Turkey's First Participatory Constitution-making Attempt and Its Reflections on Ethnic and Religious Communities

I certify that all material in this thesis which is not my own work has been identified and that no material has previously been submitted and approved for the award of a degree by this or any other University.

Signature: …………………………………………………..

ABSTRACT

Making a new constitution has always been an issue in Turkey's political agenda since the 1982 Constitution came into power as a result of a coup d'état. The Constitution has been amended several times during thirty-three years, yet the authoritarian spirit of the Constitution remained unchanged. Therefore, the 1982 Constitution is considered as an impediment to achieve a truly democratic order.

The new constitution is considered as a solution to the equal citizenship problems of the citizens from different ethnic and religious communities. These communities have suffered from the restrictive provisions of the 1982 Constitution such as compulsory religious classes, centralist local administration, ethnicity based citizenship definition, and the monist structure of the Directorate of Religious Affairs. These provisions prevented the citizens from different ethnic and religious backgrounds from enjoying their citizenship equally.

Following the 2011 general elections, all the parties in the Parliament agreed on making a new constitution and established a Constitutional Reconciliation Commission based on the unanimity and the equal representation of the political parties. The Commission also adopted the participatory models, for the new constitution-making process for the first time. In accordance with the participatory models, the Commission organised a public consultation process to collect the public views as much as possible. Civil society organisations representing the various segments of society mobilised and participated in the process to a large extent. Ethnic and religious communities also showed a great interest to the new constitution-making process in an unprecedented scale because for the first time in Turkey's history, they were officially invited by the state to contribute to an important decision-making process.

This study aims to discover the activities, demands and the influence of the ethnic and religious communities in the new constitution-making process. The participatory constitution-making model was practiced for the first time in Turkey. Moreover, the participation of ethnic and religious communities makes this occasion a very unique experience which needs to be examined carefully.

In order to understand the minority participation, in-depth interviews were conducted with the Commission members and the representatives of the participating communities. Also, the proposals of the political parties and the reports of the participating communities were examined. More importantly, the proceedings of the hearing and the drafting sessions were analysed to understand the influence of these communities on the process as a whole.

The issues regarding the problems of the ethnic and religious communities were the most controversial ones in the drafting process. As a matter of fact, these issues overlapped the "red lines" of the parties and eventually halted the process. When examining the proceedings of the drafting process, the demands and the problems of the ethnic and religious communities found a very limited place in the discussions of the parties. In this respect, it was observed that the traditional attitude of the state towards the ethnic and religious communities was reproduced in the drafting process. Proposing a constitutional solution for these demands was the only way to make the new constitution to be truly "new". However, such an important process was ruined due the political contention between parties.

ABBREVIATIONS

ACCAPP Administrative Centre for the Coordination of Assistance and Public Participation

AKP Justice and Development Party

ANAVATAN Party Motherland Party

BDP Peace and Democracy Party

CHP Republican Peoples Party

CoE Council of Europe

CUP Committee of Union and Progress

DEP Democracy Party

DİSA Diyarbakır Institute of Political and Social Research

DP Democratic Party

DRA Directorate of Religious Affairs

DTK The Democratic Society Congress

DTP Democratic Society Party

DYP True Path Party

ECHR European Convention on Human Rights

ESU European Syriac Union

EU European Union

FCNM Framework Convention for the Protection of National Minorities

HADEP People's Democracy Party

HDP People's Democratic Party

HEP People's Labour Party

ICCPR International Covenant on Civil and Political Rights

LGBTI Lesbian, Gay, Bisexual, Transgender/Transsexual and Intersexed.

MÇP National Working Party

MGK Council of National Security

MHP Nationalist Movement Party

MP Member of Parliament

NGO Non Governmental Organization

OSCE Organisation for Security and Cooperation in Europe

PKK Kurdistan Workers Party

RP Welfare Party

RTÜK Radio and Television Supreme Council

SHP Social-Democratic People's Party

SLOP Self-selected listener opinion poll

SP Virtue Party

TEPAV The Economic Policy Research Foundation of Turkey

TESEV The Turkish Economic and Social Studies Foundation

TGNA Turkish Grand National Assembly

TOHAV Foundation of the Law and Society Research

TRT Turkish Radio and Television

UN United Nations

YAP New Constitution Platform

YÖK Council of Higher Education

Table of Contents

INTRODUCTION

Meeting the demands and expectations of the ethnic and religious communities over equal citizenship is the only way for the new constitution to be genuinely "new". The notion of citizenship in Turkey has been considered in relation to the national identity through the constitutional definitions and policies. This perspective emerged as an outcome of the nation-building period and still exists as the main problem in citizenship practices. However, today, the notion of citizenship was started to be questioned out of the boundaries of the nation-state model and redefined through other forms such as cultural, social, religious and political statuses and belongings.

In the context of the nation-state perception, state-led nationalism and its influence on the citizenship practices has been an obstacle to achieving democratic citizenship for the citizens from different ethnic and religious backgrounds. As Kadioglu puts it, the democratisation of citizenship is directly related to denationalisation of citizenship (Kadioglu, 2008: 31). Therefore, this process requires the re-definition of the citizenship which will regulate the relationship between state and society in a different form.

The equal citizenship problems in Turkey arise from discriminatory policies and practices which originated from the nation-state perspective. Defining citizenship through ethnic terms in the constitutions has been one of the symbol indicator of the problems which experienced by the citizens from different ethnic and religious backgrounds on their way to enjoy their right to equal citizenship. Although, the constitution declares everyone as equal, citizenship practices and state implementations operated as an obstacle on enjoying of the equal rights properly.

Citizenship rights in Turkey were not gained through a mass movement. Modern citizenship rights were granted after the establishment of the Republic in a top-down process instead of a bottom-up one. For this reason, the emphasis on duties attached to the meaning of citizenship is stronger than the rights. Even the word "citizen", which means "vatandas" in Turkish, does not refer to the word "city" as in "citizen" in English or "citoyenneté" in French. It is more related to the term compatriot, and nationality (Isin and Isyar, 2006:84,

87). This argument can also explain the perception which equates the citizenship and nationality in the past constitutions of Turkey.

The policies that violate the right to equal citizenship were conducted compatible with the nation building process of the new Republic. The constitutional background of Turkey carries the traces of this process as well. Basic subjects such as equality and citizenship are regulated by the constitution. In the case of Turkey, these concepts were also regulated by the constitutions yet in a very authoritarian way. In terms of the drafting processes and contents, all the Constitutions of Turkey, especially the current one have been regarded as the source of all the problems related to equal citizenship. In this context, the role of constitution was crucial in terms of the citizenship definition and regulating special issues related to cultural and political rights belonging to different ethnic and religious communities.

Each Turkish constitution (1924, 1961 and 1982) equated Turkishness to the citizenship. Although, in constitutions, Turkishness is defined politically and territorially in a civic republican model, implicit and sometimes explicit expressions attached to the definitions of citizenship; hence it created an unequal position for the citizens from the different ethnic and religious backgrounds. As a result, although, every citizen was accepted equal with rights and freedoms regardless of ethnic or religious backgrounds, in practice discriminatory policies have created first and second class citizens depending on the citizens' ethnic and religious identities.

After the establishment of the new republic, the modern state in the nation-building process embraced the principle of nationalism and constantly attempted to assimilate or/and discriminate against different ethnic and religious communities. Although, the civic conception of nationalism, namely Kemalist Nationalism, was adopted in order to unite all the different communities under the Turkishness, the process operated to remove the all the ethnic and religious attachments of the non-Sunni and non-Turkish citizens.

The transition to multi-party system in 1945 did not bring about a change in the identity rights of the ethnic and religious communities. The 1961 Constitution, which is known as relatively the most democratic constitution of Turkey in terms of its content, maintained the same mentality with the previous constitution. The

1961 Constitution was emerged through a military coup and carried the same perception on the definition of citizenship, yet remained distant to the principle of nationalism due to the climate of the post-war period. However, due to the societal and political conditions in Turkey, the governments amended the constitution several times which resulted in restriction of the social rights and freedoms of its citizens. After two decades of societal chaos and violence, the military seized the control of the state again on 12 September, 1980. Following the coup d'état, the military did not only launch an authoritarian order but also attempted to maintain its tutelage on the state through a new constitution which to date has the most undemocratic content in Turkey's constitutional history.

The constitution making process is, at least as important as its content. The method of preparation of the constitution directly affects its legitimacy in respect of the democratic order. Both 1961 and 1982 Constitutions were drafted out of the citizen's will under the authority of the military. While the drafters of the 1961 Constitution was excluding some segments of society from the making process, the drafters of the 1982 Constitution completely prohibited any discussion, propaganda or expression about the constitution.

Since the date it came into force, 1982 Constitution has been criticised by almost everyone from different segments of society and political perceptions. In terms of its content and preparation process, 1982 Constitution has been regarded as an obstacle to building a genuine democratic order. Indeed, its authoritarian characteristics such as an official ideology attached to its spirit, a monist construction, which regards differences as illegitimate and a mentality which gives priority to the State over its citizens has been the main reasons of criticisms. These characteristics were regarded as against the democratic order as well. Its nationalist character also showed itself by reinforcing the status of citizenship as a national identity through articles related to language, education and cultural rights. Thus, the 1982 Constitution helped to maintain the nationalisation of citizenship, which was employed as a state policy since the establishment of the Republic. The nationalisation of citizenship meant to remove the ethnic, religious and linguistic differences through ignoring or even renaming these communities.

Naturally, ethnic, religious and linguistic communities were mostly affected by nationalist policies. These groups have been the subject of assimilation and discrimination which prevent them from enjoying their cultural, political, religious and social rights properly. In this context, the constitutions did not help to enhance their statuses because of its nationalist emphasis on the articles related to language, educational and political rights.

In addition to the societal requests, particular reforms were planned to expand the rights of the ethnic and religious communities during the thirty years, within the frame of the European Union accession. These reforms were supported through constitutional amendments which were ratified by the Turkish Grand National Assembly (TGNA) through reform packages in 2001 and 2004. Although these reforms helped to promote the language and cultural rights of the ethnic, cultural and linguistic communities, they remained superficial due to the general characteristics of the Constitution. As it was widely discussed in Turkey, it is impossible to give a democratic spirit to the constitution through particular amendments because of its undemocratic drafting process which is undertaken by an authoritarian and repressive point of view. These criticisms are shared by many people who regard the constitution as the basis of societal problems. In this sense, the society built a consensus on drafting a new constitution and creating a new definition of citizenship as a response to the call for democracy and equal citizenship demands.

In the previous years, political and legal executives played the major role in drafting the constitutions. The citizens' role was mostly limited to voting in referendums as the last step of the process. However, this perception has changed in parallel with the developments in people's democratic rights such as public participation which was also mentioned in the International Covenant on Civil and Political Rights. These changing perceptions enabled masses to express their views properly on issues related to the constitutional process as individuals, communities or civil society organisations. Political elites still have an important place in the constitution making process; however, the improvements in participatory mechanisms help to create a popular legitimacy. This perception also transformed the ways of public participation from voting in the referendums to different forms such as civic education, public consultation, national dialogue and media campaigns (Brandt et al., 2011: 17). The public

consultation process also stands as a key figure on the making of the new constitution of Turkey. Apart from the founding constitution, the last two constitutions excluded the citizens and civil society organisations from the drafting process. In this respect, these constitutions were accepted as extremely illegitimate documents in the eyes of the public. In order to avoid this problem; participatory methods were adopted to provide a high degree of participation in parallel with legitimacy.

The debates on the urgency of a new constitution reached its peak prior to the elections held on 12 June, 2011. All political parties emphasised the urgent need for a new constitution as a major issue for Turkey's agenda and gave the new constitution an important place in their election programmes. Following the discussions on the need for a new constitution in the post-election period, the new Parliament agreed on establishing a Constitutional Commission in order to start the new constitutional process. The four political parties in Parliament: AKP, CHP, BDP and MHP, established a commission consisting of 12 members from each political party. This board was called "the Constitutional Reconciliation Commission" and held their first meeting on 19 of October, 2011. All the issues related to the process of constitution making were discussed in this Commission. The working principles and procedures of the Commission were determined carefully. Significant effort was made, as the new constitution will be the first constitution which will be prepared by the contribution of the citizens. Accordingly, the Commission showed a great interest in participatory methods almost in every step of the process.

The major public consultation method adopted by the Commission was face to face hearing sessions conducted with the civil society organisations. Following the call of the Commission, civil society organisations representing the different segments of society prepared a report of proposals and participated in the hearing sessions. Also, an internet web site was established in order to receive the opinions of the citizens. Through a participatory process, the Commission aimed to become aware of its citizens' demands and have shaped their proposals using the ideas derived from the public participants. Moreover, the Commission participated in the public discussion meetings which were held in twelve cities across Turkey. These meetings were organised by an NGO called TEPAV (Economic Policy Research Foundation of Turkey) which achieved to

collect significant volume of public opinion over the content of the new constitution.

Unfortunately, after almost two years of public consultation and drafting process, the Commission dissolved without reaching a consensus on the content of the new constitution. The main reason for the dissolution was the lack of consensus due to the ideological separation between the four parties of the Commission, which were described as the "red lines" of the parties. However, the public consultation process remains as a unique moment in Turkey's democratisation process, which needs to be examined seriously along with its outcomes. Turkey's first participatory constitution-making attempt carried significant meanings for the different ethnic and religious communities as well.

For the first time in Turkey's political history, the ethnic and religious communities found the opportunity to declare their views officially over the content of an important state structure such as constitution. Following the official call and the invitation of the Constitutional Reconciliation Commission, each representative institution prepared a report and gave a presentation on their demands and expectations at the hearing sessions. The public consultation process was symbolising a meaningful step for the ethnic and religious communities because they also found the opportunity to realise their citizenship via participating in a decision-making process. Therefore, it is important to examine their preparations and expectations in terms of understanding their perspectives about the public consultation process itself.

This study focuses on the ethnic and religious communities' contributions to the public consultation process, which was held for the first time in Turkey's constitution-making history. In this sense, its aim was to discover whether the contributions of the ethnic and religious communities were taken into consideration or was the whole participation organised as part of a "public relations event" to legitimise the constitution-making process. In order to understand the quality of the process, the participation of the ethnic and religious communities in the new constitution-making process will be examined in terms of content and method. In this context, their demands, participation methods and influence will be explained throughout this study. Turkey's first

participatory constitution-making attempt was a unique experience for these communities. Almost all ethnic and religious communities living in Turkey participated in the public consultation process in a wide context The main reason behind the participation of these communities was to express their demands for equal citizenship. In this sense, their demands and expectations regarding the equal citizenship will be explained in detail.

Each participating ethnic and religious community prepared a proposal report to be presented in the hearing sessions. The preparation method of these reports says a lot about the internal democracies and the level of representation of the participant organisation. In this respect, the method of participation and whether they used those methods effectively or not will be discussed in context with the proposal reports of each community.

The quality of interaction between the Constitutional Commission and the participant NGOs representing the ethnic and religious communities in the public consultation process will be analysed through various dimensions. The participation of ethnic and religious communities was praised by the government and the Constitutional Commission in every step of the new constitutional process. However, the reflections of these demands in the party proposals were quite controversial. In this sense, the influence of these demands on the party proposals and the drafting process will be analysed along with the quality of interaction between the Commission members and the participating communities.

Throughout this study, several questions will be asked in order to understand the nature of the participation of ethnic and religious communities and its influence on the whole constitution-making process. The study has two main dimensions: the demands of these communities over equal citizenship and the influence of the participating communities on the consultation and drafting process. In this sense, the main research question is "What was the role of the ethnic and religious communities in the first participatory constitution-making attempt of Turkey", embodies various dimensions which will be questioned through 5 other sub-questions.

1.   What are the constitutional foundations of the problems of the ethnic and religious communities and the importance of the new constitution to solve these problems regarding the equal citizenship?

2.   How were the demands and expectations of the ethnic and religious communities reflected in the first participatory constitution-making attempt of Turkey?

3.   What are the demands and expectations of the ethnic and religious communities for the new Constitution and how were they reflected in the drafting process?

4.   Did the representatives of political parties in the Constitutional Commission use the views of ethnic and religious communities on related subjects?

5.   What kind of participation methods did the ethnic and religious communities use in the public consultation process?

Along with the guidance of these questions, the participation of the ethnic and religious communities will be analysed as a unique experience. In order to find the answers of these questions, semi-structured interviews were conducted with the members of the Constitutional Commission and the spokespersons of the organisations which represented the ethnic and religious communities in the public consultation process. The proceedings of the drafting process, which consisted of 10,000 pages, was a great source in order to observe the influence of the participant communities in relevant subjects regarding the equal citizenship. In this sense, every detail and discussion over the related subjects among the commission members were reached through these proceedings. The proposals and the election bulletins of the parties were also examined along with the proposals of the participant communities. The proceedings of the past constitution-making processes were also scrutinised to understand the roots of the nationalist character of the Constitutions of Turkey. Finally, community newspapers were reviewed to show the echoes of the whole process in the media of these communities.[1]

The role of citizen participation is embedded in the debates on democratic constitution-making methods. Historically, constitutions were emerged due to the relationship between the state and its citizens. Citizenship as the basic

---

[1] The primary sources of this study will be explained in the methodology section in detail.

structure of the political community is regulated by the constitutions which can be considered as the entities that contain a certain level of bargaining within. It reflects a bargaining process between governments which desire to extend its economic or political sovereignty, and its citizens' demands to live secure and to enjoy basic rights. In this sense, participation, which comes into existence through citizens' impact on shaping the political institutions, should be considered as an important citizenship practice. This practice contains an inevitable interaction between the citizens and the state (Ferejohn et al. 2001: 20).

There is an extensive and rooted literature on the field of constitutionalism. However, research on the citizenship participation in the constitution-making process remained very limited. This tendency has changed with the wave of political and economic liberalisations which has caused an increase in new constitution-making processes throughout newly emerged democracies. Participation in the constitution-making process has mostly become a concern for the international institutions such as The Commonwealth, Interpeace and the US Institute of Peace. The role of these institutions on consulting the newly emerged democracies drove them to prepare guidelines and handbooks on the technicalities of the participatory constitution-making process. These practical texts were authored by the prominent theorists in the field. These guidelines cannot only be used as a point of reference for the countries in the new constitution-making process but they also fill the gap in the participatory constitution-making literature.[2]

Limitations

The study seeks to understand the position and participation of ethnic and religious communities in the constitution-making processes. Therefore, considering the case of Turkey and the wide scope of concepts in relation to this theme, the study touches on many other areas of literature such as constitutionalism, participation, citizenship, deliberative democracy, Turkish history, constitutional law, minorities, nationalism and civil society. These concepts are detailed in the conceptual framework section. However, for the reasons of limitation and due to the wide extent of literature on these subjects,

---

[2] Related literature and concepts will be reviewed in the literature review and conceptual framework sections separately.

only literature on participation and constitution-making will be defined in order to show the most significant references in the field.

Although the focus of this study is the new constitutional process, this thesis is not about the technicalities of constitution making. It is in fact about understanding the ways of minority participation in the new constitutional process and their influence on the drafters, in this case, the Constitutional Commission. It is also about minorities' historical and current problems related to citizenship issues in context to the state's implementations and regulations. Although the problems regarding the equal citizenship are shared by every ethnic and religious community in Turkey, only the communities which participated in the process will be reviewed within the context of this study. Also, some of the participant communities could not be included in the study because their representatives could not be reached. It should be noted that, none of the problems were kept outside the scope of this study whether the owners of the problem participated or not.

Contributions

Policy-makers and academics and have conducted a wide body of research increasingly focusing on the constitution-making processes, rather than the content and characteristics of the constitution. These studies include the technicalities of the participatory constitution-making model in practical and theoretical concerns through various country cases. However, these researchers have paid very little attention to the role and participation of minority communities during the constitution-making processes. Researches on the participation of ethnic and religious communities generally focused on the legal dimensions rather than the social and political implications. Therefore, considering the existing gap in this field, the study will contribute to understanding the role and position of minority communities during the public consultation process through the case of Turkey's new constitution-making attempt.

Although the new constitution-making process has failed, the participatory methods were used for the first time in Turkey's constitutional history, which makes it a very unique experience needed to be analysed carefully. The public consultation process and the failed drafting process was scrutinised based on

primary sources. Therefore, general findings of this study may contribute for further studies concentrating on participatory constitution-making processes.

Chapter Outline

First part of this study will show the purpose, concerns, extent and the methodology of this study. Therefore, this part will also contain the research questions and brief chapter outline in order to show a clear construction of the thesis. The fieldwork experiences of the researcher will also be covered in order to show the nature of elite interviewing. In this part, semi-structured interview techniques will be explained as the major data collection method for this thesis. The method of selecting samples and the interview questions will be discussed.

The first chapter will embody the literature review and conceptual framework. The most recent and related studies in the field of citizen participation, deliberative processes, democratic constitution-making and minority participation will be reviewed in the literature review section.

The conceptual framework will outline the concepts which were adopted in this study. Theories of citizenship will be discussed in context with the problems and the demands of ethnic and religious communities living in Turkey. Theories of civic and ethnic citizenship will be explained as Turkish nationalism and state structure carry the characteristics of both these concepts. Also, the impact of civic nationalism on constitutions will be explained through the role of constitutions in the nation-building process. Moreover, as it was mentioned and proposed by various communities during the public consultation process, the issue of constitutional patriotism/citizenship will be discussed in context with a possible substitute for a proper national identity. There will also be several participatory constitution-making cases in order show the practical outcomes of the theoretical principles. Legal framework for the effective participation of ethnic and religious communities in public life will be reviewed in order to understand the legal foundations for the minority participation.

Chapter 2 will set the historical background starting from the last period of the Ottomans to be continued by the modern republic. In order to understand the current problems of the ethnic and religious communities in Turkey, it is crucial to examine the roots of nationalism and the history of discriminatory policies

towards these communities. The emergence of Turkish nationalism and its influence on citizenship practices will be explained along with the constitutional movements. In this respect, citizenship policies in the nation building period, the scope of the Constitutions of 1921 and 1924, the transition to democracy and the 1961 Constitution will be the key subjects of the second chapter. Examination of the Coup period in context with equal citizenship problems will also be examined in chapter 2 through the scope of the 1982 Constitution.

Chapter 3 consists of the current debates on the new constitutional process. In order to show the perceptions of each political party in the Constitutional Commission, their election bulletins will be examined in context with the debates on the necessity of a new constitution. Afterwards, the structure of the Constitutional Commission will be explained along with the profiles of the parties and its members. Moreover, the meaning of the process for the member parties and their own preparations to collect the public views will be explained. Finally, civil society activities, during the public consultation process and the potential risks to the process will be elaborated on.

Chapter 4 will contain the key points regarding the participation of the ethnic and religious communities in the new constitution-making process. In this respect, the participants view on the quality of the process and the activities of the Constitutional Commission will be analysed as an introduction. The profiles of the participating ethnic and religious communities will be described in order to introduce them as the main subjects of this thesis. The forms of participation adopted by these communities during the public consultation process will be explained to show their interest in the constitution-making process. Finally, the community newspapers will be analysed in order to present the communities' view on whole process and how these papers contributed to the process through their content

Chapter 5 will show the demands and expectations of the ethnic and religious communities. Each demand will be explained specifically with brief information on the current situation of each problem. Moreover, the reflections of these problems in the Commission discussions and the reactions of the Commission members will be analysed. Finally, the parties' own proposals on the considered

problems were shown in order to comprehend each party's view on this critical subject

Chapter 6 will discuss the critical issues regarding the implementation of the new constitution-making process. In this sense, the technical defaults in the structure of the process such as the absence of crucial mechanisms and timing problems will be explained. More importantly, the issue of "red lines", which was identified as the ideological attachments of the parties, will be analysed along with the views of member parties and the participating communities. Also, the influence of the political agenda on the continuity of the process will be defined as a crucial reason behind the failure of the process.

Finally, the conclusion will introduce an overall evaluation of the study regarding the outcomes of the empirical work and the recent developments on equal citizenship rights issues.

Methodology

This study will adopt the qualitative research methods such as interviewing, document and content analysis in order to understand the nature of the citizenship demands and the quality of relation between the state and the ethnic and religious communities during Turkey's first participatory constitution making attempt. There are various reasons of selecting qualitative methods for this study. First of all, qualitative methods will help to understand the opinions of the actors which are involved in the new constitution making process. It is also useful for describing and identifying the complexities and procedures of the citizenship problems (Marshall and Rosmann, 1999: 15). Qualitative methods can also provide an opportunity to make a face to face contact with the subjects of this study. Thus, qualitative methods allow the researcher to make in-depth analysis of the subjected issue.

Qualitative methods embraced a flexible research process because social phenomena have a complex structure and it is hard to estimate how the process will continue (Simsek and Yildirim, 2011: 3). In this sense, the issues that are covered in the interview guide can be rearranged, the participant which will be included in the interview can be changed or more participants can be added in order to adjust the study into the new conditions.

Most of the stages of the qualitative research are influenced by the research questions and main concerns of this study. This interaction helps to specify the methods which will be used in collecting the data. Various concerns determine finding the right participants and correct method. In respect of this thesis, these concerns can be listed as follows:

- Will the collected data be able to shed the light upon the main theme of the thesis?
- Do the participants efficiently represent the ethnic groups which they belong to?
- How can I provide the honesty between me and the participant in order to reveal the correct information from the interview?
- Which newspapers should I take into consideration in order to be up to date, realise the whole process and understand the current demands of citizenship from different ethnic and religious groups?
- Which historical sources should I check in order to provide an objective historical background of the citizenship problems?
- How can the official documents like the proceedings of the Commission's discussions help me to understand the whole process and the relation between the participants and the Constitutional Commission members during the public consultation and drafting process?

Sampling methods for qualitative study is to some extent different than the methods for quantitative study. More importantly, it is not always possible to specify the sampling in a random method. Due to the limitation of research sources, data collection and the analysis methods, it is not realistic to include large number of participants in the interview process. In this context, most writers utilise the purposive sampling in order to provide a more focused and constructed data collection. This method also, helps to establish a good connection between the participant and the research questions. Thus, the researcher chooses interview participants who are related to the specific research questions using ways such as "snowball method" (Bryman, 2008: 458).

The snowball sampling starts with simple questions such as: "Who has the most extensive information about this subject? Who can I contact about this problem?

Could you recommend someone to interview with?" (Patton, 1990:169). Thus, the recommendations collected from the informants will grow like a snowball and an environment of sufficient interviewees will be provided. In this study, there were only particular people suitable to select for the interview, yet the snowball method was also used in order find other participants who can supply the necessary data. The interviewees were selected from the parts which are related to the new constitution-making process. The citizenship participation during the public consultation process can be described as an interaction between the state and the citizens. In this respect, there were two separate groups of interviewees. The first group consisted of the NGOs which represented the ethnic and religious communities during the public consultation process. These organisations contributed to the process via their proposals and by their participation in the hearing sessions in Parliament. I contacted these organisations in order to examine their experiences during the consultation process, the state's attitude towards them and their specific demands for the new constitution. My interviewees from the civil society organisations were naturally limited because they were only from the participating organisations. I tried to contact all the participants from the participating ethnic and religious communities, yet failed to reach a few participants. The interviews were conducted with twelve people, who work for the production of the community's proposals and represented them in the hearing session.

The second group of interviewees consisted of the members from the Constitutional Reconciliation Commission. Sampling of this group was easier than the first group because each political party (AKP, CHP, BDP, and MHP) had only three members in the Constitutional Commission. On the other hand, as these groups consisted of MPs, getting in touch with those members was more difficult than contacting the first group of interviewees. The interviews were conducted with the nine MPs from each political party in the Commission in order to understand the details of the new constitutional project, their relationship between the NGOs, and the mentalities behind their party's constitutional proposals.

Interview techniques as a qualitative method were selected in order to collect the primary data. The main reason behind this decision was to find out the details of the new constitutional process. The details were not reflected in the

media or in the proposals of the parties and the community representatives. Along with the help of the interviews, I tried to examine the process within the unspoken dimensions. In this context, I aimed to learn the experiences of these two groups of participants. Throughout the interviews with the NGO representatives I tried to understand whether they were taken into consideration seriously by the state or not. In this sense, the quality and the efficiency of the public consultation process was the main concern of the interviews. The meaning and the importance of the public consultation process for the participating communities and the reaction or feedback they received from the Commission are also the crucial points which were addressed in the interviews conducted with their representative organisations. I also sought for the methods they preferred to prepare their proposals for the new constitutional process. Although, the demands and the expectations of these communities for the new constitution were addressed through the media and through different platforms on several occasions; these issues were also discussed during the interviews in order to hear them first hand and to get a clear perception.

Within the scope of the interviews conducted with the members of the Constitutional Commission, my main target was to understand the influence of the public consultation process on the parties' proposals. As a new process for Turkey, it is crucial for this study to find out the political party's activities and opinions about the public consultation itself. Thus, the quality of interaction between the commission members and the participating NGOs is an important point in order to understand whether the whole process was taken into consideration seriously by both sides. Overall, in the interviews I focused each political party's proposals about the crucial issues regarding the participation of the subjected communities, their methods of preparation and choosing members for the Constitutional Reconciliation Commission. These issues shaped the scope of the interview questions which were prepared for the political party members in the Constitutional Commission. However, due to the nature of semi-structured interviews, particular issues regarding the new constitutional process were also covered.

The interviews were conducted in semi-structured method. The method was selected in order to provide a flexible character for both the interviewer and the interviewees. Semi-structured interviews are prepared with interview questions

in advance. However, these questions should be open and suitable to be amended according to the direction of the conversation because most of the participants' answers cannot be predicted in advance. According to Wengraf, "comparing to structured interviews, semi-structured interviews requires as much preparation before the session, more discipline and more creativity in the session and more time for analysis and interpretation after the session" (Wengraf, 2001: 5). I selected this relatively flexible method intentionally, because although I try to make a holistic observation of the new constitutional process, I might miss some points which were not reflected in the news and reports. Thus, when the participant mentioned some important points which were not covered through the interview questions, I could immediately add this dimension into the extent of the interview guide. That is to say, this kind of action requires flexibility for asking questions in the interviews and the semi-structured method allows such flexibility to conduct these types of interviews. Interviews were also conducted in an in-depth format. This format was selected in order to gain a more detailed knowledge about the process. Although the process seems to be quite straight forward, it contains complex structures and interactions between the participants. In this respect, these structures require an in-depth examination in order to get the sense of what was really happening throughout the whole process.

Interviews were recorded with a recorder. The machine was switched on when the interviewees gave the oral consent and remained open until the end of interview session. I preferred to record the interviews because through the assistance of the recordings, it was possible to have all the issues covered in the interviews without the need to remember what was stated or the need to write everything on paper. The transcriptions of the interviews were undertaken by myself. I choose to transcribe the interviews myself because, although, it is a slow and time-consuming process, it helped me to become familiar with the data and provide an extensive control over the content of the transcriptions.

The interview recordings and transcriptions will only be used for academic purposes. Both voice recordings and transcriptions can be given to the participants on their request. Personal or institutional information will be protected by the Data Protection Act. All the information obtained from the

participants will be stored in my personal computer, the university's cloud account and a portable hard-disk in order to keep them safe and backed up.

When I started this study, the main primary resource was the interviews conducted with both the participating NGO's representatives and the members of the Constitutional Commission. However, when the new constitution-making process failed, the Constitutional Commission decided to publish the entire proceedings of the hearing sessions and the Commission discussions of the drafting process. The published proceedings opened up a new dimension to my research. Through the proceedings, I reached the raw details of what really happened in the hearing sessions between the participating NGOs and the Commission members. More importantly, I had the chance to examine the real views of the Commission members on the most crucial issues which were demanded by the ethnic and religious communities during the public consultation process. In this way, I could observe the influence of the communities' views on the parties' proposals. The proceedings consisted of 10,000 pages approximately. I had to read most of the pages to reach the details of the process in terms of the demands of the participant communities, their visibility in the Commission' discussions and Commission members' views on these critical issues.

Other primary sources such as the Journal of Proceedings of the Parliament, the proposals of the parties and the representative organisations, community newspapers and parties' election bulletins were also used in addition to the interviews and the proceedings. The Journal of the Proceedings of the Turkish Grand National Assembly was examined in order to observe the past constitutional discussions on the issues related to citizenship and nationalism. Observing these discussions helped to understand the underlying mentality behind the articles related to the main subject of this study. These discussions are also helpful in order to see the political reflections of the selected constitution's preparation period. In this respect, it served to interpret those articles along with the atmosphere of the period in which they were drafted.

Another useful resource is the constitutional reports or proposals prepared by the various NGOs and parties for the new constitutional process. Following the state's call for the civil society, the various NGOs prepared reports which

contain their demands and expectations for the new constitution. In this period, many institutions contributed to the process with their proposals such as industrialists and business associations, universities and academic institutions, labour unions, bar associations, democratic platforms, ecological foundations, local institutions, municipalities, disabled groups, women and LGBTI unions, political parties and eventually, the NGOs which represented the ethnic and religious communities living in Turkey. Although most of the organisations underlined the urgent need for the equal citizenship, the proposals of the NGOs which represented the ethnic and religious communities were taken into consideration for this study. In this respect, written reports from these groups such as the Patriarchate and Rabbinate, the Foundation of Assyrian Mor Gabriel Monastery Foundation, the Armenian Community, the Federation of Caucasian Associations, the Rights and Freedoms Party, the Peace Assembly, the Congress of Democratic Society, the Union of Southeast Municipalities, the Participative Democracy Party, the Conference of Catholic Archbishops, the Civil Society Foundation of Assyrians, the Union of Protestant Churches and finally, the Federation of Alevi-Bektasi Associations were be examined in context with equal citizenship demands.

In order to observe the whole constitution-making process in terms of participating communities and to stay up to date on the related issues, I checked particular newspapers reflecting the communities' expectations for the new constitution. The community newspapers can also give a basic idea about the level of interest of a community during the new constitution-making process. In this respect, five community newspapers were examined in order to understand the communities' view on the whole process. In this context, I selected *Özgür Gündem* for the Kurdish community, *Agos* for the Armenian community, *Jineps* for the Circassian community, *Şalom* for the Jewish community and *Sabro* for the Assyrian community.

The new Constitution-making process was started following the 2011 elections. In order to compare the attitudes and perceptions of the parties before and after the elections, the election bulletin of each party was examined. Therefore, the influence of public consultation process on changing the perspectives of the parties in the Commission can be observed.

The books, academic journals, conference papers will be a secondary resource for this study. I specifically used books and articles related to issues such as the late Ottoman constitutional movements, the nation building period and identity problems in the historical background section. For the theoretical sections, I mainly scanned the sources mentioning the notion and the transformation of citizenship and the sources containing democratic constitution-making and particularly public consultation process issues related to the new constitutional process.

Fieldwork Experiences and the Nature of "Elite Interviewing"

As a part of my fieldwork process, I visited Ankara, Istanbul and my hometown Izmir respectively in order to meet my interviewees in different times. It was an advantage to carry out my field work in my home country in terms of language and accommodation issues. Thus, the only difficulty was to find the ways of accessing the field.

All the participants from the NGOs and the Commission were very well informed about the constitutional process and they were also extremely busy people. In this sense, the interviews which were conducted with them can be identified as the "elite interviewing." This type of interviewing has many advantages along with many disadvantages as well. First of all, valuable information can be reached through these participants because of their direct experiences in the field and positions they hold. They usually know the most about the structure of the organisation which they belong. They are also familiar with the legal, financial, political issues which related to their institutions. On the other hand, it is often very hard to reach them because they are usually busy and have a very limited time for interview requests (Marshall and Rosmann, 1999:113).

As stated previously, my interviewees consisted of two different groups: the members of the Commission and the NGOs which represented ethnic and religious communities in the public consultation process. Although both groups of interviews can be identified as the "elite interview", my experience in the field varied depending on the characteristics of each group of participants. Therefore, I would like to explain my fieldwork experiences separately under the

titles of "The Members of Constitutional Reconciliation Commission" and "NGO Representatives".

Interviews with the Members of Constitutional Reconciliation Commission

The Constitutional Reconciliation Commission was consisted of 12 members of the Parliament. Four political parties in the Parliament, AKP, CHP, MHP and BDP sent three members to the Commission. However, afterwards, MHP withdrew one of its members. Thus, the total number was reduced to 11 MPs. During my fieldwork process in the Parliament, I managed to reach 9 members out of 11. I could not meet two of them, because one of them was out of the Parliament and other was unable to come to Ankara because of health problems. Overall, I talked with all the members of CHP and MHP, and managed to reach two members of AKP and BDP.

The first and the most important step of starting a fieldwork was to introduce myself and my research properly to the participants in order to make contacts. In this respect, before going to the field, I searched for the contact details of the participants. As soon as I found the telephone numbers, I tried to reach them in person. However, in the case of the Commission members, first I had to persuade the "gate-keepers", which in this case were the assistants of the MPs. Therefore, I tried to reach the assistants of each MP in order to introduce myself and my research. The gate keepers of the MPs were quite strict about understanding my purposes. In this respect, nearly all of them demanded a written document to be sent via e-mail, explaining my research and status. Following a series of phone calls to the assistants, I had not managed to reach all of them, yet I had enough confirmations to depart for Ankara, the capital of Turkey. As soon as I arrived there, I went to the Parliament to meet the gate keepers in person. However, it was not easy at all to access the Parliament as a researcher. There were many bureaucratic procedures to deal with such as permission documents for my recorder. After I gained access to the Parliament, I went to the office of the assistant of an MP whom I already knew. I was very lucky to have such an opportunity because; they offered me a proper working space to keep my documents and research equipments. I also used that office to rest and wait many hours for the MPs with whom I planned to conduct an

interview. Another benefit of having such an internal contact was arranging interview appointments easily with their references.

When I started to visit the assistants of each MP to introduce myself, I realised that getting an advance confirmation from busy people such as MPs was a little bit pointless. Then I understood that I could only try to catch them whenever they had a free time in the parliament campus. Accordingly, I got the mobile numbers of the assistants and gave mine in order to provide a proper communication. It was mostly my responsibility to regularly call them and check if the MP was available or not. In this respect, most of the assistants were quite helpful and kind. Thanks to their efforts, I managed to reach the MPs without any serious problem. This is to say, it was very important to establish rapport and good relations with the gate-keepers in order to avoid any problems.

As it was mentioned, arranging an exact time for the interviews in advance was not possible all the time. In some cases, although the assistant of an MP confirmed the interview meeting, it was very hard to catch them because of their busy programme. In such a case, I tried to reach them through being in the places that they might possibly be, such as group meetings and party gatherings. In this way, I caught an MP in the Parliament corridor on the way out of a group meeting and persuaded him to conduct an interview with me. On some occasions, although MPs promised to attend an interview, it took quite a long time to meet them. For instance, I had to wait for four hours for a participant who had agreed to conduct an interview. The problem was she might come at any minute and I had to stay until late at night without leaving the Parliament in order not to miss her. These difficulties shows that interviewers always need to keep up with the interviewees, especially if the participants have a very busy diary.

One of the greatest challenges I encountered during my fieldwork in the parliament was to persuade a certain MP to have a meeting with me. Generally, most of the participants were really eager to speak with me about their experiences. However, a certain MP refused to meet me because in her opinion "the constitutional process was still in progress and it was not proper to talk about it until the whole process is completely finished." However, my research focus on the "public consultation process", which had already finished almost 10

months ago. I thought the situation was generated from a communication problem and tried to reach her through different channels and the gate-keepers. Again, I was refused and had no choice but to give up. This was a very hard situation for me because my target was to conduct at least two interviews from each political party and I only had a single interview with an MP from that party and the other was out of Ankara due to the health problems. As a consequence, I really had to persuade that MP to have a meeting with me. Therefore, my last attempt was asking another MP from the same political party as her, who I had already met to conduct an interview. Consequently, she accepted having a meeting with me and I had a successful interview; yet it was a very stressful experience. Accordingly, an important point should be born in mind is to give references about your previous interviews to the person you are planning to make an interview with. In this way, you can gain trust and establish rapport easily. Thus, it could be useful to ask your past interviewees to refer to your research to the future participants.

After I arranged couple of meetings for the first day in Parliament, I was ready to start conducting the first interview. It is always very important to conduct a pilot interview in order to realise the challenges of the real interview. I was again very lucky in finding someone interested in making a pilot interview. My assistant friend found an MP who is responsible for the constitutional issues for his party. Although he was not very informed about the whole process, meeting him gave me a chance to see what a real interview would be like. It also helped me to calm down and prepare for my very first interview.

Before conducting a real interview, it is also crucial to be prepared about the subjected issues. In my case, it was the reports and declarations of the political parties and the MPs. Checking this information also helped to shape the interview questions. Conducting interviews as a well-informed researcher will enable the interviewer to keep control of the whole interview and prevent the interviewee from becoming repetitive. Besides, any lack of basic information can make a negative impression on the interviewee about the seriousness of the interviewer.

Checking the quality of the interview equipment is also one of the crucial things to do before conducting the actual interview. Keeping extra batteries and

memory for the recorder could prevent any problems during the interviews. Having an extra pen and paper to write quick notes and memory prompts will be practical to remember important points after the interview.

Finally, having someone to help you during the whole fieldwork process may save time and enhance the possibility of reaching more interviewees. As all the MPs had an extremely busy programme during the day, their assistants could call me at anytime, whenever they found a gap in their diaries. In this case, I handed my mobile phone to a friend to answer the calls while I was conducting interviews. He was also checking some of the possible interviewees' availability, while I was checking the others. This really helped me to save time and prevented the loss of any chance to have an interview with a busy MP.

Meetings generally took place in the offices of the MPs in a quiet environment. However, due to the nature of their positions, the interviews were sometimes interrupted by personal phone calls and unexpected visitors.

Interviews usually took from 20 minutes to an hour depending on the participant's time and effort. Some of the MPs were extremely busy and had very limited time for me. In these cases, I had to be very quick to ask only the core and the most important questions to obtain useful answers for my research. This created a time pressure on me. Nevertheless, I believe, I had proper interviews with those MPs as well, because they could not talk about irrelevant subjects due to the time limitation.

Dealing with politicians was another challenge during my field work. In most cases, they were very professional at manipulating the focus of the interview. Praising their own party or blaming political opposition were common examples of such manipulation. This kind of actions can be avoided through asking the same questions in different forms until receiving the proper answer. Other irrelevant issues had to be listened to patiently or curtailed tactfully to prevent any stressful confrontation.

The professions of the MPs also had an impact on the quality of the interviews. Most of the MPs in the Commission were the lawyers and the academics. In this respect, it was not a problem to talk in jargons and use terminology. Nevertheless, it was easier to deal with academics than lawyers because they

were already aware of the issues about carrying a scientific research. They were also helpful in finding new materials and accessing official documents about the works of the Commission.

Overall, four days of dealing with the MPs for my fieldwork taught me a lot about conducting "elite interviews". I discovered the details of the whole process and found most of the answers which I was looking for. My experience in the Parliament helped me to understand the technicalities of conducting interviews and prepared me for further interviews which I conducted with the NGOs that represented the ethnic and religious communities who participated in the public consultation process during the new constitution-making process.

Interviews with the Representatives of the NGOs

Before going into field in order to conduct interviews with NGO representatives, I thought, reaching these interviewees would be much easier than reaching the MPs. However, I quickly realised that dealing with the NGO members had its own challenges in terms of contacting and conducting interviews.

I conducted 12 interviews with the representatives of various NGOs from Istanbul, Izmir and Midyat. My first destination was Istanbul, which was the location of most of the participating NGOs. Ethnic and Religious communities' participation in the constitution making process is the focus of my study. In this respect, I tried to reach all of the civil society initiatives which participated through preparing reports, organising internal meetings or making representations in the Parliament. All interviews, except for one, were conducted in face to face form in Istanbul and Izmir. However, I had to use the Skype for just one interviewee from Midyat due the remoteness of the location.

Before going into field, my target was to speak with at least a member of each community. I managed to reach most of the organisations which participated in the process, yet for some of them I could only find their reports for the new constitutional process. The organisations which I failed to reach generally consisted of people who gathered together in order to establish a body for the new constitutional process. These initiatives were dissolved after the consultation period, and it was really hard to find a responsible individual to deal

with. Consequently, most of my interviewees were from the permanent NGOs which still exist today. The list of the civil society initiatives which I managed to reach is as follows: The Federation of Causassian Associations, Mor Gabriel Monastery, The Church of Latin Catholics, Association of Romas, Association of Protestant Churches, Patriarchate and Rabbinate, The Federation of Alevi Foundations, Armenian Community of Turkey, Jewish Community of Turkey. Meetings with the Association of Romas and the Association of Protestant Churches took place in Izmir. The representative of the Foundation of the Mor Gabriel Monastery was contacted via Skype. Finally, the remainder of the interviews were conducted in Istanbul.

Identifying the participating NGOs was an important problem in the beginning of the process because the Constitutional Reconciliation Commission had decided not to announce the groups and individuals who participated to the public consultation process on the grounds of security. Although a leading think-tank called TESEV published those names, it was not a very reliable source. Luckily, one of the MPs let me access to the official sources including the names of the civil initiatives that participated in the public consultation process. These sources helped me to find my participants for the second set of the interviews.

Comparing to the MPs, NGO representatives were more accessible; because for most of them, there was no obstacle such as the gate-keepers. This really made direct contacting easier and saved me time during the fieldwork. Accordingly, once I achieved to get a phone number of the participants through my personal or academic network, I could contact them directly without dealing with a gate-keeper. In the absence of a direct phone number, I had to contact someone who is responsible for the communication of a particular NGO in order to reach my targeted interviewee.

It was easier to reach the NGO representatives directly. On the other hand, it was harder to meet them in person because for the previous interviews, the field was only limited with the Parliament campus but this time my field was the vast city of Istanbul. In this respect, I struggled slightly in order to catch the interviewees who are waiting for me on the other side of the city. Luckily, I had a friend who knows the city very well to assist me. It really helped me to save time and reduce the stressful moments.

Explaining the purposes and the scope of my study in a phone call was generally adequate to agree on conduct an interview. Only, some of them required a written explanation to confirm their attendance. Nevertheless, accessibility depended on the quality of my personal connections or the community's wish to be open. In this respect, personal and academic connections were useful a lot in finding my interviewees. It also helped me to gain trust and establish rapport. The openness of the communities was another important factor in reaching the participants. For instance, I was able to find three well informed participants from the Armenian society because they were very willing to talk about their experiences about the process. Although I had close contacts to help me in finding these participants; their enthusiasm meant a lot for my fieldwork. On the other hand, I spent ten days in reaching anyone from the representatives of the Jewish community. Although, I used my previous interviews and people from other religious communities as a reference to establish a rapport, I could not receive an answer for a while. Finally, I managed to find an e-mail address of a person who was responsible for the community's participation for the new constitutional process and finally he confirmed to have a meeting with me. However, the interview was relatively short and the answers were quite plain.

Most of the ethnic and religious communities which I contacted, had close relations with each other. In this respect, I used the snowball method to reach further participants. They led me to find well informed individuals about the process. I also referred their names to the future participants in order to persuade them to meet me.

All of the participants were male and middle-aged. Most of them were lawyers. This was the result of their community's preference. They were responsible for the legal technicalities of the community's proposals and the presentation of their reports in parliamentary hearing sessions.

Most of the meetings were held in the offices of the participants. This was allowing us a quiet environment required for a clear voice recording. In the absence of an office, we had to conduct the interviews in cafés which were as quiet as possible.

Although, we are living in the same country, I was not very familiar with the traditions and the cultures of my participants. It can be said that, I was a bit outsider for them. In this sense, before conducting the interviews with each participant, I tried to read as much as I can about the history and the demands of each ethnic or religious community. Sometimes, the focus of the dialogue between me and the participant was shifting to the internal problems of their community. In this case, although, I was very curious about the things they told me, I had to change the subject and ask about the issues concerning my study.

Before conducting my fieldwork, the ethnic and religious communities were just the subjects of my research and along with the interviews I reached all the answers which I was looking for my research. However, contacting with them helped me to understand their problems better and this also added a dimension to my research.

Conducting the empirical part of my research enabled me to see my main argument in practice. It helped me to see the whole picture from the perspectives of both parts. Through the interviews, I found the chance to see beyond the dimensions reflected in the media or in the proposals of political parties and NGOs. Dealing with so many people also gained me the ability of building a network. Overall, I can say that doing a field work made me feel like a real researcher.

CHAPTER 1: Literature Review and Conceptual Framework

Literature Review

Introduction

The study seeks to understand the position and participation of ethnic and religious communities in the constitution-making processes. Therefore, considering the case of Turkey and the wide scope of concepts in relation to this theme, the study touches on many other areas of literature such as constitutionalism, participation, citizenship, deliberative democracy, Turkish history, constitutional law, minorities, nationalism and civil society. These concepts are detailed in the conceptual framework section. However, for the reasons of limitation and due to the wide extent of literature on these subjects, only literature on participation and constitution-making will be defined in order to show the most significant references in the field.

Studies focusing on the process of constitution-making are very recent. Moreover, far too little attention has been paid to the dimension of public participation. However this tendency has changed with the wave of political and economic liberalisation which caused an increase in constitution making processes throughout the newly emerged democracies. This wave also made a shift in constitution-making habits from an elite driven model to a more inclusive model called "new constitutionalism." According to Widner (2005), "between 1975 and 2003, nearly 200 new constitutions appeared in countries at risk of conflict as part of the peace processes and the adoption of multiparty political systems." In this sense, there has been an increase in the literature parallel to these dates specifically in the late nineties to date. More and more academics and policy-makers have produced a wide body of research and prepared practical guides emphasising the process of constitution-making rather than the content of the constitution. These studies cover every stage of the participatory constitution-making model in theoretical and practical concerns via country examples. However, there has been very little discussion in these studies about the role and position of minority communities during the constitution-making processes. The studies concerning the participation of ethnic and religious communities generally concentrate on the legal dimensions rather than the social and political implications. Therefore, considering the gap in this field, this

study will attempt to contribute to this field through examining the role and position of minority communities during the public consultation process for the new constitution of Turkey.

The following section begins with basic literature on citizen participation in relation with identity groups and the deliberative processes. It continues with studies focusing on minority participation in the public life. Finally, it concludes with the selection of special reports prepared by prominent academics for the participatory constitution-making processes.

Citizen Participation

Arnstein's typology of citizen participation first published in the Journal of American Institute of Planners in 1969 has been widely cited by researchers from related fields. Her study as a critical reference differs from the other studies; from similar fields, because she does not only emphasise the importance of participation but describes how a genuine participation process should be organised. By doing this, Arnstein makes a distinction between pseudo participation and the genuine participation. She aims to clarify the notion of citizenship participation because she thought there were too many misleading "euphemisms" and this was nullifying the genuine meaning of citizen participation. According to her typology, citizen participation was mainly associated with citizen power. Therefore, it is important to observe a shift of power between the "haves and have-nots". Accordingly, Arnstein designed a ladder of citizen participation which consisted of eight rungs. The first two steps (manipulation and therapy) were described as non-participation. The next three steps (informing, consultation and placation) were described as degrees of tokenism and not counted as genuine participation. Eventually, the last three steps (partnership, delegated power and citizen control) were counted as real participation and described as the degrees of citizen power. In order to clarify her typology, she uses examples of three social programs. The importance of this typology, for this thesis, is its approach to citizen participation as a genuine action, not an empty ritual. Most of the related literature praises citizen participation yet did not question the genuine meaning of it. Despite the various limitations of the article on the blurred divisions between the rungs on the ladder

and the power-holders and the have-nots, this typology is extremely useful to understand the relationship between the power holders and the citizens, during the periods of decision-making. In this respect, the ladder of citizen participation can be used to measure whether a participation process is practiced as a genuine act or just as a meaningless act by the power-holders.

Arnstein described genuine participation associated with citizen power which requires a degree of equality as a foundation. Verba, Nie and Kim (1978), also focused on the question of equality and share the outcomes of seven national surveys on political participation and its effects in their famous "Participation and Political Equality". One of the most significant findings of their project was "Modes of Democratic Participation". Accordingly, voting, campaign activity, communal activity and particularised contacts were main methods of political participation (Verba, N. Nie, J. Kim, 1978: 53-54). Throughout the chapter, the authors assess the participation methods beyond "voting" and describe each mode in detail. Besides individual action, civil society activities are also included to the classification and make it possible to evaluate the participation methods, which are employed during the public consultation periods in the constitution-making processes. Although it was written several decades ago, this classification is highly informative that can still be adopted on various occasions along with slight changes and improvements.

Concepts like civil society and participation have been the focus of another leading scholar, Iris Marion Young. In her "Inclusion and Democracy", she makes significant contributions to the developing concepts such as political communication, democracy and justice, social difference, representation, civil society and self-determination. As the foundational concept of her book, she describes inclusion as a model which "a democratic decision is normatively legitimate only if all those affected by it are included in the process of discussion and decision-making" (Young, 2000: 23). She conceives civil society as a platform that enables citizens to influence state policies and to participate in public discussions rather than an alternative to state and its functions. She also emphasises the role of civil society organisations through associational activity which provides a proper sphere to overcome social and political inequalities. Associational activities through civil society organisations are the most common methods preferred during the public consultation periods. The emphasis on the

role of civil society is important for this thesis as ethnic and religious communities in Turkey also used their community associations as a vehicle to participate in the failed constitution-making process.

In order to understand the quality and the level of participation, it is necessary to classify and examine identity groups and the organisations representing them. Amy Gutmann in "Identity in Democracy" analysis the role of identity groups in democratic politics through classifying them in four categories as cultural, voluntary, ascriptive and religious. Gutmann proposes this classification because "each highlights a different set of ethical issues raised by the presence of identity groups in democracies and the ways in which they can either aid or impede democratic justice" (Gutmann, 2003: 30). These categories also constitute the chapters of her book. While Gutmann deals with each category theoretically, she cites examples of well-known identity groups in order to provide a clear understanding. Overall, Gutmann contributes democratic theory through distinguishing identity groups from interest groups and indicating the necessity of identity groups in democratic politics.

Gutmann's classification for identity groups can be useful in order to describe the lines between groups that participated in the public consultation process. Among cultural, voluntary, ascriptive and religious groups, she places ethnic groups to the ascriptive category and examines religious groups in a separate category. According to Gutmann, identity groups are based on various social markers embedded in the personalities of individuals' identities. These markers can be chosen but are most often gained by birth or socialisation such as race, gender, ethnicity, sexual orientation, religion and ideology (Gutmann, 2003: 15). In context with the scope of this thesis, definitions of cultural, ascriptive and religious groups can be useful in order to clear the lines between these concepts. Considering every identity group as the representative of a culture, she describes *cultural groups* as the most common category. In this sense, people who see her\his culture as "a constitutive part of her\his identity" can constitute a cultural group. Therefore she described tribes like the Inuit or Navajo and national minorities like the Catalans and the Basques as cultural group, because their culture separates them from the larger societies (Gutmann, 2003: 38). Apart from the cultural markers she also focuses on the organisation established by *voluntary groups*. These groups are established in

civic equality as a part of freedom of association. However, these groups can also disseminate discriminative ideals like the Ku Klux Klan through supporting the exclusion of particular individuals from equal citizenship. Gutmann describes it as a challenge of freedom of association and expression. Moreover, she suggests that, governments could tolerate them as a requirement of freedom of expression yet should not subsidise them to discourage these kinds of discriminatory associations (Gutmann, 2003: 86-116). *Ascriptive groups* are determined by the unchosen markers such as colour, race, disability and sexual orientation. The diversity of these markers can lead to high extents of inclusiveness. In this sense, these groups may overlap religious, voluntary and cultural groups. As it happened in the voluntary organisations, there can be justice-friendly or discriminatory organisations. Justice-friendly organisations play an important and legitimate role in relationships between state and group because these groups act as the representative of that particular ascriptive group (Gutmann, 2003: 117- 150). Finally, *religious groups* can be the strongest source of identification, considering its impact on both public and individual sphere. Gutmann explain this "thick" culture as a marker of human life cycle through holidays and rituals that are recognised widely by communities and states. In this sense, religious groups play an important role in social and economic life (Gutmann, 2003: 150- 153). The classification helped to classify and understand the nature of the ethnic and religious communities that participated in the consultation process.

The role of identity groups in deliberative democracies is crucial because they represent a particular identity in front of the state and they conduct the relations with the state on the behalf of that particular identity. This is a difficult task to accomplish and indeed is described as a challenge for a deliberative democracy by James Fishkin. In this extensive study, Fishkin defends his own design "Deliberative Poll" in theoretical and practical dimensions. Fishkin explains the three dilemmas of democratic reform: political equality, participation, and deliberation. His focus is to realise a practical and consequential deliberative democracy. He also seeks ways in which to achieve deliberative democracy under difficult conditions. The importance of his book for this thesis is its focus on public consultation processes. Moreover, he draws a clearer picture of the deliberative process by referring to practical examples about its function,

representativeness and effects. He identifies "diversity" as a challenge for deliberative democracy and he proposes particular criteria to overcome this problem along with various practical examples (Fishkin, 2009: 160). Some reflections of his public consultation model can be observed in Turkey's constitution-making attempt, yet he does not mention the participation of citizens from minority backgrounds in the constitution-making periods.

Minority Participation

Literature focusing on the public consultation periods during the constitution-making processes is very limited. The participation of minorities during these periods is also a very rare subject to find in this limited literature. In this sense, the literature covering the participation of minorities in public life is considered relevant in order to understand the role of minority participation during the decision-making process if not the constitution-making processes.

"Participation, Representation and Identity, The rights of Person belonging to Minorities to Effective Participation in Public Affairs" by Annelies Verstichel (2009), is the most extensive book that has been recently published, along with the edited book of Marc Weller, "Political Participation of Minorities". Verstichel's book starts with a theoretical framework containing basic definitions such as minority, effective participation and representation. The author examines the international instruments and domestic mechanisms for the protection of the minority participation throughout the chapters 2, 3 and 4. Accordingly, every single article considering the minority participation is assessed along with supporting cases. The book concludes with the examination of three countries in various dimensions such as; minority structure, electoral system, representation and participation of minorities, state structure, and power-sharing. This book is an excellent source on judicial dimension of minority participation and a very comprehensive text on the essentials of minority participation theory. However, it remains limited for minorities' role during the public consultation periods and does not mention any special point for the participation of minorities during the constitution-making processes.

Another extensive source, "Political Participation of Minorities", the edited book of Marc Weller (2010), is the most recent book covering general issues, legal frameworks, representation, consultation, participation, self-governance and implementation. Although it is an extremely extensive book, regarding the scope of this thesis, the chapters written by Palermo, Vermeersch, Weller, will be mentioned as important references.

Palermo, in "Minorities in Executive Structures", focuses on the dilemmas of minority participation and makes a distinction between representation in the parliament and participation in public life. He refers to the dangers of dealing with particular minorities as it may cause to oversight of other determinants. He also examines the minorities' position in administrational levels along with the past and new cases.

Vermeersch, in "Minority associations: Issues of Representation, Internal Democracy and Legitimacy", elucidates the minority associations in terms of representation, legitimacy and internal democracy. He signifies the importance of minority associations as an actor. He also defines the representativeness and internal democracies of minority association. These dimensions are substantial for this study in order to measure the level of representation of particular associations who participated in the constitution-making process.

Weller, in "Minority Consultative Mechanisms" examines mechanisms which are used during the consultation periods. His analysis contains legal framework, types of minority consultative mechanisms and functions. More importantly, he categorises consultation mechanisms in decision-making process which help us to understand different types of participation mechanisms in similar decision-making procedures. Also, he details the roles of minority associations which serve us to gain a clearer perspective as to their function in the public consultation periods.

Participatory Constitution-making Processes

Besides literature analyses, public participation and constitution-making in a legal framework, there are studies examining these periods in a practical way through country examples such as Ebrahim's (1998) South Africa or Selassie's

(2002) Eritrean cases. Although public participation in constitution making process was mentioned in these studies, it remained very limited in terms of understanding the details of the whole process. On the other hand, "Distrusting Democrats" by Devra Moehler (2008) focuses on the impact of mass participation on political culture by examining the citizen participation in the Ugandan constitution-making process. Although her aim is to seek the outcomes of the participation period, she presents a very elaborate picture of citizen involvement in the Ugandan constitution-making process. Besides the outcome of her study, she explains participatory constitution-making methods with its advantages and disadvantages, which makes the book a valuable source for this thesis. The outcome of her study is also significant. Accordingly, participation helps citizens to create awareness about the operation of democracy. Although participatory constitution-making process can cause instability in the short-term, it will raise the awareness of citizens on how to monitor the political authority in the long-term. In this respect, she emphasises the process of constitution-making rather than the actual content. Due to the level and uniqueness of the Ugandan democracy, her findings cannot be generalised yet she draws a clear picture of participatory models through an extensive analysis.

Participation in the constitution-making process has recently become an issue for the international institutions as well. Due to the rise in new democracies and recent constitutional changes, institutions, such as The Commonwealth, Interpeace and the US Institute of Peace have started to prepare handbooks about the steps and details of constitution-making. These initiatives consider the participatory processes as a key element in terminating the violence and conflicts generated from the ethnic and religious tensions (Widner, 2005: 1). In the guidelines, they focus on democratic constitution-making procedures; such as the role of a constitution, the key components and issues of the constitution-making process, public participation, debating and deciding the issues, adopting and implementing the constitution and civil society and the media. As is seen, there is a significant emphasis on the importance of the deliberative methods in the constitution-making processes. Booklets prepared by the prominent theorists for these institutions also filled the gap in literature of public consultation mechanisms in the constitution-making processes.

One of the institutions a report which was prepared by the Commonwealth Human Rights initiative on participatory constitution-making is the most related text to the participation of minority citizens in Constitution-making process. This report was written by Hassen Ebrahim, Kayode Fayemi and Stephanie Loomis (1999) under the name of "Promoting a Culture of Constitutionalism and Democracy in Commonwealth Africa, Recommendations to Commonwealth Heads of Government". The report starts with a list of practical recommendations for the Commonwealth governments and continues with a background text. In the background text, the authors detail the principles of constitution-making with an emphasis on citizen involvement. The most important part of the report is the mechanisms used in the public participation process. In this section, writers give extensive examples of participatory mechanisms used in three commonwealth countries; Uganda, South Africa and Eritrea. Various channels were listed including civic education, radio, essay competitions, special television programmes, newsletters, special telephone lines, internet and even musical and artistic methods (Ebrahim et al., 1999: 20-21). In this sense, the report stands as an important source to view the ways of participation facilitated by the governments. However, despite the extensive information on the numbers of civil society submissions and the data obtained from the processes, it is unclear how this data would be analysed, evaluated or used by the governments. Also, the authors do not mention any information about the mobilised citizens, during the public participation. In this sense, activities of the citizens and their ways of participation are not included in the report.

