AN ANALYSIS OF

THE STATE OF EXCEPTION IN TURKEY

INTRODUCTION

The Kurdish Question began to occupy an important place for academic interest in the last 20 years[i]. Even though these researches and analyses played an essential role in identifying and dealing with this problem, they seem to be repeating themselves. The main cause of the problem is usually and correctly attributed to the authoritarian and top-down fashion the modernization project has been implemented by the founders of Turkey in the making of a new nation-state. The purpose of this study is to use the insights of these researches and analyses in order to approach the Kurdish question from a different perspective by deconstructing and challenging the very idea of nation-state itself. Philosophical approaches to the modern concept of nation-state in the post-WWI era have shown that it is possible get a better grasp of the problem when we think of the problem in terms of notions like *refugee, camp and state of exception*. These concepts developed by Hannah Arendt and Giorgio Agamben provide us with essential tools to understand where we stand now.

Using Hannah Arendt's study of the Balkans it is possible to see a connection between the Balkans and Turkey in terms of erroneous methods regarding the formation of the new nation-states after the WWI. The set of policies applied to groups identified as Kurds by the young Turkish Republic during its very stages of formation pushed a huge group of people out of Law and politics. Furthermore, using Giorgio Agamben's analysis of the camp and the state of exception, a deeper examination of the period of state of emergency in the South-

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[i] On this question see Kirisci and Winrow, 2002; Yeğen, 2003; Jwaideh, 1999; Çakır. 2004.

Eastern Turkey can be achieved. The "exceptional" powers that were used positioned the region outside the normal juridical order and state power exercised over individuals reached a disturbing level. Hence the Kurdish people became one of the biggest refugee groups in the history. Those who came to big cities because of forced migration became cracks in the symbolic order of the nation-state; they have to lose everything they have in order to be recognized as somebody. Nonetheless, the Kurdish Question has never been examined as a refugee problem and it is important, for the purposes of this study, to focus on the displacement of the Kurdish population as a consequence of the policies applied to the region. In addition to Agamben, Foucault's study on sovereignty and the "right of death" are essential to discuss the endemic errors of the nation-state caused by the very basic notion of inclusion-exclusion that is inherent to its formation.

The mistake made after WWI by the League of Nations during the formation of new states in Eastern Europe was repeated in the case of Turkey: creating majority-based nation states in territories populated by people from different religious and ethnic origins. As Hannah Arendt examines thoroughly in *The Burden of Our Time*, the liquidation of the Dual Monarchy and the Czarist Empire created a group of "non-emancipated nationalities", whose future was decided by the League, which was unable to deal with or even understand the complexity of the situation. The main solution of the League was to protect various groups in different states that were formed with Minority Treaties. What Arendt did not include in her analysis was a third and very large entity, the Ottoman Empire, whose future was determined by the Lausanne Treaty signed by the new born nation-state of Turkey. Lausanne Treaty, just like the other post-WWI Peace Treaties, was based on the idea of founding new nation-states with special minority rights, but merely to the non-Muslim ones. The Kurds as the second largest Muslim group in Anatolia were at first introduced as a partner of the government in Lausanne and were therefore prevented from receiving a Minority status. The main reason for

this was the religious bondage the Kurds and the Turks shared. At the beginning of the resistance against the occupant European States in Anatolia, the new organization used Islam as a political unifier. However, Kemalist policies against Kurdish entity turned to be intolerant and hostile right after the formal establishment of the Republic. With the Constitution accepted in 1924, the main goal of Ankara government has been the creation of a "Turkish" nation-state, the very idea that changed the policies towards Kurdish citizens. The new state established itself as a nation-state, whose founding element was Turk. The main source of this shift was the revision made in the official view of the Kemalist republic regarding nation and nationalism. The definition of Turk was changing from a definition based on citizenship towards one based on ethnicity. The Kurds' existence as an ethnicity other than Turkish made them a threat to the national union.

The extreme measures reached their peak after the declaration the state of emergency that officially lasted 15 years and became a permanent rule even after its official termination. The state of emergency, which was accepted in July 1987, was primarily designed to be renewed by the parliament every 4 months and lasted for 15 years (Robins, 664). Even after its termination, the Army never renounced its power and control: South-Eastern Anatolia became a permanent camp:

> *The camp is the space that opens up when the state of exception starts to become a rule. In it, the state of exception, which was essentially a temporal suspension of the state of law, acquires a permanent spatial arrangement that, as such, remains constantly outside the state of law (Agamben 2000, 39).*

The camp, as the outcome of the exception, is part of the *Grand Enfermement* of which Foucault gives us a genealogy. The concept of sovereignty that is transmitted from sovereign-the-king to sovereign-the-state brought with itself the right of death, the right of the

sovereign to decide on life and death of the individuals. The state therefore assumes the protection of its people and creates this machine of confinement consisting of the asylum, the prison, the hospital, the school and the workshop. The camp, as the final and the ultimate space of bio-politics, is added by Agamben to this list of means of closure and it appears as the place where naked life is achieved with great success.

It is important to see Turkey as a continuum of a previous, or even better, a larger project namely the exportation of the nation-state. This demonstrates that the Kurdish Question is a result of the mis-regulations of the League of Nations which created numerous ethnic conflicts in Eastern Europe as well. The naïve (!) idea that the "creation" of a nation-state would be the solution for all governmental problems, without taking into consideration the historical events and the circumstances of the formation of those nation-states obviously failed to provide a solution. It is important at this point to underline the source of the Kurdish problem as part of a European problem. Since Kurds were unable to form a state they were not considered as a nation. The stateless condition of the Kurds made them non-deportable from the countries they were living as minorities (Turkey, Syria, Iran and Iraq) causing them to be one of the biggest refugee groups in the history. The category of the refugee (i.e. stateless people) itself shows the inherent problems of the nation-state construct that is based on the inclusion/exclusion paradigm. Furthermore, by not granting the Kurds the status of Minority, and positioning them outside the juridical order with the establishment of a 15-years-of-state-of-emergency, Turkey created a permanent Camp in the Eastern and South-Eastern Anatolia. Thus, the Kurdish Question of Turkey illustrates the very fundamental error Agamben demonstrated in his concept "Camp" which denotes that today's liberal democracies, the nation-states, turn into totalitarian police states through abolition of Law by the state of exception. The status of the Kurdish population changed from being a partner to the new government to that of being a fatal thread to the nation state. In order to analyze this

shift it is also useful to look at the transformation of Kemalist nationalism and the definition of nation starting from the late Ottoman period, which will be elaborated in detail below.

While keeping the theoretical insights of Agamben and Arendt in mind, the thesis begs the following questions: To what extent Kurds were incorporated into the system by law and to what extent they were ruled by a state of exception? Since in order to understand the causes and the effects of the Kurdish Question a study of the foundational stages of the new republic and of Lausanne Treaty is crucial; how did then the new born Turkish Republic treat its Kurdish Minority? Since Kurds were not mentioned in Lausanne as a Minority how did, then, Turkey approach them?

