Islam. The urge for stopping this circle has come with the anchoring of expectations for membership in the European Union and the ensuing pressures for political, legal, administrative, and economic reform.

An official "Turkish identity," which has been determined by political elites is still adopted by a majority of the Turks and anything short of it is observed as a threat to the existence of the nation-state. "The official understanding of the concept of citizenship is based rather on the idea of obligations rather than on rights. The aim of these obligations is the 'common benefit' defined by the official state ideology rather than the demands and rights of citizens." ⁵⁹

A recent example of this attitude is reflected in the way the President of the Turkish Republic, Ahmet Nejdet Sezer, vetoed the Draft Basic Law of Public Administration due to the wide scope of liberties allowed to local administrative units in its Article 4. The said Article states that the basic goal and duty of public administration is to bring ease to the life of the people, provide

⁵⁸ Radikal Newspaper, 6.08.2004.

⁵⁹ Ayşe Kadıoğlu (1999), *Cumhuriyet İradesi Demokrasi Muhakemesi*, İstanbul: Metis, 54-65.

peace, security and wealth for them, improve their quality of life, eliminate all obstacles against the use of their rights and freedoms and to fulfill the responsibilities and services attributed by law. The President points out that this Article should be evaluated together with Article 5 of the Turkish Constitution which brings some limitations (referring to the independence and integrity of the nation, the indivisibility of the land, the protection of democracy and the Republic) while stipulating the basic goals and duties of the state. Article 5 of the Constitution provides that the state shall eliminate the political, economic and social obstacles that restrict the rights and freedoms of the individual only in a way that is compatible with the principles of the social state, rule of law and justice. Thus, the still prevalent point of view in Turkey is to fear any initiative that tries to restrict the state against the rights and freedoms of the individual, rather than the opposite. 60

Turkey, due to its historical and geographical position, has been an active center for population movements in and out of its territory. This condition has also been affected by the political decline of the Ottoman Empire in the second half of the nineteenth century. Population exchanges and compulsory migration within the region, continuing well into the era of the Turkish Republic, created major shifts in population and problems of citizenship. "These population movements led, in part, to a reformulation of what constituted a new identity, that of the Turkish 'citizen'."

Up until the 1960s, Turkey had in time lost most of the non-Muslim residents and had faced successive flows of Turkish and Muslim communities with different ethnic backgrounds. After the

⁶⁰ İsmet Berkan, *Radikal* Newspaper, 6.08.2004.

⁶¹ Sema Erder (2003), "Global Flows and Huddles: The Case of Turkey," 156-170, *Migration and Labour in Europe; Views from Turkey and Sweden*, Eds. Emrehan Zeybekoğlu and Bo Johansson, Marmara University Research Center for International Relations (MURCIR) and Swedish National Institute for Working Life (NIWL) Istanbul, 157.

swift receding of the borders of the Ottoman Empire, peoples living in various parts of the Balkans had been left behind. When the Republic was established, they were subjected to forced or voluntary emigration.⁶²

Temporary labour recruitment demands of some countries of the European Community in the 1960s turned Turkey into a "sending country" in terms of international labor migration flows. This seemed beneficial for Turkey at the time since export of unskilled workers had the potential of facilitating the acquisition of new skills and would contribute to the industrialization of the country. 63 Moreover, remittance of incomes would help to fill the gap in the balance of trade and contribute to the stock of foreign exchange.

After the oil crisis in 1973, official labour recruitment in all European countries became restricted. Subsequently, family reunification became a major channel of "formal" out-migration from Turkey. From 1980 on, restrictions in labour recruitment and the introduction of rigid visa requirements increased requests for asylum and "pseudo tourism flows from Turkey to Western European countries."

Turkey had the Law of Settlement (1934), to govern the migration and settlement process as a "receiving" country. Institutions were established to allow a steady flow of immigrants to acquire citizenship. These people had to be "of Turkish descent and culture" in order to get permission for settlement in Turkey. However, there were no clear criteria defining Turkish ethnicity and culture. These immigrants amply benefited from protection

⁶² Kemal Kirişçi (Spring 1995), "Post Second World War Immigration from Balkan Countries to Turkey," 61-77, *New Perspectives on Turkey*, 12.

