DISOWNING CITIZENS:
ARBITRARY REVOCATION OF CITIZENSHIP AND STATELESSNESS IN THE PATERNALIST TURKISH STATE

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I hereby declare that all information in this document has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all material and results that are not original to this work.

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ABSTRACT

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The aim of this study is to understand the concept of citizenship, on the basis of its negation, in a word statelessness, through focusing on the practice of citizenship revocation that is one of the most forgotten fields of the citizenship studies both in general and in Turkey. Starting out with this aim, the practice of involuntary loss of citizenship within the context of Turkey, analyzed in association with national identity and perceived (dis)loyalty. The analysis presented within the context of this study is fundamentally derived from two sources: First one is the Council of Ministers' notices on revocation of citizenship, published between 1950-2015 in the Official Gazette. The second one is the interviewees', who were rendered de jure or de facto by the Turkish state, experiences, which were narrated in the semi-structured in-depth interviews, on the survival strategies and coping mechanisms. In addition to these, this study aimed at, by working through the relevant articles in the Turkish Nationality Laws as well as their change in time and examining which citizens or citizen groups were deprived of the shield of citizenship in which time periods, providing a socio-historical analysis concerning the issue. Hereby, this study bring that the practice of involuntary loss of citizenship could only be understood via

the concept of statelessness, and that its, in line with the needs of the ruling elites, being turned into a political weapon is associated with the Turkish state's paternalistic structure up for discussion. This study, additionally, purports that the practice of citizenship revocation in Turkey is as much related to Turkey's problems of democratization and freedom of thought and expression as it is to national identity and (dis)loyalty.

Keywords: (Arbitrary Revocation of) Citizenship, De Facto and De Jure Statelessness, Turkish State, National Identity, (Dis)Loyalty

ÖZ

YURTTAŞLARINI REDDETMEK:
PATERNALİST TÜRKİYE DEVLETİNDE VATANDAŞLIĞIN KEYFİ OLARAK KAYBETTİRİLMESİ VE VATANSIZLIK

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Bu çalışmanın amacı, hem genel olarak hem de Türkiye özelinde, vatandaşlık çalışmalarının en unutulmuş alanlarından biri olan, vatandaşlığın kaybettirilmesi pratiğine odaklanarak, vatandaşlık kavramını, vatansızlık üzerinden anlamaya çalışmaktır. Bu amaçtan yola çıkılarak, Türkiye özelinde vatandaşlığın irade dışı kaybettirilmesi pratiği, temel olarak ulusal kimlik ve algılanan sadakat(sizlik) ile ilişkilendirilerek analiz edilmiştir. Çalışma kapsamında sunulan analizlerin kaynağını, 1950-2015 arasında Resmi Gazete'de yayımlanan, vatandaşlığın kaybettirilmesine yönelik Bakanlar Kurulu kararları ile Türkiye devleti tarafından de facto ve de jure vatansız bırakılmış kişilerle yürütülen yarı yapılandırılmış derinlemesine görüşmelerde aktarılan hayatta kalma ve başa çıkma stratejilerine yönelik deneyimler oluşturmaktadır. Bunların yanı sıra, bu çalışma Türkiye Vatandaşlık Kanunları'ndaki ilgili maddelerin ve bunların zaman içerisindeki değişimlerine bakarak, hangi dönemlerde, hangi vatandaş veya vatandaş gruplarının vatandaşlık zırhından mahrum edildiğini inceleyerek, bu meseleye dair sosyo-tarihsel bir perspektif sunmayı amaçlamıştır. Böylelikle bu çalışma Türkiye'de vatandaşlığın irade dışı kaybettirilmesi pratiğinin ancak vatansızlık kavramı ile anlaşılabileceğini ve bu pratiğin, yönetici elitlerin ihtiyaçlarına göre politik bir silaha

dönüşmesinin Türkiye devletinin paternalist yapısıyla ilişkili olduğunu tartışmaya açmaktadır. Bu çalışma, ayrıca, Türkiye'de vatandaşlığın kaybettirilmesi pratiğinin ulusal kimlik ve sadakat(sizlik) ile ilişkili olduğu kadar Türkiye'nin demokratikleşme ve düşünce ve ifade özgürlüğü sorunları ile de ilgili olduğunu iddia etmektedir.

Anahtar Kelimeler: Vatandaşlığın Keyfi Olarak Kaybettirilmesi, De facto ve De jure Vatansızlık, Türkiye Devleti, Ulusal Kimlik, Sadakat(sizlik)

To

Cemal Kemal Altun[1]

&

Alan Kurdi[2]

[1] Member of Dev-Genç, Kemal Altun was arrested in Berlin, where he found asylum, in allegation of being involved in the death of Minister Gün Sazak before September 12 and he wanted to be repatriated to Turkey. Upon this, Kemal Altun ended his life by jumping from the 6th floor of the administrative court in Berlin on 30 August 1983. After the death of Kemal Altun, the deportation order of thousands of refugees in Germany was suspended for a long time.

[2]Alan was a three-year-old Syrian boy of Kurdish ethnic background whose image made global headlines after he drowned on 2 September 2015 in the Mediterranean Sea, as a result of the Syrian war.

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until the end of my life. I feel very fortunate to met him, and owe my deepest gratitude to Murat Dirican for his patience and love as well as faith in me and in this study. Without his encouragement, love, understanding and Excel skills, life would be harder for me. My mother, Güler Aydın, got sick of waiting a sociology PhD student, who could not manage to put an end throughout all these years, I know it. But also I know that she has never gave up believing in me, and I would like to express my heart-felt gratitude to her for that.

I do not believe that a thesis can be completed without emotional and logistic support. I was in luck in this sense as well. The many other people I want to thank are too numerous to mention but I must specifically acknowledge a few more. Derya Bilgiç has always been a best friend and also compassionate to me. Vahide Bilgiç never stopped worrying about my hunger, while I was writing the thesis. Without Ebru Arıcan and her meticulous search throughout the Official Gazette, this research would not be finalized. I would like to thank her for both her support and friendship. Tunca Arıcan has always been a shoulder to cry on for me and I deeply felt his support whenever I needed. When I felt the need to seclude myself to finish the thesis, Bahar Eminoğlu left her sea view house to me. Though the physical distance among us, I know that Ece Erbuğ and me, shared fellow feelings and our companionship is everlasting. I should thank Mehmet Kurt for conducting abroad one of the in-depth interviews for this study. Lastly, I want to thank friends, who opted for staying anonymous in this part, who helped me with transcription and translation. I also would like to thank TÜBİTAK for the financial support they gave for five years, and RWI for providing grants at various times during my PhD studies.

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CHAPTER 1

INTRODUCTION

Our epoch will be marked by the romanticism of stateless. Already apparent is the image of a universe in which no one will have a droit de cité. Inside every citizen nowadays, lies a future alien. [1]

Officer: Mr. Navorski, you cannot get into New York without a visa.
You cannot get a visa without a passport, and you cannot get a new passport without a country. There's nothing we can do for you here.

Let's start with a provocative question of what it means to be a "citizen's other"? If you have already watched the film Terminal[2], you could probably give an answer more easily, because we, as citizens, cannot even guess what it means to be stateless. The excerpt above is from the film Terminal and in the film Viktor Navorski, who is a traveler from Krakozhia arrives at New York's John F. Kennedy International Airport to realize his deceased father's dream. Yet, as soon as he arrives, a civil war starts in Krakozhia and US no longer recognizes Krakozhia as a sovereign state. As a result, Mr. Navorski let neither to return to his country of origin, nor to enter the US. Suddenly, he turns into a stateless person, who had to live at an airport for almost nine months, without even fully understanding and speaking the English language.

[1] Cioran, E. M. (1952), p.56

[2] Terminal (2004) is a film directed by Steven Spielberg and it is inspired by the true story of Merhan Nasseri, who was an Iranian political refugee stuck at the Charles DeGaulle Airport from 1988 to 2006. For further information please refer to https://www.imdb.com/title/tt0362227/faq

Despite the fact that it has been more than fifty years that the 1961 *Convention on the Reduction of Statelessness* was adopted and UNHCR launched a 10-year campaign to end statelessness in 2014, it is estimated that today there are still at least ten million stateless people all around the world[3]. Statelessness may occur due to various reasons such as gaps in a country's legal regime, emergence of new states, changes in borders or as a result of forced migration and during periods of violent conflict and/or political transition. Accordingly, one can become stateless within the borders of his/her own state or of another. The fact that statelessness is not disappearing in time, but being transmitted over generations lays the peril of the situation bare.

Without citizenship, one lacks political rights and often social and economic rights as we delineate them in this day and age. Moreover, the fact that citizenship is identified with loyalty to a certain bordered land or consanguineous existence on this land particularly in the era of nation-states, leaves out strangers, refugees, migrants, stateless persons and whose citizenship was revoked. Thus, these groups, as Linda Kerber (2007) put it very saliently, conceptualized as "citizen's other" are deprived of participating both in social and political life. Of these groups, throughout the twentieth century, the plight of stateless persons have represented political processes with roots in historical forms of inclusion and exclusion and definitions of citizenship and belonging in the age of nation-states.

From an Arendtian perspective access to citizenship is framed as "the right to have rights". Arendt (1962) puts forth the fact that it was with the French Revolution that the state was conquered by the nation, and it became more and more apparent that the image of the man that holds the inalienable rights as they are delineated in the Rights of Man was not the individual but the people. Accordingly, a person that do not fit in the 'people' in question inevitably would not have access to the right to have rights, which is more than losing a home and

[3] UNHCR, Ending Statelessness. Available at: http://www.unhcr.org/stateless-people.html

the diplomatic protection. This refers to the "ontological deprivation" which hampers rightless persons to have a place where their opinions would be significant and actions be effective, in the world. Hence, according to Arendt (1962), the right to have rights implies being not only a full member of a national community, but also of the humanity as well.

As a result, it is of more and more significance to understand who is and who is not considered to deserve the right to have rights in the eyes of the nation-states. Furthermore, it is crucial to understand how the practices of citizenship revocation are interlinked with homogenization and control of the population, survival of the nation-state, punishment of disloyal citizens, discrimination of specific groups and recent debates on war against terrorism.

Needless to say, the phenomenon of statelessness is quite connected with the structuring of nation-states. Nation-states, with their sovereign power to decide whom to include and exclude from the national identity, have rendered millions of individuals stateless and continue to do so. This requires a closer look through the notions of state sovereignty, citizenship as well as the promises of human rights. The fact that the subject of statelessness has been neglected in the theoretical realm until recently has underwent a change in the last years, particularly after the 9/11 attacks[4] and the accompanying debates on war against terrorism. Accordingly, to understand the resurgence of the phenomenon, which has at least common features with banishment, gradually gains importance. But more important than that is the fact that the reexamination of the phenomenon from the perspective of the current developments has the potential to reconsider the notion of citizenship and the privileges it entails. Closely related to this last point is that,

[4] On September 11, 2001 four airplanes were hijacked and launched suicide attacks targeting the World Trade Center in New York, Pentagon and a field in Pennsylvania. Almost three thousand people lost their lives in the attacks. It was alleged that the militants were associated with the Islamic extremist group Al-Qaeda, although some conspiracy theorists asserts that the attacks were overlooked by the U.S. authorities. The 9/11 attacks triggered a dramatic change, particularly in the U.S., in the war against terrorism and this change manifested itself in various other realms as well, from migration laws to security regulations.

analyzing not only which groups are deprived of their right to have rights, but also on which grounds they are deprived, have a lot to say about the structuring of a particular nation-state as well as the everlasting change in boundaries of its national identity.

Following the trend of ignoring the phenomenon of statelessness as well as the concomitant state of affairs, one can hardly ever find a study that focuses on these issues in Turkey. Looking through the aforementioned framework, this study aims at analyzing the practice of citizenship revocation through a socio-historical perspective from the establishment of the Turkish Republic onwards until recently. Moreover, it aims to examine under which conditions (the revival of) citizenship revocation has been possible, despite for now it is limited to a discursive level, throughout the Republican history and at the present time.

This research, furthermore, aims at depicting how the practice of citizenship revocation intertwines with national identity and 'perceived (dis)loyalty' to the nation-state. Schinkel and van Houdt (2010, p. 696) refers to citizenship "as a state regulated technique of in- and exclusion and a crucial instrument in the management of populations". As it will be enlarged upon in the following sections, Turkey, especially after the Balkan Wars, had passed through a similar demographic engineering experience, and both during and after this period loyalty has been and still is an important criterion in determination of those that are desired to be included, qua citizens, in the 'us'. Besides a great variety of tools including 1915 Armenian and Assyrian genocides, 1924 population exchange between Greece and Turkey, 1934 Settlement Act, and other measures taken to homogenize and/or Turkification of both the nation and the capital, this study utilizes a socio-historical analysis on the question of, whether the practice of citizenship revocation has been one of the tools in establishing the national identity or not. In search of an answer to this question and of the effect of the (dis)loyalty notion, the study benefited, to a great extent, from the discussions revolving around the following notions: Banishment/exile, the practice as a punitive measure and/or a political weapon,(re)settlement and (forced)

migration/crimmigration and regarding to these, security as well as war on terrorism and 'public good' or 'national security'.

Furthermore, this study in quest for unveiling the experiences of citizens rendered de facto or de jure stateless by the Turkish state, resorted to Arendt's analysis. Centering on Arendt's notion of "the right to have right" and her related notions of "the perplexities of rights of man" and "the calamity of rightlessness"; this study aimed at elaborating on what it means to be a citizen rendered, either de facto or de jure stateless, by the Turkish state, particularly after 1980s. In parallel with their experiences, the survival strategies and coping mechanisms of the interviewees' are covered in three headings: psychological/emotional plight of the person, refugee/asylum practice of different countries and implementations of the Turkish state.

Consequently, this study argues that the practice of citizenship revocation in the Turkish state was both a tool for getting rid of the unwanted members of the polity and it was used as a political weapon not only for meeting the needs of the ruling elites but also for threatening the rest of the society. Furthermore, in addition to the Turkish Nationality Laws, this study interrelates freedom of thought and expression with the practice of citizenship revocation, in order to understand the Turkish state practice. As can be seen in the following chapters, the fact that some of the interviewees describe their situation as a punished, ill-treated child, and have made a state-parent analogy, paved the way for an assessment, which regards the practice of citizenship revocation in Turkey as a tool for punishing the mischievous children, regarding to the paternalist structuring of the Turkish state.

1.1. Significancy of the Study

Reviewing the related literature, it seems that most of the writings on statelessness and related issues are generally in the form of descriptive reports that seek for

solutions at critical times rather than launching theoretical discussions (Blitz & Lynch, 2011, p. 11). Certainly there are studies within the fields of social and political theory, international law and regional studies, yet still they are limited. Except for the work of a few scholars, the issue of statelessness is still claimed to raise several concerns for academics and practitioners as well, since it received hardly attention within scholarly work. Moreover, it is argued that there is not much comparative research on the causes, patterns and consequences of statelessness in the international system and thus even less studies focuses on the value of acquiring or reacquiring citizenship (Blitz & Lynch, 2011).

One can encounter a similar pattern in citizenship literature in Turkey. Despite the notion of citizenship has been studied in various perspectives varying from citizenship education to discussions revolving around ethnic identity and inclusion, the scholarly literature on "citizen's others" in Turkey is little if any. That is to say that, despite the citizenship policies and in relation to it inclusion policies are studied to a great deal and nationalization procedures and practices dealt with to some extent, research on the practice of citizenship revocation lacks. Therefore, although the practice of citizenship revocation along with exile has been instrumental in punishing disloyal citizens throughout the Republican history and even before that, the fact that it has not been studied until recently, constitutes the backbone of the significancy of this research.

Considering the Turkish case, it seems that quite a little work on the issue of statelessness is very much dominated by the legal work. Except for one book[5] focusing on the legal status of stateless persons, Turkish law and law articles focusing on the analysis of Turkish Nationality Laws, there is not any other resource specifically focusing on this issue. With respect to social and political disciplines, despite the fact that literature on citizenship regarding to inclusion and education are studied a great deal, research on the practice of citizenship

[5] Odman, T. (2011)

revocation in the specific case of Turkish Republic lacks. Except for one PhD dissertation[6] one can hardly ever find a study[7] from sociology, political science or history disciplines. The few studies available rather focus on the time period before the 1950s, as if revocation of citizenship was something of a "relic" (Macklin, 2014, p. 5), yet the practice of citizenship revocation resulted in cases of de jure as well as de facto statelessness throughout the Republican era. Accordingly, this study analyzes whom the practice of citizenship revocation in Turkey has targeted over the years from a socio-historical perspective. Hereby how citizenship in Turkey gradually has turned into not only a "certificate of loyalty" (Davis, 1997, p. 27) but also a certificate of obedience particularly nowadays, will be accentuated with examples from recent discourses on citizenship revocation.

Thus, this study aimed at elaborating on the following research questions:

1. How do the practice of citizenship revocation intertwine with the national identity as well as the perceived (dis)loyalty to the nation-state in Turkey?
2. How do the persons rendered de jure and de facto stateless by the Turkish state survive and what are their coping strategies in exile?
3. Why do the Turkish authorities not resort to the practice of citizenship revocation anymore? [8]

Enlarging upon more on the research questions, it requires to make mention of how these research questions were analyzed. The first research question was examined on the basis of the analysis of Council of Ministers' notices and it aimed

[6] Batur, B. (2014)

[7] Other studies that deal with the issue but either for a limited time period or within the general discussion of citizenship, please refer to Kadirbeyoğlu, Z. (2012) and Çağaptay, S. (2003)

[8] This research question has, out of necessity, changed over the course of the writing process of the dissertation and this issue will be explained in detail in Chapter V.

at providing a socio-historical background on the practice of citizenship revocation. The answers for the second research question were derived from the in-depth interviews, and the research question, in general, aimed at understanding the survival and coping strategies of de jure and de facto stateless persons from Turkey. While the interviews, and experiences of the interviewees display the exigence of analyzing the practice of citizenship revocation in Turkey in relation to the statelessness literature, and the issue of arbitrariness; advewing at the phenomenon of statelessness in sociological terms, it sheds light on how citizenship can be turned into a political tool or discriminatory practice rather than a 'secure ideal'. Finally, by means of merging these two data sets as well as the secondary sources, the third research question, in light of the recent changes, aimed at putting forward an idea of when and why (or why not) the Turkish state resorts to the practice of citizenship revocation.