In the following chapters, I will provide a critical theoretical framework of the nation-state by referring to its attendant concepts like the camp, the refugee, the state of exception and the right of death developed by Arendt, Foucault and Agamben. The main argument of the thesis is that it is not possible to comprehend the logic behind the categorical denial of the Kurds without referring to these concepts, which themselves stem from the inclusion/exclusion paradigm inherent in the very idea of nation-state. Therefore, the thesis aims to situate the current and historical debates regarding the Kurdish problem into this theoretical framework. Accordingly, the stateless and internally displaced situation of the Kurds as Turkey's internal refugee problem showing the limits of the concept of the nation-state as a machine of closure and confinement will be analyzed.

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> *"And if it is true that Machiavelli was among the few who conceived the power of the Prince in terms of force relationships, perhaps we need to go one step further, do without the persona of the Prince, and decipher power mechanisms on the basis of a strategy that is immanent in force relationships"* (Foucault 1998, 97).

To understand and examine a state of emergency fully we need to look at Giorgio Agamben's analysis of the Camp and the State of Exception. According to this study, there is a link between totalitarianism and democracy. What we saw in the course of history, and especially in today's politics, is that liberal democratic states turn into semi-fascist regimes in order to assume the protection of their citizens. Just as Hitler used Prussian Martial Law to create concentration camps, so does Bush use the US Patriot Act to torture the "unlawful combatants" in Guantanamo Base. In other words, the camp comes out of the "state of exception[ii]" that can be found in almost every Western constitution as a "back-up plan".

In line with the analysis of the state of exception, three major key concepts are significant. First, the idea of the inscription of the individuals to the order of the nation-state, the birth, needs to be investigated. Secondly, Foucault's words on the concept of "right of death" should be analyzed, due to its close link with Agamben's study on bio-politics. Therefore, the discussion on the changes in the political and juridical arena of Europe in the 18th, 19th and 20th centuries, and the development of capitalism and the birth of the nation-

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[ii] Agamben uses Benjamin's "state of emergency" translating as "stato di eccezione" (state of exception) as a crucial refrain in his book Mezzi senza Fine (Means without End) in many essays and later on in Stato di Eccezione (State of Exception). For more detail: Giorgio Agamben, *Means without End*, trans. Vincenzo Binett and Cesare Casarino (University of Minnesota Press, Minneapolis, 2000), p.6, note 4.

state will also be reviewed. Finally, Lacan's theories on "le réel"[iii] must be studied, because this exception we mentioned creates a hole, a void [vuoto], therefore an area without law; an area outside the "symbolic order". Thus a state of exception is somewhere "at the limit between politics and law", which makes it "the legal form of what cannot have legal form" (Agamben 2005, 1).

Agamben uses the term form-of-life meaning life together with (inseparable from) its own form or life that cannot be "stripped" into a naked life[iv]. Life is not simply facts but rather something "above all possibilities of life, always and above all power" (Agamben 2000, 4). Political power separates naked life from its form, and law is only about naked life, the "counter part of a power that threatens death". It is Law to decide on life and death. Going back to the roots of such a power, it is crucial that we look at Foucault's work on the "Grand Enfermement", the study based on the closure of the masses into prisons, asylums, hospitals, schools and workshops. Studying the genealogy of the "right of death" Foucault defines a radical change in the history starting from feudal times, when the sovereign was entitled with this right in circumstances where his own existence was at stake. The punishment of creating such a risk was capital punishment. What Foucault calls as "the right of death" is sovereign's the right to decide on life and death as in the Roman family where the father had the right to "dispose" of the life of his children and his slaves as if he had given them their life. "The right to rejoinder", then, was the right of the sovereign to require his objects to take part in the defense of the state: "without 'directly proposing their death', he was empowered to 'expose their life'" (Foucault 1998, 135). This indirect power over life and death could turn into a direct one if someone rose against him or broke his laws. "The sovereign exercised his right of life only by exercising his right to kill or by refraining from killing…The right to which

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[iii] I use the terms "symbolic order" and "le réel" in the Lacanian sense: "It is the world of words that creates the world of things - things originally confused in the 'here and now' of the all in the process of coming into being". For details see Lacan, Jacques *The Function and Field of Speech and Language in Psychoanalysis* in *Écrits: A Selection* transl. by Alan Sheridan, New York: W.W. Norton & Co., 1977

[iv] Naked life :*zoe*, as opposed to *bios*: qualified life.

was formulated as 'the power of life and death' was in reality the right to take life or let live" (Foucault 1998, 136).

The change in Classical age was the transformation of this power as a "power bent on generating forces, making them grow, and ordering them, rather than one dedicated to impeding them, making them submit, or destroying them. This death that was based on the right of the sovereign is now manifested as simply the reverse of the right of the social body; to ensure, maintain, or develop its life" (Foucault 1998, 136). Power is used to administer and regulate life so that now, not only the existence of the sovereign that is at stake in times of war but the existence of the whole state, everyone:

> *"Every malefactor, by attacking the social rights becomes by his crimes*
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> *a rebel and a traitor to his country; by violating its laws he ceases to be*
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> *a member of it; he even makes a war upon it. In such a case the*
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> *preservation of the state is inconsistent to his own, and one or the other*
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> *must perish; in putting the guilty to death we slay not so much the citizen*
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> *as the enemy" (Foucault 1979, 90, quoted from Social Contract).*

The right to punish has been shifted, says Foucault, from the vengeance of the sovereign to the defense of the society. Therefore the survival tactic, that one needs to kill in order to survive became main the strategy of the states. As soon as the *raison d'être* of power became the biological survival of the population, capital punishment was no longer applicable as easy. "One had the right to kill those who presented a kind of biological danger to others" (Foucault 1998, 138). Foucault here gives the example of suicide becoming a focal point of sociological research at that time. As well as the control of the human body as a machine was necessary (disciplines), the regulations concerning the functioning of the whole population, what Foucault calls "a bio-politics of the population" had to be developed. "Hence there was an explosion of numerous and diverse techniques for achieving the subjugation of bodies and

the control of populations, marking the beginning of an era of 'bio-power'" (Foucault 1998, 140). Bio-power was a crucial element of capitalism since it made possible to feed the production using and controlling the masses and to adjust them according to economic processes:

> *"The body now serves as an instrument or intermediary: if one intervenes upon it to prison it, or to make it work, it is in order to deprive the individual of liberty that is regarded both as a right and as property" (Foucault 1979, 11).*

The body is included in the political field and its political investment is linked to its economic use. The body becomes a useful force when only it is both a productive body and a subjected body. This subjection can be direct, through the usage of direct force, or indirect, involving knowledge, a type of knowledge apart from its science. Referring to the famous prison in Auburn, Foucault clams that the isolation, the rule of silence and the strict discipline between the walls created a society "reduced to its bare essentials"[v].