Another report prepared by Vivian Hart, who includes studies on the South African constitution-making process, is called "Democratic Constitution-making" which focuses on the participatory constitution-making processes. The report starts with a brief history of constitution-making and continues with the perspectives on constitution-making process through legal and practical dimensions. Hart sees constitution-making periods as an opportunity to build peace in divided societies. In this context, she emphasises the importance of participatory constitution-making processes as a forum for the discussion of the problems of under-represented groups. Accordingly, public participation will overcome ethnic and racial exclusions and will promote the participation of both

indigenous peoples and women. In order to show a clear picture, she gives examples of public participation processes across the globe, such as Zimbabwe, South Africa, Kenya, Nicaragua and Cambodia. Throughout the report she refers constitution making as a "distribution of power" (Hart, 2003: 9). Therefore, she considers the process as important as the content for the legitimacy of a new constitution. Departing from the various experiences of participatory constitution-making methods, she points out the impossibility of any agreed set of standards which fit for all conditions.

The report, "Public Participation and Minorities" by Yash Ghai (2003) is a practical guide and a source of approaches on participation of minorities in the constitution-making periods. This makes it the only report considering the participation of minorities in constitution-making processes. Professor Ghai, as a constitutional expert, reflects his academic and practical experiences that he gained from different constitution-making cases. In this report, he offers to create special measures to promote minority participation in public affairs. However, according to his perception, these measures should not be implemented to create a privileged position for minorities but to assist them to promote their integrity within the rest of society. Therefore, integrationist strategies could help minorities to become involved in society who usually avoid participating in the decision-making processes due to the belief that they cannot influence the outcome. If the minorities do not participate, others will have to represent and speak for them which and this will cause miscommunication between the minorities and the rest of the society (Ghai, 2003: 5). Like Hart, Ghai concludes his report by stating that there is no unique model to provide perfect participation. In this respect, the process should be designed depending on the country's own political, economic and societal circumstances. Throughout his report, Ghai explains the legal foundations, the preconditions and the mechanisms for public participation of minorities. He praises participation and emphasises its importance. However, he covers all these issues from the perspective of state responsibilities. While he gives details of the state's responsibilities to ensure minority participation, as in the previous reports, he does not address the role of minority organisations and the forms of participation. In this context, there is no suggestion or model for participation of minorities in the constitution-making periods. This report is a proper source for

state's responsibilities on minority participation, but it remains weak and single sided on minority participation facilities dimension.

The handbook written by Michele Brandt, Jill Cottrell, Yash Ghai and Anthony Regan is the most extensive source about the technicalities of the constitution-making process. The handbook generally focuses on the steps of constitution-making process including a separate section on the public participation period (Brandt et al., 2011: 80-149). This section contains extensive information of the public participation process and details every step through giving country examples. It starts from the civic education procedures, how to conduct public meetings and hold workshops, then continues to ask important questions such as which issues should be consulted, who should be consulted and when to hold public consultation. It covers the opportunities, limitations and potential risks of the process. What makes this handbook an important reference guide is its practical tips for the organisation of the whole process. From using video in facilitating public consultation and storing data, to media strategy and hiring personnel for carrying out the process, every detail is considered. Moreover, the handbook does not only cover the public consultation process but touches on the data analyses after the process is finished. It explains the reason why public views are analysed or not. It also focuses on circumstances where the process comes to a halt. For all these reasons; although it does not specifically focus on minority participation, this handbook is an excellent guide for constitution-makers and an extensive source for those studying on the participatory constitution-making procedures.

Conclusion

This section has argued the most recent and significant literature in the field of citizen participation and constitution-making processes. The review has shown that the main studies in the field focuses on the field of participatory constitution-making. The participation of minorities; as a disadvantageous component of the society have found very little space in these studies. This highlights an important gap in the field. The Participatory constitution-making model mostly employed during the periods of conflict and the role of minority communities becomes crucial in mediating the process. In this sense, there

should be more studies examining the role and position of minorities in different aspects. Currently this gap is partially filled with reports and guides of related research in the field.

Conceptual Framework

Introduction

Throughout this study, my aim is to consider the notion of equal citizenship in context with the participation of ethnic and religious communities in the new constitutional process. This attempt also covers their demands and expectations regarding to enjoy citizenship rights equally. In this sense, my main concern is to examine whether their demands were taken seriously into consideration by the state through the means of participation. In this process many demands and expectations were articulated by the representatives of the ethnic and religious communities. All these demands and expectations were shaped through the influence of the state policies since the foundation of the modern Republic. Therefore, many people saw the new constitutional process as an opportunity to remove all the problems inherited from the nationalist and monist perception of the state. In this context, I argue that, the issues regarding the equal citizenship requires an analysis embedded in the new constitution making process in terms of the demands and expectations of the ethnic and religious communities.

In this section, theories of citizenship will be discussed considering the problems and the demands of ethnic and religious communities living in Turkey. Theories of civic and ethnic citizenship will be explained as Turkish nationalism and state structure carry the characteristics of the both concepts. Also, the impact of civic nationalism on constitutions will be referred through the role of constitutions in nation-building process. Moreover, as it was mentioned and proposed by various participating groups to the constitutional process, the issue of constitutional patriotism/citizenship will be discussed in context with a possible substitute for a proper national identity.

The contribution of ethnic and religious communities in the constitutional process is the main focus in this study. In this respect, the concept of

participation and representation will be another subject to be touched upon this matter. Finally, methods of democratic constitution making will be addressed in terms of the public consultation process. The nature of interaction between state and society through the constitution making periods will be examined in context with practical examples and legal dimension.

Theories of Citizenship: Civic and Ethnic Dimensions

Most of the nationalism theories refer to the states' desire to reach cultural and linguistic homogeneity in modern societies. The desires to provide this homogeneity led states to implement policies in order to equate citizenship to a particular national identity. Considering the ethno-cultural and linguistic diversity in most of the countries, this process took place along with the "marriage" of the state and the nation throughout the age of nationalism (Gellner, 1997). This marriage generally operated in favour of the majority ethnic or religious group and therefore, caused many problems in achieving equal citizenship.

T. H. Marshall's study, which articulates the modern citizenship as a condition of class inequality, provides a foundation for equal citizenship rights. His theory consisted of three dimensions: civil, political and social. Civil citizenship referred to individual freedoms, such as freedom of speech, faith, thought; and rights such as right to justice, property and contract. Political citizenship specified rights such as participating in decision-making processes and voting. Social citizenship included the right to welfare and security and to share in the "social heritage and to live in the life of a civilised being according to the standards prevailing in the society" (Marshall, 1950: 10-11). He also saw citizenship as an identity which signifies a belonging to a political community. This identity was construed as a common identity which unites previously excluded groups to create the national integration. He was especially considering the British working class, which is previously excluded from the "common culture" because they lacked economic sources and education (Kymlicka and Norman, 1995: 302). T. H. Marshall's analysis of the West European democracies' history was covering a time period between 18th and 20th centuries. He construed citizenship as the consequence of the interrelated procedures of a) state-building, b) the emergence of commercial and industrial society and c) the

construction of a national consciousness. He saw all these three phases driven by the war and class struggle and operating in capitalist market economy. Accordingly, the mediums such as compulsory mass education and military service, popular press and linguistic standardisation operated in the industrial economy served to create a national consciousness among the masses in the nation-building periods. These procedures also helped to create a bond between the state and the citizens (Bellamy, 1998: 46). Marshall construed class as a pattern of inequality; thus, regarded the citizenship as consistent with the inequalities of the social class. In this sense, his theory was criticised for overlooking the ethnicity or gender inequalities. Class is important in terms of inequalities; on the other hand, ethnicity and gender dimensions are also significant for citizenship theories. There have been considerable changes in the concept of citizenship since Marshall's classification which referred to the full participation of citizen in society. This emphasis shifted to a more sociological approach that stresses the citizen's relationship with the whole society. Therefore, new citizenship types representing political, ecological, sexual or ethnical identities evolved throughout the time (Steenbergen, 1994: 2, 3). However, as Isin and Wood put it, Marshall's theory can still be correlated with citizenship in terms of inequalities based on gender, ethnicity or race (Isin and Wood, 1999: 26). For example, there are significant inequalities around the world in case of national minorities. As concluded by Will Kymlicka, the existence of the national minority cultures can be undermined by the political and economic decisions of the majority group. They could be ignored in the policy-making processes which will eventually affect the reproduction of their culture. As the members of majority group are not the subjects of such problems, excluding these identities from the decision-making processes creates serious inequalities and injustice in the society (Kymlicka, 1995: 109).

Marshall distinguishes his citizenship categories by different periods. Accordingly, political rights belong to the nineteenth century, civil rights to the eighteenth century and social rights to the twentieth century (Marshall, 1950: 14). These periods overlaps with the emergence of the nation state and its impact on constitutional politics as well. Indeed, inspiring from Gellner's classification, Kissane and Sitter (2010:51) specified four zones in order to explain the rise of nation states. According to their classification, following the

French Revolution, constitutions were produced through the demands for a limited government. This period was named as the first zone. In this zone, drafters of constitutions did not attempt to create a particular national identity because the constitutions of this period did not claim to establish a new state. In the second zone, around the middle of the 1800s, territorial states were established having a common political history and a high culture attached to their constitutions. In the second zone, national identity was stronger than the first zone, yet liberals were still dominant in this zone. After the First World War, in the third zone, nation- building policies became influential in the constitutional politics. This zone also witnessed the emergence of many newly established states. The state building process required nationalist policies which created a contention between liberal democratic principles and national urgencies. Thus, these states attempted to consider the ethnic variety within the civic conception of citizenship. However, this perspective did not satisfy the nationalist expectations at all. The fourth zone introduced national identity as a tension between the liberals and the conservative nationalists. This was particularly due to the emergence of supranational organisations such as the EU and the demands for the self-determination right. Consequently, the concept of citizenship was transformed greatly during the emergence of the nation state. People who previously were the subjects of a king or sultan became the citizens of a nation state; in other words, they became the members of a particular nation. Hence, the state became an entity where everyone bonded to the sole and same nation. In order to accomplish this ideal, various mediums such as language, behaviour, religion and education policies have been used (Hammar, 1990: 68). According to Bhikhu Parekh, the strategies for achieving cultural homogeneity were introduced by the modern state. In this sense, the implementation of such principles on the heterogeneous societies has caused injustice, violence and disorder. Institutional and structural entities have also contributed to the process using the state sovereignty through ignoring heterogeneity and imposing homogeneity. The state sovereignty helped to achieve power centralisation and exclude the local power groups. Thus in a territorial sphere, state sovereignty acted as the voice of majority whilst reducing the voice of minorities (in Ghai, 2002: 142).

Throughout the age of the nation-states, various implementations such as exclusion and inclusion were embraced in order to provide the linguistic and cultural homogeneity in the society. While some states defined nationality in ethnic terms, other maintained an inclusive strategy through a civic definition. This distinction has been discussed by many scholars yet, were used by Meinnecke for the first time in his *Cosmopolitanism and the Nation State* in 1907. He construed nations in two distinct groups as *Staatnationen* and *Kulturnationen,* which mean political nations and cultural nations respectively. While he described the first one as determined through a common political history and a constitution, the second one is described by a common culture, language and religion (Meinecke, 1970: 181). Brubaker theorised a similar classification through examining the German and French experiences on nationality and citizenship. According to his point, French nationhood was determined through a civic understanding which emphasises common political and territorial bonds rather than ethnicity (Brubaker, 1992). This perception also incorporates the assimilationist methods in order to provide unity. Therefore, implementations of language, boundaries, and school curricula can operate against citizens from different ethnic and religious backgrounds. Hence, the method in which the public sphere is constructed may stand as an advantage or disadvantage according to citizens' ethnic, religious or cultural identity (Patten, 2000: 197). In contrast, nationhood in Germany was progressed in a differentialist sense which reflects an emphasis on culture and ethnic roots (Brubaker, 1992: 5).

As asserted by Rousseau, a minimum degree of political unity is a necessity. According to his perception, the most important condition for political unity is ethnic homogeneity such as a common origin, religion, language, and customs. He thought that the "people which, finding itself already bound together by some original association, interest or agreement…" would receive a constitution which he has in mind (Rousseau, 1968: 95). Accordingly, the concept of civic nationhood emphasises a common political culture, such as citizenship, irrespective of differences. In terms of the integrationist dimensions of this concept, the ethnic, religious or class differences can be eliminated through implementing a common education system on the citizens from different identity backgrounds and therefore, enable them to socialise in the same language and

environment (McGarry and O'Leary, 1993: 17). Zimmer describe civic nation as a political reality which emerged where the state was born preceding or coinciding with the age of nationalism. Accordingly, it has institutional and administrative determiners which support the modern state through equating the nationality and the citizenship (Zimmer, 2003: 176). These determiners also provide the legitimacy of civic citizenship through the legal regulations and bureaucratic structures. In this respect, civic citizenship is regarded as an artificial entity because it is based on political attachment which disregards the ethnicity or class. Thus, it came forward as a kind of "daily plebiscite" in Ernest Renan's words (Renan, 1882). In states where a civic nationhood system was adopted, an official state identity is reinforced to support the unity and make people feel themselves as a part of a particular community. In this sense, civic citizenship can be construed in a favour of national minorities and immigrants. However, considering the assimilationist dimension of civic perspective, most significant oppositions against these kind of oppressive strategies have come from countries which adopted the civic system like United States, France and Turkey (Tierney, 2008: 7). Indeed, the distinction between civic and ethnic nationhood becomes ambiguous and complicated. According to Brubaker, characterisation of civic nationalism as good and inclusive, and identifying ethnic nationalism as bad and exclusive can be problematic. He argued "What varies is not the fact or even the degree of inclusiveness or exclusiveness, but the bases or criteria of inclusion and exclusion" (Brubaker, 2004: 141). The assimilationist character of civic state serves to transform all the different ethnic identities into a common new identity which is usually determined as the identity of majority ethnic group (McGarry and O'Leary, 1993: 17). According to Hall, civic nationalism can act like the ethnic nationalism in terms of several dimensions. He adds, "Much less horrible is the combination of civic and ethnic nationalisms represented by France – that is, a world in which one is taken in or allowed in as long as one absorbs the culture of dominant ethnic group" (Hall, 2003: 28). Thus, ethnic nationhood claimed a shared culture, language, religion and a genealogical descent along with a shared history. Western Europe was shaped by the nation-states by the beginning of the 19th century based on the German, the French or an ambiguous mix of both models. In either case, citizenship, based on ethnic and cultural nationalism created discriminatory implementations towards minorities (Ahmed, 2005: 12).

As a part of French civic citizenship, adopting the strategy of assimilation, as it happened in the case of Turkey, has caused the repression and even the destruction of the different cultural identities through imposing a particular identity on all members of society. On the other hand, claiming the cultural "authenticity" of a community is meant to imply a unique and exclusive entity which could only be transferred by blood ties. When these assumptions meet with the efforts of building a nation-state, it may cause to a conception of citizenship which is limited to a particular ethnic or religious community as happened once in Germany. Eventually, preserving a kind of "authenticity" and trying to provide co-existence in contrast with the nation-state at the same time may cause a divided political climate and even worse may engender a civil war (Gülalp , 2005b: 173).

Consequently, in civic nationalist systems, state structures serve to provide coherence among citizens through various nation-building strategies. In this context, as the foundations of the state, constitutions become a leading tool to provide the inclusive civic characteristics of nationhood. Historically, constitutionalism acted to treat people in legal terms independent from particular social determiners such as ethnicity, gender, language, religion and so on (Lawson, 2004: 521). However, in most of the nation building period cases, constitutions acted as a document which grants particular privileges to a dominant ethnic or religious group.

The Role of the Constitutions During the Nation-building Periods

Many historical moments such as the end of colonialism, the emergence of nation states and the collapse of communism have contributed to the production of constitutions. Since its emergence, the constitutions have served for many purposes. It served as an instrument in the nation building process; a medium of the consolidation process following the deposition of military regime or a medium of the peace process in internally conflicted territories. All these purposes settled the characteristics of a constitution and its drafting process. As indicated by Brandt et al. (2011: 13), "Constitutions are dependent on national contexts in another significant way. The conception and understanding of, and therefore the respect for, constitutions vary, depending in considerable part on

national history and the reliance on and respect for law as a key mode of organizing society and state". In this sense, it is likely that the constitutions which were drafted in the nation-building periods, served as an instrument of the nation building process and thus, to impose a particular predominant identity on citizens. In these cases, national identity can be defined as monocultural and the assimilation of different ethnic identities may become a norm. Specifically, assimilation methods have been the medium of creating a national identity through removing cultural differences (Slaughter, 1994: 369). Exactly at this point, Ulrich Preuss asks very useful questions such as whether the constitutions are the manifestation of the national identity of a particular ethnic group or a legal text of the civil society's political will (Preuss, 1994: 148).

Although, constitutions are supposed to be drafted in egalitarian and democratic senses under the rule of law, the Western perception of constitutionalism caused identity problems especially in the case of nation state constitutions. In this context, a dominant ethnic or religious community is construed as the founder of the state and the identity that belongs to this group is supported through linguistic, religious and cultural symbols. The dominant group also identifies the state as the representative of their own entity (Kymlicka, 2003: 149). Hence, other ethnic or religious identities have been subject to exclusion or assimilation and obliged to live as second class citizens (Verdery, 1998: 294). As noted by Habermas,

> "the nation state laid the foundations for cultural and ethnic homogeneity on the basis of which it then proved possible to push ahead with the democratisation of government since the late eighteenth century, although this was achieved at the cost of excluding ethnic minorities. The nation state and democracy are twins born out of the French Revolution. From a cultural point of view, both have been growing in the shadow of nationalism." (1995: 257).

Following the French and American Revolutions, a particular identity was selected so as to name the nation by the constitutional states. Citizens are attached to this imaginary community through various strategies such as national symbols and historical narratives and therefore, have a sense of common belonging. As argued by Tully, "By naming the constitutional association and giving it a historical narrative, the nation and its citizens, who

take on its name when they become members, possess a corporate identity or personality" (Tully, 1995: 68). Constitutions became very useful tools in the rise of nation-states through virtually testifying the famous phrase of Eric Hobsbawm "nations do not make states and nationalisms but the other way round" (Hobsbawm, 1990: 10). This argument emphasised that constitutions acted as a bond between state and nation and moreover, contributed to the process of nation-building through creating a sense of unity within its characteristics.

If a constitution acts as a legal structure which prioritises a selected ethnic community over the other citizens from different ethnic backgrounds in a given state, it is identified as the "constitutional nationalism." (Hayden, 1992: 665). Either exclusionary or inclusionary approaches can determine the characteristics of a constitution. As concluded by Brubaker, citizenship, as a concept regulated in constitutions, acts as a medium of both exclusion and inclusion. It can define the people who belong to a community and can determine who does not (Brubaker, 1992: 23). An exclusionary approach serves to isolate particular differences in order to keep them away from the common identity. In contrast, inclusionary approach seeks commonalities which can bind everyone together. Consequently, a dominant constitutional identity can be determined either through emphasising particular differences or stressing certain identities (Rosenfeld, 1994: 6).

This type of identity-building can be observed in republican constitutions. The drafters of these constitutions have inspired from various thinkers such as Jean Jacques Rousseau, Niccolò Machiavelli, Immanuel Kant and Thomas Jefferson. According to their perception civic spirit among the citizens can be provided through a shared public culture such as common citizenship, language, religion, education and military service. All these policies serve to integrate all citizens into a one shared identity. In context with the concepts Jacobinism and Kemalism, France and Turkey can be the clearest examples of such republicanism respectively. Specifically, in order to homogenise the society, French and Turkish state elites carried a strict secularism (laicism) which allows prohibiting the religious symbols and outfits from the public sphere. Similarly, they preferred administrational centralisation over decentralisation. They also promoted unitary state and majoritarian institutions in favour of unity. Therefore, the border between the integration and the assimilation becomes vague in

terms of the policies they implemented through various instruments such as constitutions. In the constitutions drafted by the republicans, the expression attached to the state "one and indivisible" may be observed very frequently in preamble sections (Turkish Constitution article 3, French Constitution article 1). This expression was placed there in order to prohibit the federalism which would divide the unity and national sovereignty of the state. These articles were even protected against the popular will through making them constitutionally unamendable (article 3 of the Turkish Constitution) (McGarry and O'Leary, 2012: 84, 85). In fact, republican elites used constitutions in the civic sense to accomplish a sense of belonging among the citizens from different ethnic backgrounds. They tried to establish neutral institutions in order provide equality. Thus they considered everyone as equal and accordingly considered the special minority rights as against to this principle (Somer, 2007: 14). However, indicating a particular ethnic identity in several parts of the constitution did not help to support equality at all.

The civic constitutional model enables the state to present its national ideals and desires for political unity via clear expressions especially in preambles, definitions of citizenship and various parts of the constitutions. Hence, constitutional nationalism revealed itself through supporting a thick national identity in order to homogenise the citizens. As noted by Lerner "a nation state constitution attempts to reflect unique cultural, national, religious and linguistic characteristics through symbolic features and other particularistic practices and institutions" (Lerner, 2010: 71). Especially, in conflicted multi-ethnic societies or in an absence of common experiences, constitutions served as a tool for providing a shared political identity in order to maintain the constitutional regime (Choudhry, 2008: 6). As Beyme stated, the most significant indicator of the state elites' perception of democracy is their attitudes towards minorities or the way they identify them. Accordingly, Russian constitutions contain several inconsistencies between legal and ethnic meanings of Russianness. For instance, the Constitution caused concern in its (Art. 1.2) differentiation between the notions of 'Russian' (*russkij*, ethnic meaning) and *rossiskij* (legal meaning), but in the end declared the two terms synonymous" (Beyme, 2001:10). Due to this perception which existed in most of the constitutions that make a distinction between the genuine ethnic citizens and the "so-called" citizens, people who

belong to different ethnic origins are construed as an anomaly inherited from the past regime. Even if the constitution guarantees equality among the different groups to a lesser or greater extent, exclusion may still be maintained in discriminatory implementations (Dimitrijevic, 1993: 50).

According to Kissane and Sitter, the nationalist emphasis in the constitutions is generally accorded with the emergence of nationalism and the nation-states. The constitutions, which were drafted prior to the emergence of nationalism, were determined by political concerns and did not involve a territorial and citizenship definition in nationalist terms. On the other hand, the constitutions were developed in the wave of nationalism, contained such emphasises clearly (Kissane and Sitter, 2010: 49). Although, there is still a strong relation with national identity and citizenship in some cases, imposing a particular ethnic identity on citizens from different ethnic communities is progressively losing its influence on modern states. According to Habermas, weakening ties between national identity and national citizenship shows that the classical nation state model is disintegrating (Habermas, 1995: 256). Pressures of globalisation, as well as the localisation have been influential in this disintegration process. These two opposing notions are related because particularistic identities claim their rights most intensively when the global trends threaten their identities as in the case of the rise of nationalism in Europe during the European integration process (Beiner, 1995: 2).

Constitutional Citizenship

Nationalism as the key determiner of the 19th century, especially in inter war period, lost its influence after the Second World War However, nationalism has gained its popularity again, thus was started to seek constitutional arrangements even in the era of supra national institutions. Re-discovery of ethnic identities and the rising demands for cultural rights within the nation-state boundaries have caused an erosion of the citizenship idea of the nation state conception. Rising ethnic identity demands were welcomed by central governments of nation states within the concept of constitutional pluralism (McWhinney, 1981: 80). The civic republican model has faced a problem of legitimacy along with the progress of multiculturalism and globalisation. The

problem emerged, because this model defined the constitution with the boundaries of nation-state and national identity. As Keyman puts it, in order to avoid the tension between nationalism and constitutionalism and provide an ethnicity blind legal structure, the idea of "constitutional patriotism" can be a proper alternative (Keyman, 2008: 235). Constitutional patriotism is regarded in relation to a post-national identity based on democratic values and human rights which are contextualised in a particular constitutional tradition. In this concept, citizens are considered as attached to each other through belonging to the constitutional ideals instead of values such as ethnicity and religion which are used by the nation states in order to provide the unity. Hence, this kind of constitutional citizenship model will tolerate the differences and provide plurality. Then, constitution will be the basis of unity and legitimacy through holding people together (Ingram, 1996: 2). The foundation of this idea was born in divided Germany in the post-war period. It was seen as a replacement to the national identity. After the middle of 1990s, it progressed and was accepted as an attractive model of non-national or post national, civic connection for multicultural societies. This idea was finally proposed by some scholars as "European constitutional patriotism" in context with civic identification at a supranational level (Muller, 2007: 2). Accordingly, Jurgen Habermas, suggested this model for the future "Federal Republic of European States". He noted,

> "Examples of multicultural societies like Switzerland and the United States demonstrate that a political culture in the seedbed of which constitutional principles are rooted by no means has to be based on all citizens sharing the same language or the same ethnic and cultural origins. Rather, the political culture must serve as the common denominator for a constitutional patriotism which simultaneously sharpens an awareness of the multiplicity and integrity of the different forms of life which coexist in a multi-cultural society…Unlike the American variant, a European constitutional patriotism would have to grow out of different interpretations of the same universalist rights and constitutional principles which are marked by the context of different national histories." (1995 :264, 271)

Therefore, while national identity could divide the nation state in case of a competition arise between ethnic groups; this model may create a unity instead of division. It rejects "obedience to the state" to adopt "allegiance to a state with

constitutional procedures of citizen participation, political dissent, and multiculturalism" (Janoski, 1998: 72, 74).

The State and the Formation of the Citizenship

Political participation can basically be identified as an interaction between state and citizen to shape a policy or political institutions. In order to understand the interaction between the citizen and the state, it is crucial to examine the structure of political organisation, the emergence of citizenship, and Turkey's position within these concepts.

The classification cited by Elazar could help us in understanding the basics of the constitution as a major political institution within the context of Turkey's constitutions and the citizen involvement. Accordingly, from ancient times up to now, three fundamental models of a political organisation have been identified by political scientists:

> "I- Polities founded by conquest which generate power pyramids in which political organisation is hierarchical
>
> II- Polities which evolved organically out of more limited forms of human organisation and which over time concretise power centres which govern their peripheries.
>
> III- Polities founded by design through covenant or compact in which power in shared through a matrix of centres framed by the government of the whole, on the basis of federal principles broadly understood" (1985: 242).

In context with this classification all constitutions of Turkey can be counted as the first model. Kanun-i Esasi as the last constitution of the Ottoman Empire was handed down from the top along with the approval of the Sultan. Constitutions drafted in dictatorial regimes can be counted in the first classification as well. In this sense, 1961 and 1982 Constitutions of Turkey are suitable examples as they were established under the military authority following by a coup d'état. These constitutions were not legitimate in the eyes of society as they were ratified with limited referendums under the control of the military rule. However, it can be observed from the new constitutional process that it evolved organically through the interaction between the state and the civil society. The

inadequate and undemocratic spirit of the 1982 constitution has caused bitterness and dissatisfaction in society which has opened a path to the new constitutional process. Thus the process can be counted in the second classification. On the other hand, the third classification is also suitable for the new constitutional process in some aspects. Considering the process for now as a deliberative one, the whole process might result as a convention of the partners. Many ethnic, religious or social groups expected the new constitution to solve the deep-rooted political problems of Turkey.

The emergence of citizenship in Turkey also tells much about the current characteristics of the relationship between state and the citizens. It shows a genuine character that cannot be classified in top-down or bottom-up processes. There are various reasons for this conclusion. In the top-down process, the citizens are granted a citizenship status by the ruling elites as happened in Bismarck period of Germany. On the other hand, the second approach requires a process including a massive struggle for citizenship rights as happened in the French Revolution. In this context, while latter represents a more active citizenship, the other exemplifies a passive one. However, as the new identifications for the notion of citizenship emerge and the rules of the membership change, it becomes essential to re-asses the top-down and bottom-up processes considering especially the new forms of citizenship (Turner in Wiener, 1998: 24). Citizenship in modern Turkey emerged before the emergence of bourgeoisie as a top-down process yet evolved to a new identification along with identity claims of Muslims, Kurds and women from the bottom up in the 1990s. Citizenship in Turkey, thus carries the characteristics of both German and French examples. It emerged in a top-down process, as happened in the German passive citizenship. Although the emergence of the citizenship in the French case is far different from the Turkish experience due the lack of rights struggle and philosophical foundation of enlightenment, it can also be defined in the boundaries of the French conception because; citizenship in Turkey has been defined in the boundaries of an extensive public sphere which occupies the private sphere of the citizens including the family and religion. In this sense, the civil, political and social rights stated by Marshall were not gained within struggles of the people in Turkey. It was realised in top-down way with the absence of a national movement. This process made the

citizens passive individuals and allowed the state elites to intervene the public and private spheres of citizens in an extensive way (Kadıoğlu, 2008: 170-181).

The brief examples above show the emergence of citizenship as an interaction with the state and the people. As a fundamental concept, participation located in the centre of politics in the writings of Aristotle. According to his idea, citizens can enjoy the right to share in deliberative office. Thus, he sees citizenship in relation with participation and sovereignty. Moreover, he states the educative role of participation through emphasising its function enables citizens to gain their identity through cooperating for the city-state. In this sense, participation functions as a tool of commonality and communication in Aristotelian terms (Lawrence, 1975: 450). Similarly, as argued by Wiener, citizenship can be defined as the relationship between a polity or a community and citizen. In the widest sense, this interaction can be identified through the daily practices of citizen participation in the polity/community. In this respect, citizenship gains a meaning through belonging to a community. This relationship between the citizen and the nation state has prepared the modern history with a basic citizenship model. Citizen, the polity/community and the interaction of these two must be considered together as the "constitutive elements of citizenship" (Wiener, 1998: 22). Following the developments in the eighteenth century, the state membership was transformed from being subject into being citizens. This transformation resulted in an increase in civil liberties including political participation. This transformation changed the status of citizenship dramatically into a more active position. It was not only representing a common membership but a membership which was featured with direct participatory initiatives. Therefore, citizenship was associated with "state membership" and "political participation". It was a legal membership that links with a state through the networks of rights and duties. (Christodoulidis, 1995: 178). Barber associates citizenship with participation and community. Accordingly, being a citizen is associated with participation and creating the sense of "we". When people start to deliberate, engage, behave, contribute and discuss together, they form a community and become citizens. He also correlates citizenship with participation and community: "Participation without community breeds mindless enterprise and undirected, competitive interest-mongering. Community without participation merely rationalises collectivism, giving it an aura of legitimacy.

Participation without community merely rationalises individualism, giving it the aura of democracy." (Barber, 2003: 155). Referencing Marshall's idea of citizenship as based on the principle of equality, Preuss describes participation as a political right that is the achievement of civilised society and is a part of the legal status of citizenship. As social citizenship, political citizenship is also based on the right of individual to be treated as equals (Preuss, 1995: 115).

Citizenship is the foundation of the political community which is regulated by the constitutions. Therefore, their role in defining this political structure should be considered seriously as a basic right to enjoy their citizenship practices. Considering the citizens as legitimate claim-makers in a political structure, their roles become more meaningful in the constitution making process. As stated by Wiener and Sala (1997: 3, 4), "If the definition of the polity depends not only on what constitutes a polity but also on how this polity is constituted and reconstituted through practice, then an analysis of constitutional politics needs to take account of citizenship. To that end, we bring citizens (back) into the constitutional debate."

Discussions on democratic constitution-making methods cannot be imagined with the debates on citizenship issues. Although there is an extensive literature on the field of constitutionalism, studies on its relationship with citizenship and participation remain limited. The importance of the citizen participation in the constitution-making processes and the participatory methods will be discussed below.

Citizen Participation, Deliberation and Constitution Making

John Stuart Mill praises political participation through saying, "only government which can fully satisfy all the exigencies of the social state is one in which the whole people participate; that any participation, even in the smallest public function, is useful; that the participation should everywhere be as great as the general degree of improvement of the community will allow; and that nothing less can be ultimately desirable than the admission of all to a share in the sovereign power of the state" (Mill, 1962: 217). Considering citizenship and its relationship with participation, the field of citizenship thus becomes a space for

democratic discussion and deliberation which directly creates an automatic inclusion of the participant citizens. According to Rousseau, legitimate authority and freedom can only be existed where citizens exercise sovereignty through participating directly in making their own laws. Then, participation becomes a more powerful element of politics than "consent" for legitimising obligations and rights. Judging and deliberating over political affairs will differentiate citizens from private individual as the members of the public (Lawrence, 1975: 452).

Public contribution becomes more important in building the crucial institutions of the state. According to Rawls "In a democratic society public reason is the reason of equal citizens who, as a collective body, exercise final political and coercive power over one another in enacting laws and in amending the constitution. The first point is that the limits imposed by public reason do not apply to all political questions but only to those involving what we may call "constitutional essentials" and questions of basic justice" (Rawls, 1997: 94). Accordingly, Rawls sees open public process as crucial for the examination of justice of institutions and the legitimation of political power. Thus, the justice of institutions will be open for all citizens to scrutinize via deliberative public processes.

Liberty and political equality are attached to the essence of deliberation because deliberation process itself embodies free exchange of opinions. Therefore, deliberative process enables everyone to participate through equal opportunities to express their views in any occasion (Hansen, 2010:27). Deliberative democracy allows the citizens to discuss equally over issues regarding their lives. Although it is not possible to enable everyone to deliberate on every issue, it is important to have the opportunity to participate whenever it is necessary. The rights of political participation of citizens must be ensured. In deliberative systems, the activities of governments and public officials must be transparent and accountable to the citizens who have the capability to take action about their responsibilities and rights. According to Gutmann, "deliberation is a basic constitutional principle because democracy has no more justifiable means than to give and take of reasoned argument among citizens and public officials for provisionally justifying it controversial understandings of constitutional principles. The principle of deliberation is itself subjects to

deliberative justification. Public deliberation is the democratic means of conscious social reproduction" (Gutman, 1995: 161).

According to Wiener, citizenship is based on three historical elements: Rights, access and belonging. The notion of rights in the citizenship perception has been mostly considered with the study of Marshall who classified citizenship in three parts, civil, political and social. Political participation is a crucial element for the realisation of the citizenship. However, accession to political participation is also an important issue to examine. Various political rights such as participation may be denied to the people who are not able to enjoy their rights due the lack of education, transportation and communication. The absence of these conditions may create an inequality among the members of the society. Citizens can only enjoy a meaningful participation if only they have the equal chances with the rest of the society. In this respect, Marshall's classification is really important as he emphasised the "inequalities" on citizenship through the aspects of rights and the accession to these rights in a political community. Belonging to a community is also an important condition for the realisation of citizenship. The type of community is usually based on nationality addressing a legal tie to a sovereign i.e. the state. This tie can be defined on the basis of soil (*jus solis*) or blood (*jus sanguinis*). Then, this tie between state and the individual can be supported by the myths and symbols such as language and traditions. This form of belonging can be identified as culturally enforced and can be challenged in many ways (Wiener, 1998: 25-26). As Heinelt puts it, concept of citizenship can be framed by answering the question, "Who should participate?" in order to answer this question, citizenship should be conceived within a dynamic and historical concept instead of a static one. Therefore, new forms of citizenship beyond the civil, social and political forms can emerge depending on changing social conditions. However, "one aspect remains fundamental: citizenship is based on the design of certain status secured by the authority ultimately responsible for the political coordination of societal interaction, i.e. the state" (Heinelt, 2010: 29-30).

Citizenship as the basic structure of the political community is regulated by the constitutions. In this sense, people's impact in shaping the political institutions should be considered as an important citizenship practice. This practice also contains an inevitable interaction between the state and the citizens. In this

context, constitutions can be considered as the entities that contain a certain level of bargaining within. Its evolution throughout time had represented the ideas of both aristocratic and popular elements. It reflects a bargaining process between governments' desires to extend its political or economic realm, and citizens' demands to live secure and enjoy basic rights. This form of constitutions can be called "mixed constitution" which reflects the combination of the "top down" rule and "bottom up" consent (Ferejohn et al. 2001: 20). This order generated different models of constitution-making evolving over time.

Focusing on constitution-making models, Selassie indicates three main approaches in modern times: The Philadelphia model, the Westminster (Parliamentary) model and finally, the Constitutional Commission model which unites the first two models. The common trait among these models is the requirement of the government ratification. In other words, for all these approaches, constitutions must be ratified by an institution which based on certain sovereignty. The main difference between the first two models and the Constitutional Commission approach is the direct and active inclusion of the citizens. The US Constitution was discussed and drafted in The Philadelphia Convention of 1787 and legitimised by 13 States in the act of ratification. The parliamentary model requires a parliament committee assigned by a parliament to draft the constitution at the end to be ratified by the parliament as a constitutive entity. In the constitutional commission approach, a new entity is elected for solely to discuss and ratify the constitution. According to Selassie,

> "In analysing these various approaches and their differences, the criterion for choice is based on a democratic principle: to what extent does the method achieve the desired end, which is optimal public participation? On this view, the new approach seems to be a better method on the face of it. Its validity will depend, however, on the quality of the participation and the extent to which the constitutional commission concerned takes public opinion into account in drafting the constitution" (2002: 5).

The current constitution-making process in Turkey adopted the constitutional commission model. In this system, a parliament which is planning to make a new constitution establishes an expert commission. Therefore, it is up to the parliament to determine the members of the Commission. According to McWhinney, the affinity that originated from this relationship between the

commission and the government may influence the Commission's decisions. In this sense, he concluded, "an expert commission, therefore, tends to become politically suspect, unless its members are selected on some genuinely independent, non-partisan basis, or unless its terms of reference are so precisely and narrowly defined in advance that it will be compelled to limit itself, in its work, to purely technical, non-partisan, non-political function" (McWhinney, 1981: 28). The quality of a successful public participation depends on the constitutional commission which is selected to draft the constitution. Mainly, this commission is responsible for determining the constitutional principles. However, even if the commission consult the views of the public, legitimate political authorities may have the final decision. In this sense, the commission must assist in disseminating the public opinion. To exemplify, if a constitution indicates an official language in a multi-lingual society, it must be determined by the legitimate political leaders. The commission's duty is here to explain the demands of the public and evaluate the cultural and political outcomes of each alternative. In this context, the commission should be consisted with the members from different cultural and linguistic groups in order to provide the balance (Selassie, 2002: 10).

The constitutional commission model enabled the development of participative constitution making methods through the decline of the nation-state and the emergence of the new identities. The perceptions of sovereignty and citizenship are directly related to the concepts of the nation-state. In this sense, these concepts have been called into question when the nation state went through a crisis. This transformation has been influential at all levels of the public and political sphere as these concepts are the instruments of building political integration, stability, internal peace and ensuring the fundamental rights. Therefore, the crisis that occurred in the nation-state conception also transformed the state-centred policies and led to a sharp contradiction between sovereignty and citizenship and human rights and constitutionalism (Ferrajoli, 1996, 151). The decline and transformation of the nation-state system has affected the constitution as a foundational state institution. This transformation includes a shift of power from the state to the non-state actors which means a radical evolution in the position of the constitution compared to the foundation of constitutional nation-states in the eighteenth century (Grimm, 2005: 447). This

shift not only transformed the actors involved in the constitution making process but also changed the methods used in these processes.

The most important aim of the constitutional democracy is to guarantee the maintenance of the sphere for public discussions. Thus it will protect citizens from dangers of "self-interested representation and factional tyranny" (Sunstein, 1988: 352). This can also be applied on decisions about constitutional changes as well. The legitimacy of a constitution is based on the opinion and acceptance of the citizens. In constitutional democracies, the procedure of constitutional amendment requires the wide participation of citizens via consultation procedures. Generally, these kinds of procedures are time consuming because of the need for discussions, transmission and referendum (LeDuc, 2009: 233). As noted by Andrew Arato (2000: 250), in today's world, it is impossible to imagine a constitution-making process which excludes the public discussion sessions. Opening the process to the public discussions will enable the main actors to socialise and allow the underrepresented groups to express their views. According to Young, the aim of constitutional discussion is to reach an agreement about the design of institution rather than to agree on the principles of justice. In this sense, political discussions on decision-making processes should not be considered as in context with justice but rather a "particular judgement" of the participants on particular circumstances (Young, 2000: 29).

Making a new constitution based on consensual methods is one of the crucial features of the process. In this respect, the democratic culture of the state must facilitate this kind of environment. First of all, democracy must be constitutionalised in order to avoid a change in the democratic system with majority's attempts. It must be a guarantor of deliberation immunised against any changes. In this context, civil, political and basic rights must be protected in order to provide a democratic decision-making (Squires, 1996: 632). However, before that, to decide whether there is a need to make a new constitution in a societal consensus is crucial. If the conditions of popular approval are insufficient, the whole process might be wasted. In non-democratic state traditions, this decision might be imposed by the state elites. Otherwise, the process might be regarded as part of public relations event designed to impress transnational political organisations in order to raise the government's prestige. In these cases both the decision for a new constitution and its drafting process

will lack of public confirmation and eventually become illegitimate (McWhinney, 1981: 22). Constitution making periods can also be considered as a chance for collective public participation. Ackerman calls this occasion "constitutional moment" when people participate and deliberate collectively in order to make a contribution to the new constitution. In this sense, a high level of legitimacy was formed in these moments which provide a collective deliberation that is absent in "normal politics" (in Fishkin, 1991: 102). Indeed, a constitution making process is also important in terms of the participation of institutions and the extent of consent. These processes are not neutral because many interest groups express their demands in different levels. In addition, state may value some groups' opinion more than others. In this sense, the politics of constitution-making may vary from one platform to another (Banting and Simeon, 1985: 16). The process of constitution-making reflects the character of the constitution as well. According to Philippe Schmitter (in Elgie and Zielonka, 2001: 7), the process produces the conditions in which the constitution operates. A legitimate and consensual constitution can only be drafted through a likely constitution-making process. In the same manner, if the process operates in a chaotic and undemocratic way, the constitution itself may reflect these characters through its content.

Constitution-making procedures have evolved throughout the time. Previously, it was construed as the monarch's grace granted to its subjects. Nevertheless, since the middle of the twentieth century, democratic constitution-making procedures have become widespread with a responsibility attached to a constituent assembly or parliament (Brandt et al., 2011: 17). Direct popular participation in constitution-making procedures was introduced for the first time in the Swiss Constitution adopted in 1874. Historically, popular initiative approach was not adopted widely. In the 1919 Weimar constitution, this approach was introduced in the form of public proposals. (McWhinney, 1981: 37). The drafting process of the US Constitution was not open to the public access. Therefore, all constraint was absent in US example. However, 1791 and 1793 French Constitutions were drafted allowing the participation of open galleries, thus, all the opinions about the process could be listened. In the American model, the participation process was opened after the Convention finished their duties. Afterwards, the process was fully opened to the press,

meetings, printed media and eventually the election of assemblies for the final ratification (Arato, 1996: 225).

For a long time, public participation in the constitution-making periods was only considered limited to electing the members of the constitutional commission and voting in the constitutional referendums. However, especially in democracies in transition, new methods of public participation have been developed through the citizen initiatives in order to create an open sphere for the constitutional discussions about the content, agenda setting and ratification. Participatory processes become an essential part of the constitutional life. In this respect, all these features are critical for the legitimacy and acceptability of a new constitution. Indeed, constitution-making is no longer considered as a process carried out behind the closed doors. It is now beyond a mission belong to the political elites in the sphere of high politics. In fact, it is now considered as a more democratic, open and free process providing an interaction between the state and the civil society. A well designed public participation can only be organised through cooperation with civil society. The process must secure the freedom of speech and assembly, social inclusion and public security. Providing civic education and a good level of communication between all parts of society will establish a foundation to carry out a well-operated public consultation process (Hart, 2003:1, 5).

Comparing with traditional models, participatory constitution making methods open the process to the whole society, yet the participative methods requires more effort, time and financial resources. On the other hand, traditional models adopt parliamentary discussions or expert commission meetings behind closed doors (Moehler, 2008: 34). New constitutionalism as a new dimension for politics is focusing on deliberation more than negotiation or bargaining. This form of constitutionalism transforms the citizens from subjects or petitioner into the real participative individuals. Participative processes thus can be the tools of citizen education to enable the masses to understand how the political institutions like constitutions can be made to operate efficiently. Therefore, citizenship may be transformed into a more responsible form of membership (Soltan, 1993: 16). As also emphasised by Elkin, one of the various different meanings of the constitution is the ability to form the regime through defining the power of government and the character of the citizens. In this sense,

institutions should be educative platforms for citizens and must be designed to promote the democratic deliberation. (Elkin, 1993: 33).

Political participation of citizens can be classified depending on different basis. Verba et al. had listed the citizens activities through four modes of participation: Voting, campaign activity, communal activity and particularised contacts (Verba, N. Nie, J. Kim, 1978: 53-54). In terms of participation in constitution-making processes, *voting* can be described as the main method for the constitutional referendum. It is an individual action and requires less effort from citizens comparing to others. *Campaign activity* as the second mode of citizen participation is like voting can be reviewed in referendum periods. However, unlike voting, it requires collective action and requires more effort. *Particularised contacts* allow citizens to act individually in order to contact government on a particular problem. Such activity puts little pressure on government and requires an extensive effort to arrange the contact. *Communal activity* can be counted as the most crucial participation method for the modern democratic constitution making periods. This method requires a group or organisation interested in a particular issue. Such contacts with government usually emerge outside the election periods. It is more suitable for deliberative periods where state needs to know about the view of the citizens about a social issue. On the other hand, Lawrence classifies political participation in two concepts. The first concept is identified as the set of activities of citizens carried by public communication towards a public decision. Thus, this concept of participation encourages cooperation among citizens sharing justice for a common good. It also has educative functions because it helps to increase political knowledge and behaviours such as sense of solidarity. The second concept of political participation based on power and influence rather than the sense of community and cooperation. Indeed it is related to preserving and increasing one's rights and interests, hence to influence the distribution of political power. It aims to ensure citizens that their interests are protected from elites. In this sense, political participation turns into a struggle on the sources of political power and as a result becomes an instrument of this system. Consequently, Lawrence summarized these two concepts as "participation as interaction" and "participation as instrumental action." (Lawrence, 1975: 455).

A well-functioning constitutional democracy offers many forms of participation to its citizens. These forms of participation can be varied as referenda, consultative meetings, local and global initiatives, political parties, elections, interest groups, protests, public discussions organised by TV, print media and internet (Tully, 2000: 216). These forms serve in constitutional democracies for citizens to be influential and make public actions responsive to their desires. In this sense, it is useful to keep open channels for communication, so that the citizens' voice can be heard or consulted when the state is making important policy decisions such as preparing a new constitution. Citizens' right to make their voice heard is guaranteed by the constitutional provisions for freedom of press, speech, assembly and petition. Also society enables masses to be active in social institutions such as the interest groups and mass media. These institutions will keep the citizens updated of the political processes and decision-makers informed about the citizens' opinions. Thus, a proper political system requires an open communication and interaction network. The communication system should be open but moreover, it should contain a certain level of political content which enables actors to find out what is happening in government actions and politics. If the level of communication is inadequate, political elites can abuse the democracy through acting without the consent of citizens (Milbrath and Goel, 1977: 146, 154).

The participants of the public discussions must be protected against the possible unexpected consequences. According to Sunstein, this is the most significant part of the constitutional design in context with the system of checks and balances (Sunstein, 2003: 93). Participants' interests about the process are also an important issue. Adam Przeworski adopts the famous "veil of ignorance" metaphor of Rawls in order to explain this situation. This means, related groups may act in a way without the proper idea about the relationship between design and interest. He used the term "veil of ignorance" in order to refer the actors who are not aware of the balance of forces in their society. These forces might belong to the minority or majority communities and could be weak or strong in political contestation. In this kind of order, actors will prefer a platform with institutional arrangements with a strong checks and balances allowing the protection of the minorities. These arrangements will also provide a chance to deal with internal conflicts, thus the political order will be much more stable.

There are other problems that could be encountered in organising consensual constitution-making procedures in context with public participation. As Hannah Arendt stated, drafters in a mobilised society may find it difficult to integrate the minority views into a consensus which also involves the opinions of non-mobilised minorities of the society. In this sense, if the process is kept open to the society, there can be difficulties encountered in respecting the principle of coherence which constitutes the basis of modern constitutions (in Arato, 1996: 228, 231).

In legitimate constitution-making processes, features such as public participation and the facilities granted by the state for quality participation determine the standard of communication between the public and the drafters. Jurgen Habermas emphasises the importance of communication in such crucial occasions. In his formulation, civil society consisted of the opinions of the public which was formed by individuals in order to reach a common sense about collective goals and seek control over the state. Therefore, the scope of the communication should allow "a deliberative exchange of reasoned arguments, not assertion of the inherited ideas or identities, nor assertion of selfish interests" (in Elliot 2003: 7). Deliberation, equality or being heard by the policy-makers are the crucial features of a genuine democracy.

Participation in the constitutional processes can vary according to the country's political culture. In the Belgian example, the general public participated in the constitutional revision periods via the political parties which they are related to. Various groups interacted with the government and deliver their proposals. The citizens also cooperated with the political parties which they support to express their opinions over the new constitution (Covell, 1985: 76). In the last constitutional process of Turkey, most of the participant groups contributed to the process without any link to a particular political party. There have been proposals from various units of political parties across the country yet the majority of proposals came from social, ethnic, religious, business, labour and gender based groups.

In terms of "participation as interaction", public consultation periods should be designed as a "constitution-making conversations" which allows parts to discuss the problems, demands, interests and conflicts. In this way, participants can

propose the remedies for their demands. Such an interactive environment will also enable them to present their proposals and justifications to persuade other parties (Banks, 2008: 22). Therefore, the dialogue between the participants will help to raise awareness about the problems and limitations of both parts, thus they will learn to show empathy towards each other. However, public communication would still be useless unless the certain conditions were met. An inclusive public sphere can only be organised in a strong egalitarian culture. Therefore, deliberations organised by the decision making bodies should be kept open for different values, contributions and various issues from different parts of society. As Habermas puts it, the citizenship can be described as an "intersubjectively shared praxis" established on deliberative processes. This perspective emphasises citizenship as a political entity. In this sense, participation became an important condition to realise citizenship properly (Habermas, 1996: 26). He concludes, "Only if such an interplay between institutionalised processes of opinion and will formation and those informal networks of public communication occurs can citizenship today mean anything more than an aggregation of pre-political individual interests and the passive enjoyment of rights bestowed upon the individual by the paternalistic authority of the state" (Habermas, 1994: 32).

Channels of Participation in the Constitution Making Processes

Many people construe that the constitution-making task only belongs to the lawyers and constitutive assemblies. It is the constituent power which calls the lawyers to accomplish this task. In addition to lawyers and legislative bodies, political actors and civil society institutions also contributed to the drafting process. (Arato, 2000: 229). The process also contains a serious level of deal-making and political bargaining between the politicians and civil society organisations. It is a political act that reflects the basics of political life such as legitimacy, representation and equality. In this sense, constitution-making process can be substantially seen as the hour of the politicians (Elgie and Zielonka, 2001: 2).

A proper constitution-making process includes various actors from both state and civil society such as legislative bodies, expert commissions, elite meetings,

national conferences, the judiciary, elected constituent assemblies, transitional legislatures, foreign advisors, academics, professional unions, nongovernmental organisations, interest groups and regular citizens. Although many past constitutions were drafted by the hands of the elites, public involvement has been a recent trend in constitution-making procedures and discussed widely by scholars, international organisations and governments (Blount, Elkins, Ginsburg, 2012: 35). According to Robert Putnam, associations in civil society could serve as proper channels to help individuals in expressing their views about a particular policy, insisting on fair procedures, monitoring government actions and promoting democratic institutions. Civil society associations can also make people's voice heard in the public sphere through providing deliberation platforms where individuals interact with each others. Deliberative platforms help to raise the awareness of the citizens and make their opinions became visible for the government's notice (in Elliot, 2003: 12). In the case of Turkey, although the process was open to the individual citizens, the proposals of the civil society associations were taken more seriously by the Constitutional Reconciliation Commission through the hearing sessions.

Participation in constitution-making process has recently become an issue for the international institutions as well. Due to the rise in new democracies and recent constitutional changes, institutions, such as The Commonwealth, the Interpeace and the US Institute of Peace have started to prepare handbooks about the steps and details of the constitution-making processes. These initiatives considered the participatory processes as a key element in terminating the violence and conflicts engendered by the ethnic or religious tensions (Widner, 2005: 1). In the guidelines, they focus on democratic constitution-making procedures such as the role of a constitution, key components and issues of the constitution-making process, public participation, debating and deciding over the issues, adopting and implementing the constitution, and the role of the civil society and the media. As is seen, there is a significant emphasis on the importance of the deliberative methods in constitution-making processes. Booklets prepared by the prominent theorists for these institutions also filled the gap in literature of public consultation mechanisms adopted for constitution-making processes.

Public Consultation Processes for the Constitution-making Periods

Today, researchers and policy makers focus on the process of constitution making rather than the actual content because the quality of constitution-making period is the indicator of the political culture of the country as well as the content of the final product (Moehler, 2008: 28). Constitution-making periods can give a basic idea about the extent of the democracy in a particular country. Public consultation procedures became to be used in various extents around the world. In order to reach useful outcomes, several elements must be examined carefully in consultation processes. Most importantly, constitution-makers must be able to listen, analyse and consider the opinions of citizens very seriously. According to Brandt et al., before starting the public consultation process, various questions must be considered as follows:

- What will be the goals and objectives of the public consultation?
- Which body will conduct the public consultation?
- What should be consulted about, at what stage and why?
- What are the potential risks and benefits?
- Who should be consulted?
- What kind of information is needed or desired?
- Which methods will be used to get the information needed?
- What are the guiding principles of the process?
- How will the views will be analysed and used?
- How will the feedback be provided to the consulted citizens? (Brandt et al., 2011: 108-109).

Conducting the public consultation process under the light of these questions will help constitution-makers to prepare a more structured route. It will also make the analysis much easier. If the constitution-makers do not consider the views of the citizens seriously, all efforts made to draft a new constitution would be wasted.

Fishkin offers eight forms of public consultation methods and asks two basic questions about the process: what and who? Here "what" means the form of public opinion and the "who" is the people whose opinion is being consulted. Those people can be random or self-selected, they can be selected through an election or they can constitute a group. All these options create eight possibilities of public consultation. Briefly, the first category is consisted by

SLOP (Self-selected listener opinion poll). This method is used for open meetings, radio calls and internet sites created for the process. The participants selected, motivated and organised themselves. Dangers of SLOPs may come with over-motivated groups which particularly gathered to influence a policy. This action may result in misleading outcomes. This method was used in the new constitutional process in Turkey. 66,015 individuals expressed their opinion via the internet site provided by the Turkish Grand National Assembly. On the issue of "over-motivation", one of the significant complaints that I derived from the MPs that I interviewed was about a particular group which sent their opinions supporting the presidential system in the new constitution.[3] The second category employs the method of discussion groups. In this method, participants usually meet in public places such as churches, neighbourhood venues and schools to discuss over the consulted issue. Here, the diversity of the participants is extremely important in order to reach a proper discussion environment. In this respect, they should not be homogenous in education, class and ideological contexts. The discussion group method was also used in Turkey's new constitutional process as well. This process was mainly conducted by an institution called TEPAV (Economic Policy Research Foundation of Turkey) with the coordination of The Constitutional Reconciliation Commission. In order to reach a significant number of participants, TEPAV sent mails to thousands of people and arranged the meetings with the ones who responded to their mails. The participants were mostly from different social classes, educational backgrounds, genders and ideologies. TEPAV managed to arrange twelve meetings in different cities of Turkey and reached approximately 5,500 people in total.[4] The third category integrates raw public opinion with selection methods focusing on to get a certain extent of representativeness. Category four, involves non-random methods to select the participants in order to achieve more deliberate public consultation. It begins with the self-selection of the participants followed by a public announce. Here, particular quotas are employed in order to provide equality and approximate representativeness. The fifth category integrates raw public opinion with probability samples affirmed by the public opinion poll. This method minimises the lack of representativeness of self-selection and non-random sampling. Category six is called as Deliberative

---

[3] This issue will be referred in detail in Chapter 3
[4] http://www.tepav.org.tr/tr/calismalarimiz/s/360

Polling. It integrates random selection with deliberation. If focuses on finding the faults of ordinary public opinion such as rational ignorance applying to the mass public. Then, these opinions are processed by the deliberation filter. The participants are selected through random methods as a prospective mirror of the society and then they are eliminated after becoming the subjects of a deliberative experience such as face to face conversations and small group discussions. Categories 7 and 8 are similar to the previous two except they offer more accurate results emerged from the scientific selection in 5th and 6th categories. Category 7 would offer the outcomes similar to the public opinions represented in category 5. One problem encountered in such mass public consultations is the rate of the participation. Sometimes the participation in mass consultations such as referenda and elections is so low that the differences between these methods become very unclear. The last category developed by James Fishkin and Bruce Ackerman "in order to start a dialogue about how to bring deliberative public opinion to the mass scale. How to make the deliberative public opinion we see in the Deliberative Poll an actual reality rather than a representations of the more informed and engaged public that we do not now have". In this method they use the conventional polling (category 5) and deliberative polling (category 6) to show what non-deliberative and more deliberative would be like for the whole society. They propose the "Deliberation Day" in order to achieve this ideal. This day is designed as "a national holiday in which all voters would be invited and incentivized to participate in local, randomly assigned discussion groups as a preparation to the voting process a week later". They offer small group discussion and national media in order to identify the key questions for the local party representatives. Therefore, the public will be more informed and the process will be much more meaningful in context with the spirit of democracy. This method can also be used for the public consultations in "constitutional moments" as argued by Bruce Ackerman himself (Fishkin, 2009: 21-30).

Risks of Participatory Constitution-making Models

Constitution-making processes are always embedded in the political environment of the country. Constitutions determine the elements of politics and politics determine the characteristics of the constitutions. It is expectable

that political leaders act on the behalf of their political institutions because the constitution-making is highly political act. In this respect, any constitution making process, whether traditional or participatory should not be considered apart from the political differences or societal cleavages (Moehler , 2008: 199). As this study deals with the participatory constitution making process, the problems encountered with the citizen involvement during the constitution making periods will be discussed next.

Public participation in the policy-making processes, which will eventually affect the citizens' life, is crucial for democratic systems. In this sense, the people who have to live with these policies should have an impact on decision-making procedures as well. However, besides the certain good sides of the mass public participation, some theorists emphasise the negativities of mass public consultations. Therefore, public participation is regarded as a threat which would lead to a "mob-like" movement to violate the rights of other groups. For instance, the drafting process of the US Constitution was designed through filtering the public opinion in an indirect way to avoid any direct influence on the process (Fishkin, 2009: 46).

Participatory constitution-making models may also have an influence on the coherence of the constitutions. According to Elster, as more actors participate in the process, deliberation and bargaining become more extensive and intensive. If the process cannot be managed well by the responsible bodies, then the product might be temporal and full of institutional paradoxes. No matter how the drafters try to provide a certain degree of legitimacy, the final product would be useless. Moreover, the inclusion of more actors in the constitution-making processes does not ensure an egalitarian result. Moreover, extreme outcomes can also spring from collective decision making processes. In this sense, the management and establishment of deliberative bodies are as important as the process itself. Adopting participatory methods in constitution-making periods, may also lead to more detailed constitutional documents. As more diverse groups participate in the deliberation, the issues covered within the scope of the whole process will increase. All the parties from civil society will seek to constitutionalise their expectations from the new constitution. In this respect, this tendency may result in a more detailed and specific constitutions. Participatory processes may also obstruct reaching a consensus among the

parts of the public discussion. An open process may become especially an obstacle for proper bargaining and make the granting of concessions very hard among the drafters from opposite parties. Thus, participatory methods may undermine the production of the constitution although it is born in a more legitimate sphere (Blount, Elkins, Ginsburg, 2012: 50, 51).

According to Moehler, citizen involvement in the constitution-making process may cause a polarisation in the society over the content of the constitution. Political disputes and conflicts may undermine the constitution-making process as well. However, the polarisation of citizens is also a high risk in participatory constitution-making procedures. In this case, politicians should bear this risk in their minds and take necessary actions to prevent such incidents. Leaders also have a great power in mobilising citizens to support the provisions which they are interested in. However, these kinds of political conflicts may remain limited in the politicians' sphere and may not influence the citizens. If whole drafting and consulting process is kept transparent to the public, then it will be hard for the politicians to make concessions and reach a consensus. Eventually, keeping the whole process open to the public has its own potential risks in terms of causing a polarised society and the clash of interests (Moehler , 2008: 198, 199).

Participatory constitution making models can cause delays in completion of the drafting process because organising educative programs, advertising and holding meetings in different places takes a lot of time. This model is also expensive because it requires extensive financial resources to organise all the necessary facilities to carry out a proper public participation process. Participation can provide public acceptance only if political opposition feel included in process as well. Otherwise the result of the participation process would be inconsistent with the output. The drafting phase can also be painful and exacerbate the political cleavages between majority and the opposition in the parliament. In this respect, drafting process should ground itself on the inputs obtained from the democratically conducted participation process. (Moehler, 2008: 203).

The length of process may also produce some kind of pressure on the drafters. As it existed in the new constitution-making process in Turkey, the expected

timing of the process does not always match with the drafters 'estimations. This inconsistency may lead the whole process into a drawn-out constitutional bargaining game (Elgie and Zielonka, 2001: 8). In Turkey, the Constitutional Commission planned the process to be terminated at the end of 2012, totally in a year. However, the Commission continued to work on the drafting process and finally dissolved in December 2013. The timing issue was considered as a significant problem by the members of the Commission. During the unfinished drafting process, despite the complaints of the opposition members Commission over the time pressure, the ruling party members insisted on terminating the process as soon as possible.

Considering all the arguments listed above, it is obvious that the quality and the effectiveness of a public consultation process depend on various determinants. Potential dangers of the participatory constitution making models should be examined carefully by the policymakers. They should balance traditional and participatory methods carefully. Moehler warns policymakers against quitting the traditional model completely: "Mass citizen participation during the constitution-writing process cannot substitute for agreement among leaders about the institutional outcomes. It is not possible to bypass opposing elites and build constitutional support from the ground up, as some might hope." (Moehler, 2008: 204). In this respect, the process should be managed well and the outcomes should be analysed carefully in order to avoid wasting the whole process and turning it to a mediocre "public relations" activity.

As Almond and Verba claimed in their "Civic Culture" that liberal democracy depend for its existence on an elite's false belief that voters can discipline leaders and the voters' false belief that the elites can be checked by the public. Political leaders "must believe in the democratic myth that ordinary citizens ought to participate in politics and they are in fact influential; a view that at best has only some truth to it. Fortunately, whether true or not, the myth is believed" (in Ceaser, 1993: 47). Nevertheless, constitutions which are drafted through the deliberative methods may not have to be the right ones because no political system can ensure this result for a state institution. However, deliberation will provide a mutual enlightenment for citizens and state in order to understand each other. In this respect, the results of the deliberative processes will surely

be more effective than the non-democratic decision-making procedures carried out behind closed doors (Gutmann, 1995: 160).