⁶³ Nermin Abadan-Unat (1995). "Turkish Migration to Europe," in *The Cambridge Survey of World Migration*, Ed. R. Cohen, Cambridge University Press

⁶⁴ Sema Erder (2003). "Global Flows and Huddles: The Case of Turkey," *Op. Cit.*, 15.

and integration programs before 1960, which enabled them to acquire Turkish citizenship. 1.6 million people have been officially admitted to Turkey as immigrants by Turkish authorities in 1923-1997 (according to the General Directorate for Village Affairs) from Bulgaria, Yugoslavia, Romania, Greece, Turkmenistan and other countries.

A flexible interpretation of the Law of Settlement enabled people from different ethnic backgrounds to be considered as immigrants of Turkish origin, and they easily acquired Turkish citizenship. The most significant movement occurred from Greece within the framework of a population exchange between Turkey and Greece in 1922. Turkish speaking Muslims and Pomaks from Bulgaria also constituted a very high figure (790,800). The political situation in Bulgaria in 1989 caused a mass exodus of Bulgarian Turks, most of whom are now returning back to Bulgaria as a result of negotiations with the new Bulgarian government. The recent ethno-political turmoil in the Balkans and Eastern Europe has affected again the nature and the volume of immigration.

The volume, routes and composition of international migration have changed radically in the 1990s in and around the region where Turkey is situated. New types of employment regimes, such as contract labor movements, "offshore employment," and circular migration have accompanied this change and replaced the conventional type of labor migration of the 1960s.

Today there are a great number of laws in Turkey, in addition to the Turkish Constitution, regulating citizenship. ⁶⁵ The Law of Persons,

⁶⁵ Directive for the Duties and Functions Concerning the Services for Population and Citizenship includes all the details about keeping records and preparing all the related forms and documents; The Turkish Civil Code, No. 4721; Population Law, No. 1587; General Population Recording Law, No. 1534; Law of Turkish Citizenship, No. 403; Law on the Duties and Responsibilities of the Ministry of Home Affairs; General Health and Sanitation Law, No. 1593; Law Provisions Concerning International Private Procedural Law, No. 2675.

in Articles 8-81 of the Civil Code, and the Administrative Law in Turkey are the most pertinent.

IV. Social Cohesion through an Attempt at Common Citizenship in the Euro-Med Region

The world watched on the last day of August 2004 as the regional pop-star contest was held and the two most popular contestants, a Libyan and a Palestinian, hugged each other before the cameras. Ammar Hassan, the Palestinian music teacher was defeated but still showing a wide glowing grin. And the winner from Libya, Ayman al-Aathar, expressed highly politicized words of comradeship among all the Arabs. Are these words expressive of new stirrings and new possibilities, which may lend itself to the formation of a common citizenship, not only among Arabs but among all the people in the non-member countries of the Euro-Mediterranean area?

The formation of modernity in Europe started with the peace of Westphalia in 1648, which should mark the true beginnings of European integration. Westphalia brought to an end the Thirty Years' War and signalled the beginning of the age of the sovereign nation-state, which was based on the goal of a constitutionally constructed polity. The nation-state turned capable in time to provide, more or less, the necessary cohesion of cultural resources in achieving social integration. A major assumption developed about the entity called the state, which was that public commitment is secured only by means of social integration based on cultural cohesion. Presently, an expectation of a culturally and socially integrated community on the EU level is thus a sign of being locked within the mental frame of the nation-state model, embodying a unitary culture-based community. However, it is a

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⁶⁶ Gerard Delanty (2000), "Social Integration and Europeanization: The Myth of Cultural Cohesion," 221-238, Yearbook of European Studies, 14, Europeanization: Institutions, Identities and Citizenship, Ed. Robert Harmsen and Thomas M. Wilson, Amsterdam, The Netherlands.

falsity to assume that culture, as a system of consensual values, is a prerequisite for successful social integration across the transnational EU space. Europeanization, on the contrary, can better be achieved by means of institutional adaptation and cultural pluralization, rather than social integration and cultural cohesion.

The Westphalia model of the nation-state has been imported from Europe by a great number of political formations, including those in the Mediterranean area, and now these later-formed nation-states are all still clinging to the original nation-state model with fervour while Europe is transforming the nation-state and moving on to a supranational form of governance.