Therefore politics today deal only with life and death, only with existence and survival, which started the *grand enfermement* (in which the camp, the permanent state of exception which was never mentioned by Foucault, should be included). The state of exception is an *enfermement*, a *grand* one. It is one-step further from the prison, or the asylum. These Camps are "the radical transformation of politics into the realm of bare life legitimated and necessitated total domination" (Agamben 1998, 120):

> *"The high wall [of the prison], no longer the wall that surrounds and protects, no longer the wall that stands for power and wealth, but the meticulously sealed wall, uncrossable in either direction closed in upon the now mysterious work of punishment, will become, near at hand,*

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[v] This link between Agamben's concept of "bare or naked life" and Foucault's study on the prison should be noted.

sometimes even the very center of the cities of the 19th century, the

monotonous figure, at once material and symbolic, of the power to

punish" (Foucault 1979, 116).

Therefore, modern democracy, according to Agamben, neutralizes political differences. The parliamentary democracies, starting from the 19th century, turned into totalitarian states and back into democracies again. There is no more Right or Left, the only decisive power is death[vi].

"Modern totalitarianism can be defined as the establishment, by means

of state of exception, of a legal civil war that allows for the physical

elimination not only of political adversaries but of entire categories of

citizens who for some reason cannot be integrated into the political

system" (Agamben 2005, 2).

When the political system of the modern nation state, that is the "nexus between a determinate localization (territory) and a determinate order (the state), which was mediated by the automatic regulations for the inscription of life (birth or nation)" – enters in a permanent crisis, the camp is born in order for the state to undertake the management of the biological life of the nation (birth) (Agamben 2000, 42). As McDowall notes[vii], for instance, after 1982 the Turkish state prohibited giving Kurdish names to the new-born, in order to inscribe them to the Turkish nation and prevent the birth of any other ethnicity.

To an order without localization (that is the state of exception during which the law is suspended) corresponds now a localization without order (that is the camp as permanent space of exception) (Agamben 2000, 44). The system of the nation-state starts with the birth of a person and his or her immediate inscription to this system. And using the lineage of right of

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[vi] The political spectrum in Turkey is a proof of the idea. Today there is no Right and Left in Turkey. All parties are Nationalists. The only source of political production is the Nationalistic discourse. Therefore "both" sides agree on the Kurdish Question.
[vii] See McDowall p. 424-425. He explains the use of law in the cleansing of Kurdishness in the country.

death remaining from the feudal era, the sovereign (the state) is able to decide on people's life and death. Assuming the survival of its own citizens, the state turns into a great machine of closure and confinement. Agamben's addendum to Foucault's Enfermement - the asylum, the prison, the hospital, the school and the workshop – is the camp where naked life, the total domination of the sovereign over the individual comes to life and takes the control permanently. In our case, the southeast Turkey has lived under a state of exception for the last 20 years where Law is suspended permanently. The citizen has no rights but only obligations. The systematized censure put the area in a complete darkness where state sovereignty reached its peak.

In the following chapters I aim to situate the Kurdish Question within the theoretical framework discussed above. First, I will trace back the roots of the problem to the Tanzimat Period in order not to fall to the trap of historicizing the early Republican period as a *novo ordo seclarum* disconnected from its imperial past. Second, I will provide a brief history of the development of the Kurdish problem in the Republican period by focusing on the Kemalist policies and the categorical denial of and censor on the Kurdish subjects and situate it within the Arendtian approach to the formation of new nation-states in Eastern Europe after WWI. This framework will enable me to discuss the current situation of the Kurdish minority as an internally and juridically displaced and categorically denied group, which will be the final empirical section of the thesis.

A NEW BORN NATION-STATE

Nationalism is a doctrine invented at the beginning of the nineteenth century. It pretends to supply a criterion for the determination of the unit of population proper to enjoy a government exclusively its own, for the legitimate exercise of power in the state, and for the right organization of a society of states. Briefly, the doctrine holds that humanity is naturally divided into nations, that nations are known by certain characteristics which can be ascertained, and that the only legitimate type of government is national self government.

(Kedourie, 1)

Even though the founding elite of the newly fabricated nation-state made a great effort to disregard their roots in the Ottoman society, one can easily trace their reforms back to the reformist elites of a period as early as Tanzimat[viii]. In order to examine the new Turkish nation-state and its official policy towards the Kurds, it is necessary to comprehend its origins that go back to the efforts of modernization during the late Ottoman Empire at the end of 19th century and the beginning of the 20th century, and namely the beginning of nationalistic conscience. It is also necessary to be able to situate Turkish nationalism in the ethnic vs. civic

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viii Tanzimat was a period of reformation that began in 1839 and was characterized by various attempts to modernize the Ottoman Empire, to secure its territorial integrity against nationalist movements. The reforms encouraged waves like Ottomanism among the diverse ethnic groups of the Empire, attempting to stem the tide of nationalist movements within the Ottoman Empire.

nationalisms debate in order to identify its hybrid nature and to use it to analyze the Kurdish Question. [ix]

Starting from the 19th century (mainly with Tanzimat) the ruling elite of the Empire started to see modernization as a way to save the Ottoman state and, hopefully, bring its glorious days back. The financial, military and political difficulties that the Empire faced were to be solved by the application of a modern Western state system. A complete Westernization project starting with military institutions and continuing with the education system, the legal system and the bureaucratic order was set off. The centralization of the government and the tax system were the main objectives of these reforms, as a part of a trend that took place throughout Europe:

> *The abolition of a separate Irish parliament, the revocation of the autonomy of "Congress Poland", the domination of formerly federal Germany by a hegemonic member (Prussia) and a single all national Parliament, and the transformation of Italy into a centralized state, and the formation of a single national police force in Spain, independent of local interests, are so many examples of this trend. Central governments might, as in Britain, leave much room for local initiative by central permission, but the only federal government in Europe before 1914 was the Swiss (Hobsbawm1992, 81).*

The new Ottoman Constitution drafted by Mithat Paşa and the first parliament of 1877 constituted the first steps of the Young Ottomans Movement's way towards Westernization (Canefe, 8). In the early days of Ottoman modernization the goal was the resurrection of the Empire together with its *millet*[x]. We will see that, because it was able to unify the two largest

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[ix] See Akman on Nationalism for details.
[x] The idea of *millet* at this era was a union of different ethnic groups bound together with Islam, whereas originally the Ottoman system used the word for its collection of different religious groups under its rule. We