Minority Participation in Decision-making Process

In multi ethnic and religious societies, citizens from the different ethnic and religious backgrounds may face particular constraints which restrict their citizenship rights and their free participation in society. These constraints originate from the state's perception that regards those citizens as the subject of the state instead of equal citizens. Therefore, several states preferred to impose the identity of the dominant community on these citizens in order to realise the assimilation process (Tully, 2000: 216). A well-functioning public consultation process should involve the basic elements such as inclusion and thoughtfulness. The selection of the participants might be difficult in ethnically or religiously diverse societies. If these basics cannot be provided in a public consultation process, some citizens might feel that they are excluded from the process. Therefore, the quality of the process will be affected adversely (Fishkin, 2009: 160). Especially, in multi-cultural societies, the constitution-making periods become a unique moment in a country's history as an opportunity to reach a consensus, and solve the significant problems. In order to accomplish these ideals, constitution-makers must open up the whole process and consider the citizens' views as a serious reference point in making the decisions. In this sense, citizens from different ethnic and religious communities must be involved with a sense of responsibility for the new constitution-making process. Many experiences have indicated that when the particular actors are excluded from the decision-making processes, the political stability become more likely to collapse. Thus, the exclusion of key actors can undermine such a crucial moment (Brandt et al., 2011: 4, 108). For instance, in Turkey, several political actors including the ruling Democrat Party were excluded from the drafting process of coup d'état Constitution of 1961. Consequently, the state and society faced a chaotic social and political climate which resulted by another coup d'état in 1980. In order to avoid this kind of situation, subjects regarding the content of the new constitution must be discussed by citizens through the inclusion of the civil society. To that end, a platform for constitutional discussions should be founded which gives citizens a chance to express their opinions over the

process. According to Tully, "if the cultural ways of the citizens were recognised and taken into account in reaching an agreement on a form of constitutional association, the constitutional order, and the world of everyday politics it constitutes, would be just, with respect to this dimension of politics. Since the diverse cultural ways of citizens are excluded or assimilated, it is, to that extent, unjust" (Tully, 1995: 6). However, ethnically or religiously diverse societies may encounter some problems in reaching the mutual respect between the opposite groups during the process. In this sense, the honesty of participants from different ethnic and religious backgrounds has a great importance in public discussions. All the participants should weigh their words in order to avoid a serious dispute which might undermine the whole process. Indeed, ethnic or religious divisions may influence the participants and blind them in creating their proposals. In this case, they would only care about their community's interests and forget about the real purposes of the public consultation process. Hence, they should be willing to evaluate the opinions which are expressed by the other groups in a mutual respect for the continuity of the process. The case of Australia can be a good example to show the importance of dialogue and deliberation between different ethnic and religious communities: Following the 1991 Referendum of Australia, the expression in the preamble of the Constitution which refers to the role of Aboriginals in Australian history was rejected. In addition, there was a general debate over the state policies which affected the lives of aboriginals traumatically. Related to these debates, Courts had denied compensating the Aboriginal citizens who suffered from the actions of state. Afterwards, an advisory board was established in order to conduct a Deliberative Poll providing the related historical documents for this problem. A group of Australian citizens gathered in order to discuss the incidents in Parliament House. Eventually, following successful deliberation process which was carried out in a mutual respect, the awareness of the participants about the problems of indigenous citizens has increased significantly (Fishkin, 2009: 161, 162).

In a political platform which is dominated by a particular group, it is likely that the decision-making process will reflect the perspectives and priorities of this group. On the other hand, inclusion of different groups can contribute significantly to the nature of the political decision-making process. Especially, if

minorities will be affected by the result of a particular policy, the contribution of the minorities to the decision-making process become crucial for the sake of a democratic society. It is the minorities who can address their problems and propose the possible solutions best. In this sense, minorities should participate effectively and be represented in decision-making periods which will affect their status, such as drafting minority rights provisions or making a new constitution (Verstichel, 2009: 60, 66).

Political participation of minorities is a crucial element for the prevention of discrimination based on religion, race, language and ethnicity. In this sense, the right to political participation was considered embedded in the minority rights provisions.[5] Minority participation based on the equality principle, thus, helps to improve the mechanisms against assimilation and creates the opportunity to protect their identities. In this sense, basic electoral representation may remain inadequate in order to include minority groups in decision making processes. Guaranteeing the minority voice in public affairs and protecting their rights can only be realised through developing special legal, political and institutional mechanisms (Machnyikova and Hollo, 2010: 97). Mechanisms for the prevention of discrimination, such as including minority individuals in the parliament or administrative levels, may be a temporary solution. In this context, Verstichel makes a differentiation between participation and representation. Accordingly:

> "*Participation* involves minority persons actually sitting in parliament, taking up positions as civil servants or working for the police service, in order to contribute to the aim of combating underrepresentation and discrimination. On the other hand, mechanisms intended to further the participation and representation in decision-making processes affecting minorities, in order to protect and promote minority identity, constitute minority *representation*" (Verstichel, 2010: 79).

Although these terms can be used interchangeably in this thesis, it is necessary to say that, both participation and representation are crucial for the existence of persons belonging to the minority groups in political, social and economic spheres. However, the main focus will be on participation in decision-making

---

[5] International legal arrangements considering the participation of minorities will be explained under a separate heading.

processes and consultative mechanisms rather than the existence of minority individuals in parliament or administrative levels as mentioned above

During the decision-making procedures, various consultative methods are adopted in order to enhance the minority participation in the decision-making processes which will affect them. Weller (2010: 483- 486), classified four categories of minority consultative mechanisms: 1) co-decision mechanisms, 2) consultation mechanisms, 3) coordination mechanisms, 4) minority self-governance mechanisms. *Co-decision mechanisms* function where a minority council is attached to the government. This council officially has the right to review the draft legislation before any decision is made by the parliament. Therefore, the final decision cannot be made without the minority council's review. *Consultation mechanisms* can occur in three different forms. The first form, minority consultative councils, which composed of different minority NGOs, can organise such consultation mechanisms. These organisations provide assistance as an umbrella institution and represent the demands and expectations from different levels of their communities. They also mobilise their communities and act as a discussion platform for the articulation of their interests. Second form of consultation mechanism can function in coordination with a high-ranking governmental official. In this way, a minority representative can associate with the state president and therefore, have a direct access to state in case of any necessary situation. The third form of consultation mechanism operates through the governmental representatives. This form can lead to a dominance of majority when selecting the members of the council. In this sense, the quality of representation could be suspicious in terms of the minority interests. Although they cannot be counted as the genuine minority consultative bodies, the third category, *coordination mechanisms,* function as inter-ministerial parties responsible for the minority policies for each unit of the government. They can also invite experts and minority representatives to give briefings and presentations about a specific subject. The last category, *minority self-governance mechanisms* operates through minority councils as an external representative responsible for the mobilisation and organisation of minority communities. These councils also have decision-making powers in cases of functional or cultural autonomy for minorities at local, regional or national levels.

The public consultation period for the last constitution-making attempt in Turkey, used the particular mechanisms mentioned above in terms of minority representation. During the public consultation period, almost all ethnic and religious based minority NGOs were organised through the discussion forums, meetings and panels to express their demands and expectations from the new constitution. While some NGOs applied individually to present their interests for the Constitutional Commission, other NGOs preferred to constitute an umbrella organisation to articulate their views as in the second category. Also, as in the third category an institution called Prime Ministry Directorate General of Foundations could have worked as an informative body for government about the problems related to the administration of minority estates which constitute a major problem of non-Muslim minorities. However, we cannot name this institution as responsible for minority affairs because it rather functions to provide control over the estates of the minority foundations. The organisation of minority NGOs and their contribution to the process will be analysed in depth later in third chapter.

Although it depends on the country's political culture, minority consultation and participation processes should be designed to be as pluralist as possible allowing the maximum number of persons from minority groups. The process should also include minority persons representing different views and interests in order to provide effectiveness. Therefore, pluralist procedures can lead to a more effective participation in a minority public consultation process (Palermo, 2010: 436).

Minority organisations operate in various forms with different aims, ultimately to represent a particular minority community. Weller sorted the functions of minority associations as follows:

- Assisting in organising and mobilising individual minority communities

- Enhancing capacity-building among minority representative groups

- Ensuring coordination on interests among different minority groups and minority representative organisations

- Contributing to the standards of democratic and transparent governance of minority representative organisations in seeking representation in consultative bodies

- Requesting and receiving information and date from public authorities

- Assisting in maintaining contacts between minorities and other populations across borders (2010: 490).

Minority NGOs could serve in the consultative bodies along with independent experts, minority MPs, churches, academics, political parties and even government. This composition can differ from one country to another yet the important point is to realise the effective representation of the minority. This depends on the proportion of the minority representatives and whether these representatives are elected by their own community or selected by the government (Verstichel, 2009: 453).

Minority participation is generally considered as a communal action rather than an individual involvement. In this sense, minority organisations and associations stand as the crucial bodies in the public consultation processes. Accordingly, international norms also accept minority NGOs as the subjects of minority participation. The 1990 Document of the Copenhagen Meeting on the Human Dimension, organised by the OSCE, indicates the protection of cultural, ethnic and religious identities of minorities "after due consultations, including contacts with organisations or associations of such minorities." The significance of minority organisations in political participation can be explained with conceptual reasons. Minority organisations are actors because they are organised for specified aims, have membership criteria, leaders and organisation structure. While it is not likely to have contact with the whole minority community for a meaningful discussion, it is more practical and easier to deal with an association representing a minority. The importance of the minority organisations in the operation of minority protection mechanisms is also related to developing debates on deliberative democracy. Considering the role of civil society in realising deliberative democracy, minority organisations become sine qua non in political participation and representation of persons belonging to an ethnic, religious or cultural group (Vermeersch, 2010: 683- 685).

Minority representation and participation play a vital role in terminating the inequality. This includes defeating social and structural inequality and systemic discrimination. In this sense, inclusion minority groups in decision-making processes may help to deal with socio-economic inequality and provide societal peace and stability. According to Williams, structural inequality is about social injustice. In this sense, presence of marginalised groups in legislative mechanisms is substantial to overcome structural inequality. As she stated,

> "Legislative presence of historically marginalised groups will help significantly in ameliorating structural injustice, not that it will complete the job. The sources of marginalisation are manifold, and dynamics of intergroup relations in civil society are undoubtedly more important in determining the shape of social hierarchy. If a substantial proportion of organisations in civil society incorporated principles of marginalised group representation into their decision-making processes, this might do far more to ameliorate structural injustice than changes in the system of political representation. But legislative institutions are, and for the foreseeable future will remain, immensely important in shaping our individual and collective lives. So long as they remain so, the legislative presence of marginalised groups promises an important source of social change and of increased political legitimacy" (1998: 19).

Minorities should participate in social, economic and political life equally as the rest of the citizens. Past unfair policies and underrepresentation of minority citizens should be compensated by special policies such as quotas or affirmative action. This form of inclusion should be applied on every kind of "other" such as the women, LGBTI individuals or the environmentalist along with the ethnic, religious or cultural communities. Providing equality will also allow minority citizens to preserve and maintain their culture, language and religion as the basics of their identity. Thus, when the minorities are involved in decision-making process, they will have the chance to decide on the fate of their own identity. In this sense, their inclusion is substantial in drafting, ratifying and implementation of policy or law making affecting their circumstance (Verstichel, 2010: 78).

Finally, minority organisations play crucial role in the existence and the continuity of the minority community as well. In this sense, if the small minorities

can organise well and cooperate with other minorities, they can make their voice heard by the political authority (Verstichel, 2009: 459). Although each minority association can participate separately, they can also join their force to strengthen their effect as it happened it last constitution-making attempt in Turkey. The official minorities of Turkey prepared a joint report to express their views and expectations about the new constitution of Turkey.

Minority policies cannot be designed or implemented in a top down way without the monitoring and the consent of subjected citizens. However, inclusion of particular minorities may be risky in terms of dealing only with the interests, views and representatives of that minority community and neglecting the other social determinants of minority representation. In fact, this dilemma generates from the core of democracy which has its own challenges over the issue of representation. In this context, certain questions must be asked in order to avoid facing any ineffectiveness in minority representation or participation during a policy-making process (Palermo, 2010: 436). The quality of representation of a particular minority organisation is one of the problems. To what extent governments can acknowledge whether a minority organisation is the representative of the subjected minority? Moreover, after the organisations are selected to cooperate, is it possible to ensure the legitimacy of the organisation. Also, it is important to know the internal democracy of the minority associations. In this context, transparency, legitimacy and the way they choose their spokes persons or representatives are the issues to be considered carefully in order to reach a full and effective participation. Especially in times of consultation, there might be a conflict between the interests of each minority association representing the same minority group. In this case, considering only one representative per minority group may cause injustice and distrust among the participant communities (Vermeersch, 2010: 683, 689). In the last constitution-making attempt of Turkey, different associations representing a minority community preferred to participate independently and Constitutional Commission tried to meet each of these organisations in order to understand different concerns of each NGO belonging to the same minority.

Legal Framework for the Effective Participation of Ethnic and Religious Communities

Participation of ethnic religious groups generally is associated with the area of "public affairs" and with the adjective of "effective" in international legal documents. "Effective participation in public affairs" may embody various ways of participation in the political sphere. This may occur as a representative position in elected bodies such as parliament or local administrations in a narrow sense. "Public affairs" also refers to the participation in executive state institutions, public councils, advisory bodies as well as trade and labour unions and public broadcasting agencies (Verstichel, 2010: 75). If the participation of ethnic and religious groups in the mentioned platforms is limited to the "presence" of these groups, then the "effectiveness" may raise as an important issue to consider. As Verstichel puts it, "The qualifier 'effective' refers to the fact that the 'presence' of the minority representatives in decision-making process should be translated into 'influence' on the outcome of the decision-making. It is not enough that minorities have one or more reserved seats in Parliament. They can still be outvoted" (Verstichel, 2009: 33). In this sense, "effectiveness" becomes a crucial condition in order to realise minority rights in political sphere. The existence of such emphasis on effectiveness shows the lack of effectiveness of participation in existing political structures. Therefore, it is also crucial to monitor the present implementations through various international legal arrangements.

The history of the international legal arrangements for the protection of minority participation through human rights instruments dates back to the 1990s. However, one exception is the Treaty of Sèvres signed after the First World War with Turkey, Armenia and Greece. The Treaty recognised the right of ethnic and religious communities to be represented in elected bodies. It also proposed an election system considering the rights of the minorities. However, the Treaty of Sèvres was never signed and implemented. After the Turkey's victory of War of Independence, the Treaty of Lausanne, which did not propose such representation right for minorities was ratified an replaced the Treaty of Sèvres (Rohmer and Hardeman, 1994: 94).

A fundamental document referring to the participation of minorities was produced following the Second World War: Universal Declaration of Human

Rights. Although, it sets out a general principle considering the participation, as minorities are assumed to be citizens, Article 21 can be considered as related to the participation of minorities.

> (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

> (2) Everyone has the right of equal access to public service in his country.

> (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

This perception was elaborated in later treaties, yet still without a special reference to minority participation (Machnyikova and Hollo, 2010: 103). Most significantly the Article 25 of the International Covenant on Civil and Political Rights. In fact, political participation was considered here in general terms but in a more specific meaning: Every citizen shall have the right,

> (a) To take part in the conduct of public affairs, directly or through freely chosen   representatives;

> (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

> (c) To have access, on general terms of equality, to public service in his country.

Along with ICCPR, ECHR guaranteed political participation and other related freedoms such as freedom of association and assembly (ICCPR Art. 21 and 22 and ECHR Art. 10), freedom of expression (ICCPR Art. 19 and ECHR Art. 10) and the right to vote and to stand for election (ICCPR Art. 25 and EHCR Art. 3 Protocol No. 1) (Verstichel, 2009: 96). Finally, although Article 27 of ICCPR refers to the cultural rights of minorities, it does not mention any provision about the political participation. However, along with the minority rights instruments such as United Nations Declaration on the Rights of Persons Belonging to

National or Ethnic, Religious and Linguistic Minorities[6] and Framework Convention for the Protection of National Minorities[7], the participation of minority groups in public affairs has become a matter of international legal agenda. UN Declaration of Minority rights, issued in 1992, mentions minority participation in public affairs through articles 2 and 4:

> 2(2). Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.
>
> 2(3). Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.
>
> 4(5). States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

FCNM came into force in 1998 as the first legally binding international minority protection instrument. Articles 15 and 17 guarantee the participation of minorities in every course of life including economic, social, and cultural through governmental and non-governmental organisations in both national and international level.

> 15.The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.
>
> 17(2). The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

FCNM has been signed and ratified by 39 countries and signed, yet waiting to be ratified by 4 countries. Currently, four countries including Turkey have neither signed nor ratified the Convention. In addition to the FCNM and UN declaration on Minority rights, the right to participation is specified and elaborated in international minority rights catalogues such as Council of Europe (CoE), United Nations (UN) and Organisation for Security and Cooperation in Europe (OSCE).

---

[6] Hereinafter "UN Declaration on Minorities", A/RES/47/135, 92nd Plenary Meeting,18 December 1992
[7] Hereinafter "FCNM", H (95) 10, February 1995.

Among all these instruments listed above, Lund Recommendations, issued by the OSCE High Commissioner on Minorities (HCNM), cover "general principles; participation in decision-making, including arrangements at the central, regional and local levels, elections, and advisory and consultative bodies; self-governance, covering territorial and non-territorial arrangements; and guarantees, including constitutional and legal safeguards, and remedies" (OSCE, 1999).

Lund Recommendations are set under the four subheadings as, General Principles, Participation in Decision-Making, Self-Governance and Guarantees. Additionally, the explanatory note to each recommendation was provided at the end of the text. Although the Recommendations cover the participation in cultural life with the medium of cultural autonomy and local governance, they deal less with the participation of minority persons in social and economic life. This limited approach should be considered with the other recommendations issued by the OSCE, HCNM dealing with issues such as education, linguistic rights, and access to media through the 1998 Oslo Recommendations and the 1996 Hague Recommendations (Machnyikova and Hollo, 2010: 107). As it is seen while The Hague and Oslo Recommendations deal with object-oriented solutions like language and education rights, The Lund Recommendations covers process-oriented solutions such as participation in decision-making procedures and consultative mechanisms (Packer, 2000: 30-31).

General Principles of the Lund Recommendations specify the necessity for the inclusion of minorities in decision-making process at all levels. In context with public consultation periods and participation of minorities, Article 5 emphasises the importance of the "making period" as well its content:

> When creating institutions and procedures in accordance with these Recommendations, both substance and process are important. Governmental authorities and minorities should pursue an inclusive, transparent, and accountable process of consultation in order to maintain a climate of confidence. The State should encourage the public media to foster intercultural understanding and address the concerns of minorities.

Part 2 and 3 of the Recommendations outline the related procedures and institutions to promote the effective participation of minorities in public life. While

Part 2 deals with the presentation of minorities in local and central governments, it makes a special emphasis on "Advisory and Consultative Bodies" through Articles 12 and 13. Accordingly, these articles recommend the establishment of suitable institutions to work for the mutual dialogue between the state and the minority groups on the issues which affect them such as land, housing, education, culture and language. These institutions should also be able to produce proposals for legislative processes i.e. constitution-making and monitor these processes until the final product is made. Therefore, the confidence between state and minority groups will be enhanced through these interactions. Part 2 also describes the type of electoral system that can facilitate a proper minority representation at local and central level. Article 9 especially emphasises the necessity of lower numerical threshold in order to enhance higher levels of minority representation in the parliament. In this context, Turkey represents a significant example with an electoral threshold as high as 10%. This rate especially prevents the representation of Kurdish parties in the Parliament and has been a crucial problem in political agenda. The Kurdish politicians find the solution to beat the higher threshold through running as independent candidates in the elections.

Part 3 outlines the non-territorial and territorial arrangements under the subtitle of "Self-Governance". It describes non-territorial arrangements suitable for the continuity of the minority culture and identity, such as choosing names in minority language, setting educational curricula and enjoying cultural symbols. On the other hand, territorial forms are specified in the framework of the principle of subsidiarity, the decentralisation of central administration from capital to regional centres. Thus, minorities will have the opportunity to realise their will over the issues affecting them. It will also help local administrations to be responsive to the demands of minorities particularly living in that region.

Finally, Part 4 under the title of "Guarantees" covers the legal arrangements to enhance the participation of minorities in decision-making processes. Accordingly, these arrangements should not be subject to change easily and should be protected through the constitution. Moreover, these arrangements should be reviewed and adjusted periodically according to the problems and changing conditions that occur in the meantime. Part 4 also proposes remedies

for the prevention of conflicts such as alternative mechanisms like negotiation, ombudsman for national minorities and arbitration.

Overall, it can be said that, The Recommendations are written in a way to set a balance between state and minorities. According to Drzewicki, "they were drawn up in a very balanced and cautious way without imposing its provisions in strongly demanding terms" (Drzewicki, 2005: 128). In fact, the content of the Recommendations also represent a transformation on minority rights discourse from self-governance forms such as autonomy to inclusion via participation in decision-making procedures. As stated by Holt, this approach is also parallel with the HCNM's attitude which emphasises integration rather than separation (Holt, 2005: 173). Although Lund Recommendations can be counted as the most extended legal document referring to the political participation of minorities, it still mainly covers the issues regarding the parliamentary representation of minorities. However, it is also important regarding the inclusion of minorities in the decision-making processes occurring outside the parliament (Vertcihel, 2009: 219). There is indeed a lack of attention to the participation of minorities in decision making processes such as public consultations on any prospective policy regarding their interests. Apart from the representation of minorities in central and local administration, one should also focus on the equal participation of minorities in public affairs as first class citizens.

Another institution which is influential in processes such as constitution-making is the Venice Commission. The Venice Commission also known as "The European Commission for Democracy through Law" is the advisory body of Council of Europe on constitutional issues. It is the duty of the Commission to advise member states on the process of constitution-making. Besides the constitutional advice, the Commission gives assistance about elections, referendums, constitutional courts, party closures and constitutional provisions for the protection of minorities (Verstichel, 2009: 339). The reports prepared by the Venice Commission have no direct enforcement power on member states. However, these reports are used in the decisions of European Parliament, Council of Europe and Parliamentary Assembly of the Council of Europe. Therefore, the reports of Venice Commission become crucial especially for the states in the European Union accession process like Turkey. The opinions issued by the Commission on Turkey vary by different topics such as the

situation of constitutional court, judges and prosecutors, prohibition of political parties and the legal status of religious communities in Turkey. The last two reports are directly in relationship with the participation of minorities in public affairs. "Opinion on the Constitutional and Legal Provisions Relevant to the Prohibition of Political Parties in Turkey"[8] was issued in 2009 in order to review whether the rules in Turkish legislation and constitution on the dissolution of political parties are compatible with the European democratic standards as set in European Convention on human rights (ECHR). In this report, the Commission explained the European and international standards on party closures. It also referred to the current rules and practice in Turkey along with the examples of the party closures. It can be seen from the Report that, the majority of closures were brought against the pro-Kurdish parties. Closure decisions were mainly based on the violations of the constitutional provisions protecting the indivisible national integrity of the state and the Law on Political Parties on "Preventing the creation of minorities" (Article 81). Finally, the report ended with the conclusion on the need to reform the Turkish rules on prohibition and dissolution of political parties. It is obvious that the existence of such provisions stand as a major obstacle for the presentation of minorities in Turkey.

"Opinion on the Legal Status of Religious Communities in Turkey and the Right of the Orthodox Patriarchate of Istanbul to use the adjective 'Ecumenical'"[9] is another report issued by the Venice Commission in 2010. In this Report, Commission concluded on the violations of articles 9 and 11 of ECHR which protect the right to freedom of thought, conscience and religion and the right to freedom of assembly and association respectively. Also the denial of using the adjective "ecumenical" was regarded as in conflict with the decisions of European court of Human rights. In this sense, Commission suggested necessary reforms which enable religious communities to gain legal status. Indeed, the legal status of minorities represents a major problem for minorities living in Turkey yet this subject will be examined in chapter 4 in detail.

---

[8]http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2009)006-e
[9]http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2010)005-e

The Cases of Participatory Constitution-making Processes

Participatory constitution-making processes have become a recent trend which were mainly carried out through the public consultation methods. States on the way to make a new constitution used different forms for contacting the public in order to understand people's demands about the content of the constitution. In this section, countries which recently adopted participative methods will be elucidated briefly in order to show the implementations of various principles mentioned above. The experiences of different countries also give realistic ideas about the functionality of the process, the forms of participation, societal reaction to the process, the role of civil society and the state's attitude to citizens. Accordingly, the aim of this section is to describe these specific constituents, rather than examining every country's own path to make a new constitution.

During the constitution-making process governments have developed different institutions and steps to support the Constitutional Commissions in order to reach the public as widely as possible extent. During the 1998 Albanian constitution making process, a special institution was established called the Administrative Centre for the Coordination of Assistance and Public Participation (ACCAPP) with the cooperation of the Ministry of Institutional Reform. This institution functioned as a "quasi non-governmental organization" to cooperate with the Albanian citizens, NGOs and international community for organise trainings and civic education programmes, getting and delivering data and providing technical assistance. In this respect, the inclusion of citizens and NGOs in drafting process was ensured to develop the citizen awareness. Throughout the whole process, ACCAPP, the Constitutional Commission of the Albanian Parliament and the Ministry of Institutional Reform cooperated to develop a nation-wide programme for public participation. As a part of the national programme, civic education initiatives, forums panels and hearing sessions were facilitated to collect the public views. In this sense, the outputs of "NGO forums" and "Focused Discussion Groups" were classified by the technical staff and commission members. These forums and discussions were kept open to the public, allowing each interested NGO to send a maximum of two representatives in order to work in particular groups using "brainstorming"

methods (Carlson, 1998: 10, 11). As observed in the Albanian case, the government succeeded in conducting the public consultation process in an interactive form through providing effective cooperation with civil society. On the other hand, in South Africa, communication between the state and citizens did not work properly in the making of the 1996 Constitution.

The public participation programme in South Africa was organised in three forms namely media liaison, community liaison and advertising. The aim of the community liaison was to provide face to face interaction between the Constitutional Assembly and the public. A Media Department was established in order to provide effective communication via radio, television, print media and a national advertising campaign. The main objectives of the Constitutional Assembly were to educate and inform, awaken public interest and build a discussion platform for public participation. These means were supposed to build a connection between the citizens and the state. However, as Ebrahim puts it, they were designed only to allow one-sided communication because the government did not see a necessity for mutual dialogue or interaction. The public consultation process was carried out from state to public without proper instruments to notify the state about the citizens' views. Nevertheless, the activities of the constitutional commission were announced by the government through various instruments. A media campaign was carried out by the Constitutional Commission served to publicise the public meetings. The meetings provided an environment for the politicians in the Constitutional Assembly to advertise about their activities and the public had the opportunity to negotiate their problems on a legitimate platform. Those meetings were recorded and transcribed by the political bodies within the Constitutional Assembly. Most of the meetings were especially targeted to be held with the disadvantaged and rural communities because they might not have proper access to the media to observe the whole process. These groups also lacked of the educational background to contribute to the process. In this respect, the Constitutional Education Programme was developed. This programme served to organise meetings through promoting the participatory workshops and consulting the civil society initiatives (Ebrahim, 1998: 243, 244).

Similar to the South African experience, the Uganda Constitutional Commission developed 6 steps on the way to make the 1995 Constitution: "1) Planning,

publicity, and internal seminars; 2) Educating people and discussing the constitutional issues; 3) Collecting people's views; 4) Analysing the views; 5) Reviewing the constitution and comparative studies; 6) Preparing the final report and draft constitution" The most significant policy adopted during the process in Uganda was the multilingual programmes. Accordingly, public education programmes and advertisements were conducted in different languages and dialects spoken by the citizens of Uganda (Moehler, 2008: 55, 56). Accessibility is a key principle for the constitution-making periods. Thus, the ways of participation must be kept open to all walks of society including the disadvantaged segments.

Like Uganda, South Africa and Eritrea published and disseminated all necessary documents in both local and national languages in order to reach people as much as possible during the consultation process. Also, a team was mobilised in order to train people about the issues related to the new constitution making process. Therefore, the public became prepared for the process both physically and intellectually (Ebrahim et al., 1999: 16). However, taking all necessary measures to provide equality may still remain inadequate depending on the political environment of the country. According to Hart, South Africa made the public participation process accessible through using the media effectively and broadcast materials in different languages, yet the public could not participate equally in all stages of the constitution making process. Critical deadlocks encountered during the process were negotiated behind closed doors. However, considering the number of public submissions to the Constitutional Assembly, it is understood that the process drew considerable interest from the public (Hart, 2004: 32).

Providing diversity in consultation periods is also a crucial part of constitution-making process. Governments in Uganda, South Africa and Eritrea arranged extensive consultation organisations, which enabled people from different segments of society to have their say. These people were from disadvantaged communities including women, disabled people, the poor and other interest groups like local leaders. In Eritrea, all nine ethnic groups were represented in the Constitutional Commission and half of the members of the Commission were formed by women (Ebrahim et al., 1999: 14).

Similar to the Eritrea, Cairn identifies the 1982 charter of Canada as "the citizens' constitution" because it reflected the reactions of different citizen groups in Canada. The Charter spoke directly to Canadian citizens as the bearer of the rights and enhanced the constitutional status of aboriginals and women. It also brought constitutional recognition about the language and cultural rights of ethnic groups through the principle of multiculturalism and equality. As a result, the Charter limited the scope of governments and supported the citizens as the constitutional actors (Cairns, 1988: 122).

Public consultation processes can also be regarded as an opportunity for citizens to meet their representatives directly. In South Africa, people found the opportunity to interact with the politicians directly for the first time via public meetings during the constitution-making process. These discussions were so intense and lively that everyone, even the most uneducated, raised their voice about the issues influencing their future. This experience showed the Commission members that the constitutional issues can be discussed beyond the elite platforms. Involvement of the civil society makes the public consultation meaningful. Civil society structures are the key elements in creating a proper interaction between state and citizens. South Africa mobilised various theme committees to enable cooperation among the civil society organisations (Ebrahim et al., 1999: 18, 19).

These cases showed that, particular sets of standard for public consultation processes would never fit for all countries due to the existence of different social, political and cultural determinants. These determinants also influence the applicability of the participatory processes. Even though, the standards of the public consultation process were adopted properly, the final result may not be as it was desired.

Conclusion

This section argued the most important concepts which were referred in this thesis. The theories of civic and ethnic citizenship were introduced in order to understand the citizenship policy of the state and equal citizenship problems of the ethnic and religious communities starting from the last period of Ottoman

Empire to present. The influence of the constitution was also discussed as a medium to strengthen the traditional state perception towards the citizens from different ethnic and religious backgrounds.

In relation to the new constitution-making process in Turkey, the concept of participation was reviewed as an interaction between the state and the citizen. In this sense, citizen participation in the constitution-making processes was considered as an important activity to realise one's citizenship. Therefore, the participation of ethnic and religious communities in the Turkey's first participatory constitution-making process became meaningful, in terms of reproducing their citizenship.

Throughout the rest of this thesis, the steps and procedures regarding the participatory constitution-making methods will be reflected in Turkey's case. In this respect the conceptual basis of these methods was argued in this section along with other countries' case and legal dimensions.

CHAPTER 2: HISTORICAL BACKGROUND

Introduction

Since the beginning of the new millennium Turkey's policy towards the minority rights has been a crucial issue especially for the process of EU accession. Therefore, government has launched many reforms especially on language rights and broadcasting by various legislations. Since most of the changes were operated by the influence of the EU as a part of the criteria for full membership process, these reforms have remained superficial and inadequate due to the rooted exclusionary tradition of ethnic differences in Turkey. Today, this tradition which takes its roots from the last periods of the Ottoman Empire does not let official and *de facto* minorities to enjoy their citizenship rights properly.

In the last periods of Ottoman Empire, the strategy of "Ottomanism" was used in order to keep all different identities under the Ottoman identity and avoid possible secession. Nevertheless this strategy quickly failed and a nationalist ideology called "Turkism" was embraced by the state elites. Thus, after the establishment of the new Republic, the modern state in the nation-building process employed the principle of nationalism and constantly attempted to assimilate different groups ethnically, culturally and religiously. Although, the civic conception of nationalism namely, Atatürk or Kemalist Nationalism was embraced in order to unify all the different elements under the banner of Turkishness, the process turned into transforming all different identities into the one established identity as Turkishness. In this case, nation-building process carried out through various means affected the citizenship rights of citizens having an identity besides Sunni Muslim-Turk in public and private spheres. The role of the constitutions was crucial in terms of the citizenship definition and regulating special issues related to cultural and political rights of different ethnic and religious communities.

The policies towards the cultural and political rights of the ethnic and religious communities remained unchanged following the transition to multi-party system. Even if it is known to be the most liberal constitution of Turkey's history, 1961 constitution, which emerged as a result of a military coup, carried the same mentality on definition of citizenship with slight differences about the principle of nationalism comparing to 1924 Constitution.

Apart from the Ottoman Constitution, each Constitution (1924, 1961 and 1982) equated Turkishness and sometimes Muslimhood to the citizenship. Although, in constitutions, Turkishness is defined in a civic republican model politically and territorially, implicit and sometimes explicit expressions attached to definitions of citizenship created an inequal position among the citizens from different ethnic and religious backgrounds. As a result, although every citizen was granted equal rights and freedoms regardless of ethnicity or religion, the citizens from different ethnic and religious backgrounds encountered difficulties in the implementation of these rights.

Throughout this chapter, the foundations of the current problems of the ethnic and religious communities will be explained in constitutional and societal context. Also, the constitution-making tradition of Turkey will be elucidated in terms of the drafting processes and the content. The purpose of this chapter is to show the historical foundations of the new constitution-making process and the current demands of the ethnic and religious communities on equal citizenship.

Late Ottoman Period, Constitutional Movements and the Roots of Turkish Nationalism

In Turkey, nation-building and modernisation project was carried out by enhancing the power of state through creating a new identity and a sense of national attachment (Yavuz and Ozcan, 2006: 104). Therefore, as a newly established state, Turkey's emphasis on nationalism through citizenship policies and institutions has caused problems since its foundation until today.

Modern Turkey was established on the ruins of an empire which consisted of various ethnic identities together with multi-religious elements. In order to comprehend the roots of Turkish nationalism and its reflections on citizenship activities clearly, it is crucial to examine the very beginning of the constitutional movements in the last periods of the Ottoman Empire within the context of the wave of nationalism.

The social structure of the Empire consisted of various ethnic and religious communities which were regulated under a system called the *Millet*. This

system was perfectly fitting to the Ottoman structure because it helped various ethnic and religious communities enjoy a relatively autonomous position in issues such as education, religious practices and law (Kushner, 1977: 23). From Fatih Sultan Mehmet period until the dissolution of the Empire, four leading Millets existed within the Empire: The Armenian, Greek Orthodox, Muslim and Jewish. These Millets were institutionalised in the structure of the Empire as relatively autonomous civil entities. They had their own judicial, legal, fiscal, educational and religious units and rights. Despite the particular privileges they enjoyed in the Millet system, they have been the subject of exclusion in some areas of the state bureaucracy. For instance, it was prohibited for non-Muslims to serve in military bureaucracy. Thus, every non-Muslim community had to pay an exemption tax in return for compulsory military service (Kansu, 1997: 158). Still, although the final authority always belonged to the Sultan and the Divan, non-Muslim Millet continued to keep their autonomy until the last period of the Empire. Besides the non-Muslim Millet, all the Muslim communities regardless of their ethnic and cultural ties were counted as the sole Muslim Millet. An exemption of this rule was the special statue of Kurdish tribes. According to Ozoglu, Kurdish confederacies enjoyed a relative autonomy and appeared like proto-states in 18th century. In this respect, they were granted particular administrative rights which were rarely granted to any other Muslim group (Ozoglu, 1998: 54, 55).

Starting from the 1839 Tanzimat Fermani, the meaning of the Millet was transformed in to a more specific word with connotations such as "nation" and "nationality". Thus, notions like religion, nation, sect and nationality carried complicated meanings and caused confusion (Davison, 1977: 33). Accordingly, in addition to these Millets mentioned above, other Millets were recognised by the Ottoman administration. However, following the French revolution and the spread of nationalism, Millet System started to become invalid and different Millets preferred to identify themselves with the name of their nationality such as Bulgarian and Serbian (Hanioglu, 2002: 85). Interestingly, Turkishness was not a common identity. Indeed, until the rise of Turkish nationalism which emerged in the nineteenth century, even the words "Turkey" or "Turk" did not exist in the Ottoman documents. In this respect, the term "Turk" was being used in order to refer to the ignorant peasant and the ignorant nomad of Anatolia with

humiliating connotations, and to distinguish between the Turkish-speaking Ottomans and the ones who spoke languages other than Turkish (Kushner, 1977: 2).

The Ottoman Empire, in its powerful times, successfully managed the provinces under its sovereignty through a strong central government and local rulers. Rebellions were so rare and the provinces were generally restrained by the Turkish-speaking administrators who did not attempt to destroy the religion and culture of the people living in the conquered land (Haddad, 1977: 11). Islamic Script enabled the state to deal with the non-Muslim subjects. Besides, the non-Muslim population was well settled and organised in the Empire. Except the times of extensive insecurity, the relation between ethnic groups continued with a mutual respect and interest. However, the religious tolerance between groups terminated with the transition from the Empire to the nation-state, through the spread of nationalism among the different Millets of the Empire (Barkey, 2008: 277).

The nationalist rebellions had first started to spread within the Empire through the influences of French Revolution. Hereafter, the wave of nationalism blew throughout the Ottoman territory from west to east, influencing various ethnic groups such as the Greeks, Serbs, Romanians, Bulgarians, Armenians, Albanians, Arabs and Kurds chronologically. In this sense, Turks were the last group that were affected by the wave of nationalism until the beginning of twentieth century (Davison, 1977: 26).

The Tanzimat Edict of Reform

Citizenship in the Ottoman Empire stands as a notable issue in terms of modernisation attempts of the 1839 Tanzimat Reform Edict and the preparation of the first Ottoman Constitution 1876 Kanun-i Esasi. Starting from the Tanzimat, there had been a transition from being a "subject" of the Sultan to become a citizen of the Empire. In this respect, Tanzimat and Islahat can be the historical and legal foundations of citizenship in Turkey. Later, this concept was crystallised in the Kanun-i Esasi in terms of creating a constitutional Ottoman identity based on equality between Muslim and non-Muslim communities of the Empire (Isin and Isyar, 2006: 81).

The Tanzimat period can be considered as an important step for the process of Ottoman modernisation because in this period, the priorities of the Muslim Millet over the non-Muslim Millet were relatively abolished. Instead, all the subjects of the Sultan were given citizenship status equally and individually through becoming independent from particular Millet (Gülalp, 2011: 229). Hereby, Ottoman elites aimed to provide the integrity of the Empire again. This purpose was explicitly indicated in the first article of the 1876 Constitution as well: "The Ottoman Empire is a unity, including its present territories and parts and privileged provinces, which can be divided at no time and for no cause whatever." (Davison, 1977: 27). Within the reforms throughout the Tanzimat period, there have been serious breaches in centuries old state tradition and Islamic law because of the contradictions existed between the old traditional Millet system and new principle called "Ottomanism". While the Millet System was based on the relatively recognition of ethnic and religious identities, Ottomanism was offering equality for all subjects of the Sultan who owed equal loyalty to the Ottoman state within more secular sense (Rae, 2002: 137). Along with the first Ottoman Constitution, Kanun-i Esasi, the citizenship was institutionalised through belonging and being loyal to the state under an Ottoman identity (Isyar, 2005: 344). In this period, the notion of "Ottomanism" was used by the Ottoman elites in order to transform the subjects of the Sultan into a nation through building the state on a human foundation and creating an Ottoman Citizenship. Thus, the Ottoman statesmen aimed to reduce the adverse influences of the separatist movements through granting equality to all Ottoman subjects regardless of their religion, culture and ethnicity. This strategy first emerged in the period of Sultan Mahmut II, yet reached its concrete meaning in the Hatt-ı Sherif of Gülhane (Tanzimat) in 1839. Later, it was improved and broadened in 1856 Hatt-ı Humayun which is also known as the Islahat Fermanı (Edict of Reform).

Islahat Edict of Reform

Islahat Edict of Reform was designed in order provide the implementation of the principles of Tanzimat Fermanı. Here, the main purpose was to secure equality among all subjects of the Sultan, especially for non-Muslim groups. It was generally granting rights such as being assigned as state officials, or a

106

representative in general assembly. In addition to the rights granted in the Tanzimat Fermanı, 1856 Islahat Fermanı was also important for internal affairs because unlike the 1839 Tanzimat Fermanı, it came into prominence as an important constitutional development for the non-Muslim communities in the Empire (Tanör, 2004: 96-97). The doctrine of Ottomanism transformed the Millet System in to a more egalitarian structure in both reform edicts. Briefly, the restrictions on the dress of non-Muslims were abolished, the foundations of secular judicial system that would equally apply to all subjects were established, non-Muslims gained a seat on governmental advisory councils and various secular schools accepting both non-Muslim and Muslims were opened on equal conditions (Davison, 1977: 39). However, Ottomanism was also used as a tool of modernisation in order to legitimise the state's supremacy over its subjects (Karpat, 2000: 6). This approach later caused problems in operating the system.

Here, the use of the word Ottomanism is important because it referred to Osman, the name of the founder of Ottoman Empire. Accordingly, instead of using a word with ethnic connotations such as "Turk", Otomanism (Osmanlicilik) was preferred. Thus, the notion of Ottomanism became suitable to create a citizenship regardless of the ethnic and religious ties. Ottomanism gained a lot of support from every segment of the Empire including the "Young Turks" that will start the revolutionary Second Constitutional Period.

The Era of the Young Turks

The Young Turk era had a crucial role in the emerging of the Turkish nationalism. Young Turks can be described as an elite group which were impressed by the European-originated notions such as freedom, nation, homeland and equality while they were in Ottoman embassies, exile or by the Europeans who came to visit the Ottoman Empire (Kushner, 1977: 3). They first emerged as an opposition to the despotic regime of Abdulhamid, when the reform period was blocked through the abolition of the Constitution. They were hoping to establish a system which will prevent the nationalist separatist movements and the interventions of European states (Zurcher, 2000: 151). Thus, the main concern of Young Turks was to save the Empire from

dissolution through starting an intense reformation process along with the constitutional system. Within this frame, they wanted to transform the shattered Empire to a modern, nation-state that can stand equally in front of the European powers (Rae, 2002:124). The struggle against the despotic regime of the Sultan has brought together various groups from different perspectives. Two main sides were the liberals and the integralists. In the First Congress of Ottoman Liberals in 1902, liberals were the advocates of the decentralised and democratic state and were supported by non-Muslim elements such as the Armenians. Their conception of Ottomanism was based on equality of all members of the Empire. On the other hand, integralists rejected the liberalism in order to save the Empire within a process of modernisation which will help to build a strong centralised state. This group used the word "Ottomanisation" as a process to homogenise all the subjects and finally create a Turkish identity (Rae, 2002: 146). However, according to their perception, non-Turkish and non-Muslim elements had to show their loyalty to the Empire. Therefore, they should abandon any national or racial ideas which may cause possible separatist movements. Any separatist ideas of these non-Muslim or non-Turkish elements were regarded as incompatible with the new unitary conception of the Empire. Moreover, those who were previously enjoying the benefits of Millet system must sacrifice some of their rights for the sake of the desired unity (Luke, 1936: 149). Some of the Young Turks were impressed by the readings of some Turkologists and started to be proud of their ancestors (Kaya, 2004:60). Consequently, Young Turks, the past advocates of the Ottomanism evolved to be the founders of Turkish nationalism.

The motto of Ittihad-i Anasır (Unity of all communities of the Empire) reflects the type of nationalism embraced by the Young Turks in 1908 revolution. Although they embraced Ottomanism when it was first emerged, they shifted in to more nationalist ideals later. Thus at the beginning, their political discourse was much more Ottomanist rather than Turkist. In this respect, they were accommodating the non-Muslim and non-Turkish communities such as the Arabs, Kurds, Armenians, Greeks, and Jews. However, soon after that, the Ottomanist perception of the Young Turks took a more nationalist form through the influences of the CUP, the Committee of Union and Progress. The representatives of the non-Muslim communities complained about the effects of

Turkification polices in the re-opened Parliament. Their grievances were ignored by the government and therefore, parliament became a battlefield of non-Muslim and CUP members (Ulker, 2005: 617). Despite this, remained with the boundaries of the Ottoman ideology, the Young Turks were constantly promoting the Turkish constituents within the Empire. According to their perception, as the largest and most numerous ethnic community, Turks should be the only community to rule. As Hanioglu stated, "among the developed nations and even those which are not developed, the right to rule is in the hands of that nation which constitutes the largest community in a society. Why should Turkey be an exception to this rule?" (Hanioglu, 2002: 89). Here, the problem emerged from the interpretation of Ottomanism. For non-Muslim communities, Ottomanism was a supra-identity which they favoured in economic, cultural and political terms. However, up to the perception of state, it had a completely different meaning which can be observed in the speech of Grand Vizier Ibrahim Hakkı Pasha in Parliament:

"Coming to the point of citizen, learning Turkish has greatest importance in that case too. Since, a person who does not know Turkish will be deprived of some rights [hukuk]. For example, he will not be able to be deputy. But there is one more important thing. What is it? Citizens should be of the same opinion on the matters that are connected to the life of the state. Namely, they should interpret and view the future of the state in the same manner and they should possess the same sentiment. This is absolutely the objective that the Government and Kanun-i Esasi are looking for. The homogeneity of education and culture (terbiye) is desired" (Ulker, 2005: 619).

In order to create a homogenous society, the Young Turks implemented Assimilation-Turkification policies applied on the immigrants from the Balkans. The Young Turks also wanted to homogenise other Muslim elements of Anatolia such as Arabs, Kurds and so on (*ibid*, 628). On the other hand, Sultan Abdulhamid was emphasising Islamism in order to promote and strengthen the state through the symbol of the Caliphate. Thus, he planned to extend his political power in front of the European states and gain the attention of the Muslims around the world. He also aimed to promote the loyalty among the Muslims living in the boundaries of Ottoman Empire. In this respect, along with

the Ottomanism, Islamism gained an importance on Muslim groups living in the Empire as well (Kushner, 1977: 4).

The rise of the Turkish nationalism among the Young Turks could be explained through the influences of the wars existed in the Ottoman territory. Both these wars with Russia, Greece, and Italy as well as the two Balkan Wars, and nationalist rebellions and occupations of Tunisia and Egypt by France and Britain respectively created a polarisation between Turkish community and other nationalities of the Empire such as Greeks and Armenians. Thus, continuous internal rebellions and wars increased pro-nationalists and pro-militarists within the government and the Young Turk's ideology of Ottomanism was replaced by Turkish nationalism (Gocek, 2002: 20). The scepticism about the strategies such as Ottomanism, Islamism and Pan-Turkism rose around the Young Turks and consequently caused a sense of isolation. Therefore, they found the solution of creating a national identity in order to hold the Empire together (Kushner, 1977: 5). Also, after the failure of the Sultan Abdul Hamid's Islamism principle, separatist nationalist movements spread all over the Ottoman territory as a reflection of the newly emerged Turkish national consciousness (Rae, 2002: 145). Committe of Union and Progress determined the citizens as the *de facto* legitimate sovereigns of the state. The continuity of the state was the main target of the elites of states. In this sense, the CUP conserved the principles of Ottomanism and Islamism of the Hamidian Period and synthesised this principles with the core of the Turkish nationalism (Karpat, 2009: 176).

1876 Kanun-i Esasi

The efforts to modernise the Empire resulted with the emergence of the first constitution of the Ottoman Empire. Along with this evolution, liberal reformers achieved to transform the Ottoman Empire into a quasi-parliamentary democracy and the Ottoman Sultan into a constitutional monarch. However, 1876 Kanun-i Esasi was originally adapted from the 1831 Belgian Constitution. The Constitution of Belgium was the accumulation of centuries old Belgian History and was perfectly fitted to the Belgian system. The same conditions were wanted to be adapted, yet it was substantially unrelated to the Ottoman

experience (Lewis, 1968: 362). The conception of Ottomanism was also embraced in the level of the 1876 Constitution. In this respect, the definition of citizenship in Kanun-i Esasi could be interpreted as an example of civic citizenship. According to the Article 8 of the constitution:

> "All subjects of the empire are called Ottomans, without distinction whatever faith they profess; the status of an Ottoman is acquired and lost according to conditions specified by law."

At this point, 'Ottomanism' as a strategy, embraced by the state elites to obtain the capitalist Europe's dynamism through transforming its nationalist sides (White, 1999: 79). In addition to the definition of the citizenship, the constitution also introduced bicameral parliament, independent courts and more crucially regulated the rights and the freedoms of all citizens regardless of their religion. Following the declaration of Kanun-i Esasi, general elections were arranged in 1877 and the first parliament of the Ottoman State was established. The most significant feature of the parliament was the ethnic and religious diversity among its members. The Parliament was a complete reflection of the multi-national Empire. In this respect, non-Muslims constituted the 1/3 of the Parliament. Actually, this rate was the normal result of the Ottoman State tradition because participating in state administration was based on political and ideological loyalty, rather than the ethnic origin. The Constitutions of the communities (Cemaat Nizamnameleri) which were drafted by the religious communities (Millets) to regulate their internal affairs constituted the foundations of the Ottoman Constitutionalism. Through these regulations, general and regional assemblies were established for each community with the participation of the secular members. This was the first practice of the concepts of the assembly and the constitution in the Empire. Especially Armenian members were very active in the Cemiyet-i Mahsusa (Special Commission) which drafted the Kanun-i Esasi (Tanör, 2004: 131, 156).

As the subjects of the Empire were accepted as the Ottomans, one might consider Kanun-i Esasi as a suitable tool in regulating the problems within the Empire. However, constitution makers which were consisted by a council which was elected by the Sultan, adopted Islam as the state's religion and Turkish as the official language of the State (Hur, 2007). Moreover, as stated earlier,

speaking Turkish was accepted as the main condition to be a civil servant by the Article 18. Through this article it was aimed to promote the Turkish language as the language of education and also to prevent the improvement of the minority languages. Even in the CUP party programme, Turkish was accepted as the language of instruction in all schools including primary and secondary ones with the exception of religious schools (Kansu, 1997: 163). Law texts and programmes also showed the changing rhetoric of the Young Turks from Ottomanism to Turkism. As Sadoglu stated, interestingly, in these texts, the word "Turkish" was preferred instead of the word "Ottoman Turkish" (Sadoğlu, 2003: 98). Therefore, Young Turks' perception was shifting from the Ottomanism to the Turkism. In this sense, the CUP started to employ various strategies of Turkification in order to expand the lines of Turkish nation. Ottomanism was diminishing, as the medium of loyalty and cohesion of Ottoman citizens and new strategies, Islamism and Turkism were ready to take its place. According to Luke, Young Turk's original policy was Ottomanisation, yet their direction has changed due to the external pressures. Especially it emerged when Italy declared a war on the Ottoman Empire. This was ended with the loss of land in Libya which was considered as the last direct possessions of Turkey in Africa. Alongwith the Treaty of Ouchy, the Empire had to confront the Balkan League of the First Balkan War with Bulgaria, Greece, Serbia and Montenegro. Their mutual aims helped them to take action for the common enemy, Ottomans, before the Ottomanisation became influential in that area (Luke, 1936: 155).

Ottomanism was considered as an allegiance to the Empire and the dynasty whose foundations were about the crack. Conversely, Islamism and Turkism were both dynamic and non-territorial hence attracted the Muslim Turks (Lewis, 1968: 352). Indeed, policies, such as forced migration and settlement were used through deportation of non-Muslims in order to provide a religious homogenisation in Anatolia between 1912 and 1924 (Zurcher, 2003: 1). The people were deported from their residences and Muslim citizens were placed to the areas that had been left by the former non-Muslim residents (Ulker, 2005:

630). The Armenian massacre/genocide[10] of 1915 and the population exchange of 1923 are the major examples of these policies.

This shifting to a more nationalist concept was called as Pan Turkism. A nationalist ideologue, Yusuf Akcura, proposed Pan Turkism as a third alternative to Ottomanism and Islamism. He said, "There was promise of resting the foundations of the Ottoman Empire on a faithful and cohesive nation, rather than on elements whose loyalty was questionable" (Kushner, 1977: 5). Turkism also emerged as a reactional ideology against the wave of nationalism among the ethno-religious groups in the Ottoman Empire. The transition from the Ottomanism to Turkism occurred in an environment where Turks were identified as the only group without any secessionist demands.

Many intellectual supporters of Turkism had first united under the Türk Derneği (Turkish Society) which was founded in Istanbul on December 1908. Their purpose was to study "the past and the present achievements, activities and circumstances of all the peoples called Turk". After Turkish Society, a journal called Türk Yurdu (Turkish Homeland) became the medium of many Turkist writers and theoreticians such as Ziya Gökalp and Yusuf Akçura in 1911. Ziya Gökalp as a Kurdish intellectual had a major influence later on the nationalist ideas of Kemalism. Although he first defended the idea of Turanism; later in 1923, he admitted that this idea was a utopia (Kaya, 2004: 61). Under their influences, the journal became a space for discussions of major theoretical issues related to cultural and political aspect of Turkism. Associated with the Journal of Türk Yurdu, Türk Ocağı (Turkish Hearths) was established in 1912 and continued exist until its abolishment by Ataturk on March 1931. Turkish Hearths was a kind of club that aimed "to advance the national education and raise the scientific, social and economic level of the Turks, who were the foremost of the peoples of Islam and to strive for the improvement of the Turkish race and language". In this sense, they have organised lectures, courses, public debates and made many publications in order to raise an ethnic consciousness (Lewis, 1968: 350).

---

[10] Although most of the scholars used the term "genocide", Turkey rejects such description. In this sense, these terms will be used together.

The strategy of Ottomanism was considered as the last chance to save the Empire from disintegration, yet it was misinterpreted and interrupted by other waves such as the Turkism and Islamism. Mainly, the Young Turks within the CUP desired to build a constitutional monarch based on the rule of law in order to replace the rule of the Sultan. They especially desired to reduce the influences of old Millet system and create a new concept of citizenship. This process required a transformation of the state from a kind of feudal monarchy into a liberal democracy in which the government is responsible to the citizens. However, instead of creating a multi-cultural citizenship, they strengthen centralisation and mutilated the rights and benefits that were previously enjoyed by non-Muslims in Millet system because those privileges were seen as the obstacles on the way to create a united nation (Kansu, 1997: 157).

Consequently, the executives of the Ottomanist strategy could not achieve to unify all the elements under the banner of Ottomanism due to various reasons. Neither Tanzimat and Islahat nor Kanun-i Esasi was successful on preventing the sub-nations from secession. None of these nations were willing to give up their national ideals to live under the ideal of Ottomanism. Moreover, Ottomanism was regarded as an obstacle to achieve the right to self-determination as the basic right of a nation. Most importantly, Ottoman statesmen made a major change on the administrative structure of the Empire and it did not entirely fit the needs of the population. For centuries, local administrations helped Ottomans to maintain their authority on several parts of the Empire. However, along with the Ottomanist strategy, the administrative structure was centralised in order to provide political unification as the main condition of becoming a modern state. They also used educational system to impose the ideal of being an Ottoman to the growing generations. Eventually, both strategies threatened the centuries old social order and thus, local people living in these parts of the Empire became the defenders of regionalism and the local self-government as a reaction against Ottomanism (Karpat, 2000: 7).

CUP executives applied three strategies in different places and times. As argued by Luke, "Ottomanism continued to be the keynote of internal politics; Turkish nationalism, the keynote of relations with the Tatars of Russia, some of whom were beginning to manifest sentiments of sympathy with their cousins in Turkey, in their time of trouble; Pan-Islamism, that of relations with the Arabs

and other non-Turkish Muslims within the Empire and North Africa" (Luke, 1936: 157). However, none of these was successful on keeping the Empire unified. Indeed, it was hard to see the differences between these strategies. The Ottomanists were not ready to grant genuine equalities enjoyed by the Muslims to the non-Muslim subjects. The defenders of the Turkism were accurate about the Islamic character of Turkishness and excluded the others. In this context, both strategies were Islamist and thus, the Ottomanist elites did use both pan-Turkism and pan-Islamism when they needed in appropriate conditions (Lewis, 1968:352). Indeed, through the National Struggle and following the establishment of the Republic, religion had always been the main determiner of the issues related to citizenship rights and policies.

Emergence of the Modern Turkey and the Transformation from the Empire to the Nation State

Following the fall of the Ottomans, the new republican regime was established by Atatürk and his fellows. After twenty years of chaos with wars and massacres, the new Republic was founded on an entity of diverse, multi-ethnic populations remaining from the vast lands of the Ottoman Empire. This period was very traumatic and generally shaped the future internal and foreign policies of modern Turkey. Especially, after the First World War, when the Western powers divided Anatolian territory into the pieces within the frame of "Treaty of Sèvres", there was a mass traumatic reaction called as "Sèvres Syndrome" which is still influential today among the several politial groups. As this Treaty provided particular zones to be granted under the control of Italy, France and Greece, there had been an anti-imperialist reaction in the early periods of the Republic. However, later, this anti-imperialist attitude left its place to an explicit hostility against communities from different religious and ethnic backgrounds. This Treaty also involuntarily accelerated the Turkish National Struggle which would end up The Treaty of Lausanne which recognised the free Anatolia in the form of The Republic of Turkey.

After the establishment of the Republic of Turkey, a massive reform movement was undertaken by the republican cadres. In this respect, reforms started from the Tanzimat period were maintained by them in more radical ways. They

abolished the Sultanate and launched many cultural and administrative reforms which were designed to reinforce the status of new Turkish nation-state. All local administrative provinces centralised around the nation-state system. Comparing to the new republican state reforms, Ottoman reformism lacked the national consciousness and operated as a medium of competition between European powers. In this respect, the modernisation process was depended on the economic and political interests of the West. On the other hand, reforms of the newly established administration were born in a process of independence. Republican cadres abolished the institutions of the *ancient regime* and adopted modernity within the boundaries of nation state. In this respect, as argued by Kemal Karpat, belonging to a secular national-political identity was attached priority over all other kinds of ties. The national and international targets were determined according to the recent requirements of the Republic (Karpat, 2009: 63).

The new secular nation state aimed to unify all the distinctive elements such as non-Muslims, non-Turks and immigrants from Balkans under the identity of Turkishness. In this respect, state elites employed nationalism in order to provide the "marriage" of nation and the state in Gellner's terms (Gellner, 1997). As the Ottomanist strategy failed to keep various ethnic and religious groups integrated and did not manage to save the Empire from falling, republican reformers aimed to build the Turkish nation in a limited territorial space like the Anatolia.

The idea of a territorial Turkey based on nation-state first emerged in the National Pact in the early days of the National struggle. Within the frame of the National Pact, the basic demands of the nationalists were "full undivided sovereignty in the territories inhabited by the Ottoman Muslim majority, united in religion, in race and in aim." Interestingly, the word "Turk" never appeared in the pact and there was an emphasis on "Ottoman Muslims" instead. However, Ataturk also clarified the idea by asserting that he was struggling for the people of Turkey who live in the boundaries determined by the National Pact (Lewis, 1968: 352). In this sense, he was against the ideologies that had goals outside the defined national frontiers such as Pan-Turkism (Turancilik) and Islamism (Ummetcilik).

Although a republican-territorial citizenship was regarded as the most appropriate by the state elites, Turkishness was the main determiner of this citizenship model and therefore, it was approved as the unique identity of the new Republic. In this sense, efforts in order to generate a new Turkish identity brought many problems. Naturalisation, resettlement, deportations, educational, language and cultural policies were carried on in order to promote the ethno-religious character of the Turkish identity (Mellon, 2006: 5). Thus, Turkish nationalism synthesised French civic nationalism and German cultural-romantic nationalism. In this context, the term, "Kemalism", the name of the founding father of the new republic was used to refer the policies that have been carried out through the foundation period. It became a form of nationalism which desires to build a national identity in a multi-ethnic and religious sphere of Turkey (Köker, 2010a: 54). In order to achieve the political unity of Turkish nation, Kemalism ruptured with the idealism of Turkism as an ethnic unity but adopted an identity based on common culture and history (Kaya, 2004: 61). Therefore, in many cases political and cultural rights of the ethnic identities were denied on the way to constitute a unified identity of Turkishness.

Like the Ottomanist period of the Young Turks, nation-building process was carried out by the state elites of the Republic who were inspired from the French civic republican model. According to Atatürk's perception, the French Revolution was "the supreme point of reference" throughout his period (Smith, 2005: 441). Unsurprisingly, Ataturk's ideas were shaped by the French model of republicanism in an era when the nation states was rising. Ataturk and his followers were impressed substantially by the spread of the nationalistic ideas throughout the West and therefore, the desires for modernisation in the last periods of the Empire transformed into an imagination of nation-state (Kanci, 2009: 361). In this sense, the collapse of Ottomans taught the Republican cadres many lessons on the minority nationalism, separatism and imperialism. There was a common belief that how external interventions of great imperial powers were influential on minority separatism. This mentality was the main accelerator of the Kemalist nationalist conception which unifies all the diverted elements under a national identity of Turkishness. Similarly, republican statesmen were emphasising the corrupted social structure of the Ottoman Empire as the foundations of the backwardness of the Turkish society.

According to their perception, the clerical structure of Ottomans caused backwardness in technology and science Also, the weaknesses of the bureaucracy helped to exacerbate the circumstances. As a reaction against this clerical state structure and society, Kemalists had developed a secular administrational system in order to create a society which they desired (Bali, 2012: 268). In this context, the ideology of republicanism was suitable both for westernisation and secularisation as well as the nationalisation of the country.

Reformers of the new republic emerged after an era of reforms from the last periods of the Empire. As Mardin claimed, reformers of the Empire "succeeded in producing a well-trained, knowledgeable bureaucratic elite guided by the interests of the state" (Mardin 2006: 308). Naturally, these state elites who were educated with the western values, were followed by the republican reformers full of passion to accomplish the principles of revolution as soon as possible (*ibid*: 309). Republican reformists claimed to be ethnically blind on the way to promote unity and they were indeed blind to almost fifty different ethnic and religious elements of the Anatolian territory. In one of his speeches, Ataturk called Kurdish, Bosnian, Caucasian and Laz citizens as misinformed people. Because, although they belonged to the Turkish nation, they were open to the ethnic propaganda carried by external powers (Smith, 2005: 447).

Contradictory to the Ottoman Millet system which based on the religious differences, republican reformers desired to promote Turkishness as the main determiner instead of a religious identity. The Ottoman Empire sheltered and recognised many ethnic and religious identities under the Ottoman supra-identity. The same identities continued to be existed, yet with decreased numbers in new Republic of Turkey. However, this time, supra-identity was shifted to being Turkish. As this identity also imply an ethnic origin, it caused to an inequality for non-Turkish elements of the Republic (Oran, 2007:50).

Reforms in the modernisation process, such as abolition of the Caliphate, the Sultanate and the Shari'a were carried in order to eliminate the relationship between history and the Ottoman heritage. In terms of promoting the national unity, radical Islam and radical nationalism were considered as obstacles because reformists desired to create homogenised community. They also wanted to provide legitimacy for the modernisation projects, accomplishing

social and economic unification through standardizing language and other tools for communication (Somer, 2007: 6). State elites were reconstructing the new identity of Turkey, and they desired to eliminate radical nationalism and Islamism in the Turkish political sphere. They were considered as dangerous for the sake of Kemalist system, because, these ideologies were presenting a more robust foundation of national identity and social cohesion among Turks (Heper and Çınar, 1996: 487). In this respect, in order to legitimise the official nationalism, they provided historical bases for their claims. Therefore, they frequently used the reference points of the pre-islamic past of the Turks in ethnic senses (Mellon, 2006:4). Especially, Islam was conceived as the major factor that led to the devastation of the Ottoman Empire and in this sense, it was regarded as an obstacle on the way to the modernisation process. Thus, secular education system was the best tool in order to raise positivist logical generation to fight against the ignorance (Heper and Çınar, 1996: 487).

