

Book Review: Minorities and Nationalism in Turkish Law

by Blog Admin

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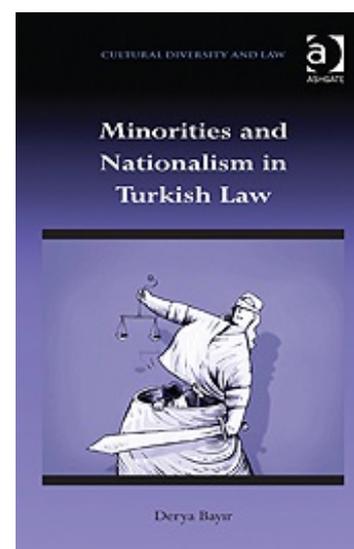
Since the early 2000s, Turkey has been obliged to fulfill important requirements in the field of human rights as part of the Europeanization process. A historically nationalist and repressive state, the country has recently been making progress in this field. However, according to EU progress reports, a lot more is required especially in regards to anti-discrimination and minority rights laws. **Kally Zarali** highly recommends **Minorities and Nationalism in Turkish Law** as an interesting and in-depth historical overview of the case of minority rights and diversity.



Minorities and Nationalism in Turkish Law. Derya Bayir. Ashgate. 2013.

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Turkey was granted the status of EU-candidate country in 1999. Since then, and while [negotiations](#) and relations with the EU have gone through various [phases](#), the country remains on the path of [Europeanization](#) and harmonization with the Enlargement [requirements](#). At the same time, the emergence of AKP, the moderate Islamist party of Tayip Erdogan, and its dominance in political life since 2002, has brought about important changes in the governance of the country and also in its profile and role in the region and the world. In comparison to other Muslim countries of the region still [striving](#) to find their internal and external balances after the Arab Spring, Turkey is regarded as a stable and rising economic power, experiencing constant and peaceful democratization. This process however is not as rapid and far-reaching as one would expect, and thus most of the [malfunctions](#) of a historically nationalist society are still present, especially in the field of human and minority rights.



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[Derya Bayir](#) focuses on the Turkish legal system and judiciary and their roles in the formation, interpretation, and implementation of policies on diversity and the management of minorities in the country. Through extensive and meticulous examination of parliamentary papers, laws, and judicial decisions the author composes the meaning of the terms “Turk” and “Turkish nation” throughout history, and describes eloquently the repressive and assimilative practices that have been used against minorities by the Turkish state in the name of Turkish nationalism.

The question of management of diversity and minorities rose for the first time during the last decades of the Ottoman Empire, when – under fear of collapsing under the influence of the then quickly and widely spreading nationalist ideas – the Ottoman ruling elite adopted important reforms to its administration system. As described in Chapter 1, the flexible “millet system” that had for hundreds of years guaranteed the co-existence of Ottoman subjects – based on their organization with reference to their religious affiliations – was reformed under the ideal of Ottomanism (Osmanlilik) that entered at that time the state’s official discourse and legal system. In 1856 the *Islahat Fermani* banned the discrimination between Muslims and non-Muslims, establishing at the same time equality for all citizens of the Empire in the areas of taxation, military justice, education and recruitment to public offices. In 1876, the first Ottoman Constitution (Kanun-i Esasi) transformed the Empire into a “nation” (millet), where all subjects share a common political identity and a single citizenship, irrespective of their ethno-religious or tribal identities. According to the author, these reforms resulted in a centralized system, which, together with the resentment and antagonism that were created among the Muslim majority against non-Muslims, paved the way for unrest among the various communities and gave rise to nationalisms.

The collapse of the Ottoman Empire and the genocides and massive deportations of populations that accompanied the transition to the Turkish nation-state are now entering the fields of public debate and academic research in Turkey after almost a century of silence. In this respect, chapters 2 and 3 are an important contribution, since they present exhaustively the practices and methods used by the Turkish regime in order to create a homogeneous Turkish nation, in which no elements of diversity were to be seen. As described in chapter 3, under the ideology of “Turkish nationalism”, the new state implemented the process of homogenization and “Turkification” of all its citizens. “Turkification” policies affected every aspect of life: the language spoken on the street, the reconstruction of history taught at school, the elimination through assimilation of any diverse ethno-religious elements such as Kurds or Alevites, and the obligatory renaming of cities, as well as of people and of course the economy.

Throughout the book the reader follows the turbulent history of Turkey and discovers at the same time how this nationalistic vision penetrated all spheres of life and still dominates to a great extent the life and functioning of the state today. But for the reforms that have been adopted in the field of human rights, especially in the case of Kurds and the recognition of their right to a Kurdish culture and language, the management of diversity and discrimination is still a taboo issue in Turkey.

As the author eloquently describes in chapters 5 and 6, even today the Constitutional Court (AYM) is not yet able to abandon the static discourse used when approaching issues related to the concept of the “Turkish nation” and minorities. The analysis focuses on law and the judiciary and the way they handle the issue of minority rights (they are regarded by the AYM as “privileges”) and their protection. According to the author, the judiciary has developed an ideological discourse which considers minorities’ claims for protection and promotion of their differences outside of the so-called umbrella of “Turkishness”: as “racist ideas” and as amounting to “racism”. And thus, it treats such claims as “threats” (p.246). *Minorities and Nationalism in Turkish Law* reaches the conclusion that some minor changes in the field of anti-discrimination and protection of minorities and diversity have been achieved in Turkey. However, law and the judiciary have truly changed neither their discourse nor their practices. As the author points out, they have acted as the third arm in the promotion of Turkish nationalism (after the state and the military), and these policies of repression, exclusion, and assimilation are so deeply embedded in the Turkish political and legal/judicial culture that they make any official stance about Turkey being a civic state sound like a myth. Derya Bayir calls therefore for an urgent change in the mindset of the judiciary in Turkey as well as a sincere recognition of ethnic, cultural and religious diversity.

This reviewer regards the book as a useful tool for all those engaged in the field of human rights, international law and nationalism, but thinks that it could also serve as a helpful guide to anyone interested in modern Turkey and its exciting history.

Kally Zarali is a PhD student in Journalism and Mass Media at the Aristotle University of Thessaloniki in the field of External Policy and the Media. Her special interests focus on new media and identity issues. Currently, she is researching the expression of nationalism and cosmopolitanism in the Greek blogosphere. She also works as a journalist for the Greek Public Television, ERT, covering international news, academic and scientific issues. [Read more reviews by Kally.](#)