Proper ways of responding to EU regulation on the way to Europeanization have great significance also for the Euro-Mediterranean non-member states with respect to building a special Euro-Med citizenship area. In spite of the cultural diversity and lack of social cohesion in the region, a common citizenship can be constructed for the peoples of the area, based on its own logic of development which entails adapting to the EU's regulatory order and serving the expression of "an ethos of pluralization." Europeanization of citizenship should be started in the Euro-Mediterranean region by means of creating a new framework of governance within a broader context, involving the political, economic, cultural and social aspects of life.

There should be a development from a 'command and control' type of state towards an 'enabling' state, a model in which the state is not proactively governing society but is more concerned with defining objectives and mustering resources. The most important step would be to adopt the network mode of governance of the EU, characterized by complex interactions between levels and sectors in a multi-level and multi-centre polity. This is a multilevel governance which means a move towards a state model employing

⁶⁷ William. E. Connolly (1995). The Ethos of Pluralization, Minneapolis: University of Minnesota Press.

complex patterns of contingencies and dependencies on non-governmental external actors. In this way, the non-member countries of the Euro-Mediterranean area may open vistas for Europeanization.

For purposes of common citiezenship formation in the non-member countries of the Euro-Mediterranean area, Europeanization may involve the spreading of the forms of life and production, educational and academic principles, habits of consuming, practicing religion, making use of major European languages, adopting political principles, institutions and identites, even modes of entertainment (such as the example of the pop star contest) typical of Europe. Interaction between outside impulses and internal institutional traditions and historical experiences will lead to a diffusion process, depending on the exposure of the people to and the attractiveness of European forms.

Groups struggling for human rights or citizenship rights should reflect on the tactics and the strategy they use, and should exchange views on how they will achieve their goals. They should create opportunities to meet people outside their own regions or fields. Whether they deal with citizenship, women's rights, the environment, eliminating hunger and poverty, civil and political rights or any of the myriad other forms, they should benefit from strategic and tactical thinking and from learning a wider range of tactics. Therefore, members of civil organizations in the region should build networks for sharing tactics and collaborating, learn how well-structured strategies and well-chosen tactics make their work more efficient and effective, and learn to use tactics they can apply to their work.

⁶⁸ There is an organization called the New Tactics in Human Rights movement (<u>www.newtactics.org</u>) which is an international initiative led by a diverse group of human rights organizations and practitioners from around the world.

One can talk about all territory as 'durable' but not 'fixed.'⁶⁹ In the neighborhood area of the Euro-Mediterranean, socio-economic distinctions between EU members and their non-EU neighbors are rather blurry than sharp. The same is true for the condition among the EU member states. Within itself, some analysts even designate the EU as a 'neo-medieval super empire,' which means a complicated system of multilayered and open-ended arrangements, with fluid membership that work at different speeds and are run by shifting groups of unidentified and unaccountable people or teams. This is one extreme of evaluating the EU where there is divided sovereignty along different functional and territorial lines.

EU integration has nevertheless shown that greater cross-border solidarity enhances democratic deliberation and participation. There is a move towards eliminating diversity of types of citizenship in the Union, each bearing with it a somewhat different set of rights and duties. The crucial questions surrounding democracy, identity, and a workable system of distributive justice need common rules and norms that operate within a territory where there exist people who can be defined as a *demos*.

Then what kind of policy venue is conducive to policy change and 'learning' in the subject of citizenship? At EU-level, a response has developed since 1997 that points at the venue of challenging the well-established national responses, and can possibly provide a model for a shift of policy paradigm at the Euro-Mediterranean level. A net of concentric functional frames of cooperation could help the Euro-Mediterranean area to legitimize policies that were formerly formulated in cultural terms. (Cultural identity is about belonging to a certain kind of community that lives on a certain patch of ground and cherishes certain types of norms) Is it possible that citizens in the region identify themselves with a common public form of protection, arbitration, regulation, and reallocation?

⁶⁹ Jan Zielonka (January 2004), "Challenges of EU Enlargement," 22-36, *Journal of Democracy*, Vol 15, No. 1, The Johns Hopkins University Press: Baltimore, MD, USA.

Civil society in the world order facilitates an unraveling of the association of citizenship with nation-states and nationality. Just as national lessons are learned through the transactions and dissemination of ideas that take place in the networks of European civil society, steps could be taken in the Euro-Mediterranean area in order to start and enhance a reconceptualisation in which the citizens' legal status and the content of his or her rights are not determined by culture and nationality alone.