Consequently, this study is based on two pillars: That of analysis of Council of Ministers notices on revocation of citizenship from 1950 to 2015 and of the in-depth interviews conducted with de jure and de facto stateless persons. With the data derived from the aforementioned analysis, this study mainly aims at examining the practice of citizenship revocation in Turkey by referring to the literature on national identity, (dis)loyalty, national security/war against terrorism and statelessness. Herewith this study argues that the practice of citizenship revocation, thus rendering certain citizens stateless are rooted in Turkish nation-states' hysterical desire of getting rid of its citizens who are perceived as "disloyal" to its survival. Moreover, tracing back the Republican history, it is argued that the practice of citizenship revocation interlinked with practices of exile that first tended towards ethnic minorities and then became a means of disciplining the 'threatening' citizens, whose definition change over time, for the sake of national security or the survival of the state.

Accordingly, this study concentrates on the strategies of Turkish Republic in dealing with the issue of perceived (dis)loyalty and citizenship revocation. More

specifically, this study aims to be responsive for examining the notion of statelessness, the practice of citizenship revocation in relation to national identity and coping strategies of de jure and de facto stateless persons in the specific case of the Turkish state. Thus, this study is planned to be a threshold for depicting what it means to be a person rendered stateless and how the practice of citizenship revocation intertwine national identity and 'perceived loyalty' to the nation-state. Furthermore, the study intends to understand the controversial concept of citizenship by means of examining its negation,that is statelessness. Therefore, the main contribution of this study will be its attempt to bridge the gap in the scholarly work on revocation of citizenship in case of Turkey. Thus, the significancy of this study lies at its aim to fill this gap in the literature by arguing that the practice of citizenship revocation is as emphatic as that of nationalization and depicting who are rendered stateless and thus of "the right to have rights" in understanding the 'perceived loyalty' circles of citizenship within the borders and history of Turkish Republic. Furthermore, this study argues that, particularly to understand the inclusion and exclusion dimensions of citizenship, it is crucial to work through from whom and according to which considerations the state takes back rights. In other words, this study asserts that studying on the practice of citizenship revocation can provide important insight in fully capturing the notion of citizenship and thus pave the way for reconsideration of citizenship, which is considered a secure ideal. Moreover, it is important to touch upon the issue of how the state renders possible the practice of citizenship revocation by law, and how it reverberates in law texts. In understanding the practice of citizenship revocation in Turkey through law texts as well as execution, this study, will focus on the changes in Turkish nationality laws and the grounds for revocation of citizenship and it will benefit from the discussions of arbitrariness as well as the freedom of thought and expression, in addition to gender and compulsory military service. Lastly, the issues of under which conditions revocation of citizenship becomes possible and why it has not been prevalent until very recently will be elaborated on. Thus, this study investigates the prominence of citizenship revocation within the politics of citizenship, national identity and (dis)loyalty in Turkey. As a result, this study, based on insights from history and legal studies as

well its own analysis on the basis of Council of Ministers notices and of the in-depth interviews, analyzes in what ways the components of national identity shape the practice of citizenship revocation, and how this practice operates as an instrument to maintain 'national security' as well as the survival of the state.

1.2 Methodology of the Study

> *We must put ourselves in the position of the subject who tries to find his way in this world, and we must remember, first of all, that the environment by which he is influenced and to which he adapts himself is his world, not the objective world of science.* [9]

As it was mentioned above, this study is based on three main research questions. In the quest for answers to these questions, I try to analyze whether one can speak of any patterns pertaining to the practice of citizenship revocation in Turkey. Moreover, I try to understand what kind of a legal framework, if any, made citizenship revocation possible throughout the Republican history and what are the justifications for the practice. Additionally, I aim to portray, who, on which grounds is revoked of Turkish citizenship and left out of the political realm.

In parallel with the aims, and the fact that there is hardly any research in this field, this study was designed as an exploratory, qualitative research and it benefitted from a socio-historical analysis. Accordingly, it is based upon secondary sources on the practice of citizenship revocation throughout the Republican period, the analysis of the Council of Ministers notices and semi-structured in-depth interviews with citizens whose Turkish citizenship was revoked and those who were not revoked of their citizenship but left the country for years and were not let to access their citizenship rights effectively. Lastly, the analysis benefits to a great extent from the expert interviews made to grasp particularly the legal dimensions of the issue.

[9]Thomas, W.I. & Znaniecki, F. (n.d.)

More detailed information about the methodology followed in this study should be provided. To begin with the Council of Ministers notices, I searched through the Official Gazette from 01.01.1951 to 31.12.2015[10] for digging out patterns, finding out the number of citizens[11] revoked of their citizenship and the legal justifications for these decisions. In searching through the Gazette, the following four keywords[12] were used: "*Türk vatandaşlığından ıskat", "Türk vatandaşlığını kayıpetme", "Türk vatandaşlığından çıkarılma", "Türk vatandaşlığının kaybettirilmesi"*. Moreover, the only information one can find in the notices are the name, surname, father's name, year and place of birth of the person in question. As a result, I could make the analysis only on the basis of name, surname and place of birth. At the beginning of this study, my primary goal was to analyze the data by taking gender into consideration as well, yet it was not mentioned in the decisions therefore I did not have the chance to parse out the

[10] The reason for limiting my search in the Official Gazette with this time period is the fact that Bülent Batur's dissertation (2014) aforementioned above examines the decisions on citizenship revocation from 1923-1950. Accordingly, for the time period 1923-1950, this study benefits from the findings of Batur's dissertation.

[11]Reviewing literature, I have noticed that Council of Ministers decisions in the Republican Archive of the Prime Ministry (Başbakanlık Cumhuriyet Arşivi - hereafter BCA) included nationality of the citizens whose citizenship was revoked until 1970, therefore from 1950 to 1970 the decisions in BCA were also analyzed, in addition to the Official Gazette. Yet, BCA was not arranged properly. Furthermore, Council of Ministers decisions after 1979 were not open access in BCA and this is why I examined the decisions as they are published in the Official Gazette after 1970. In addition, because of the fact that information on nationality or mother tongue is not in the decisions in the Official Gazette, to give exact numbers on the ethnicity or nationality of the citizens revoked is impossible. Moreover, I visited the Ministry of Interior Directorate General of Population and Citizenship Affairs. The official there suggested me to apply for the right to information act. I did so, however my questions were not answered by the authorities. Nevertheless, despite its limitations and impossibility of providing concrete numbers on the basis of ethnicity, gender or age, I believe that this analysis is important both in terms of understanding both the justifications for particular groups' revocation of citizenship and how these decisions coincide with the political developments.

[12] These were the words that are used in the notices on the Official Gazette. However, it should be mentioned that the format of the files was not identical and this hampered the search to some extent. So this means that some of the decisions may not have shown up in the search. As to the keywords, they all refer to the involuntary loss of citizenship resulting from the decision of the state authorities and throughout the study the term "revocation of citizenship" is used for it, unless otherwise mentioned.

data. Considering many assimilationist policies implemented such as Islamization of Armenians[13]; non-Muslim citizens giving Turkish/Muslim names to children or not allowed to use non-Turkish names[14], I recognize the limitations of the analysis yet I believe it is still important in depicting a general framework.

Furthermore, the fact that qualitative research methods provide the researcher with a comprehensive insight of the lived world from the subjects' perspective (Flick, 2007, p. x), underpinned for a qualitative research design. Moreover, since interviews gained acceptance for being suitable for the studies of "people's understanding of the meanings in their lived world, describing their experiences and self-understanding, and clarifying and elaborating their own experience on their lived world" (Kvale, 2007, p. 46) I decided to make semi-structured in-depth interviews. Accordingly, I made interviews with citizens revoked of Turkish citizenship, citizens not revoked of citizenship but were not let to access their citizenship rights effectively and experts, who were specialized in legal affairs mostly. At the beginning of the research, I had decided not to include citizens not deprived of citizenship but were not let to access their citizenship rights effectively; however as I entered into the subject thoroughly, I have noticed that not only recent literature mentions of persons in this situation as de facto stateless but I also realized that they experience almost the same difficulties. Hence I made interviews with them as well. I provided all the respondents with the questionnaire and an information note on my dissertation subject either sending via email or delivering by hand. I made face to face interviews whenever it was possible. Other interviews were made via Skype or e-mail based on the preference of the interviewee[15]. This was a result of the obstacles before conducting fieldwork abroad as explained below (see Limitations of the Study).

[13] For further information and discussions on the issue please refer to: Yılmaz, A. (2015)

[14] Akgönül, S. (2016)

[15] There is a growing literature on the advantages and disadvantages of using online tools for conducting qualitative research. It is asserted that online interviewing "limits the research to those people with access to the Internet" however "on the other hand democratizes and

The guideline of the questionnaire was organized in three main parts: 1- Socio-demographic characteristics and short life history with a focus on political history; 2- Narrative on and life after migration/exile/flight and 3- Experience on statelessness, and expectations, plans and wishes for the future pertaining to the return to Turkey. The interviews lasted minimum half an hour and maximum four hours. With some of the interviewees we met more than once to complete the interview. Most of the interviews were recorded on tape recorder. All of the interviewees were acquainted with the recording. The analysis provided in this study, besides the examination of notices, was based predominantly on these interviews with interviewees and experts. As a result, I benefitted much from these interviews and the stories gave rich and detailed information about the practice of citizenship revocation and exile as well. Moreover, interviews with the experts provided me with the opportunity to grasp the legal and political dimensions as regards to the phenomenon of citizenship revocation as well as its resurgence.

The field research was carried out in 2015-2016. Since my research targeted a group which could be defined as a 'hidden' group in sociological terms, the main

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internationalizes research (Meho, 2006, p. 1288). Moreover, "e-mail interviewing enables researchers to study individuals or groups with special characteristics or those often difficult or impossible to reach or interview face-to-face or via telephone, such as executives, ..., or those who are geographically dispersed, or located in dangerous or politically sensitive sites" (Meho, 2006, p. 1288) Furthermore, it is asserted as well that "the quality of responses gained through online research is much the same as responses produced by more traditional methods." (Meho, 2006, p. 1291) However, there are also scholars who claim that "although VoIP (Voice over Internet Protocol, such as Skype - author's explanation) mediate interviews cannot completely replace face to face interaction, they work well as a viable alternative or complimentary data collection tool for qualitative researchers." (Lo Iacono, Symonds, & Brown, 2016) Furthermore Lo Iacono, Symonds & Brown put forward that "Email interviews ... were the least interesting because rapport was lacking and the engagement with the data was less intense. With interviews on Skype or face to face there is interaction between the researcher and the participant, ... With emails this connection is lost, although emails are still useful if they are the only way to access a participant." (Lo Iacono, Symonds, & Brown, 2016). In my experience, I did not have any problem with Skype interviews and it was really astonishing for me the fact that my respondents did not abstain from sharing their experiences, even that on leaving the Turkish territories illegally with me; yet I should mention that the most nonworking tool was email interviews since they are returned mostly with little information and web links to the respondents' articles or auto biographical essays written previously.

technique has been that of snowball sampling, which is "... a method for sampling (or selecting) the cases in a network… [It] begins with one or a few people or cases and spreads out on the basis of links to the initial cases" (Neuman, 2006, p. 225). At the beginning of my research I have noticed that there are two civil society organizations that put this particular issue on their agenda: Devrimci 78liler Federasyonu (Revolutionary '78s Federation) and İnsan Hakları Derneği (Human Rights Association). So I thought that I could have access to this hidden group through these CSOs, however it was not possible. I met one representative from each CSO however they could not help me with contacts since they did not have data focusing on this particular issue. Yet, they helped by directing me to the people that they think I can get information. In addition, I had been searching the internet for months to gather basic data and checking for resources on the issue. This paved the way for me to learn names of and information about some specific cases and individuals as well. In studies with refugees and other hidden groups, the representativeness of studies is said to be a controversial issue since the limited number of starting points would lead to a problem of inclusion. In dealing with this problem, it is recommended that the researcher get into contact with various networks. Thus, while I was trying to get into contact with the persons I identified through web search, I started to share the topic of my thesis in any setting and among all my friends and networks. This effort worked more than I could imagine and provided me with invaluable contacts and informants.

The fieldwork was in deadlock many times, but it pushed ahead with new contacts. During one of these blockings, a new book[16] written by one of the ex-citizens of Turkish Republic was published in Turkey. I still feel very lucky to have the chance to get into contact with him since he provided me with members' e-mail addresses of one of the organizations working on the general theme of exile in Europe. I sent e-mails to more than sixty persons. I wrote them twice at the most for not disturbing or worrying them. At most ten persons replied back. Most of them replied in a couple of days, and few replied the second time I wrote

[16] Karakaya, U. (2015)

to them. Furthermore, quite a little of these contacts who replied and accepted answering my questions, then did not even reply to my e-mails that asked for the answers to my questions. Again with the hesitation of disturbing them, I wrote 2-3 times more and then stop sending e-mails. In addition to the interviews with the direct informants, I met with academicians, lawyers and members of non-Muslim communities. I had interviews with three lawyers working in the field of human rights for many years; four academicians from law and political science faculties and one lawyer from Germany dealing with the issue of citizenship revocation. In total, I interviewed eighteen ex-citizens; twelve citizens who do not have access to their citizenship rights and eight experts for this research.

As a last word, as it is well-known there is still an ongoing discussion on snowball sampling and the question of its representativeness. This study gets its share from this tension and thus cannot claimed to be representative but rather it aimed "to achieve a sample in which diversity is represented, rather than one that is representative of diversity" (McDermott, 2006, p. 197). Therefore, the results discoursed in this study does not have a claim of generalizability but rather the results presented in this study are bounded up with the experiences, sharings and viewpoints of the informants interviewed within the context of this research. For all the other inferences and interpretations, I assume full responsibility being aware of what Alvesson and Kärreman (2011, p. 7) puts forth explicitly:

> There is no clear window into the inner life of an individual. Any gaze is always filtered through the lenses of language, gender, social class, race and ethnicity. There are no objective observations, only observations socially situated in the world of the observer and the observed.

1.3 Organization of the Study

Each chapter of this thesis can be considered as a contribution to the attempt of examining the practice of citizenship revocation in Turkey in relation to the statelessness literature. Based on the analysis of Council of Ministers' notices as

well as of the in-depth interviews with persons rendered de facto and de jure stateless by the Turkish state and benefitting from a socio-historical analysis, this thesis dredges for the patterns in understanding the practice of citizenship revocation in Turkey.

This thesis is organized in six chapters, including the introduction and conclusion. Chapter 2 begins with a brief history and general overview of the notion of citizenship. In addition, referring to Arendt, it provides theoretical insights on revocation of citizenship pursuant to the discussions about state sovereignty, citizenship and human rights. Then the phenomenon of statelessness, with reasons behind it and understanding of de facto and de jure statelessness is discussed in relation to the grounds for revocation of citizenship and the issue of arbitrariness. Moreover, this chapter gives information on the recent resurgence of revocation of citizenship in relation to the war against terrorism, besides the discussions about citizenship revocation as a punishment and a political weapon. The chapter ends up providing the reader with a brief information about international conventions and human rights law, in addition to the selected examples of citizenship revocation as well as protracted cases of statelessness.

Chapter 3 aims at focusing on the socio-historical background with regard to Turkey. It begins with delineating the frontiers of Turkish citizenship by discussing it in relation to paternalism, national identity and (dis)loyalty. Looking back on the practice of banishment/exile in the Ottoman Empire and the Republican period, this chapter analyzes the revocation of citizenship in relation to this old practice. Furthermore, based on the secondary sources, this chapter continues with an examination of Turkish Nationality Laws and the grounds for citizenship revocation as well as their change in due course. Chapter 3 concludes with discussions on gender, compulsory military service as well as Turkish Penal Codes with regards to the practice of citizenship revocation in Turkey.

Chapter 4 is an attempt to document the difficulties and easiness in conducting a research. Thus, this chapter deals with the self-reflexive considerations in and

about the fieldwork. Starting with an introduction about how I began to study on this subject, I try to depict the sentimental part of conducting a field research, with all my worries and fears. This chapter also makes mention of the uneasyness of interviewing celebrities. Moreover, it calls attention to the political situation as a variable during the research process and to the importance of documenting unsettling experiences, such as threats or sexual harassment in the field. Lastly, the chapter states the limitations of this study.

Chapter 5 presents the analysis of the Council of Ministers' notices on revocation of citizenship from 1951 to 2015 in relation to the issues of national identity and perceived (dis)loyalty to the nation-state. It further continues with a general overview of interviews and focuses on the interviewees' perceptions on homeland and citizenship, their experiences qua non-citizens on exile, and views and expectations particularly on returning to Turkey. The chapter further elaborates on the recent resurgence of citizenship revocation in Turkey within the framework of debates about national security as well as the war against terrorism.

The concluding chapter, Chapter 6, gives an overview of the study by yielding to the research questions that are the backbones of the study. In light of the discussions provided throughout the study, it asserts that the practice of citizenship revocation in Turkey cannot be simply described on the basis of discrimination against a certain group of citizens, say ethnic or religious minorities, but rather, it is at least as much related to freedom of thought and expression, penal codes and democratization when particularly the discourses on (dis)loyalty, treason and terrorism are considered. Moreover, the chapter attempts to make suggestions for further relevant research subjects.

CHAPTER 2

THEORETICAL INSIGHTS ON (REVOCATION OF) CITIZENSHIP AND STATELESSNESS

As it is already well-known, citizenship has been one of the most disputed concepts within the political theory as well as the social sciences particularly after 1990s. Accordingly various conceptions of citizenship, each has distinct emphasis of its own, were provided in due course. The aim of this chapter is not to deal with the citizenship conceptualizations in detail but rather to provide the reader with a general overview on citizenship literature, with a particular emphasis on (dis)loyalty, and then to associate it with its 'other' statelessness as well as revocation of citizenship in relation to it. With regard to statelessness and revocation of citizenship, this chapter is an attempt to discuss the reasons behind statelessness and recent debates revolving around the phenomenon of statelessness, and to analyze the resurgence of citizenship revocation with a particular emphasis on state sovereignty, human rights and the current state practices in war against terrorism. Finally, the chapter aims to provide the reader with a general overview of international law and conventions about statelessness as well as citizenship revocation and some selected protracted cases of statelessness in order to emphasize the pervasiveness of the issue.