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groups of the empire and later of the republic, the idea of Islamic bond of millet was to serve as the main pacifier of the coming ethnicity discussions According to Bora, the strong emphasis on millet was a reaction and/or an adaptation to the nationalistic and separatist movements in the Balkans (Bora, 170). The successors of the Young Ottomans, the Committee of Union and Progress (CUP), furthermore, witnessed the nationalistic movements in the Balkans and the dissolution of different millets into different communities and even nations. They also received a considerable amount of Pan-Turkist teaching by the Muslim immigrants coming from the Russian Empire (Canafe, 7). Their aim became therefore to underline what they saw as the main element of the *millet*, the Turk. They advocated the rights of the Muslim-Turkish people in – mainly – Anatolia:

> *[Turkish nationalism] would make some considerable political investment to render the Turkish people the dominant nation in the multi-ethnic Ottoman Empire. The idea that Turkish people were the unsur-i asli (main ethnic group) in the Ottoman Empire was already in circulation before the CUP seized the power. However, the CUP in power began to pursue policies designed to promote the Turkish people from the status of unsur-i asli to that of millet-i hakime (dominant nation) (Yeğen 2007, 123).*

The main difference between the ideology of the CUP and that of the new Turkish republic – even though many of them, including their leader Mustafa Kemal were part of the CUP and officials of the Ottoman Empire before the foundation of the republic – is that the Young Turks were loyal to the centralized Ottoman state, therefore they did not have the idea of founding of a new nation-state in their minds (Canefe, 9). What the former had in mind was

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will see that this idea will be used until the early days of new Turkish Republic, especially during the resistance after the WWI.

to restore the rule of the Sultan, whereas the latter saw the formation of a new free nation-state with a republican regime as the only solution.

The inventory of ideologies the new republic received from the Ottoman Empire was quite rich. The Pan-Turkist movements coming from the Caucasus (also seen as the origin of the idea of Turan in the 1930s), a more racist capitalist and modernist project of *völkisch* (a German originated idea of people based on ethnicity), a nationalistic movement and its practices coming from the Balkans or brought by the soldiers fought in the Balkans, Islamist and Ottomanist movements, the religious sensitivity created by the war fought against the infidel during the War of Independence -- all these were in service to the Kemalists at the beginning of the new state (Bora, 172).

As discussed, before the foundation of the Republic, the main bondage of the Anatolian resistance was Islam. Kurds, as part of the Muslim community, were highly represented in a series of congresses held in Anatolia on the way to the foundation of the new state (Van Bruinesen 2003, 399). The early Kemalist conception of nation was a group of "bonded Muslim elements" and everyone who is part of this mixture, this entity is a citizen, and receives full right of a citizen. And every citizen was entitled to the full rights of a citizen:

> *"It is important to bear in mind that until the foundation of the republic and the crystallization of ideology in 1923, the Kemalists envisaged, or pretended to, a Muslim state composed of the Turkish and Kurdish remnants of the empire. This was implicit in the national pact and explicit in Kemalist action and utterance" (McDowall, 187).*

The Kurds were also part of the Turkish delegation in Lausanne. Since the treaty concentrated on non-Muslim minorities in the Muslim community, the Kurds were not a part of the Minority discussions. In addition, the Turkish delegation in Lausanne convinced the Western World that in the new state there would be no problem with the representation of the

Kurds. As Lord Corzon noted: "The Turkish delegation insisted that these minorities [Kurds, Circassians and Arabs] required no protection and were quite satisfied with their lot under Turkish rule" (Olson 175). The Kurds were incorporated into the Turkish nation thanks to their Islamic legacy. We understand that the new Republic, at the beginning, recognized the Kurds as an ethnic group (Yeğen 2003, 116-117). But right after Lausanne, the events leading to the foundation of a new republican state had given signals of a modern nation-state project whose ideological formation was completely different from that of an empire. The Islamic union was an Ottoman empirical heritage, but the new born nation-state of Turkey adopted Kemalism[xi] as its official ideology. Right after the independence, the Kemalist committed itself to the formation a stable national identity from the nebula of ideologies mentioned above and at the same an elimination process aiming the establishment of a national government was set off.

The idea of bonded Muslim elements was quickly transformed into a new concept of nation where 'Turk' was not an ethnic reference and that anyone who can call himself "Turk" or "Turkish" is part of that nation or Republic. A definition of nationalism based on citizenship, civic[xii] nationalism, was appropriated by the state. According to this definition every individual is inscribed to a nation by being a citizen of that nation-state regardless of the person's ethnic origin. What Agamben calls as "the inscription of natural naked life in the political-juridical order of the nation-state" happens right at birth so that "nation state means a state that makes nativity or birth [nascita] (that is, naked human life) the foundation of its own sovereignty" (Agamben 2000, 21). In civic nationalism, therefore the state acquires legitimacy from the active participation of its citizenry (following the "contract" the citizen signs with the state). According to Bora, in the Turkish case, citizenship was defined like a cultural identity but inscribed through national identity (Bora, 176).

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xi Kemalism will be discussed in details in the previous pages.
xii For a different approach on types of nationalism see Ayhan Akman's paper on "Modernist" nationalism.

Hobsbawm states that "since the later eighteenth century (and largely under German intellectual experience) Europe had been swept by the romantic passion for the pure, simple and uncorrupted peasantry" and the discovery of people made crucial the language that people talked (Hobsbawm 1992, 103). Both late-Ottoman and Kemalist nationalism were obliged, claims Canefe, to define its own *Volk* in order to be recognized as a legitimate political entity (Canefe1, 13). To become a people with its language was the main aim of the nationalists since a federative, multi-ethnic and multi-religious construction (not to mention multi-lingual) had almost no chance for success given the situation in the Balkans, the attitude of the League of Nations and already established definitions of nation, state and territory rights. The very idea of people is nothing but "an empty support of state identity". The obvious connection between state and people (or nation) is a non-existing one. We do not have any idea about what either a people is:

> *On one hand, the world powers take up arms to defend a state without*
> *people (Kuwait), and on the other hand, the peoples without a state*
> *[Kurds, Armenians, Palestinians, Basques, Jews of the Diaspora] can be*
> *oppressed and exterminated with impunity so as to make clear that the*
> *destiny of a people can only be a state identity and that the concept of*
> *people makes sense only if recodified within the concept of citizenship*
> *(Agamben 2000, 67).*

Where in civic nationalism the common element of a nation is citizenship, ethnic nationalism is based on ethnicity rather then political membership of a citizen, and therefore it assumes - other than race - a common culture and a shared language. Membership to the nation is hereditary and the state acquires legitimacy by its status as the protector of the homeland and of the nation. Despite the early claims of the Turkish state based on a hybrid notion of nationalism, we see, on the way to the establishment of the new Republic, formation

of a Turkish nation based on the ideas of an ethnic nationalism where instead of *jus soli* (the law of soil) we see the application of *jus sanguinis* (the law of blood).