It may be possible to find ways for the emergence of a new 'public space' for citizens, comprising states and peoples which have some common experiences and intellectual traditions, and even some specific different national traditions. The outcome will depend upon what concessions are made when a plurality of different interests confront one another in the common 'public space' created in good faith. Through a set of networks of transnational groups, immediate local interests could be transformed by multiple loyalties and modified with a wider sense of collectivity or pluralism.

The uses of the notion of culture in relation to European integration appear in three different but related cases: culture as value consensus; culture as political community; and culture as a metanarrative of heritage. Discussions about a European cultural community, turning around these three notions, assume that culture can function as a unified set of norms. Serving to hold society together, culture is interpreted as a pre-established homogeneous discourse. In the nation-state, the existence of a unified civic culture of democratic legitimation based on political community is seen as a given. Culture is thus equated with identity, or becomes a resource for a fixed identity. Political institutions are expected to keep this fixed identity in place. However, "public commitment

⁷⁰ Gerard Delanty, (2000) *Op. Cit.* 224; B. M. Berger (1995), An Essay on Culture: Symbolic Structure and Social Structure, Berkeley: University of California Press; M. Schudson, (1994). "Culture and the Integration of National Societies," *International Social Science Journal* 139: 63-81.

can take forms other than straightforward membership of a political or cultural community defined by nationality or even supranationality."⁷¹

One of the three uses of the notion of culture looks at culture as a belief system composed of values which provide meaningful orientations to social groups, classes and individuals. Community is seen as an example of value consensus, presenting a coherent set of cultural values to motivate public commitment. Otherwise, it is expected that social integration will be faced with a crisis. In European integration, this line of thinking sees it as an imperative that a cultural cohesion should be generated also on the European level. Memory, mythic rites, symbols and ceremonies are seen as necessary elements common to all Europeans in order to create the notion of a European community. A political community, a "demos", is also assumed to exist, according to this view, as based on an ethnos which is defined by a historical and territorial community.

A second use of the notion of culture sees culture as political and questions democratic legitimation. The "democratic deficit" of the EU thus comes to the fore, and the political culture of the nation-state is seen as a model for a more democratic European political community. The institutionalization of citizenship is interpreted as being undermined due to the creation of new kinds of power in the EU that are not subject to formal democratic legitimation.⁷³ Thus, adherents of this line of thinking attempt to create a kind of European social citizenship based on the Charter of Fundamental

⁷¹ Gerard Delanty, (2000) Op. Cit. 228.

⁷² Anthony Smith (1995), *Nations and Nationalism in a Global Era*, Cambridge: Polity Press.

⁷³Paul Taylor (1996), "The European Union in the 1990s: Reassessing the Bases of Integration". In *Explaining International Relations since 1945*, Ed. N. Woods. Oxford: Oxford University Press.

Social Rights. European Citizenship is conceptualized as a bunch of supplementary measures next to an already integrated and adequately functioning national citizenship. Appealing more to notions of civil society, this idea can be said to be a "communitarian" idea of culture.⁷⁴

Thirdly, culture is construed as a discourse which transcends national societies and refers to a European cultural heritage. European cultural heritage is seen as a spiritual narrative minimizing all controversies in European history. Pan Europeanists, favouring this notion of culture, often stress Europe's high culture (as symbolized in the choice of Beethoven's Ninth Symphony as the European Union's anthem) and refer to European identity in connection with an identification with Europe's cultural heritage. Naturally, a great deal of exclusion goes alongside this line of thinking, carrying Europe over to a "Fortress Europe." ⁷⁵

Culture in modern society is very fragmentary and does not necessarily lead to a value consensus. There may be a dominant ideology in a nation-state and used as a control mechanism through enforcement; however, this may not secure social integration. There may either be inconsistencies or alternatives within the cultural system and the differentiation of population could lead to certain conditions which may damage socio-cultural integration. Absence of common values or absence of cultural consensus is even said to be the very factor that leads to cohesion in modern society. Since standards embodied in values are absolute ones, it is often difficult for them to co-exist without conflict; but conflict

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⁷⁴ Gerard Delanty, (2000), Op. Cit., 226.