2.1 Citizenship[17]: Brief History and General Overview

Citizenship as a universal human right is not, and cannot be, a certificate of loyalty. Where citizenship is wrongly viewed as a certificate of loyalty to the nation, tyranny rules.[18]

Looking through the notion of citizenship, one can easily observe that there is still an ongoing struggle over defining its various aspect. As Herzog (2011, p. 79-80) argues, "defining citizenship as an analytical concept is a challenging task" and he propounds two reasons for that: That it has various contested and competing conceptualizations and that citizenship as an institution is in a continuous and uncompleted state of flux. As they will be briefly mentioned below, without ignoring the variations pertaining to its definition, content, importance and various aspects related to it, for the purposes of this study, the notion of citizenship will denote the legal relationship between the individual and the polity (Sassen, 2002, p. 278).

The above mentioned relationship can fold to many forms based on the definition of the polity. To put it very briefly, in ancient and medieval times, the definition of the polity was the city. The concept of citizenship is conjugate to the words "cite" or "city" and derived from the words "citizen" or "citoyen", both of which predicate the membership of a city-state in Ancient Greece (Polat, 2011, p. 129). Citizenship in Ancient Greece was associated with being virtuous and being a citizen was indicating the duties to the community (Kadıoğlu, 2012, p. 12). In the classical world, it was "a status to be coveted, a privilege to be prized, therefore the possession of a worthy elite" (Heater, 1999, p. 85). Accordingly, Ignatieff (1987, p. 402) argued that "from its inception, therefore, citizenship was an exclusionary category, justifying the coercive rule of the included over the excluded". The acknowledged

[17] Throughout the chapter I use the terms "nationality" and "citizenship" interchangeably. Although nationality connotes more of a membership in a particular state, they are used interchangeably both in literature and international law as well. This preference also depends on the fact that "in most liberal states all nationals are citizens and all citizens are nationals" (Gibney, 2011, p. 6).

[18] Davis, U. (1997), p.27

citizens, who were few in numbers compared to the general population, had the right to participate in political life in the polis. Yet, to understand the notion of citizenship as it stands at the present time, one shall look back on the French Revolution, since it was the French revolutionaries who adopted the term citizen "to pronounce the symbolic reality of equality" (Heater, 1999, p. 1). Moreover, as Heater (1999, p. 4) argues, although the British as well as the American experience paved the way for "for the transition from a monarch-subject relationship to a state-citizen relationship" before the French Revolution; it was the revolution that "invented not only the nation-state but the modern institution and ideology of national citizenship" (Brubaker, 1989, p. 30).

However, considering the modern politics, individuals can exist only as members of a nation-state (Kadıoğlu, 2012, p. 22). This perception, whose roots trace back to the French Revolution, brings about that the notions of citizenship, national identity and nationality are considered equal. Moreover, as Heater (1990, p. 243) argues "the simultaneous emergence of the ideas of popular sovereignty and of nationalism was as a historical accident", which resulted in the perception of citizenship and nationality as the political "Siamese twins" and this fact was acknowledged as if it is the state of nature of the political order all over the world. Accordingly, in the nation state, the configuration of the polity reached its most developed form and eventually turned into a dominant one worldwide as Saskia Sassen puts it sleekly: “It is the evolution of polities along the lines of state formation that gave citizenship in the West its full institutionalized and formalized character and that made nationality a key component of citizenship”. (Sassen, 2002, p. 278).

Nation-states, despite the variations both in definition and practice of citizenship, one way or another, not only define, but also build their nationals, through various means. In general, defining the inclusionary borders of citizenship as well national identity, bring with it using an ethnic or a religious identity as a base (Gülalp, 2006, p. 1) through which particular individuals or group of individuals are inherently excluded. Yet, as Davis (1997, p. 27-28) purports, one should give heed to the notion of national identity, because:

> National identity can be harnessed and manipulated by the state to promote a variety of state interests. It is therefore, immediately instructive to ask what purpose the ideological construct of any given "national identity" serves when manipulated by an existing state or in relation to the process of new state building.

Accordingly, citizenship not only "entails the creation of a new (national) community and a new (nationalist) ideology of political sovereignty", but it also quite related with "the modern state's project of monopolizing the loyalties of individuals" (Gülalp, 2006, p. 2). However, the fact that citizenship is defined as loyalty to a bordered piece of land or the blood relation to a piece of land, it excludes foreigners, refugees, migrants, asylum seekers, stateless persons and people who have been deprived of citizenship. Hence, these groups who are conceptualized as "citizen's others" (Kerber, 2007) are deprived of involvement in any social or political life. Furthermore, Nomer (1971, p. 11) argues that the only difference between the foreigners and citizens is the fact that while the citizens of a state are obliged to be loyal to the state, foreigners are only expected to obey the law. Throughout the 20th century, the condition of stateless persons in these groups represented the historical forms of inclusion and exclusion, citizenship definitions and a sense of belonging in political processes in the age of nation-states (Benhabib, 2006).

Accordingly, modern citizenship concept has been perceived more and more as both membership and loyalty to the nation-state. Furthermore, the link between being a good citizen and a good person was intermingled with national identity and as a result being a good citizen required respecting national interests as well as symbols (Kadıoğlu, 2012, p. 12). However, this time Ignatieff (1987, p. 407) warns us on the notion of the "good citizen":

> Majoritarian tyranny in all its modern forms - from Jacobin democracy through modern totalitarianism -has always exploited the public spiritedness associated with the word citizen: in such regimes, the "good citizen" is the one who denounces and informs on his neighbors, the one who sets aside bourgeois moral scruple and submits his will to what the authorities deem to be the public good. Germans who stood by while their Jewish neighbors were deported were "good citizens". Aristotle had

> not envisaged a situation in which a good citizen was not also a good man.

Until now, the text treated the notion of citizenship as “a single concept and experienced as a unitary institution” (Sassen, 2002, p. 280), yet it actually refers to distinct aspects of the relation between the individual and the polity. Kadıoğlu (2012) purports that investigation of the relationship between owning the value of national identity as well as being a good citizen and being a good person paved the way for democratization in late modern societies. This also has brought about various understandings of citizenship regarding the scholarly literature (Sassen, 2002, p.280).

Before briefly elaborating on the classic studies on citizenship, it should be mentioned that the literature on citizenship mainly refers to two traditions of thinking about citizenship: the civic republican and the liberal. To begin with the first one, the origins of the civic republican tradition can be found in classical antiquity and it is based on two pillars that are "good civic behavior and a republican form of state" (Heater, 2004, p. 4). The emphasis of the civic republican view of citizenship is rather on the duties of the citizens and society has an ontological priority to the individual (Kadıoğlu, 2012, p. 28). Accordingly social benefit is prioritized instead of individual rights (Kadıoğlu, 2012). In the liberal view of citizenship, on the other hand, the emphasis is rather put on the rights and that the state "exists for the benefit of its citizens, has an obligation, indeed to ensure that they have and enjoy certain rights" (Heater, 2004, p. 4). Heater (1999) argues that it is the liberal view, which evolved in the seventeenth and eighteenth centuries, that has been dominant not only for the past two centuries but also today.

To continue with the classic studies on citizenship, one should begin with Marshall's study. Marshall, analyzing the course of citizenship in England in his work, which is deemed to be a classic in citizenship studies, suggests to divide citizenship into three historical elements that of civil, political and social. According to Marshall, the civil part refers to "the rights necessary for individual freedom", liberty, freedom of speech, thought and faith, the right to own property, to name but a few in the 18th

century (Marshall, 1992, p. 8). The political element denotes to "the right to participate in the exercise of political power" either as a member or as an elector in the 19th century (Marshall, 1992). Lastly, by the 20th century, citizenship come to include social elements such as economic welfare and social security in Marshall's view. Despite its importance for the scholarly work on citizenship, Marshall's theory of citizenship was criticized for being evolutionary. Moreover, another important figure in citizenship studies, that is Michael Mann (1987) argued that Marshall's work was entirely about Great Britain, yet a more comparative analysis was necessary to understand the strategies of citizenship, which he calls liberal, reformist, authoritarian monarchist, fascist and authoritarian socialist, in the advanced industrial countries (Mann, 1987, p. 340). In accordance with this categorization, Mann analyzes citizenship from the perspective of ruling class strategies. Moreover, upholding Marshall's argument that "industrial society institutionalized class struggle through mass citizenship" (Mann, 1987, p. 351); Mann rather emphasized that although all regimes ensured a number of rights they differed in degrees and combinations. Finally, it is the Turner's study to which a piece of work should refer, as a classic study in citizenship literature. Turner (1990), criticizing Marshallian tradition of citizenship understanding for being "unitary", offers an important insight into citizenship studies. By combining two variables that of the passive or active nature of citizenship and of the relationship between the public and private arenas pertaining to civil society, Turner (1990, p. 189) argues that "a historically dynamic theory of four types of democratic polities as societal contexts for the realization of citizenship rights" can be formulated. As a consequence, Turner (1990) remarked that citizenship not only has continued to change and develop, but also does not have a unitary character.

That citizenship does not have a unitary character has been adopted by various scholars. Particularly in the 1980s as well as 1990s, citizenship has been conceptualized by many thinkers, who have emphasized its distinct aspects. This mentioned interest in the concept of citizenship, not only in the theoretical but also in the political realms, "derives from the confluence of a number of events and concerns in the 1980s and 1990s" (Heater, 1999, p. 2). Beyond doubt, a multidimensional

crisis and restructuring process that is the transition to late or post-modernity, played an important role in this interest (Özkazanç, 2014, p. 317). The dynamics that has come to the forefront in this process are the weakening of both the basic structures and institutions of the nation-state, the gradually expanding penetration of capitalism into society, the growing diversity of social cleavage and conflict axes and finally the emergence of new kinds of social struggle practices (Özkazanç, 2014).

According to Yeğen (2002, p. 201), as a result of all these developments, "modern politics is now facing the challenge of new citizenship offers such as multicultural citizenship (Kymlicka), differentiated citizenship (Young), and radical-democratic citizenship (Mouffe)". In fact, that the list is not limited to these as evidence of the change in the perception of notion of citizenship. To name but a few, while Fernandez Kelly (1993) makes mention of economic citizenship, Isin refers to performative citizenship (2013); Sassen put emphasis on the process of denationalization of citizenship, while Carens (1996) talks about the psychological dimensions of citizenship. Accordingly, in the midst of all these arguments and several distinct understandings of citizenship, Linda Bosniak (2000, p. 455) offers to separate citizenship into four discourses that of citizenship as legal status, citizenship as rights, citizenship as political activity, and citizenship as a form of collective identity and sentiment.

Another, but not independent, strand of discussion on the concept of citizenship is related with the tension between citizenship and human rights and the rights accompanying them. While some scholars extend Arendt's well-known evaluation of access to citizenship as "the right to have rights", some others argues that establishment of the discourse on human rights has already come to the fore. For instance, according to Spiro, recent development in citizenship realm in the international law "reflect a reconceptualization of citizenship status, shifting from an identity to a rights frame" (Spiro, 2011, p. 695). However, Dauvergne points at the instability of this point of view. According to Dauvergne (2007, p. 496):

> For the privileged subjects of globalization, citizenship is becoming more flexible, more states tolerate dual citizenships (which are especially meaningful for migrants), formal inequalities are being worked out of citizenship laws, and citizenship requirements are more perfunctory. For those already disadvantaged and excluded however, citizenship law is becoming increasingly exclusionary. For illegal migrants, the story is one of citizenship with a vengeance.

In light of these discussions Sykes (2016, p. 11) argues that what we experience today is not "a resurgence of the 'civic republican discourse' (citizenship as loyalty to the state) over the 'liberal discourse' (citizenship as rights of the individual). Moreover, he contends that what takes place instead is elements of civic republican discourse "open up a space of exception" in the liberal discourse of citizenship. That is to say, citizenship is still perceived as a body of individual rights, but the state still keep hold of the trump of loyalty. This seems to be true given the amendments in the citizenship laws of many countries after September 9, as it will be elaborated more in detail in the subsequent parts. Consequently, some nationals are still more citizens than the 'other's and the fact that rights are still attached to the citizenship/national identity/nationality changes nothing in the life of stateless persons. This is due to the fact that becoming full citizens and to be able to avail of the rights that citizenship entails is still (without ignoring the unequal treatment of so-called equal citizens due to discrimination or other forms of state suppression) an issue of being accepted as a member of a polity. That is to say, in other words, despite "the blurred and fluid boundaries of citizenship(s) ... these debates rarely explicitly consider those who are outside of the whole legal citizenship system itself" (AlBarazai & Tucker, 2014, p.3). Accordingly, not only statelessness but also revocation of citizenship has hardly come to attract attention until very recently.

Nevertheless, as it is well-known, one of the earlier scholars who thought about this particular subject, was Hannah Arendt. Although Arendt, herself also being a stateless person for a while, had been the voice of stateless persons more than fifty years ago, it is very recently that those deprived of the right to have rights have been allowed, at least within theoretical realms, to put their plight into words, while various aspects of citizenship pertaining to those already posses it, have found its

place broadly. Yet, what those, who are deprived of having the right to have rights, have to say about not having this very diverse looking citizenship, can be instructive for us in rethinking what citizenship is, in relation to its non-existence. Finally, the fact that Arendt analyzes the issue within the context of totalitarianism on top of others, makes one analyze the Turkish case through a socio-historical perspective easier. Accordingly, the subsequent part is an attempt to provide a theoretical framework for the purposes of this study through situating all these discussions with a particular emphasis on the plight of stateless persons in the midst of state sovereignty, citizenship and human rights.

2.2 State Sovereignty, Citizenship and (Human) Rights: An Arenditian Perspective

Once they had left their homeland, they became stateless; once they had been deprived of their human rights they were rightless, the scum of the earth.[19]

The contradiction between international law and the principles of human rights stems from the fact that while the former one claims that the right to a nationality is the right to have rights, the latter one purports that "being human is the right to have human rights" (Weissbrodt & Collins, 2006, p. 248). Although this is the case with many other non-citizen groups as well, the fact that human rights are not equally valid for non-nationals blatantly manifests itself in the case of stateless persons. Moreover, the plight of millions of stateless persons appeals us to a rethinking on citizenship, human rights and the notions of state sovereignty as well as its various repercussions within different 'ruling class strategies'.

Since “citizenship defines bounded populations, with a specific set of rights and duties, excluding “others” on the grounds of nationality” (Soysal, 1994, p. 2), it is obvious that the notion of statelessness is quite connected with structuring of the

[19] Arendt, H. (1962), p. 267

nation-states. Nationality, one of the basis of national identity, is generally a matter of domestic jurisdiction and international law enunciates very little about sovereign states' initiative to determine on who are its nationals (Forcese, 2014). Referring to Arendt, Butler and Spivak (2007, p. 30-31) argues that the nation-state can only reconstruct "its own basis for legitimation by literally producing the nation...", while in the meantime it excludes specific groups, for instance ethnic or religious minorities, in building the nation and concomitant ethnic identity. The prerogative to exclude, needless to say, comes of the principle of sovereignty, which is "the ultimate cause of statelessness" (Walker, 1981, p. 106). This "unfettered discretion to set the terms of membership" (Spiro, 2011, p. 745) hinges upon not only an assumed but also a desired correspondence between the state and the nation. Notwithstanding, as Nagel argues (2005, p. 128), "A sovereign state is not just a cooperative enterprise for mutual advantage. The societal rules determining its basic structure are coercively imposed: it is not a voluntary association". Accordingly, those who are reluctant to melt in the determined and homogenous national identity are turned into "illegitimate inhabitants" (Butler & Spivak, 2007, p. 30-31). In doing so, as Butler and Spivak (Butler & Spivak, 2007) argues:

> one is not simply dropped from the nation; rather one is found to be wanting and so, becomes a "wanting one" through the designation and its implicit and active criteria. The subsequent status that confers statelessness on any number of people becomes the means by which they are at once discursively constituted within a field of power and juridically deprived.

Apart from the practices of exile and/or banishment; it is known that statelessness became widespread primarily because of denaturalization and denationalization policies based upon many nation-states bargaining for their national sovereign right, during and after World War I. It is asserted that practices of citizenship revocation during World War I was a ubiquitous way carried out by states to push unwanted groups of people to the margins, which smoothed the way for states to be able to remove these groups easily (Caglioti, 2012). Accordingly, a new system of population management was put in place and the notion of citizenship was reshaped by differentiating between inhabitants that were deligitimized and citizens. From this

point of view, Ilse Reiter Zatloukal (2012) put forth how practices of denationalization became an instrument authoritarian and totalitarian regimes used to punish “illoyal” citizens in the twentieth century.

In the wake of World War II, Hannah Arendt, who was a stateless person once, was one of the first scholars that set out to theorize on all these developments immingled with her own experience. According to Gibney (2017, p. 369) Arendt did "not only provide an explanation of the broader significance of denationalization on a mass scale through its connection to the rise of the exclusionary nation state", but she also painted "a powerful picture of the consequences of loss of citizenship for the individuals concerned". Amongst others[20], this is what makes Arendt's analysis significant for the purposes of this study. Then what are the fundamental pillars of her analysis?

To begin with, Arendt begins her analysis on human rights, or to put it more properly the 'calamity' of rightlessness, with her famous statement of "the conquest of the state by the nation", which is "the ascendancy of nationalist sentiment over the rule of law" (Hayden, 2008, p. 252). That is to say in Arendt's own words (1962, p. 291):

> Since the Rights of Man were proclaimed to be ‘inalienable,’ irreducible to and undeducible from other rights or laws, no authority was invoked for their establishment; Man himself was their source as well as their ultimate goal. No special law, moreover, was deemed necessary to protect them because all laws were supposed to rest upon them. Man appeared as the only sovereign in matters of law as the people was proclaimed the only sovereign in matters of government. The people’s sovereignty...was not proclaimed by the grace of God but in the name of Man, so that it seemed only natural that the ‘inalienable’ rights of man would find their guarantee and become an inalienable part of the right of the people to sovereign self-government.

[20] There are various other scholars who one way or another produced knowledge about statelessness. Among them one can find Giorgio Agamben, Jacques Ranciére, Michael Walzer and Seyla Benhabib. Yet, as Belton (2011, p. 65) argues, none of Michael Walzer, Seyla Benhabib or William Barbieri theorizes about statelessness, despite their quite important insights on just membership.