Kemalism's main mission was to forcefully create a nation through a process of civilization and education. "The Kurds thus presented both an obstacle to the objective of homogenizing the national territory and to the Turkish nation's civilizing mission" (Kreyenbroek and Sperl, 103). Muller claims that Kemalism was not a nationalistic but an ethnic-nationalistic discourse, therefore "Turk" did not mean citizenship as claimed by official ideology but a purely ethnic connotation. Moreover, he also argues that this discourse was mainly elaborated by Ziya Gökalp:

> "...this doctrine had three aims: to eradicate the claims of the Ottoman liberalism of Prince Sabaheddin (Ottomanism, private initiatives and decentralization); to arrive at a synthesis between the Westernizers, Islamists and Turkish nationalists; and finally to homogenize the unionist program and discourse" (Olson, 137).

According to Gokalp, a nation was a group or individuals who share a common language, religion, morality and aesthetics, rather than race, ethnicity or geography, which are given through education (McDowall, 189). Gokalp's famous Synthesis consisted of a "universal civilization" which was Western civilization reduced purely to technology denying its cultural color and mixing it with local national culture (Bora, 174). In other words, Gokalp, as well as Mustafa Kemal, knew that they needed to "create" a nation out of this mixture bonded with Islam. The nationalistic discourse they used falls somewhere in between ethnic and civic nationalisms. One of the three slogans of this Unionist regime is therefore Turkification, as the *raison d'etre* of the Turkish nation. This "process" turned into a state policy which remained constant through the years, despite different governments, political atmospheres and the like. This ethnic-nationalistic aspect, therefore, undermined its own

raison d'etre when encountered Kurdish nationalism. Within the Muslim community, ethnic groups of Laz, Circassian, Georgian, Albanian and Arabic origin were "Turkifiable" through education and assimilation; the organic nation that Gokalp dreamed of, a nation not based on race but a shared culture, was then possible. The Kurdish nationalism, on the other hand, put Kurds aside from the rest of the community and blocked their way to assimilation. In the Turkish case, those who did not share this communality, the non-Turks were non-Muslims and the Kurds (other ethnic groups simply melted in the Turkish pot). Since non-Muslims were given a minority status (which created other problems that are not mentioned here), problems appeared for those Kurds who cannot call themselves (or could not be called) as Turks and who did not speak Turkish. Those are the people, who had faced the *de facto* and *de jure* elimination from the official workforce, as well as from the parliament (Kirişçi and Winrow, 111).

The abolition of the Sultanate in 1922 and consequently of the Caliphate in 1924, breaking the Islamic bond, symbolized for the Kurds the destruction of a world order in which they had their own place. The Kemalist power, aimed at creating a nation state out of the remnants of the Ottoman Empire, refuted the plural Ottoman heritage. In the 1924 Constitution it was clear that Turkey was a nation-state. It is not a multi-national state. The state did not recognize any nation other than the Turks. There were other peoples (Kurds, Laz, Circassians etc) who come from different races and who should have equal rights within the country. Yet it is not possible to give rights to these people in accordance with their racial status (Yeğen 2001, 126). Therefore the new state, even though recognized ethnic groups other than Turks, it refused to recognize their rights. In other words, those who did not fit into the official order inevitably could not enjoy their full legal citizenship rights, which is a fact testifying to the paradigm of exclusion inherent in the nation-state order. Later, as Yeğen

argues, the Turkish state "invited" these other nations to become Turks and forced them to assimilate if necessary.

THE DENIAL AND ITS CONSEQUENCES

It is not surprising, therefore, for the republic to witness the first Kurdish rebellion in February 1925 led by the Kurdish religious leader Sheikh Said of Piran. The uprising which contained both religious and Kurdish nationalist elements was successful "in occupying one-third of the Kurdish Anatolia" (Robins, 660). The state finally suppressed the revolt bloodily. "The Turkish state also employed tactics which have been used against the current insurgency in the south-east of the country, including the destruction of the villages and the forced movement of the Kurds to other parts of the country" (Robins, 660). The government issued the 'Law of Maintenance of Order' and declared the first martial law of Turkish Kurdistan.

The main idea behind these policies was to turn Kurdish problem into an injunction of nonexistence, non-manifestation and silence through censor. According to Foucault censor has three major forms; affirming that such a thing is not permitted, preventing it from being said and denying that it exists:

> *"One must not talk about what is forbidden until it is annulled in reality;*
>
> *what is inexistent has no right to show itself, even in the order of speech*
>
> *where its inexistence is declared; and that which one must keep silent*
>
> *about is banished from reality as the thing that is tabooed above all*
>
> *else" (Foucault 1998, 84).*

The sum of policies that Yeğen mentions as "categorical denial" aiming at total assimilation of the Kurds employed all the three forms of censor Foucault discusses. For the Anatolian resistance the key element was Islam and the leaders were aware of the multi-ethnic configuration of the country, so that the first parliament did not hesitate to use the terms 'Kurdistan' and "Kurd" officially[xiii]. The new "Turkish" Republic, on the other hand, refused

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xiii Yeğen 2007, 126. Kirişçi and Winrow 2002, 83, 84.

to recognize other ethnicities and forced them to adopt a single identity, that of being a Turkish citizen[xiv]. In the constitution, the conditions defined for being a deputy included "being a Turk" and "speaking Turkish". Those Kurds who were still able to be elected needed to put aside their ethnic identity, their language and culture[xv]. The official policy became more and more hostile with the wave of racism of the 30s throughout Europe, which manifested itself in historical and anthropological researches. Government-financed scientific researches such as Sun Language Theory, which was never accredited by the rest of the world, provide perfect examples to the racist policies[xvi]. In this context, the idea that the Kurds are originally the "Mountain Turks" was highly appreciated[xvii]. The state banned the traditional Kurdish costume, replaced village names with Turkish ones and restricted the official use of Kurdish language. Law 2932 dated 1983, for instance, states that:

> *"It is forbidden to express, diffuse or publish opinions in any language other than the official language of the states recognized by the Turkish state. The mother tongue of Turkish citizens is Turkish. It is forbidden to use as a mother tongue of any language other than Turkish and to carry, at public gatherings and assemblies, placards, banners, signs, posters and the like, written in a language other than Turkish".*

The same year, former mayor of Diyarbakır, Mehdi Zana was sentenced to 32 years of prison for speaking Kurdish with his staff. Not only Kurdish problem, but also Kurdish language was unspeakable. Kurdish identity was censored, its language became illegal, Kurdish names were forbidden. Resisting these policies was seen as separatism. The denial that Yeğen mentions reached a dangerous level when Kurds were forced to deny their own

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xiv For a detailed analysis of this transformation see Kirişçi and Winrow, 95-109.

xv For a detailed analysis see Yeğen 2003, 110-129

xvi This theory was presented in the II. Turkish Congress of History in 1937 and claimed that all languages are descendants of one Central Asian primal language and that the only language remaining more or less the same as this primal language is Turkish. The theory was never accepted by the modern linguistic, for more detail: *Oriente Moderno* 1937, 509-510 (A note by Ettore Rossi, Italian Turcologist on this theory and the congress).

xvii A similar quite creative idea was the introduction of *Kürt-türkler* later in the 1980s. See Kreyenbroek and Sperl, 75 for details.

identity and admit that their ethnicity was merely a historical mistake. And insisting on such an identity was simply not possible. The area was closed into a complete state of silence and the "K" word became the greatest taboo.