⁷⁵ H. Varenne, (1993). "The Question of Euro-Nationalism". In *Cultural Change and the New Europe: Perspectives on the European Community*, Eds. T. M. Wilson and M.E. Smith. Boulder: Westview Press

⁷⁶ Margaret Archer (1988), *Culture and Agency: The Place of Culture in Social Theory*. Cambridge: Cambridge University Press.

may be kept at a healthy distance.⁷⁷ While structural change in late modern society results in increased social fragmentation, the setting free of agency from structure results in increasing reflexivity.

Deterritorialized conceptions of community are created as mass media can easily affect culture by creating new public spheres in which new debates take place. On-line communication further intensifies this trend by restructuring the nation-state and helping sustain deterritorialized discourses on common concerns such as human rights, environment protection, terrorism, ecology, migration or crime. The beginnings of such a trend are seen in the Mediterranean area in the way both Kaddafi and Arafat tried to support their own candidates in the recent pop-singer contest by offering free GSM *compteur* to their own people; a gesture of joining in a common cause in their diversity, which gives hope of being carried in the future into more serious common concerns.

Culture is no more an expression of a cohesive system of beliefs which provides value consensus for social integration; neither is it a system of values which guides social action. Given the diversity and contestability of cultural identities in the Euro-Med zone, new politics of identity can be created which will achieve social integration around the Mediterranean and give rise to a reflexive (self-critical) idea of community. Culture, which is inherently conflictual, could then be severed off from identity as well, and not seen as the basis of social integration. Without referring either to nationality, or to geography, or to cultural heritage, definition of identity could be constructed around a form of 'constitutional patriotism': an identification with the procedural principles of a common constitution.

In this way, cultures of the Euro-Mediterranean region that are in contention can be institutionalized around a new cultural identity and new norms of public commitment. This should be a non-

Michael Mann (1970), "The Social Cohesion of Liberal Democracy", 423-439, American Sociological Review 35 (3).

exclusivist and new kind of cultural identity, recognizing multiidentification. Multi-cultural identification should be encouraged rather than ignored by putting a stress on cohesion. Thus, it shall be cultural pluralization which will bring about enhanced social integration in the Euro-Mediterranean area.

The Barcelona Declaration makes clear that political stability within the Euro-Med Partnership is built on respect for human rights, democracy and good governance. Yet, MEDA has tended to focus more on the need for political stability at the expense of human rights. Furthermore, partner countries in the region are not genuinely committed to democracy and human rights. The MEDA programmes have not come under the impact of human rights thinking since there exists a culturally relativist approach to human rights in the region.

In its first major assessment of the MEDA in 1999, the "Strengthening of social cohesion and Commission stated: environmental integration is an important accompaniment to the process of economic transition, on the basis of a sustainable development approach. In order for structural economic reforms to be successfully applied and accepted there must be a consensus in society about the objectives and the methods of reform. This implies continued determined efforts to improve the standard of living of less favoured groups of society, in particular through welltargeted interventions. Moreover, the ongoing process demographic transition implies a rapid growth of the labour force in the short and medium term. If the unemployment situation is not to deteriorate any further, and in order to improve the sustainability of the transition process, the social cohesion issue should be taken systematically into account in the design of transition strategies. No economic reform programme is sustainable in the long-term unless it is accepted by the people."⁷⁸

⁷⁸ http://www.iue.it/RSCAS/RestrictedPapers/conmed2004free/14-200403 Byrne.pdf

This statement shows that the social programmes play an important role in supporting and sustaining economic transition, working in areas such as primary health care, basic education and irrigation. Human rights and democracy issues remain as essential elements in the formulation of the overall development policy-making process. Among the positive measures undertaken were the promotion of civil society, particularly NGOs, to strengthen pluralism; strengthening the rule of law through reform and establishment of new judicial institutions; promoting equal opportunities for vulnerable groups; and economic and social rights. ⁷⁹

A series of three training Seminars were held in 21-25 June 2004, including *inter alia* questions linked to the social integration of immigrants, migration, and movement of persons, for Mediterranean Senior Police and Customs Officers. ⁸⁰ Issues addressed included the present day situation and challenges, Risk Assessment and Evaluation of Investigations, Drug Seizures, Smuggling Methods and Scanning, Crossborder and International Cooperation.

The concept of 'strategic framing,' used by Geddes and Guiraudon⁸¹ to refer to the schemata used by individuals (non-governmental organizations) to organize, perceive and make sense of their experiences, would be helpful in setting up of successful common concept of citizenship in the Euro-Mediterranean region.