However, as Arendt (1962, p. 291) puts it, the paradox that was already existent in the declaration of inalienable human rights was that it relied on "an abstract human being who seemed to exist nowhere". Yet, the fact that with the French Revolution the mankind was envisioned 'in the image of family of nations', "it gradually became self-evident that the people, and not the individual, was the image of man" (Arendt, 1962). Nevertheless, according to Arendt, this situation most evidently manifested itself during the World War I. With the collapse of empires and the establishment of new nation-states, there appeared two suffering groups, that of minorities and stateless persons. Indeed, minorities were not stateless, yet they were in need of special protection in the shape of special agreements and warranties; but stateless persons were 'the most symptomatic group in contemporary politics'. In Arendt's view, although the very existence of the stateless persons cannot be explained by blaming just one factor, every political event has rendered more and more people stateless since the end of the World War I. Moreover, people took refuge in statelessness instead of being 'strangers' at their homelands after World War I. Until 'the stateless' intertwined with the post war refugees, who were obliged to leave their countries due to revolutions and deprived of their citizenship by the victorious governments at home, to name but a few Russians, Armenians and Hungarians, in total more than millions, it was "unimportant in himself, apparently just a legal freak" (Arendt, 1962, p. 278). It was only then the stateless persons gained importance. As Arendt (1962, p.278) argues the policy to deprive citizens from their citizenship was "something entirely new and unforeseen" in that period. Moreover, "they presupposed a state structure which, if it was not yet fully totalitarian, at least would not tolerate any opposition and would rather lose its citizens than harbor people with different views" (1962, p.278).

To continue with Arendt's insight into totalitarianism, which used denationalization as a powerful weapon and thus important for understanding statelessness, according to her it was an exceptional phenomenon and there were only two examples of it in history, that are Nazi Germany and Stalinist Russia. However, although one even tempted to measure the degree of a state to be totalitarian on the basis of its discretion to revoke citizenship, Arendt argues that in the period between the two

world wars, there was not even one country which did not enacted a law that allows states to get rid of its inhabitants. To continue with the notion of rightlessness, Arendt (1962) calls the inner paradox of human rights as "the perplexities of rights of man". Accordingly, Hayden (2008, p. 253) referring to Arendt, underscores the fact that:

> The central paradox of the notion of inalienable human rights is that while the protection of human rights within the international system is inseparably tied to state sovereignty, states are also authorized to deprive citizens of those same rights and to exclude individuals from the condition of nationality that would enable them to have human rights.

This is important in the sense that without any restriction on sovereignty of the state to revoke citizenship of its citizens, any ruling political power can "implement a redefinition of its citizenry" (AlBarazi & Tucker, 2014, p. 3) to take the rights back of any group or section of society that does not comply with the national norm. Although as mentioned above, the worst examples of the phenomenon of rendering persons rightless can be observed in totalitarian regimes, neither then nor now the state authority to revoke citizenship has not been ultimately terminated. According to Hayden (2008, p. 250) the most important aspect of Arendt's critique is that:

> it highlights how statelessness is not aberrant or accidental phenomenon occurring despite the best efforts of states to prevent it, but a 'normalized' systemic condition produced by an international order predicated upon the power to exclude as the essence of statist politics.

As it was mentioned at the beginning, Arendt thoroughly depicts the plight of stateless persons. Without going into the details of Arendt's expansive work on totalitarianism[21], what is important pertaining to this debate is the fact that how totalitarianism destroys the very human nature. Arendt not only distinguished totalitarianism from previous forms of tyranny and dictatorship, but she also argued that totalitarianism represented a complete break with traditional political, moral and social categories. In her view (Arendt, 1962, p. 458-9):

[21] For further discussions Arendt provided please refer to Arendt, H. (1962)

> What totalitarian ideologies therefore aim at is not the transformation of the outside world or the transmutation of society, but the transformation of human nature itself. The concentration camps are but laboratories where changes in human nature are tested, and their shamefulness therefore is not just the business of their inmates and those who run them according to strictly "scientific" standards; it is the concern of all men. Suffering, of which there has been always too much on earth, is not the issue, not is the number of victims. Human nature as such is at stake...

What Arendt meant by the transformation of human nature, was that totalitarianism aims at making human being "superfluous". In other words, totalitarianism seeks to transform human beings into something of a less than human. In Arendt's view, this was only possible through stripping humans from all their (human) rights as well as the legal status and placing them "outside the pale of society and nation", as the Nazis did to the Jews. This manmade rightlessness of stateless persons has a crucial place in Arendt's very well-known statement of "the right to have rights". According to Arendt (1962, p. 295):

> The calamity of the rightless is not that they are deprived of life, liberty, and the pursuit of happiness, or of equality before the law and freedom of opinion - formulas which were designed to solve problems *within* given communities - but that they no longer belonged to any community whatsoever.

The importance of this point for stateless persons derives from the fact that their non-belonging to any community paves the way for three basic calamities. In Arendt's view, rightless persons not only lose a home as well as the government protection, but they also lose a place in the world that makes their "opinions significant and actions effective". She then continues (Arendt, 1962, p. 296-297):

> They are deprived not of the right to freedom, but of the right to action; not of the right to think whatever they please, but of the right to opinion. Privileges in some cases, injustices in most, blessings and doom are meted out to them according to accident and without any relation whatsoever to what they do, did, or may do. We became aware of *the existence* of the *right to have rights* (and that means to live in a *framework* where one is judged by *one's actions* and *opinions*) and a right to belong to some kind of *organized* community, only when

> millions of people emerged who had lost and could not regain these rights because of the new global political situation.

She (1962, p. 302) furthermore purports:

> The paradox involved in the loss of human rights is that such loss coincides with the instant when a person becomes a human being in general- without a profession, without a citizenship, without an opinion, without a deed by which to identify and specify himself - *and* different in general, representing nothing but his own absolutely unique individuality, which deprived of expression within and action upon a common world, losses all significance.

To piece Arendt's arguments together, one can observe in Arendt's insight, that statelessness means to be excluded from the common world of humanity and Arendt refers to this situation as a part of the ontological deprivation, which paves the way for "the loss of an individual place in a common public space from which action, speech and hence identity become meaningful" (Parekh, 2013, p. 10). This argument underpins Arendt's famous remark of "the right to have rights". According to Arendt, "the only truly human rights ... are the rights to act and speak in public" (Berkowitz, 2011, p. 64) and only by these means humans can be effectual and meaningful in a public world. Arendt refers to this human condition as natality. The problem of stateless persons derives from the above mentioned crucial lack, that is human dignity, since for Arendt (1962, p. 297), "only the loss of a polity itself expels him from humanity". From an Arenditian perspective then the human rights "are only those rights to speak and act amidst a people such that one's words and deeds are seen and heard in such a way that they matter" (Berkowitz, 2011, p. 65). Accordingly what is peculiar considering the plight of stateless persons, as Hayden (2008, p. 257) argues referring to Arendt is that "while the loss of one's place in the world is what activates rightlessness, what makes rightlessness such an acute political harm is the virtual "impossibility of finding a new one.""

To mention some of the criticisms directed at Arendt, one can begin with the general argument about the growing prevalence and validity of the human rights regime and that Arendt's arguments are not as valid as they were before. However although one

can easily observe the legal progress with regard to the human rights as well as its mechanisms, unfortunately they are not only "encompass a more modest set of rights" but also are "institutionally less settled" (Brysk & Gershon, 2004, p. 3). Moreover, what Parekh (2013, p. 6) argues that "...the consensus among many scholars is that the legal protection of refugees and stateless people is at best precarious and at worst non-existent" seems more than important. Another very crucial point to bear in mind is, as Soysal (2014, p. 153) argues, that both the implementation of rights and its practice not only are universal, but also depend on certain institutions as well as their social and historical contexts. In addition to these, Arendt is criticized on the fact that she simply rejects human rights, however Berkowitz (2011, p. 63) argues that "Arendt calls for a new thinking of human rights" and asks how can human rights be detached from their grounds that are settled in the notion of sovereignty. Finally, Rancière's critique of Arendt emphasizes stateless persons' lack of agency in Arendt's analysis. However, in her response to the critiques directed at Arendt, Parekh (2013, p. 13) argues that the words, opinions and actions of stateless persons "still do not 'matter' ... either by the humanitarian organizations that care for and control them, or by states where they reside or hope to reside". Therefore, they are still rendered as 'nothing but human' rather than political subjects "without a meaningful political identity within the context of the common world", which hampers their speaking and acting, their right to have rights.

To put in a nutshell, in light of the discussions provided above, one can argue that since the analysis of Arendt, practically much has not changed for stateless persons. They could not even find a place in theoretical realms until very recently. They are still treated as well as regarded as if they are "the scum of the earth", not only by their countries of origin, but also by the other sovereign nation-states. They are not only subjected to various forms of violence and discrimination, but also obliged to maintain their lives as something of a less than human, while more humans, those who are nationals of a sovereign nation-state, continue to avail themselves of the rights entailed by citizenship. Indeed, what Van Waas (2011, p. 28) remarks summarizes the situation: The fact that international human rights norms stipulates the right to a nationality is "in itself, a confirmation of the enduring role of

nationality in the exercise of rights, even in the contemporary human rights era". Accordingly what Goldston reminds seems important. Without ignoring the importance of activating existing international mechanisms, Goldston (2011, p. 210) argues that "combating citizenship deprivation and denial requires the clarification and articulation of new legal norms that stipulate the boundaries of state prerogative". Nevertheless, none of these would be sufficient from an Arendtian perspective. The only way to bring together stateless people with human dignity is the emergence of opportunities to speak and act.

2.3 The Phenomenon of Statelessness

To historicize statelessness is to write a history of the practices of race, gender, labor, and ideology, a history of extreme otherness and extreme danger.[22]

The concept of statelessness has been defined differently in different languages and changed in the course of events. Statelessness was first defined as *heimatlos*[23] in German as it is used in German-Swiss legal language. This term had been accepted and was used by many states. Later, in France, the term *apatride* was proposed and this term started to be used in the doctrine, in jurisdictional decisions, international texts and by the League of Nations. Today, the term *stateless* is used as a legal term in international law. According to UN General Assembly, 'Convention Relating to the Status of Stateless Persons (1954), "“stateless person” means a person who is not considered as a national by any State under the operation of its law". Stateless persons, including non-refugee stateless persons[24] as well, are part of UNHCR's

[22] Kerber, L. (2007)

[23] For a study on how the concept of *heimatlos* changed in the Turkish language, please see Arslan, M. (2014)

[24] It should be mentioned that Palestine refugees in Jordan, Lebanon, the Syrian Arab Republic, West Bank and the Gaza Strip are under the mandate of UNRWA. UNHCR's mandate only includes Palestine refugees who are outside UNRWA's areas of operation.

mandate. The mandate includes identification, prevention and reduction of statelessness, and protection of stateless persons. For the issuance of identity documents for stateless persons, sovereign states are put liable. As of 2017, UNHCR estimates that there are at least ten million stateless persons in the world.[25]

Yet, despite the fact that definition of a stateless person has been acknowledged as early as 1950s and statelessness affects millions of people all over the world, until very recently it has been "one of the most forgotten areas of the global human rights agenda"[26], as the former UN High Commissioner for Refugees António Guterres observed. Yet, as it is mentioned by various scholars (Blitz & Lynch, 2009; Van Waas & Neal, 2013) writing on the issue, there is an increasing interest in statelessness particularly over the last few years from various stakeholders including NGOs, national governments, intergovernmental organizations and academics as well. Although this interest in the issue has brought about an expansion in the literature on statelessness, Blitz and Lynch (2009, p. 11) argues that most of the writings on the issue "has not introduced theoretical considerations but has taken the form of descriptive reports which have sought to set an agenda at critical times". Moreover, they also add that this particular subject did not receive much attention from the scholars at least until very recently. While the earlier discourse on the issue of non-citizens, particularly in the late 1990s, concentrated on issues of (in)equality and (in)security; in the mid-2000s it rather skids into a rights-based theme (Blitz & Lynch, 2011, p. 11). Nevertheless, another point to remember, that goes hand in hand with the abovementioned rights-basedness, is that the discourse of war against terrorism globally spread is also quite related with the issue of statelessness as well as citizenship revocation and it will be elaborated on below.

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[25] https://www.unhcr.org/globaltrends2017/

[26] https://www.unhcr.org/news/latest/2011/12/4ee0ba009/unhcr-chief-hails-landmark-conference-making-quantum-leap-statelessness.html

Hanley faultlessly propounds the subject matter. According to him, statelessness "is an effect of the state, and inconceivable without it, yet the state offers no resources of remedy. The reality of statelessness is in its effects. Law has not described it - it is a state of exception, and a site of law's failure. It is, like the criminals, pirates, and slavers, a gap, an exception" (Hanley, 2014, p. 326). Therefore, this requires the stepping of international law in. To continue with the rights entitled to stateless persons, without dealing with the issue in detail, which will be done in part 2.3.1, it should be mentioned that the 1954 Convention relating to the Status of Stateless Persons "establishes a minimum standard of treatment for the stateless - elaborating and conferring a catalogue of basic rights –" (Van Waas-Hayward, 2008, p. 389). In other words, "except the rights to vote, hold public office and exit and enter at will" (Goldston, 2011, p. 210), non-citizens are granted, within the international law, all rights that citizens are entitled to. However, the fact that they have rights arising from international law does not in practice mean that the rights of stateless persons are not violated and they are not ill-treated. Some of the common practices that stateless persons face are unnecessary and/or prolonged detention, various forms of state violence, discrimination as well as administrative barriers hampering their right to travel, access to health and education services as well as work permit. Therefore, although stateless persons are not devoid of the rights acknowledged by international law and the accompanying mechanisms, this does not mean that these rights ensure the privileges that a citizenship would do. Moreover, to understand how far these rights are implemented in practice needs further comparative studies made on the issue. Besides all these, numerous metaphors used to depict the plight of stateless persons lay bare the situation. Among these, 'nowhere people', 'legal ghosts', 'the erased', 'the invisibles', or the 'unrecognized' are some of the well known ones. Furthermore, those said by the children and young people whom were interviewed for a UNHCR report (2015) make one to understand how statelessness is experienced by the agents. According to the report, the interviewees describe being stateless as "invisible," "alien," living in a shadow," like a street dog" and "worthless." [27]

[27] UNHCR Division of International Protection (2015), I am here, I belong The Urgent Need to End Chilhood Statelessness, s. 15

To move away from the legal perspective which has already been the dominant one in studies on statelessness for decades and to continue more with the studies from the political and sociological theory, it seems important to mention that "the concept of statelessness is situated within a discursive field of negativity" (Eliassi, 2015, p. 10-11). Statelessness was depicted as 'expulsion from humanity altogether' by Arendt, 'a Kafkaesque legal vacuum' by UNHCR, 'a condition of infinite danger' by Walzer, 'social death' by Castles, 'bare life' by Agamben and an 'undesirable anomaly for states' by Macklin, to mention but a few. Moreover, Blitz and Lynch (2011, p. 13) contends that although the issue of statelessness has rather been addressed "indirectly in the context of alienage" and/or "not from the perspective of rights per se but from a pragmatic problem of the politics of integration" by contemporary authors, one can observe an expanding interest in Arendt's work.

Traces of the interest in Arendt's work on statelessness in contemporary writing can be found in the recent developments pertaining to the recurrence and revival of debates on revocation of citizenship on behalf of treason and/or of (dis)loyalty as well as of war against terrorism. The practice of citizenship revocation, which not necessarily but has the potential to culminate in statelessness, stands at the heart of state sovereignty, human rights and non-discrimination. Delineating the practice of withdrawal of citizenship as "the manipulation of citizenship as a political tool", Albarazi and Tucker (2014, p. 1) put emphasis on the fact that citizenship has commonly been used as a political weapon at the risk of rendering individuals, groups or even entire population stateless. Moreover, they argue that "the exclusion/inclusion of those based on a perceived lack/sufficient loyalty to the nation-state" is common in the practices of withdrawal of citizenship. Although this does not mean that states may revoke citizenship unconditionally, international law recognizes the legitimate right of a state to do so. According to Albarazi and Tucker (2014, p. 3):

> Without such restrictions it would be at the discretion of any ruling political power to implement a redefinition of its citizenry, for example denationalizing a section of society who they feel will not vote for them,

> or a section of society whose religious beliefs differs from the national norm.

As to the relationship between statelessness and war against terrorism, it manifests itself not only in the migration flows of humans from the countries, which were razed in the name of war against terrorism, but also in the decisions of the Western authorities to amend their citizenship laws in order for allowing citizenship revocation of naturalized citizens with accusation of having been involved in terrorist acts. Furthermore, for the last few years particularly in the MENA region and Turkey as well, the authorities either revoke citizenship of regimes' opponents, who are not necessarily naturalized citizens, or intimidate them with doing it. In general, in doing so, the authorities accuse dissidents of treason or terrorism. Hence, their discretionary acts on revoking of native born citizens' citizenship carries the potential for emergence of new cases of statelessness.

To sum up, the phenomenon of statelessness, a very familiar but forgotten issue until very recently, not only places human beings in the position of "superfluousness" in Arendtian terms, but also shakes the foundational premises of the human rights regime. Blitz and Lynch (2011, p. 4) quite clearly summarizes the case:

> ... in the case of stateless people, the state's prerogative of determining formal membership is often at odds with the protection of human rights in practice. Indeed, the very notion of statelessness exposes the essential weakness of the global political system, which relies on the state to act as the principal guarantor of human rights.

After this general information on the phenomenon of statelessness, the following two parts aim to take a closer look at the reasons behind statelessness and the contentious debate about de jure and de facto statelessness.

2.3.1 Reasons behind Statelessness

Looking at the root causes of the state of statelessness, it can result from a myriad of scenarios. Accordingly, there are various reasons that can lead to cases of statelessness and these reasons can render persons stateless not only either individually or as a group but also either at birth or later. Moreover, the reasons provided below should not be considered as independent causes, but they may intertwine in generating cases of statelessness. The gravity of the situation is made clear by the fact that the number of stateless persons is not decreasing and the condition of being stateless is even being transferred between generations despite all precautions and ratified conventions. This results from the fact that due to the sovereign nature of statehood, every state has the right to decide to whom they guarantee citizenship and under which circumstances. Additionally, though international law has circumscribed the extent, states possess the right to denaturalize people and to determine the conditions under which they do so. So, an individual might become stateless within the borders of his/her own country or within the borders of another state. Hence, statelessness is not simply an issue between two parties - the country of the stateless person and the country where the person resides as a stateless individual - but it is also a status that concerns international law. According to Weis (1956, p. 128), this is due to the fact that statelessness "affects the right of other states to demand from the state of nationality the readmission of its nationals". In other words, although their implications are international, all these issues are left within the domestic jurisdiction of the individual state.