KURDISH QUESTION AS PART OF A EUROPEAN PROBLEM

However, as mentioned above, Turkey was not the only newborn state organized by peace treaties. After WWI a series of "nation-states" were established with the liquidation of the Dual Monarchy, the Czarist Empire and the Ottoman Empire. According to Arendt, this was the fall of the solidarity between different nationalities of these huge empires with their central despotic bureaucracy which hid ethnic conflicts. On the other hand:

> *...to assume that nation-states could be established by the methods of Peace Treaties was simply preposterous. The Treaties lumped together many peoples in single states, called some of them "state people" and entrusted them with government, silently assumed that others were equal partners in the government, which of course they were not...(Arendt, 269)*

The League of Nations, which lacked the capability and the experience to manage the new picture, became the creator of a situation where close neighbors became each other's fatal enemies: in the Balkans, the Slovaks were against the Czechs, the Croats against the Serbs, and the Ukrainians against the Poles. And in Turkey, which was excluded in Arendt's analysis, Greeks and Armenians were under the protection of Minority Rights. In Arendt's analysis, the idea of deportability of a minority was seen by these nation-states as a key solution. In the case the minority within a nation-state was the majority in another country, that minority was deported in order to solve the problem. That was also the case in the agreement between Turkey and Greece for their Greek and Turkish minorities. However, as it is widely known today, the process created endless cultural problems and tragedies for both sides of the agreement. For the Kurds, on the other hand, that was not the case. Since their territory was divided between Turkey, Iran, Iraq, Syria and Russia, and they had no state

power (until very recently) in any of those countries Kurds became a group of "stateless people". Since Turkey took for granted the idea that law could not be responsible for those who "insist" on an identity other that of being Turkish:

> *The minority Treaties said in plain language what until then had been only implied in the working system of nation-states, namely that only nationals could be citizens, only people of the same national origin could enjoy the full protection of legal institutions, that persons of different nationality needed some law of exception until or unless they were completely assimilated and divorced from their origin (Arendt, 274).*

The stateless condition of the Kurds made their deportation impossible; their non-deportability, in turn, considering their ethnic bond with the Kurdish minority in Iran, Iraq and Syria, increased the perceived risk factor. They became the biggest refugee group after the Jews and refugees from the Iron Curtain countries following WWII. Therefore, The Kurdish Question, which is always considered as a Middle-eastern problem appears to be a European problem. In other words, it emerges as part of a bigger problem, i.e. the nation-state itself. It emerges as a proof of the birth defects of the nation state as history has shown us examples of these defects in the Balkans, in Caucasus and in the Middle East. The idea of exporting a regime is quite problematic. Keeping the ethical problems in mind, even technically it is a difficult task, if not an impossible one. The greatest current example is probably the situation in Iraq. In the European case the parameters are similar. Ethnic and religious conflicts caused endless wars and even massacres. We experienced the brutalities in ex-Yugoslavia, the problems in Bulgaria and Greece with its Turkish minorities, or even the whole Cyprus discussions as part of the very same pattern. In the Turkish case, we still remember the tragedies about Greeks and Armenians and have to deal with those problems in the

international political arena. The Kurdish problem, on the other hand, continues to count its own casualties as the author types these lines.

PARTIYA KARKEREN KURDISTAN (PKK)

Beginning with the 1980s the Kurdish Question was linked to the PKK. In 1974 a small group of nationalists found National Liberation Army (Ulusal Kurtuluş Ordusu – UKO) in Ankara and chose as their leader Abdullah Öcalan. The name Partiya Karkeren Kurdistan (aka PKK, Kurdistan Workers Party) became their official name later, which also founded their Marxist-Leninist ideological base. According to Paul White, PKK had 3 major stages of development. The first one between 1973 and 1977 was what he calls as ideological stage when the group was mainly involved in theoretical work and propaganda. The second stage was between 1978 and 1980 when the party's main objective was organization. Only after 1980 (precisely on 27 November 1978 in Lice/Diyarbakir) the party was named as PKK and "the time of revolution has started" (White, 135).

At the beginning the PKK fought with rival Kurdish or Leftist organizations. When the organization finally proved its determination and gained political power a major offensive campaign has begun. "…PKK was apparently initially more intent on physically eliminating or driving out rival Kurdish nationalist and Turkish leftist groups than on confronting the Turkish state" (White, 148). Devrimci Halkın Birliği (Revolutionary People's Will), Halkın Kurtuluşu (People's Liberation), Devrimci Demokrat Kültür Dernekleri (Revolutionary Democratic Cultural Associations), Kürdistan Ulusal Kurtuluşçuları (Kurdistan National Liberators), Türkiye Devrimci Komünist Partisi (Revolutionary Communist Party of Turkey) and the maoist TKP-ML/TIKKO were these other groups that PKK clashed bloodily (White, 148-150).

After 1981, once the party became the strongest Kurdish nationalist and leftist organization in the southeastern Turkey, it engaged in violent activities such as bombing Military Police stations and outposts, schools, official buildings, almost every symbol of the

Turkish State authority. Later on, they also started to burn down Kurdish villages that did not support the party:

> *...considering the local conditions you can see the rationale of the PKK methods. In a pre-capitalist, tribal atmosphere where people "identify" themselves not as individuals but as part of a family, village or tribe, indiscriminate crime is not strange (Belge, 30).*

After the military intervention of 1980 a martial law was established in September 1980 and the army was ready for the repression of the Kurdish insurgence. "Diyarbakır, the region's cultural and political center, became synonymous with death and torture. For instance, between September 1980 and November 1981, 74 detainees were unofficially acknowledged to have died in custody in the city's notorious military prison" (Taspinar, 97).