While islamisation was advocating the Islam as a tool for unification, radical nationalism was offering a Turkification process for Anatolian territory. Moreover, the advocates of these ideologies were both rejecting westernisation as carried in the hands of state elites. According to their perception, westernisation or modernisation processes were regarded as the adoption of western values and science which may downgrade the traditional values. Both ideologies also shared the character of being anti-communism. More importantly, contrary to Kemalist nationalism which desired to promote a national consciousness within the boundaries of Turkey, islamists and radical nationalists were offering strategies for the territories outside Turkey. Whilst Islamists were defending Muslimhood as a supra-national identity for every Muslim which is called Ummetcilik, radical nationalists were advocating the strategy of "pan-Turkism" which targeted to bring all the Turks from neighbour states and those living in the ancient lands of Turks in Central Asia under the flag of one Turkish state. This strategy is called as "Turanism" which means unifying all the Turkic origin groups around the world under one flag (Cizre-Sakallıoğlu, 1994: 256).

Consequently, state elites rejected these two ideologies and imposed their understanding of modernity on masses in a top-down way of modernisation. Both in Ottoman and Turkish modernisation procedures, in the absence of

major land owners and strong trade companies, elites imposed a top-down nationalist ideology for their own good and created an autonomous bureaucratic class. According to Keyder, for this reason, the state failed to improve a valid citizenship based on international principles. In this respect, as it was a top-down process, citizenship in Turkey was not formed with the demands of the people. Even the word "citizen" which means "vatandas" in Turkish does not refer to the word *city* as in *citizen* (English) or *citoyenneté* (French) but it is more related to the term *nationality* or *compatriot* (Isin and Isyar, 2006: 84, 87). This argument can also explain the understanding which continuously equates the citizenship and nationality in the constitutions of Turkey.

Westernisation process ensured a systemic national education, a modern bureaucracy and the emancipation of women. Thus, crucial changes in political and social life framed Turkey in a modern way (Smith, 2005: 437). In this respect, the process required an invention of the new modern nation within a new secular republican state (Tok, 2003: 241). Reformers were considering the citizens as "unskilled", "uneducated" and "very traditional". In this sense, Kemalism aimed to nationalise Anatolia in order to remove the old traces of traditions and reach modernity. Thus, modernity was thought to be reached through industrialisation, mass education, urbanisation and civilisation (Kaya, 2004: 63). New members of the Parliament were ready to support the cultural revolution that was designed by the elite reformers rather than preparing social and economic programmes in order to promote democracy and development (Karpat, 2009: 186). However, reforms were followed by pressure. There was a serious opposition against the reforms and these movements were tagged as islamist reaction (irtica) that serve to prevent the awaking of the ignorant people. According to Stefanos Yerasimos, that constant pressure against opposition was not actually originating from the desire to make the reforms adopted by masses but remove all the ethnic differences especially in rural areas inhabited mostly by the Kurdish citizens. In this respect, Islamist reactionism was the result of oppressive implementations of the government against rural population (Yerasimos, 2004:110).

In Turkey, the state appeared before nation because there was not a complete unity in culture and ethnicity. In this respect, the state legitimated the nation and as a result, state elites invented a "nation of state" instead of a "nation state"

(İnsel and Aktar, 1987:41). Thus, after the establishment of Turkish Republic, state elites adopted a strong majoritarian nationalism in order to provide a homogenous society especially in 1930s.

The Lausanne Treaty

When the League of Nations was established following the World War I, the definition of "minority" was determined in linguistic, racial and religious terms. However, in Lausanne Treaty which was signed in 24 July 1923, Turkish delegation only recognised the official minority status for the non-Muslim communities as the minority elements of the state (Oran, 2007: 35). Lausanne Treaty was signed under the European influence because the new republican reformers were not so willing to grant special minority rights. However, the notion of protecting different religious identities was not so new to the new state. Ottoman Dhimmi Law was regulating the non-Muslim communities' right and ensured their protection under the rule of the Sultan (Smith, 2005: 445). In accordance with the former Ottoman rule, the new republic recognised the minority status of the non-Muslims. Due to the influences of the former Millet system based on religious differences, all Muslims regardless of their sect or ethnicity were accepted as one "Islam Nation" and considered as the first class citizens. On the other hand, non-Muslims were regarded as the second class citizens or completely foreigners (Oran, 2007: 37). In terms of the meanings attributed to the notions such as minority, majority and identity, Lausanne Treaty came into prominence as it covered all these issues. In this respect, Lausanne Treaty set a ground for the basic principles of republican state which would be established after Treaty's ratification (Gocek, 2006: 75). The scope of the Treaty was generally to bring particular freedoms, however the application of the Lausanne Treaty remained superficial. It was signed as a result of the influences of the Europe and state elites desired to create a unique identity under the principles of republicanism and secularism. Even if the rights mentioned in the Treaty were granted to all non-Muslim citizens, in reality, only Greek Orthodox, Armenian and Jewish citizens had the chance to enjoy these rights to a limited degree. The articles that regulate the status of minority communities in the Treaty are as follows:

"The Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion (Article 38.1). No restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings (Article 39.4). Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of their own language before the courts (Article 39.5). As regards public instruction, the Turkish government will grant in those towns and districts, where a considerable proportion of non-Muslim nationals are resident, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language. This provision will not prevent the Turkish government from making the teaching of the Turkish language obligatory in the said schools (Article 41.1)" (Lausanne Treaty, Articles 38, 39, 41).

As it is seen in the articles, there is no expression referring to the name of the Armenians, Greek Orthodox and Jews but somehow, they were selected as the subjects of this Treaty. Baskin Oran also finds this situation unclear but according to his perception, the absence of a kin-state related to the non-Muslim groups other than these three communities can be a possible explanation (Oran, 2007: 37). Therefore, non-Muslims such as Syrian Orthodox, Chaldean, Bulgarian, Nestorian, Georgian, Armenian Catholics were deprived of enjoying the Article 40 "Turkish nationals belonging to non-Moslem minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. In particular, they shall have an equal right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein" (Lausanne Treaty, Article 40).

The state ignored the rights of several ethnic and religious communities besides the ones that listed in the Lausanne Treaty and started a Turkification process which was influential in every level of life. Language, education, settlement and even commercial policies served to the benefit of ethnic and religious unity. Various ethnic communities that immigrated to Turkey after the First World War

preferred to integrate themselves into the Turkish society within the nation building process. In this respect, they avoided showing their ethnic or religious identities in public. Even more interestingly, especially the Muslim groups such as Circassians and Albanians considered themselves as the constitutive elements of the Republic (Kaya, 2010: 218). Suavi Aydin, who conducted several interviews with the individuals from the minority communities, explains this behaviour with the asylum psychology. Accordingly, through the waves of immigration in the 19th and 20th centuries, many people from different ethnic and religious backgrounds fled, deported or immigrated under difficult conditions and adopted Turkey as a shelter. In this respect, they always referred to their contributions in National Struggle and justify themselves as the genuine elements of the state. Being Muslim was a sufficient condition for claiming to be a Turk. (Aydin, 2006: 222).

As it was previously stated, apart from the "unofficial" non-Muslim groups, non-Turkish Muslims were refrained from being granted special minority rights. However, the Paragraph 5 of the Article 39 of the Lausanne Treaty as stated above gives certain clues on the rights of the citizens whose mother tongue is not Turkish. It is particularly important for the Kurdish citizens who prefer to speak Kurdish to defend their rights in front of the court. Also Paragraph 4 of the Article 39 grants every Turkish citizen the right to use any language in private and public sphere except the official issues related to the state. Consequently, all mentioned articles concerned not only the official non-Muslim minorities but also all Turkish citizens including the one whose mother tongue is not Turkish (Oran, 2007: 43).

Kemalist Nationalism

Along with the invention of the new republican identity, a new kind of nationalism emerged as an alternative to radical nationalism and Islamisation in order to sustain the nation-building process. Kemalist nationalism, in this sense, was defined as the official ideology of the state. Kemalist nationalism, which is also known as Atatürk nationalism was mainly different from the racist Turanist nationalism and was essentially based on territorial principals rather than ethnicity. Also it was different from Ziya Gökalp's nationalist conceptions as it

was rejecting a living authentic value system. More significantly, Kemalist nationalism emerged as a response to backwardness and ignorance which were considered as the characteristics of Ottoman era (Çolak, 2003: 4).

The main idea in Kemalist nationalism is to create a political identity which provides a complete loyalty to the state. As Suna Kili stated, "Kemalist nationalism is not racist and it is not a persecuting nationalism. According to Kemalist ideology, one's Turkishness is not determined by one's race or religion but by the degree (to which) a person associates himself with the ideals and goals of the Turkish republic and through commitment to Turkey's independence and modernisation" (Kili, 1980: 386). At this point, Ataturk or Kemalist nationalism aimed to constitute the conditions for every ethnic or religious identity to live together. Accordingly, Turkish identity was considered as a community that is not based on race; ethnicity or blood but based on the will of citizens to live together. That is to say that, the character of the Kemalist nationalism was civic rather than an ethnocentric one (Kaya, 2007: 721).

Likewise, the party programme of the CHP (Republican People's Party) in 1931 was defining the nation as a political unity which consisted of citizens of a common culture, language and goals. Here, as the founder of the party, Ataturk's influence was obvious. Indeed, he gave a special importance to the cultural unity. In a speech he gave for the delegates of the Turkish Hearths, he said: "Turkish community is the base of our Republic. Every member of this community must be full of Turkish culture in order to strengthen the Republic which is relying upon Turkish community" (Yilmaz, 2011: 121). There was an emphasis on unity and no reference for any ethnic group. Like Ataturk, the general secretary, Recep Peker emphasised these points and rendered Kurds, Laz or Pomaks as parts of Turkish society and also included Christian and Jewish citizens as long as they adopt common language and goals (Kirisci and Winrow, 1997:101).

Actually, as argued by Tanil Bora, the official nationalism of Turkey which existed since the establishment of the Republic emerged from a crisis due to the effort for balancing the French conception of nationalism which was based on territorial citizenship and German ethnocentric citizenship. In the writings of Ziya Gökalp, a leading theorist of Turkism, he stated: "based on cultural

identity, rested on an extremely delicate balance between a territorial conception of nationalism based on citizenship, handed down from Ottoman patriotism and the conceptions of nationalism that emphasize the nation's uniqueness and eternal existence" (Bora, 2003: 437). Gokalp also stated, "There are fellow citizens in our country whose ancestors came from Albania or Arabia sometime in the past. If they have been educated as Turks and have become used to working for the Turkish ideal, we must not set them apart from our citizens. How can we consider those who have shared not only our blessings but also our misfortunes as aliens? Especially, how can we say, 'You are not Turks', to those among whom are the ones that have made great sacrifices and have performed great services for the Turkish nation?" (Gokalp, 1968: 16).

In this respect, the concept of civic and ethnic nationalism can be interpreted as Kemalist or Ataturk nationalism and "other" kind of nationalism respectively. While Kemalist nationalism has an inclusivist character in terms of citizenship, "other nationalism" which finds its grounds on Turkish race can be described as racist or Turanist, an ideology that aims to gather all the Turks under one flag. Eventhough, the term "Ataturk Nationalism" was first used legally in 1982 Constitution, the definitions of citizenship in the past constitutions are the clear indicator of this conception (Erozden, 2011: 239).

According to Somer, "Turkish nationalists were largely the late, revolutionary generation of Ottoman elites building on a grand state tradition that prioritized state survival over any other goal. Therefore, one may explain, Turkish nationalism developed diversity-phobic and authoritarian-assimilationist values suppressing the ethnic-linguistic differences in society" (Somer, 2005: 19). In many respects, it was a complicated process because the reformists aimed to build a nation from a multi-ethnic structure of the Empire within its remaining territory which was devastated through numerous wars caused by the intervention of the imperialist powers and the nationalist rebels. Also, as a reaction inherited from the past wars, the fear of losing territory remained from the Empire was the reason for the common negative attitude to the alien one. Therefore, reformists have ignored the cultural diversity of Anatolian land and attempted to homogenise it with various tools (Kaya, 2006: 56).

The Emergence of Citizenship and Constitutions in Modern Turkey

State elites intended to make a cultural revolution through encouraging reforms shaped by the ideology of nationalism. Thus, they wanted to create a secular socio-cultural structure within a secular state by reducing the hegemony of traditional elements and entities over the society and state institutions. According to their point of view, each Turkish citizen should adopt a good life that represents a national interest and common good (İçduygu, Çolak and Soyarık, 1999: 194). While state elites were transforming masses into the modern citizens, they attached a priority to national interests over individual freedoms, to duties over rights and to state sovereignty over individual autonomy. Thus, they had shrunk the area of rights on the way to construct secular national identity. According to their perception, the frame of the new citizenship conception could not be shaped by the jargon of rights but a "morally-loaded" spirit which was compatible with the project of modernisation. In this respect, republican citizenship model functioned as an ideological vehicle for spreading the elites' desires for westernisation (Keyman and İçduygu, 2005: 7). In this sense, reformers accepted a modern society through stressing common Turkish culture and rendered religion as a subject of personal realm.

Although there was not such a concept of "civic citizenship" in the beginning of the twentieth century, the reformers of the new republic adopted a kind of citizenship which contains civic senses within its constitutional definition. Despite the ethnic emphasises embedded in the articles, Turkishness was designed as a political or territorial entity assigned to the citizens regardless of their ethnic origins or religious beliefs. That is to say, following the French model of citizenship, Turkishness is determined by a territorial citizenship without an assumption of an ethnic decent. Similarly, Turkish citizenship was claimed to be expansionist and inclusive rather than exclusivist and differentialist. Thus, it suggested a republican citizenship rather than a liberal one and passive citizenship instead of an active one (Yeğen, 2004: 6).

In this sense, within the context of the definition of citizenship, preamble and the main characteristics, the new constitution was shaped by the republican principles. First of all, it emphasised the essence of nation-state and did not recognise any other identity beside Turkishness. That is to say that, devoting special identity rights to people from any ethnic origin beside Turkishness was

impossible (Yegen, 2007: 127). Before making a detailed examination of 1924 Constitution, looking at the 1921 Constitution of the transition period can be comprehensive in order to understand the changing mentalities on the way to establish a nation-state.

1921 Constitution and a Mild Transformation Process

Following the occupation of Istanbul by the allied powers, the Ottoman Parliament conducted its last meeting and was abolished. Afterwards, Mustafa Kemal announced a circular note about establishing a new parliament in Ankara. Therefore, following the elections, members established the new parliament on 23 April 1920 and right after that they made the 1921 Constitution which is also known as Teşkilat-i Esasiye Kanunu. This Constitution gives some important clues about the period in terms of various aspects such as democracy and administration. First of all, considering the preparation period, 1921 constitution was described as the most democratically prepared constitution because the other constitutions of Turkey were prepared through a military coup as it happened in 1961 and 1982 or by single party system in 1924 (Gozler, 2000: 46). Also, 1876 constitution and 1909 amendments were carrying the impact of Sultan and 1924 constitution was prepared by the deputies under the impact of Atatürk. Secondly, in terms of its discourse, it had some pluralistic emphasises. For instance, Article 3 used the expression "State of Turkey" (Türkiye Devleti) instead of "Turkish State" (Türk Devleti). This emphasis can be interpreted as a step to embrace all the elements under the new republic which will be established in 1923. Although the National Struggle was shaped by the efforts of the Turkish nationalists, it was also representing the anti-imperialist union of Non-Turkish elements. In this respect, the expression "State of Turkey" was describing the political unity of people living in the Misak-i Milli boundaries regardless of any ethnic origin, mother tongue or culture (Tanör, 2004: 254). Finally and the most important point was the article regulating the state of provinces. According to the Article 11, provinces were autonomous and the regulation or the administration of vakıfs (foundations), medreses (theological schools), education, health, economy, agriculture and public services were regulated under the authorisation of province councils whose members were elected by the people who live in that province. Referring to this article, in 1923,

Atatürk said, "According to our constitution, a kind of autonomy will be established. In that case, if the people living in that province were Kurdish, then they would administrate themselves autonomously. When we are talking about the people of Turkey, Kurdish people should be added to this expression as well. If not, some problems might emerge related to this issue" (Oran, 2010). However, the desires to build a nation state overcame the desires to make a democratic constitution and a possibility of establishing an autonomous administrational system. Nevertheless, after all these expression, it is interesting to adopt a constitution which contains some contradictions in terms of equal citizenship.

Despite the republican citizenship that was legally adopted through the constitution, still there were some ambiguities embedded in the definitions and applications of the citizenship. For instance, when Ataturk described the core of nationality on the base of loyalty, he stated: "The people of Turkey who promulgated the Turkish Republic are called the Turkish Nation" (Soyarık-Şentürk, 2005: 127). However, according to Yildiz's interpretation, due to the past cooperation between ethnic minority groups such as the Armenians and Rum Orthodox and occupation forces during the Independence War, they were not considered to be belonging to the constitutive group. Accordingly, their citizenship remained nominal (Yildiz, 2001: 146). Ataturk also suggested all groups from different religious, cultural and ethnic backgrounds to unite under mutual respect for each other. Thus, he was using the expression "people of Turkey" in religious connotations with the coexistence of differences (Yilmaz, 2011: 120). On the other hand, in the opening of the Turkish Grand National Assembly, in his speech, he said "The people of Turkey is a social entity united in race, religion and culture, imbued with mutual respect and a sense of sacrifice and sharing the same destiny and interests" (Mango, 1999: 12). As it is observed, there is an ambiguity between speeches of Ataturk on nationality. While he used "the people of Turkey" in the first speech, which implies civic connotations rather than ethnic "Turkish nation", in the second one he used the words with ethnic connotations such as race, common destiny and interest. Likewise, contrary to the earlier congresses he organised when he moved to Ankara for the opening of the new parliament, he did not use the word "Turk" in his speeches. Instead, he used the word "Turkey" (Turkiye) in order to describe

the name of the state (Zurcher, 2000: 168). Especially, in the Congresses of Amasya, Erzurum and Sivas and in official documents such as the National Pact, it was preferred to use expressions like "sharing the same destiny", "fraternity" and "unity in diversity" (Yilmaz, 2011: 117). These kinds of expressions were important in respect of gaining the support of the masses from different religious and ethnic backgrounds. In the period of the National Struggle, independent and free Anatolia was first priority. In this respect, it was urgent to keep together the diverted communities of Anatolia in order to be ready for the fight against the Imperialist powers. Therefore, discourses of Mustafa Kemal and his friends, before the establishment of the Republic, were much more plural and tolerant in context of multi-cultural identity claims of groups from different ethnic and religious backgrounds. Moreover, the nationalist forces incorporated Kurds, Alevis and others in the War of Independence. They even recognised the identity claims of Kurdish people including their demands for cultural and ethnic rights (Bali, 2012: 269). However, when the War of Independence was ended up with the victory of the Nationalist Forces, a massive nation building process was undertaken by the republican elites in order to create a homogenous society under the flag of Turkishness which consequently resulted with the denial of the identity rights of the different ethnic and religious communities.

1924 Constitution and Changing Perspectives

The contradictions in using the "race" and "the people of Turkey" in the same sentences and the changing descriptions of nationality or the name of the state could be interpreted as the reflections in the process of nation-building. From the Independence War till the birth of the new Republic, Atatürk shaped his expressions according to the conditions of time in order to succeed in establishing an independent Turkish State. Also, throughout 1920s and 1930s, the regime was influenced by the European racist theories and shaken by the Kurdish rebellions in the same period. For this reason, from time to time, the state employed racial definition of Turkishness instead of a territorial and a political one. In this sense, they have tried to erase the image of former "sick man of the Europe" through strengthening the Turkish identity (Oran, 2007: 51). This attitude can be observed in a public speech of the Prime Minister Ismet

Inonu which he gave in Turkish Hearths as early as 1925. "Certainly, we are nationalists…and nationalism is our unique basic element for unity. No other community can have any impression on Turkish majority. No matter what happens, our mission is to make all the non-Turkish people living in the Turkish land Turkish. We are going to cut away all the elements that stand against Turks and Turkishness. The ones who will serve for the country must first be Turkish." (Sahin, 2006:124). Thus, peaceful and plural wishes before the establishment of the Republic turned to be aggressive expressions.

The ambiguities in the speeches of Ataturk can be observed in the definition of citizenship of the 1924 constitution as well. In this respect, Article 88, which regulates the citizenship, contains some hidden meanings about ethnicity and religion:

> "The people of Turkey regardless of their religion and race would, in terms of citizenship, be called as Turk."

Apparently, this article justifies the civic-republican sense of the citizenship through a definition from a political frame. The definition here, addresses the ones who do not have a Turkish origin as well as the ones who belong to Turkish descent living in the boundaries of Turkey. In addition to the definition of citizenship, various articles contained the word "Turk" as in article 68: "Every Turk is born free and lives free..." here, it is also emphasising the notion based on the constitutional description of nationality: Turkishness is not based on religious or ethnic foundations but geographical and political principles. According to this concept, the word "Turk" is used in the same meaning as citizenship. As stated by Atatürk, "The people of Turkey who established the Republic of Turkey is called Turkish nation" (Tanör, 2004: 309-310). However, a more detailed reading of the article that describes the Turkishness (article 88) shows something different from its open meaning. The key sentence here is the expression of "in terms of citizenship".

The article that regulates the citizenship in the last constitution of the Empire was as follows:

"All subjects of the Empire are called Ottomans, without distinction whatever faith they profess; the status of an Ottoman is acquired and lost according to the conditions specified by law."

As it is observed, there is not an expression such as "in terms of citizenship" in 1876 Kanun-i Esasi. In 1924 Constitution, differently from the former, citizens were identified as Turks but "in terms of citizenship" (Yeğen, 2004: 11). That is to say that, as stated by Koker, "non-Muslims are not Turks, they can be deemed as Turks only as a definition of nationality, i.e., a term used only for their legal ties with the Turkish state" (Koker, 2012: 89). This expression was added to the definition of national identity intentionally. In parliamentary sessions for the preparation of the Constitution, the definition of nationality was first proposed as "the people of Turkey regardless of their religion and race would be called Turkish". However, a member of the parliament and ideologue of Turkish nationalism, Hamdullah Suphi Tanrıöver, opposed the provision and argued that it is not proper to call the non-Muslim elements as Turkish. According to his idea, the definition of nationality should be valid only for Muslim citizens and non-Muslim citizens should be out of this definition (Köker, 2010a: 56). This proposal at first sight can be interpreted as very democratic as it was not imposing Turkishness at least on non-Muslim citizens. However, here Turkishness was considered as a superior character and non-Muslim citizens were not deemed to have this qualification. Thus, it was explicitly excluding the non-Muslim elements as citizens. Proposals were not only concerning the non-Muslim elements but also the Muslim non-Turkish citizens as well. For instance, a deputy, Celal Nuri Ileri proposed to accept only Hanafi-Muslims that speak Turkish as the "genuine" Turkish citizens and started a serious discussion in the Parliament. This proposal was generally affecting the Kurdish citizens from the Shafi sect of Islam (Hür, 2007: 1). Finally, Ahmet Hamdi Bey stated the main condition of Turkishness as being the resident of Turkey who adopted the Turkish culture. Also, the phrase "from Turkey" (Turkiyeli) was suggested instead of the word "Turk" in order to provide the civic sense of republican citizenship (Yumul, 2006: 117). However, this proposal was rejected because according to the majority of the members the word "Turk" was being used instead of "Ottoman" and also, there was no difference between the expressions "Turk" and "from Turkey". Considering the ethnic emphases attached to the word "Turk", using the expression of "in terms of citizenship" has

been found suitable. (Gulalp, 2011: 235). As it can be deduced from the parliamentary sessions, national identity was perceived in terms of religious bases. According to Koker, this perception can be explained by the traces of Ottoman "Millet" system. The core of national identity was described by the religion, was not only determined in the periods of Independence War, but also in the core of the Treaty of Lausanne depended on religious grounds (Koker, 2012:89). In the frame of the Lausanne Treaty, only the non-Muslim citizens were granted minority status and the rest of the non-Turkish Muslim communities of Turkey such as Kurds, Arabs, Laz, Circassians and so on, became the subject of Turkification process. As a result of the influences of the past Millet system, only Muslims, preferably Sunni Muslims, were regarded as Turks. Others from non-Muslim backgrounds were identified with their ethno-religious identities as Jewish, Armenian and Greek.

After the Independence War, through deportations and population exchanges, the proportion of the non-Muslim citizens decreased and the Muslim citizens constituted the majority in Anatolia. In this respect, republican reformers managed to achieve the homogeneity based on the religious rather than ethnic unity. According to the founders of the new republic, building a nation-state and creating a homogenous society were the primary conditions of being a modern state. For this reason, they imagined the territorial based nation state as a homogenous entity. This mentality can explain the contradictions in the citizenship definition of 1924 Constitution. Here, the word "Turkish" had both inclusivist connotations for Muslim citizens and exclusivist connotations for the non-Muslim minorities. In this respect Turkey's new constitution was constructed on a dichotomy between a relatively liberal constitutional law and law of the republican Kemalist ideology that was supported by the military-led bureaucracy (Koker, 2012: 87).

In the period of nation-building, the word "Turk" was preferred in various enactments. Depending on different occasions, it can be interpreted in different words. Republican reformers used the term "Turk" as the definition of national identity. According to their perceptions, this definition was based on culture, not race. It was also emphasised by Ataturk himself. In this respect, he indicated a preference for national identity as "subjective" (chosen by the person) against the "objective" identity (determined by birth). His famous expression reflected

this mentality as well: "How happy is the one who calls herself/himself a Turk" (Oran, 2007:51). Similarly, the main criterion for naturalisation was "to be attached to the Turkish culture" rather than being ethnically Turkish. The case of naturalisation of non-Muslims and especially White Russians was in accordance with this policy. In this case, republican regime did not consider citizenship in a racial category. However, religion was still the essence of gaining citizenship. In most cases, non-Muslim refugees converted to Islam and embraced a Turkish name. (Cagaptay, 2003: 612).

Actually, various meanings were attributed to the terms "Turk" or "Turkish nation" and these meanings were preferred in different periods. According to Nisanyan, three different definitions have been adopted since the early periods of the Republic. In this sense, the republican definition rendered every citizen as Turk who adopted Turkish language, culture and national ideal. On the other hand, Islamic definition accepted only Muslim citizens of Turkey as a Turk. Finally, ethnic-racist definition assumed the ancient Turks of the Middle Asia as the genuine Turks (Yumul, 2006: 104). All these three definitions were shared by the state officials and crystallised in state policies against different ethnic and religious communities.

The nation-state building process was carried out with the attempts to homogenise and neglect the cultural diversity of Anatolia. This project was influenced by various factors such as the nationalist ideas spreading from French Revolution, the fear of losing territories left from the Ottoman Empire and the common anxiety for the alien one (Kaya, 2006:56). The aim of homogenisation was also influential on the immigration policies. In this respect, religion was the main instrument even at the heydays of the state secularism. After the collapse of the Ottomans, there was a wave of migration from the former territories of the Empire. In terms of giving citizenship to these immigrants, officials showed an explicit preference in favour of Hanefi Muslim immigrants. For instance, even though they speak Turkish, Christian Turks such as Gagauzes from the Romania were prohibited from entering Turkey. On the other hand, Muslim Bosnians who did not speak Turkish were granted a citizenship status. Also, Azeris and Turks from Alevi sect faced various difficulties (Smith, 2005: 457). Similarly, according to the frame of population exchange agreement between Turkey and Greece, Turkish speaking Orthodox

Turks were subjected to the population exchange agreement as well as the Greek Orthodox people (Yeğen, 2004: 10). In this sense, the population exchange was designed to provide a homogenous society in language and religion. However, other loyalties besides national identity were influential in the exchange process as well. Although they resisted leaving, the Turkish speaking Karaman Orthodox people stated above, were using Greek script and were the subject of population exchange. On the other hand, Muslims coming from Greece within the scope of the exchange were speaking Greek but writing in Turco-Arabic script. Clearly, it was an exchange of Ottoman Muslims and Greek Orthodox Christians (Lewis, 1968: 355). As it is seen, despite the secular policies adopted by the republican elites, religion in the form of Muslimhood stood as the main condition of Turkishness.

Moreover, many former Ottoman citizens had lost their citizenship right on the grounds of not joining the National Struggle. The Law NR. 1041 indicated that the former Ottoman subjects who had been away throughout the National Struggle and had not come back since then would lose their citizenship. Naturally, as a result of this law, many non-Muslim former Ottoman citizens lost their rights to claim a citizenship in the new Republic (Cagaptay, 2003: 605). In accordance with the policies stated above, the Article 2 of the 1924 Constitution accepted Islam as the official religion of the state. However, due to the major contradiction with the principles of secularism, this article was abolished in 1928 (Özbudun, 2004: 33).

Non-Muslims were not the only group which suffered from the state policies. Muslim citizens such as Alevis and Kurds suffered from the lack of an official minority status within the scope of the Lausanne Treaty. Interestingly, although they were not accepted as minority communities, they had been subject to unequal treatments as if they belonged to a "minority" group (Gocek, 2006: 75). As a religious minority, Alevis suffered from the state policies oriented by the Sunni majority. After the dissolution of religious lodges in 1925, Sunni Muslims continued to practice their religion in mosques or other religious places protected by the new regime. However, Alevis remained deprived of any religious place in order to reproduce their own culture (Erman and Erdemir, 2006: 161). Secularism, as the founding principle of the state, was manipulated, thus became inadequate and misconceived. The problems on religious issues

mostly emerged because of the state's wrong interpretation of the concept of secularism. Accordingly, the state acted on the behalf of Sunni sect of Islam through supporting religion under the control of the state (Gökarıksel and Mitchell, 2005: 152). For instance, the Directorate of Religious Affairs (Diyanet İşleri Başkanlığı) was founded to create modern citizens through promoting the modern interpretations of Islam in 1924. This institution mainly operated as if Sunni Islam were the single religion in Anatolia. Moreover, compulsory religious education in state schools referred only to the practices of Sunni Islam. Even though, official minorities were exempted from this education, Alevi citizens were subjected to compulsory education of a religion which they did not belong to.

Citizens from different ethnic and religious backgrounds were entitled to citizenship rights like regular citizens yet these rights were restricted practically in social, cultural and political spheres. Actually, in the eyes of the state, citizens belonging to minority communities were the second class members of the society. This point of view can be observed in the speech of former president Suleyman Demirel, "We announced that the Kurds are the equal owners of this country. Why do we grant minority rights to Kurds and make them second class citizens?" (Yumul, 2006: 106). As it is seen, the differences attributed to the citizens by the state do not stem from religion only but also from their statues as being the first or the second class citizens. Even for the official minority groups, having particular minority rights was disruptive for them. In this case, the Rabbi of Istanbul declared their desire to withdraw from the rights that protected the Jewish minority and in this way he tried to show his community's trust for the new Republic in 1925 (Smith, 2005: 445). Moreover, after the new Turkish Civil Code was enacted in 1926, the government implicitly intended to restrain the Article 42 of Lausanne Treaty. This article enabled these minority communities to use their own manners and customs along with the state laws in resolution of the issues related with family law. However, due to the pressures from the government, minority communities renounced this right. Although, Greek and Armenian communities were struggled to resist this enforcement, they announced their decision of renouncing after the Jewish community (Maraşlı, 2011: 22). This renounce, limited the religious leaders of the minority communities in spiritual sphere and thus put an end to a Millet-like system.

(Yumul, 2006: 105). On the other hand, this kind of implementations restrained minorities legally which were already feeling repressed socially and psychologically in the new established Turkish state.

The Policies of Discrimination and Assimilation

Cultural and Language Policies

The exclusion of small non-Muslim and non-Turkish groups from the safeguards of Lausanne Treaty caused impediments of using mother-tongues in public and private sphere. Modernisation within the nation-building process in inter-war period was carried out with a special focus on language issues. In accordance with the reforms, Ottoman Turkish, which was a mixture of Persian, Turkish and Arabic languages, was superseded by the pure modern Turkish. The residues of these languages except Turkish were attempted to be removed through inventing new words and structures for the new Turkish language. The language reforms, in this sense, resulted in a transformation in Turkish society and sometimes received an opposition from the conservative groups (Tok, 2003: 242).

In order to improve and research Turkish language and the influences of other languages, the Turkish Linguistic Society (Türk Dil Kurumu) was established in July 1932 with the directives of Ataturk. The aim of this society was to reduce the influences of Arabic and Persian languages. However, according to Gökalp, the prominent ideologue of Turkism, "We must eliminate all Arabic and Persian words for which the people's language has Turkish equivalents, retaining only those which express some nuance of meaning... Every word that is familiar to people and that is not artificial is national. A nation's language is a living organism composed of its living possessions, not of lifeless roots" (Gökalp, 1968: 93). In accordance with his inclusivist conception of nationality, he offered to accept every word as Turkish.

In order to break the ties with Ottoman Turkish and Arabic alphabet, Latin alphabet was adopted in written Turkish as it was regarded more suitable for Turkish language and was easy to learn. It was also a step towards the modernisation process and for removing the influences of other languages such as Arabic and Persian (Kirisci and Winrow, 1997: 106).

One of the productions of the Turkish Linguistic Society was the Sun Language Theory. According to this theory, Turks were the branch of Phoenicians and Hittites of the Mediterranean territory which had spread from the Central Asia to the whole World including the China and Brazil. For this reason, their language namely, the Sun Language of the ancient Turks, was the foundation of all other languages (Anderson, 2008: 18).

1924 constitution reflected the influences of the nationalism in official language issue as well. The Article 2 states Turkish as the "language of the state" which was different from the "official language" status. Therefore, in all official areas, from justice and, business to education, Turkish language was accepted as the only medium that provides the relationship between state officials and citizens. In this way, state elites adopted the policy of "official monolingualism" by the frame of the new Constitution (Sadoğlu, 2003: 276). Moreover, the condition of being eligible to be a Member of the Parliament was determined by ethnic senses as well. According to the Article 12, "…citizens who cannot read and write in the Turkish language are ineligible for becoming a state deputy". Along with this regulation the right to stand for election was defined in ethnic terms (Şahin, 2006: 124). Certainly, in normal conditions, it is a necessity to be able to write and read in official language to be a deputy. However, the drafters of the constitution especially stressed this as a condition. In this respect, they probably desired to remove the traces of former multi-lingual society and thus, prevent the resurgence of language-based minorities. These articles were used to promote the status and the dominance of Turkish language.

Similar to the Sun Language Theory which was promoted by the Turkish Linguistic Society, the Turkish Historical Thesis was developed by another republican period institution, the Turkish Historical Society (Türk Tarih Kurumu). This institution was founded in 1940, with the directives of Ataturk to serve as a medium of state strategy in order to impose particular historical theories. The Turkish Historical Society also took part in preparing textbooks and syllabuses for universities and schools in the frame of the official history perception (Lewis, 1968: 359). Indeed, this society presented a significant role in creating an official history. In the former Ottoman education system, the pre-Ottoman Turkish history was invisible. Although, Arabs, Albanians and Kurds were mentioned in the history books, the origin of the Turks had never been such a

subject (Kaya, 2004: 65). In accordance with the Sun Language Theory, the Turkish Historical Thesis defended the very ancient character of the Turkish civilisation. As cited by Hirschler, "...from ancient times, droughts and economic seasons forced migrations from Central Asia to the East, West and South. These migrants were Turkish speaking [...] people. They were brought to the regions they settled and developed civilizations. It was they, who founded civilizations in Mesopotamia, Egypt, Anatolia, China, Crete, India, the Aegean regions and Rome. They were the Turks. These Turkish speaking people had the major role in founding and developing the civilizations and in spreading them to the world" (Hirschler, 2001: 146). Turkish Historical Society, thus, attempted to create an official history through becoming a platform of rewriting the Turkish and Ottoman history. In this sense, asserting the greatness of Turkishness was the main argument of history writing of the Turkish Historical Society. In accordance with the Turkish Historical Thesis, Anatolia was named as the ancient land of the Turks. Historiography was designed in this point of view as well. The mentality in showing Anatolia as the ancient land of the Turks was the reflection of the aims for reinforcing the Turkish existence in inter-war era. Following the Armenian massacre and the deportation of the Greeks, historians and the state cadres intended to emphasise the Anatolian origins of Turks and attempted to claim the Turks as the real owners of this land (Copeaux, 2006: 50). This attitude to reinforce the Turkish existence in new borders of Republic can be observed in slogans such as 'The only friends of Turks are Turks' (Türk'ün Türk'ten başka dostu yoktur) and 'One Turk is worth the entire world' (Bir Türk Dünya'ya bedeldir). Those phrases were constantly referred in the media and school books in order to create a sense of belonging and cohesion among the members of Turkish society (White, 1999: 82). These phrases were the manifestations of an ethnic based nationalism. Likewise, when a Turkish woman came the first in the world beauty contest in 1932, Ataturk stated "Turkish race is the most beautiful race in the world." These references to the great qualifications of Turkish race and ethnicity can be interpreted as a break up with Gökalp's ideal of nationalist perception (Kirişci and Winrow, 1997: 103). Actually, reformers were aware of the absurdity of these theories and phrases, yet emphasised the greatness of Turks and attempted to base the Turkish culture on the history of the Anatolia in order to promote the development of Turkish national consciousness. For this reason,

they gave the names of ancient Anatolian civilisation to the first banks of the modern Turkey such as Etibank and Sumerbank. They also desired to eliminate the influences of both the Turkists and the Islamists since these ideologies do not consider Sumerians or Hittites as the ancestors of the Turks or Muslims (Kaya, 2004: 64). Even though, these theories did not receive any serious feedback from the international academia, they served to create a national consciousness. All these theories attempted to prove the primordial character of Turkishness. As in Hobsbawm's definition, they were "invented traditions" because the traditions were embraced to stress the continuity with a "suitable historic past" as happened in Turkish nation-building process (Hobsbawm, 1992:1).

These policies were rising in the interwar period when a wave of nationalism became influential on the daily life of the citizens. The state was regarding nationality as the determiner of the citizenship and made an implicit distinction between citizens and citizens to be. All the laws that passed in favour of the ethnic Turkish citizens and the attitude of the state officials had proved the discrimination against the non-Muslim citizens. Throughout the interwar era, while the ethnic nationalism increased as a political power, the image of the great Turkish nation gained prominence through mentioned theories such as Turkish Historical Thesis and Sun Language Theory (Cagaptay, 2003: 602). Nationalism was presented as an alternative to the people whose religious feelings were injured by the secular policies. A deputy, Ruseni Bey pointed nationalism as the new religion of Turks. However, this nationalism was based on ethnic foundations which had shown itself in the Sun Language Theory and the Turkish Historical Thesis (Kirisci and Winrow, 1997: 107).

Although the non-Muslims' language rights were protected under the Treaty of Lausanne, the state-led public pressure restricted the use of any other language besides Turkish in public spheres. The campaign called "Citizen, Speak Turkish" aimed to promote the use of Turkish and created a public pressure especially on non-Muslim citizens in 1928. Along with the massive support from the university students, the campaign spread all over Turkey. The influences of non-governmental organisations and the national media also broadened the extent of campaign through the advertisements and declarations. Indeed, one could frequently see those posters with that slogan on the walls and public

transportations: "People should speak only Turkish in the land of Turks" (Sadoĝlu, 2003: 284). These state supported campaigns not only forced the non-Muslim minority to speak Turkish in public spheres, but also affected the daily lives of the Muslim groups such as Bosnians, Circassians, Laz and Kurds. The prohibition on using languages other than Turkish was implemented by the public officials in places open to public, state offices and schools. In some cases, citizens had to pay a particular fee for every non-Turkish word they spoke even between each other. According to a secret circular issued in 1930 by the Ministry of Home Affairs; "in order to integrate the non-Turkish speaking Turks in to the community of Turkish-speaking Turks, their mother-tongue should be made Turkish" (Şahin, 2006: 127).

The new republic had taken over the multi-national society of the Ottoman Empire. However, it was constantly attempting to create a nation through implementing various nationalist projects. Basically, citizenship was defined with nationality. This mentality was stable and strict: everyone who is tied to the Turkish state through the citizenship is a Turk. Although it seems like an inclusivist definition, it was desired to create an indivisible unity and, in this sense, policies of assimilation were implemented in order to accomplish this mission. In this respect, Muslim citizens became the real subjects of assimilation process rather than the non-Muslim ones. As stated earlier, the language rights of the non-Muslims were relatively under the protection of the Treaty of Lausanne. After all, in the eyes of the state, they were Turkish in terms of citizenship, in other words they were second class citizens or foreigners. However, as Muslims were the natural subjects of the religious unity, state elites desired to make them genuine Turks in terms of cultural and linguistic issues. At this point, within the nation-building process and later, the state ignored the mother tongues of Muslim citizens other than Turks such as Kurds, Arabs, Circassians and Laz. For all these Muslim communities, the language was the determiner of their identities.

As it is seen, the ambiguous definition of citizenship in constitution showed itself in the nationalist implementations in social life. Following the establishment of the new republic, despite the *jus soli* definition of the citizenship, the state embraced a *jus sanguine* policy towards ethnically and religiously different communities. In this concept, in early periods of the Republic, Turkish

citizenship was much more close to the French model based on territory and political unity rather than ethnicity. However, along with the rise of nationalism, harsh methods were intended to be imposed on masses showed a transformation of the civic French model into the German conception of citizenship which was based on cultural unity rather than political one (Soyarık-Şentürk , 2005: 129).

Educational Policies

In order to restrain the improvement of the other languages besides Turkish, educational policies had been an influential medium on an extensive level. The language was the main determiner of the national identity alongside the religion. In accordance with the mentality of the republican regime, linguistic diversities were regarded as an obstacle for a united Turkish national identity. Embracing a common language was *sine qua non* on the way to constitute an integrated society. Therefore, Turkish language came into prominence as a vital condition for the continuity of Turkish society. In this sense, bilingualism was regarded as against the civic nature of republican state (Sadoğlu, 2003: 294). Educational policies, in this frame, were in the centre of the linguistic homogenisation process. National education policies helped to raise a national consciousness and to impose a particular identity from the very beginning of the educational process. Starting with the childhood period and continuing later in social life, the state's efforts for creating a national identity were influential in every stage of life. National education was a practical mechanism in order to socialise and modernise people in order to transform them into the genuine republican citizens. Thus, mass education policies served as a medium of imposing a national identity without applying oppressive policies. Eventually, national education system acted as a central institution in which citizens define themselves and a catalyst in producing the sense of integrity among the members of the society. Indeed, it is very much related to the issues such as producing national identity, and imposing the extents of citizenship (Caymaz, 2007: 5). In order to ensure certain integrity in educational realm, the government passed a legislation called "The Law of Unity in Education" (Tevhidi Tedrisat Kanunu) in as early as March 1924 as a principle of the Revolution process. Along with this law, different kinds of educational structures remaining

from the Empire were attempted to be integrated in a particular national educational system. In this respect, the republican state elites wanted to reform the educational realm in order promote the unity of the state. Thus, the principles of secularism, nationalism and modernism were imposed on the new generations. Within this frame, legislation was prohibiting any other educational institution which belonged to any ethnic or religious community other than Turks with the exception official non-Muslim minority schools outlined in the Treaty of Lausanne (Okur, 2005: 208). Alongside the modern education system, republican teachers were considered as the actors of Kemalism for building a civilised Turkish nation. Ataturk's expression is also suitable for this mentality: "Teachers, the new generation will be your production".

According to the Republican elites, the main condition for a modern society was to learn how to read and write. Thus, primary education was made compulsory. The reformers also desired to remove the traces of traditional communal ties such as local leaders and sheiks which were resisting civilisation and nationalisation process. Thus, special importance was given to the enlightenment of the villages. In this respect, "Village Institutions" were established to raise republican teachers and educational staff (Kaya, 2004 :66).

Efforts to constitute a national educational system progressed with the establishment of the "Millet Mektepleri" (Schools of Nation) in November 1928. These schools were founded in order to make mass public literate and to teach the rights and duties of citizenship. In this sense, civics information became one of the key courses of these schools in order to save the masses from ignorance and illiteracy. Therefore, masses would embrace a national culture and become good citizens. Schools were not just targeting the youngsters but also adults who were taught in these schools in order to increase the level of literacy. The syllabus of the courses in Schools of Nation generally consisted of various issues such as the last period of the Ottoman Empire, results of the despotism of Sultans, The First World War, establishment of the modern Turkish state, the great history of the Turkish nation, other Turkic States from the history, the invasion of Turkey and the National Struggle, the reforms of Mustafa Kemal Ataturk, the National Flag and finally rights and duties of the citizens within the articles of the 1924 Constitution (Caymaz, 2007: 15). The policy of the Millet Mektepleri was a useful medium on the way to promote national consciousness.

Indeed, emphasising the times of despotism and underdevelopment of the Ottomans and praising the reforms and the National Struggle against the imperialism helped to create a common bond among the members of the new Republic. The elements of the educational policies were also examined carefully in order to serve to create the sense of nation. For instance, the textbooks authored by Ataturk in 1930s were defining the nation in terms of unity in language, race, political existence, history and morality (Köker, 2010a: 53). Besides the Schools of Nation, The People's Houses were established in order to provide education for the adult citizens. This institution was the cultural arm of the Republican People's Party and had a nation-wide network. Here, besides the regular education, modern style living, behaving, dressing or attending cultural events were described in order to make this new kind of life style adopted by masses (Çolak, 2003: 7). Thus, the Houses acted like an educational instrument to create a common ideal shared by a modern society.

Although, the education rights of the official minority communities were protected under the scope of the Laussane Treaty, some of their rights were subjected to the restrictions due to the tense relationship between Turkey and the Greece. One of the significant examples of these restrictions is the closure of the Halki Seminary (Heybeliada Ruhban Okulu) which was established in 1844. The Seminary was the only institution of the Greek Orthodox community to raise clergies and had a crucial place in the reproduction of the Orthodox religious culture before it was closed in 1971 by the Ministry of National Education. The problems encountered in raising new clergies are the concern of all non-muslim communities in Turkey. The Tbrevank Seminary of the Armenians was closed in 1968; the Assyrians never had such an institution; the Catholics and the Protestants sent their clergies abroad for religious education. The legal requests of the Patriarchate to re-open the Seminary were rejected on the grounds of the lack of legal entity to resort to the jurisdiction and legal capacity to open a Seminary (Macar and Gökaçtı, 2009: 9).

Educational policies were considered as a useful medium for creating a civic structure under the Turkish citizenship yet these polices also imposed a very ethnic Turkish identity as a condition for becoming genuine citizens. In this respect, national education policies did not only function to create or strengthen a national identity but also undertook to assimilate other identities.

Implementation of boarding schools is the significant example of assimilation process accomplished by the state. As Yeğen showed,

> "A number of boarding schools were established in the Kurdish region with the aim of educating Kurdish boys and girls in a physical environment that could separate them from their families and cultural habitat. Assimilation of Kurds through boarding schools continues today. Figures provided by the Ministry of National Education today show that, of 299 boarding schools in Turkey, 155 (52 per cent) are in the Kurdish populated provinces of Eastern and Southeastern Anatolia. Similarly, of 142.788 students total, 84,442 (59 per cent) are enrolled in a boarding school in such provinces" (2010: 3)

Alongside these methods, cultural and linguistic policies were implemented in the areas settled by the Kurdish citizens. For instance, as a part of the Tevhid-i Tedrisat Kanunu (Law on Unification of Education), traditional religious schools (Medreses) were abolished in order to promote a secular educational system. Medreses played a crucial role in reproducing the Kurdish linguistic and cultural practices. These educational institutions were important for both Kurds and Turks as a place for socialisation. Abolishment of religious schools did not affect the Turkish identity as much as it affected the Kurdish identity because a kind of secular educational system was already common among the Turkish people. On the other hand, among the Kurds, religious schools were still the only place for education. Also, the language of instruction was mainly Kurdish together with Arabic. Besides, after the abolishment of these institutions, modern secular schools were established and Turkish was accepted as the official language of instruction. New model of education was especially supporting a strong Turkish identity and excluding the others. Therefore, Kurdish citizens who graduated from the modern secular schools could not have the opportunity to socialise in their mother tongues and thus, linguistically assimilated (Maraşlı, 2011: 69). Also, as a part of nationalising education system, publication and instructing in Kurdish language was prohibited. Therefore, extensive numbers of citizens with Kurdish origin were assimilated into mainstream Turkish culture (Yeğen, 2010: 2). As a result, Kurdish children struggled in reproducing their language in daily life and had difficulties in educational life. Although, state elites desired to remove the illiteracy and promote a more secular-national education through these strategies, very few schools had been built in areas mostly settled by the

Kurdish citizens. According to Sahin, in this manner, state wanted to block the possible rise of Kurdish middle class which could promote the Kurdish national consciousness. (Şahin, 2006:125).

Settlement Policies

As the major problem of the modern Turkey, the roots of Kurdish question are based on early periods of the republic and nation-building project. Indeed, the exclusion of Kurdish identity was the result of assimilation process that has been implemented since the very early stages of Republic. In accordance with the Turkish Historical Thesis, since the late 1920s, official historians have attempted to identify the origins of Kurdish identity with Turkishness. Considering their perspective, Kurds descended from the Turkmen nomads and they were actually a kind of branch of Turks living on mountains, in other words, they were "Mountain Turks" (Smith, 2005: 464). According to this perspective, Kurds were actually ethnic Turks who spoke a different kind of language. The term Kurd was being used to identify people who spoke a corrupted Persian and lived in Iraq, Iran and Turkey. This discourse of assimilation led up to a disturbance and anger in Kurdish elites. Deputy Dr. Nuri Dersimi's complaint was explained this situation very well: "When we say we are Turkish, they say you are Kurdish. On the other hand, as people of Dersim, when we say we are Kurdish, they say, no you are not Kurdish, there is no such thing called Kurd" (Kirisci and Winrow, 1997: 108, 111). Therefore, Kurdish community was considered as "prospective Turks" and was regarded suitable for the assimilation process. Indeed, since the establishment of modern Turkey, state elites never desired to grant cultural rights to any ethnic or religious group and Kurds were not the exception of this rule. According to state's perception, Kurds just like the Turks, were Muslim and for this reason, it was unnecessary to grant them any specific cultural or political rights. Kurds were deemed to be Turks and in order to realise this imagination, the state implemented various regimes. In this respect, The Law on Settlement in 1934 was passed in order to provide homogeneity within the country. In accordance with this law, the rights and freedoms of the Kurdish citizens were violated in order to provide ethnical integrity. Non-Turkish communities had been the subjects of deportation all over the country in order to make them absorbed by the Turkish majority (Soyarık-

Şentürk, 2005: 129). This legislation classified society in three segments. Turkish-speaking citizens from Turkish ethnicity, non-Turkish speakers but were deemed to be belonging to Turkish culture such as Albanians, Circassians and Pomaks and finally non-Turkish citizens that belong to other ethnicity. Although there were not any emphases on Kurds and Arabs, the last segment was prepared to include these communities. The last group of compulsory deportations and settlements had served to the prevention of minority cultures and to assimilate them into the civic structure of the state. This legislation also classified the geographical districts in to three parts. In accordance with first classification, the first district which was settled by Turkish speaking group was open to immigration from all districts. The second district contained the ones whose Turkishness needed to be supported in terms of their language and culture such as Kurds and Circassians. The last district was close to any settlement for the reasons of security. Interestingly, Article 7 was enabling ethnic Turks to settle anywhere they wanted except in the areas that were close to any settlement. Other immigrants' situation was regulated by the government. In this respect, while some Kurds were settled to the west of the Turkey; Turks were settled in the areas historically settled by the Kurds. Apparently, the purpose of this legislation was to support the process of assimilation. As one of the deputy stated, this legislation was designed to create "a nation that think and feel in the same way and also speak the same language" (Kirisci and Winrow, 1997: 103-104). General purpose of this law was to diffuse and impose Turkish language and culture all over the country on every citizen from different ethnic and cultural origins. More than providing a cultural integrity, the continuity in reproduction of Turkish culture was the greatest purpose of this implementation.

One of the striking examples of geographical strategies of nation-building was the name changes of cities and towns. In order to accomplish this mission, Expert Commission on the Name Changes (Ad Degistirme Ihtisas Komisyonu) was established under the Ministry of Internal Affairs in 1956. This institution worked in cooperation with the military, the universities and the Ministry of Education for the Turkification of city or town names which had a non-Turkish origin in. In this process, 12,000 out of 40,000 village names have been transformed into Turkish. These activities were justified because it was

inappropriate to keep the "foreign" village names on Turkish territory (Öktem, 2004: 569).

Financial Policies

Assimilating the Muslim citizens and discriminating the non-Muslims became a regular state policy which was generated from the early days of the National Struggle. As early as 22 January 1921, Defence Secretary of Ankara government Fevzi Cakmak declared his disturbance about the existence of non-Muslims in commercial sector. According to him, Christians must pay a certain amount for being exempt from the military service and they should work in public jobs such as constructing roads, bridges and factories. This suggestion was pleasantly welcomed. Moreover, a deputy said: "Sirs, the evilness and betrayal of Armenians is obvious…they should pay 500 Liras for being exempt of military service and work in road constructions. They must be crushed" (Hur, 2011).

Although, the Constitution committed a certain degree of equality to all citizens, there were still some traces of the perception in state policies that equates Turkishness to Muslimhood. As a result of these policies, the participation of non-Muslims in public realm diminished considerably. A striking example of the discrimination adopted against the non-Muslims took apart in the issue military service. As a part of citizenship duties, non-Muslim males were called up for military service yet it was prohibited for them to possess arms during the military service (Lewis, 1968: 357). Similarly, in order to be accepted to the military schools or academy, candidates should be from Turkish descent. Since Islam was accepted as the main indicator of the Turkish identity, Christian and Jewish citizens were not accepted to the military schools. Even Muslim Circassians had such problems and were subjected to exclusion carried by the State (Kirisci and Winrow, 1997: 102). This perception that united all the Muslim citizens from different ethnic backgrounds as Turks started to disintegrate following the abolishment of the Caliphate. According to Sahin, especially Kurdish citizens started to feel apart from the Turkish majority because of the absence of an umbrella such as the Caliphate. When the Turkishness and modernism were imposed as the new umbrella by the state, Kurdish citizens became the main

subjects of the assimilation as they resisted on having their own religious Kurdish identity (Sahin,2006: 125).

The state policies reflected an attitude of alienation of the non-Muslim citizens. In accordance with this alienation, for instance, until the 1940s, non-Muslim citizens' relations with state were being sorted out in Ministry on Foreign Affairs and non-Muslims were registered in the "Foreigner Registry" (Ecanip Defterleri) (Oran, 2007: 51). In this respect, religion was nationalised and the cultural rights were discouraged and consequently, civic or Kemalist nationalism became the vehicle of ethnic chauvinism (Smith, 2005: 436).

Proceedings of the drafting process of the Constitution showed that the new government regarded Turkish citizenship and Turkishness as privileged status. In accordance with this perception, Turkish Grand National Assembly adopted various measures in favour of the citizens with Turkish origins. For instance, in February 1924, government passed a law which is exempted Turkish citizens who owned a company from paying taxes for ships they imported. Throughout the discussions of this legislation, there had been many emphases on the distinction between Turk and Turkish citizens. As discussed by the Cagaptay, "MP Zulfu Tigrel from Diyarbakir asked how to interpret Turkishness in the case of companies that had foreign capital. MP Sukru Saracoglu from Izmir, who prepared the draft of the law, replied: "we mean whatever the laws understand from the words, Turk and Turkish companies." MP Ismail Kemal Alpsar from Corum inquired: "Are we calling the Armenians and the Greeks, Turkish?" MP Zeki Kadirbeyoglu from Gumushane responded, "They have never been Turkish" (Cagaptay, 2003: 603). As it is observed, the reflections of ethnic nationalism were influential on the commercial issues as well. The purpose of enacting such a law was to create a "national bourgeoisie" because historically, Jews and Christians were the major elements of Ottoman trade, banking and commercial life. Since the era of Young Turks, there had been several attempts to support the Muslim Turkish traders and undermine the activities of Christian and Jewish firms in order to provide the national consciousness in financial issues (Smith, 2005: 447). The most striking example of removing non-Muslims from the commercial life would be the notorious "Capital Tax" (Varlik Vergisi) which was approved by the government on 11 November 1942.

After the Independence War, the large farmers in Anatolia and the merchants from middle class in Istanbul made enormous profits due to the rise in the agricultural and the commercial commodity prices respectively. While the farmers mostly consisted of the Muslim Turks, the merchants, as a residue of the Ottoman Empire, largely belonged to the non-Muslim communities such as the Jews, Greeks and Armenians. The Capital Tax, in this frame, was substantially influential on the non-Muslim minorities since no particular taxation rate was ever declared by an administrative authority. The local tax boards announced a list of payments varying in their estimates. The list of payments for particular tax payers were unquestionable and not subject to appeal. Apparently, the Law on Capital Tax supposed to be imposed on every business owners, however, it soon became clear that the main condition on determining the taxation rate on a business owner was her/his ethnic origin and nationality. Taxation lists differed depending on the religious backgrounds of the business owner. The lists were symbolised by particular letters. M list for the Muslims, G for the non-Muslims (Gayri Muslim), E for the foreigners (Ecnebi) and even more strikingly D for the Donme, a term to identify Jews who were previously converted to the Islam. Depending on these lists, Donmes' tax rate was twice as much as Muslims, non-Muslims' rate was up to ten times more. Interestingly, Foreigners were under the same rate of tax responsibility with the Muslim business holders and farmers (Lewis, 1968:298). After the Law on Capital Tax, many firms that belonged to non-Muslims were bankrupted and some business owners who were unable to pay the enormous rates of taxes were deported to the working camps for breaking stones for the construction of Aşkale city of Erzurum province. This policy was later attempted to be justified as a necessity for recovering from the adverse financial effects of the War and to regulate the inflation that increased significantly after the War period (Smith, 2005: 447). As a result, the implementation of the Law on Capital Tax came as a striking example of inequality in terms of the equal citizenship rights. While the foreigners were financially protected through the low taxation rates as much as Muslims, the very own citizens of the state had been the subjects of extremely high rates of taxation and inhuman procedures such as forcing to break stones in working camps. Once again, it was observed that the non-Muslims were actually considered as second class citizens and inferior than the Muslim, better yet Turkish.

Along with the rise of nationalism during the 1930s, officially supported discrimination had risen against the non-Muslim communities as well. The Law on Associations (Cemiyetler Kanunu) passed in June 1936, banned the organisations which represented the religious and ethnic communities. Moreover, in July 1931, the National Assembly confirmed the Press Law (Matbuat Kanunu) which applies restrictive measures on freedom of press in Turkey. According to this law, the owners of journals or magazines could only be Turks. Also all publishers were obliged to speak Turkish fluently and to hold a diploma from a higher education institution of Turkey. Interestingly, the ones "who had served the enemies' goals during the Turkish Independence War" were also precluded from owning newspapers and journals (Cagaptay, 2003: 604). In this sense, this legislation directly created opportunities in favour of the ethnic Turks and excluded others from the field of publishing and the press.

Attempts to remove the non-Muslim business holders from the Turkish economy continued with the "Pogrom of 6-7 September" in 1955. Following the breaking news of the bombings in Ataturk's childhood house in Salonika, a lynch campaign started on the non-Muslim communities and exacerbated due to the tension between Greece and Turkey on Cyprus issue. Aggressive masses attacked the houses, business places, churches and cemeteries of the non-Muslim communities living in Istanbul and Izmir. Citizens were assaulted and their properties were plundered. This massive attack was supported and oriented secretly by the state and the media. Consequently, most of the non-Muslim citizens had to leave the country and the Turkification process of the bourgeoisie was achieved as the visibility of non-Muslims gradually diminished in daily life (Yumul, 2006: 108).

Similarly, the "Friendship Treaty" which was signed between Ataturk and Venizelos (Greece) in 1930 was unilaterally cancelled by Turkey with a decree in 1964. In this respect, government blocked the bank accounts and stopped the land registry transactions of Greek nationals living in Turkey. Afterwards, Greek nationals who were born in Turkey were deported to the Greece. Naturally, families of these people who hold a Turkish passport were directly affected by the enactment and consequently Greek Orthodox population in Turkey decreased significantly (Hur, 2011).

These dichotomies and ambiguities distinguished themselves in various enactments. In this sense, the terms "Turk" were used in lieu of "Turkish citizen" in a legislation passed by Assembly on 15 March 1926. In the Article 4 of the Law on Government Employees (Memurin Kanunu), it was indicated that "one had to be a Turk to be a government employee". According to the group that drafted this legislation: "We made being Turkish a condition for becoming a government employee. A prospective government employee naturally, needs to be a Turk … those other than the Turks cannot be government employees under any conditions" (Cagaptay, 2003: 603). Similarly, another legislation passed in 11 April 1928 was stating the main condition of becoming a medical doctor as being a Turk (*ibid*: 603). These legislations were intentionally emphasising the word "Turk" instead of Turkish citizen. However, this article was abolished in 1965 and fortunately, currently Law number 657 emphasised being "Turkish citizen" instead of being "Turk" as a condition for becoming a public servant. Nevertheless, the existence of the non-Muslims as civil servants has vanished in public services except working as an academic in universities. Baskin Oran explains this situation with a common belief among non-Muslim citizens. In Turkey, citizens belonging to minority communities do not apply to work in public service positions because of their hesitations on their acceptance to the job. Even though, this article was abolished in 1961, it is still operating as an unwritten rule (Yumul, 2006: 106). It seems that the legal regulations and civic constitutional definition of citizenship are not always compatible with each other. Exclusionary and discriminatory policies show what is realised by Turkishness is not equated to Turkish citizenship. In other words, implicitly, according to state's perception, Turkish citizenship was considered as less valuable than Turkishness (Yeğen, 2004: 8). Constitutionally, there was a *de-jure* equality between non-Muslim and Muslim however, this quasi legal equality did not guarantee *de facto* equality in citizenship rights of citizens from different ethnic and religious backgrounds.

Transition to Multi-Party System and 1961 Constitution

Along with a wave of mainstream nationalism, state's negative attitude against the different ethnic or religious groups became more visible. This attitude became stronger in a single party system due to a lack of serious opposition. In

single-party period, due to the nationalistic practices of the centralist government, hegemony never belonged to public unconditionally. In this respect, centralist government shaped the society both as the constitutive unit and the ruler (Yilmaz, 2011: 119). Even though there had been a couple of attempts for transition to the multi-party system in 1924 and 1930, it failed and was postponed due to the various religious or ethnic rebellions and uprisings. According to state's point of view, the society was not ready for adoption of democracy. As Koker argued,

> "Kemalism understood populism as the denial of the existence of class and other cleavages in Turkish society, which, on the basis of this understanding, did not allow for a multi-party pluralist democracy. Having connections with a homogeneous cultural definition of the nation with explicit ethnic references and economic and cultural statism, Kemalism established a single-party rule which has been unable to open up for genuine democratic politics" (2010b: 12).