As to the reasons behind statelessness, to begin with the conflict of laws, in its simplest terms it refers to the conflict of citizenship laws of two or more countries where the individual in point was born or live. As it was mentioned before, states grant citizenship based on two principles in general: Jus soli principle citizenship is based on place of birth; jus sanguinis principle citizenship is based on family heritage or descent. Among the two principles, jus sanguinis can lead to statelessness. In some countries, particularly in the MENA region, citizenship is granted only through paternal descent, which is quite related with the gender discriminative citizenship

laws[28] that is another cause of statelessness. In some countries women do not hold equal rights to pass down citizenship to their children. These kinds of discriminatory practices result in the statelessness of the child in the case of the death of the father, the absence of the father or his rejection of the child. Failure to register the child upon birth is the second reason, leading to an increased risk in the continuity of statelessness for generations. This is one of the main points of focus for the UNHCR to end statelessness within ten years. The child does not automatically become stateless as a result of the lack of birth registration; however, the lack of birth registration stands as an obstacle in the process of becoming a citizen and accessing state services. A very recent example of this is the plight of Syrian refugee children. According to a UNHCR report "70% of babies born to refugees who have fled the Syrian civil war do not have birth certificates" (Fullerton, 2015, p. 875).

Furthermore, the child can become stateless, if the mother's country adheres to the jus sanguinis principle and does not allow women to pass her nationality on the child. This is also valid when the father does not accept the child, he is absent or in some cases if the child is born out of wedlock. Moreover, if the child has stateless parents and was born in a country which adheres to the jus sanguinis principle, then the child probably would be stateless, though international conventions suggests granting the child citizenship of the country s/he is born in but have no sanctions. Hence, "jus sanguinis nationality laws not only produce statelessness, they also perpetuate statelessness from one generation to the next" (Weissbrodt & Collins, 2006, p. 256). It also worth mentioning that the most essential matters resulting in the continuity of statelessness are intrinsically related to the most vulnerable groups in conflict zones, namely women and children. However, another important point to underline is the fact that (forced) migration is intrinsically associated with statelessness. To be more precise, while the status of statelessness increases the risk of being forced to migrate to a considerable degree, forced migration practices constitute some of the primary factors leading to the risk of becoming stateless (Albarazi & Van Waas, n.d., p. 27).

[28] Detailed information on the issue is provided in part 3.3.1 Putting Gender into Perspective: Discriminatory Citizenship Laws, Statelessness and Revocation of Citizenship

Moreover, a void in the legislation on the citizenship of a country might potentially generate new cases of statelessness in case lawmakers do not behave circumspectly knowingly or unknowingly.

Another very important reason, behind pervasiveness of statelessness today, is that of state succession. The formation of new nation-states, changes in borders, forced migration or political transformation and/or violent conflicts might cause individuals or groups to be stateless following state succession. State succession might trigger changes in (citizenship) laws, discrimination against or revocation of citizenship of a particular ethnic/religious group of people. Furthermore, if the predecessor or successor state does not make provisions against statelessness and ensure that those living in their territories have access to the relevant information, this can culminate in new cases of statelessness. Historical examples of this can be found in Austro-Hungarian as well as Ottoman Empires and the break-up of the Soviet Union is relatively a recent example. The dissolution of the Soviet Union eventuated in "more than 300 million people who needed to obtain new nationalities" (Fullerton, 2015, p. 873) and current citizenship matters in Russia and Central Asia are not independent from the former Soviet policies such as mass deportations and forced migration (Blitz & Lynch, 2011, p. 8-9).

To continue with another reason, which is particularly crucial for this study, is that statelessness may result from revocation of citizenship. States take back rights of their citizens generally either due to discrimination or perceived (dis)loyalty. Though it gives the authority to states in determining who will be included in citizenship, international law stipulates that states shall not implement discriminatory practices on the grounds of race, color, descent, or national/ethnic origin in deciding. Yet, states may make discriminatory laws to target specific groups or groups of people and even may implement the laws in such a way that it can lead to discrimination of these groups. Accordingly, as Blitz and Lynch argues (2011, p. 6), "denial or deprivation of citizenship takes place as a result of a specific state action". For instance very well-known example of Germany in 1940s lays bare the fact that all these can exist together. National Socialists not only expatriate the political

opponents of the regime but also the refugees who did not show enough allegiance to the Third Reich. Then, racially or politically undesirable persons, naturalized by the Weimar Republic, were denaturalized (Kempner, 1942, p. 825). Moreover, all refugees of Jewish race as well as Jews were expatriated. Among various, other examples are Bidoon in Kuwait, Rohingya in Myanmar as well as Kurds in Syria, some of whom were excluded from citizenship in a census in 1962. As it was mentioned perceived (dis)loyalty has been another very important reason for states to withdraw citizenship. States can revoke citizenship of naturalized citizens by accusing them with performing subversive activities, posing a threat to state security or in the name of war against terrorism. Despite the fact that international law is strict in the sense that one cannot be revoked of citizenship on the grounds of the reasons provided above if she or he will become stateless, some states does not comply with the international standards in implementation of the law and thus they can render individuals, for sure mono nationals, stateless.

In addition to the reasons mentioned above, military service obligation[29] in some countries and legacy of colonization have been the factors that directly affected emergence of statelessness all around the world. Another point to be mentioned is the renunciation of citizenship, which means that an individual can renounce his/her nationality. Some states do not allow individuals to renounce their nationality, if they will become stateless in the end of the act. Yet some others do not necessarily stipulate acquisition of another citizenship and apparently this may lead to the individual to become stateless. Furthermore, acquisition of citizenship fraudulently may result in an individual to become stateless. Last but not least, as Blitz and Lynch (2011, p. 10) argues, migrations, particularly more recent ones, by creating nationality problems, either actively or accidentally generates new cases of statelessness since some states revoke the citizenship of those who left the country and/or has resided abroad for a given period of time.

[29] Detailed information on the issue is provided in part 3.3.2 Military Service Obligation and Revocation of Citizenship in Turkey

In a nutshell, in this day and age, when the structuring of nation-states is considered, the fact that the legal bond between the individual and the state is established through citizenship, places citizens in an advantageous position, whilst depriving citizens' others of the right to have rights. This causes de facto or de jure stateless persons to have a wide array of their rights violated or restricts their access to rights, and causes the needs of stateless persons to become invisible in nation-state practices. The following part aims to provide brief information and recent debates on de jure and de facto statelessness.

2.3.2 De Jure and De Facto Statelessness

As Fullerton (2015, p. 863) argues, "in a world of nation states, citizens rely on their states for protection". Well then what about the non-citizens and among them stateless persons? This question has been in the political agenda of international system as well as international law as early as from the beginning of 20th century onwards, yet became more and more visible particularly after the Second World War. Then, together with the increasing number of stateless persons, the need to identify specific groups in need of protection and their needs emerged. The fact that a stateless person is described "as someone who is not considered as a national by any State under operation of its law" does not mean that it goes without dispute particularly considering the manifoldness of the phenomenon.

Accordingly, considering the issue of statelessness, another important and ongoing discussion is that of whether there is a need to categorize and draw the lines between statelessness as *de jure* and *de facto statelessness*. In the simplest terms, while the term de jure stateless persons refers to those who do not literally have a nationality, the term de facto stateless persons refers to those who have a nationality but it is ineffective in some way. The fact that the 1954 Convention basically referred to de jure stateless persons and made "a non-binding recommendation that calls upon states to 'consider sympathetically' the possibility of according de facto stateless persons the treatment which it offers to de jure stateless persons" (Blitz & Lynch, 2011, p. 3) was not a remedy for countless others' rights violation. Moreover,

although the term was circulating as early as 1961, Massey (2010) contends that the boundaries of de facto statelessness were expanded particularly after the dissolution of the Soviet Union, Czechoslovakia and Socialist Federal Republic of Yugoslavia. Despite one can speak of a growing awareness on vulnerability that de facto stateless persons are faced with, there is an ongoing debate on that the term de facto statelessness has the risk to diminish de jure statelessness in importance. However, although de facto stateless persons are citizens of a country yet do not have the opportunity to enjoy the privileges that citizenship ensures such de jure stateless persons, necessitates to consider them within the realm of statelessness at least for them to be able to benefit from protections ensured in international law.

De facto stateless persons experience almost the same difficulties, discrimination and violation of their rights with de jure stateless persons. To exemplify, a de facto stateless person might be denied the right to enter and/or protection of his country of nationality, to consular services, to renewal of passports etc. Macklin depicts this situation as the government's repudiation of "the individual qua citizen without resorting to formal denationalization" (Macklin, 2014, p. 6). Moreover, Weissbrodt and Collins (2006, p. 263) contends that de facto statelessness results from state discrimination and "therefore most persons considered *de facto* stateless are the victims of state repression". Accordingly, to better understand the recent developments pertaining to the revival of citizenship revocation, Gibney (2017) underscores the importance of working through distinct cases of de facto statelessness. Furthermore, another very recent remark by Latif Tas (2016) suggests another category of statelessness, that is "social statelessness". According to Tas (2016, p. 49), both de jure and de facto statelessness make mention of the legal connection between an individual and a state, yet "statelessness is not just an individual problem". By referring particularly to ethnic minority groups, to name Kurds, Tamils, Palestinians and Roma, he argues that though they are legally the citizens of a country, they may not feel belonging to or as a part of that country. This might even result in their living abroad in the diaspora. Hence, statelessness for these groups turns into "a social fact, and a collective or community problem" (Tas, 2016, p. 49).

At last, without ignoring all these arguments revolving around the definition and content of the phenomenon of statelessness, it is rather functional to adopt Massey's view on this issue with regards to the purposes of this study. Massey (2010, p. 61), based on his analysis of related conventions, relevant discussions and UNHCR mandate on the issue, concludes that:

> *De facto* stateless persons are persons outside the country of their nationality who are unable or, for valid reasons, are unwilling to avail themselves of the protection of that country.
>
> Persons who have more than more nationality are *de facto* stateless only if they are outside *all* the countries of their nationality and are unable, or for valid reasons, are unwilling to avail themselves of the protection of *any* of those countries.

Accordingly, while refugees not having a nationality are de jure stateless, those who have one are de facto stateless. Moreover, Massey (2010, p. i) states that "whereas all refugees are stateless, many stateless persons are not refugees".

2.4 Revocation of Citizenship: Recent Debates on an Old Practice

Like disenfranchisement, revocation for "gross acts of disloyalty" is predicated on the moral unworthiness of certain individuals to retain the status of citizen, an unworthiness that is only accentuated by depicting citizenship as a privilege (of which one must be deserving), rather than a right (to which one is entitled).[30]

As Macklin (2014, p. 4) purports "citizenship is the highest and most secure legal status one can hold in a state, but it is not inviolate". States, putting into distinct forms of practices, amendments or decisions, can either revoke the citizenship of a

[30] Macklin, A. (2014), p. 36

person, denaturalize the person or provide a basis for loss of citizenship. Stripping away of citizenship is referred to as expatriation, denationalization, denaturalization, renunciation or loss of citizenship. Despite these various ways to define the state practice of taking rights back, most of these terms overlap and except for renunciation, they all connote to the practice of involuntary loss of citizenship.

According to Macklin (2014, p. 3), "citizenship revocation is either emergent or recrudescent" depending on the viewpoint. Therefore, while the practice of denationalization would be regarded as an act in relation with immigration law as well as national security by an individual studying crimmigration; it would appear as the revival of banishment for a historian. Considering the purposes of this study, recent resurgence of the practice of citizenship revocation will be regarded rather as recrudescent, without ignoring the fact that it is quite related with the immigration regulations particularly after 9/11, which will be examined in the following pages.

To begin with the recrudescence of citizenship revocation in brief, as it will be elaborated in detail below, fraud and various definitions of disloyalty have been the most common grounds for the practice of citizenship revocation. As Lavi (2011, p. 784) states "from The American Civil War and later the two World Wars and the Cold War gave rise, each in its turn, to discussions of citizenship and its revocation". Immediately before and particularly in the wake of World War I[31], a number of states resorted to the practice on the grounds of "anti-national conduct or attachment to the enemy" (Forcese, 2014, p. 558). However, in very recent years, citizenship revocation has resurfaced once again, yet this time targeting at the amorphous notion of the terrorist.

Macklin (2015, p. 1) strikingly summarizes the transformation of the debate around the practice of citizenship revocation:

[31] For a very brief summary of some aspects of statelessness during and after World War I please refer to Carey, J. P. C. (1946)

> From antiquity to the late 20th century, denationalization was a tool use by the states to rid themselves of political dissidents, convicted criminals and ethnic, religious or racial minorities. The latest target of denationalization is the convicted terrorist, or the suspected terrorist, or the potential terrorist, or maybe the associate of a terrorist. He is virtually always Muslim and male.

Accordingly, one of the recent debates on the issue emerged as the need to reconsider this particular practice "within the broader framework of the relationship between criminal and constitutional law" (Lavi, 2011, p. 784). In this regard, not only countries but also scholars working on the subject can be said to roughly divided into two. While some of them completely reject the practice, some others do not object to it. For opponents of the practice, the main issues emerge on constitutional, discrimination, arbitrariness, human rights and statelessness grounds, to name but a few; for proponents, the practice emerges as an administrative measure, security, vital interests of the state and public good. Moreover, considering at the scholarly level, while some of the proponents argue that the practice strengthens the notion of citizenship, some others contend that it actually weakens it. Furthermore, one can see a great deal of variations among countries, laws, amendments and implementations pertaining to the practice. While some countries does not allow for revoking citizenship of born citizens, others, including the Netherlands, France, Denmark and Israel, have amended their laws to include both naturalized and born citizens (Lavi, 2011, p. 784).

Another very challenging issue is that of exile, since the ex-citizen finally becomes deportable after his/her citizenship was revoked. However, this also raises various questions on the practice. To begin with, "the right to enter and remain is foundational, if not definitive, of citizenship" (Macklin, 2014, p. 51) and if the practice of citizenship revocation renders the individual stateless then no country is left for a stateless person to realize these foundational rights of citizenship. Nevertheless, in one way or another the stateless person will have to live under the authority of a state and subject to state power. In addition, if a person is revoked of citizenship on the grounds of terrorist offences, then which country on earth would be eager to include him/her in the polity? Or shall states embrace the view of the

2005 Standing Committee on Citizenship and Immigration in Canada (cited in Forcese, 2014, p. 584-585):

> [O]nce citizenship is properly granted, any future conduct should be addressed through Canada's criminal justice system. If citizenship is legitimately awarded and there is no question as to fraud in the application process, a person who later commits a crime is 'our criminal'.

To continue with Herzog's (2011, p. 101) contribution, analyzing the practice of revocation of citizenship in the United States, he contends that "expatriation laws do not follow any strict republican, liberal or ethnic principle but consistently react to the visible manifestation of massive disloyalty (which had variant delineations at different times)". Moreover, he argues that although the practice of citizenship revocation is usually considered as acts of despotic and totalitarian regimes, "they are standard clauses within the legal systems of most democratic states", on top of the relatedness (Herzog, 2011, p. 83-84). Accordingly, Gibney's[32] questioning of whether we can trust the governments to be prudent in their usage the power of citizenship revocation for 'dangerous individuals', even if we accept the practice in principle, gains importance. Needless to say, the questions pertaining to the practice of revocation of citizenship are multifaceted and one can encounter harder ones considering the state-citizen, citizen-community as well as citizenship vs. human rights and constitutional-criminal law relations.

In light of these discussions, this part of the thesis aims at first giving detailed information on the grounds for citizenship revocation and on the very important issue of arbitrariness which stands in the middle of relevant debates on the issue. Then, it will analyze the changing subject of the practice of citizenship revocation, to name from the traitor to the terrorist. And finally it will discuss in detail the practice on the basis of whether it is a punishment or an administrative act.

[32] http://theconversation.com/dont-trust-the-governments-citizenship-stripping-policy-22601

2.4.1 Grounds for Revocation of Citizenship

Although the authority of the state to revoke citizens of their citizenship is circumscribed in international law, this does not mean that it is completely prohibited. The practice of revocation of citizenship exists from past to present albeit the grounds for it, has always varied and changed in time. Gibney (2017, p. 364) contends that the grounds for loss of citizenship "have been diverse and wide-ranging" and they can be grouped under five major categories.

To begin with, one of the common themes has been conflicts of allegiance or loyalty. This is related with the situation of citizens acquiring another nationality, particularly when the state concerned does not allow for this as well as dual nationality. Moreover, that some of the states revoke citizenship of those who live abroad for a long time and of women who marry a foreign national, depicts the state endeavor to minimize conflicts of loyalty.

The second one is the revocation of citizenship on the grounds of fraud and misinterpretation. That is to say, if a naturalized individual originally acquires the citizenship of a state fraudulently or through deception, then the state has the authority to nullify the decision of granting citizenship. In many countries the revocation of citizenship on this ground is legally permissible due to the fact that the citizenship "never lawfully existed in the first place" (Gibney, 2017, p. 363). Furthermore, revocation of citizenship on this ground is allowed in some of the international conventions, even if the decision will render the person stateless.

A third ground is that of disloyalty or lack of allegiance. According to Preuss (1942), historically, 'disloyalty' is the most frequently used ground for revocation of citizenship (cited in Sykes, 2016, p. 3). One can observe a pretty multifarious perception of disloyalty, which also change in time, among the states. In general, "behavior that demonstrates serious hostility to the key principles or government of the state in question" (Gibney, 2017, p. 363) have been regarded as disloyal acts and most states have allowed for revocation of citizenship on these grounds. Spying for

another country, rendering services, which are incompatible with the interests of the state in question, for a foreign state without and voluntarily rendering military service for a foreign state without obtaining permission have been examples of disloyal acts. Additionally, in some countries, for instance US or Turkey[33], being a member of certain organizations or adhering to certain ideologies, such as communism or anarchism, to mention but a few, have been regarded as incompatible with loyalty and allegiance. Accordingly, revocation of citizenship on this ground, raises important questions pertaining to rights to freedom of expression, of organization as well as freedom of thought.