The actual policy that put people of this region into a state of complete "silence" is the state of emergency declared in 10 provinces (Bingöl, Diyarbakır, Elazığ, Mardin, Hakkari, Siirt, Tunceli, Van, Batman and Şırnak) in July 1987, during Turgut Özal's term as prime minister. This act gave state-appointed governors extreme authority such as censure and forced migration and left the security of the region to the Army, creating a "semi-martial law" order (Kirişçi and Winrow, 132), which was going to be extended every four months by the parliament. These powers were also extended in 1990 with a new package accepted in the parliament. "The main thrust of this package was to increase the punitive effect of measures that could be applied to the region and to restrict the flow of information by imposing increased restrictions on the media" (Robins, 665). The state also banned, with security concerns, people from migrating seasonally to the mountains, which was a must for those who earn their living through cattle breeding. The result was a huge decline of economic growth in the region, combined with more migration to the cities and to the Western parts of Anatolia. At the same time, in addition to Army's own patrolling activities, the state engaged tribes in

"village guarding", which was essentially created for the villagers to protect themselves from the PKK, but was also used to test their "loyalty" to the state (Kirişçi and Winrow, 133). The village guarding system was basically groups of volunteers armed and salaried by the state in order to create a ready local militia against the PKK insurgence. These guards had supposedly to protect their own villages and join the army operations when necessary. They had no formal military training, nether a chain of command. But the tactical use of tribes made possible for the feudal leaders of the region to enforce their power. In 1994 there were 63.000 village guards and a sum of 240.000 of police and military police (Kirişçi and Winrow, 134). At the same time, the estimated number of PKK fighters was about a couple of thousands.

People of this region had to survive both PKK and Army violence. Many people left their villages escaping to the cities, others were forced to leave and many of them still could not return. On April 1991, the super powers of the governor were extended to include the power to evacuate villages for security reasons[xviii]. The official number for the forced migration claims that 2253 villages are affected but many believe that the number is much higher (Kirişçi and Winrow, 135). Kurds had to make a difficult decision "between the Turkish state, with its Kemalist ideology and hard-line policies", and the violent resistance of the PKK; the incapability to create a middle ground was the main incentive for the Kurdish southeast to support PKK from the late 1980s onwards (Robins, 663). South-Eastern Turkey therefore has lived under a state of exception for the last 20 years (15 officially). The "civil war" Turkey experienced created a situation that enabled a constitutional democracy to practice most extreme forms of violent response.

[xviii] For a detailed analysis of the village evacuations see Kurdish Ethno-Nationalism versus Nation Building States, chapter 12 by Van Bruinessen. He explains systematic evacuations after 1991 held by the state and especially their effects on the Alevi Kurds.

THE EXCEPTIONAL CASE OF THE KURDS: THE INTERNALLY DISPLACED

Starting from as early as 1925 Sheikh Said Rebellion, one of the most commonly used formulas against the Kurdish power in the south-east was replacement. Legally it was the OHAL governor's authority to decide on the evacuations, nevertheless in reality it is not clear who makes the decisions. It is also noted that villages were evacuated in regions outside the state of exception, in places "as far west as Sivas (Van Bruinessen 2000, 271). By the end of 1994, the official data says that 2215 villages and hamlets had been evacuated. Let us also note that these villages were not only evacuated but in most cases totally destroyed and burned so that there would not be of use to the guerillas.

Especially after the 1980s when the armed conflict between the PKK and the Army has reached its peak, the Kurds in the south-east Turkey had to survive a dangerous dilemma, one between becoming a "village guard" -and fighting with the guerilla as a guerilla- and abandoning their land, property and culture – and becoming a refugee in their own country:

> *"According to the official figures, 380.000 people were displaced from southeast Turkey during the fifteen-year conflict between government forces and the illegal armed Kurdish Workers party (PKK). Nongovernmental organizations estimate the number of the displaced, mainly Kurdish villagers, at least a million and a half. Most displaced persons were driven from their homes by government gendarmes and by 'village guards' –that is their own neighbors, whom the government armed and paid to fight the PKK but did little to train and control. This was not an orderly and lawful resettlement program but an arbitrary and violent campaign marked by hundreds of "disappearances" and*

summary executions. Villagers' homes were torched, their crops

destroyed and their livestock destroyed before their eyes" (HRW, 3).

The citation from the Human Rights Watch's (HRW) report of 2002 on the Village Return Program in Turkey summarizes the situation, therefore what should be examined is first the governments policies to fight with the PKK that put Kurds in a dangerous position where they had to choose between fighting defiantly with the PKK as a village guard or leaving their homes and land indefinitely without any legal or financial protection. Then the whole "village guard" concept, its legal and ethical problems and current situation should be scrutinized. Finally, the effects of displacement on the displaced, their position as refugees (in the Arendtian sense) and the situation today after the Village Return Program should be clarified.

In order to fight PKK insurgency security forces displaced Kurdish peasants. The forces were unable to distinguish the armed guerillas from the citizens they had to protect. The idea was that, willingly or unwillingly, these Kurdish villagers were supplying the guerilla. In order to prove their loyalty to the state these peasant were given the "opportunity" to become village guards, (armed and paid local security forces) and fight against the PKK (which will be discussed later). If not, they were simply viewed as PKK sympathizers. They had to fight, then, the food embargos or grazing bans of the military police. "Gendarmes brutally interrogated herders they found in distant high pastures and sometimes summarily executed them (HRW, 12). According to HRW most of the 500 detainees died in the 80s and 90s were villagers from southeast under interrogation in gendarmeries. Especially after 1993, during Prime Minister Tansu Çiller, extreme liberties were given to the police and military police to fight with the PKK that security forces no longer bothered to collect evidence and executed PKK collaborators and activists before the courts. The PKK used to tactic to swim in the sea of people like a fish (Maoist idea) and the army, in order to fight back, tried to drain

the sea. "Rather than simply harass and threaten villagers who refused to join the village guard system, they methodically destroyed recalcitrant settlements" (HRW, 13). The gendarme burned down entire villages, together with crops, livestock and forest, herding the peasant away from their homes, mostly to the city centers in southeast and big cities in the west. By 1994 more than 3000 villages were destroyed creating more than 200000 homeless "refugees":

> *"By September 1994 the Turkish military was placing many of these new*
> *Kurdish refugees in massive encampments. At least four such detention*
> *camps were reportedly established in Turkish Kurdistan for Kurds*
> *forced out of their villages by the military offensive" (White, 172).*

Since most of these illegalities were accomplished during the state of exception (OHAL) "which used to be essentially a temporary suspension of the order, becomes now a new and stable spatial arrangement inhabited by that naked life that increasingly cannot be inscribed into the order" (Agamben 2000, 42), all the operations concerning displacement (and later village return) were held with exceptional measures. For example, no official orders (hard-copy) were received by the peasant about the evacuations, the resettlements, nothing about the grazing ban (which is a huge economical issue because transformed a country like Turkey into a livestock importer, from a big exporter) and the return campaign except for its headlines. Turkish prosecutors and judges have also played their part preventing any prosecution of the officials and silencing the official complaints of the villager. But at the same time prosecuting media and NGOs reporting about the village burnings, they caused the whole story to be buried in a complete darkness. One of the biggest examples was the trial of Akın Birdal, the former president Turkish Human Right Association (IHD) because of a report on the displacement, under the Anti-terror Law.