Thus, in such an undemocratic sphere, cultural, ethnic and religious communities could not been supported by any other party and those citizens could not enjoy the genuine democracy completely. The transition to multi-party system in 1946 did not make any significant changes on the status of these communities. Throughout the multi-party system until the military coup in 1960, there had not been serious changes in order to promote the status of official and unofficial minorities and moreover, it went worse during the coup period. Ethnic identities besides Turkish identity continued to be denied explicitly by the state authorities. For instance, Prime Minister Cemal Gursel praised a book asserting Kurdish people were descended from the Turkish origin in accordance with the "mountain Turk" mentality. In his speech, he quoted the expression, "spit in the face of him who calls you a Kurd". In this way, he humiliated Kurdishness as it is a shameful thing to be. In this period, even peaceful social mobilisations such as protests and marches were punished harshly by imprisonment or worse (Gunter, 2000: 853). Democratic order under the transition to multi-party system did not broaden the scope of the freedoms of citizens. Especially, strong penalties were imposed on the leftist groups. In this respect, penal code, which was inspired from Mussolini's period Italy, was

sharpened against the newly established leftist parties such as Turkey Socialist Worker and Peasant Party and Turkey Socialist Party (Timur, 2004: 31).

After the first military coup of the modern Turkey on the 27th of May 1960, military claimed to take power for a limited period in order to regulate the democratic conditions again. Interestingly, this military intervention was made by the young officers to reach the "true democracy" instead of generals. In this sense, it was also against the hierarchic structure of the military. This coup can also be referred as an institutional reform. With the intention of building a more democratic order, the military invited the republican professors to prepare the new constitution (Kaya, 2004: 98). A new constitution was prepared in 1961 with the collaboration of non-governmental organisations such as universities, political parties, trade unions and certainly military. Therefore, 1961 Constitution was claimed to be relatively the most democratic and liberal constitution of the modern Turkey in terms of the preparation stage and its content. This constitution had positive emphasis on the welfare state, social and political rights and the protection of secularism; however it made a strong emphasis on the ethnic citizenship as well. Nevertheless, the language of the constitution was relatively less nationalist comparing to 1924 Constitution. For instance, the articles that regulate civil rights were constantly referring the rights of "Turks" in 1924 Constitution. On the other hand, in 1961 Constitution, the word "everyone" replace the word "Turk" (Tanör, 2004: 380).

Although 1961 Constitution contributed a lot to the process of democratisation, its preparation process carried the traces of authority. This constitution was not prepared by a constitutive assembly consisting of the representatives elected freely by the citizens. On the contrary, following the military coup, leaders of the coup d'état had their place in the preparation committee and the spirit of the constitution became inevitably authoritarian. In this respect, the new constitution granted military a certain degree of authorisation and immunity in an anti-democratic way against the constitutional order. This authority and the immunities later enabled the military to be influential on elected civilian governments and institutions determined by elections after they took the control from the military (Yazici, 2009: 142). However, despite the traces of the military rule, academic drafters of the constitution sought to reflect the liberal spirit of the constitutionalism. In this context, depending on the suggestions of the

drafter, Hifzi Veldet Velidedeoglu, a well-known professor of law, three representatives from the "official" minority groups, Armenians, Greek Orthodox and Jews were selected by the President Cemal Gursel to be represented in the Constitutive Assembly. In this respect, Hermine Agavni Kalustyan, Kaludi Laskari and Erol Dilek represented Armenian, Greek Orthodox and Jewish communities respectively in the Constitutive Assembly. These persons also carried on the representation of the president (Kalustyan, 2009).

Moreover, one of the interesting changes in the 1961 Constitution took place in the characteristics of the Republic. In the previous constitution, these characteristics were sorted as republican, populist, statist, nationalist, secular and revolutionist. However, these principles were regulated as national, secular and democratic state of law based on human rights in 1961 Constitution. Some of the Assembly members insisted on keeping the principle of "nationalism" in order to save the spirit of the new constitution. A member Mehmet Altınsoy stated, "This draft of the new Constitution is methodical and scientific yet I cannot say it is national. I strongly suggest that this draft which is prepared through modern methods must focus on the realities of the Turkish community. This Constitution which does not protect and support the community's morality (religious and nationalist) lacks of national spirit. I hope the new constitution will not emerge from this draft" (TGNA, Constitutive Assembly, Volume 2, 35th Session, 1961, 400). In a similar discussion, the absence of the principles of nationalism and reformism was interpreted as an attitude against Ataturk. According to a deputy, Fakıh Ozfakıh, this draft could be applied to every state as it lacks of a nationalist character. In this case, it was not respecting the principles of Ataturk (TGNA, Constitutive Assembly, Volume 2, 36th Session, 1961, 456).

Interestingly, the defence of the drafters against these critics were far from being non-nationalist. According to the drafters, various parts of the draft were already reflecting a nationalist spirit such as the article 3, "Turkish State is indivisible with its territory and people". As stated by a drafter Muammer Aksoy, "Although, every Western community is nationalist, the principle of nationalism does not take place in their constitution. This principle could only take place in the programmes of the political parties. As everyone is naturally nationalist in Turkey, we did not consider adding the principle of nationalism to the new

Constitution specifically necessary" (TGNA, Constitutive Assembly, Volume 2, 37th Session, 1961, 515). Besides, according to him, the employment of term "Turk" in most of the articles is the proof of nationalist character of the draft (*ibid*, 515). After the discussions about the absence of the principle "nationalism", the term "national" was preferred instead because of nationalism's racist and aggressive connotations. Nevertheless, there was a special emphasis for Turkish nationalism in the preamble together with peaceful characteristics (Tanör, 2004: 389). Here, there was a general concern about the meaning of the nationalism. Some members of the parliament were against using the term "nationalism" as it is related with Fascist and National Socialist regimes established in Italy and Germany. For this reason, a detailed definition of Turkish nationalism was attached in the preamble in order to avoid any misunderstandings (Özbudun, 2004: 74). Also the expressions such as the "spirit of national unity" and "inspiration from Turkish Nationalism" takes place as the traces of nationalist wing in the Assembly. As it is observed, nationalism is a *sine qua non* even in a constitution which is known as the most liberal throughout the constitutional history of Turkey.

Unlike the principle of nationalism, secularism took a serious place in various draft articles such as Characteristics of the Republic, The Laws on Radio-Television and Press, the Dissolution of Political Parties and Reform Laws. Although there was a strong emphasis on the principle of secularism, it also introduced the Directorate of Religious Affairs within the Article 154. The constitutional protection of a religious institution was obviously against the secular character of the Republic. Also, as this institution was only promoting the Sunni Islam, it was against the equality of citizens from different religious backgrounds. About this issue, a deputy, Hikmet Kümbetlioğlu stated, "The Directorate of Religious Affairs only deals with the affairs of the member from a particular sect (Sunni). However, there are other citizens from different religions and sects. It is not fair to enforce citizens to pay their taxes for an institution which is not dealing with their religious affairs. We should not make our citizens the subjects of this pain" (TGNA, Constitutive Assembly, Volume 2, 35thSession, 1961, 421). However, despite many supports for this critic, the article that regulates the Directorate of Religious Affairs has remained unchanged.

In this period, lots of autonomous organisations were established and made contributions to the democratic culture of Turkey. However, issues related to ethnicity were still critical. The military was uncomfortable with the liberal policies of Democratic Party in the Eastern areas that were mostly inhabited by the Kurdish citizens. In order to prevent the Kurdish national consciousness from developing, 54 Kurdish DP members were arrested and deported to the western Turkey. The military also passed a law to give Turkish names for Kurdish villages and desired to maintain the assimilationist and settlement policies of single-party period. However, the liberal character of the 1961 Constitution prevented this kind of implementations. As mentioned above, this constitution granted civil rights, autonomy for universities, the right to establish student organisations. In this atmosphere, some Kurdish groups started to be aware of their identities progressively as well (Kirisci and Winrow, 1997: 113).

Interestingly, in this period the political attitude of CHP was pluralist rather than majoritarian. While the CHP was referred with concepts such as totalitarianism and Jacobinism in the past, they became the representative of pluralism in accordance with 1961 Constitution. On the other hand, Democrat Party and Justice Party became the voice of conservatism and majoritarianism. Ironically, those parties were in charge and had to implement the pluralist 1961 Constitution (Tanör, 2004: 424). This dichotomy between conservative governments and liberal constitution caused an environment of chaos in political and social life in Turkey.

Soon afterwards, the military sent a memorandum to the government in March 1971. The main concern of the Military was the security and thus, it was demanded an oppressive regime with the operations of the military courts. In this respect, lots of activist students, academics and leftist party leaders were punished with imprisonment. The military did not abolish the parliament or constitutional system in order to legitimise its intervention but it forced the government to make constitutional amendments. The spirit of the constitution that protected social rights and democratic freedoms remained unchanged however, the implementation of these freedoms were limited to a greater extent. For instance, the state was enabled to monitor universities and the establishment of security courts were established to be provided in case of emergency (Keyder, 2004: 68). Following the military memorandum, there was

an environment of chaos between rightist and leftist groups which would end up with the military coup on 12 September 1980. This coup did not only launch an order of strict authority but also introduced a new constitution consisting of the most undemocratic articles of Turkey's constitutional history.

1982 Constitution and the Rise of Authoritarianism

The Drafting Process

The 1982 Constitution is a production of a military coup which was achieved by the Turkish Armed Forces under the chain of command on 12 September 1980. The Council of National Security consisted of five high-ranking generals who seized the power of the state and terminated the constitutional order. The Council of National Security identified several points as the underlying causes of coup d'état such as "protecting the unity of the state, providing the national unity and terminating a possible civil war, re-establishing the state authority and existence and removing the obstacles which prevent the operation of the democratic order" (Ozbudun, 2004: 51). As it was stated on the first declaration of the council, "The Council acted on behalf of the great Turkish nation under a historical responsibility of the Turkish Armed forces which emerged from the hearth of the nation." (Ozbudun, 2004: 51). In this sense, it can be said that, the military order started with visible nationalistic emphasis that praises the unity and the greatness of the Turkish nation.

Soon afterwards, the members of the Council were committed to establish a new constitutional order based on unconditional sovereignty of the nation as well as democratic and secular principles of the Republic. In this respect, the new constitution-making process was started with the ratification of the Law on Constitutive Assembly on 29 June 1981.

According to the Law on Constitutive Assembly, Constitutive Assembly consisted of the Council of National Security and the Advisory Council which represented the civilian part of the Assembly. All members of the Advisory Council were selected and assigned by the Council of the National Security. In this sense, the members of the Assembly were not assigned through free and competitive elections. According to the Law, the new Constitution would be drafted by the Advisory Council and the Council of the National Security would

put it into final form. Therefore, the constitution-making process was dominated by the coup leaders rather than the civilian initiatives because the members of the Advisory Council could not work independently due to the pressures of the authoritarian rule (Parla,1991: 131). The members of the Advisory Council were also prohibited from having any affiliations with the political parties. Indeed, all the political parties were excluded from the constitution-making process by the Council of the National Security. The Security Council did not only close all the existing political parties but also outlawed numerous labour unions and associations, hence blocked the activities of civil society organisations from the participation process for the new constitution (Abdulhakimoğulları, 229: 2013). Accordingly, Declaration no: 65 of the council prohibited the activities of politically banned associations, legal persons and groups in the scientific meetings and conferences about the new constitution. The Security Council also took every measure to prevent the expressions of public opinion and the activities of citizens on the new constitutional process. In this sense, any kind of expression and propaganda about the Constitution was prohibited by the Security Council. Therefore, the draft constitution was introduced and presented by the president of the Security Council and the State, Kenan Evren. After the draft constitution was put in its final form by the members of the Security Council, Kenan Evren started an official tour to introduce the new constitution for the Referendum. Once again, any kind of comment or criticism on the content of the draft constitution was forbidden. Following an extremely undemocratic and oppressive process, the new constitution was ratified through the referendum by 91.37% of the total votes. The high level of yes votes can be interpreted as the approval of mass public for the new constitution. However, this interpretation can be quite misleading in terms of the conditions of that period. First of all, there was no clear explanation about what will happen if the constitution was not ratified in the referendum. Moreover, the members of the Security Council were implying to remain in the office in that case. Elections and the Law on Political Parties also depended on the ratification of the Constitution. For all these reasons, the constitution was ratified in order to achieve the transition to civilian rule as soon as possible. In this respect, it can be said that, the referendum which supposed to be a democratic medium of citizenship participation turned out to a plebiscite (Yazıcı, 2009b: 28-31).

The 1982 Constitution was drafted through excluding the participatory methods as the essential elements of the civil and democratic constitution-making process. First of all, it was not drafted by an elected constitutive assembly. Therefore, the new Constitution was made based on the wills of the Council of National Security rather than the citizens' will. The civil and political rights of the citizens were violated and the military rule did not allow citizens political parties and civil society organisations to declare any view on the new constitution. Discussing the draft constitution was also prohibited by limiting the freedom of press and assembly. Considering these factors, the 1982 Constitution was created as a medium to maintain the authority of the military rule even after transition to civilian order.

The Definition of Citizenship and the Emphasis on Nationalism

The extensive and epic preamble of the 1982 Constitution indicates strong signals about the nationalist character of the Constitution. Throughout the preamble, the importance of nationalism, national culture, unity and indivisibility of the nation and the state were emphasised along with praise on Atatürk:

> In line with the concept of nationalism and the reforms and principles introduced by the founder of the Republic of Turkey, Atatürk, the immortal leader and the unrivalled hero, this Constitution, which affirms the eternal existence of the Turkish nation and motherland and the indivisible unity of the Turkish state, embodies... The recognition that no protection shall be accorded to an activity contrary to Turkish national interests, the principle of the indivisibility of the existence of Turkey with its state and territory, Turkish historical and moral values or the nationalism, principles, reforms and modernism of Atatürk and that, as required by the principle of secularism, there shall be no interference whatsoever by sacred religious feelings in state affairs and politics; the acknowledgment that it is the birthright of every Turkish citizen to lead an honourable life and to develop his or her material and spiritual assets under the aegis of national culture, civilization and the rule of law, through the exercise of the fundamental rights and freedoms set forth in this Constitution in conformity with the requirements of equality and social justice; The recognition that all Turkish citizens are united in national honour and pride, in national joy and grief, in

their rights and duties regarding national existence, in blessings and in burdens, and in every manifestation of national life...

According to Parla, the Preamble of the Constitution was written almost in a metaphysical and theological character. Moreover, expressions such as, the immortal leader and the unrivalled hero, the eternal existence of Turkish nation, the sacred state and religious feelings reflects a holy trinity of Turkish-Islamic version consisting of sacred state, sacred religion and immortal leader (Parla, 1991: 23). The preamble of the Constitution was not a regular introduction because it was legally binding like the articles of the Constitution. Before the 1982 Constitution, the expressions in the preamble section were not binding the decisions of the Constitutional Court. However along with the new constitution, ambiguous expressions such as 'history and the value of Turkishness', 'national culture' and 'Turkish national interests' were considered as legally binding expressions in the related cases and caused many problems in terms of the democratisation of Turkey (Özbudun, 2004:71).

The definition of citizenship of 1982 Constitution adopted a similar one with the 1961 Constitution: "Everyone bound to the Turkish state through the bond of citizenship is a Turk". To some, the citizenship definition of the 1924 Constitution was more moderate than the definitions adopted in 1961 and 1982 Constitutions. Here the term "Turk" refers to a territorial meaning yet along with an extra emphasis on membership in a linguistic and ethnic community. This is especially explicit in the 1924 Constitution with its vague reference to ethnicity which was made quite visible in the 1961 and 1982 Constitutions (Köker, 2010a: 61).

Generally, Turkish constitutions have an inconsistency in using of the terms "Turk" and "Turkish". Yeğen indicates this inconsistency with several examples from both 1961 and 1982 Constitutions:

> "While the first article of the 1961 Constitution defined the state as the "State of Turkey" and the "Republic of Turkey", most of the remaining articles used the term "Turkish State." Likewise, while many of the articles explaining the rights and duties of citizens used the term "everyone" or "citizens", articles defining the rights and duties regarding the public services (Articles 58 and 60) and conditions required to become a deputy

(Article 68) suddenly began to use the term "every Turk" instead of "everyone" or "citizens." The 1982 Constitution is also marked by a similar inconsistent terminology. While most articles use the term "everyone" when the "subjects" of the Turkish state are mentioned, there are also articles using the term "citizens" (Articles 67 and 68), "Turkish citizens" (Articles 59 and 62), and "every Turk" (Articles 70 and 72)." (2004:15).

These examples addressed the inconsistencies in the definitions of citizenship and the different use of Turkishness as a common problem Turkish Constitutions. Except for the 1921 Constitution which does not contain the term "Turk", all three Constitutions regulated the citizenship based on the Turkish ethnic identity. In order to remove the ethnic connotations o the citizenship definitions, various terms such as 'Türkiyelilik' (means from Turkey), "citizen of Turkey" , "nation of Turkey", "people of Turkey" or simply having no definition of citizenship were discussed from time to time and became more visible and crystallised in the new constitution-making process.

The 1961 and 1982 Constitutions strengthen the dominance of state authority over the ethnic and religious identities. The two constitutional periods show particular similarities in terms of their content. Both Constitutions accepted the strong centralist nation-state model as the form of the state. The basic aim of the Constitution is to protect the citizens from the tyranny of the state. However, the military and the civilian bureaucracy considered themselves as the real guardians of the Republic and influenced the Constitutions to protect the state from the civil society. A constitution making process requires democratic procedures and the participation of civil society organisations. However, these constitutions were drafted under the impact of the military rule and tried to be justified by the extensive references to the 'Turkish Nation' in the preambles. Finally, as Köker indicated, "the 1961 and 1982 Constitutions represent a transition from an openly bureaucratic rule which can only be meaningful under a descriptive notion of constituent power to a nationalistic form of bureaucratic guardianship in which the constituent power of the nation is given to the hands of the civilian-and-military bureaucratic apparatus" (Köker, 2010b:10).

The 1982 Constitution acted in a pro-state perspective and weakened the space of the recently developing civil society. There had been major restrictions on fundamental rights and freedoms, freedom of association and assembly. These

restrictions limited the relation between citizens, associations, unions and political parties and hence, prevented the development of civil society as a major part of a proper democracy. The Constitution strengthened the authorities of the President on legislation and executive power. New institutions such as YÖK (Council of Higher Education), MGK (Council of National Security and RTÜK (Radio and Television Supreme Council) were introduced by the 1982 Constitution to maintain the authority of the military in public spheres.

The undemocratic spirit of the Constitution has caused controversies since it went in to effect. There have been extensive demands and discussions to amend the Constitution. Accordingly, the Constitution was amended 17 times on 83 articles. Through the most recent amendments which were made in 1995, 2001 and 2010, there have been partial improvements in the ideological, statist, pro-tutelage and centralist structure of the Constitution. However, none of these amendments could remove the authoritarian and undemocratic spirit of the Constitution. In this sense, the need for the new Constitution has been the major issue in the political agenda of Turkey since 1982 Constitution came in to force through removing the democratic and constitutional order.

Conclusion

This chapter addressed various issues such as the foundations of Turkish nationalism and its reflections on state's policies against the communities from different ethnic and religious backgrounds. The impact of these policies on equal citizenship since the late periods of the Ottoman Empire was also explained.

Along with the nationalism wave emerged from the French Revolution, Millet system, as the main structural component of the Empire started to be invalid for various ethnic and religious communities living in the boundaries of the Empire. Despite the reforms such as Tanzimat (1839), Islahat (1856) and finally Kanun-i Esasi (1875), independence movements spread quickly over the Empire. Even an imagined identity "Ottomanism" was remained insufficient to keep all the identities together. Soon afterwards, Turkish nationalism emerged as the last nationalist movement in the Ottoman boundaries.

Following a successful independence war against the Western Imperialist Powers, the Republic of Turkey was established under the leadership of Mustafa Kemal Ataturk. Along with the extensive reforms movements, new republican state cadres desired to create a new identity as Turkishness. In this respect, through the process of nation-building, all the ethnic and religious identities other than Sunni and Turkishness were denied.

The constitutions of Turkey accepted everyone as Turkish regardless of their ethnicity, culture, language or religion. However, the state policies showed the exact opposite. In this case, Turkish nationalism was promoted through various institutions such as the Historical and the Linguistic Societies, Turkish Hearths, Sun Language Theories and Turkish History Thesis. On the other hand, minorities were under the suppression of policies such as "the Capital Tax", "Citizen Speak Turkish!" campaign, forced deportations and restrictions on becoming a state employee. In this respect, state polices emerged as a synthesis of French civic nationalism and German cultural nationalism. This special kind of nationalism was also called Kemalism, the name of modern Turkey's founder Ataturk. Kemalist mentality was based on the denial of identities other than Turkishness and single-party period was not offering suitable conditions for a serious opposition.

After the transition to multi-party system in 1946, there had not been any serious improvements in the status of the ethnic and religious communities. Moreover, along with the military coups that happened in 1960 and in 1980, the conditions of these communities became even worse. Both of these military coups introduced new constitutions in 1961 and in 1982 respectively. The 1961 Constitution and parliamentary discussions about nationalism on the preparation process were examined in this chapter. As the last and the most authoritarian constitution of Turkey, the 1982 Constitution was also analysed in terms of its drafting process and its approach on the definition of citizenship.

CHAPTER 3: Agenda: New Constitution

Introduction

The nationalist spirit of the 1982 Constitution limited the political and social rights of everyone in Turkey. It also affected the equal citizenship rights of citizens who belong to ethnic and religious communities that are not Turk or Sunni-Muslim. Since the establishment of the Republic, these groups have been subjected to assimilation and discrimination because of their religion or ethnic identity. While the "official religious minorities" have encountered discriminative policies and have experienced being the "strangers" in society, Muslims of different ethnicities other than Turkish have faced policies of assimilation. Due to the existence of these policies, citizens from different ethnic and religious backgrounds have not been able to enjoy their citizenship equally.

The 1982 constitution has been amended many times during the past thirty years. The latest amendments were made through the constitutional reform packages in 2001 and 2004 on the way to the European Union accession process. The most recent significant change in the current constitution is the 2010 package of constitutional amendments which was ratified by a referendum and caused a great polarisation in Turkey's political agenda. These changes were also insufficient in meeting the needs of different ethnic and religious identities because the undemocratic spirit of the constitution remained untouched.

The thought of making a new Constitution has always been in Turkey's political and social agenda since the 1982 Constitution came into power with a coup d'état. There has been a widespread consensus on which temporary changes cannot give a genuine democratic spirit to the constitution because of the undemocratic drafting process was conducted from an authoritarian perspective. None of Turkey's past constitution-making experience was based on the demands and the expectations of the different social groups. In this respect, today, it was impossible to draft a new constitution which excludes the participatory methods from its making process. Therefore, following the emphasises over the contribution of civil society for the new constitution, various ethnic and religious community organisations considered the making of a new constitution as an answer for their equal citizenship demands.

This chapter will start with the election bulletins of the political parties in the Commission. As the thought of making a new constitutional process emerged prior to the 2011 elections, the election bulletins of the parties will be examined in order to understand the foundations of their perceptions over the process. Afterwards the structure of the Constitutional Reconciliation Commission will be examined along with the profiles of the each party in the Commission. Finally, civil society activities for the public consultation process will be scrutinised through the works of major organisations that participated in the process.

Election Bulletins of the Parties

All the major parties gave a special place for the new constitution in their election bulletins for the 2011 election. Indeed, following the election, four parties agreed on starting to work on a new Constitution. However, during the drafting process, the parties lost their determination and enthusiasm gradually due to the existence of the "red lines" and deep-rooted conflicts. As a result, the process was blocked many times and halted eventually.

Interestingly, the promises of the parties for the new constitution frequently referred to the ethnic and religious communities and their demands depending on the ideology of each party. In order to compare the attitudes and perceptions of the parties before and after the elections, their bulletins are examined below. Therefore, the influence of the public consultation process on changing the perspectives of these parties in the Commission can be observed. Each party gave a separate title for the new constitution. These titles below also give us an idea on the parties' perspectives. The visions of the parties on the new constitution and its relation with the ethnic and religious communities will be explained based on the 2011 election bulletins of each party.

Justice and Development Party (AKP) – Advanced Democracy, New Constitution

The AKP addressed the needs for a pluralist and a libertarian new constitution under a separate headline for the new constitution in their bulletin. The recent constitutional amendments of 2004, 2007 and 2010 were emphasised as a foundation to show their determination on drafting the new constitution. According to the Bulletin, the new Constitution must protect the fundamental

rights and freedoms and should be based on the Universal declaration of Human Rights and the European Convention of Human Rights. The AKP also targeted democratic constitution-making process which will provide the greatest consensus possible. In this context, the AKP defended the unity in diversity and aimed to make an inclusive, plural, integrationist, liberating constitution. The AKP described their third term in office as the period of the new constitution and promised to dedicate this period to completing the new constitution-making project which was started in 2007 (AKP's 2011 election bulletin, 33).

Despite the emphasis on pluralism in the AKP's bulletin, there was no reference to the status and problems of the ethnic and religious communities. Only, the Kurds were mentioned in contexts with the resolution of the ongoing conflict and reforms on broadcasting in Kurdish in TRT (AKP's 2011 election bulletin, 23, 26). The AKP's approach on crucial issues related to the demands of the ethnic and religious communities was also repeated in the drafting process of the new constitution. In this respect, the AKP members did not engage in the commission discussions over these issues and were a bit reluctant to defend their proposals which refer to pluralism and equality such as the definition of citizenship.

Republican People's Party (CHP) – A New and Free Constitution

The CHP's election bulletin began with an emphasis on the new Constitution. It was also discussed under a separate title. According to the bulletin, there is a strong need for a new constitution to expand the freedoms and to protect the citizens from the tyranny of oppressive governments. In this sense, the new constitution must be based on freedom, equality, human rights, social justice, democracy and secularism. Furthermore, the new constitution should embrace the every "colour" of the society with its content and making process. In this sense, the CHP proposed to lower or lift the ten percent threshold for the elections to promote the legitimacy of the new constitution (CHP's 2011 election bulletin, 5). The CHP also touched upon the issues related to the ethnic and religious diversity. For instance, the concept of "constitutional citizenship" is proposed to promote equality and pluralism and to prevent discrimination. Therefore, the CHP promised to embrace ethnic and religious identities without discrimination and to build peace and tolerance in Turkey. The CHP stressed the importance of equal citizenship rights for every citizen regardless of

language, ethnicity, religion, sect, sex, age, political ideology, sexual orientation and gender identity (CHP's 2011 election bulletin, 10). The CHP paid special attention to discrimination, hate speech and crimes against religious minorities. The status of the Rums (Greek orthodox) and their problems over equal citizenship were also specifically mentioned within the scope of the Turkey-Greece relationship (CHP's 2011 election bulletin, 66). The CHP also addressed the Kurdish problem with various proposals. Accordingly, the obstacles that prevent Kurdish citizens from enjoying their own identities can be overcome by building a pluralistic and free democracy. Therefore, the CHP proposed to establish a parliamentary commission to investigate unsolved murders, turning notorious Diyarbakır prison in to a museum, opening the Dersim archives and providing language training in Kurdish. The Alevis were another community signified in the bulletin. In this context, the CHP emphasised the equal citizenship demands of the Alevis and promised to re-structure the General Directorate of Religious Affairs based on pluralism and equality (CHP's 2011 election bulletin, 10).

The CHP's perspective before the elections generally continued during the drafting process at particular issues. For instance, the proposals in the bulletin, on the Kurdish problem, were important but far away from solving the equal citizenship demands. The same attitude can be observed in proposing language training in Kurdish rather than instruction in mother-tongue. In this sense, the CHP's approach on religious minorities, Kurds and Alevis during the drafting process was pretty much parallel with the promises in the bulletin. However, it should be noted that, although CHP introduced the concept of constitutional citizenship to overcome the inequalities in the bulletin, a particular CHP member of the Commission objected to its definition and caused a conflict in the Commission during the drafting process.

Nationalist Movement Party (MHP) – Our Perception on National and Democratic Constitution

Like the other parties, the MHP discussed the new constitution under a separate title. According to the MHP, the new constitution must be based on wide consensus. In this sense, the expectations of the citizens from different opinions should be taken into consideration. However, to the MHP, societal consensus can only be realised through being proud for being a part of the

same nation and integrating into a whole society rather than becoming different. In this sense, the MHP regarded the ethnic and religious differences as the richness of national identity. The MHP also indicated particular reservations on the new constitution in the bulletin such as human rights, Turkish national identity and the foundational principles of the Republic. In this sense, the MHP specified the issues that they refuse to deliberate over. These issues were listed as follows: creating a multi-ethnic state through recognising the political and legal status of different ethnic identities; turning individual rights and freedoms into ethnicity based collective rights; creating artificial minorities through granting legal status to different cultures and languages; transforming national identity into the concept of Türkiyelilik (from Turkey), providing instruction in languages other than Turkish; creating autonomous regions through strengthening the local administrations (MHP's 2011 election bulletin, 40, 44). The MHP's reservations in the 2011 election bulletin coincided with the red lines of the party in the drafting process of the new constitution. These principles were also coincided with some of the demands of the ethnic and religious communities and apparently these demands could not be influential on changing the MHP's perception. Overall, it can be said that, the MHP's approach in the bulletin is consistent with the members' attitude in the Constitutional Commission

The Peace and Democracy Party (BDP) – Free and Democratic Constitution

BDP could not run for the 2011 election as party due to the existence of the ten percent threshold. In this respect, each candidate ran for the election independently under the name of the Labour, Democracy and Freedom Block. Following the election, the independent deputies in the parliament constituted a separate group and then gathered under the BDP. In this respect the bulletin of the Block will be read as the bulletin of the BDP.

The new Constitution was regarded as a medium to solve the Kurdish problem and to build the societal peace in Turkey by BDP. Therefore, the BDP promised an ethnicity and ideology free constitution based on equality and freedom. The constitution-making was considered as the duty of the mass public rather than the parliament. The BDP attached importance on some issues related with the constitution as follows: Reforming the administrative system and building the

democratic autonomy; achieving de-jure and de-facto equal citizenship for ethnic and religious communities through equal representation, participation and quotas; terminating the discrimination against ethnic and religious communities and guaranteeing their identities; encouraging and supporting women to participate in the constitution-making process. The BDP also prepared a separate title for the democratic resolution of Kurdish problem.

The BDP identified the new constitution within the resolution of the Kurdish problem and the demands of the ethnic and religious communities. In this sense, the status of these communities was highlighted during the bulletin. This attitude was also observed during the drafting process. Overall, the demands of the ethnic and religious communities and BDP's proposals in the bulletin coincided. In this sense, considering the BDP's proposals on the demands of these communities during the drafting process, it can be said that, the party's perspective has improved following the public consultation process.

The Constitutional Reconciliation Commission and the Structure of the Public Consultation Process

The Establishment of Constitutional Reconciliation Commission

Ongoing debates about the need for a new constitution have taken a new dimension prior to the elections in 12th of June 2011. All the major parties mentioned the urgency for a new constitution in their election programmes. In this sense, the four parties, the Justice and Development Party (AKP), the Republican People's Party (CHP), the Nationalist Movement Party (MHP) and the Peace and Democracy Party (BDP) reached a consensus on the making of a new constitution following the elections. Accordingly, these four parties agreed to establish a "Constitutional Reconciliation Commission" through sending three of their members to the board. The Commission was established as an *ad hoc* Commission which differed from the commissions which are based on the internal regulations of the Parliament.

The Constitutional Commission held its first meeting on the 19th of October 2011 and defined its working principles. Thus, the new constitution making process was officially started with this meeting. All the parties in the Parliament

were represented equally by three members and the decisions of the Commission were based on the principle of unanimity.

The phases of the Constitution-making process were settled in four steps as follows:

1- Public consultation process and the review of data obtained from the process

2- Settling the principles and drafting the text

3- Presentation of the text to be discussed by the civil society

4- Drafting the full text using the data obtained from the civil society discussions and proposing the last draft to the Turkish Grand National Assembly (Anayasa Uzlaşma Komisyonun Çalışma Usulleri, 2014).

As was observed, there was a strong emphasis on the contribution of the civil society as an essential part of the participatory constitution-making. The public consultation process was the first working principle of the Constitutional Commission which represented a key point because this method was used for the first time in Turkey's constitution-making history. All the past constitutions excluded the public discussion procedures from the drafting process and caused problems in terms of providing the legitimacy of the Constitution in the eyes of the public. In this sense, various methods have been used to provide an extended public participation for the making of the new constitution.

Unfortunately, the Commission was dissolved without reaching its final goal after almost twenty months. The main reason for the dissolution was the lack of consensus and the ideological separation between the four parties of the Commission. However, the public consultation process remains as a unique moment in Turkey's democratisation process which needs to be examined seriously along with its outcomes.

The Political Parties in the Constitutional Reconciliation Commission

Justice and Development Party (AKP)

AKP, also known as the AK Party, is described as a conservative democratic mass party which is located at the centre of the political spectrum. In its party program, the normalisation of Turkey's politics was identified as the most

important aim of the AKP. In this sense, the AKP's target is to remove the tensions emerged from the relationship between tradition and modernity, and, state and society (Political Vision of AK Party, 2012: 4, 6). Therefore, the AKP distinguished itself from its precessors, Welfare Party (RP) and the Virtue Party (SP) through claiming to quit the "National Vision" perspective.

The AKP was founded in 2001 and immediately gained a great success in the 2002 general election. Therefore, the AKP terminated the period of coalition governments through maintaining its success in 2007 and 2011 elections, winning, 46.6% and 49.8% respectively. The AKP also gained the majority of the municipalities in the local elections of 2004, 2009 and 2014. Moreover, the victories in the 2010 national referendum and the presidency of Erdoğan in 2014 strengthened the position of AKP in Turkey's politics.

The AKP encountered two closures in 2002 and 2008, like its pro-islamic precessors RP and SP. The closures were based on the grounds of abusing the law and justice and violating the separation of religion and the state. The AKP attempted to solve the crucial problems of Turkey through removing military tutelage and starting to work on drafting a new constitution. It also launched initiatives for the Alevis, Romas and Kurds. The results of these initiatives can be controversial, yet the ongoing peace process with the PKK left the AKP's mark in Turkey's political history. Turkey's EU accession process has also gained speed within the AKP's period of rule. However, this issue lost its significance in the AKP's agenda gradually in the course of events.

During its period in office, the AKP was criticised and accused by the opponents for having a hidden Islamic agenda, controversial foreign policy and internal authoritarianism. These accusations are based on the AKP's policies on restricting abortion, alcohol consumption, Syria war and unfair social policies. The conflict between the AKP and the opponents became harsher within the nationwide Gezi protests that broke out against the AKP's alleged authoritarian policies in the summer of 2013. Especially the corruption scandal and its alleged affiliation with the prominent AKP members created extensive reactions at the end of 2013 in Turkey and abroad.

In the presidential election of 2014, Prime Minister Erdoğan became the President and gave his place to the former foreign minister Ahmet Davutoğlu.

Following the presidency of Erdoğan, a new debate on transforming the parliamentary system into the presidential system has dominated Turkey's political agenda. Considering the importance of a new constitution for transforming the system of government, a new constitution-making process will become a necessity for the AKP. In this respect, the AKP's main aim for the 2015 general election is to constitute a quorum to draft a new constitution alone.

Republican People's Party (CHP)

According to party's code of conduct, the CHP is defined as a modern democratic left party which is based on social democracy, human rights, rule of law, freedom, equality, solidarity, sublimity of labour, peaceful and a just world, protection of the environment, gender equality, sustainable and balanced development, plural and participatory democracy (CHP party code of conduct, 2014: 7). CHP is founded by the initiatives of Atatürk in 1923 with the principles called as the six arrows; republicanism, nationalism, populism, secularism, revolutionism and etatism. The CHP remained in power and ruled as the single party until 1946.

Despite merging in the past with the leftist parties such as Social-Democratic People's Party (SHP), the CHP is generally identified with nationalism (ulusalcılık) and secularism. In this sense, the party's approach on critical issues such as freedom of wearing a headscarf in public spaces and the Kurdish demands has remained problematical. However, when the current party leader, Kılıçdaroğlu, came into power in 2010, the balance of the CHP changed dramatically. Along with his leadership, the CHP started opening up the headscarf and Kurdish issues. Furthermore, new members were gathered from political wings like the centre-right, the socialist and the left, professionals from the business sector and academy and different identity backgrounds such as Kurds and Alevis. In this context, the CHP tried to transform into a "catch-all-party" type. The ideological and structural diversity caused conflicts within the party at various platforms, including the Constitutional Commission. It can be said that, the CHP could not be successful in managing this diversity.

The CHP, as the main opposition party, received 25.9 % of the votes in 2011 election and hold 134 seats in the Parliament currently. The conflict between nationalist and reformist members still continues on the eve of the 2015

election, especially over the Kurdish issue. Recently, particular members from the nationalist wing were resigned or sent to the party's highest disciplinary council for their removal from the party. Süheyl Batum, a former Constitutional Reconciliation Commission member, was also sent to the disciplinary council on the grounds of having given a controversial speech about the CHP. Batum was the de-facto representative of the nationalist wing in the Commission (Turkey's main opposition deputy removed from party after controversial speech, 2014). The CHP was criticised for shifting to the right because, the candidates from the centre-right were nominated in the 2014 local elections, particularly in the capital Ankara, and the presidential elections. It should be noted that, these candidates were also supported by the MHP. In this sense, the CHP's strategy for previous elections as a "catch-all-party" may continue for the 2015 general election.

Nationalist Movement Party (MHP)

The MHP was established by the late Alparslan Türkeş in 1969. Türkeş was succeeded by the current party leader, Devlet Bahçeli in 1997. MHP won 12.9% of the vote in the 2011 elections and has 53 seats in the Parliament. Thus, it became the second opposition party after the CHP.

As it is defined in the party's programme, the MHP's mission is "to secure the unity and integrity, rights and interests of the state and the nation; to protect the national and moral values as well as the history and cultural wealth of the great Turkish Nation; to raise devoted, morally justified and qualified generations; to make right and justice, peace and security dominant in every field of life; to construct the wealthy and honourable future of Turkey; and to make our country have a word in the establishment of a new world order led by peace, prosperity and justice." (MHP's code of Conduct, 2009: 15). The party also embraces nationalism, national unity and integrity as the fundamental values and principles, hence the name.

The MHP has been the representative of the Turkish nationalism in politics, and up until recently, has not been very strong element in the Parliament. The MHP reserved its place as the second opposition party following the elections of 2007 and 2011. The emergence of the AKP also endangered the MHP's continuity in Turkey's political arena. Therefore, it can be said that, the AKP attracted some

of the voters of the MHP from the nationalist-conservative background. In the 2002 election, the MHP could not even pass the 10% threshold and the AKP became the first party in its first elections. In order to take its votes back from AKP, MHP adopted a more nationalist discourse especially on the Kurdish problem. Particularly, following the AKP's initiative on the Kurdish opening in 2009, the MHP's attitude became harsher over the developments on the Kurdish question against the AKP.

Peace and Democracy Party (BDP)

The BDP describes itself as democratic leftist party based on equality, peace, diversity, justice and dialogue (BDP's code of conduct, 1). In order to understand the trajectory of legal Kurdish political movement, the precessors of the BDP should be briefly noted.

The first pro-Kurdish party People's Labour Party (HEP) won 22 seats in the Parliament thanks to the coalition with the SHP (Social Democratic People's Party) in 1991. Following the dissolution of the HEP, it was replaced by DEP (Democracy Party), HADEP (The People's Democracy Party), DEHAP (The Democratic People's Party), DTP (Democratic Society Party) and BDP. Most of these parties were closed by the Constitutional court on the grounds of alleged links to the PKK. Many of the MPs were banned from politics and as a result, the Kurdish political movement could not remain permanently in political arena under the banner of a particular party.

BDP candidates ran in the 2011 elections independently as part of the Labour, Democracy and Freedom Block to overcome the ten percent threshold. The result was that the Block won 35 seats and formed a BDP group in Parliament. Considering the variety of the groups within the Block, describing BDP as only a pro-Kurdish party, would be wrong. Therefore, people from the Kurdish movement, socialist and Islamic backgrounds were represented in BDP. In a way, BDP tried to achieve its goal to become the "party of Turkey."

Since the 2011 elections, the BDP has played crucial roles in the critical moments of Turkey such as participating in the Peace Process negotiations with Abdullah Öcalan, being in the Constitutional Reconciliation Commission to draft

the new constitution and nominating Selahattin Demirtaş, the co-chairman of the Party, for the Presidential elections.

BDP's goal to become a party of Turkey was maintained with the establishment of the HDP in 2012. The current MPs of the BDP transferred to the HDP and the BDP transformed itself into a regional party called the Democratic Regions Party (DBP). Therefore, the HDP started to prepare for the 2015 elections through including people from different ethnic and religious backgrounds, former CHP and AKP members, socialists, Islamists, ecologists, feminists and LGBTIs. In this respect, the HDP quit the independent candidate strategy to beat the ten percent threshold and decided to run in the election as a party.

The Profiles of the Members of the Constitutional Reconciliation Commission

The parties generally preferred to assign members from a legal education background for the commission membership except one member of MHP and two members of BDP. At least one member of each party has the experience of a Parliament membership. The Commission members generally explained their membership with their legal education background. However considering the characteristics of members, it can be said that there were other determinants for their membership. As explained by the BDP member Sırrı Süreyya Önder, each member of the BDP was assigned to represent three main trends in the party, namely, socialist, religious and pro-Kurdish (Interview, 23.1.2013). Despite this political diversity, the BDP members managed to work in harmony during the drafting process. Similarly, the CHP members were assigned to represent the three main trends in their party, namely reformist, nationalist (ulusalcı) and traditionalist. Unlike the BDP, the existence of these trends caused a great conflict among the CHP members and loss of prestige in front of the other members. The BDP is also the only party who sent a female member to the Commission. The rest of the Commission members were men. The educational and political backgrounds and political carrier in the Parliament of each member are described below.

Justice and Development Party (AKP)

Mehmet Ali Şahin

He was born in Karabük in 1950. He graduated from the Law Faculty at Istanbul University. He began his political career with the Welfare Party (RP) and was elected as mayor of the Fatih district of Istanbul before becoming a member of the Turkish parliament from Istanbul in 1995. After the closure of the RP, Şahin briefly continued under the Virtue Party (FP) before joining his colleagues as a founder member of the Justice and Development Party. Under the AKP, Şahin has served as a member of parliament since 2002 and has held several major posts, including Minister of Justice from 2007 to 2009 and Speaker of the Parliament from 2009 to 2011. He is the Deputy Chairman Political and Legal Affairs. He speaks German.

Mustafa Şentop

Mustafa Şentop was born in Tekirdag in 1968. He graduated from Istanbul University's Law Faculty. He received a PhD degree from Marmara University in Istanbul 2002. His dissertation was on criminal codes in late-Ottoman history. He worked as an academic member, served in the law schools. He was a professor at Marmara University. He was a chairman of the Istanbul Social and Economic Research Centre, a Turkish think tank. He is the Deputy Chairman of Election Affairs. He speaks English and Arabic.

Ahmet İyimaya

İyimaya was born in Amasya at 1950. He is graduated from Ankara University, Law Faculty. He worked as an attorney for a long time. Under the DYP (True Path Party), he served as a parliament member in 20th and 21st periods. After joining the AKP in 2007, he became a deputy. He is the chair of the Justice Commission. He speaks Arabic, German and English.

Republican People's Party (CHP)

Bedii Süheyl Batum

Bedii Süheyl Batum was born in 1955 in İstanbul. He finished high school at Galatasaray and graduated from the Faculty of Law at the University of Paris I

Pantheon Sorbonne. He received his master degree and PhD from Faculty of Law at Istanbul University. He became a professor of constitutional law in 1996. He was the dean of Faculty of Communications at Galatasaray University and chancellor of the Bahçeşehir University in Istanbul. He has published five books and many articles. He speaks French and English. He is the member of CHP since 2010. Batum is a CHP deputy of 24th period.

Rıza Mahmut Türmen

Rıza Mahmut Türmen was born in 1941 in İstanbul. He graduated from Law Faculty of Istanbul University. He received his master degree from Law Faculty at McGill University of Montreal, Canada. He received his PhD from International Relations, Politics Faculty at Ankara University. He worked at the Ministry of Foreign Affairs as an ambassador in Singapore, Switzerland and the Council of Europe. He worked as the judge of European Court of Human Rights for ten years. He was also a columnist for the Milliyet daily paper. He speaks French and English. He is the deputy of CHP of 24th period.

Atilla Kart

Atilla Kart was born in 1954 in Konya. He graduated from the Faculty of Law at Ankara University and worked as an attorney. He also worked at Konya based NGOs and Bar administration. He is the deputy of CHP of 22nd, 23rd and 24th periods.

Nationalist Movement Party (MHP)

Tunca Toskay

He was born in Istanbul in 1939. He graduated from Istanbul University of Economics Faculty. He received his PhD from Istanbul University. He was a professor of economics at Istanbul University. He was a member of RTUK (The Supreme Board of Radio and Television) and general director of TRT (Turkish Radio and Television). He served as a parliament member under ANAVATAN party (Motherland Party) in the 19th period. Under the MHP, he became a member of parliament in 21st period. He was also the secretary of state. He speaks German and English.

Faruk Bal

He was born in Konya in 1950. He graduated from Istanbul University Law Faculty. He was a member of parliament in 21st, 22nd, 23rd and 24th periods. He was a secretary of state. He is a member of the Justice Commission. He speaks English.

Oktay Oztürk

He was born in Kars in 1951. He graduated from Ankara University Faculty of Law and Faculty of Science. He was a member of parliament under the MÇP (National Working Party), in the 19th period. He is a member of the Justice Commission. He speaks English.

Peace and Democracy Party (BDP)

Ayla Akat Ata

Ayla Akat Ata was born in 1976 in Diyarbakır. She graduated from the Faculty of Law at Diyarbakır Dicle University and started work as an attorney. She was the manager of the Diyarbakır branch and head office of the Human Rights Association. She is a member of the Migration Association (Göç-Der) and on the Foundation of the Law and Society Research (TOHAV). She was also among the founders of the Diyarbakır Women Platform. She is the deputy of BDP of 23rd and 24th periods.

Altan Tan

Altan Tan was born in 1958 in Batman. He graduated from the Department of Construction Engineering at Ankara State Academy of Architecture and Engineering. He worked as a construction engineer. He began his political career in 1984. He is the founding member of the Major Change Party (Büyük Değişim Partisi). He has published three books. He speaks advanced Kurdish and English. He is a deputy of the BDP of 24th period.

Sırrı Süreyya Önder

Sırrı Süreyya Önder was born in 1962 in Adıyaman. He left the Faculty of Political Science at Ankara University in his second year. He became a movie director and scriptwriter. He was also a columnist at various newspapers. He

taught cinema at several universities. He directed one movie and wrote the script for three other movies. He also acted in various movies including his own.

Public Consultation Process for the New Constitution

The necessity of making a new constitution was almost the only subject that all the parties in the Commission agreed on. All the member parties praised the new constitution-making process and emphasised its difference from other past constitutions in terms of the public consultation process. They regard the participatory constitution-making as a tool to solve the critical problems of Turkey. In this sense, they consider the constitution-making process as important as the actual content of the constitution. Interestingly, each party claimed that they are the one who cares most about the process and accused the other parties of pretending.

While the AKP members described the public consultation process as the long standing project of the AKP, the MHP members regarded the new constitution-making as an indispensable priority for the MHP. According to the CHP members, after being ruled by the coup d'état constitution for about fifty years, the process stands as a very historic moment for Turkey. The public consultation period was, therefore, regarded as the correct method to provide legitimacy for the new constitution. In this sense, the CHP members criticised the past constitutions for excluding certain political segments of society from the constitution-making process. In this respect, a CHP member even mentioned the 1961 Constitution, which is frequently praised by the CHP supporters for being the most democratic and libertarian constitution. The societal consensus was considered as crucial for the new constitution, especially for the resolution of the Kurdish problem (Interview with CHP member, 24.1.2013). Similarly, BDP members regarded the process as an important step for democratisation and for building societal peace. Therefore engaging with mass the public will erase the authoritarian residues of coup d'état constitution.

The public consultation period for the new constitution started at the end of October 2001 and finished in April 2012. During the six months period of the public consultation process, citizens, institutions and NGOs belonging to

different parts of society declared their views using the ways such as the public meetings, community reports and online participation.

The Commission's main activity during the public consultation process was the hearing sessions. Hearing sessions were conducted by three sub-commissions of the Constitutional Reconciliation Commission in Parliament. Sub-commissions were constituted by the experts and three members from each political party. The First Sub-commission listened to 42 institutions in 21 meetings and was in charge of hearing the views of the constitutional institutions and political parties The Second Sub-commission was responsible for listening to the trade bodies and unions; and held 15 meetings with 39 institutions. The third Sub-commission listened to the views of the civil society organisations, including the organisations representing ethnic and religious communities living in Turkey. This Commission held 21 meetings with 79 different associations, foundations and platforms.

In addition to the hearing sessions, an internet site was established in order to collect a broad range of individual views. This website was also used to inform the public about the steps of the process. From the beginning until the end of the April 2012, 66,015 people logged their views on this web-site. Also, 1,872 people and institutions suggested their opinions via the e-mail address of the Constitutional Commission. Finally, 1,050 people sent letters via the national postal service.

Before the public consultation process, the head of the Constitutional Reconciliation Commission sent e-mails to various institutions and requested their participation in the public consultation process. Within this call, 165 university, 78 Bar associations, 60 political party, 18 municipal union, 17 professional organisations with public institution status, 7 high courts, 7 confederations of public official's unions, 6 unions of village headmen, 4 confederations of employee and employer unions, The Supreme Board of Radio and Television, Human Rights Directorate of the Prime Ministry, 14,538 associations, 4,000 foundations, 1,700 local and national radio and 197 local TV channels were invited to send their views for the new constitution. Accordingly, 134 universities, 5 institutes, 58 foundations, 102 associations, 32 platforms, 21 public institutions, 21 political parties, and 34 trade bodies and unions

responded to the invitation from the Commission. 19,800 people used official web-site and 950 people used the national postal service (Çiçek: 4 siyasi parti süreci destekliyor, 2012). As a result of these invitations, the Constitutional Reconciliation Commission held 147 face to face meetings in the hearing sessions.

Furthermore, a short-film was shot to introduce the new constitution-making process. It was directed by a Commission member, Sırrı Süreyya Önder, who is also a script writer and a director. Slogans like "Let's build the future together", "For the first time citizens are participating in constitution-making process", and "Have your say for a democratic, equal and free Constitution" were emphasised during the film. The official web-site of the new constitution was also advertised in the film in order to promote citizenship participation.

The Activities of the Political Parties in the Constitutional Commission

Besides the activities of the Constitutional Commission, the parties did their own research to produce their proposals for the new constitution. In this sense they cooperated with academics, experts and party consultants. The parties also checked the past constitution-making cases around the world along with the Turkish experience, history and past constitutions. Apart from other parties, the CHP prepared a general framework text instead of an actual article proposal. They checked the suggestions of participant associations yet did not conduct a separate field work research. The BDP established its own constitutional commission consisting of various associated NGOs, academics and experts, two years prior to the new constitution-making process. They held various public meetings and, thus composed their proposals in reference to the works of this commission. They claimed to be the only party which had a full text of constitutional proposals. They later rearranged that text according to the results of 6 months of official public consultation process. Like the BDP, the MHP also claimed that their works regarding the new constitution were started in 2007. They conducted a research on the countries which changed their constitution in the last thirty years. They also checked the drafts proposals by NGOs and interpreted them within the perception of the MHP ideology. The AKP, as the ruling party, requested various academics to prepare a draft constitutional text

in 2007 which later caused a conflict in Turkey's agenda. They held meetings with various NGOs and organised public opinion polls to collect the public views.

Apparently, the parties started their preparations before the 2010 constitutional referendum. The BDP and the AKP appeared to have the most detailed research during their preparations. The BDP claimed to be the only party who held special public meetings. On the other hand, none of the parties invited any of the minority representatives to their meetings nor asked their opinion.

Civil Society Activities during the Public Consultation Process

Civil society organisations were the pioneers of the public consultation process through establishing platforms for the citizen participation. Here, the prominent platforms established to work on the new constitutional process will be explained briefly.

The "Constitutional Platform" established by Economic Policy Research Foundation of Turkey (TEPAV), was the most extensive organisation which also worked in coordination with the Constitutional Reconciliation Commission during the public consultation process. TEPAV established the Constitutional Platform affiliated with Turkey's prominent professional organisations and unions. The activities of TEPAV started with the motto "Turkey is talking" and continued between January and April 2012. Thus, TEPAV organised 12 meetings in different cities in Turkey and managed to reach 6,500 "constitution volunteers" in total (Anayasa sivil toplum tarafından tartışılıyor, 2012). TEPAV's method was introduced for the first time in the decision-making process and defined as the "biggest deliberative democracy activity". In this respect, the working principles of the public meetings will be explained in detail here. The first group of participants of the meetings were randomly selected with telephone calls and messages. Then, the people who were interested in attending the meetings were informed about the content of the meetings. The participants were mostly from different social classes, educational backgrounds, genders and ideologies. The second group of participants were selected from the civil society organisations who were already informed about the working principles of the meetings. TEPAV also facilitated kindergarten service in the meeting area in

order to promote the participation of women. The meetings were operated in the form of a roundtable deliberation. Therefore, 10 people gathered with a moderator who is responsible for only managing time and discussions between the participants. Topics were deliberated simultaneously at each table. Members of the Constitutional Commission were also present in the meetings to observe the public deliberations over the content of the new constitution. Overall, it was aimed to collect and classify the participants' views over the contents of the new constitution in an objective and free deliberative space. Besides deliberation, participants' views on particular issues were reflected on the screens with voting devices on their hands. The issues discussed in the meetings were framed by a general level of knowledge which anyone who has basic information on Turkish politics could understand. In this sense, the technical and legal details related with certain issues were not included in the discussion. Participants who acted in an anti-social or aggressive manner were excluded from the discussions. During the public meetings, various critical issues were discussed such as, freedom of speech and political association, monitoring and balancing the political powers, equality and objectivity in public services, economic and social rights, welfare state and affirmative action, coexistence, administration system, local administrations, elections and political parties, cultural and natural properties, relations between state and religion (Anayasa Platformu Türkiye konuşuyor, 2012). The activities of the Constitutional Platform were also presented by TEPAV in the hearing sessions for the Commission's notice (Proceedings of Hearing Commission, no: 3, 77). However, due to the time limitation, it was only presented in a general framework. Consequently, the final report was declared to the public yet the data collected from the public meetings were not classified properly for the use of the Constitutional Commission.

Another initiative called "The Platform for the New Constitution" also organised public meetings like the Constitutional Platform yet using different methods. The Platform held 24 public meetings and reached 5,649 people between December 2010 and May 2011 in different locations in Turkey including big cities, towns and villages. The meetings generally took place in conference rooms. Each meeting was opened with a brief presentation by particular platform members and continued with a questions-answers session. Besides the public meetings,

the Platform also created a web site and social media accounts in order to collect the views of the mass public and published the updates about the new constitution-making process. Furthermore, "demand marquees" were set in major squares in Istanbul to introduce the new constitution-making process and to collect the demands of the people (The Report of the Constitutional Working Group, 2011). The data derived from these activities were classified and delivered to the "Constitutional Working Group" which was consisted of academics, journalists, experts and volunteers. The Constitutional Working Group then prepared a report and presented it to the Constitutional Commission in the hearing sessions (Proceedings of Hearing Commission, no: 3, 201). The ethnic or religious backgrounds of the participants of these meetings were unclear. In this sense it is not possible to measure the interest of the ethnic and religious communities towards these meetings. However, it should be noted that, the Platform for the New Constitution organised special meetings for the Circassian and Armenian communities in Istanbul. As a matter of fact, the Armenian community was inspired by these meetings and thus organised their own meetings.

Besides the platforms that organised public meetings to collect the views of the mass public, there were other organisations which concentrated on particular identities or causes to influence the new constitution-making process. "The Initiative for People's Constitution (Halkların Anayasası Girişimi)" was established by various NGOs, intellectuals, artists and activists from different ethnic and religious backgrounds. They focused on the constitutional protection of cultural and democratic rights of the ethnic and religious communities. They organised press conferences, multi-cultural concerts and started a petition to make their demands heard by the Constitutional Commission and the mass public.

There were also less organised initiatives focusing on equal citizenship rights, democracy, freedom and peace. Initiative for Democratic Constitution (Demokratik Anayasa Girişimi), the Initiative for a Civil Constitution (Sivil Anayasa Girişimi), the Initiative of Everyone's Constitution (Herkesin Anayasası Girişimi) and the Peace Initiative for the New Constitution (Yeni Anayasa için Barış Girşimi) can be counted within this concept.

Disadvantaged groups such as disabled individuals, women, children and LGBTI individuals also established special platforms for their own expectations for the constitution. The Platform for Monitoring and Prevention of the Discrimination against Disabled People (Engellilere Karşı Ayrımcılığı Önleme ve İzleme Platformu), the Child Foundation (Çocuk Vakfı), the Women Platform for Constitution (Anayasa için Kadın Platformu), Association for Studies on Social Policies (Toplumsal Politikalar Araştırma Vakfı), the Gender Identity and Sexual Orientation (Cinsel Yönelim ve Cinsiyet Kimliği) held various activities and addressed their problems regarding the new constitution. The Initiative for Ecological Constitution (Ekolojik Anayasa Girişimi) was another civil society organisation mobilised for the new constitution-making process over the environmental issues.

Finally, the works of the Turkish Economic and Social Studies Foundation (TESEV) should be noted in terms of its role in monitoring the whole constitution-making process. TESEV published extensive analyses on critical issues of the Constitution; organised conferences with experts and universities; held public opinion polls on the content of the Constitution; monitored the news media and chronology of the whole process. Considering its recent activities, TESEV is the only foundation which remained to work on the new constitution despite the failure of the process.

Although participatory constitution-making model has so much to contribute to the democracy culture, it has also carries particular risks.[11] In this respect, most of the Commission members mentioned an interesting incident which might be counted as a risk of the process. Towards the end of the process, suddenly, a particular group expressed extensive demands for the presidency system. This incident was counted as a manipulative action by the Commission and was disregarded. Another point was mentioned by an AKP member was the level of representation of the participant organisations. Accordingly, measuring the level of representation of participants was a considerable problem. In this respect, parties could not be sure if the group was an elitist or a marginal.

---

[11] These risks are described in the conceptual framework in chapter 1

Conclusion

The provisions in the 1982 Constitution were drafted within an authoritarian perspective and it is surely beyond doubt that those provisions are the sources of Turkey's rooted problems. However, most of the problems were also emerging due to the problems of implementation or misuse of the provisions of the Constitution. The roots of varying implementations from person to person can be based on the lack of a proper democratic culture. In this respect, as it is widely believed in Turkey, changing mentalities is more important and difficult than changing constitutions. Nevertheless, although making a new constitution cannot guarantee a full democratic system in Turkey, it can be accepted as a very crucial step in achieving this intention.

Although, the process is not completed totally, the public consultation process emerged as a very special experience for both society and the state. For this reason, the construction of the process was explained in this chapter in detail. The public consultation process was constructed fine although it was implemented for the first time. However, the outcomes of the process were not classified or analysed properly. This mal-practice emerged as the weakness of the process.

The major actors of the new constitution-making process were the parties in the Constitution-making process and the civil society organisations that participated in this process. In this sense, the activities of both these actors were examined in this chapter. The characteristics of the minority participation in the public consultation process will be the subject of the next chapter as another crucial experience for both state and the participating communities.

CHAPTER 4: The Participation of Ethnic and Religious Communities in the New Constitution-making Process

Introduction

The new constitution-making and specifically the public consultation process emerged as a crucial moment for the ethnic and religious communities in Turkey. The importance of the process for these communities had two dimensions. Firstly, they saw the new constitution as the solution of their long-standing problems which prevent them to enjoy equal citizenship rights. Second, these communities were officially invited by the Constitutional Commission to contribute to the public consultation process. This invitation broke a new ground for these communities because they were invited for the first time in Republican history to contribute to an important decision-making process.

 Most of the participants expressed positive feelings about the consultation-making process. They emphasised their excitement, encouragement, honour and hope for being taken into consideration. According to their perspective, participating in the process was a citizenship duty. They were very enthusiastic in contributing to the process because it was organised for the first time in Turkey. In this sense, they regarded the process as an important step to realise equal citizenship. However, based on their past experience with state, they were also quite sceptical about the final result.

This chapter will start with the profiles of the participating ethnic and religious communities and their representatives in the public consultation process. Then, the forms of preparation of their proposal reports will be explained. The community newspapers as the mirrors of the communities will be briefly analysed as well. Moreover, the hearing sessions in which these communities participated will be scrutinised in terms of the perceptions of the participating communities and the Commission members. Also, the views of the Commission members on participation of these communities will be analysed based on the data derived from the interviews conducted with both participants and Commission members. Finally the visibility of these communities in the drafting process will be examined based on the Commission proceedings in order to show the reactions of the Commission members to the participating communities.

Profiles of Ethnic and Religious Groups Participated in the Process

In his famous *Ethnic Groups in the Republic of Turkey*, Andrews (1989) mentions 42 ethnic groups. However, only a few groups which have a certain level of visibility, participated in the public consultation process for the new constitution. Deciding whether a group is ethnic or religious is a complicated task considering the case of Turkey. The legal minority status is only granted to the non-Muslims, particularly Armenians, Greek Orthodox and Jews. In this sense, these groups are called "religious minorities" in Turkey. However, secular Armenians, Greeks or Jews tend to avoid defining their identity, based on religion. Therefore, they can be counted in both classifications rather than in a certain one.

This section's aim is to give brief information on the ethnic and religious groups which contributed to the constitution-making process. In this regard, the general existence of the groups will be explained in terms of demography, ethnicity and religion in an alphabetical order. Also, the significant incidents which affected their social, economic or demographic status will be clarified briefly as these incidents were explained in detail throughout the historical background chapter. Their claims and problems attached to their identities will also be discussed in next chapter.