Furthermore, although some of the countries only allowed for revocation of naturalized citizens on these grounds, some others revoked citizenship of those who are native born and rendered them stateless, if they were not dual nationals. Gibney (2017) terms the fourth ground in revocation of citizenship as unworthiness. He argues that despite the fact that most of the grounds for revocation of citizenship "involve behavior or actions that make an individual unworthy of keeping citizenship" (Gibney, 2017, p. 363), what he makes mention of is rather the "ascriptive characteristics" of individuals or groups of individuals. A very well known example of this category is the practice of citizenship revocation of Jews during the Nazi regime. Needless to say, this ground is quite related with discrimination against certain ethnic or religious groups as well as discriminatory practices targeted at them.

Finally, the last and most recent ground for revocation of citizenship, is security. Although, it is a tall order to dissociate the security ground from the issue of lack of allegiance, what is more peculiar with this final ground is the fact that the individual is perceived as a threat as well as as having a potential for violent future actions. That

[33] One can not directly come across a law article pertaining to revocation of citizenship on the grounds of being a member of communist organization or of adhering to anarchist ideology in Turkish Citizenship Laws. However, some of the correspondence, relating to the revocation of citizenship, particularly after mid-1950s makes mention of the person in question as aiming at disseminating communism or performing the service of the Soviet Government. Yet, the ground for their revocation of Turkish citizenship is either Article 9 or 11/a of Turkish Citizenhip Law No.1312.

goes without saying that, this ground targets at those who (allegedly) have links to terrorist groups or organizations. While laws in some states do not allow for revocation on this ground if the individual will be rendered stateless, some others allow for it. Yet as it will be elaborated on more in the following pages, the fact that states either have or grab the authority to revoke citizenship on the grounds of the ambiguous notions, such as terrorism, perceived threat, conducive to the public good or national security; has a potential to increase the arbitrariness in decisions of citizenship revocation. The following part aims at briefly summarizing the debate on the issue of arbitrariness in practices of citizenship revocation.

2.4.2 The Issue of Arbitrariness

If nobody shall be arbitrarily deprived of his or her nationality, then what is 'arbitrary deprivation'?[34]

Another very important issue pertaining to the practice of citizenship revocation is that of arbitrariness, which is one of the liberal concerns pertaining to the revocation of citizenship since it is "an illegitimate exercise of state power" (Gibney, 2011, p. 15). Moreover, the importance of the issue derives from the fact that, as Macklin argues, "even where citizenship revocation does not induce statelessness, arbitrary deprivation of nationality violates international law" (Macklin, 2014, p. 15).

According to Gibney (2017), arbitrariness of the practice of citizenship revocation is related to four issues at least. The first one is about the fact that in general revocation of citizenship is based on an administrative act and this does not let the individual to contest the decision. Secondly and related to the first one is whether it should be viewed as a punishment and be drawn upon after a conviction for a crime. Thirdly, the ground for revocation comes to the forefront in relation to its arbitrariness. That is to say, why an individual who is involved in a crime of bomb attack is stripped of

[34] De Groot, G. R. and Vink, M. P. (2014)

citizenship, while one who is involved in a crime of gangbang is not. Gibney (2011, p. 21) argues that this is due to the fact that "Loss of citizenship is reserved for crimes (proven or suspected) of a higher order, ones that threaten the public order of the state or involve treachery or national security." So, in fact, the state's obligation to protect citizens seems to preoccupy its own salvation, rather than any criminal offense targeting citizens. Finally, the issue of dual nationality seems important since it makes a distinction among, those should be vulnerable and those not to, revocation of citizenship since in recent amendments made to the citizenship laws in many Western countries, practice of citizenship revocation affects mostly the dual citizens in order to prevent cases of statelessness. Accordingly, the equality ideal of the notion of citizenship is hanging by a thread, since revocation of citizenship not only because it produces two 'kinds' of citizenship but also because it requires to impose different penalties to citizens of the same country on the same offense.

De Groot and Vink (2014) make mention of some guiding principles, which are not limited to these, on the issue. In their view, a loss or revocation of citizenship must have a firm legal basis for it not to be arbitrary. Secondly, a legal provision allowing for revocation of citizenship shall not be retroactive. Moreover, the mode of the loss should not be interpreted extensively and if a new ground for loss of citizenship will be introduced, then in addition to it a transitory provision has to be included. Additionally, a legal provision regarding the acquisition of citizenship should not be repealed with retroactivity. The principle of 'tempus regit factum'[35] should be at work. The provisions for loss or deprivation of citizenship must be predictable. The practice pertaining to the loss or deprivation of citizenship should not be discriminatory. The opportunity to challenge the decision of loss or deprivation of citizenship in court should be available. Finally, the consequences of a revocation decision must be proportional, which refers to the principle that "a measure must be necessary, effective, as well as proportional to the goal to be achieved" (De Groot and Vink, 2014, p. 5).

[35] Literally: the time governs the fact. (cited in De Groot and Vink, 2014, p. 4)

2.4.3 Revocation of Citizenship: From Treason to War against Terrorism

> *The traitor was once the iconic embodiment of disloyalty and riskiness; today it is the terrorist. The traitor betrays his country by transferring allegiance from his state to an enemy state. But the post-9/11 terrorist has been configured as the modern pirate - hostis humani generis - a common enemy of all humankind. He is loyal to no state and a menace to all. He is thus conceived of less as a human being than as an embodiment of risk.*[36]

Historically, it is possible to find premises of revocation of citizenship in the practices of banishment and exile, both of which targeted particularly those threatening the stability even in the Ancient Greek. Among various other means, different aspects of perceived (dis)loyalty have been the most common ground for citizenship revocation until very recently. However, it is worth mentioning that today's fashion is to revoke citizenship in association with security concerns or in other words pertaining to the war against terrorism. As it was mentioned earlier, particularly after 9/11 attacks the state security measures were expanded and "citizenship revocation ... has been justified as a necessary tool to prevent terrorist acts" (Trimbach & Reiz, 2018). Hereby, with the changes reflected in the citizenship laws, practices of citizenship revocation have been added on especially in the name of combating terrorism, which affects dual citizens and particularly Muslim men (Macklin, 2015). Accordingly, for the purposes of this study, these recent changes should be further elaborated on.

Macklin (2014) purports that what it means to be a citizen has been redefined by Western governments particularly after 9/11. This is due to the emergence of the category of "homegrown" terrorist, albeit impairing the consideration of citizenship as an inalienable right (Macklin, 2014). Macklin (2015, p. 1) argues that "in its present incarnation, citizenship revocation is best understood as a technique for

[36] Macklin, A. (2014), p. 51

extending the functionality of immigration law in counter-terrorism" and this requires touching upon the issue of war against terrorism in a nutshell.

According to Bernstein (2005, p. 121), the "War on Terror" is

> unlike any other war in modern history. It is not a war against a sovereign state, a civil war, or even a guerilla war. We are fighting an amorphous and ambiguous enemy. It is not even clear how to conduct such a war or what would count as "victory."

In order to understand and examine the issue of war on terror in relation to punishment as well as revocation of citizenship, it seems important to lend an ear to Paye. Sociologist Jean-Claude Paye (2009), in his seminal book, analyzes the developments in the field of law in the aftermath of 9/11 attacks. According to him, the very real meaning of the war against terrorism is not clear, yet the main issue is a profound change in the organization of power, a change of the political regime (Paye, 2009). In addition, he contends that the war against terrorism is a mobilization against an enemy which is "periodically defined for an indefinite period", hence as Didier Bigo (cited in Paye, 2009, p. 14) writes defining terrorism means "defining what is democratic and what is not". Pursuant thereto, while the established regimes that are in cooperation with internationally organized anti-terrorism politics are intrinsically assumed to be democratic, every radical political opposition movement against the regime, which is part of the international anti-terrorism policy, can be accused (of terrorism) (Paye, 2009). Furthermore, in Paye's view, the war against terrorism is a long-term struggle, whose aim is to redraw the organization of society, against a "constantly redefined virtual enemy" (Paye, 2009, p. 15). In this process, the penal law plays an important role and anti-terror laws certify the superiority of the extraordinary procedure over the law (Paye, 2009). In addition, as Paye (2009) argues, the penal laws, by rejecting their political character and placing them in the field of penalty, had already included everything necessary to attack the social movements. However, what is more peculiar about anti-terrorism laws is that they make it possible to point the finger at any demonstration of political opposition for they inconveniently put pressure on the established authority (Paye, 2009). In this

way, according to Paye, the state-society relationship has been strictly reversed with the counter-terrorism measures. Not only civil society loses all its autonomy against politics, but also the idea of the sovereignty of the people as the source of the legitimacy of the state was abandoned. Accordingly, it is the power that bestows and takes back citizenship and legitimizes the society as well as that forces the society to obey its own model, and again, if necessary, declares it guilty (Paye, 2009).

However, another issue that needs to be paid attention at this point is that another reaction of the Western countries in the wake of 9/11 has been securitizing the migration and making changes in immigration laws. Yet, with the menace of the "homegrown" terrorist, it was apparent that immigration laws would not help in dealing with them. This is why, as Macklin (2014, p. 2-3) argues:

> If those deemed threats to national security are not actually alien in law, then they must be alienated by law. In response, politicians in various states have recently pondered citizenship stripping as a way to convert the terrorist into a foreigner. This may be achieved via two-step exile: Step one, revoke the citizenship of the undesirable citizen. Step two, deport the newly-minted.

In other word, on the basis of Jakobs' citizen/enemy distinction, Dubber argues that this distinction substitutes "citizen/enemy for person/non-person and provides cover for a penal system that would exempt the state from treating those suspected or convicted of certain terrorist offences as rights-bearing subjects" (cited in Macklin, 2014, p. 52). Accordingly, Macklin (2014) argues, when the citizenship law converts the enemy into the non-citizen, the incongruity of the citizen /enemy binary in criminal law is resolved. This is why this quick and dirty solution is omnipresent at the present time. Many Western countries, including UK, Canada, albeit against the international treaties, either have amended their citizenship laws or expanded governments' authority to revoke citizenship on the grounds of terrorism, in addition to other grounds for citizenship revocation.

Before moving on to the next part about citizenship revocation as punishment and the issue of state sovereignty to do so, it seems important to mention that, the history of

and recent amendments in Turkish citizenship law draws a different picture from the one provided above. This is due to the fact that it is not possible to talk about a naturalized and then alienated citizen as it is the case in the Western countries, but rather it is about Turkish state producing[37] its "native and national" so-called traitors and/or terrorists by playing with the margins of loyalty as well as disloyalty. In this day and age, following the trend particularly in the West, Turkish state by expanding the content of terrorist and terrorism, threatens dissident citizens with revoking them of Turkish citizenship. Yet, the word terrorist "acts as a polemic apparatus used to disgrace every earthborn who is non-obedient or dissenting"[38].

2.4.4 Revocation of Citizenship: Not Only a Punitive Measure but also a Political Weapon

> *Security and equality are axiomatic of citizenship in the liberal state. When citizenship becomes precarious, or subject to discrimination in the allocation of rights and privileges as between citizens, the integrity of the status travelling under rubric of citizenship is cast into doubt.*[39]

Exile, which is a form of punishment used from ancient times until now, was equivalent to death in the Roman Empire and alternative to execution in Ancient Greece. Moreover, in the Roman Empire, if an offender was sentenced to death, the penalty could be converted to exile (Acehan, 2008). Yet, the practice of exile was not limited to the ancient times and continued its existence, albeit through different aspects, as a punishment in the modern age. In the late eighteenth and nineteenth century, convicts in England were exiled to remote Australia (Macklin, 2014).

[37] This discussion will be further elaborated on in Chapter V.

[38] Ahmet Murat Aytaç, 10.2.2018 Gazete Duvar, 'Terörist modern siyasetin korkuluğudur'. Available at https://www.gazeteduvar.com.tr/yazarlar/2018/02/10/terorist-modern-siyasetin-korkulugudur/

[39] Macklin, A. (2014), p. 32

According to Macklin (2014) the fact that there was no border control and *terra nullius* existed, eased the expulsion of undesirables. Yet, by the twentieth century, with the expansion of domestic prisons, states more and more had the opportunity to punish the offenders in state territory, which resulted in redundancy and uselessness of the penal colonies (Macklin, 2014). Moreover, the fact that *terra nullius* gradually decreased in the age of nation-states, made expulsion of convicts to remote places difficult. Nevertheless, these developments have not spelled the death of exile, which revived purporting deportation as well as the practice of citizenship revocation in the late twentieth and early twenty-first century. As Macklin (2014, p. 5) states, "as the twentieth century progressed, exile of citizens became understood as the prerogative of tyrants, or a deplorable excess committed in "the delirium of war"".

Despite the fact that historically renunciation of citizenship has not been deemed suitable, revocation of citizenship was considered as a part of the sovereign right of the state (Walker, 1981). Yet, although neither the phenomenon of citizenship revocation nor of statelessness was recently emergent on the eve of World War I, it was not until the war that the practice, which occurred massively, targeted large numbers of persons on the grounds of discrimination as well as (dis)loyalty (Walker, 1981). Needless to say, the practice have not come to an end, rather its recurrence was realized on the grounds of terrorism as well as national security and public good. A modern sociopolitical historian Daniela Caglioti (2012) short but strikingly summarizes the underlying perspective in the pervasiveness of the practice as follows:

> The security of a nation and the safety of its population versus the protection of constitutional liberties and human rights is a quandary that arose in the aftermath of 9/11, but it is not novel to the twenty-first century. Discrimination between citizens and aliens, ethnicization of citizenship, the use of emergency powers in order to deal with the enemy and bypass the constitution, and the tendency to shift guilt and responsibility from the individual to a collective category (e.g., the Jews, the Muslims, etc.) are practices rooted in the past.

This rootedness of the practice, as Gibney (2011, p. 13) argues, derived from the historical acceptance of the state's right to do so, and this is why it was not much questioned until very recently. Moreover, that most liberal thinkers considered the practice as an "humane alternative to the death penalty" (Gibney, 2011, p. 13) paved the way for more or less acceptance of the practice.

As well as the prevalence of the practice, the regulations pertaining to it as well are quite diverse among the countries[40]. No matter how the application is framed, while the decision of citizenship revocation demands "explicit statutory authorization", "a judgment deeming a citizen undeserving of the protection of citizenship is a matter of executive discretion". (Macklin, 2014, p. 7). In parallel with this discretion, states come to have the power to point the finger at the citizen as a bad one on the grounds of his/her misconduct and deprive the individual of the rights entailed by the status of citizenship. This authority of the state not only hampers another state's enjoyment of the same authority, but it also turns citizenship into a privilege that is available only upon proper behavior or to state more directly, being docile. Furthermore, when citizenship of an individual is revoked, for instance on the grounds of disloyalty or a terrorism offence, not only a government minister acts as prosecutor, judge and executioner, but also the rule of law principle is impaired (Macklin, 2014, p. 43). Accordingly as Macklin (2014, p. 53) argues:

> A privilege in law belongs not to the recipient, but to the patron who bestows it. A right belongs to the one who bears it. When members of the executive declare that citizenship is a privilege and not a right, what they are asserting is their own power to take it away.

Then the following question appears immediately: Whether the state has the right to disown its own citizens? In other words, can states resort to citizenship revocation and take back rights? And if so, on which grounds it is acceptable? Is it a punishment or an administrative act? Is it proportional?

[40] For further information, please refer to Lavi, S.(2011)

Interrogating similar questions, but more with a focus on political democracy, relationship between citizenship and crime as well as between constitutional law and criminal law, Lavi (2011, p. 786) argues that the revocation of citizenship can only be justified as punishment, despite the practice is administratively regulated. Referring to the justifications such as national security or the conducive to the public good for citizenship revocation, he contends that "citizenship is a fundamental right that cannot be sacrificed for the better good" and "that a proper understanding of citizenship in a democratic state can justify revocation of citizenship, albeit only under well-circumscribed conditions." Hence, according to Lavi (2011, p. 795), the revocation of citizenship can only be justified with the breach of the constitutional bond "which is the ground of their [citizens'] legal and political co-existence as equal members in a free polity". The constitutional bond should not be identified with the traditional common-law of duty of allegiance, instead it rather refers to the commitment to the constitution as well as "the power of the political community to self-govern" (Lavi, 2011, p. 795-796). Accordingly, Lavi argues (2011, p. 800):

> When the political bond is based on fidelity to the ruler, the paradigmatic crime is treason. When the political community, however, is based on a constitutional bond between equal, autonomous, and deliberating citizens, the paradigmatic breach is terror.

Herewith, Lavi justifies the practice of citizenship revocation only on the basis of the framework provided above. Nevertheless, this means, Lavi acknowledges[41] that states have the right to revoke citizenship provided that it would not render the individual stateless; the practice of revocation of citizenship is a punitive measure and it is only proportional with regard to the breach of the constitutional bond.

Although, Lavi's arguments provides the reader with persuasive arguments, one cannot stop thinking how the things would be in a polity where the constitutional bond is distorted and inegalitarian and the definition of terrorism as well as political

[41] Needless to say, Lavi provides detailed explanations for his arguments on the issue, so for further information, please see Lavi, S. (2011)

crime is as expanded as to include almost all the opposition. Turkey and countries in the MENA region can be solid examples of that polity with regard to their practice of citizenship revocation and whom the practice targets. Referring to the practice "as a powerful temporary political weapon", Albarazi and Tucker (2014, p. 7) argues:

> ... perceived (dis)loyalty to the state is used as a means to (de)naturalize persons or populations. This loyalty does not however have to be based on credible evidence but on temporality political needs. (Dis)loyalty can be labeled on a population based on criteria such as ethnicity (in the case of the Kurds) or religion (in the case of the Bahraini Shia'a) or on individual's political position (in the case of the UAE and Bahrain).

We need hardly mention that a similar trajectory is prevalent in Turkey's recent political turmoil and it brings with it the risk of paving the way for recent cases of statelessness, as it will be elaborated more in detail in the subsequent chapters. Moreover, as Albarazi and Tucker (2014, p. 7) strikingly underline for the MENA region, these recent developments in Turkey, the practice of citizenship revocation "leading to statelessness could become increasingly prevalent as a solution to reinforce the narrative of the nation through the contraction of states citizenry".