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⁷⁹ The European Union's Role in Promoting Human Rights and Democratisation in Third Countries (8 May 2001). Communication by the Commission.

⁸⁰ The Police Strand of the MEDA funded by Regional Programme on Governance and Improvement of the Rule of Law; managed by the European Commission's EuropeAid Cooperation Office, *Euromed Synopsis*, Weekly Newsletter on the Euro-Mediterranean Partnership and the MEDA Programme, Issue No. 275, 10 June 2004, http://europa.eu.int/comm/external_relations/euromed/synopsis/synopsis/275_en.pdf retrieved on 5 July 2004.

⁸¹ Andrew Geddes and Virginie Guiraudon, (March 2004). "Britain, France, and

⁸¹ Andrew Geddes and Virginie Guiraudon, (March 2004). "Britain, France, and EU Anti-Discrimination Policy: The Emergence of an EU Policy Paradigm," 334-353, *West European Politics*, Vol. 27, No.2.

Policy-makers and NGOs often seek to present a problem so that the solutions proposed adhere to a similar frame at EU level, and resonate with the wider values and culture of their target audience. In this way, they become capable of redefining an issue through linkages to other EU policy areas, such as measures for successful convergence with the single market. Since the Euro-Mediterranean region is committed to conducting programmes of harmonization with the Community *acquis communautaire*, similar convergence schemes can be employed in redefining the citizenship issue.

'Go-betweens' as negotiators between the transnational, European and national levels can be activated, who could establish links among government officials, cabinet members, interest groups and policy advisers such as academics and other experts, and promote particular policy frames concerning citizenship.

In bringing about ideational change and the exporting of ideas, concepts can be developed in debates about migration-oriented or migrant-origin populations; policy frames such as 'social inclusion' or 'social exclusion,' 'anti-racism,' 'anti-discrimination,' 'xenophobia' can be placed into an organizational common setting so as to create a seedbed for cross-channel diffusion of policy and understanding.

Abstract

This paper suggests a common citizenship model for the non-member countries of the Euro-Mediterranean area, inspired by the European Citizenship, and based on the assumption that social integration which is an important component of citizenship does not require cultural cohesion in order to secure public commitment. In spite of discourses which claim that European integration is suffering from a lack of cultural cohesion and that only the nation-state is able to provide the necessary cultural resources for social integration and a sense of common citizenship in order to achieve public commitment, institutional Europeanization has so far been successful in creating European Citizenship which is based on cultural plurality and individual liberties. Therefore, a similar model of common citizenship can be construed for the non-member

countries of the Euro-Mediterranean area which can be founded on cultural pluralization without trying to establish social and cultural cohesion or integration. This will be possible by adopting the processes of institution building, structural transformation and reshaping of identities of Europe; without supplanting national identities, it shall comprise reorganization of common peoplehood in the Euro-Mediterranean area.

Résumé

S'inspirant des normes de la citoyenneté européenne, dans ce travail on fait le point sur la création de l'esprit commun de la citoyenneté et sa construction administrative dans les pays non communautaires de la région méditerranéenne. Pour atteindre l'objectif final c'est à dire l'approbation publique on a besoin de l'unification sociale, mais faut-il absolument nécessaire d'avoir l'unification culturelle? Malgré de nombreuses discussions qui précisent que l'intégration européenne est privée de l'intégration culturelle, malgré aussi des hypothèses qui exposent que c'est seulement le type Etat-nation qui pourrait aboutir à l'intégration sociale dont le résultat sera l'approbation publique, aujourd'hui c'est l'europe constitutionnelle qui a pu créer la Citoyenneté Européenne basée sur la multiculturalisme et la liberté individuelle.

En fait, dans les pays qui ne sont pas membres de l'UE de la région Euro-Méditerranéenne on peut créer une citoyenneté semblable, c'est à dire une citoyenneté qui offre un bouquet de réglements basés sur le pluralisme des cultures sans essayer de créer l'unification ou l'intégration sociale et culturelle. Cela peut être obtenu seulement en assumant le déroulement (la durée) des changements structuraux et celui de la réorganisation des identités et aussi la création des établissements de l'Europe. Ainsi sans éliminer les identités nationales les habitants de la région Euro-Méditerranéenne peuvent être transformés à un peuple (peoplehood) qui profite des droits et des contraintes communs sans perdre leur identité nationale