Alevi Community

Alevi is an umbrella term to identify the several communities differentiating from each other in religious ritual and belief. According to US Bureau of Democracy, Human Rights, and Labour, the numbers of Alevis in Turkey is estimated around between 5 to 12 million which makes them the second largest religious community in Turkey (International Religious Freedom Report, 2004). The definition of Aleviness is a conflicted issue even among the Alevis. According to Oran, there are five different views on the definition of Aleviness in Turkey. First group of Alevis claim that the Alevis are the real Muslims descended from the prophet Muhammed. Another group believe that the Aleviness embodies the parts of different religious beliefs including Shamanism, Christianity, Zoroastrianism and Islam. In this sense, Aleviness cannot be considered within just Islam. While the third group interpret Aleviness as an authentic Anatolian culture or a philosophy rather than a religion, another group sees itself as an

Anatolian sect different from Sunni or Shi'i. Finally, a small group defines Aleviness with Shi'ism. (Oran, 2004: 43). Aleviness is indeed considerably different from Sunni Islam, which is practised by the majority of people in Turkey. For instance, the major pillars of Islam such as prayer, fasting during the Ramadan or the pilgrimage to Mecca are alien to most Alevi communities. Instead of these practices, Alevis have their own religious rituals such as Cem which is practiced by men and women who worship together through poetry, special songs and a form of dance. However, individual Alevis can also prefer Sunni Islam practices on their own choice. Although the majority of the Alevis speak Turkish and can ethnically be identified as Turkish, there are also Zaza and Kurdish Alevis who speak Zazaki and Kurmanci respectively. There is also a small number of Nusayris who are concentrated in Hatay and Adana and speak Arabic (Karimova and Deverell, 2001:8).

For such a large religious group, Alevis cannot enjoy any identity and cultural rights. They even cannot enjoy their regular citizenship rights like their Sunni counterparts. Directorate of Religious Affairs only recognise the practices of Sunni Islam and ignores the rights of other religious groups. Although, Alevi people pay taxes equally, their religious activities are not supported by the state. While churches, synagogues and mosques are recognised as worship places and partly supported by the state financially, Alevi worship places, namely, Cemevi (Cem houses) are not recognised as a worship place by the state. This was due to the state's perception that describes Aleviness as a sect of Islam whose members can use mosques as a house of worship. Moreover, Alevi citizens are becoming the subject of compulsory religion classes in primary and high schools and cannot be exempt from them because they simply do not belong to the officially recognised minority communities (Massicard, 2003: 168). Although, Alevi people admit that they are technically a minority group, most of them are against this idea because they claim to be the constituent elements of the Republic and do not want themselves to be affiliated with non-Muslim communities (Oran, 2004: 42).

Alevis in Turkey have been the subject of pogroms and assaults from the early days of the Republic to the conflicted years between 1970s and 1990s in Çorum, Malatya, Maraş and Sivas. These incidents created a great distrust of the state among the Alevi citizens because the security guards did not protected

the Alevis and the perpetrators were never put on trial properly (Bruinessen, 1996: 8).

Assyrian Community

Assyrians, also recognised as Chaldean, Asuri, Syriac and Arami, originally settled in Mesopotamia, Anatolia and Syria. Apart from Istanbul, the majority of the Assyrians in Turkey now live in the Southeast region cities of Mardin, Midyat (Turabdin), İdil and Urfa. They are also known as the first community to accept the Christianity outside the Jerusalem geography (Şimşek, 2003: 17, 27-28). The Assyrian population is around 15,000 settled in the South-eastern cities and Istanbul (Bilge, 1991: 80). Demographically, the Assyrian community of Turkey, is increasingly losing its population due to various reasons. For instance, the number of Assyrians living in the city of İdil is now 23 out of 26.000 people. However, until 1964, İdil was completely resided by Assyrians (Süryanilerin bitmeyen varlık mücadeleleri, 2014). Assyrians speak Assyrian, Kurdish, Turkish and Turoyo, a dialect of Arami. While Turoyo is spoken in the daily lives of the Assyrians, the use of Assyrian is increasingly limited to the churches (Ozmen, 2005: 163).

During the Ottoman era, the Assyrian community was living under the Millet system as the other non-muslim communities (Seyfeli, 2005: 57). Like the Armenians, they were the subject of massacre and deportation during 1915. The Assyrians call this incident "Seyfo" which means "sword" in Assyrian (Tıglat, 2002: 56). As it was mentioned, the Lausanne Treaty is the founding treaty of the Republic, yet it also regulates the rights of minorities. Within this treaty, Turkey only accepted the non-Muslim communities as the legal minorities. However, only Greek Orthodox, Jews and Armenians were accepted to have such rights. Although, none of these communities were mentioned in the Treaty, other non-Muslilm communities could not enjoy the rights regulated by the Lausanne Treaty. Therefore, they could not open schools or educate their children in their mother-language. Property rights of Assyrians were also violated by the state. According to Tahincioğlu, despite the existence of Assyrian communities in the Southeast region, many churches, cemeteries and large parcels of land were nationalised due the "assumed" absence of the Assyrian Community (Tahincioğlu, 2011: 340).

Today, the Assyrian community has lost a large proportion of its population due to economical, political and security reasons. However, during the last decade, an Assyrian remigration has been observed, partly due to the ceasefire in the Kurdish conflict region. They have also started to enjoy partial improvements in their citizenship rights, such as opening their own kindergartens and received some of their lands which were returned by the state. Also, the name of an Assyrian Village was returned, as it was previously changed by the state during the Turkification of the village names (ilk kez Süryanice köy ismi iade edildi, 2015). However, these improvements were just granted by the government and not based on legal regulations. Considering the changing environment of Turkish politics, making partial improvements will only cause distrust and instability among the minority communities rather than reforming the legal system.

Armenian Community

According to the Baptism records and the lists of foundation elections, the total population of Armenians in Turkey is estimated between around 60,000 and 80,000. The majority of the Armenians are concentrated in Istanbul, yet there is not an exact figure of their numbers in the rest of Anatolia. There is only one Armenian village left called "Vakıflı" in Antakya, Southern Turkey (Alp and Taştan, 2011: 16). Armenians are autochthonous and mostly belonged to the Gregorian Orthodox sect, yet there are also around 2000 Catholic, a few Protestant and Muslim Armenians. The Gregorian Orthodox community belong to Armenian Patriarchate in Turkey. The Armenian community have their own primary and secondary schools providing education in Armenian (Minority rights group international, 2007: 14).

Like other non-Muslim communities, the Armenians' population was started to decrease following the beginning of the Republican era through the nation building process. However, significant incident of the 1915 genocide/massacre of the Armenians, has affected the lives of Armenians in Turkey forever. According to Akçam, around 1.2 million people were deported and nearly 800,000 died during the deportations. Most of the people died from thirst, starvation or were massacred by the gangs and the gendarmerie in the desert of Der-Zor (Akçam, 2013). The dramatic images of 1915 still exist in the memories of Armenians. They were not just diminished in enormous amounts

but also lost their knowledge, culture, art and qualified people dramatically (Kılıçdağı and Özdoğan, 2012: 121).

Although, Armenians gained legal minority status within the scope of the Lausanne Treaty, they deal with several problems regarding the education system, foundations, the legal personality of the Patriarchate and electing the Patriarch. There have been recent developments on enhancing minority freedoms yet they remained partial on providing genuine equal citizenship. Armenian people still encounter discriminatory practices in their relations with the state such as being labelled by race codes (90 yıldır soy kodu ile fişlemişler, 2013).

Despite the increasing visibility of Armenians in civil society and the existence of a relatively liberal environment, Armenians in Turkey are still in a deep silence today. Especially following the murder of Hrant Dink, a leading Armenian journalist and a human rights activist, everyday Armenians apart from the leading activists, fear to talk about their past memories and claims for equal citizenship (Danzikyan, 2015).

Catholic Community

The number of Catholics in Turkey is estimated around 28,000, 0.05 % of the total population. However, this number differs depending on different sources (Statics by country, 2005).

The first presence of Christianity in Anatolia came in 37 A.D with the first followers of Christ in Antakya. Since then, Christianity remained uninterrupted to the present. The population of Catholics increased when the Roman-Latin Catholics came to Anatolia to trade. They settled near the major harbours and were known as the "Levantines". They have been prominent figures of the Ottoman economy and constituted a high culture in the Empire. Following the First World War and the Independence War, the number of Levantines seriously diminished and just few of their Churches remain today (Christianity in the Vicariate, 2015).

The Catholic Church in Turkey embodies the Roman Catholic, Greek-Byzantine Catholic, Armenian Catholics, Assyrian and Chaldean Catholic churches. As it was mentioned for other religious institutions, despite the de facto existence of

the Catholic Church, it is not legally recognised by the state. Therefore, they cannot have a legal status and have difficulties in some cases such as opening a bank account or owning estates (Interview with Rinaldo Marmara, 2.7.2013). Unlike, Armenian and Greek Patriarchs, the heads of the Catholic Church is appointed by the Vatican without the assistance of the state. In this sense, the Catholic Church has a different status comparing other Christian communities mentioned above. Moreover, the state does not support the maintenance of the Catholic churches as Catholics were not granted a minority status by the state. The Catholic community in Turkey is ethnically diverse and therefore, uncoordinated (Simavoryan, 2012). As the Catholic community cannot elect the head of the Church, the bond between community and church is weaker than the other non-Muslim communities. The Catholic community is not very visible in Turkey, yet the Catholic bishops encounter serious assaults and threats frequently. There were two Bishops killed, one in 2006 and the other in 2010 in Trabzon and İskenderun respectively (Catholic Bishop killed in Turkey, 2010).

Circassian Community

Circassians constitute the one of the largest ethnic groups along with the Kurds and Arabs in Turkey. Since the population census data does not cover the ethnic identities of the citizens, it is therefore not possible to estimate the actual number of the Circassians in Turkey. According to a research held by the former National Security Council, the number of Circassians living in Turkey is around 2.5 million and around 80% of the Circassians cannot speak their mother-tongue (Türkiyedeki Kürtlerin sayısı, 2008). According to Shami, the numbers of the people who cannot speak their own mother-tongue is the result of assimilation policies practiced during the nation-building period. For Circassians, it is a common option to be assimilated into Turkish identity, especially in big cities. Moreover, it can frequently be observed that some Circassians play active roles in nationalist right wing or Islamic organisations (Shami, 1998: 24). There is even a common rumour in Turkey that emphasise the role of Circassians in the National Intelligence Service.

Circassians are the autochthonous community of North Caucasia and immigrated to the Ottoman Empire between 1858 and 1879. According to Karpat (2003: 112), around 2 millions Caucasians emigrated from Russia as a result of the wars between Ottoman Empire and Russia. Circassians are

recognised under various sub-identities such as, Abkhaz, Ubıkh, Chechen, Osette, Ingush, Karaçay, Lezgi and Daghistani (Andrews, 1989: 28). The Ottoman Empire settled the Circassian immigrants in the critical locations such as borders and ethnically or religiously diverse regions. In these locations, the Empire used the Circassians as a security force and balance element (Oner, 2014: 82).

As it was mentioned, non-Turkish Muslims of Turkey became the subjects of the assimilation policies during the Republican era. The Circassian identity was also affected by these practices through forced education in Turkish, prohibition of using mother-tongue in public and changing residential names in to Turkish names (Yıldız, 2004: 82). As a result of these practices the majority of the Circassian cannot speak their own language and are even unaware of their identities. In this respect, the Circassians who are worried about losing their culture constituted various civil society organisations and have claimed their rights to maintain their identities. From the beginning of the 2000s, various Circassian organisations started to demand positive discrimination in cultural policies, broadcasting and education (Dogan, 2009: 224). They organised public demonstrations, academic symposiums, published magazines, news papers and research papers and are trying to participate in the decision-making processes. As a result of these activities, the voices of Circassians became heard increasingly by the mass public day by day. Recently, a pro-Circassian political party called Pluralist Democracy Party (Çoğulcu Demokrasi Partisi) was established to run for the elections on 7 June 2015, hence the visibility of Circassians in the political agenda took a step forward (Çerkesler de Parti Kurdu, 2014).

Greek Orthodox (Rum) Community

The term "Rum" is used for the autochthonous Greek Orthodox people in Turkey. The term originally comes from "Romeos" which means "Roman", inherited from the East Roman Empire or the Byzantine era. The Greek Orthodox community lived under the reign of the Ottomans, within the Millet system order, along with other minorities. However, following the establishment of the Republic, the Rum community faced dramatic changes in their social, political and economic lives (Akgönül, 2014: 27). The majority of the Greek community in Turkey belong to the Orthodox sect yet there are also a few

Catholics and Protestants. Following the population exchange implemented between Greece and Turkey, only 110,000 Rum remained in Anatolia (Oran, 2004: 39). Approximately 1,200,000 Anatolian based Rum and 400,000 Greece based Muslims were relocated during the population exchange between 1922 and 1924. This dramatic event not only affected the lives of the subjected people but also socially and politically transformed both countries (Aktar, 200:17).

The majority of the remaining Greeks were deported in 1964 when the tension between Greece and Turkey over the Cyprus crisis escalated. Accordingly, the Greeks who had a Greek passport were deported with a single suitcase of 20 kilos and 20 dollars within a couple of days (Millas, 2014). In total 12,000 Greek Orthodox were deported despite their families having had Turkish passports. Furthermore, as this happened in such a short time period, they could not sell their estates and were forced to leave all their capital behind (Akgönül, 2014: 28). As all the non-Muslim communities, Greek Orthodox businesses and capital were affected by the discriminatory implementations of the state such as the 1942 Capital Tax and state-led pogrom like the 6-7 September incidents in 1955. As a result, the non-Muslim population decreased dramatically as did their capital. This non-Muslim capital then shifted to the newly emerging Muslim business owners (Aktar, 2000).

Today, the Greek Orthodox community only lives in Istanbul, Imroz and Bozcada islands with a total population of 2000, which is decreasing day by day (Macar and Göçkaçtı, 2009: 21). The schools belonging to Greek Orthodox communities on these islands were closed due to the decrease in the Greek population and the Greek families living there had to migrate to Istanbul or Greece to provide education in Greek for their children. There used to be a Greek school in every neighbourhood in Istanbul yet there only remain 5 primary and 3 high schools (Nüfus Azalınca Rum Aileler Aralarında Bile Türkçe Konuşur Oldu, 2008). The Greek community of the Islands are still struggling to open a secondary school in the Gökçeada Island (3 gün sonra okullar açılacak ama inşaat sürüyor, 2014).

Another significant problem is the status of the Greek Patriarchate. The Ecumenical Patriarchate of Constantinople is a predominant figure for the

Greek Orthodox community, yet its status as an Ecumenical, is not recognised by the state. The Patriarchate also cannot gain legal personality due to state's restrictions on them. The problems related to the absence of legal personality occupy much of the Greek community's agenda (Macar and Göçkaçtı, 2009: 22).

Jewish Community

According to the official web-site of Turkish Jews, there are approximately 20,000 Jewish citizens in Turkey. The majority of the Jews are concentrated in Istanbul (18,000) and Izmir (1,500). Ninety six percent of the Jews in Turkey consist of Sephardic Jews and 500 Ashkenazi Jews. There is also a small community called Karay consisting of 80 people. Sephardic Jews, who fled from Portugal and Spain in the 15th century, speak Ladino, a form of old Spanish, Ashkenazis speak Yiddish and the Karay speak Greek. Most of the Jews also speak Turkish. Although the Sephardic Jews represent the majority of Jews in Turkey, the Jewish existence dates back to 400 B.C. through the remnants of Jewish settlement from the 4th century B.C. in the Aegean region. (Günümüzde Türk Yahudileri, 2015).

Jews in Turkey are accepted among the official minorities and their rights are protected by the Lausanne Treaty. Therefore, comparing to the "non-official" minorities, Jews can enjoy their religion and language with relative ease. However, being a legal minority does not guarantee an exemption from the discriminative practices. Accordingly, Jews in Turkey encountered various anti-Semitic pogroms, racist campaigns and exposure to the state's discriminatory implementations. Briefly, in 1928, a state-led campaign, "Citizen Speak Turkish!", in 1934 "Thrace Pogrom" on Jews and in 1942 "Capital Tax"[12] affected Jewish citizens like all the minority communities. They lost their residences and capital, felt humiliated and had to migrate to safer cities in Turkey or abroad (Aktar, 2000). These incidents also diminished the Jewish population in Turkey. The total number of Jews in Turkey decreased from 76,965 to 38,267 between 1945 and 1965 (Bali, 2011). Today, the decrease of the Jewish population continues, their synagogues turned into well protected castles, as they live in fear of terrorist attacks (Türkiye'de Yahudi cemaati

---

[12]These campaigns and implementations are explained in historical background chapter in detail.

eksiliyor, 2013). Also, tense relations between Israel and Turkey influence the Jewish community negatively. With each incident which causes tension between Israel and Turkey or even between Israel and Palestine, the Jewish people are further exposed to humiliation and assaults from the society (Utandıran açıklama ortalığı karıştırdı, 2014). In these situations, the Jewish community leaders have had to declare their loyalty to Turkey or emphasis their "turkishness" to protect their community from any anti-Semitic assaults (Bali, 2011).

Kurdish Community

According to the census conducted in 1965, which was the last census referring to the ethnic and religious backgrounds of citizens; the number of Kurds was around 7.5% of the total population. Today, their population is estimated around 12-15 million. In this respect, the Kurds constitute the largest ethnic and linguistic minority in Turkey. The majority of the Kurds speak Kurmanci and some of them speak Zazaki. There are conflicting opinions as to whether the Zazas are a separate ethnic group or a branch of Kurdish ethnicity. Although, many of the Kurds are Sunni, there are also Alevi Kurds, mostly of the Zaza background. Kurds are mainly concentrated in the eastern and south-eastern regions of Turkey. However, due to the massive immigration of Kurds to the west, their population increased outside of the east as well. Immigration of the Kurds started in the late 1950s, and was based on economical reasons until the armed conflict between the Turkish army and the PKK (Partiya Karkeren Kurdistan- Kurdistan Workers Party) in 1984. As a result of this conflict, more than 1 million Kurds were forced to leave their villages and homes. Those people then migrated to big cities and even abroad (Oran, 2004: 47, Minority Rights Group International, 13). The armed conflict lasted for thirty years along with a couple of intermittences and has caused 35,576 causalities up to now (30 yılın terör bilançosu: 35 bin 576 ölü, 2013). This conflict and identity demands of the Kurds are described as the "Kurdish problem" in Turkey. However, the source of the "problem" is not the claims of Kurds but the state's denial strategy of the Kurdish problems and their rights (Kurban and Yolaçan, 2008: 11).

The problems and claims of Kurds are also expressed in the political platforms. Unlike the other minority groups, there have been many pro-Kurdish parties from the founding of the HEP (People's Labour Party) and many of them were

dissolved, including HEP, DEP (Democracy Party), HADEP (People's Democracy Party) and finally DTP (Democratic Society Party), from 1990 to 2009. These parties encountered closures by the Constitutional Court on the grounds of "creating minorities" and alleged links with Kurdish separatist rebels. They also, to this day, have to deal with the %10 threshold to gain seats in the Parliament (Oran 2004: 82).

The historical background of the Kurdish problem dates back to the beginning of the Republican era. During the nation-building period, non-Turkish Muslims such as the Arabs, Kurds, Laz and Circassian were the easy targets for the assimilation process. Throughout the Turkification process, various mediums were used to assimilate the Kurdish people, especially in the 1930s and 1940s. The Settlement Law of 1934 was used to settle the nomadic Kurdish tribes. However, it also served to rearrange the demographic composition of Anatolia based on the ethnic standards. In this sense, the main target was the Turkification of non-Turkish areas by placing Turkish people to eastern areas and sending Kurds to the areas mainly resided by Turks in the same manner (Yeğen, 1999: 92). There were also been attempts to prove the "Turkishness" of the Kurds during the 1930s. According to this perception, "Kurd" was the name of a group of Turks who use a deformed version of Persian and live in Turkey, Iran and Iraq. Even the Governor of Dersim claimed that the Kurds are actually "Mountain Turks" (Kirişçi and Winrow, 1997: 108).

Kurds in Turkey are not under the protection of the legal minority rights. In this sense, they do not have an accession to instruction in Kurdish at schools. As a part of EU membership process, the state partially removed the restrictions on language training in 2003, yet it was clearly prohibited to provide instruction in Kurdish. Also, state television TRT started to broadcast in Kurmanci and Zazaki along with other languages in 2004 (Minority Rights Group International, 18, 20). The peace process between the state and the PKK is now the most significant issue on Turkey's agenda. Although, there was a unilateral cease-fire between 1999 and 2004, it ended with the start of mutual violence. The peace process started again in 2013 with the negotiations of Ocalan, the jailed leader of PKK, and still continues under the tension of the current Turkish political agenda.

Protestant Community

The presence of Protestants in Turkey started with the British and American missionaries in the beginning of the nineteenth century. Following the conversion of around 15,000 Gregorian Armenians, the Protestant community obtained the right to be ruled under the Millet System which grants them specific status rights. Therefore, the first protestant Church that was established in Anatolia, opened in 1846, in Istanbul (Sayar, 2001: 285). However, Protestants lost this status following the establishment of the Republic. Like Assyrians and Latin Catholics, they were also excluded from the scope of Lausanne Treaty's minority right protection.

According to US Bureau of Democracy, Human Rights, and Labour, the numbers of Protestants in Turkey is estimated around 3,000 (International Religious Freedom Report, 2004). The Protestant community in Turkey is concentrated in major cities such as Istanbul, Ankara and Izmir. There are around hundred Protestant Churches, half of which constituted of house-churches (Protestant Churches Association, 2010).

The members of the Protestant community and the bishops are "suspicious" individuals in the eyes of the state. Their religious activities were regarded as "propagandist missionary activity". These "activities" were once put in the agenda of National Security Council and were found inconvenient for the security of the State (Onbin kişi Hıristiyan oldu Türkiye korktu, 2007). Following the decision of the Council, the Protestant community faced the closure and demolition of their churches, deportation of foreign Protestants and assaults. These assaults resulted in the murder of three Protestants who worked at Zirve, a Christian publication in Malatya, in 2007 (Protestant Churches Association, 2010).

Roma Community

Roma or Çingene in Turkey can be classified in three major groups as Rom, Dom and Lom, yet called under different names depending on the region they reside in (Marsh and Karlıdağ, 2008:141). Although, it is possible to see Romas in every city of Turkey, the majority of them live in the Thrace region (Oprişan and Yılmaz, 2004). They are generally concentrated in specific quarters of cities and these quarters are called "çingene neighbourhood" by the other residents of

the city. This "neighbourhood" description for others is, full of stereotypes about Roma people, such as being argumentative, dangerous, child-stealers, poor, dirty, lazy, hedonist, yet naturally talented at music and dance (Marsh and Strand, 2005:6). Due to the absence of certain data about the population of ethnic and religious groups in Turkey, it is only possible to estimate the approximate number of Romas living in Turkey. According to the data of civil society organisations' studies on Romas, the total number of their population is estimated around 2 and 5 million (Marsh, 2008: 22). The majority of the Romas are Sunni-Muslim, yet there are also a few Alevis, Yezidis and Christians around the eastern regions of Turkey (Marsh and Strand, 2005: 14).

The Romas in Turkey frequently are proud of being Turkish and Muslim, yet they often become the subjects of profound discrimination. They are not officially ghettoised by the state, but they also cannot properly enjoy the equal citizenship rights (Oney and Gokçen, 2008: 129). Even now, they face isolation in particular neighbourhoods in some cities and are being exposed to deportation to other cities when a conflict arise between the Romas and the other residents of that city (Bir sigara kavgasıyla bir mahalle sürgüne, 2010). The Romas in Turkey are the subjects of social exclusion and continual poverty. As they usually live in slums, their houses frequently are demolished within the urban renewal projects and they are exposed to the danger of being homeless. Moreover, Roma citizens have a very low level of education. In this sense, they cannot obtain a regular job and hence have no proper access to the social services (Türkiye'de Romanların Durumu Türkiye'de Çalışma ve İnsana Yakışır İş Koşulları Sorunları, 2010: 3).

During the last decade, there have been studies and projects on the Romas in Turkey, with financial and political support of the European Union. The government also took various initiatives such as the "Roma Workshops" and the "Roma Opening" in 2009 and 2010 respectively. Although, these initiatives were welcomed by the Romas, there has been no serious action taken by the government to improve the Romas' situation in Turkey.

The profiles of the Representatives of the Ethnic and Religious Communities

Ethnic and religious communities used various platforms to express their demands and expectations for the new constitution. In this respect, umbrella associations, foundations, religious institutions and civic initiatives were the actors of participation during the public consultation period. Generally, all associations which participated in the process had a certain level of representation. For some communities, there were more than one association to represent them. In these cases, umbrella associations were invited to present their reports. These platforms organised all the activities of the communities including the preparation of reports, holding meetings, arranging conferences and giving presentations in the Parliament. In some cases, community reports were written by a leading umbrella association, yet those reports were endorsed by other related associations as well.

In this section, ethnically and religiously affiliated organisations participated in the public consultation process will be introduced along with a brief information on their status and level of representation.

Armenian Community-The Platform of Equal Citizenship for the New Constitution

Armenian community was not organised under a particular association. In this sense, they chose a different form of participation. A leading group of activist Armenians who were already in an initiative called "Platform for the New Constitution" intended to establish a similar platform for Armenians' demands for the new constitution. Therefore, they started a civic initiative called "Platform of Equal Citizenship for the New Constitution". However, the Constitutional Commission only invited the Armenian Patriarchate for the hearing sessions which caused a brief conflict between the Patriarchate and the civic platform. Until the intervention of the civic platform, Patriarchate was planning to prepare a proposal report with the help of experts and academics, hence was leading to a limited participation of the Armenian citizens. After the civic initiative took over the responsibility, they started to organise public meetings to collect the views of the Armenians and eventually their works were supported by the Patriarchate as well. The report of the Armenian community was prepared according to the outcomes of these meetings (Interview with Tatyos Bebek and Sebuh Arslangil,

2.7.2013). However, despite the efforts of this civic initiative, the Armenian committee presented the report under the name of the Armenian Patriarchate in the hearing sessions. Only one lawyer from the civic initiative was present in the representative committee. The Patriarchate also participated in the joint report prepared by the official religious minorities of Turkey. Although there are pro-active Armenian citizens like the ones in the Initiative, the majority of the community lives anxiously in an isolated environment. They feel that they are only symbolically important to the state as an image of the Patriarch with his religious dress in official celebration of the important days like Ramadan or Christmas.

Jewish Community-Jewish Community of Turkey, The Quincentennial Foundation

Two organisations, Jewish Community of Turkey on behalf of Rabbinate and The Quincentenial Foundation expressed the demands and expectations of the Jewish citizens of Turkey in the hearing sessions.

Jewish Community of Turkey is a sub-organisation of the Rabbinate. While Rabbinate deals with the religious issues, Jewish Community of Turkey deals with non-religious issues. Therefore, it can be said that these organisations use the name of the Rabbinate and the Jewish Community of Turkey interchangeably in different occasions. This situation stems from the vague legal status of religious associations. As stated earlier, the Rabbinate does not have a legal personality. The Community prepared their proposal report through consulting the Rabbi, association executives and community lawyers, thus did not organise public meetings to refer the views of Jewish citizens (Interview with Nedim Karako, 9.7.2013). Jewish Community of Turkey also participated in the joint report of the official religious minorities of Turkey.

The Quincentennial Foundation was also invited to give a presentation in the Parliament by the Constitutional Commission. The foundation's name comes from to the Sephardic Jews who fled from Spain to Ottoman Empire in 1492. The aim of the foundation is to promote the Turkish culture to the world. The Quincentennial Foundation was established in Istanbul in 1989 by a group of 113 Turkish citizens, Jews and Muslims alike. The Quincentennial Foundation planned a three-year cultural and academic program both within Turkey and

abroad - mainly in the U.S, Canada and Mexico on the American continent; France, United Kingdom and different countries in Europe.[13] The spokesperson of the Foundation gave a presentation in the Parliament based on his experiences during his office in the Foundation (Proceedings of Hearing Commission no.3, 56-63). During the hearing session, the spokesperson of the both organisations emphasised their high level relationship to the state. They indicated that, they participated in the process as regular citizens instead of Jewish citizens.

Greek-Orthodox Community- Representatives of Religious Minorities

The representatives of the Greek-Orthodox community did not prepare a special report or organise particular meetings but participated in the joint report of the official religious minorities. The Association of Greek Foundations (RUMVADER), composed of 75 member foundations and the Patriarchate represented Greek community in the participation process. The joint report was prepared within the coordination of the religious minorities' leaders, experts and academics. They held various meetings together (Interview with Laki Vingas, 2.7.2013). This report was presented by Patriarch Bartholomeos, Laki Vingas, as the representative of the Minority Foundations and the Assyrian representatives. Considering the role of the Patriarch, it can be said that, the report mostly reflects the views of the representatives of Greek-orthodox community. Other minorities such as the Armenian and Jewish communities prepared their own reports in a similar way.

Greek Orthodox community is deemed to be the official minority of Turkey. However, they complain about the state's perception which accepts them as a religious community rather than equal citizens. Greek Orthodox people as the members of small community live an isolated life, and they are not very pro-active over their rights and demands.

Circassian Community-The Federation of Caucasian Associations, Initiative for the Circassian Rights

The Federation of Caucasian Associations established in 1991 and consisted of 60 member associations which make them the largest institutional organisation representing Circassians in Turkey. According to the interviewee, they are not a

---

[13] www.muze500.com

very active and organised community (Interview with Doğan Duman 9.7.2013). However, during the public consultation process, they transformed into a more active entity. Following the call of the Constitutional Commission, Federation called its member associations to organise meetings about the new constitution. After holding several meetings, the Federation produced a report and presented it in the Parliament.

Another organisation participated through a brief suggestions report was the Initiative for Circassian Rights, also gave a presentation in the hearing sessions. The Initiative was established in 2011 which coincide with the public consultation process for the new Constitution. This initiative was founded to struggle for the identity rights of the Circassians of Turkey and makes them visible in society.[14] Initiative for Circassian Rights has strong connections with the Circassian residents from villages to major cities. Although, they cannot represent every Circassian in Turkey, they claimed to speak for the Circassians who demand for their identity rights.

Circassians did not have a serious contact with the state until the Commission's hearing sessions. They claimed to be the founder nation of the Republic as they fought in the Independence War together with the Turks. According to the view of the Circassian interviewee, Circassian community in Turkey is highly assimilated and started to demand equal citizenship rights very recently. In this sense, their demands were surprising for both the Commission members and the Circassian individuals.

Assyrian Community-The Foundation of Mor Gabriel Monastery, European Syriac Union

Mor Gabriel Monastery, European Syriac Union and three other organisations expressed the views of Assyrians living both in Turkey and abroad for the new Constitution. Although, Assyrians are a small community in Turkey, almost all related organisations wanted to represent them in the public consultation process. Also a group of Assyrians participated in the joint report written by the official religious minorities of Turkey. In addition to the Mor Gabriel Monastery, Catholic Assyrians participated in another presentation made by Latin Catholic committee. Considering the characteristics of these institutions, it can be said

---

[14] www.cerkeshaklari.com

that, Assyrians were represented by both religious and civic entities with the highest level of participation.

Mor Gabriel Monastery, the Diocese of Turabdin, represents an important religious figure for Assyrians in Turkey and abroad. Mor Gabriel Monastery is also a deep-rooted institution and has people with experience about the problems of Assyrian citizens of Turkey. In this sense, community lawyers, academics, professionals and experts contributed to the preparation of the proposals along with Assyrian individuals who express their views via meetings and online media. European Syriac Union (ESU) was established in 2004 and embodies 11 Assyrian Associations from different parts of Europe. In addition to ESU, small scaled organisations such as Federation of Assyrian Associations, Culture and Solidarity Association of Mesopotamia and Germany Assyrian Associations participated in the presentations which were given in the Parliament.

Kurdish Community-Democratic Kurdish Opposition, Freedom and Rights Party, Participatory Democracy Party, Southeast Municipalities, The Institute of Diyarbakır, Nubihar Association

Considering Kurdish community as the largest ethnic minority in Turkey, the participation of Kurdish based organisations was remained relatively limited. This attitude can be explained by the existence of the BDP in the Constitutional Commission. Nevertheless, there were various institutions interested in the Kurdish problem which prepared a report and presented it in the Parliament. These institutions were generally composed of pro-Kurdish political parties which were not represented in the Parliament and cultural based organisations.

Democratic Kurdish Opposition consisted of Kurdish based organisations such as Peace and Democracy Party, Rights and Freedoms Party, Participatory Democracy Party, Kurdish National Union Movement, Freedom and Socialism Party, Congress of Democratic Society, Kurdish Revolutionary Democrats Movement prepared a report and declared their support for the democratic rights of Kurds for the new constitution.

Freedom and Rights Party and Participatory Democracy Party participated in the hearing sessions and raised the specific demands of Kurdish people for the

new Constitution. Participatory Democracy Party preferred to hold local public meetings with academics, legal associations and other civil society organisations. The outcomes of these meetings were used to shape their reports to be presented in the Parliament.

Apart from the political parties, the mayors from the Union of Southeast Anatolia Municipalities, where the majority of the Kurds reside, made a presentation on related issues such as decentralisation, promoting Kurdish language in local services and democratic autonomy.

Another organisation called, the Institute of Diyarbakır for Political and Social Researches can be considered as Kurdish participation because their report was based on the education in Kurdish language.

Finally, Nubihar Association for Education and Culture gave a framework presentation in the hearing sessions regarding the identity demands of Kurds living in Turkey.

Alevi Community-The Federation of Alevi Bektaşi Associations, The federation of Alevi Associations, Hacı Bektaşi Veli Anatolian Culture Association and World Ehl-i Beyt Foundation

As the largest religious minority of Turkey, Alevi community was represented by four major Alevi organisations.

 The Federation of Alevi Bektaşi Associations which composed of 200 member associations and claims to represent 95% of Alevi Community was the largest organisation representing Alevi demands for the new Constitution. The federation of Alevi Associations prepared a report as part of an academic project on the religious freedom. The report treated the problems of all religious groups in Turkey. This report was also endorsed and signed by various Alevi Associations.

Hacı Bektaşi Veli Anatolian Culture Association and World Ehl-i Beyt Foundation were among the organisations which made a presentation in the Parliament for the demands of Alevi citizens from different political views. Alevis have relatively high level of relation with the state as they are the largest religious minority in Turkey. According to the statement of an Alevi

representative, they felt tired because of the disappointments they had in their past experiences with the state. In this sense, they were not very hopeful about the constitution-making process.

Roma Community-İzmir Roma Association, Kocaeli Federation of Roma Associations

Citizens belonging to Roma community were not represented under a particular organisation but some community leaders gave a presentation about the problems of the Romas in the same hearing session arranged for the Romas. The spokesman of two organisations, İzmir Roma Association for Cooperation and Solidarity and Kocaeli Federation of Roma Associations expressed the views of their institutions. Only Abdullah Cıstır from İzmir Roma Association for Cooperation and Solidarity prepared a report about the expectations of the Roma community for the new constitutional process and presented it. There were also two separate Roma activists who shared their daily experiences which were also faced by the majority of the Romas living in Turkey. Overall, the Roma community was not very organised, hence it cannot be said that these individuals represent every Roma citizen in Turkey but a general view can be obtained from their presentations as they were based on daily life experiences. The representatives of the Roma community described themselves as an ethnic group. They also describe their situation as the "other of other" due to their low level of income and education. In the hearing session, they complained about the absence of the Roma officials in the government positions. They appreciated the "Roma opening" process, yet found it missing due to the denial of sub-Roma identities such as Karaçi or Poşa. According to the view of the Roma interviewee, the state always promises them to make improvements yet forgets them eventually. They do not want to be seen as the "colour" of the society anymore but to be accepted as equal citizens. Finally their most important demand was being accepted as a disadvantageous group and enjoying the affirmative action rights.

Protestant Community-The Association of Protestant Churches

The Association of Protestant Churches is also known as the Council of Representatives. Although the Association represents the majority of the Protestant Churches, there are independent churches well. The Association of Protestant Churches has nearly 5,000 members and 44 associations. De facto

establishment of the Association dates back to 1989 following the need to stand against the pressures on Protestant Churches (Interview with Ufuk Şahin, 19.7.2013). Afterwards, the Association was established officially in 2009 and majority of Protestant Churches joined voluntarily. Every year the Association publishes a report reflecting the violations of rights and problems experienced by the Protestant community. They were the only religious participant that was not invited directly by the Commission. They were not included in the official report of religious minorities either. They described themselves as the "other of others" as they do not feel equal among the other religious communities. They do not have regular relations with the state. They regarded the process as an important period to express their demands. They also published a report on the views of Protestant Churches about the new Constitution. This report was presented in the Parliament by the spokesman of the Association.

Catholic Community- Episcopal Conference of Turkey

Episcopal Conference of Turkey gathers the Catholic bishops of Turkey including Latins, Assyrians, Armenians and Chaldeans. The purpose of the Conference is to promote a closer relation between bishops of Turkey.[15] As the Bishops are appointed from outside of Turkey, Turkish Catholic Bishops' Conference is not legally recognised by the state. However, they were invited by the Constitutional Commission to the Parliament due to their de facto existence. Accordingly, the representatives of Catholic communities gave a presentation about their demands for the new Constitution. During the presentation, while Yusuf Sağ, the Assyrian bishop who also talked on behalf of the Armenian and Chaldean Catholics, emphasised the importance of the equal citizenship in the new Constitution, representatives of Latin Catholics demanded a legal status for their community and institutions. Also a report prepared by the Latin Catholic Church about their demands and problems was presented in the hearing session.

The Forms of Participation and the Preparation of the Community Reports

The participation of the ethnic and religious communities, the meaning they attributed to the constitutional process as their motivations behind their

---

[15] www.eurocathinfo.eu

preparations give some important clues about the whole process. The process had different meanings for minority participants in terms of achieving equal citizenship. In this sense, their preparations as a way to express themselves and their demands become more important to understand how they perceived the consultation process as an historical moment.

Following the calls of the Constitutional Commission for the contribution of the civil society, ethnic and religious communities started their own preparations to participate in the public consultation process. As it was observed from the interviews, the Constitutional Commission only invited religious communities and official minorities directly to the hearing sessions. Only religious community which was not invited directly were the Protestants. Also, none of the ethnic communities such as Kurds and Circassians were directly invited by the Commission. In this sense, these communities were invited upon their requests to the Constitutional Commission. This can be explained by the state's perception of minorities on the grounds of religion. Majority of the community reports were written in broad terms and contained basic values. They were rarely written in the as article proposals

Many organisations preferred to prepare their reports to express their demands from the new constitution. The preparation methods of these reports were generally shaped by the community's population size and the degree of organising capacity. Large communities which have a high and dense population have managed to hold community meetings in different locations. On the other hand, smaller communities preferred to prepare their reports through the initiatives of the community leaders and rarely organised communal discussions. An important point about the scope of participation is the representation of the communities. All the representative institutions that prepared reports and gave presentations in the hearing sessions, described problem areas and the expectations of their communities. Although, these institutions cannot represent every individual in their communities, a general view can be obtained from their preparations to make an overall assessment.

Depending on the community's population size and the organisational strength, more than one report was written for a community by different representative institutions. In this sense, almost all the reports prepared by ethnic and religious

communities have been examined within the scope of this paper. An interesting point observed during the consultation process is the low level of participation of Kurdish based civil society organisations except a couple of pro-Kurdish parties. The reason behind this choice can be explained through the existence of the BDP in the Commission.

For the first time in Turkey's political history, it seems that, ethnic and religious communities found the chance to express their views officially about a vital document like a constitution. Public consultation process was symbolising a meaningful step for the ethnic and religious communities because, they found the opportunity to voice their views on their citizenship rights. Therefore, it is important to examine their preparations in order to understand their perspectives about the public consultation process itself.

In the following section, the preparation methods of the community reports will be explained according to the interviews conducted with participant community organisations. Accordingly, five observed participation methods are as follows:

Arranging Meetings Among the Members of Community

This form of participation was generally preferred by relatively large and more organised communities such as the Armenians and the Circassians. Those groups arranged meetings among their members and prepared their reports based on those meetings. The forms of arranging meetings also varied from community to community. While Armenians arranged meetings for the individuals of their society, Circassians preferred meetings for the member associations. The exception to this was the Foundation of Mor Gabriel Monastery. Despite their small population, they tried to organise collectively as they reside in close locations around Mardin and Midyat.

Armenian Society - "Suggestions and Views of the Armenian Society for a New Constitution"

The Constitutional Commission invited the Armenian Patriarchate to hear their views about the process. The Armenian Patriarchate was directly invited yet the preparation process was conducted by a civilian initiative. A part of the Armenian community which interested in the issues related to constitutional change was organised as a civil initiative under the name of "The Platform of

Equal Citizenship for the New Constitution". Following the call of the Commission, they organised and called journalists, lawyers, academics and professionals to work in coordination. Then, they advertised their meetings in newspapers and called the Armenian community to participate in the public meetings. These meetings took place in five different locations in Istanbul. The meetings were moderated by an academic, a journalist or a public figure. Following an opening talk, people expressed their own views and questions about the process. Consequently, public views collected from these meetings were organised and classified by 25 experts. Finally, they composed the report in the form of basic values and demands. They only had problems with Patriarchate on the form of report yet overcame this problem.

Federation of Caucasian Associations- "What Kind of a Constitution do the Circassians Want?"

The Federation of Caucasian Associations is the most widespread institution established by the Circassians living in Turkey. Similar to the Armenians, the Circassians were aware of the problems originating from the current constitution. Therefore, The Federation of Caucasian Associations took the lead to represent the Circassians in the process. There were also relatively small Circassian groups that participated in the process. The Federation was invited upon their request. In order to prepare their report, the Federation asked their member associations to collect their views. Following a series of meetings, the federation completed the report. They introduced this report to the community through meetings and brochures. The Federation also drew on the reports of TESEV, YAP and the official web site of the new constitution. Overall, the federation claimed that the report might be prepared by widest participation. Some members were suspicious about the content of the demands because those demands were also new for some of them. In this sense, representatives tried to explain the foundations of their demands and reached a consensus.

The Foundation of Mor Gabriel Monastery- "The Demands of the Assyrians Needed to be Taken into Consideration for the Preparations of the New Constitution"

Mor Gabriel Monastery was invited directly by the Commission for the representation of the Assyrian community of Turkey. They prepared their report

in cooperation with the community lawyers and academics. They also consulted Assyrians of Istanbul as they participated in the joint report of the official minorities. They hold several local meetings and asked their Diaspora to send their views online. They detailed their demands in a form of concepts. They absolutely had no conflict over the report. They were very much supported by everyone because of this important and bold step.

Internal Discussions among the Interested Members

Unlike the reports prepared through the meetings held among the individuals of a particular community, some groups did not need to extend this consultation to all of their members and preferred to prepare their reports on the basis of existing problems. This was generally due to small population size and loose organisation.

Jews and Protestants used this form in the preparation of their reports

The Jewish Community of Turkey- "Suggestions for the New Constitutions"

The Jewish Society did not consider meetings necessary to collect the views of their community. The reason behind this choice was the small population of the Jewish community and the rareness of the Jewish organisations. In this context, Jewish community prepared a report under the consultation of the Rabbinate, the association executives and the community lawyers. Jewish community was directly invited. They participated in the joint reports and also prepared their own report. Turkish Jewish Community and Rabbinate cooperated with the community lawyer and prepared their report in the form of article proposals and concepts. The report was written in a consensual way and welcomed by everyone.

The Association of the Protestant Churches- "The Proposals of the Protestant Churches"

The Association of the Protestant Churches unites the majority of the Protestants living in Turkey. This relatively new institution prepared a report reflecting their ongoing problems. The preparation method of this report was similar with the Jewish community with the only exception of a religious head. They were invited upon their request following the guidance of a CHP member,

Rıza Turmen. They used previous annual reports as a reference for their reports. They organised meetings with other churches and church leaders. They asked for the help of their community lawyers and academics. Their report was translated into English and attracted the interest of the international community. They did not have any disagreements and the report was welcomed and supported by the member churches.

Cooperation with the Other Ethnic or Religious Organisations

Official minorities of Turkey prepared a joint report about their expectations from the new constitution. Also, Kurdish based civil society organisations and political parties prepared a joint report under the name of "Democratic Kurdish Opposition".

The Views and Suggestions of the Religious Minority Representatives for a New Constitution

Armenians, Greek Orthodox and Jews are deemed to be the official minorities in Turkey. In this sense, they saw the necessity of declaring their common problems in the same text as they are the subjects of the minority policies. Although, the Armenians and Jews had their own reports, they also contributed to the joint report following the several meetings held with Rabbinate, Greek and Armenian Patriarchates. Official minorities were directly invited by the Commission. Greek Orthodox community participated in the joint report of the official minorities and did not prepare a separate report. They hold several meetings with the representatives of the Armenian, Assyrian and Jewish communities. Religious leaders, lawyers and academics participated in the meetings. General demands and expectations were emphasised in the form of concepts and sometimes article proposals. They only had conflict over the definition of citizenship.

Democratic Kurdish Opposition

Kurdish based organisations such as, Peace and Democracy Party, Rights and Freedoms Party, Participatory Democracy Party, Kurdish National Union Movement, Freedom and Socialism Party, Congress of Democratic Society, Kurdish Revolutionary Democrats' Movement prepared a report and declared their unity for the democratic rights of Kurds on the way to the new constitution.

Initiative of the Community Leaders

Due to the smaller size of a community and the lack of organisation some of the reports were prepared by the efforts of the association's leaders. The proposals of The Church of Latin Catholics and the Romas fell into this category.

The Church of Latin Catholics - Episcopal Conference of Turkey

The Church of Latin Catholics, as a relatively small community, prepared a limited report in cooperation with the Vatican Embassy. They were also directly invited by the Commission. Their report was written by church's spokesperson and a religious head. They expressed their demands in a very brief and simple way.

İzmir Roma Association for Cooperation and Solidarity

Following the invitation of the Constitutional Commission, the head of İzmir Roma Association for Cooperation and Solidarity prepared a report by his own efforts and delivered a presentation in the hearing sessions of the Constitutional Commission. They were invited upon their request with the guidance of Rıza Türmen. They drew on the materials used during the "Roma Opening". They also used the reports prepared for the EU accession process. Community report was written by a member who has experience on the matter. He also consulted to other Roma associations. The report is reflected the different views of the Roma community. They did not encounter any problem with the members about the content of the report.

Cooperation with the Academic and Legal Professionals

Generally, all groups prepared their reports through the grassroots meetings or institutional discussions. However, a group of Alevis conducted this preparation in cooperation with an academic project. In this sense, the work of The Federation of Alevi Associations represented a different form of participation. Also, Kurdish based, Participatory Democracy Party prepared a report through the cooperation of academics, bar associations and civil society organisations.

The Federation of Alevi Associations- Religious Groups in Turkey: A New Framework for the Problems and Demands

This report was written by academics as part of a project in cooperation with the Federation of Alevi Associations. Although, this report was prepared through the initiative of an Alevi association, it reflected the common problems of all the religious groups living in Turkey. The federation of Alevi Associations was the umbrella organisation representing Alevis in the participation process. Their preparations had started in the "Alevi Opening" before the new constitution-making process. Their report was distinct from others as it covered the problems of all religious communities, not just the Alevis'. In the preparation process, they met and consulted the representatives of other religious communities. The report also included in a research project, therefore was written by academics. The report contained the demands and expectations of religious groups. It was also translated into English. As a distinctive method, Alevi community also organised street meetings to express their demands from the new constitution. Some of the members disagreed on the content of particular demands, yet they reached a consensus at the end.

The Suggestions of Participatory Democracy Party for the New Constitution

Participatory Democracy Party preferred to make local public meetings with the academics, legal associations and other civil society organisations. The outcomes of these meetings were used to shape their report which was presented in the hearing sessions.

Community Newspapers

In addition to the reports, meetings and discussion platforms, community newspapers can give a basic idea about the level of interest of a community during the constitution-making process. In this respect, five community newspapers were examined in order to understand the communities' view and how these papers contributed to the process with its news and columns. Newspapers served as important tools for different occasions. First of all, the papers informed its readers about the steps involved in the process whenever it was blocked, progressed and halted. More importantly, they raised the

awareness about the demands and expectations of the community. The papers acted also as a medium to make its community's voices heard by the mass public and the authorities. The activities of the communities such as parliament presentations, official contacts, meetings and conferences were advertised in the pages of these newspapers.

Considering the quality of the news, updates, columns and commentaries; community newspapers generally focused on issues related to their community. However, there was also a considerable amount of coverage on the issues related to other minority groups and the general continuation of the constitution-making process.

Community newspapers are not widely circulated in Turkey. In this respect, only 5 papers were available to be analysed. These papers are: Agos of the Armenian community, Şalom of the Jewish Community, Sabro of the Assyrian community, Jineps of the Circassian community and Özgür Gündem of Kurdish community. They were examined in terms of content and coverage methods. One of the limitations encountered in examining the minority papers was the communities' language. Therefore, the Armenian newspapers, Jamanak and Marmara could not be reviewed as they are published in Armenian. Also, Greek Orthodox papers, İho and Apoyevmatini could not be examined for the same reason. Kurdish newspapers have a relatively wide circulation and are mostly published in Turkish. However, due to the limitations of time and space, only one paper, Özgür Gündem, which has the highest circulation and recognition, was selected to be reviewed.

Agos-Armenian Community

Agos, a weekly paper, was established in 1996 by late assassinated Hrant Dink and his friends in an effort to make known the problems of the Armenian community in Turkey to the general public. It was the first newspaper published in both Armenian and Turkish in the Republic history. The paper focuses on issues, such as democratisation, minority rights, memory work, preservation and development of pluralism in Turkey. Although Agos first emerged as a community paper, it expanded its pages to include Turkey and world news. It

also acts as a free discussion platform in Turkey where currently independent journalism and freedom of speech is increasingly restricted.[16]

The new constitution-making process was a major subject covered in Agos' pages from the beginning to the end. In this sense, it did not only act as a newspaper of a minority community but acted as an important medium monitoring the whole process. During the process, Agos mostly covered the issues related to the critical parts of the constitution such as the definition of citizenship, the Kurdish problem, and the use of minority languages. However, it also covered a wide range of updates about the whole process. Agos covered these updates without bias. However, a wide range of Agos' own and guest columnist interpreted crucial issues for its readers. The paper also acted as an informative tool for the Armenian community of Turkey. For instance, the Armenian initiative called "Platform Of Equal Citizenship For The New Constitution" announced the call for public meetings in the Agos' pages. They also printed the content and outcomes of these meetings. Throughout the public consultation process, Agos specifically focused on the participation of minority communities. It covered the demands and expectations of those groups such as the official minorities, LGBTI organisations, Kurds, Romas, Alevis, Catholics, Assyrians and women with headscarf. The activities of the NGOs were another issue covered by Agos. The news on meetings, symposium, research and reports organised to inform people were shared in Agos' pages. Agos also published the proposals and views of the political parties, Constitutional Commission members and major political actors objectively until the process come to an end. The new constitution making process also appeared in the interviews frequently. The interviews were mainly conducted with experts from these fields. Last but not the least, the chief editor of Agos, Rober Koptaş, represented his newspaper in a meeting with the Constitutional Commission members to contribute as a minority media member. He described this invitation as a historical moment and declared his expectations on equal citizenship for the new constitution (Proceedings of Constitutional Reconciliation Commission Participation Process, 215).

---

[16] www.agos.com.tr

Şalom-Jewish Community

Şalom, a weekly published paper, was established by journalist Avram Leyon in 1947 for the Jewish community in Turkey.[17] It is published in Turkish except for one page in Ladino. Şalom mainly covers the news of the Jewish community in Turkey, as well as foreign news, cultural activities, politics, Judaism, Jewish culture and tradition.

Şalom, as the sole Jewish newspaper in Turkey paid, special attention to the new constitution-making process. Unlike Agos, it mainly covered the process in respect to the Jewish community's interests. It has a wide range of columns on constitution-making process written by its own and guest columnists. There were also various interviews on the crucial issues of the process with relevant people. Şalom, specifically focused on the activities of the Jewish community during the process. In this sense, the expectations of the Jewish community found an extensive place on the pages of Şalom. In these pages, there was considerable emphasis on demands for equal citizenship. The paper also announced the visits of the Turkish Jewish Community and the Quincentennial Foundation (500.yıl Vakfı) to the Constitutional Reconciliation Commission to declare the views and proposals of the Jewish community for the new constitution. The chief editor of Şalom, İvo Molinas, was also invited to the Commission meeting, held with the chief editors of the newspapers published in Turkey. In the meeting, Molinas praised the new constitution-making process as an opportunity for becoming equal citizens. He also emphasised the need for special arrangements in new Constitution considering hate speech and discriminatory statements in the media which Jewish people encounter frequently (Proceedings of Constitutional Reconciliation Commission Participation Process, 224).

Sabro- Assyrian Community

Sabro is the first newspaper of the Assyrian community of Turkey. It was established in March 2012 by Tuma Çelik and five other volunteers. The aim of the newspaper is to introduce the problems and demands of Assyrians living in Turkey. In its own words, "Sabro attempts to be the voice of struggle of Assyrian

---

[17] www.salom.com.tr

people for equal and free life"[18] It is published both in Turkish and Assyrian. Although, it only started publishing two months before the new constitution-making process terminated, it covered the constitution-making process in a different dimension. Sabro included the demands and expectations of the Assyrian people both living in Turkey and abroad. In addition to the updates about the process, Sabro's columnists wrote about the continuation of the process and its effect on the status of Assyrians. Like the other papers, these columns reflected the hope for equal citizenship. The paper also announced the activities of the Assyrian community during the public consultation process for the new constitution such as the visit of Mor Gabriel Monastery to the Commission.

Jineps-Circassian Community

Jineps was founded in December 2005 in order to reflect the voice of Circassian people of Turkey. Its aim is to inform the Circassians about the news and inform updates of the Caucassian geography, where they used to live before being deported to the Ottoman Empire. The monthly paper gathers the democratic columnists aiming to touch on the problems of Circassian people living in Caucasia and abroad[19]

Like the other community papers, Jineps gave a wide coverage for the Circassians' activities during the constitution-making process. Considering the Circassians as a community which only recently became a self-aware, these activities were reported in detail, such as composing civilian initiatives, organising symposiums and workshops. The paper also published various articles on the major demands and expectations of the Circassians on equal citizenship. In this sense, the paper acted as an informative tool for the Circassian of Turkey. During the process Jineps also called upon its readers to put pressure on political parties in the Commission regarding the continuation of the new constitution preparations.

Özgür Gündem-Kurdish Community

Özgür Gündem is the first daily paper belonging to Kurdish community of Turkey. It was established in 1992 and published in Turkish. The paper faced

---

[18] www.usabro.net
[19] www.jinepsgazetesi.com

numerous closures during twenty years since it was founded. Throughout that time, the paper published under different names, yet returned to its original name to date. As a pro-Kurdish paper, the journalists and distributers of Özgür Gündem encountered imprisonment, censorship, prohibition, compensation penalties, assaults and even assassinations[20]

Considering variety of demands and expectations of the Kurds in Turkey, Özgür Gündem covered the news on the new constitution-making process most extensively. The main theme in the news of the paper was the role of constitution as a key to solve the ongoing Kurdish conflict. In this sense, the steps of the process were examined in great detail including the participation process, the construction of the Commission and the drafting process. The role of the Kurdish participation in the new constitution-making process was greatly emphasised in several columns. The reason for the participation of the Kurdish people was mentioned along with its limitations and opportunities. While some columnist saw the participation as a crucial moment, others treated it with scepticism. The activities of the Kurdish organisations during the participation process found an extensive coverage in the pages of Özgür Gündem. In order to clearly inform the Kurdish community about the ongoing activities such as the meetings, petitions, conferences and parliament presentations were reported in great detail The paper did not only cover the activities or demands of the Kurdish community but also gave a considerable place to the activities of other communities and civil society organisations. The proposals and activities of political parties in the Commission were another focus of the paper specifically on critical issues such as the definition of citizenship and education in Kurdish. In this sense, the issue of "red lines" and the conflict among the Commission members were another focus of the coverage about the process. Eventually, the paper published various articles on the termination of the constitution-making process. Overall, as a wide circulated pro-Kurdish paper Özgür Gündem attempted both to reflect the expectations of the Kurdish people and to inform them about the steps of the process.

---

[20] www.ozgur-gundem.com

The Participation of the Ethnic and Religious Communities in the Hearing Sessions

For most of the participant communities, the hearing sessions facilitated by the Commission were their first serious contact with the state. However, the continuity of the connection between the state and the communities did not proceed as it was expected. Each political party in the Commission had its different view about the content of the new constitution and none of them contacted with the participant communities during the consultation and drafting process. According to the spokesperson of the Federation of Alevi Associations, the drafting process was conducted in a very isolated way. Therefore, it was very hard to reach them in this stage. Thus, apart from the general consultation process, none of the political parties in the Commission contacted and asked these communities about their views on the content of the new constitution. This situation is interpreted by especially Greek and Armenian communities as the denial of their identities as part of society. Therefore, the images of Patriarch and Rabbi in religious outfits are considered as a public relations material to be served to the media in order to show that they were included in the process. In this sense, for the political parties, the image is more important than their actual demands. Here, the efforts of a sole Commission member, Rıza Türmen of CHP were emphasised by many participant groups for his helps and encouraging these communities to participate in the consultation process.

Each political party in the Commission was represented by a member in the hearing sessions during the public consultation process. Generally, all political parties were present in the hearing sessions. However, as indicated by some of the participant communities, the absence of BDP members in some of the hearing sessions caused disappointment among the participants.

The reactions of political parties to the presentations of the participant communities varied based on the general perspectives of each party. In this sense, the questions were shaped according to the ideological orientation of the parties. BDP, which defends equal rights, generally showed appreciation and confirmation for presentations of participant groups. AKP members had a tendency to describe the participant ethnic and religious groups as the colour of society instead of asking them questions about their demands for equal citizenship. Generally, AKP, as the ruling party, almost did not ask any

questions to the participants during the hearing sessions. This attitude was received with scepticism by the participant communities about the sincerity of the process. CHP was the most curious party among them. CHP members listened and tried to understand their problems. In this sense, they asked in-depth questions in order to clarify the issues indicated by the representatives of the communities. At some points, some members got surprised because they were unaware most of their problems until that time. Community representatives also noticed the existence of conflict between three CHP members which caused confusion among participants. The MHP, as a nationalist party, asked private questions rather than the content of the presentations. For instance, one of the MHP members asked the representative of the Protestant community about his ethnic origin. This was because the clear accent of the participant. Obviously, this member thought they were not Turkish and surprised of their clear accent because other non-muslim participants' accent was different (Interview with the representative of Protestant Churches, 19.7.2013). The same MHP member also had a similar experience with the representatives of the Roma community. Accordingly, he asked the profession of the Roma participant because he had such a full knowledge of the topic. Apparently, he was surprised to see that a Roma individual is so insightful in such a topic (Interview with the Representative of İzmir Roma Association, 10.8.2013). More strikingly, question of a MHP member on Armenian community's citizenship definition showed how a Commission member can be unaware of the citizens' basic problems such as equality. Hence, following the presentation of the Armenian community, he directly asked: "why are you emphasising equality, aren't you citizens?" (Interview with Armenian representative, 2.7.2013). MHP members were sometimes surprised over the demands expressed by the participants. The attitudes of MHP can be explained by the lack of knowledge about the participant groups if not explained by their perception for minority participants as second class citizens.

Overall, representatives of communities received very few questions over their presentations in the hearing sessions. As stated by the participants, the commission members were generally nice and quiet. The participants found this attitude very insincere and had doubts on whether their contributions were really taken into consideration or not. Moreover, depending on their past experiences,

some of the participants were quite hopeless about the positive comments of Commission members. According to their perception, no matter how positively they comment, they forget those words as soon as they return to their party group meetings.

Another interesting point to indicate is some of the commission members came across for the first time with someone who is coming from participant's ethnic or religious background. In this sense, the process also helped them to know their own citizens. Finally, the participants felt a great tension between commission members in the meetings which made them feel uncomfortable. They also felt as if they and their demands were used as a medium for the conflict between the parties rather than to reach a consensus.

The Participation of the Ethnic and Religious Communities According to the Views of the Commission Members

The perspectives of each party on the participation of ethnic and religious communities differed greatly from each other. In this sense, the statements of each political party will be quoted directly and will be followed by an overall comment.

A CHP member: "We listened to the non-Muslim communities widely in quantity and quality. In a way, there was an affirmative action. We have been impressed by the views of a Jewish participant about his demands for hate crimes and the efforts of the Roma participants." (Interview with CHP member, 24.1.2013).

A BDP member: "We are not just the voice of the Kurds but the voice of everyone who feels alienated. As a Commission we should be able to discuss every issue comfortably. We tried to avoid any kind of discrimination but the Commission did not care at all. In principal, we agreed to listen and to ask questions on our points of interest. However, particular members acted very inappropriately and tried to argue with the participants during the presentations of the ethnic and religious communities. Also, petitions and campaigns of Kurdish based initiatives have been blocked and their representatives were not invited to the Commission as they do not have an association status." (Interview with BDP member, 23.1.2013).

A MHP member: "According to perception of the MHP, some of the participants were representing marginal groups. Their demands such as the mother-tongue education and change in the citizenship definition were contradictory to the unity of the state, hence it was impossible for us to accept." (Interview with MHP member, 22.1.2013).

An AKP member: "Official minorities expressed their views. The Circassians also came to present their report. We saw that, the Circassians also has an ethnic awareness similar to the Kurds. We did not use the views of the minority participants on our citizenship definition because we already drafted it before the consultation process. We listened to the non-Muslim communities with patience. We are aware of their demands especially on property rights" (Interview with AKP member, 21.1.2013).

The hearing sessions were open to any association which wanted to present their views. In this sense, calling it as an act of "affirmative action" is a bit interesting and gives clues about the status of minorities in the eyes of the Commission members. Considering the interviews conducted with the Commission members, none of the parties paid any extra attention to the presentations of the minority communities. If they had been paid any special attention to the demands of the ethnic and religious communities, then, that would be an affirmative and meaningful action as these groups have suffered from the implications of the current constitution. Moreover, the existence of arguments during the minority presentations indicates the intolerance of particular members against those who participated. The MHP's approach towards the ethnic and religious groups appeared to be problematical. The MHP regarded the ethnic and religious communities as potentially dangerous partners of the Turkish nation, who have no right to demand anything. In this sense, during the hearing sessions, the MHP reproduced its traditional discriminatory discourse in regards to these communities. The AKP's emphasis on the Circassian community is also remarkable as they learned about the Circassian's demands for the first time by the means of the consultation process. Property rights were among the most important demands of the religious minorities, yet it was directly related to the equality principle. It seems that the AKP focuses on tangible demands like this instead of the basic principles such as equality.

The case of the DTK (The Democratic Society Congress), a pro-Kurdish umbrella organisation, should be noted in order to understand the perception of particular members against the contributions of ethnic and religious communities to the new constitution-making process. Ahmet Türk, the co-president of the DTK was invited to the hearing sessions to give a presentation on the expectations of his organisation. However, this decision was strongly objected to by the MHP members. According to a MHP member, "Inviting the DTK to meet with us is against the commission's principles. The commission can only invite legal institutions. The DTK is not built on a legal foundation. It is simply a platform." (MHP set to block DTK at charter commission, 2012). Although, the BDP and the CHP members objected to the reaction of the MHP, the meeting with DTK was never rescheduled.