To conclude, the practice of citizenship revocation has a long history which is not yet finished. It has played not only a crucial but also a constituent role, in defining the boundaries of the nation as well as the citizens to be included in it and still so. States disowned their citizens at the cost of throwing them into the realm of statelessness full of unknowns. Indeed, by fair means or foul, states, by depriving citizens of their citizenship, have punished them on the grounds changing in accordance with their political needs. For now, as Gibney (2017, p. 39) states, revocation of citizenship "remains a powerful reminder of the apex of state power" that particularly threatens the 'wrongdoers', whose wrongs are already defined by the states themselves.

2.5 Statelessness and Revocation of Citizenship

After providing theoretical insights and relevant discussions on the issues of statelessness and revocation of citizenship as well as their relational character, the aim of this part is to provide a brief information on international conventions and human rights law pertaining to statelessness and revocation of citizenship. Additionally, this part goes through some selected examples of practice of citizenship revocation and of protracted cases of statelessness in order to depict the pervasiveness of these issues. The aim of including this part in the study is to underline that although significant measures have been taken as early as the 1950s, the phenomenon of statelessness still could not be eradicated and it is omnipresent. Furthermore, as it is elaborated on the following pages with examples from different polities, the fact that individuals or certain individual groups can be and are rendered stateless on various grounds, makes one to realize the pervasiveness of the phenomenon of statelessness, and helps to make comparison among the states as well as to frame the patterns on the basis of different examples.

2.5.1 International Conventions and Human Rights Law on Statelessness and Revocation of Citizenship

[Statelessness] is a form of punishment more primitive than torture.[42]

Article 15 of the 1948 Universal Declaration of Human Rights states that "everyone has the right to have a nationality, and no one can arbitrarily be deprived of his nationality or his right to change his nationality". This provision has been adopted in the field of international law, and the principles that each person has a right to citizenship and should not be arbitrarily deprived of his citizenship are settled in

[42] Late U. S. Supreme Court Chief Justice Earl Warren(1958)

international law. Thus although state power to revoke citizenship is restricted by international as well as regional legal commitments (Macklin, 2014, p. 10), the UN estimates that there are at least ten million stateless people in the world today. Therefore, in spite of the measures taken, policy recommendations and the functionality of international law, statelessness increasingly continues as a result of civil wars, armed conflicts, forced migrations, border changes, laws violating equality between men and women, occasional changes in legislation and recently under the name of war against terrorism. The fact that the number of stateless persons continues to increase today, shows that this issue is still current and that the human rights discourse is unsatisfying at this point.

The first organization for the protection of refugees and stateless people was established by the decision of the League of Nations. Dr. Fridtjof Nansen was appointed the League of Nations High Commissioner for Refugees. He prepared the Nansen Passport to ensure the return of the captives of World War I. Nansen Passport was a document provided by transnational refugee offices to those who were unable to provide an identity paper and hence those who could not claim any nationality from any country during World War I. Beginning with the Bolshevik regime, which denationalized almost two million people who did not return upon request by authorities, Italy, Turkey as well as Germany "resorted to denationalization on political and other grounds on a wide scale" (McDougal, Lasswell & Chen, 1974, p. 945). Accordingly, throughout the years, the Nansen Passport enabled refugees to move from one state to another with travel documents replacing passports. These passports[43] were first issued for Russian refugees in 1922, then with an arrangement in 1924 for Armenians, in 1928 for Assyro-Chaldean, Syrian, Kurdish and Turkish refugees and in 1935 for Saar refugees (Vukas, 1972, p. 157). The Nansen passport was recognized by fifty-two states,

[43] They were originally provided to Russian refugees who were displaced following World War I and the Bolshevik Revolution in Russia. It is estimated that about 800,000 Russian refugees had become stateless during this period. Annemarie Sammartino (2012) argues that it introduced a kind of imaginary citizenship, that is to say it could only succeed because it acted as a promise to nation-states that those provided with the Nansen Passport will not put in a claim for citizenship.

hence both the refugees and the stateless persons were internationally recognized for the first time and gained the right to travel (Odman, 2011, p. 6-7).

In addition to the Nansen Passport, one can find signs of the international action towards statelessness in the Hague Conference for the Codification of International Law met up by the League of Nations in 1930 (Massey, 2010). In this conference with the aim of reducing some causes of statelessness the Convention on Certain Questions relating to the Conflict of Nationality Laws and 1930 Protocol Relating to a Certain Case of Statelessness were adopted. Despite the Protocol did not enter into force because it was not ratified by minimum number of countries, the Convention focused on statelessness in its articles. Article 7 of the Convention dealt with expatriation permits, Article 8-9 with the nationality of married women, Article 13 and 16 with the nationality of children and Article 17 with adoption (Walker, 1981). However, "the crisis atmosphere" before and during World War II paved the way for a break in international efforts to deal with the issue of statelessness (Walker, 1981). Yet mass atrocities of World War II compelled the international community to set an agenda for the protection of rights and freedoms, which could no longer be left to domestic legislation and institutions as it is badly experienced in Nazi Germany. Accordingly not only the contemporary human rights framework got on the stage but also the issue of statelessness received more attention and new supranational attempts were made to deal with statelessness particularly in the decade after World War II. Hence although "the advent of human rights law initiated an uncoupling of nationality and rights"(Van Waas, 2011, p. 24-25), stateless persons are not only devoid of diplomatic protection since nationality is the sole means of benefiting from diplomatic protection, but also they were regarded as having no rights qua stateless persons. Before conventions specific to the issue of statelessness were enacted, 1948 Universal Declaration of Human Rights mentioned the importance of nationality and touched upon the issue of deprivation of citizenship. Then up until the 1951 Convention relating to the Status of Refugees entered into force, stateless persons were treated in the same way as with refugees. However the need to identify stateless persons and to reduce statelessness arose, and as a result first the 1954 Convention on the Status of Stateless Persons was put into effect and this contract was followed

by the 1961 Convention on the Reduction of Statelessness. In parallel with these developments, the decision of the judge in *Trop v. Dulles* case[44] in the U.S., although not precisely in practice, served as a point of reference in doctrine. In the prominent *Trop v. Dulles* case, where Albert Trop had lost his citizenship on the ground of desertion in time of war, Chief Justice Earl Warren stated that desertion in wartime does not necessarily read as allegiance to a foreign state and what he asserted, although the citation is quite long, summarizes the bred in the bone situation of stateless people or denationalized individuals as early as 1958:

> Citizenship is not a license that expires upon misbehavior. The duties of citizenship are numerous, and the discharge of many of these obligations is essential to the security and wellbeing of the Nation. ... But citizenship is not lost every time a duty of citizenship is shirked. And the deprivation of citizenship is not a weapon that the Government may use to express its displeasure at a citizen's conduct, however reprehensible that conduct may be. ... There may be involved no physical mistreatment, no primitive torture. There is, instead, the total destruction of the individual's status in organized society. It is a form of punishment more primitive than torture, for it destroys for the individual the political existence that was centuries in the development. The punishment strips the citizen of his status in the national and international political community. His very existence is at the sufferance of the country in which he happens to find himself. While any one country may accord him some rights and, presumably, as long as he remained in this country, he would enjoy the limited rights of an alien, no country need do so, because he is stateless. Furthermore, his enjoyment of even the limited rights of an alien might be subject to termination at any time by reason of deportation. In short, the expatriate has lost the right to have rights.

In addition to these[45], 1973 Convention No.13 to Reduce the Number of Cases of Statelessness, 1997 European Convention on Nationality and 2006 Council of

[44] For further information, please refer to https://supreme.justia.com/cases/federal/us/356/86/

[45]In addition to aforementioned Conventions there are provisions concerning stateless persons in the following conventions (Odman, 2011: 31-32): Convention on the Legal Status of Refugees (1951), the Convention on the Nationality of Married Women (1957), Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality (1963), the International Convention on the Elimination of All Forms of Racial Discrimination (1963), the International Covenant on Civil and Political Rights (1966), European Convention on the Adoption of Children (1967) and European Convention on the Adoption of Children (Revised, 2008), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention

Europe Convention on the Avoidance of Statelessness in relation to State Succession were ratified in due course. Hereby, stateless persons began to be treated as a subject of international law.

It is known that besides the practices such as adoption, marriage, and naturalization, the general principle on citizenship is the acquisition of citizenship by birth. The authority to determine whether a person is a citizen or stateless is considered under the sovereign rights of states and is therefore entirely subject to domestic law regulations. However, it is clear that the state of statelessness potentiality arises as a result of internal conflict, forced displacement and the practices of ethnic/religious/sectarian discrimination. For this reason, the United Nations Security Council and the UNHCR in particular adopted decisions that emphasized the importance of the principles under the abovementioned conventions and urged states to take measures to avoid statelessness. It is therefore acknowledged that states granting effective citizenship to persons will contribute to the prevention and reduction of statelessness and the development of human rights, fundamental freedoms, people's security and stability in international relations. From this point forth, it seems important to provide a general overview of the rights entitled to stateless persons as well as the gaps in the aforementioned conventions.

2.5.1.1 Universal Declaration of Human Rights (Hereafter UDHR, 1948)

Although it does not directly make mention of the term statelessness, Article 15(1) of UDHR states that "Everyone has the right to a nationality" and Article 15(2) declares

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on the Rights of Married Women and the Convention on the Rights of the Child (1989), the Convention on the Rights of Persons with Disabilities (2006) and European Convention on the Avoidance of Statelessness in Relation to State Succession (2006). Moreover, there are also non-European regional instruments with relevancy for loss of nationality, such as Convention on the Nationality of Women (1933), American Convention on Human Rights (1969), African Charter on the Rights and Welfare of the Child (1990), Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms (1995), Arab Charter on Human Rights (2004), Covenant on the Rights of the Child in Islam (2005), ASEAN Declaration of Human Rights (2012)

that "No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality". Moreover, while Article 13 refers to freedom of movement, second clause states that "Everyone has the right to leave any country, including his own, and to return to his country". Despite its importance with regard to its emphasis on the "right to a nationality"; Macklin (2014, p. 10) argues that UDHR neither purports "an addressee of the right" nor defines arbitrariness. Moreover, Forcese (2014) draws attention to the fact that although it urges for the right to a nationality, UDHR acknowledges the practice of deprivation of nationality as long as it is not arbitrary. Thus, the declaration itself, allows room to states for revocation of citizenship. Turkey adopted UDHR in 1949.

2.5.1.2 Convention relating to the Status of Stateless Persons (1954)

This Convention, firstly, important since it defines the term of stateless person in Article 1/1 as "a person who is not considered as a national by any State under the operation of its law" and introduces it as "an internationally acknowledged legal status" (Van Waas, 2011, p. 29). Article 1/2 of the Convention makes mention of the persons to whom the Convention does not apply[46]. Moreover, the Convention stipulates that stateless persons should have the same rights as citizens with respect to freedom of religion and education of their child and they shall be treated in the same way as other non-nationals for various other rights, such as the right of association, the right to employment and to housing. Furthermore, the Convention states that the stateless persons are obliged to comply with the laws of the country in which they are located, and that States not to discriminate against stateless persons by race, religion or country of origin. While the Convention stipulates the right to freedom of movement for stateless persons lawfully residing on their territory, States are required to provide stateless persons not only with travel documents but also identity papers. According to the Convention, deportation of stateless persons are prohibited. What is more important, the Convention recommends States to " as far as

[46] Please refer to the Convention, available on https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf

possible facilitate the assimilation and naturalization of stateless persons". According to Van Waas (2011, p. 29), the enjoyment of rights, as it is delineated in the Convention, "varies according to the relationship between the stateless person and the state in question". That is to say, the more the stateless person is attached[47] to the state, the more s/he benefits from the rights.

Turkey ratified this Convention in July 2014, after more than fifty years. When the law came to the parliament, while refugee or human rights activists acknowledged the importance of the ratification, in the public opinion it was discussed within the discourse that Syrians would be naturalized.

2.5.1.3 Convention on the Reduction of Statelessness (1961)

The second important document addressing statelessness is the Convention on the Reduction of Statelessness, which was enacted in 1961 and entered into force in 1975. This Convention attempts to prevent the emergence of cases of statelessness rather than to promote recognition of the right to citizenship unconditionally. According to Article 1(1) of the Convention, Contracting States shall grant their nationalities to persons born in their territory, if they would otherwise become stateless. Moreover, the Convention aims to prevent statelessness at birth by laying a burden to States to grant citizenship to children born in their territory or born to their nationals abroad, who would otherwise be stateless. Articles 5-8 of the Convention elaborates on the principles of withdrawal of nationality, which is another attempt of the Convention to prevent statelessness. The contractual principles aim at preventing the loss of citizenship that may arise due to birth, bloodline, marriage and divorce. According to Macklin (2014, p. 13), the Convention, with all these provisions, "speaks directly to denationalization and its consequences for mono-nationals". Another important point about this Convention is that it declares that no one or no group of citizens of the States Parties can be denied citizenship for racial, ethnic,

[47] For further information, please refer to van Waas, L. (2011)

religious and political reasons, thereby aiming at preventing the collective deprivation of citizenship practices. Forcese (2014, p. 560-561) argues that the Convention does not categorically put ban on measures rendering individuals stateless, yet "it carefully limits denaturalization producing statelessness to a handful of circumstances". As it is purported in Article 8, acquisition of citizenship by fraud and conduct "seriously prejudicial to the vital interests of the state" can render individuals stateless, although there are constraints available on the state power. Macklin (2014, p. 14) contends that "Article 8 allows countries to grandfather laws that authorize the creation of statelessness in the name of protecting the vital interests of the state". Finally Article 8 (4) imposes that "for the person concerned the right to a fair hearing by a court or other independent body" should be provided.

Furthermore, the Convention touches upon the issue of avoidance of statelessness with regards to the transfer of territory. Moreover, the Convention does not allow States Parties to revoke citizenship of a person who would otherwise become stateless. Finally, another crucial aspect of this Convention is that in its final declaration it recommends that persons who are *de facto* stateless[48] should be deemed *de jure* stateless insofar as to ensure that they can gain citizenship. As a result, the 1961 Convention, with the safeguards it established is a then important step in international law, however has not been sufficient in eradicating statelessness. Turkey is not yet party to this Convention.

2.5.1.4 International Commission on Civil Status Convention No.13 to Reduce the Number of Cases of Statelessness (1973)

Consisting of just ten articles, this Convention gives particular emphasis on statelessness at birth and most of the provisions make mention of measures, pertaining to nationality, to prevent childhood statelessness. According to Article 1

[48] For a fairly detailed discussion of de facto statelessness and the UNHCR's mandate in this regard, please refer to: Massey, H. (2010) and UNHCR (2014)

of the Convention, a child shall acquire at birth the nationality of the mother, who holds the nationality of a Contracting State, in case the child would otherwise be stateless. What is more important with this Convention is that Article 2 of the Convention states that "for the purposes of the preceding Article, the child of a father having refugee status shall be deemed not to hold the father's nationality". This is important considering the fact that acquisition of father's nationality who is in the foreign country and who has been granted refugee status is sometimes not possible due to legal or factual reasons. Yet, the Convention bestows the States the right to make a reservation on Article 2 in some occasions and this seems to disrupt its mission. The Convention was ratified by Turkey in 1975.

2.5.1.5 European Convention on Nationality (1997)

Although the Convention contains various principles and rules applied to all aspects of citizenship, it also places special importance on the prevention of statelessness (Odman, 2011, p. 58). The prohibition of the causes leading to statelessness, the right to citizenship for all and the prohibition of discriminatory practices are the basic principles adopted by the Convention. Article 4(c) of the Convention repeats UDHR's standard of the fact that nobody shall be arbitrarily deprived of his/her nationality. According to Article 7, the loss of citizenship can occur either depending on the will of the person or involuntarily. In this article, involuntary loss of nationality is grouped under seven headings[49], although in general terms denationalization is banned in the Convention. Moreover, by Article 7(3) of the

[49] Article 7 – 1 Loss of nationality ex lege or at the initiative of a State Party
A State Party may not provide in its internal law for the loss of its nationality ex lege or at the initiative of the State Party except in the following cases: a. voluntary acquisition of another nationality; b. acquisition of the nationality of the State Party by means of fraudulent conduct, false information or concealment of any relevant fact attributable to the applicant; c. voluntary service in a foreign military force; d. conduct seriously prejudicial to the vital interests of the State Party; e. lack of a genuine link between the State Party and a national habitually residing abroad; f. where it is established during the minority of a child that the preconditions laid down by internal law which led to the ex lege acquisition of the nationality of the State Party are no longer fulfilled; g. adoption of a child if the child acquires or possesses the foreign nationality of one or both of the adopting parents.

Convention, revocation of citizenship is prohibited if it will render a person stateless, except for that citizenship was acquired by means of fraudulent conduct, false information or concealment. Thus, related provisions in this Convention are narrower than the 1961 Convention (Macklin, 2014, p.14). Finally, Article 11 and 12 of this Convention emphasize that "all decisions in nationality matters must provide reasons and must be challengeable in court" (ILEC, 2015) and Articles 18-20 instructs States about the avoidance of statelessness in relation to state succession. Turkey is not yet party to this Convention.

2.5.1.6 Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession (2006)

This Convention is to a great extent based on European Convention on Nationality (Odman, 2011). It basically focuses on regulating the prevention of statelessness in particular regarding the issue of state succession. Article 2 of the Convention states that "Everyone who, at the time of the State succession, had the nationality of the predecessor State and who has or would become stateless as a result of the State succession has the right to the nationality of a State concerned, in accordance with the following articles". While Article 3 of the Convention stipulates that States shall take all measures to prevent statelessness arising from succession, Article 4 refers to non-discrimination. Articles 5 and 6 encumbers States on prevention of statelessness by referring to granting citizenship and prohibiting nullification of citizenship. One of the most important emphasis of the Convention is that it requires successor States to respect for the expressed will of the person concerned in granting nationality. Moreover, it states that States concerned has the responsibility to ensure that persons concerned are informed about the rules and procedures considering acquisition of nationality. Finally, it refers to the States responsibility to facilitate the acquisition of nationality by stateless persons and avoid statelessness at birth. Turkey is not yet party to this Convention.