The law permits displacement and resettlement (not burning) under a state of emergency, but it also imposes the authorities of the OHAL (the OHAL governor) the responsibility to provide housing and financial support for the displaced[xix]. Since there is no official order, report, document of any kind, and the villages were evacuated and burned by the military police without any notice, all these responsibilities were put aside by the authorities. We will also see in the subsequent paragraphs that during the village return the governors of the ex-OHAL regions forced villagers to sign declarations stating that they had to leave their land because of the PKK terror. This way the official provided the state a legal background to prevent future trials.

The officials, the governor of the region and army officials, are guilty not only according to Turkish penal code[xx] but also according to international humanitarian law such as the Geneva Convention, International Covenant on Civil and Political Rights and the Sub-commission on Prevention of Discrimination and Protection of Minorities of the UN Commission on Human Rights, UN Guiding Principles on Internal Displacement[xxi]. Turkish public, on the other hand, was not able to receive any news about these crimes until the recent parliamentary commission work.

Another factor of the question of displacement is the village guard system. The village guard was a solution brought in April 1985 by the state to fight the PKK insurgence. According to the idea, volunteering villagers were armed and paid in order to fight the PKK in their territory. According to Taspinar, village guard system "was designed to prove that the Kurdish front was far from being united in its struggle against the Turkish state" (Taspinar, 100). It was not a proper army with a chain of command. These people were not trained either. "The government armed the village guards and permitted them to acquire considerable de facto power in the region (HRW, 42). They became the Law in their territory; the state did

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[xix] Establishment of the Emergency Region Governorate Housing Law 2510
[xx] See HRW report page 15 for a detailed information.
[xxi] See HRW report pages 16, 17, 18 for detailes.

not control them, because it saw those who refused to become guards as PKK suppliers or sympathizers. They were capable of evacuating their neighbors' houses, according to HRW reports most of the returnee villagers found their land taken over by village guards. Many of these guards were also under control of the local *Ağa*s (feudal landlords) who used them as their personal army of body guards. "In autumn 1992 Sadun Seylan, chief of Alan tribe in Van, fielded 500 village guards, a force he could increase six-fold if necessary. For these 500 men, Seylan received $115,000 monthly" (McDowall, 422). In 2002 there were about 90000 village guards earning 139 YTL per month (HRW, 42).

The villagers stuck between the army-village guard and PKK violence had no other option but to leave. "..the population rapidly discovered that there was little it [PKK] did which was not matched by the ruthlessness of the security forces. A major migration to the town began of those caught in the crossfire of the conflict" (McDowall, 424).

CONCLUSION

Starting from the foundation years of the republic Kemalist state denied the Kurdish existence. The modern totalitarianism in the form of a state of exception, what Agamben discusses as the physical elimination of those citizens who cannot the integrated into the political system, was a reality in southeast Turkey. Kurds were never seen as a proper nation, nor was their language a proper language. Ironically, even though they did not exist, they were considered as a threat against national security. Why? Why their existence was dangerous?

After the WWI the Ottoman Empire was one of the many ex-empirical powers whose destiny was going to be made cleared by the League of Nations. As part of several agreements the new born Turkish Republic also signed a Minority Treaty in order to solve its problem with its non-Muslim minorities. Kurds as part of the Muslim community were not included into these agreements. But problems aroused when the official definition of nation and nationalism of the new republic changed from a definition based on citizenship towards one based on ethnicity defining Turk as the only official ethnicity in the country. This move from a late-Ottoman multi-ethnic *millet* idea to an early republican Turkish *Volk* idea became the main starting point of the very first Kurdish uprising in 1925. The Kurds were not a people, they were not entitled for a state, therefore they did not have one and because they were stateless they were not deportable. In Agambenian terms, they needed to be eliminated because they could not fit into the system.

Unfortunately, especially after 1980's the spokesman for the Kurds became the PKK. Found in 1974 PKK became the most powerful Kurdish nationalist and leftist organization after 1981. Its clash with the Turkish Armed Forces created a civil war combined with a semi martial law, created a camp-like situation in the south-east Turkey. People of this region was

forced to leave because of the double-sided violence, it was either the army and the village guards or the PKK. Official numbers suggest that more than 2000 villages were emptied and more than 350000 people were moved. Turkey witnessed a state of exception as a permanent rule after 1987, the declaration of OHAL (Olağanüstü Hal) in 10 provinces in southeast. This situation enabled the sovereign Turkish state to keep the area outside the Law for more than a decade.

Kemalist Republic has put the Kurds in southeast Turkey out of the political system. The abolition of law created a permanent state of exception not only for those who still try to live in the village but also for those who escaped or displaced by the state:

> *"Individual rights concerning freedom of expression, movement and association have been eroded by the introduction of a whole series of security measures, including the infamous Anti-Terror provisions. Traditional juridical structures have been undermined by the introduction of state security tribunals, whose jurisdiction and procedures have fundamentally compromised basic legal norms concerning fair trials. International obligations have been flagrantly breached. The separation of powers between the executive, judiciary and military has all but disintegrated, leading to the virtual destruction of civil society in the southeast region in Turkey. It can only be a matter of time before the collapse of law and order threatens the entire country, as the circle of violence and repression engulfs the European centers in western Turkey (Olson, 193).*

Then, with the total denial of the terminology, Kurds were also put outside of the symbolic order, outside of the Language, outside of the world as we know it. Nobody could even talk about them. With the state of emergency, the area was isolated from the outside

world. Kurds have never been able to integrate into the political system; officially they did not even exist! They became "refugees". The Refugee is a crack in the symbolic order; it is a *point de capitone* with nowhere to go, who has to lose everything he has in order to be recognized as somebody. The refugee breaks the symbolic order of the nation-state (nation-state-territory) and clears the way for a renewal (Agamben 2000, 23). Today the Kurdish Issue is no longer limited to the ten provinces in the southeast. There is the issue of Kurds as a federal part of Iraq or the Kurds as part of the "diaspora" mainly in Europe. There are Kurds living in western cities of Turkey. And their "escape" will force us to change our patterns of debate. In this thesis I attempted to discuss one of the fundamental problems of modern Turkey from a different perspective, by questioning the very idea of nation-state itself with an aim to trace the roots of the problem in the European ideal to divide the humanity into nation-states after WWI rather than putting the blame on the unique constellation of Turkish modernization. My aim was to show that the problems that Turkey faced during and after the state and nation formation cannot be understood without referring to the first-order problem, which is the nation-state itself. In other words, it is not the Turkish modernization *per se* but rather the very idea of modernization and its fictions that need to be criticized seriously and then abandoned indefinitely.

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