The Visibility of Ethnic and Religious Communities in the Drafting Process

In Turkey, when referring particular ethnic identities, Turks wish to emphasise the "unity in diversity" that exists in Turkey by saying, "Turkey is an inseparable whole with its Turks, Kurds and Circassians…" This perception was also reflected in the Commission's debates during the drafting process. The names of the ethnic and religious communities were mostly mentioned by the Commission members in this context, rather than their demands and problems. Nevertheless, the names of the ethnic and religious groups were mentioned in the proceedings of the Drafting Commission and will be explained below; community by community, in order to understand the level of influence that these communities had on the Commission members.

Circassians were frequently referred to while the Commission members were listing the ethnicities living in Turkey. Only the BDP and the CHP referred to Circassians for their demands on education and language rights. A CHP member also mentioned a conference that he participated in which was organised by the Federation of Caucasian Associations on the new constitutional process (Proceedings of the Drafting Commission, no: 3, 5422).

Assyrians were referred to for their demands on property rights by the BDP. The BDP members also mentioned them while listing the religious communities' demands on freedom of religion (Proceedings of the Drafting Commission, no:

3, 2769). On the other hand, the CHP referred to the Assyrians' special status on mother-tongue education rights as a non-official religious community (Proceedings of the Drafting Commission, no: 3, 5421).

Jews were mostly mentioned by the BDP over the issues related to equal citizenship. In this sense, the BDP called the unequal practices experienced by the Jewish citizens which include the Capital Tax and the 1934 Thrace Pogroms (Proceedings of the Drafting Commission, no: 3, 5151).

Armenians were among the most mentioned community by the members of the Commission during the drafting process. Compared to the other communities, specific issues such as the Armenian massacre/genocide, the election of the Patriarch and hate speeches in the school text books referring to the Armenians were discussed in addition to the general issues. BDP emphasised the importance of confronting Armenian massacre/genocide and referred to the equal citizenship demands of the various ethnic and religious communities. The MHP were strongly opposed to these claims and told contradictory stories claiming that the Armenians' torture on the Turks (Proceedings of the Drafting Commission, no: 3, 5202). CHP, on the other hand, mentioned the Armenians while listing to the other communities who demanded equal citizenship rights. The AKP only referred to the Armenians randomly as the subjects of past Millet system tradition and did not mention any of their demands during the drafting process (Proceedings of the Drafting Commission, no: 3, 5203).

Rums (Greek Orthodox) were generally identified with specific issues such as the population exchange, the implementation of the Lausanne Treaty, minority foundations and the status of the Patriarchate during the drafting process. These issues were mostly framed by the BDP members. In this sense, they exemplified the minority rights of religious communities and demanded the same rights for Kurdish citizens. Other parties mentioned Rums in a similar way as they did with the Armenians. (Proceedings of the Drafting Commission, no: 3, 5080).

The name of the **Catholics** or the demands of the Episcopal Conference of Turkey were not mentioned by any of the Commission members during the drafting process.

The BDP is the only party which addressed the report of the Associations of **Protestant** Churches over the compulsory education classes. Therefore, the BDP members expressed the problems of Protestant community on freedom of religion (Proceedings of the Drafting Commission, no: 3, 740).

Alevis were mostly mentioned by the CHP and the BDP in the discussions on the status of Directorate of Religious Affairs, compulsory education classes and freedom of religion. The status of Alevism as a religion also caused conflict especially between the BDP, CHP and AKP (Proceedings of the Drafting Commission, no: 3, 664)

Romas and their proposals were mentioned by the BDP specifically over the issue of discrimination. In this sense, the BDP proposed to include a special provision on Roma rights, yet it was declined by other parties on the grounds of pre-electoral populism (Proceedings of the Drafting Commission, no: 3, 2773).

As a matter of course, **Kurds** were mostly referred to by the BDP on minority rights, language rights, the Kurdish problem, party closure cases, and citizenship definition. The BDP also regarded the new Constitution as a medium to resolve the Kurdish problem. On the other hand, the MHP repeated its perception in the commission discussions and described the Kurdish problem as the manipulation of "external powers." (Proceedings of the Drafting Commission, no: 3, 2514). The BDP emphasised the importance of equal citizenship through exemplifying the problems of Kurdish citizens in their daily lives. In this sense, the critical issues such as the definition of citizenship and the status of local administrations were identified with the Kurdish problem. Indeed, Turkey ratified various international charters and treaties with reservation on critical sections which could be related to the Kurdish demands such as children's rights or the status of local administrations. This perception of the state also reflected in the Commission discussions during the drafting process. The BDP often complained about this attitude during the discussions of the specified critical issues (Proceedings of the Drafting Commission, no: 3, 2711).

As observed from the drafting sessions, the BDP is almost the only party which mentions the ethnic and religious communities and their problems. The BDP members generally referred to the demands and problems of these

communities through giving real life experiences and showing historical evidence. The problems of these communities were also mentioned by the BDP members to support the Kurds' demands for equal citizenship. The claims of the BDP members were frequently objected to by the MHP on the grounds of the MHP's general perception on minorities. The AKP was in general non-participatory during the discussions of the ethnic and religious communities' demands. Therefore, the AKP members referred to these communities on random issues rather than their demands and expectations for the new Constitution. The conflict among the CHP members were also reflected on the discussions of the issues related to the demands of the ethnic and religious communities. In this respect, each member of the CHP approached the issues demanded by these communities differently.

Finally, except the BDP's emphases on the report of the Roma and Protestant communities, none of the parties referred to the reports of the ethnic and religious communities which participated in the public consultation process. The General problems of the ethnic and religious communities were discussed in the scope of the various subjects, yet the parties did not give the communities' reports as a reference to support their arguments during the discussions in the drafting sessions. The drafting sessions can be accepted as the mirror of the public consultation process. In this respect, the manner of the parties except for the BDP can be interpreted as the neglect of the efforts and expectations of the ethnic and religious communities who participated in the process. Therefore, it can be said that, these communities had a very limited influence on changing the traditional perspectives of the parties in the Commission.

Conclusion

This chapter introduced the communities who participated in the constitution-making with demographic and social information. The place of these communities in Turkish society and their existence in Turkey was also explained. The representatives of these communities were examined in terms of their level of representation and position as well. The ethnic and religious communities in Turkey are living in an isolated environment and they are not very active in social and political lives. However, as it was observed from the

public consultation process, they showed a great interest to participate in this occasion through their activities which were also reflected in their community newspapers. Community organisations participated in the process extensively. In some cases, there were even more than one organisation for a community. They used various platforms to express their demands for the new constitution such as discussion forums, platforms, conferences and even concerts.

The hearing sessions became the important platforms where the community representatives and the Commission members contacted face to face. In this sense, the quality of this contact was a crucial issue to examine. Considering the interaction between these parts, very interesting points were derived such as the perspectives of the Commission members of these communities and their reactions to their demands. In this respect, it was shown that the traditional perspective of the state towards minorities was repeated. The proceedings of the drafting sessions also proved this perspective because the participating communities found a very limited space in the commission discussions.

The next chapter will introduce the demands of the participating communities, as the motivation of their preparations for the new constitution. These demands will be explained in terms of equal citizenship problems of these communities.

CHAPTER 5: The Demands and the Expectations of Ethnic and Religious Communities for the New Constitution

Introduction

Generally, the representatives of ethnic and religious communities in Turkey cannot find the chance to contact the state very frequently. In this sense, considering the official invitation of the Commission, ethnic and religious communities regarded the new constitution-making process as an opportunity to declare their demands for equal citizenship. Their emphasis on equality as a vital issue can be observed in their reports as well. In this respect, the public consultation process was an important medium to express their ongoing problems. Also, this process helped them to raise awareness about the problems of the community among individuals of ethnic and religious communities.

Representative institutions primarily framed their community's problems and expectations in the reports and presentations they gave in the hearing sessions facilitated by the Constitutional Commission. All groups emphasised the importance of equality in their reports and presentations without exception. The demands for equal citizenship were considered within the demands for a change in the monist structure of the state.

Apart from the equal citizenship, the demands varied depending on the ethnic or religious character of the communities. The religious communities mainly focused on the legal entity problems and religious issues; the ethnic communities, preferred placing emphasis on issues, such as cultural rights and the administration system.

These demands are examined in detail under each title below. Each title starts with a brief description of on the current situation of each problem. Afterwards, the content of the demands of the participating communities are explained. In order to understand the reflections of these demands in the Commission, the parties' reactions of the discussions during the drafting process were analysed. Finally, the parties' own proposals on the considered problems are shown in order to comprehend each party's view on the subject. Following the demands of the participating communities, there will be a separate section which contains the most important issues for the new Constitution-making process in the

Commission members' point of view. Thus, the consistency between the communities' demands and the Commission members' views will be observed.

Affirmative Action

The concept of affirmative action is generally considered with gender equality in Turkey. However, minorities such as the Romas, Assyrians and Circassians also demanded affirmative action to save their disappearing culture and to have equal access to financial sources. Parallel to Turkey's general perspective, the Commission members referred to the affirmative action policy specifically on gender equality in a wide context. During the Commission discussions, BDP quoted the Romas' emphasis on affirmative action as a disadvantaged community and proposed the necessity of adding a special provision for the Romas in the Constitution. MHP members, on the other hand, accused the BDP of being populist in order to seek Roma votes in the upcoming elections. This is to say, the MHP regarded the affirmative action as a suspicious act instead of a medium to provide equal citizenship (Proceedings of the Drafting Commission, 2770- 2777)

BDP also propose affirmative action not just for women but also for disadvantaged groups, minorities, youngsters and children (Drafting Commission, 2770-2777 and BDP's Proposals for the New Constitution). Unlike the BDP, the other parties did not include the affirmative action policy even for women in their proposals.

Compulsory Religious Classes

Religion classes under the name of "Religious Culture and Ethics" are compulsory for students from 4th grade until the end of high school. The status of religious classes is regulated by the Article 24 of the current Constitution. Only students attending minority schools and minority citizens who are studying in state schools are exempt from the compulsory religious classes. The syllabus for religion classes is designed only on the Sunni interpretation of Islam and its practices, hence provides superficial information on all other religions.

Compulsory religious class is a crucial problem for the Alevi citizens. It is not just the violation of religious freedom for them, but also an assimilationist practice which impede their right to reproduce their culture (Erman and Erdemir,

2005: 175). In this respect, Alevi citizens took legal action against the compulsory religious classes. The first legal decision regarding the religious classes was, the ECHR's decision on *Hasan and Eylem Zengin v. Turkey* in 2007. The ECHR assessed the compulsory religious classes as a violation of education rights of the Alevi students, as the classes lack sufficient pluralism and objectivity (Hasan and Eylem Zengin v. Turkey, 9.9.2007). However, following the decision of the ECHR, there has not been a considerable reform in the content of the religious class syllabus besides superficial ones.

Non-Muslim students attending state schools are exempt from the compulsory religion classes. However, they have to declare their will openly to gain such right which causes the exclusion of the pupils among their peers eventually. In this sense, minorities also demand an exemption system which will not require declaration of the religious believes openly. The demands regarding this practice can also be considered in various dimensions. Generally, all groups demanded the transformation of the compulsory religion classes into the optional classes. They also demand a more plural religious education for all religious groups living in Turkey. Alternative optional classes would also protect the education right of the atheists, deists and agnostics.

Currently, religious classes are still compulsory for the Alevi students. Instead of reforming the classes, it was advised to keep the religious classes compulsory even for the primary school pupils by the Ministry of Education in the 19th National Education Council Meeting (Zorunlu Din Dersi İçin Karar Verildi, 2014).

The issue of compulsory religious classes was another dispute during the drafting process. AKP claimed that the religious classes are not just based on Sunni-Islam and emphasised its importance in the education system through different country cases. On the other hand, CHP proposed to keep the classes optional yet under the control of the state (Proceedings of the Drafting Commission, 736). BDP suggested keeping the regulation of the classes out of the Constitution by referring to the proposals of the Association of the Protestant Churches (Proceedings of the Drafting Commission, 740). Considering the official proposals of the parties, AKP kept the current regulation. MHP also kept the classes compulsory yet respecting the religion of the pupil's parents. In this sense, MHP proposed a pluralist religious education

yet excluded the atheist groups this time. On the other hand, BDP did not saw the classes in the constitutional framework. Finally, CHP proposed optional religious classes with a more pluralist, objective and critical syllabus.

Equal Recruitment in Public Offices

One of the crucial points regarding the equal citizenship is the recruitment in the public offices. Although, there is no legal restriction for the ethnic and religious minorities to be recruited for the public sector positions, most of the communities indicated that they experience de-facto discriminatory practices. Specifically, the religious groups demanded constitutional arrangements to prevent de-facto discrimination and for the implementation of de-jure equality that exists in the current Constitution.

The policy of not recruiting minority individuals in public offices actually had legal basis dating back to 1926 Law on Public Servants. Accordingly, the prerequisite to become a public servant was being "Turkish" instead of "Turkish citizen". Considering that the citizenship definition in the 1924 Constitution, being a Turkish and being a Turkish citizen are different notions from each other. The condition of being Turkish was continued in public announcements for military schools and public offices until the end of 1940s. Even to study in Europe as a state-funded student, and being accepted to the Veterinary School was dependant on being Turkish. The expression of this condition was also varied from being of "Turkish descended" to being of "Turkish race". Although, this provision was changed into "Turkish citizenship" by the 1965 Law on Public Servants, today it is still impossible to find a public officer from a minority background except for university staff and artists performing in state theatres and operas (Oran, 2010: 164).

The issue of equal recruitment to public offices was discussed in the drafting process by the Commission members. All the parties except for the MHP used the expression "every citizen" as a condition of become a public officer. On the other hand, the MHP preferred the expression "every Turk" instead of "citizen" as a proposal for "The Right of Becoming a Public Officer". This expression takes the current situation in Turkey back to 1920s. The MHP members defended their choice by describing the term "Turk" as the nationality rather the ethnicity by giving examples from other countries' Constitutions. In this case,

only the BDP members emphasised the exclusionist character of the MHP's proposal for the minority communities (Proceedings of the Drafting Commission, 1001-1002). Eventually, the Commission could not agree on that provision. The same statement of the MHP is also reflected in other issues such as the definition of "citizenship" and caused a blockage for the most crucial issues.

Legal Personality

Religious Communities in Turkey do not have a legal personality to ensure their accession to the courts and to protect their properties. They can only establish associations or foundations to maintain the needs of their community. In this sense, the state does not recognise the legal personality of the Greek Orthodox Patriarchate, Armenian Patriarchate and the Rabbinate. This situation affects their right in the acquisition of property and causes problems in their relationship with administrative authorities and the courts. Without a legal personality, religious institutions of minorities became vulnerable to the interventions of state authorities. They cannot even open a bank account without a legal personality. Gaining a legal personality for the institutions of these communities is very crucial for stability of their condition in Turkey; because, once their legal personality is ensured by law, they will deal with the courts not the political will. (Genç, 2011:14).

Only, churches, educational or hospital charities can acquire a foundation status, and thus can own properties. On the other hand, relatively new communities such as the Protestant community can only establish associations because, according to the Civil Code, it is prohibited to establish a new community foundation. This implementation is mainly based on the reciprocity principle between Greece and Turkey. In this respect, both countries do not recognise the legal personalities of the religious communities. This is also a violation of religious freedom protected under the Lausanne Treaty (Kurban and Tsitselikis, 2010: 11-12).

In addition to the "official" minorities, the Assyrian Patriarchate, Latin Catholic Church and Protestant Churches are also suffering from the lack of a legal personality to maintain the existence of their institutions (Tüzel kişilik sorunu azınlıkların geleceğini tehdit ediyor, 2014). Indeed, this problem was mentioned by all religious minority organisations in different platforms during the

consultation process. Referring to the legal personality problems, minority communities also demanded a constitutional solution to establish confederations in order to manage their properties and services properly. Although, it is permitted to establish confederations, for the foundations, this rule is not practiced by the religious communities in Turkey (The Report of Religious Minority Representatives, 2012: 11).

Another issue related to the legal personality is the Rabbinate and Patriarchate elections. The election of the minority religious leader is not regulated by a particular legal system. The first condition of being a Patriarchate or Rabbinate is Turkish citizenship. Considering the diminishing population of these communities, it is becoming very difficult to find a qualified religious candidate (Macar and Gökaçtı, 2009: 21).

The Venice Commission also declared its opinion on the legal personality of minorities. Therefore, the Venice Commission emphasised the importance of religious freedom and encouraged Turkey to continue the reform process for the religious communities through granting them a legal personality (Venice Commission, 2010).

None of the Parties in the Constitutional Commission mentioned the legal status of the Religious communities. Only the BDP mentioned the legal status of "minority foundations" in the their proposals and during the Commission discussions (Proceedings of the Drafting Commission :2768). This could be interpreted as a misunderstanding because; minority foundations already have a legal personality.

Local Administrations and Decentralisation

The administration system in Turkey is based on both the principle of centralisation and decentralisation which is regulated by Article 123 of the current constitution. This system was highly criticised by the participating communities during the constitution-making process. In this sense, the communities demanded a stronger decentralised administrative structure for the social, political and financial branches. Therefore, the system will be more participative, which will enable the ethnic and religious communities to take a more active part in the decision-making processes. However, the control of the

central administration over the local administrations is considered an obstacle for the democratisation process of Turkey. Decentralisation of the administrative system was also considered as a solution for the ethnic and cultural identity problems and the reconstruction of societal peace. Therefore, guaranteeing the participation and presentation of different ethnic and religious groups in the decision making process will promote democratic plurality and legitimacy of the system (Erdoğan and Yazıcı, 2011: 31). At this point, communities also demanded the full implementation of the European Charter of Local Self-Government which was ratified by Turkey with reservations (Proceedings of Hearing Commission, no.3). The issue of decentralisation also caused conflict among the Commission members during the drafting process. The related issues such as central- local relations, delegation, subsidiarity, fiscal autonomy were among the mostly debated problems. In these contexts, CHP proposed the autonomy of the local administrations accountable to the central government. The BDP, as the most supportive party on the issue of decentralisation, added a separate section on local administrations under the title of "Regional Public Administration". The BDP proposed the promotion of financial sources of the local administrations within the scope of the subsidiarity principle. However, the MHP regarded these claims as the demolition of the state's foundations (Proceedings of the Drafting Commission, 1440-2226). Considering the draft proposals of the parties, it can be observed that, the AKP and the MHP kept the existing situation of the current constitution. The CHP, like the MHP and the AKP proposed a similar draft with slight changes on the equal representation of women in local administrations. On the other hand, the BDP introduced dramatic changes to the administrative system such as a regional administration.

The concept of decentralisation was mostly promoted by the Kurdish groups, during the consultation process. However, none of the parties mentioned the contributions of these groups, during the debates on decentralisation. For example, the reaction of a BDP member on the subject of NGOs' contributions was very striking. He stated: "Have we ever checked the contributions of the participant NGOs even for a day?" His comment shows the attitude and the lack of understanding of the Commission on the value of the contributions of civil society in the constitution-making process.

Prevention of Hate Crimes, Hate Speech and Discrimination

Article 10 of the 1982 Constitution emphasises the equality of all citizens before the law regardless of race, colour, sex, religion, sect and political thought. However, it does not regulate the prevention of hate crime and hate speech in any provision. During the public consultation process, especially ethnic and religious communities indicated the necessity of legal arrangements regarding the prevention of hate crimes, anti-Semitism and xenophobia in the Penal Code and the Constitution. This necessity was mostly expressed by these groups because they are the ones who most frequently experience discrimination on a daily basis.

After the termination of the constitution-making process, the Turkish Penal Code was amended to enable the prevention of hate crimes in March 2014. According to the new regulation, hate crimes based on language, race, nationality, colour, sex, disability, political ideology, philosophical belief, religion or sect will be punished by a prison sentence up to 3 years. As it is seen, categories such as the sexual orientation and gender identity, ethnic origin, disbelief, age and profession were excluded from the hate crimes definition. In this respect, the amendments caused a disappointment among the minority communities as they were expecting a more specific regulation on the prevention of hate crimes (Nefret Suçu TCK'ya girdi, 2014).

Minority communities' demands for the prevention of the hate crimes could not find a wide space in the discussion of the drafting sessions. During the discussions, only the BDP mentioned the need for the inclusion of hate crimes in the Constitution and referred to the demands of the minority groups who participated in the consultation process. Apart from this, none of the parties referred to the contributions of the minorities. Moreover, none of the parties regulated the prevention of hate crimes in their proposals. Only the CHP and BDP mentioned it under different titles such as freedom of speech, freedom of press, right to peace, freedom of political parties and legislative immunity.

The Definition of Citizenship

The definition of citizenship as regulated by Article 66 of the current Constitution is: "Everyone bound to the Turkish State through the bond of citizenship is a Turk." This definition has always been a very controversial issue in Turkey's

political agenda. It was also highly criticised and debated during the constitution-making process. Most of the ethnic and religious communities demanded and emphasised an ethnicity free citizenship during the public consultation process.

This issue was the subject of ongoing discussions and was one of the reasons for the impediment of the drafting process. In this sense, participants' views over these debates become very crucial. Almost all the groups emphasised the equal citizenship and demanded a more inclusive citizenship definition without a reference to a particular ethnic group. The requested forms are described as "Türkiyelik" (from Turkey) and "Citizen of the Republic of Turkey" on the basis of the constitutional citizenship concept. Keeping the definition of citizenship out of the Constitution was another alternative to the proposal of the minority communities. On the other hand, some of the groups did not mention anything on the citizenship definition or approved its current state. For instance, Latin Catholics did not refer to the citizenship as a main problem. The report written jointly by the Patriarchate and Rabbinate approved the current state of the citizenship definition through saying "Everyone bonded to the Turkish state is a Turk regardless of religion, sect, language or ethnic origin. Turkishness is an expression of the existence and cooperation of all Turkish citizens together" (The report of Religious Minority Representatives, 2012: 14).

Generally, the debate on the definition of citizenship is based on whether the Turkishness is used to include other ethnicities or not. These perspectives were also reflected during the Commission discussions by the representatives of the four parties. Briefly, the MHP and a part of the CHP defined the term "Turk" as a name of a nation rather than an ethnicity. In this sense, they claimed that their definition is inclusivist rather than an ethnicity based one. This perspective was also the historical discourse of these parties. On the other hand, the BDP and AKP opposed an ethnically defined citizenship definition whether or not it is inclusivist or exclusionist.

Citizenship definition was a very conflicted issue that even caused conflicts among members of the same party. In this sense, the situation of the CHP stands as a very interesting case to mention in detail. During the drafting process, two of the three members of CHP supported an ethnicity free definition

yet only one member insisted on a definition based on Turkishness. Their perspectives were both reflected in the media and interviews that were conducted with CHP members (Interviews with CHP members, 24.1.2013 and Anayasa'da Türklük Tartışması, 2013). The conflict within CHP also shows us, how the political disputes had an effect on the party's decision rather than the public contributions. In this sense, the statement of a CHP member, who has a nationalist discourse, is really striking: "Initially, we thought, there must be a change in the definition of citizenship. It should be an ethnicity free definition. We needed to practice Habermasian "Constitutional citizenship." However, when I realised that the AKP and the BDP were also proposing that kind of solution, I changed my mind. The AKP and the BDP focused on the form of the definition rather than the spirit. The form of the definition is not important as long as we don't practice its requirements. Personally, I would prefer the "Turkish citizenship" because content is more important than the form." (Interview with a CHP member, 24.1.2013). On the other hand, another member of CHP stated an opposite idea: "We cannot define the citizenship in ethnic terms because Turkey is not a homogeneous country. "Turk" is a name of ethnicity and no one can claim the opposite. We can either have no definition of citizenship or we can call it as 'citizen of Turkey'." As a result, these contrast statements, reflected in the CHP's proposal stood as the most bizarre one amongst all of the proposals. Accordingly, distinct trends were attempted to be represented in the definition yet eventually became meaningless.

Another significant point is the MHP's perception on the definition of citizenship. According to the MHP, Turkishness is a civic definition and should not be interpreted as a name of ethnicity. In this sense, everyone living in Turkey should be named as Turks and the current definition should remain the same. More strikingly, following a member's claims on Turkishness as a civic conception, he described Turks as the founder nation and refused any other ethnicity, namely Kurds, as a partner to state: As he stated: "Various associations and three parties (he includes CHP as well) in the Commission wanted an ethnicity free definition. Turkishness or the word "Turk" is not a name of ethnicity. It covers everyone living in Turkey regardless of ethnicity or religion. When 'we' founded this country, none of them were around. Now they want to be associated and become a partner of the country. Turkish people are

comfortable with the current definition and we observed it during the consultation process. If there are expressions like "German" and "American" in their constitutions, why should we quit using "Turk" in our constitution? This definition is a trap for Turkey." (Interview with MHP member, 22.1.2013).

BDP as a pro-Kurdish party was the pillar of support of the ethnicity free definition. In this sense, during the drafting process, BDP members exemplified the ethnic basis of Turkishness with incidents such as 1942 Capital Tax, past legal implications, expressions of Republican elites and Thrace Pogroms (Proceedings of the Drafting Commission, 5149-5207).

According to BDP and AKP, the conflict on the definition of citizenship is emerging from the fears of secession. While BDP explain this problem within the context of the Kurdish conflict, the AKP explained it with the equal representation principle in the Commission. As all the parties are represented equally in the Commission, it becomes very difficult to make a decision.

Considering unjust treatments experienced by ethnic and religious communities so far, their contribution in the definition of citizenship becomes more valuable. However, none of the parties referred to the demands of the ethnic and religious groups that emerged during the public consultation period. The issue most demanded by the ethnic and religious communities became the object of political contention and the parties did not use their views as a point of reference to reach a consensus. The attitude of the parties, in this respect, gives us clues on how the consultation process was not taken seriously. Eventually, contrasting perceptions and political contentions stood as an obstacle in reaching a consensus on such a conflicted issue.

The Properties of Community Foundations

The return of the properties, previously owned by minority foundations, was a major problem raised by the minority participants during the public consultation process. Despite the various improvements on the Foundations Law, minority foundations still have difficulties in withdrawing their properties from the state. Historically, the problems of the foundations are based on the declaration announced in 1936. Accordingly, the state called for all the foundations to declare their properties in 1936. Oran explains this declaration as an action to

cut the financial resources of the Islamic foundations. However, following the conflict and tension between Greece and Turkey, due to the Cyprus problem in 1970s, the state asked for the foundation certificate charters from the minority foundations to oppress the Greek minority. This request was invalid for the minority foundations because they did not have such certificate as they were all founded by the edict of the Sultan before the Republican era. Moreover, they could not establish a new foundation either, as it was prohibited to establish a foundation on racial or religious basis. As a result, due to the absence of foundation charters, the state accepted the Declaration of 1936 instead and seized the properties of the foundations, which were owned after 1936. This action is also in violation of the Lausanne Treaty's articles of 40 and 42. (Oran, 2004: 84).

The number of the seized properties of the minority foundations increased when the population of the minorities started to decrease. In this respect, the state aimed to restrict the self-administration right of the minority foundations on the ground of the absence of adequate population. Accordingly, when the minorities' worship places, schools and hospitals became functionless due to their diminishing population; The General Directorate of the Foundations seized the control of those foundations and estates instead of permitting foundations to use them for other occasions. Since the 1970s, General Directorate of Foundations seized the control of 16 Greek Orthodox and 24 Jewish Foundations with their estates and properties (Kurban and Tsitselikis, 2010: 11).

During Turkey's EU accession process, there have been several improvements on the resolution of the property problems of the foundations. In the cases of problems with the minority problems, the state consulted the view of the Ministry of Foreign Affairs in order to make improvements of the Foundation Law. This attitude proves that the state regarded property problems as a national security or a foreign policy issue rather than a human rights or a citizenship issue. Moreover these improvements were based on reciprocity principle, which means, according to the state's perspective, if the Greek state violates the rights of the Muslim minority in Greece, Turkey will practice the same policy on the Greek minority in Turkey. Here, the concept of reciprocity is misinterpreted by the state because, minorities already have the legal citizenship status in both

countries and it is invalid on issues of fundamental rights and liberties. (Kurban and Hatemi, 2009: 24, 28).

The improvements made in 2003 and 2008 were regulated by an enactment in 2011. Therefore, the return of the previously seized properties to minority foundations was enabled legally. Also, the state accepted the plan to pay a compensation for those properties owned by a third party (Azınlık malları iade edilecek, 2011). These reforms were welcomed by the minority foundations. However, they encountered various bureaucratic difficulties during the lawsuit processes. These difficulties were reflected through the parliament presentations of official minority organisations. On the other hand, the problems of the Assyrian community and the Catholic Church differ from "official minority" communities. The region resided by the Assyrian community is geographically conflicted with local tribes (aşiret) and the General Directorate of Forestry and Treasury. In this sense, they would like a special emphasis on foundations in the section of Property Rights (Report of Assyrian community, 2012: 9). The Catholic Church also demanded a legal personality in order to take their properties back because their properties were not even listed in the 1936 Declaration. In this sense, their existing properties are registered under the name of the Bishop, hence when the bishop dies, the properties are transferred to his heirs or taken by the state if there are no heirs get lost or owned by the his heirs (Interview with Rinaldo Marmara, 2.7.2013).

In addition to the non-Muslim minority foundation, the Alevi foundations also have problems with the foundation properties. Following the founding of the Directorate of Religious Affairs, the properties of the Alevi foundations were allocated to third parties and the foundations were dissolved. Since then, the Alevi foundations have not the opportunity to take their properties back. The Alevi foundations were not included in the scope of 2011 Enactment as well. (Genç, 2011: 26).

The property problems of the minority foundations were mentioned by the BDP members during the drafting session of the Constitutional Commission. However, these claims were not welcomed by the MHP members on the grounds of reciprocity principle with Greece. He also accused the minority foundations for practising a deceit on 1936 Declaration (Proceedings of the

Drafting Commission, 2768-2777). In this sense, MHP regarded this issue as a subject of foreign policy rather than a problem of citizenship. As a result, the Commission could not reach an agreement on this, yet only BDP put a special provision in its proposal under the title "Provision on the Property Rights of Minority Foundations and the Return of the Estates" (Proposals of the BDP).

The Structure of the Directorate of the Religious Affairs

Directorate of the Religious Affairs (DRA) was established in 1924 and included in the Constitutional system in 1961 Constitution. Therefore, DRA is accepted as an administrational service unit, rather than a religious institution. DRA has its own financial budget as high as 5,743,383,000 Turkish liras for the 2015 fiscal year (Bütçede Aslan Payını Maliye Bakanlığı aldı, 2014). However, the distribution of financial resources is only allocated to the services of Sunni Muslim citizens. Salaries of the imams and religious staff are paid by the DRA. The maintenance costs of the worship places are also officially subsidised. However, the cost of the minority worship places and the salaries of the clergies are paid by the community members' donations. In this respect, the monist structure of the DRA become highly disputable regarding the religious services of Alevi and non-Muslim citizens.

The structure of the DRA was discussed by the minority organisation during the constitution-making process. Especially, Alevi community considered it as the most important issue for the new constitution. As the sole service for non-Sunni religious communities, the electric bills of synagogues and churches are paid, even if not on a regular basis, by the DRA, only for lighting purposes. However, the worship places of the Alevis are not supported by the DRA as they are accepted as Muslims rather than a separate religious group (Erman and Erdemir, 2005: 173). This situation was recently changed by the CHP and the HDP municipalities, following the decision of ECHR accepting Cemevis (Alevi worship places) as a worship place. However, the unequal situation has remained the same in the rest of the country (Cemevleri ibadethane oldu, 2015).

During the constitution-making process, two different views emerged regarding the status of the DRA. While a group of participants demanded the abolishment of the DRA and its transformation into an independently funded autonomous

institution, others wanted a reform for its structure such as a more plural DRA approaching all the religious groups equally. The demands regarding the status of DRA were reflected in the discussions of the Drafting Commission. During the discussions, the AKP justified the current unequal situation of the DRA through referring to different country cases which was also confirmed by the MHP members (Proceedings of the Drafting Commission, 703). On the other hand, the CHP proposed a more plural DRA structure which will serve equally for all minority religious groups. BDP was the only party who referred to the demands of the minority participants. In this sense, BDP members proposed the abolishment of the DRA as a constitutional institution (Proceedings of the Drafting Commission, 1551). Due to the conflicted proposal of the parties, the Commission could not reach an agreement on the status of the DRA.

Use of Mother Tongue

According to the UNESCO's report on endangered languages, there are 18 vulnerable and endangered languages in Turkey (UNESCO, 2014). On the other hand, Turkey has not ratified the European Charter for Regional or Minority Languages as of yet. The restrictions on the use of a mother tongue were partly removed recently. In the public services, the Governor of Diyarbakır employed Kurdish and Zazaki speaking officers for the call centre in 2009. This was a contradictory step for the government, as the Mayor of Sur, who first started the multi-lingual public services, was still on trial for using languages other than Turkish in the municipal services (Yerel yönetimi düşüren Kürtçe Hizmet Valiliğe Serbest, 2009). In the same year, the first Kurdology department at Mardin Artuklu University was founded under the name of Institute of Living Languages. Later in 2012, the Ministry of Education included optional language classes in the syllabuses starting from the 5th grade. Languages such as Kurdish, Circassian and Lazuri were included in the optional classes upon request from a sufficient number of students (Kürtçe 5.Sınıfta Seçmeli Ders Oluyor, 2012). Following the reform allowing optional classes, instruction in mother tongue is only permitted at private schools within the scope of "Democratisation Package" of 2014. This was regarded as a move against the equality of opportunity, yet also considered as an important reform ("Demokratikleşme Paketi" TBMM Genel Kurulu'nda kabul edildi, 2014). Also, defending in languages other than Turkish in the courts was permitted in 2013.

Accordingly, this regulation will be implemented by hiring an interpreter whose costs will be paid by the defendant (Anadilde Savunma Resmi Gazetede, 2013).

Demands and expectations related to the use of a mother tongue was one the main concerns of the non-official ethnic and religious groups such as the Assyrians, Circassians and Kurds. The debate on use of mother-tongue during the drafting process was generally based on the contexts such as education rights, fair trial, children's rights and use of official language. Considering the importance of this concept for the participating communities, none of the parties, including the BDP, referred to the communities' views during the drafting sessions. In this respect, BDP only mentioned the contribution of HAKPAR, a pro-Kurdish party, for their demands on using the mother tongue. An interesting example helps us to understand how the consultation process was assessed by the Commission members: An NGO, name as DİSA (Diyarbakır Institute of Political and Social Research) made a very scientific presentation in the Parliament on the use of mother tongue, namely Kurdish, in education and its effects on the children. This presentation was welcomed and praised even by the MHP members (Proceedings of Hearing Commission, no.3, 481). However, none of the parties mentioned the presentation of the DİSA during the drafting of this concept.

As a result, all the parties reflected their traditional views on their proposals. Accordingly, the AKP only mentioned Turkish as the official language and avoided stating anything about languages for the rest of the text. On the other hand, MHP strongly emphasised Turkish as the sole language of education and training. BDP considered the uses of a mother tongue in a wide context. In this sense, they proposed a separate article on the rights to use mother tongue. Also, public services and instruction in mother tongue was regulated in their proposals. Like the other parties, BDP indicated Turkish as the official language of the state, yet allowed a second official language in the regions that are concentrated by non-Turkish speakers. Accordingly, the state was also hold responsible for providing public services in the mother tongues of the citizens. Moreover, special duties were assigned to protect and sustain all the languages as a common cultural heritage.

The CHP's proposal can be considered as a flexible one. Like the MHP, the CHP also considered Turkish as the language of education and training. However, learning mother tongue and cultural activities in a mother tongue were indicated as educational rights. Moreover, instruction in a mother tongue in schools that are predominantly attended by the non-Turkish speaking children was enabled on request. Therefore, it can be said that, contrasting views of the CHP members were tried to be represented as it happened in the definition of citizenship. As a result, the Commission members could not agree on any of the article related to the use of the mother tongue in essential areas including education, fair trial, public services and official language.

The Critical Subjects for the Parties in the Commission

Three parties in the Commission, the CHP, BDP and MHP specified critical issues which will turn the current Constitution into a new one. The AKP, on the other hand, did not specify any points on critical issues. In this sense, the public views on these issues became more significant in shaping the parties' perception on them.

Considering the conflict between the CHP members, this issue was read differently by each member depending on their political tendency. Accordingly, members of the nationalist (ulusalcı) wing focused on the spirit of the articles rather than their form. In this sense, a CHP member described the Kurdish, Alevi or women's problems as externally referenced issues. He also suggested concentrating on equality and social injustice rather than separate problems. However, the traditionalist and the reformist members of the CHP emphasised the importance of the content and the form. Therefore, they specified issues such as secularism, the presidency system, citizenship definition, mother-tongue education, the preamble section and the status of The General Directorate of Religious Affairs. As stated by these members, society wanted a change over these issues yet the public consultation process did not obtain the public views properly on these subjects. The BDP members similarly emphasised the related issues along with cultural identity problems and equality. They also emphasised that, they noticed the full support of society on these issues during the public consultation process. Interestingly, the issues

emphasised by these parties were coincided with the minority communities' demands. In this sense, the views of the minority communities were suppose to become more meaningful in order to solve the critical issues mentioned above. However, the implications were exactly the opposite, as observed during the drafting process.

Like the other parties, the MHP believed in the importance of the citizenship definition but with an exact opposite perspective. When examining this perspective based on the words of a MHP member: "We should ask people, "For whom do we make this constitution?" and "Do you accept any partner for our nation?" (He meant the Kurds). Deleting the expression "Turkish" from the constitution is unacceptable for us. Even people in Diyarbakır did not approve such a thing in the public meetings." (Interview with MHP member, 22.1.2013). He reiterated his perception during the drafting process over the proposals from the BDP members. In this sense, he regarded those proposals as specifically prepared for the Kurdish people instead of society as a whole (Proceedings of the Commission on Drafting Process, 109). Apparently, the most important issue for the MHP appeared to be the definition of citizenship. They were very upset about deleting the expression "Turkish" from the constitutional definition. They see this act as accepting a "partner" to the Turkish nation. They refer to the Kurdish people as the "partner".

Nearly all members frequently referred to the critical issues which the Commission could not agree on throughout the drafting process. However, they did not attempt to reach a consensus and stuck with their red lines. Most of these issues were coincided with the demands of the ethnic and religious communities, yet none of these proposals were consulted and referred by the Commission members during the drafting process.

Conclusion

The public consultation process for the new constitution was finished in April 2012. However, following the 20 months of drafting process, the Commission could not reach an agreement and decided to dissolve itself. Until the dissolution, none of the 60 agreed articles were in the scope of the expectations of the communities that participated in the process. Therefore, it can be said

that, ideological differences or "red lines" of the political parties were more dominant on determining the vital principles of the new constitution instead of the communities' expectations and demands on critical issues related to equal citizenship rights. This tendency was also reflected in the Commission discussions during the drafting sessions. It was striking to observe that none of the parties mentioned the expectations of the ethnic and religious communities during the drafting of critical issues such as the definition of citizenship, the status of local administrations, the legal personality of religious institutions, the use of mother-tongue, the status of General Directorate of Religious Affairs and compulsory religious classes. As it was observed from the political parties' views, the most important subjects, which will eventually turn the current Constitution into a new one, were overlapping with the demands of the participating communities. Those issues were perceived as the "red lines" by some members of the Commission. In this sense, it can be said that, the red lines of the parties rendered the public consultation process dysfunctional in terms of the demands of those communities.

CHAPTER 6: The Problems with the Implementation of the New Constitution-making Process

Introduction

Since the 1961 Constitution came into force, the coup d'état constitutions influenced the Turkey's political and social climate greatly. The making of the new constitution, therefore, considered as a very crucial moment for Turkey's democratisation in two dimensions. Firstly, this time the new constitution could be based on the political will of the society rather than the military. Secondly, it was agreed to adopt the participatory constitution-making models to include the public views as much as possible. These were new practices for Turkey and both the society and the politicians encountered some problems which eventually halted the process permanently. In this chapter, these problems will be explained based on the views which were reflected by both the Commission members and the participating communities in the interviews.

The Use of the Public Views in the Drafting Process

The Commission members were very enthusiastic for the public consultation process. However, as they indicated during the interviews, they were not very optimistic with the results. In this respect, most of the parties admitted that they did not use the public contributions properly. Only the CHP and the BDP gave concrete examples to prove that they used the public views to some degree. The CHP and the AKP also claimed that the collected public views were abused by the parties in order to promote and legitimise their own proposals. According to the CHP's view, none of the parties checked the public contributions before the Commission discussions during the drafting process. In this sense, the Commission discussions operated independently from the public views. A CHP member exemplified their approach on the public views through their proposals for the Roma community and the LGBTI individuals, which were rejected by the AKP and the MHP on the grounds of public morality (Interview with CHP member, 24.1.2013). The BDP members also claimed that the parties interpreted the public views based on their own ideologies: As stated by a BDP member "for instance, the demands for the education in mother tongue already existed in the reports from the universities and ethnic communities. However, other parties ignored and rejected these proposals. Following the public consultation process, we rearranged our proposals yet other parties and the

whole Commission did not use them." (Interview with BDP member, 23.1.2013). The approaches of the MHP and the AKP on public views appeared to be quite missing and limited. Accordingly, a MHP member stated that they only used the views which were compatible with or better than their perspective. In this respect, they did not use any of the views which contradicted their ideology (Interview with MHP member, 22.1.2013). On the other hand, the AKP ultimately saw the constitution-making as the duty of the parties. Hence, the parties should not sacrifice their views and should use the public views when applicable (Interview with BDP member, 23.1.2013). Consequently, while the MHP's perception rendered the participatory model functionless, the AKP regarded the public views below the parties' perceptions. In this sense, it was very vague even for the members to understand how the public views will contribute to the process.

The views on the efficiency of the public consultation process were varied from party to party. Generally the mistakes, which made in dealing with the public views, were the most common problem expressed by the parties. In this sense, the CHP blamed the absence of a proper civil society structure in Turkey. According to this perception, the political culture of Turkey was not accustomed to the participatory methods. Moreover, a CHP member also indicated the weakness of the civil society organisations and the traditional behaviour of the political parties who ignores the views of these organisations in the decision-making processes. However, the CHP also regarded the process as an opportunity to develop the culture of deliberation (Interview with CHP member, 24.1.2013). The CHP saw the process as missing and mal-constructed. Therefore, the process was only appreciated by its contribution to the democracy and deliberation culture.

According to the MHP, the process was a very unique experience for Turkey and the parties could make mistakes due to the lack of experience. Nevertheless the MHP regarded the failed process as a base for further projects. Although the MHP regarded the process as a very unique one, the outcomes of the public consultation process were also considered as uninteresting by the party members because they already knew most of the demands (Interview with MHP member, 22.1.2013). Contrary to the other parties, the AKP claimed that the outcomes of the consultation process were

reviewed sufficiently. As stated by an AKP member, the public views were not very objective and were politically represented by each party in the Commission. In this sense, he stressed that the proposals of the parties could not entirely depend on the public views. He also stated that the level of participation was sufficient and the public views met the expectations of all parties (Interview with AKP member, 21.1.2013). On the other hand, the BDP strongly emphasised the misuse of the public views by the other parties. Accordingly, the BDP identified the public consultation process as a "public relations" event to provide the legitimacy of the Constitution (Interview with BDP member, 23.1.2013).

Considering the perceptions of both the AKP and the MHP, the public views were already biased and a constitution cannot be written entirely based on those views. Regarding the logic of organising a public consultation process, their perception renders the whole process and efforts meaningless. Each party claimed to use the public views in their proposals. However, besides the limited efforts of the CHP and the BDP on particular issues, there is no evidence during the proceedings of the drafting sessions that the Commission reviewed and referenced any of the public view when drafting a particular article.

The Analysis of the Public Views

The data collected from the consultation process was not analysed by either the Commission or TEPAV, a civil initiative, which conducted the public meetings within the coordination of the Commission. Although each party emphasised the necessity for a serious analysis, no serious analysis took place after the 6 months period of the public consultation process. Only the BDP claimed to have taken these views seriously and proved this claim by showing their works (Interview with BDP member, 23.1.2013).

The participating communities also had concerns over the analysis of the public views. In this context, Alevi representative suggested reporter body in addition to the Commission to classify and analyse the views. Indeed, the data collected from the consultation process were not classified or analysed by any organisation or the Commission. In this respect, a superficial evaluation of the public views destroyed the prestige of such an important process in the eyes of ethnic and religious communities.

According to the MHP, the time limitation did not allow them to conduct a proper analysis. The AKP were still working on the data at the time of the drafting process. As a BDP member put it, the raw data collected from the public consultation process was not analysed scientifically because the rest of the Commission members did not care about the public contributions. In this sense, unanalysed data could not be a reliable source for the Commission discussions; hence they could not draft a joint text. The statement of a CHP member summarises how the Commission missed the opportunity, by not analysing such a valuable data: "Data collected from the process could be classified more seriously. Now we can only see a general trend rather than a detailed perception. Public meetings were organised by TEPAV (The Economic Policy Research Foundation of Turkey) yet were not analysed properly. They hesitate to analyse the data because they were afraid of becoming biased and get a negative reaction from the government. They worked so hard to organise these meetings but in a way their effort was wasted. During the drafting process, each party declared their proposals based on party ideologies without a reference to the public views. In this sense, there was a missing link that existed between the public views and the Commission meetings." (Interview with CHP member, 24.1.2013).

The Construction of the Public Consultation and the Drafting Process

The Commission consisted of the MPs from the political parties in the Parliament with a threshold of 10%, the highest level in the world. In this sense, the level of representation of the Commission was highly criticised by both the commission members and civil society organisations. The CHP and the BDP proposed different methods to resolve this problem.

According to the CHP, there could have been a Constitutional Assembly rather than a Constitutional Commission. Hence, an assembly consisted without 10% obstacle of threshold would have enabled the representation of different political trends in the Constitution-making process. The CHP also proposed another assembly consisted of the civil society organisations which could have cooperated with the Constitutional Assembly. A declaration of principles before the drafting process was also considered essential in order to inform the mass public about the continuation of the process (Interview with CHP member, 24.1.2013). BDP also suggested establishing a civil society assembly which

would monitor the whole process. Monthly briefing meetings and public statements on the continuation of the process were also introduced by the BDP. Participant communities suggested similar methods such as a constituent assembly to be established only for constitutional-making mission, boards of deliberation to provide reconciliation between conflicting groups or quitting equal representation principle in order to avoid ideological conflicts between parties.

The hearing sessions which were held in the Parliament were considered as a very bureaucratic method by the BDP members. In this respect, they proposed to do field trips in order to hear people's concerns in their own environments. This was also proposed by the CHP members on the grounds for providing genuine participation (Proceedings of the Commission Participation Process, 138). Field trips to countries that had recently changed their constitutions were also considered helpful in order to understand the procedural steps of the participatory constitution-making (Interview with BDP member, 23.1.2013, Proceedings of the Commission Participation Process, 135). Participating communities also found the public consultation process very limited. According to Armenian representatives, each party in the Commission could conduct its public consultation process separate from the main one. Considering the limited budget of the communities, Armenian representatives also suggested state's financial support for the preparations of participant communities, such as paying the costs of meetings and newspaper advertisement. Participants also emphasised the necessity of a more inclusive participation process containing face to face meetings in the field. According to the suggestions of Alevi and Greek Orthodox representatives, the "wise people" method, which was used for the Kurdish resolution process, could have been used in order to inform people about the details of the process. Armenian representatives also suggested an information campaign carried once a month until the final result in order to inform people regularly.

In order to provide transparency and inform the mass public about the Commission's activities, some members of the sub-commission proposed to specify the transparency as one of the principles of the participation process. However, the MHP and AKP members strongly objected to this idea. In this respect, they regarded transparency as an obstacle which would interrupt the

drafting process. According to their perception, the mass public do not need to know details of the discussions including negotiations, sacrifices and compromises they made in the drafting process (Proceedings of the Commission Participation Process, 169).

The BDP and CHP members also emphasised the necessity of a "path cleaning" before drafting the new constitution. "Path cleaning" means rearranging or removing the legal regulations which prevent the freedom of expression and association. Therefore, an expanded civil society participation can be provided in a more secure and free environment which will also enable the Commission members to work in an environment of confidence. Within the scope of "path cleaning", members proposed to review the Law on Political Parties, Law on The Election of Members of Parliaments, Penal Code, Anti-Terror Law, Law of Criminal Procedures and Law on The Basic Provisions of Elections. Although proposals on "path-cleaning" were approved by some of the members, it was regarded beyond the Commission's duty and declined.

The AKP proposed to use opinion surveys to collect the largest amount of view from the public yet it was declined by other members on grounds of workload. However, TEPAV's work can also be accepted as a survey with a slightly different technique (Proceedings of the Commission Participation Process, 186).

Some of the members mentioned the complaints by the participating institutions about the method adopted for the invitations to the hearing sessions. Accordingly, the participants could not be sure on whether to wait for a special invitation or to accept the general call of the Commission as an invitation. Indeed, while some of the organisations were directly invited to the hearing session, others were invited upon their request to the Commission. This duality caused confusion among the participating organisations and delayed some of the hearing sessions (Proceedings of the Commission Participation Process, 224).

As it was emphasised by both the CHP and BDP, a separate assembly to be established without a threshold could be a more inclusive solution. Moreover, informative meetings for the public as a well known method for constitution-making periods could be used to inform people about the details of the process.

However, these suggestions were declined by the other parties of the Commission. Along with these problems, the MHP only complained about the timing limitations which prevented them from working efficiently. The principle of equal representation of the parties in the Commission was considered as a major obstacle in drafting a constitution by the AKP.

As the drafting process proceeded step by step and blocked a few times, the CHP, the MHP and the BDP members complained about the existing gradual lack of interest among the citizens for the constitution-making process. In this sense, they proposed to open the discussions to the public so that people could understand the content of the new constitution easily. Arranging TV shows, holding conferences and meetings with the Commission members and objective experts and revealing the Commission proceedings were suggested as the ways for opening up the drafting process to the mass public and to increase their interests in the issues regarding the new constitution (Proceedings of the Commission Participation Process, 203). The CHP members also proposed methods to receive the public opinion over the issues that blocked the process. In this respect, they regarded the informative meetings as one-sided actions for opening up process to the public (Proceedings of the Commission Participation Process, 203). Similarly, the BDP members regarded opening up the discussions to the public very crucial in order to be accountable to the public so that people can see the outcome of their contributions (Proceedings of the Commission Participation Process, 381). On the other hand, the AKP members considered opening up the process to the public as a move to make the process more complicated and to increase the tension between the parties. Thus, they suggested revealing the Commission proceedings to the public after the drafting process was completed (Proceedings of the Commission Participation Process, 387). Changing the working principles of the Commission was also suggested by the Commission chair in order to overcome the deadlocks. In this sense, the basic principles such as the equal representation of parties in the Commission and the unanimity were proposed to be reconsidered by the parties (Proceedings of the Commission Participation Process, 396). However, all party members except to the AKP did not regard this suggestion as a good idea. They suggested opening up the process to public instead of changing the basic

working principles of the Commission (Proceedings of the Commission Participation Process, 397-408).

Equal Representation of the Parties in the Commission

The Constitutional Commission was composed by three members from each political party regardless of their seats in the Parliament. However the equal representation of parties caused tension between the Commission members during the drafting process. According to the opposition parties, the AKP members acted like the other parties were granted equal representation as a favour. In their perception, the AKP was not sincere on the equal representation and did not act according to the equality principle. Nevertheless, the opposition parties appreciated and enjoyed this principle as they felt more comfortable in the Commission meetings than the Parliament environment. According to the AKP, without the equality principle, the works of the Commission would be meaningless and functionless because the AKP had the majority of the seats in Parliament. However, the AKP members also mentioned that the Commission could not reach a consensus on particular issues because of the equality principle. For instance, the AKP claimed that the opposition parties were obsessed with their own proposals, thus abusing the equality principle system. This expression proves the claims of the other parties over the AKP's insincerity. It is obvious that, even the equal representation principle did not work properly during the drafting process.

Absence of the Feedback Mechanisms

Feedback mechanisms are the essential elements of the consultation periods. The participating ethnic and religious communities had expected to receive a feedback from the Commission on their reports and proposals. However, none of the parties sent any feedback to the participating communities. According to the Commission members, it was very hard to provide a feedback to every participant. Only a CHP member proposed to provide feedback to the participating legal and academic organisations (Proceedings of the Commission Participation Process, 143). Generally, all groups except the Jewish representative had the expectance of receiving feedback from the Commission about their presentations in the hearing sessions. Therefore, they could have an idea of whether their demands were considered seriously or not. If the process

had been planned well and detailed, a proper feedback mechanism could have been established at least for the ethnic and religious communities because it was such a unique process for them.

Timing and Scheduling of the Process

The drafting process was planned to be completed in one year yet this period was extended several times. All the parties, except the AKP considered the allocated period to have been inadequate. In their perception, the AKP used the time limitation to suppress the other parties. The parties gave various constitution-making examples in terms of the amount of time period needed for the drafting process. According to the BDP, stepping up the process can cause superficial results. The Constitution-making process also requires a social transformation process. In this sense, the public should be able to discuss and understand the issues at hand with the participants. Therefore, the time limitation was regarded as an obstacle (Interview with BDP member, 23.1.2013).

Reconciliation on critical issues was regarded more important than the timing itself by all the parties. On the other hand, according to AKP, the Constitution-making process can be dated back to the introduction of the 1982 Constitution. Therefore, the Commission should use the 32 years of experience to draft the new constitution, not the proposed 1 year time span. Accordingly, if the parties could only understand the rationale behind the reconciliation, the drafting would be quicker. The AKP members also considered the conflicted political environment as a problem for a proper constitutional drafting process. In this respect, the existence of various elections on the way could harm the drafting environment. Hence, the drafting process should be ended before the elections start. Eventually, the other parties were accused by the AKP for using the timing issue as an excuse for the perpetual conflicts and their laziness (Interview with AKP member, 21.1.2013).

The Influence of the Political Agenda

The Commission discussions were frequently interrupted by the issues on the political agenda of that time period. The speeches of the Prime Minister Erdoğan or the Peace Process negotiations were the main issues which influenced the drafting process. Particularly the MHP and the CHP members

accused the BDP for cooperating with AKP over the presidential system in return for the Peace process negotiations with Öcalan. These accusations were strongly objected to by both the AKP and the BDP. They insisted on not discussing those issues in the drafting process because debating on issues other than the constitutional content is against the working principles of the Constitutional Commission (Proceedings of the Commission Participation Process, 88). The upcoming local and presidential elections also put a pressure on Commission members. In this sense, they believed that, they would not concentrate on Constitutional subjects due to the tension which will emerge from the election period.

The Red Lines of the Parties

Party ideologies are described as the "red lines" by both parties and the media. "Red lines" have been the most debated issue during the unfinished drafting process. Eventually these lines blocked the process. It is very striking that, the demands mostly expressed by minority communities have been the main subjects of the "red lines" and eventually halted the process. Such an emphasis in drafting process has created a suspicion about the outcome of public consultation process among the minority communities. The participants emphasised that they never heard that the Commission used the view of public consultation in the cases of disagreement. They also think that the public opinions were used manipulatively by the political parties in order to support their own suggestions. In this sense, the whole process can be described as "public relations" event in order to promote the prestige of government or increase the legitimacy of the new constitution.

The "red lines" of the parties was the major issue on the agenda during the drafting process. It can be said that the whole process halted due to the existence of these red lines. The Red lines were the reservations of each party. Considering the failure of the process, the red lines have been more influential on the proposals of the parties rather than the public views. In this sense, the views of the parties on this issue will be quoted directly from their statements:

A CHP member: "The public views should have been effective on removing the reservations (red lines) of parties. However, civil society could not create a pressure on us. They (other members of the Commission) drafted articles on

labour rights without the views of the unions. Following the demands of LGBTI communities, we proposed the inclusion of sexual orientation and gender identity based on the equality principle yet they (AKP and MHP) opposed to our proposals with the reservation of public morality. They also reserved various subjects with concerns of national security and public order. The AKP's insistence on a presidency system was another reason of conflict." (Interview with CHP member, 24.1.2013).

A BDP member: "The parties did not act loyal to the name of the Commission. They used the public views pragmatically to support their own proposals. It was possible to build a societal transformation while respecting people's sensibilities at the same time. Monist perceptions, such as "one nation" and "one language" were the red lines of the parties. We do not have any red lines other than the principles of the Universal Declaration of Human rights and the Rule of Law." (Interview with BDP member, 23.1.2013).

A MHP member: "We do have red lines because people do not have a sufficient background to contribute. We are not sure if people are aware enough about the process. Our perception is always right for us. We do not care to be contrast with those groups with unknown connections. We are working for the Turkish people. We cannot compromise on the indivisible unity of Turkey. Secularism and an official language are important subjects for us. We cannot recognise any right, more important than these principles. These are not just our red lines but the state's founding principles. We are drafting this constitution for the Turkish people. Therefore, Turkishness cannot be excluded from the constitution" (Interview with MHP member, 22.1.2013).

An AKP member: "Red lines could not block the process. When we finished working on all articles, it will be easier to compromise. We cannot entirely blame the members for their reservations. They hesitate to stretch their party's ideology. We compromise if only everyone wishes to compromise. We do not have any reservations other than human rights, rule of law and democracy." (Interview with AKP member, 21.1.2013).

Considering the statements of the parties, the MHP's perception on "red lines" is completely contradicting with the logic of the public consultation. Although, the MHP member said that they care about the consultation process more than

anything in the first place, afterwards the same member expressed his mistrust for the public views. In this sense the party's perception was regarded more superior than the public views. This rigid perspective renders public participation meaningless and functionless. According to the AKP, parties could only remove their reservations when the Commission finished drafting all of the articles. However, with such rigidness, the Commission is far away from providing reconciliation on critical issues in case of a further attempt.

Conclusion

Although the new constitutional process started with great expectations of the society and the politicians, both politicians lost interest and the society lost hopes over time. By that time the process interrupted, almost all participants were hopeless about the continuity of process. Considering the unstable nature of Turkish political agenda, the new constitution-making process seemed to get lost its steam. As a result, the Commission failed and did not act responsibly in the eyes of society, to sustain the process.

There were several reasons for the failure of such an important process. As it was mentioned before, the red lines of the parties was the leading problem. The red lines of the parties were the reflection of the traditional perspective of the state towards the demands of the ethnic and religious communities. However, there were also structural mistakes made by the Commission which induced a crisis in the continuation of the process. According to the participant communities, public consultation process was operated very inefficiently. In this respect, it was only carried out to secure the legitimacy of constitution. They only approved the process as a contribution to democracy and deliberation culture. They felt that such an important process was wasted because of the political conjuncture of the country. On the other hand, the mistakes in the structure of the process were considered normal by the most of the Commission members. In their perspective, as such a participatory model was adopted for the first time in Turkey, it was normal to encounter problems. However, it is not very clear if these mistakes were made intentionally or not. Although, several Commission members proposed various solutions to break the deadlock, the members could not reach a consensus on maintaining the process.

Another problem was the weakness of the civil society. The tradition of participation and active civil society are the absent elements of Turkey's democratic environment. Although the civil society organisations were very active in the public consultation process, they remained very isolated during the drafting process. As the Commission did not allow them to take part in the drafting process, they could not monitor the process properly. In this respect, their contributions were ignored or forgotten by the Commission members over the time due to the harsh debates and the state of tension in the Commission and Turkey's political agenda.

CONCLUSION

This study was set to explore the quality of participation of the ethnic and religious communities in Turkey's first participatory constitution-making process. Although the concept of participation was praised extensively by the government and the Commission, the proposals of the ethnic and religious communities over their problems and demands were not discussed during the drafting process. This attitude, in fact, reflects the traditional perception of the state on non-Turkish and non-(Sunni) Muslim citizens. This study has shown that, the traditional perspective of the state towards the ethnic and religious communities was maintained in the new constitution-making process. The failure of the new constitution-making process is linked to this perception because the "red lines" of the parties were contradicting with the demands of these communities. These contradictions prevented the members of the Commission from reaching a consensus and eventually blocked the process permanently. This perception, which takes its foundations from the last period of the Ottoman Empire and the nation-building process of the Republic, reproduced itself in the new constitution process as well.

When the Millet system became invalid in regulating the ethnic and religious diversity of the Ottoman geography due to the rise of nationalism, a new and the last constitution of the Empire emerged as solution to keep this diversity intact. The last period of the Empire also witnessed to the rise of Turkish nationalism, which showed itself in discriminatory practices against non-Muslim communities and the Armenian massacre/genocide in 1915. Following the establishment of modern Turkey, the hostility towards the non-Muslim and non-Turkish communities continued in different forms. The discriminatory practices and state-led pogroms prevented these communities from participating in public life.

The constitutions of Turkey adopted a civic definition and described every citizen as Turkish, regardless of ethnicity and religion. However, in practice, those citizens from different ethnic and religious backgrounds encountered difficulties in political, business, cultural and educational realms. The coup d'états of 1960 and 1980 resulted with the Constitutions of 1961 and 1982. These Constitutions naturally were drafted under the supervision of the military

and excluded the participatory methods from the drafting process. The aim of military was to maintain its tutelage on the state and society through these constitutions. Throughout the periods of the coup d'état constitutions, the population of different ethnic and religious communities diminished significantly and they faced several hardships regarding their religious freedoms and education rights due to the crisis in foreign policy and reciprocity principle. Moreover, the nationalist and authoritarian spirit of the 1982 Constitution exacerbated the rights and freedoms of every citizen and stood as an impediment to building a truly democratic order. It is not surprising to see that the conditions and rights of minority citizens were not improved through the times; because they were regarded as foreigners or second class citizens in the eyes of the state. Especially the non-Muslim communities had to live in silence, avoided being demanding and remained unsettled because they were labelled as traitors since the founding of the Republic.

The theoretical and historical foundations of this attitude of the state were examined throughout this study. The current problems of ethnic and religious communities were inherited from the nation-building period of the republic. In this respect, the theories of ethnic and civic citizenship were argued regarding the characteristics of the past and current Constitutions in shaping, or violating, the equal citizenship rights of different ethnic and religious communities. Considering the act of participating as a condition of citizenship and as an interaction between the state and the citizens, the concept of citizen participation and its role in the constitution-making processes was discussed through the country cases and legal regulations on the participation of citizens from minority communities.

The demands of the ethnic and religious communities for the new constitution were not new to the state. These problems were expressed on civil and sometimes official platforms on several occasions. However, through the medium of the public consultation process, these communities stated their problems and demanded constitutional solutions; on the request of the Constitutional Commission. In this respect, the hearing sessions, organised by the Commission, were legitimate platforms on which they were invited to express their problems. Considering the invitation of the state as a unique experience, these communities were hopeful but at the same time were worried

because of their bitter experiences from the past. Indeed, during the 20 months of the drafting process, the Commission could only agreed on 60 articles yet none of them were offering any solution to the problems indicated by the participating ethnic and religious communities. The demands of the participant communities were not regarded as point of reference by the Commission members except BDP's limited attempts during the discussions of the drafting process. As it was observed from the proceedings of the drafting sessions, there were harsh debates on the issues demanded by the minority communities such as; the definition of citizenship, the status of local administrations, the legal personality of religious institutions, the use of mother-tongue, the status of the General Directorate of Religious Affairs and the compulsory religious classes. However, none of the parties, except minor attempts by the BDP, mentioned the name of the community which particularly expressed the subjected problem in the hearing sessions. As it was mentioned several times during this study, these demands were overlapping with the "red lines" of the parties. In this context, as the most important finding of this study, one can say that, the participation of minorities was rendered as a meaningless act because of the parties' insistence on their ideological patterns.

On the contrary, ethnic and religious communities attributed various meanings to public consultation process. As it was stated before, the hearing sessions were regarded as official platforms allowing them to voice their problems. At the same time, they were impressed by the official invitation of the state and felt like "first class" citizens. Also, they saw the participation as a citizenship duty and an important occasion for the process for the democratic consolidation. Therefore, in order not to miss this opportunity, these communities prepared reports through different forms. Although extensive research has been carried out on citizen participation in the decision-making processes, the details of minority participation in constitution-making processes was never analysed adequately. Another important finding of the study was to provide a classification of the preparation methods of the participant communities for the public consultation process. The forms of preparation for the public consultation process also give clues on how these communities regarded the process. Most of the participant organisations prepared their proposal reports based on participatory meetings and consensus. Only a few of them conducted their preparations through more

limited way, depending on the interest and the population level of the community. The participation of the communities also varied depending on several factors. For instance, the Kurds, as the largest ethnic community, did not prefer to participate extensively for their population due to the existence of the BDP in the Commission. Although the participating communities were aware that their contributions were not very influential on the commission members, they considered the participatory process as a very unique experience; because, the state consulted their opinions for the first time for an important occasion. In a way, they felt like equal citizens. The participation process and their preparations also mobilised these citizens and raised awareness among them about their problems regarding equal citizenship. Considering the official invitations of the Commission, an important point should be noted on the selection of the participants. Accordingly, only religious communities were invited officially by the commission, other participants were invited upon their request. This attitude of the Commission can be interpreted as the reproduction of the traditional state perception which considers only the religious communities within the scope of the minority concept.

Ethnic and religious communities in Turkey are generally associated with the "colour mosaic" and "cultural richness" in a superficial point of view. Instead of improving their conditions and rights, the governments emphasise the cultural richness pragmatically in order to avoid dealing with the main matter fully. This attitude of sliding over the problems of these communities is also reflected in the drafting process. The name of them only mentioned within the perspective of "cultural richness" rather than their demands on relevant subjects. The image and pseudo visibility of these communities is actually considered as more valuable than their actual demands. Photo opportunities showing the Prime Minister or President with the Patriarch or the Rabbi for the celebration of a special holiday, presented by the media is easier for the governments in terms of promoting international and national prestige than dealing with the problems of these communities. As a reflection of this perception, during the hearing sessions, the Commission members asked very few and superficial questions to the participating communities. The attitude also made these communities think about the insincerity of the process. Hearing sessions also became the platform for the reproduction of the traditional state perception. Especially, it is observed

in the expressions of the MHP members in the form of questioning the qualifications of the participants or reacting to the equal citizenship demands of the participants through asking "Why are you demanding equality? Aren't you already citizens?" Even though, the Commission did not pay any special attention to promote the participation of ethnic and religious communities, hearing sessions with the representative organisations were regarded as an "affirmative action" by some of the commission members. Moreover, some of the participants were identified as "marginal" or "extreme" by some of the commission members over their demands for equal citizenship. All these points, as the main findings of this study, prove that the de-facto status of the citizens from different ethnic and religious communities as second-class citizens in the eyes of the state is still proceeding today.

Although, the new constitution-making process was not accomplished completely, all the issues associated with the problems of ethnic and religious communities were discussed by the Commission members before the drafting process was halted. In this sense, these discussions indicate the meaning of these problems of minorities in the eyes of the Commission members. Political parties attached a significant importance on the new constitution in their election bulletins, yet their interests were diminished once the conflict among them grew. Considering the bulletins of the parties, each of them mention the problems of ethnic and religious communities based on their perspectives. Parties maintained their perspectives consistently in the drafting process. Therefore, it is understood that, the public consultation process did not change the views of the parties over the problems of the ethnic and religious communities. As it was stated by the Commission members, the views of these communities were only used where applicable and compatible with the perspective of the parties.

The new constitution-making process, which started with great hopes, failed due to various reasons. For most of the critics, construction of the process was faulty from the beginning. Accordingly, the new constitution should be drafted by a constitutive assembly which were set without the 10% threshold. In addition, an assembly of civil society should monitor the activities of the constituent assembly during the whole process. Although, the principles of equal representation and unanimity in the Constitutional Commission seemed to be a democratic action, it prevented the members from reaching a consensus;

especially in conflicted subjects. In this respect, other methods should be facilitated without detriment to the democratic order. The operation of the public consultation process was also criticised highly, the contact of the Commission members were very weak during and after the consultation process. By formally inviting the participating communities to the Parliament for the hearing sessions, a bureaucratic tone was set. Moreover, due to the lack of a monitoring system, the participating communities could not contact the Commission after the public consultation process to follow their contributions in the drafting process, yet once more undercutting the democratic involvement of these groups in the constitutional-making process. The time management of the process was another problem, as it was reflected in the media several times, The AKP insisted on finishing the process as soon as possible and blamed the other parties for delaying the process. However, the other parties demanded to extent the drafting period to discuss the crucial issues. Indeed, as stated by the parties, it was important to reach a consensus on critical problems rather than finishing on time. Another important issue which was proposed by the CHP and the BDP members was the "path cleaning", which means to remove all undemocratic content from the related law texts simultaneously with the drafting process. That would be a really meaningful step to strengthen the influence of the constitution and democratic system; yet it was objected to by the other parties.

The new constitution-making attempt failed, yet impacted the political and societal agenda of Turkey extensively. This study examined the public consultation process and its influence on the drafting of the constitution in terms of equal citizenship demands of the ethnic and religious communities. However, for further successful constitution-making attempts, more research is needed to determine the efficacy of the constitutional provisions on the rights and freedoms of these communities.

On the eve of the 2015 elections, the debates on the necessity of a new constitution became the hottest subject on the agenda yet once more. However, this time the dispute over the new constitution is embedded to changing the parliamentary system into the presidential system. As it is emphasised in the 2015 election bulletin of the AKP, the issue of new constitution is discussed under the title of presidential system. Therefore, AKP's main objective for the

2015 election is to win the necessary number of seats in order to control the Parliament paving away to creating a new constitution which will introduce the presidential system to Turkish politics. The AKP's desire to change the parliamentary system caused a great conflict in Turkey's agenda and all the other parties have declared their objection to such dramatic system change. The other parties set their policies on the new constitution in context with opposition to the presidential system in their 2015 election bulletins. This is to say, unlike the previous discussions during the 2011 election period, the debates over the new constitution are concentrated on the system change rather than the fundamental rights and freedoms or equal citizenship.

A significant point of interest is to indicate here that the profile of candidates for the 2015 elections. The three main parties, the AKP, CHP and BDP nominated Armenian candidates in places where they could possibly be elected. The BDP also nominated Mıhellemi, Yazidi and Assyrian candidates. This is to say that, for a long time since 1960, there will be more than one MP who belongs to a minority community in the Parliament. Since 1960 and 1961, there has been only one Jewish MP from the True Path Party in 1999 and one Assyrian MP from BDP in 2011. In this context, it can be said that, the struggles of ethnic and religious communities during and after the new constitution-making process became visible for both parties and society.

Today, there is general belief that the level of democracy increased during the AKP period and this trend also improved the rights of the citizens from different ethnic and religious backgrounds. Indeed, there have been marginal improvements in property and education rights of the minorities. However, these improvements made through the initiatives of the AKP government without a legal basis. This is to say, these small improvements are not protected by law; hence can be lost at anytime. This situation creates a dangerous position for the ethnic and religious communities because they became dependent on the actions of the government or even worse they have to deal with the same problems again in case of a government change after every election. Therefore, it is important for these communities to have a constitutional solution for their problems in regards to achieving equal citizenship. Thus, their future will be more secured and they would participate in the public life more comfortably without worrying about losing their rights. The state should also facilitate the

necessary implementations to change the society's perception on the minority citizens. From the primary school until the college, the educations system is based on vilifying of these communities. Therefore, the implementations should start from the reforms in education system and strengthening the hate crime laws. In the last analysis, changing the constitution and granting de-jure equal citizenship rights to the ethnic and religious communities would be meaningless if the traditional perception of the state towards these communities does not change immediately.

APPENDICES

Interview Questions for the Members of Constitutional Reconciliation Commission

1. What was the meaning of the process for your party?

2. Did you conduct a separate fieldwork research for your party's own suggestions?

3. Why were you selected as the Commission member of your party?

4. Do you think the process was operated efficiently?

5. What were the most important points needed to be consulted by the public during the consultation process?

6. Why did the Commission could not reach a consensus on the definition of citizenship?

7. How did the "red lines" of the parties affect the process?

8. Were the data collected during the public consultation process analysed?

9. Did the Commission give a feedback to the NGOs that participated in the process?

10. Did any risks occur during the public consultation process?

11. Do you think the public suggestions have any influence on party proposals or commission decisions?

12. How did you prepare for the process?

13. What do you think on the principle of equal representation between parties in the Commission?

14. What do you think about the scheduling and the timing of the process?

15. What do you think about the participation of ethnic and religious communities during the consultation process?

16. What do you think about the construction of the public consultation process?

Interview Questions for the Participating Communities

1.   How was the public consultation process received when it was first heard by your community?

2.   What was the level and style of participation?

3.   What was the quality of relation between the Commission members and your community during the consultation process?

4.   What was the attitude of member parties during the hearing sessions?

5.   What is the community's position amongst other communities and its effect on the quality of participation?

6.   What is the quality of contact of community with state in general?

7.   What is the level and position of representation of your community's associations during the consultation process?

8.   What were the most common demands and problems expressed by the participating communities

9.   What is the community's view on the definition of citizenship for the new constitution?

10.   What is the effect of consultation process on equal citizenship?

11.   What is the community's view on parties' "red lines" during the process?

12.   What is the community's view on the construction and operation of public consultation process?

13.   What is the community's view on the general situation of the process?

14.   What is the community's view on the absence of feedback mechanisms?

15.   Is the community invited directly by the Commission or participated upon their request?

16.   What are the limitations and conflicts encountered by your community during the participation process?

17.   Was there any anxiousness amongst the community members during the participation?

18.   Did the community use the works of other communities or cooperate with them during the preparation process?

19.   What was the meaning of participation process and the new constitution-making for participant communities?

20.   What is the community's view about the data collected from public and the future of new constitution as a failed project?

BIBLIOGRAPHY

3 gün sonra okullar açılacak ama inşaat sürüyor (2014), http://www.cumhuriyet.com.tr/haber/turkiye/118541/3_gun_sonra_okullar_acilac ak_ama_insaat_suruyor.html , viewed 18.2.2015.

30 yılın terör bilançosu: 35 bin 576 ölü (2013), http://www.radikal.com.tr/politika/30_yilin_teror_bilancosu_35_bin_576_olu- 1118893, 28.1.2013, viewed 23.2.2015

90 yıldır soy kodu ile fişlemişler (2013), http://www.agos.com.tr/tr/yazi/5384/90- yildir-soy-kodu-ile-fislemisler, 1.8.2013, viewed 19.2.2015.

ABDÜLHEKİMOĞULLARI E. (2013), "Yapım Süreçleri Açısından Anayasalarımız ve Yeni Anayasa için Öneriler (Constitution-making Processes and Suggestions for New Constitution)", Yeni Türkiye Dergisi, yıl 9, sayı 50, 224-234

AHMED I. (2005), "Making Sense of Group Rights" in I. Ahmed (ed), The Politics Group Rights, The State and Multiculturalism, University Press of America, Oxford.

AKÇAM T. (2013), "Tehcir sırasında 800.000 Ermeni öldü" in Zaman Newspaper, 21.4.2013.

AKGONUL S. (2014), "Istanbulun Rumları- Bir Tükeniş Hikayesi (Rums of Istanbul- A story of fading away)", in 20 Dolar 20 Kilo, Babil

AKTAR A. (2000), Varlık Vergisi ve Türkleştirme Politikaları (Capital Tax and Policies of Turkification) ,Iletişim.

ALP S., TAŞTAN N. (2011), Türkiye'de Irk Veya Etnik Köken Temelinde Ayrımcılığın İzlenmesi Raporu 1 Ocak – 31 Temmuz 2010 (Report on Monitoring Discrimination based on Race and Ethnicity January-July 2010), Istanbul Bilgi University.

Anadilde Savunma Resmi Gazetede (2013), http://www.cnnturk.com/2013/turkiye/01/31/anadilde.savunma.resmi.gazetede/6 94671.0/, 31.3.2013, viewed 2.3.2015

Anayasa Platformu Türkiye konuşuyor (2012), http://www.tepav.org.tr/upload/files/13560132917.Anayasa_Platformu_Vatandas_Toplantisi_Istanbul.pdf

Anayasa sivil toplum tarafından tartışılıyor (2012), http://www.tobb.org.tr/Sayfalar/Detay.php?rid=1460&lst=MansetListesi, viewed 9.3.2015

Anayasa Uzlaşma Komisyonun Çalışma Usulleri (2014), http://yenianayasa.tbmm.gov.tr/calismaesaslari.aspx, viewed 2.3.2014

Anayasa'da Türklük Tartışması (2013), http://www.radikal.com.tr/turkiye/anayasada_turkluk_tartismasi-1127148, 29.3.2103, viewed 27.2.2015

ANDERSON P. (2008), After Kemal, London Review of Books, Vol. 30 No 17, pages 3-12

ANDREWS P. (1989), Ethnic Groups in the Republic of Turkey, Dr, Ludwig Reichert Verlag, Wiesbaden

ARATO A. (1996), "Forms of Constitution Making and Theories of Democracy", Cardozo Law Review, 191 1995 – 1996, Hein Online.

ARATO A. (2000), Civil Society, Constitution and Legitimacy, Rowman& Littlefield Publishers

ARNSTEIN S. (1969), "A Ladder of Citizen Participation," JAIP, Vol. 35, No. 4, July 1969, pp. 216-224.

AYDIN S. (2006), "Azinlik Kavramina Iceriden Bakmak" (Emic Dimension of the Minority Conception) in A. Kaya and T. Tarhanli (eds), Turkiye'de Cogunluk ve Azinlik Politikalari (Politics of Majority and Minority in Turkey), Tesev Publications, 2nd edition.

Azınlık malları iade edilecek (2011), http://bianet.org/bianet/azinliklar/132428-azinliklara-mallari-iade-edilecek, 29.8.2011, viewed 24.2.2015.

BALI A. (2012), "The Perils of Judicial Independence: Constitutional Transition and the Turkish Example", Virginia Journal of International Law, Vol.52, No:2.

BALİ R. (2011), The Slow Disappearance of Turkey's Jewish Community, http://jcpa.org/article/the-slow-disappearance-of-turkeys-jewish-community/, 6.1.2011, viewed 17.2.2015.

BANKS A. (2008), "Expanding Participation in Constitution Making: Challenges And Opportunities", William and Mary Law Review, Volume 49 No. 4, 2008

BANTING K., SIMEON R. (1985), "The Politics of Constitutional Change" in K. Banting and R. Simeon (eds), The Politics of Constitutional Change in Industrial Nations, Macmillan, Hong Kong

BARBER R. (2003), Strong Democracy, Participatory Politics for a New Age, (2003), University of California Press, Berkeley

BARKEY K. (2008), Empire of Difference, The Ottomans in Comparative Perspective, Cambridge

BEINER R. (1995), "Why Citizenship Constitutes a Theoretical Problem in the Last Decade of the Twentieth Century" in R. Beiner (ed), Theorizing Citizenship, State University of New York Press.

BELLAMY R. (1998), Citizenship: A Very Short Introduction, Oxford University Press.

BENHABIB S. (1994), Deliberative Rationality and Models Of Democratic Legitimacy Constellations Volume I, No I, 1994. Published by Blackwell Publishers, Cambridge

BEYME von K. (2001), "Institutional Engineering and Transition to Democracy"", in J. Zielonka (ed), Democratic Consolidation in Eastern Europe Volume 1: Institutional Engineering, Oxford Scholarship Online

BİLGE, Y. (1991), Süryanilerin Kökeni ve Türkiyeli Süryaniler (The Roots of the Assyrian and the Assyrians of Turkey), İstanbul.

Bir sigara kavgasıyla bir mahalle sürgüne (2010), http://www.radikal.com.tr/turkiye/bir_sigara_kavgasiyla_bir_mahalle_surgune-973192, 7.1.2010, viewed 17.2.2015.

BLOUNT J., ELKINS Z., GINSBURG T., (2012) "Does the Process of Constitution Making Matter?" in Comparative Constitutional Design, Tom Ginsburg (ed), (2012), Cambridge University Press, New York.

BORA T. (2003), "Nationalist Discourses in Turkey", The South Atlantic Quarterly, Volume 102, Number 2/3, Spring/Summer pp. 433-451, Duke University Press.

BRANDT M., COTTRELL J., GHAI Y., REGAN A. (2011), Constitution-making and Reform: Options for the Process, Interpeace.

BRUBAKER R. (1992), Citizenship and Nationhood in France and Germany, Harvard University Press, USA

BRUBAKER R. (2004), Ethnicity Without Groups, Harvard University Press.

BRUINESSEN M. (1996), "Kurds, Turks and the Alevi Revival in Turkey, in Middle East Report, No. 200, Minorities in the Middle East: Power and the Politics of Difference" 7-10, Middle East Research and Information Project

BRYMAN A. (2008), Social Research Methods, Oxford University Press, Third Edition.

Bütçede Aslan Payını Maliye Bakanlığı aldı (2014), http://www.hurriyet.com.tr/ekonomi/27371830.asp, 13.10.2014, viewed 26.2.2015.

CAGAPTAY S. (2003), "Citizenship Policies in Interwar Turkey", Nation and Nationalism 9 (4), 2003, 601–619, ASEN.

CAIRNS C. Citizens (Outsiders) and Governments (Insiders) in Constitution-Making: The Case of Meech Lake, Canadian Public Policy / Analyse de Politiques, Vol. 14, Supplement: The Meech Lake Accord / L'Accord du lac Meech (Sep., 1988), pp. S121-S145, University of Toronto Press on behalf of Canadian Public Policy Stable

CARLSON N. (1998), The Drafting Process For The 1998 Albanian Constitution Framing The State In Times Of Transition, Case Studies in

Constitution Making With Louis Aucoin Edited by Laurel E. Miller US Institute of Peace

Catholic Bishop Killed in Turkey (2010), http://www.reuters.com/article/2010/06/03/us-turkey-bishop-murder-idUSTRE6524Z920100603 , viewed 13.2.2015

CAYMAZ B. (2007), Türkiye'de vatandaşlık-Resmi İdeoloji ve Yansımaları (Citizenship in Turkey-Official Ideology and its Reflections), İstanbul Bilgi University Publications

CEASER J. (1993) Reconstructing Political Science in S Elkin. and K Soltan (eds), A New Constitutionalism, Designing Political Institutions for a Good Society, The University of Chicago Press, Chicago.

Cemevleri ibadethane oldu (2015), http://www.cumhuriyet.com.tr/haber/turkiye/206033/Cemevleri_ibadethane_oldu.html#, 4.2.2015, viewed 26.2.2015.

Çerkesler de Parti Kurdu (2014), http://www.cumhuriyet.com.tr/haber/siyaset/106447/Cerkesler_de_parti_kurdu.html, 16.8.2014, viewed 23.2.2015.

CHOUDHRY S. (2008), "Bridging Comparative Politics and Comparative Constitutional Law: Constitutional Design in Divided Societies" in S. Choudhry, Constitutional Design for Divided Societies: Integration or Accomodation, Oxford University Press.

Christianity in the Vicariate (2015), http://www.anadolukatolikkilisesi.org/tr/storia.asp, viewed 13.2.2015

CHRISTODOULIDIS E., (1995) "A new Constitutional Reality for Civil Society" in Democracy and Constitutional Culture in the Union of Europe R. Bellamy, V. Bufacchi, and D. Castiglione (eds), Lothian Foundation Press, London

Çiçek: 4 siyasi parti süreci destekliyor (2012), http://www.hurriyet.com.tr/gundem/20786646.asp, 18.6.2012, viewed 11.3.2015.

CİZRE-SAKALLIOĞLU U. (1994), "Kemalism, Hyper-Nationalism And Islam In Turkey", History of European Ideas, Vol. 18, No. 2, pp. 255-270.

ÇOLAK Y. (2003), "Nationalism and the State in Turkey: Drawing the Boundaries of 'Turkish Culture' in the 1930s", Studies in Ethnicity and Nationalism, Volume 3, Issue 1.

COPEAUX E. (2006), Tarih Ders Kitaplarında (1931-1993) Türk Tarih Tezinden Türk İslam Sentezine (From Turkish Historical Thesis to Turkish-Islam Synthesis in History Schoolbooks between 1931 and 1993), İletişim Publications.

COVELL M. (1985), "Revision of the Constitution in Belgium" in K. Banting and R. Simeon (eds), The Politics of Constitutional Change in Industrial Nations, Macmillan, Hong Kong

DANZİKYAN Y. (2015). "Türkiye'de Ermeniler konuşamaz halde", 13.2.2015, http://www.turnusol.biz/public/haber.aspx?id=22108&pid=19, viewed 19.2.2015.

DAVISON R. (1977), "Nationalism as an Ottoman Problem and the Ottoman Response" in W. Haddad and W. Ochsenwald (eds), Nationalism in a Non-National State: the Dissolution of the Ottoman Empire, Ohio State University Press.

Demokratikleşme Paketi TBMM Genel Kurulu'nda kabul edildi (2014), http://www.hurriyet.com.tr/gundem/25923518.asp, 3.3.2014, viewed 2.3.2015

DIMITRIJEVIĆ V. (1993), "Ethnonationalism and the Constitutions: The Apotheosis of the Nation-state", Journal of Contemporary European Studies, 1478-2790, Volume 1, Issue 3, 1993, Pages 50 – 56.

DOGAN S. (2009), Formations of Diaspora Nationalism: The Case Of Circassians in Turkey, unpublished thesis, Sabancı University.

DRZEWICKI K. (2005), "The Lund Recommendations on the effective Participation of Minorities: Five Years After and More Years Ahead", International Journal of Minority and Group Rights, 1 2 (2 3), 123-267

EBRAHIM H. (1998), The Soul of Nation: Constitution-making in South Africa, Oxford University Press Cape Town.

EBRAHIM H., FAYEMI K., LOOMIS S. (1999), "Promoting a Culture of Constitutionalism and Democracy in Commonwealth Africa" in background paper to accompany CHRI's Recommendations to CHOGM '99

ELAZAR D. (1985), "Constitution-making: The Pre-eminently Political Act" " in K. Banting and R. Simeon (eds), The Politics of Constitutional Change in Industrial Nations, Macmillan, Hong Kong

ELGIE R., ZIELONKA J. (2001), "Constitutions and Constitution-Building: A Comparative Perspective", in J. Zielonka (ed), Democratic Consolidation in Eastern Europe Volume 1: Institutional Engineering, Oxford Scholarship Online

ELKIN S. (1993) "Constitutionalism: Old and New" in S. Elkin and K. Soltan (eds), A New Constitutionalism, Designing Political Institutions for a Good Society, The University of Chicago Press, Chicago.

ELLIOT C. (2003), "Civil Society and Democracy, A comparative Review Essay" in C. Elliot (ed), Civil Society and Democracy: A Reader, Oxford University Press, New Delhi.

ERDOĞAN M., YAZICI S. (2011), Türkiyenin Yeni Anayasasına Doğru (Towards Turkey's New Constitution), Tesev, Istanbul.

ERMAN T., ERDEMIR A. (2006), "Aleviler ve Topluma Eklemlenme Sorunsali" (Alevis and the Problematic of Their Articulation in Society) in A. Kaya and T. Tarhanli (eds), Turkiye'de cogunluk ve Azinlik Politikalari (Politics of Majority and Minority in Turkey), Tesev Publications, 2nd edition.

EROZDEN O. (2011), 1924, 1961 ve 1982 Anayasalarinda Vatandaslik Tanimi Uzerine (On Definitions of citizenship in Constitutions of 1924, 1961 and 1982), Cogito, no:67, YKY.

FEREJOHN J., RAKOVE J., RILEY J. (2001), Constitutional Culture and Democratic Rule, Cambridge University Press, Cambridge

FERRAJOLI L. (1996), "Beyond Sovereignty and Citizenship: A Global Constitutionalism" in R. Bellamy (ed), Constitutionalism, Democracy and Sovereignty, Avebury, Aldershot

FISHKIN J. (1991), Democracy and Deliberation, Yale University Press, New Haven and London

FISHKIN J. (2009), When the People Speak, Deliberative Democracy and Public consultation, Oxford University Press, Oxford.

GELLNER E. (1997), Nationalism, Weidenfeld and Nicolson

GENÇ Ö. (2011). Türkiye'de İnanç Grupları: Sorunlar ve Taleplere Yönelik Yeni bir Çerçeve (Religious Groups in Turkey: A New Framework for the Problems and Demands), Report of the Federation of Alevi Foundations

GHAI Y. (2002), "Constitutional Asymmetries: Communal Representation, Federalism, and Cultural Autonomy" in A. Reynolds (ed), The Architecture of Democracy: Constitutional Design, Conflict Management, and Democracy, Oxford Scholarship Online

GHAI Y. (2003), Public Participation and Minorities, Minority Rights Group International

GOCEK F. (2002), "Decline of the Ottoman Empire and the Emergence of Greek, Armenian, Turkish and Arab Nationalisms" in F. Gocek (ed), Social Constructions of Nationalism in the Middle East, State University of New York Press

GOCEK F. (2006), "Turkiye'de Cogunluk, Azinlik ve Kimlik Anlayisi" (The Understanding of Majority, Minority and Identity in Turkey) in A. Kaya and T. Tarhanli (eds), Turkiye'de Çogunluk ve Azinlik Politikalari (Politics of Majority and Minority in Turkey), Tesev Publications, 2nd edition.

GOKALP Z. (1968), The Principles of Turkism, Translated by Robert Devereux, E.J. Brill.

GOKARIKSEL B., MITCHELL K. (2005), "Veiling, Secularism, and The Neoliberal Subject: National Narratives and Supranational Desires in Turkey

and France" MITCHELL Global Networks 5, 2 (2005) 147–165. Blackwell Publishing Ltd & Global Networks Partnership

GÖKÇEN S., ÖNEY S. (2008), Türkiye'de Romanlar ve Milliyetçilik (Nationalism and Romas in Turkey), Biz Buradayız! Türkiye'de Romanlar, Ayrımcı Uygulamalar ve Hak Mücadelesi, Open Society, Helsinki Citizens Assembly.

GÖZLER K. (2000), Türk Anayasa Hukuku (Turkish Constitutional Law), Bursa Ekin Kitabevi

GRIMM D. (2005), "The Constitution in the Process of Denationalization", Constellations Volume 12, No 4, Blackwell, Oxford

GÜLALP H. (2005a), "Milliyete Karsi Vatandaslik" (Nationality versus Citizenship), in H. Gülalp (ed), "Vatandaslik ve Etnik Catisma" (Citizenship and Ethnic Conflict), Metis Yayinlari, Istanbul

GÜLALP H. (2005b), "Ulus-Devlet Asiliyor mu?" (Exceeding the Nation-State?), in H. Gülalp (ed), "Vatandaslik ve Etnik Catisma" (Citizenship and Ethnic Conflict), Metis Yayinlari, Istanbul

GÜLALP H. (2011), "Turk Itlak Olunur": Anayasalarimizda Vatandaslik ("Be Called Turkish": Citizenship in Our Constitutions), Cogito, no:67, YKY.

GUNTER M. (2000), "The Continuing Kurdish Problem in Turkey after Öcalan's Capture", Third World Quarterly, Vol. 21, No. 5 (Oct., 2000), pp. 849-869, Taylor & Francis, Ltd.

Günümüzde Türk Yahudileri (2015), http://www.turkyahudileri.com/content/view/246/273/lang,tr/ viewed 17.2.2015

GUTMANN A. (1995), The Virtues of Democratic Self-Constraint. New Communitarian Thinking , Amitai Etzioni (ed), University Press of Virginia, Charlottesville, 1995

GUTMANN A. (2003), Identity in Democracy, Princeton University Press, Princeton

HABERMAS J. (1994), "Citizenship and National Identity" in Bart van Steenbergen (ed), The condition of citizenship, Sage Publications

HABERMAS J. (1995), "Citizenship and National Identity" in R. Beiner (ed), Theorizing Citizenship, State University of New York Press, New York

HADDAD W. (1977), "Nationalism in the Ottoman Empire" in W. Haddad and W. Ochsenwald (eds), Nationalism in a Non-National State: the Dissolution of the Ottoman Empire, Ohio State University Press.

HALL J. (2003), "Conditions for National Homogenizers" in U. Ozkirimli (ed), Nationalism and Its Futures, Palgrave Publications, London

HAMMAR T. (1990). Democracy and the Nation State, Ashgate, London

HANIOGLU S. (2002), "Turkish Nationalism and the Young Turks, 1889-1908" in F. Gocek (ed), Social Constructions of Nationalism in the Middle East, State University of New York Press.

HANSEN K. (2010), "The Equality Paradox of Deliberative Democracy: Evidence from a National Deliberative Poll" in M. Wolf, L. Morales, K. Ikeda (eds), Political Discussion in Modern Democracies, A comparative Perspective, Routledge, ECPR, London

HART V. (2003), "Democratic Constitution Making" U.S. Institute of Peace Special Report 107. Wahington D.C: U.S. Institute of Peace.

HART V. (2004), The South African Experience, Constitutionalism And Emerging Democracies, March 2004, Volume 9, Issues of Democracy, Democratic Constitution Making

Hasan and Eylem Zengin v. Turkey, 9.9.2007, Application no. 1448/04, http://cmiskp.echr. coe.int/)

HAYDEN M (1992), "Constitutional Nationalism in the Formerly Yugoslav Republics", Slavic Review, Vol. 51, No. 4 (Winter, 1992), pp. 654-673 , The American Association for the Advancement of Slavic Studies

HEINELT H. (2010), Governing Modern Societies, Routledge, Oxon

HEPER M., ÇINAR M. (1996), "Parliamentary Government with a Strong President: The Post-1989 Turkish Experience", Political Science Quarterly, Vol. 111, No. 3 (Autumn, 1996), pp. 483-503, The Academy of Political Science

HIRSCHLER K. (2001), "Defining the Nation: Kurdish Historiography in Turkey in the 1990s", Middle Eastern Studies, Vol. 37, No. 3 (Jul., 2001), pp. 145-166, Taylor & Francis, Ltd.

HOBSBAWM E.J. (1990), Nations and Nationalism since 1780, Cambridge University Press, Cambridge

HOLT S. (2005), The Lund Recommendations in the Activities of the HCNM, International Journal of Minority and Group Rights, 1 2 (2 3), 169-188

HUR A. (2007), 1876, 1921 ve 1924 Anayasaları Üzerine (on 1876, 1921 and 1924 Constitutions), Radikal Gazetesi , 04.08.2007

HUR A. (2011), Azinliklar Nasil Azinlik Oldu? (How did the Minorities Became Minority?) in http://www.durde.org/2011/04/azinliklar-nasil-azinlik-oldu/ accession date: 15.05.2012.

ICDUYGU A, COLAK Y, SOYARIK N. (1999), "What Is the Matter with Citizenship? A Turkish Debate", Middle Eastern Studies, Vol. 35, No. 4, Seventy-Five Years of the Turkish Republic (Oct., 1999), pp. 187-208, Taylor & Francis, Ltd.

İlk kez Süryanice köy ismi iade edildi (2015), www.bianet.org/bianet/toplum/162215-ilk-kez-suryanice-koy-ismi-iade-edildi, viewed 12 February 2015.

INGRAM A. (1996), "Constitutional Patriotism", Philosophy and Social Criticism, Vol. 22, No. 6, November, Sage Publications.

İNSEL A., AKTAR C. (1987), "Devletin Bekası" için Yürütülen Çağdaşlaşma Sürecinin Toplumsal Sorunları (The Social Problems of Modernisation Process Carried Out for the State's Continuity), Toplum ve Bilim Dergisi (The Journal of Society and Science) no 31, Autumn.

International Religious Freedom Report (2004), http://www.state.gov/j/drl/rls/irf/2004/35489.htm, viewed 13.2.2015

ISIN E. and WOOD P. (1999), Citizenship and Identity, Sage Publications.

ISIN E., ISYAR B. (2006), "The Birth of Nation-State and Citizenship in Turkey" in A. Kaya and T. Tarhanli (eds), Turkiye'de Cogunluk ve Azinlik Politikalari (Politics of Majority and Minority in Turkey), Tesev Publications, 2nd edition.

ISYAR B. (2005), "The Origins of Turkish Republican Citizenship: Then Birth of Race" in Nation and Nationalism 11 (3), 343-360, ASEN

JANOSKI T. (1998), Citizenship and Civil Society, Cambridge University Press.

Justice and Development Party (2011), Advanced Democracy, New Constitution, 2011 Election Bulletin

Justice and Development Party (2012), Political Vision of AK Party, https://www.akparti.org.tr/english/akparti/2023-political-vision, viewed 2.3.2014

KADIOGLU A. (2008), Vatandaşlığın Dönüşümü: Üyelikten Haklara (Transformation of Citizenship: From Membership to Rights), Metis Yayinlari, Istanbul

KALUSTYAN L.D. (2009), Cumhuriyetimizin Uc Vatandasi (Three Citizens of OurRepublic),http://farklirenkler.com/index.php?option=com_content&view=article&id=103:kalustyan-laskari-dilek&catid=30:nbiyografi&Itemid=54, accession date: 23.05.2012

KANCI T. (2009), "Reconfigurations in the Discourse of Nationalism and National Identity: Turkey, at the Turn of the Twenty-First Century", Studies in Ethnicity and Nationalism, Vol:9, No: 3

KANSU A. (1997), The Revolution of 1908 in Turkey, Leiden E.J. Brill.

KARIMOVA N, DEVERELL N. (2001), "Minorities in Turkey", Occasional Papers No. 19, The Swedish Institute of International Affairs

KARPAT K. (2009), Osmanlidan Gunumuze Elitler ve Din (Elites and Religion from Ottoman Period to Present), Timas Yayinlari, 2nd Edition.

KARPAT K. (2000), "Historical continuity and Identity Change or How to be Modern Muslim, Ottoman and Turk" in K. Karpat (ed), Ottoman Past and Today's Turkey, Brill.

KARPAT K. (2003). Osmanlı Nüfusu (1830-1914): Demografik ve Sosyal, Timaş, İstanbul

KAYA A. (2006), "Avrupa Birliği Bütünleşme Sürecinde Yurttaşlık, Çok Kültürcülük ve Azınlık Tartışmaları: Birarada Yaşamanın Siyaseti (Citizenship in the Process of the EU Entegration, Debates of Multiculturalism and Minorities: Politics of Living Together)" in A. Kaya and T. Tarhanli (eds), Turkiye'de cogunluk ve Azinlik Politikalari (Politics of Majority and Minority in Turkey), Tesev Publications, 2nd edition.

KAYA A. (2010), Management of Ethno-Cultural Diversity in Turkey: Europeanization of Domestic Politics and New Challenges, International Journal of Legal Information, Vol. 38, Issue 2.

KAYA I. (2004), Social Theory and Later Modernities-The Turkish Experience, Liverpool University Press

KAYA I. (2007), "Identity Politics: The Struggle for Recognition of Hegemony", East European Politics and Societies, 21:207.

KEYDER C. (2004), "Turkiye Demokrasisinin Ekonomi Politigi" (The Political Economy of the Democracy in Turkey) in I.C. Schick and A. Tonak (eds), Gecis Surecinde Turkiye (Turkey in Transition), Belge Publications, 4th Edition.

KEYMAN F. (2008), "Turkiye'de Cok Kulturlu Anayasal Vatandaslik (Multicultural constitutional Citizenship in Turkey)" in A. Kadioglu (ed), Vatandasligin Donusumu (Transformation of Citizenship), Metis Publications

KEYMAN F., İÇDUYGU A. (2005), Citizenship in a Global World: European Questions and Turkish Experiences, Routledge.

KİLİ S. (1980), "Kemalism in Contemporary Turkey", International Political Science Review 1.3

KİRİŞÇİ K., WINROW G. (1997), Kürt Sorunu: Kökeni ve Gelişimi, Tarih Vakfı Yurt Yayınları, 3rd Edition, Istanbul

KISSANE B., SITTER N. (2010), "The Marriage Of State And Nation in European Constitutions", Nations And Nationalism 16 (1), 49–67

KÖKER L. (2010a), "A Key to the 'Democratic Opening': Rethinking Citizenship, Ethnicity and Turkish Nation-State", Insight Turkey, Vol.12, No:2.

KÖKER L. (2010b), "Contesting 'Sovereignty': Turkey's Constitutional Problem in the Light of New Conceptulisations", in Elisabeth Ozdalga, Sune Persson (eds) Contested Sovereignties: Government and Democracy in Middle Eastern and European Perspectives, Tauris& Co Ltd

KÖKER L. (2012), "Turkey's Constitution: History, Context and Reform", Turkish Review, Vol 2, Issue 1.

KURBAN D., HATEMI K. (2009): Bir Yabancılaştırma Hikayesi: Türkiyede'de Gayri-Müslim Cemaatlerin Vakıf ve Taşınmaz Mülikiyet Sorunu (A tale of Alienation: The Property Problems of Minority Foundations), Tesev, Istanbul.

KURBAN D., TSITSELIKIS K. (2010), Bir Mütekabiliyet Hikayesi: Yunanistan ve Türkiye'de Azınlık Vakıfları (A Tale of Reciprocity: Community Foundations in Greece and Turkey), Tesev, Istanbul

KURBAN D., YOLAÇAN S. (2008), Kürt Sorununun Çözümüne Dair Bir Yol Haritası: Bölgeden Hükümete Öneriler (A road map for the solution of Kurdish Problem: Suggestions from the Region), Tesev

Kürtçe 5.Sınıfta Seçmeli Ders Oluyor (2012), http://www.radikal.com.tr/turkiye/kurtce_5_sinifta_secmeli_ders_oluyor-109077, 11.6.2012, viewed 2.3.2015

KUSHNER D. (1977), The Rise of Turkish Nationalism 1876-1908, Frank Cass

KYMLICKA W. (1995), Multicultural Citizenship, Clarendon Press

KYMLICKA W. (2003), "Multicultural States and Intercultural Citizens", Theory and Research in Education; 1; 147, Sage

KYMLICKA W. and NORMAN W. (1995), "Return of the Citizen: A survey of Recent Work on Citizenship Theory" in R. Beiner (ed), Theorizing Citizenship, State University of New York Press.

LAWRENCE A. (1975), "Two Concepts of Political Participation", The Western Political Quarterly, Vol. 28, No. 3 (Sep., 1975), pp. 447-462, University of Utah

LAWSON S. (2004), "Nationalism versus constitutionalism in Fiji", Nations and Nationalism 10 (4), 2004, 519–538. ASEN

LEDUC L. (2009), "Citizen Involvement in Constitutional Politics: European and Canadian Experiences" in J. DeBardeleben and J. Pammet (eds), Activating the Citizen, Palgrave Macmillan

LERNER H. (2010), "Constitution-writing in Deeply Divided Societies: The Incrementalist Approach", Nations and Nationalism 16 (1), 68–88.

LEWIS B. (1968), The Emergence of Modern Turkey, Oxford University Press, 2nd Edition.

LUKE H. (1936), The Making of Modern Turkey, Macmillan and Co., London.

MACAR E., GÖÇKAÇTI M. (2009), Heybeliada Ruhban Okulu'nun geleceği Üzerine Tartışmalar Ve Öneriler (Debates and suggestions on the future of Halki Seminary), Tesev

MACHNYIKOVA Z., HOLLO L. (2010), "The Principle of Full and Effective Equality and Political Participation", in M. Weller and K. Nobbs (ed), Political Participation of Minorities A Commentary on International Standards and Practice, Oxford University Press

MANGO A. (1999), "Atatürk and the Kurds", Middle Eastern Studies, Vol. 35, No. 4, Seventy-Five Years of the Turkish Republic (Oct., 1999), pp. 1-25

MARAŞLI R. (2011), "Resmi İdeoloji / Resmi Tarih ve Azınlıklar" (Official Ideology / History and Minorities in F. Başkaya, S. Çetinoğlu (ed), Resmi Tarih Tartışmaları 8 (The Discussions of Official History 8: Minorities in Turkey), 2nd Edition, Özgür Üniversite Yayınları.

MARDIN S. (2006), 'Center-periphery as a Concept for the Study of Social Transformation', in Serif Mardin (ed.), Religion, Society and Modernity in Turkey. Syracuse, NY: Syracuse University Press.

MARSH A. (2008), "Etnisite ve Kimlik: Çingenelerin Kökeni (Ethnicity and Identity: The Roots of Romas)", Biz Buradayız! Türkiye'de Romanlar, Ayrımcı Uygulamalar ve Hak Mücadelesi, Open Society, Helsinki Citizens Assembly.

MARSH A., KARLIDAĞ M. (2008), "Türkiye'deki Çingene Toplumu ve Çingene Kimliği Üzerine Bir Yazın Taraması (Literature Review on Roma Community and Identity in Turkey)", Biz Buradayız! Türkiye'de Romanlar, Ayrımcı Uygulamalar ve Hak Mücadelesi, Open Society, Helsinki Citizens Assembly.

MARSH A., STRAND E. (2005), "Reaching the Romanlar"; a report on the feasibility studies "mapping" a number of Roman (Gypsy) communities in Istanbul, International Romani Studies Network, British Council Turkey.

MARSHALL C., ROSSMAN G. (1999), Designing Qualitative Research, Sage Publications.

MARSHALL T. H. (1950), Citizenship and Social Class, Cambridge at the University Press

MASSICARD E. (2003), **"**Alevist Movements at Home and Abroad: Mobilization Spaces And Disjunction", In New Perspectives on Turkey, 28-29 (Spring-Fall) (2003) 163-187

McGARRY J., O'LEARY (1993), "Introduction: The Macro-Political Regulation of Ethnic Conflict" in McGarry and O'Leary (eds), The Politics of Ethnic Conflict Regulation, Routledge

McGARRY J., O'LEARY (2012), "The Politics of Accommodation and Integration in Democratic States" in A. Guelke, J. Tournon (eds), The study of Ethnicity and Politics: Recent Analytical Developments, Barbara Budrich Publishers, Berlin.

McWHINNEY E. (1981), Constitution-making: Principles, Process, Practice, University of Toronto Press, Toronto.

MEINECKE F. (1970), Cosmopolitanism and the National State, Princeton University Press.

MELLON J. G. (2006), Islamism, Kemalism, and the Future of Turkey, Totalitarian Movements And Political Religions, vol:7 no:1 67-81

MILBRATH L., GOEL M. (1977), Political Participation, University Press of America

MILL J. S. (1962), Considerations on Representative Government, Regnery

MİLLAS H. (2014), 1964: Bir Sürgün Masalı, 25.2.2014, Zaman Gazetesi.

Minority Rights Group International (2007), Bir eşitlik arayışı: Türkiye'de Azınlıklar (Searching for Equality: Minorities in Turkey).

MOEHLER D. (2008), Distrusting Democrats: Outcomes of Participatory Constitution Making, The University of Michigan Press, Ann Arbor.

MULLER J. (2007), Constitutional Patriotism, Princeton University Press

Nationalist Movement Party (2009), MHP's code of Conduct, http://www.mhp.org.tr/mhp_dil.php?dil=en, viewed 2.3.2014

Nationalist Movement Party (2011) Our Perception on National and Democratic Constitution, 2011 Election Bulletin

Nefret Suçu TCK'ya girdi (2014), http://www.salom.com.tr/newsdetails.asp?id=90229, 5.3.2014, viewed 24.2.2015.

Nüfus Azalınca Rum Aileler Aralarında Bile Türkçe Konuşur Oldu (2008), http://bianet.org/bianet/toplum/105068-nufus-azalinca-rum-aileler-aralarinda-bile-turkce-konusur-oldu, viewed 18.2.2015

OKTEM K. (2004), "Incorporating the Time and Space of the Ethnic 'other': Nationalism and Space in Southeast Turkey in the Nineteeth and Twentieth Centuries", Nation and Nationalism 10 (4), 2004, 559-578, ASEN

OKUR M. (2005), "Milli Mucadele ve Cumhuriyetin Ilk Yillarinda Milli ve Modern Bir Egitim Olusturma Cabalari (Attempt to Constitute a National and Modern Educational System in Periods of National Struggle and Early Republic)", Ataturk Universitesi Sosyal Bilimler Enstitusu Dergisi, Cilt 5, Sayi 1.

Onbin kişi Hıristiyan oldu Türkiye korktu, (2007), Radikal, 20 April, viewed 13.2.2015.

ONER C. (2014), Şu Bizim Çerkesler, Can Publications, Istanbul.

OPRİŞAN A., YILMAZ H. (2004), Türkiyede Romanların Sosyal Ve Hukuki Durumu Üzerine, Mazlum-Der, http://www.mazlumder.org/main/yayinlar/makaleler/8/turkiyede-romanlarin-sosyal-ve-hukuki-durumu-/910, viewed 17.2.2015.

ORAN B. (2004), Türkiye'de Azınlıklar (Minorities in Turkey), Tesev Publicaitons

ORAN B. (2007), "The Minority Concept and Rights in Turkey: The Lausanne Peace Treaty and Current Issues" in Z. Kabasakal Arat (ed), Human Rights in Turkey, University of Pennsylvania Press.

ORAN B. (2010), Kürtlerin Özerklik Meselesi (The issue of Kurdish Autonomy), Radikal Gazetesi (Radikal 2), 04/07/2010

ÖZBUDUN E. (2004), Türk Anayasa Hukuku (Turkish Constitutional Law), Yetkin Publications

ÖZDOĞAN G., KILIÇDAĞI O. (2012), Türkiye Ermenilerini Duymak: Sorunlar, Talepler ve Çözüm Önerileri (Hearing the Armenians in Turkey: Problems, Demands and Suggestions), Tesev

ÖZMEN A. (2005). "Süryaniler Örneğinde Etkinleştir(İl)me ve Etnik Kimlik Görünümleri", Süryaniler ve Süryanilik, haz. Ahmet Taşğın, Eyyüp Tanrıverdi, Canan Seyfeli, Ankara, Cilt III, Orient Yayınları,

OZOGLU A. (1998), Unimaginable Community: Nationalism and Kurdish Notables in the Late Ottoman Era, UMI Dissertation Services, A Bell & Howell Company.

PACKER J. (2000), "The Origin and Nature of the Lund Recommendations on the Effective Participation of National Minorities in Public Life", 4 Helsinki Monitor

PALERMO F. (2010), "At the Heart of Participation and its Dilemmas: Minorities in the Executive Structures", in M. Weller and K. Nobbs (ed), Political Participation of Minorities A Commentary on International Standards and Practice, Oxford University Press

PARLA T. (1991), Türkiye'de Anayasalar (Constitutions in Turkey), Iletişim Yayınları, Istanbul

PATTEN A. (2000), "Equality of Recognition" in C. McKinnon and I. Hampsher-Monk (eds), The Demands of Citizenship, Continuum.

PATTON M. (1990), Qualitative Evaluation and Research Methods, Sage Publications.

PILDES R. (2008), "Ethnic Identity and Democratic Institutions" Constitutional Design for Divided Societies: Integration or Accommodation, Choudhry S. (ed), Oxford University Press, Oxford

PREUSS U. (1994), "Constitutional Powermaking of the New Polity: Some Deliberatons on the Relations Between Constituent Power and the Constitution" in M. Rosenfeld (ed), Constitutionalism, Identity' Difference and Legitimacy, Duke University Press

PREUSS U. (1995) "Citizenship and Identity: Aspects of a Political Theory of Citizenship" in Democracy and Constitutional Culture in the Union of Europe, R. Bellamy, V. Bufacchi, and D. Castiglione (eds), Lothian Foundation Press, London

Proceedings of Hearing Commission, no: 3, 2014, Ankara

Proceedings of the Commission Participation Process, 2014, Ankara

Proceedings of the Drafting Commission no:3, 2014, Ankara

Proceedings of the Drafting Commission, 2014, Ankara

Protestant Churches Association (2010), The Report on Legal and Social Problems of Protestants in Turkey.

RAE H. (2002), State Identities and the Homogenisation of Peoples, Cambridge University Press.

RAKOWSKA-HARMSTONE T. (1985), "Communist Constitutions and Constitutional Change" in K. Banting and R. Simeon (eds), The Politics of Constitutional Change in Industrial Nations, Macmillan, Hong Kong

RAWLS J. (1997), "The Idea of Public Reason" in j. Bohman and W. Rehg (eds), Deliberative Democracy, MIT

RENAN E. (1882), "What Is Nation?" in J. Hutchinson and A. Smith (eds), (1994), Nationalism, Oxford University Press.

Republican People's Party (2011) A New and Free Constitution, 2011 Election Bulletin

Republican People's Party (2014), CHP party code of conduct, http://www.chp.org.tr/Assets/dosya/chp-tuzugu-2015-01-12.pdf, viewed 2.3.2014

ROHMER B., HARDEMAN H. (1994), "The Representation of Minorities in the Parliaments of Central and Eastern Europe", International Journal of Group Rights, 95-111.

ROSENFELD M. (1994), "Modern Constitutionalism as Interplay Between Identity and Diversity" in M. Rosenfeld (ed), Constitutionalism, Identity' Difference and Legitimacy, Duke University Press.

ROUSSEAU J. J. (1968), The Social Contract (1762), Maurice Cranston trans. Penguin Books, London

SADOĞLU H. (2003), Türkiye'de Ulusçuluk ve Dil Politikaları (Nationalism and Language Politics in Turkey), İstanbul Bilgi University Publications.

ŞAHİN B. (2006), "Türkiye'nin AB Uyum Süreci Bağlamında Kürt sorunu: Açılımlar ve Sınırlar (Kurdish Problem in the Context of the Turkey's EU Integration Process: Developments and Limitations)" in A. Kaya and T. Tarhanli (eds), Turkiye'de Çogunluk ve Azinlik Politikalari (Politics of Majority and Minority in Turkey), Tesev Publications, 2nd edition.

SAYAR S. (2001), Istanbuldaki Protestan Kiliseler (Protestant Churches in İstanbul), Uludağ Universitesi Ilahiyat Fakültesi Dergisi, Volume 10, No. 2, 285-291.

SELASSIE B. (2002), "The Eritrean Experience in Constitution Making: The Dialectic of Process and Substance" in A. Reynolds (ed), The Architecture of

Democracy: Constitutional Design, Conflict Management, and Democracy, Oxford Scholarship Online

SEYFELİ C. (2005), "Osmanlı Devlet Salnamelerinde Süryaniler (1847-1918)", Süryaniler ve Süryanilik, haz. Ahmet Taşğın, Eyyüp Tanrıverdi ve Canan Seyfeli, Ankara, Cilt 1, Orient Yayınları

SHAMI S. (1998), "Circassian Encounters: The Self as Other and the Production of the Homeland in the North Caucasus", Development and Change Vol. 29 (1998), 617- 646. Institute of Social Studies 1998. Published by Blackwell Publishers Ltd.

SIMAVORYAN A. (2012), Christians in Today's Turkey, http://novarank.am/eng/issues/detail.php?ELEMENT_ID:6514, viewed 13.2.2015

SIMSEK H. and YILDIRIM A. (2011), Sosyal Bilimlerde Nitel Arastirma Yontemleri (Qualitative Research Methods in Social Science), SeckinYayincilik

ŞİMŞEK, M. (2003), Süryaniler ve Diyarbakır, Çivi Yazıları Yayınevi, İstanbul

SLAUGHTER M. (1994), "The Multicultural Self: Questions of Subjectivity, Questions of Power" in M. Rosenfeld (ed), Constitutionalism, Identity' Difference and Legitimacy, Duke University Press.

SMITH T. (2005), "Civic Nationalism and Ethnocultural Justice in Turkey", Human Rights Quarterly, Volume 27, Number 2, pp. 436-470 (Article), Published by The Johns Hopkins University Press.

SOLTAN K. (1993) "What is the New Constitutionalism" in S. Elkin and K. Soltan (eds), A New Constitutionalism, Designing Political Institutions for a Good Society, The University of Chicago Press, Chicago.

SOMER M. (2007), 'Defensive- and Liberal Nationalisms, The Kurdish Question and Democratization' in E. Fuat Keyman, (ed), Remaking Turkey: Globalization, Alternative Modernities, and Democracy, Oxford: Lexington Books.

SOYARIK-ŞENTÜRK N. (2005), 'Legal and Constitutional Foundations of Turkish Citizenship: Changes and Continuities' in Keyman F., İçduygu A.(eds),

Citizenship in a Global World: European Questions and Turkish Experiences, Routledge

SQUIRES J. (1996), "Liberal Constitutionalism, Identity and Difference", Political Studies, XLIV, 620-634, Blackwell, Oxford

Statics by country (2005), http://www.catholic-hierarchy.org/country/sc1.html, viewed 13.2.2015

STEENBERGEN B. (1994), The Condition Of Citizenship, Sage Publications

SUNSTEIN C. (1988), "Constitutions and Democracies: An Epilogue" in J. Elster and R. Slagstad (eds), Constitutionalism and Democracy, Cambridge University Press.

SUNSTEIN C. (2003), "The Law of Group Polarization" in J. Fishkin and P. Laslett (eds), Debating Deliberative Democracy, Blackwell

Süryanilerin bitmeyen varlık mücadeleleri (2014), www.suryaniler.com/suryani-tarihi.asp?id=1127, viewed 12 February 2015.

TAHİNCİOGLU Y. (2011), Assyrians, Butik Yayıncılık, Istanbul

TANÖR B. (2004), Osmanlı-Türk Anayasal Gelişmleri (Turkish and Ottoman Constitutional Developments, Yapı Kredi Publications

TBMM Tutanak Dergisi (Journal of Proceedings of the Turkish Grand National Assembly [TGNA]), Volume 2, 35th Session, 1961

TBMM Tutanak Dergisi (Journal of Proceedings of the Turkish Grand National Assembly [TGNA]), Volume 2, 36th Session, 1961.

TBMM Tutanak Dergisi (Journal of Proceedings of the Turkish Grand National Assembly [TGNA]), Volume 2, 37th Session, 1961.

The Peace and Democracy Party (2011) Free and Democratic Constitution, 2011 Election Bulletin

The Peace and Democracy Party, BDP's code of conduct, http://www.bdp.org.tr/

The Report of the Constitutional Working Group (2011), Sivil Değişim Derneği, Istanbul.

TIERNEY S. (2008), "Beyond the Ontological Question: Liberal Nationalism and the Task of Constitution-Building", European Law Journal, Vol. 14, No. 1, January 2008, pp. 128–137.

TIGLAT N. (2002), "Lozan Dün Bugün Yarın", Renyo Hiro, Sayı 10, Seri No 57, Ekim 2002

TIMUR T. (2004), "Osmanli Mirasi" (The Ottoman Legacy) in I.C. Schick and A. Tonak (eds), Gecis Surecinde Turkiye (Turkey in Transition), Belge Publications, 4th Edition

TOK N. (2003), Kültür, Kimlik ve Siyaset (Culture, Identity and Politics), Ayrıntı Publications

TULLY J. (1995), Strange Multiplicity: Constitutionalism in An Age Of Diversity, Cambridge University Press.

TULLY J. (2000), "Multicultural and Multinational Citizenship" in C. McKinnon and I. Hampsher-Monk (eds), The Demands of Citizenship, Continuum.

Turkey's main opposition deputy removed from party after controversial speech (2014),http://www.hurriyetdailynews.com/turkeys-main-opposition-deputy-removed-from-party-after-controversial speech.aspx?pageID=238&nID=75518&NewsCatID=338, 11.12.2014, viewed 16.3.2015.

Türkiye'de Romanların Durumu Türkiye'de Çalışma ve İnsana Yakışır İş Koşulları Sorunları (2010), Report, Executive summary, prepared by Fundación Secretariado Gitano (FSG) Avrupa Roman Hakları Merkezi and Edirne Roman Derneği

Türkiyede Yahudi Cemaati Eksiliyor (2013), http://www.al-monitor.com/pulse/tr/originals/2013/11/turkey-jews-emigration-antisemitism-erdogan.html#, 5.11.2013, viewed 17.2.2015.

Türkiyedeki Kürtlerin sayısı (2008), http://www.milliyet.com.tr/turkiye-deki-kurtlerin-sayisi-/yasam/magazindetay/06.06.2008/873452/default.htm, 6.6.2008, viewed 23.2.2015

Tüzel kişilik sorunu azınlıkların geleceğini tehdit ediyor (2014), http://www.agos.com.tr/tr/yazi/6452/tuzel-kisilik-sorunu-azinliklarin-gelecegini-tehdit-ediyor, 7.2.2014, viewed 25.2.2015

ÜLKER E. (2005), "Contextualising 'Turkification': Nation-Building in the Late Ottoman Empire, 1908-1918", Nation and Nationalism 11 (4), 613-636, ASEN

UNESCO (2014), http://www.unesco.org/languages-atlas/index.php, 8.1.2014, viewed 2.3.2015

Utandıran Açıklama Ortalığı Karıştırdı (2014), http://www.hurriyet.com.tr/gundem/27632073.asp, 23.11.2014, viewed 17.2.2015.

Venice Commission (2010), "Opinion on the Legal Status of Religious Communities in Turkey and the Right of the Orthodox Patriarchate of Istanbul to Use the Adjective 'Ecumenical'", https://wcd.coe.int/ViewDoc.jsp?id=1597505&Site=DC, viewed 25.2.2015

Verba S., Nie N., Kim J., (1978), Participation and Political Equality, Cambridge University Press, Cambridge

VERDERY K. (1998), "Transnationalism, Nationalism, Citizenship, and Property: Eastern Europe Since 1989", American Ethnologist, Vol. 25, No. 2 (May, 1998), pp. 291-306, Blackwell Publishing on behalf of the American Anthropological Association

VERMEERSCH P. (2010), "Minority Associations: Issues of Representation, Internal Democracy and Legitimacy", in M. Weller and K. Nobbs (eds), Political Participation of Minorities A Commentary on International Standards and Practice, Oxford University Press

VERSTICHEL A. (2010), "Understanding Minority Participation and Representation and the Issue of Citizenship, The Principle of Full and Effective Equality and Political Participation", in M. Weller and K. Nobbs (eds), Political

Participation of Minorities A Commentary on International Standards and Practice, Oxford University Press

VERSTICHEL A. (2009), Participation, Representation and Identity, Intersentia, Oxford.

WELLER M. (2010), "Minority Consultative Mechanisms: Towards Best Practice" in M. Weller and K. Nobbs (eds), Political Participation of Minorities A Commentary on International Standards and Practice, Oxford University Press

WENGRAF T. (2001), Qualitative Research Interview, Sage Publications.

WHITE P. (1999), "Citizenship under the Ottomans and Kemalists: How the Kurds were Excluded", Citizenship Studies, Vol.3, no.1.

WIDNER J. (2005), "Constitution Writing and Conflict Resolution" Research Paper No. 2005/51, United Nations University, World Institute for Development

WIENER A, SALA V. (1997), "Constitution-making and Citizenship Practice-Bringing the Democracy Gap in the EU", Journal of Common Market Studies, Vol.35, No:4, December, Blackwell Publishing.

WIENER A. (1998), European Citizenship Practice, Westview Press, Oxford

WILLIAMS M. (1998), Voice, Trust and Memory, Princeton University Press, Princeton

YAVUZ H., OZCAN N. (2006), "The Kurdish Question and the Turkey's Justice and Development Party", Middle East Policy, Volume XIII, No:1, Spring

YAZICI S. (2009a), Demokratiklesme Surecinde Turkiye (Turkey in Democratisation Process), Istanbul Bilgi University Publications, Istanbul.

YAZICI S. (2009b), Yeni Bir Anayasa Hazırlığı ve Türkiye (Preparations of A New Constitution and Turkey), Bilgi University Publications, Istanbul

YEĞEN M. (1999), Devlet Söyleminde Kürt Sorunu (Kurdish Problem in State Discourse), Iletişim, Istanbul.

YEĞEN M. (2004), "Citizenship and Ethnicity in Turkey," Middle Eastern Studies, 40 (6), (November, 2004), p. 60

YEĞEN M. (2007), "Turkish Nationalism and the Kurdish Question", Ethnic and Racial Studies, 30:1, 119-151

YEĞEN M. (2010), "Banditry to Disloyalty: Turkish Nationalisms and the Kurdish Question" in Ayşe Kadıoğlu and Fuat Keyman (eds) Symbiotic Antagonisms: Sources, Discourses and Changing Nature of Turkish, Kurdish and Islamic Nationalisms in Turkey, Salt Lake City: The University of Utah Press

YERASIMOS S. (2004) "Tek Parti Donemi" (Single-Party Period) in I.C. Schick and A. Tonak (eds), Gecis Surecinde Turkiye (Turkey in Transition), Belge Publications, 4th Edition.

Yerel yönetimi düşüren Kürtçe Hizmet Valiliğe Serbest (2009), http://bianet.org/bianet/insan-haklari/115116-yerel-yonetimi-dusuren-kurtce-hizmet-valilige-serbest, 10.6.2009, viewed 2.3.2015

YILDIZ A. (2001), "Ne Mutlu Türküm Diyebilene" Turk Ulusal Kimliginin Etno-Sekuler Sinirlari ("How Happy is the One Who can Say I am a Turk" Ethno-Secular Limits of Turkish National Identity), İletişim

YILDIZ I. (2007), "Minority Rights in Turkey" Bingham Young University Law Review 791-812

YILMAZ H. (2011), "Tek Parti Donemi CHP'sinde Turk Milliyetciliginin Insasi" (Turkish Nationalism Building in Single-Party Building of CHP), Dipnot Journal, Issue 5, Mitani Publications.

YOUNG I.M. (2000), Inclusion and Democracy, Oxford University Press, Oxford

YUMUL A. (2006), 'Azınlık mı Vatandaş mı? (Minority or Citizen?)' in A. Kaya and T. Tarhanli (eds), Turkiye'de Çogunluk ve Azinlik Politikalari (Politics of Majority and Minority in Turkey), Tesev Publications, 2nd edition.

ZIMMER O. (2003), "Boundary Mechanisms and Symbolic Resources: Towards A Process-Oriented Approach to National Identity", Nations and Nationalism 9 (2), 2003, 173–193.

Zorunlu Din Dersi İçin Karar Verildi (2014), http://www.milliyet.com.tr/zorunlu-din-dersi-icin-karar/siyaset/detay/1980301/default.htm, 6.12.2014, 26.2.2015

ZURCHER E. (2000), "Young Turks, Ottoman Muslims and Turkish Nationalist: Identity Politics 1908-1938" in K. Karpat (ed), Ottoman Past and Today's Turkey, Brill.

ZURCHER E. (2003), "Greek and Turkish Refugees and Deportees 1912-1924", Turkology Update Leiden Project working Papers Archive Department of Turkish Studies, Universiteit Leiden