2.5.2 Practices of Citizenship Revocation and Protracted Cases of Statelessness

As it was mentioned before, nationality is generally a matter of domestic jurisdiction and international law enunciates very little about sovereign states' initiative to determine on who are its nationals. That much discretion has resulted in more and more states to make amendments towards reviving revocation of citizenship in their nationality laws and Forcese (2014) argues that modern international human rights law added on just a tiny bit to the aforementioned position of international law. With regard to the broad authority recognized to states in matters of nationality, not only the justifications but also the grounds for it vary considerably. As it was mentioned before, revocation of citizenship can render citizens or citizen groups, except for dual nationals, stateless. While Gibney (2017, p. 359) refers to revocation of citizenship as "a kind of civic death" since by this way the state is rid of responsibilities and entitlements incidental to citizenship; Macklin (2014, p. 36) argues that revocation of citizenship on the grounds of "gross acts of disloyalty" delineates citizenship "as a privilege (of which one must be deserving), rather than a right (to which one is entitled)" through denoting to the unworthiness of a citizen to stay so. In light of this general framework, this part[50] of the study aims at providing some chosen facts and examples on revocation of citizenship and protracted cases of statelessness from around the world.

2.5.2.1 Stateless Persons in Europe

It is asserted that the number of persons affected by statelessness only in Europe is almost 600.000. Cases of statelessness in Europe arises not only from the dissolution of Union of Soviet Socialist Republics (USSR), but also the breakup of Yugoslavia. Considering the distribution of stateless persons in Europe, estimations reveals that eighty percent of reported stateless persons live in the following four countries:

[50] Unless otherwise specified, information, particularly quantitative data, tables and figures, provided throughout this sub-section is derived from the website http://www.worldsstateless.org/ that is led by Institute on Statelessness and Inclusion.

Latvia, the Russian Federation, Estonia and Ukraine. Moreover, it is reported that in the six states that are established after the breakup of Socialist Federal Republic of Yugoslavia, almost 10.000 stateless persons live in addition to which unknown number of persons face the risk of becoming stateless due to lack of key forms of documentation. As it is mentioned before, one of the biggest problems considering stateless persons has been and still so is the uncertainty both of their situation and volume of the population affected. This is reflected in the statistics since data collection on the issue is not considered important. At the present time, the number of stateless persons is still a controversial issue due to these reasons. For instance, it is asserted that the data on how many EU citizens each year lose the nationality of an EU Member State is very limited and useful statistics on involuntary loss of nationality is even harder to find. Under the Regulation 862/2007 on Community statistics on migration and international protection, the Member States have an obligation to provide European Office of Statistics (Eurostat) with statistics on, inter alia, immigrants' acquisition of the nationality of the relevant Member State. However, there is no similar obligation mentioned in the Regulation for statistics on the loss of nationality. Rather, it is supplied on a voluntary basis. As a result, only some of the member states supply Eurostat with data on the loss of nationality. It is also asserted that the data is available only to a very limited extent and since it is collected in an unsystematic manner, it does not allow for cross-national comparability.[51] Yet, ISI World's Stateless Report underlines the fact that statelessness in Europe is "more comprehensively mapped than in any other region" and UNHCR has statistical data on statelessness for 42 out of 50 countries in the region, which reports in total 592.151 stateless persons at the end of 2015. Except for the protracted cases of statelessness in Europe mentioned above, within Europe there are twenty-two states[52] that associates revocation of citizenship to the activities that are believed to be prejudicial to state interests based on laws that have "broadly textured and vague language" (Forcese, 2014, p. 562).

[51] Maarten Peter Vink and Ngo Chun Luk Statistics on Loss of Nationality in the EU CEPS Paper in Liberty and Security in Europe No. 70/November 2014.

[52] For further information please refer to (Forcese, 2014: 561, footnote no. 50).

Table 1: Countries in Europe with over 10.000 stateless persons

Country	**Number of Stateless Persons**
Latvia	252.195
Russian Federation	101.813
Estonia	85.301
Ukraine	35.228
Sweden	31.062
Germany	12.569
Poland	10.852

Considering the region, ISI World's Stateless Report points out to the fact that migration flow in Europe, particularly after 2015, arises cases of statelessness not only in numbers but also considering the concomitant risks with the mass influx. Needless to say, forced migration and statelessness are intrinsically related phenomenon. To be more precise, while the status of statelessness increases the risk of being forced to migrate to a considerable degree, forced migration practices constitute some of the primary factors leading to the risk of becoming stateless (Albarazi & Van Waas, n.d.). These risks can result from migrants'/refugees' already stateless situation in their country of origin, nationality laws allowing loss or deprivation of citizenship while they are away from their country of origin or including gender discriminative articles, which apparently will affect children and last but not least conflict of nationality laws of sending and receiving countries.

2.5.2.2 Stateless Persons in the Americas

Considering UNHCR data, the Americas has the lowest number of stateless persons. This is claimed to be based on the combination of jus soli and jus sanguinis provisions in the nationality laws, safeguards to prevent statelessness in legal standards and emerging good practices. Of 136,585 stateless persons reported in the Americas 133,770 live in the Dominican Republic. Nevertheless, it is asserted that these numbers are incomplete since many countries do not have stateless determination procedures and do not include stateless persons in the statistics. With

regard to the other countries, The World's Stateless Report mentions of an increase in reported numbers of statelessness. Underlining the importance of awareness raising efforts, the report puts forth the fact that the issue is not much prioritized and moreover discrimination on various grounds still continues.

Table 2: Countries in the Americas with more than 10,000 stateless persons

Country	**Number of Stateless Persons**
Dominican Republic	133,770

2.5.2.3 Stateless Persons in the MENA

The issue of statelessness concerns hundreds of thousands of people in the MENA region, yet figures lack in most of the countries in the region. According to UNHCR data (2015), the total number of stateless persons recorded in the region is 374,237. However, it is asserted that these figures do not reflect the reality, and the numbers are higher than estimated. This is due to at least two reasons: First, the issue of statelessness is not adequately mapped in the region and escalating conflict and instability across the region increase the risk of new cases of statelessness. Second, neither Palestinians, who are under UNRWA's mandate, nor stateless refugees are included in the statistics.

Putting the recent changes, whose effect in terms of statelessness will show up in the following years, aside, it seems crucial to make mention of historical factors that pave the way for the prevalence of statelessness in the MENA region. To begin with, one cause of statelessness in the region can be traced back to the termination of colonization and efforts of nation- building as well as defining citizenry made immediately after that. In addition to ethnicity and religion based discrimination, gender discriminatory laws are another cause of protracted statelessness situations in the region and still so. Out of twenty seven countries across the globe that do not recognize women's rights in conferring their nationality to their children on equal

basis as men, twelve are in the MENA region. Moreover, practices of forced migration in the region has historically been an important cause and remains so.

Table 3: Countries in the MENA with over 10.000 stateless persons

Country	**Number of Stateless Persons**
Syria	160,000
Kuwait	93,000
Saudi Arabia	70,000
Iraq	50,000

With regard to the issue of statelessness in the MENA region, one should bear in mind that arbitrary revocation of citizenship is not sporadic in the region. Based on racial and ethnic discrimination, Mauritania, Iraq and Syria deprived citizenship of tens of thousands of their citizens. Moreover, it is underlined that there is a recent rise in revocation of citizenship in the Gulf region. Albarazi and Tucker (2014, p. 3) draw attention to the fact that several Arab states, particularly at times of political instability, used revocation of citizenship as a tool to silence critical voices and citizenship was turned into a "political weapon". To give a few critical examples, for instance in 2012 Bahrani government decided to revoke citizenship of thirty five persons, who were all prominent opposition figures in the country based on the accusation of undermining the security of the state. The United Arab Emirates, again in 2012, deprived seven activists' citizenship because they were threatening the security of the state with their activities. In both of the cases, those individuals deprived of citizenship became stateless since they are not dual nationals. Another example in the region comes from Kuwait and its Bidoon population. With its 1959 Nationality Law, Kuwaiti authorities admitted only those "who had maintained legal residency in the country since 1920" qua citizens (Albarazi & Tucker, 2014, p. 5) and this rendered Bidoon population stateless. Furthermore, 100.000 or more Bidoons left Kuwait during and after the Iraqi occupation and Gulf War and with the accusation of assisting the Iraqis, Kuwaiti government prevented their return to

Kuwait (UNHCR, 1997). As a last example, Syria in 1962 denaturalized hundreds of thousands of Kurds based on disloyalty. Yet, almost fifty years later in 2011, Syrian government announced Decree No. 49, which granted Ajanib Kurds Syrian citizenship but leaving out the Maktoum. Since the Decree was introduced just at the beginning of the Syrian uprisings, Albarazi and Tucker (2014, p. 7) argues that Syrian government naturalized Kurds to "build loyalty."

2.5.2.4 Stateless Persons in Asia and the Pacific

UNHCR reports that forty percent of the identified stateless population live in Asia and the Pacific. This fact is caused by various reasons changing with regard to sub-regions. To elaborate a little bit more on the issue, while discriminatory laws, policies as well as practices based upon gender, race and religion contributed to a great extent to cases of statelessness in South and South East Asia; the main cause of statelessness is ethnic-based discrimination across Central Asia particularly after the dissolution of the Soviet Union. It is asserted that in total 280 million people had lost their citizenship and although the vast majority have obtained citizenship since then, statelessness is still a significant problem particularly in Uzbekistan, Tajikistan and Kyrgyzstan. Furthermore, gender discriminatory nationality laws are still important causes of statelessness in the region. Despite the reforms made by some countries in the region, three countries, to name Nepal, Brunei Darussalam and Malaysia are among the twenty seven countries across the globe which does not provide women with equal rights in conferring their nationality to their children with men. Last but not least practices of forced migration and existence of nomadic groups increasing the risk of becoming stateless in the region. With all these cases, the issue of statelessness is not comprehensively mapped in the region and statistical information lacks, yet the table below lays bare the situation in the region.

T**able 4:** Countries in the Asia Pacific with over 10,000 stateless persons

Country	**Number of Stateless Persons**
Myanmar	938,000
Thailand	443,862
Uzbekistan	86,703
Brunei Darussalam	20,524
Tajikistan	19,469
Malaysia	11,689
Vietnam	11,000
Kyrgyzstan	9,118

Among various groups of stateless persons in the region, such as Chinese descents restricted on citizenship rights in India, Korea and Vietnam and the situation of more than 100,000 Bhutanese refugees in Nepali lasting for almost twenty years[53], the case of Rohingya population in Burma is one of the most desperate ones. A Muslim minority group in Myanmar, Rohingya people did not only faced violence, marginalization and persecution in Myanmar, but also over 700,000 Rohingyas were denied citizenship rights. As a result, almost one million Rohingya live in Bangladesh, Japan, Saudi Arabia and Malaysia as either refugees or irregular migrants.[54] Considering the issue of statelessness, not only Rohingya refugees but their children as well are under risk of protracted statelessness which can last through long ages unless measures taken.

2.5.2.5 Stateless Persons in Africa

Though its significancy and high numbers in the region, statelessness is still not well documented in Africa. According to the UNHCR data published at the end of 2015 and based on only six countries, the number of stateless persons in Africa is 1,021,418; yet it is estimated that the real numbers is much higher. Considering the

[53] International Observatory on Statelessness

[54] International Observatory on Statelessness

causes of statelessness in Africa, one can find a panorama of practices of citizenship revocation as well as statelessness. To begin with, in twenty-seven states in Africa women are not allowed to transmit their nationality to children and since there are not sufficient safeguards to prevent childhood statelessness in African states, the cases of statelessness are transmitted through generations across the region. In almost ten African States, individuals are discriminated on the basis of race, religion and ethnicity in the nationality laws and this hampers their access to acquiring nationality. Moreover, not only nomadic populations face various challenges with regard to the nationality laws and their requirements but also settled populations are tested on their loyalties. As might be expected, legacy of decolonization, recent and previous succession situations are other causes of high numbers of statelessness in Africa. With regard to these displaced persons, refugees and those others who were obliged to leave their habitual residences, face the risk of acquiring or renewing documents or accused of losing the connection with their country of origin. Despite this pessimistic scene, the fact that some of the States had taken steps for dealing with the issue of statelessness, the African Human Rights system has worked on the right to nationality and the Abidjan declaration by the Heads of State of the Economic Community of West African States (ECOWAS) are considered as significant signs of progress and an indicator of political will to eradicate statelessness.

Table 5: Countries in Africa with over 10,000 stateless persons

Country	**Number of Stateless Persons**
Cote d'Ivoire	700,000
Zimbabwe	300,000
Kenya	20,000
Democratic Republic of Congo	*[55]
Eritrea	*
Ethiopia	*
Madagascar	*
South Africa	*

[55] Asterisk indicates that these countries have significant stateless populations, but they are uncounted.

This chapter aimed at providing theoretical insights on the concept of citizenship, revocation of citizenship and in relation to them the phenomenon of statelessness. It was argued that statelessness cannot be dissociated from the state sovereignty, human rights, loyalty and more recently the issue of (national) security, which has substantially changed particularly after the 9/11 attacks. It is apparent on the basis of the information provided in this chapter that persons can be rendered stateless by their states either intentionally or unintentionally. However, it is also obvious particularly from the last part of the chapter that despite the improvements in the human rights law, statelessness, even today, continues to affect millions of people throughout the world. What is more, we need hardly mention that the intentional practices of citizenship revocation for the most part target either minorities or dissident persons, since both of which are regarded as unwanted citizens. In light of these discussions, the next chapter focuses on Turkey and relevant quantitative data on revocation of citizenship throughout the Republican period is provided in the chapters that followed.

CHAPTER 3

CITIZENSHIP AND REVOCATION OF CITIZENSHIP IN TURKEY: (DOCILE) CITIZENS VS. 'TRAITORS'

The state wants docile and well-behaved bodies.[56]

Today, both the scope of and descriptive terms used for citizenship vary widely not only in academic realms but also across countries. Although this is an important situation, in the broadest sense, citizenship still refers to belonging to a state in the era of nation-states. Nevertheless, the nation-states are still the only decision-makers in choosing who will be their citizens and who will benefit from all the privileges that citizenship ensures. However, another point to keep in mind is that there have always been individuals or groups of individuals who were considered not to be deserving the priveleges ensured by citizenship and that not only the people but also the grounds for exclusion has changed over time. Accordingly, this chapter aims to bring together discussions on historical background of citizenship in Turkey in association with inclusion/exclusion, paternalism and (dis)loyalty in order for analyzing the practice of citizenship revocation on the basis of these pillars. Then, the chapter proceeds with examining, within the context of Turkey, the aforementioned change both in the citizen groups who were revoked of citizenship as well as in the grounds for their revocation.

[56] Yahya Kemal, cited in Bali, R. (2009), p. vi "Devlet uysal ve uslu bedenler ister." (translated by the author)

3.1 Historical Background of Citizenship in Turkey

What is called a nation-state, in the end, is the loyalty of a society to the state on the basis of freedoms, rights and obligations. Every nation-state desires citizens who are subject to it. These are obedient, average, mediocre and loyal citizens who are moderately living, not wanting to be different, and approving the ideology of the nation-state. Everything else draws the reaction of the nation-state..[57]

Blitz and Lynch (2011) states that (ethnic) membership can be associated with loyalty in national homogenization periods. As it is very well known, multi-ethnic and multi-religious Ottoman Empire was then turned into ethnically homogenized Turkey, which is a process that nationalism and (dis)loyalty played crucial roles. To understand this transformation with regard to state-citizen relations, national identity and loyalty, it requires a brief overview on how it became possible.

Scholarly literature investigating the development of understanding of citizenship in Turkey, generally come to a mutual understanding that processes of state formation, nation building and creation of the citizen intertwines with the modernization movement began in the late years of the Ottoman Empire (Taşkın, 2014). Hence, the regulations on citizenship rights in Turkey starts in the second half of the 19th century. The people living in the Ottoman Empire and were considered to be the nationals of the state had different statuses depending on whether they were Muslims or not. Referred to as *millet*, these various religious, ethnic or sectarian groups were subjected to a different legal order than Muslim nationals. In particular, these differences, which were reflected in issues such as government service, taxation and personal status affected the regulations on nationality as well (Polat, 2011).

[57] Seyfi Öğün, cited in Bali, R. (2009), p. vi "Ulus-devlet denilen şey de sonuçta, özgürlükler, haklar ve yükümlülükler üzerinden bir toplumun devlete sadakatidir. Her ulus-devlet kendisine tabi yurttaşlar ister. İtaatkar, ulus-devletin ideolojisini onaylayarak mutedil yaşayan, farklı olmak istemeyen, ortalama, vasat, sadık yurttaşlardır bunlar. Bunun dışındaki her şey ulus-devletin tepkisini çeker." (translated by the author)

To begin with the state-citizen relations, the people were considered as the servants and subjects of the sultan in the Ottoman Empire (Aybay, 1998). The ruled, *reaya*, should unconditionally and unquestioningly obey the sultan. As İnalcık also emphasizes, this looks like a "father-child" relation through which *reaya* absolutely kowtows to the sultan and the state is responsible for protecting wealth and providing security (Ünsal, 1998, p. 4). This viewpoint in the Ottoman Empire underpins the paternalistic character of the Turkish state. Gürses argues that the dominant role of the father in Turkish society poses "the citizen who cannot reach the age of majority against the state in his adulthood" (Gürses, 2011, p. 366), which meets the desire of the state that citizens play a passive and affirming role (Gürses, 2011, p. 368). Referring to the patriarchal family structure in Turkey, Ünsal (1998) purports that authoritarian conditions constantly reminds the individual of the requirements to be docile and to follow elders' advice. Moreover, he argues that inevitably the individual cannot feel self-confident and will obey the rulers rather than behaving like a free, equal citizen. On the other hand, the state, by holding its nationals as non-adults succeeds in maintaining its sovereignty (Ağaoğulları, 2016). Furthermore, Caymaz (2006) argues that the citizens' tendency to obey to the authoritarian father figure represented by the state was reproduced in two ways: National education and military interventions[58]. Although the emphasis in relevant curriculums has changed in time, the education policies of the Republican era aimed at raising loyal generations to the nation and the state. On the other hand, (military) interventions in the government, as will be discussed in more detail below, have had a great deal of influence and serious consequences on citizens' active participation. Consequently, in the eyes of the ruling authorities, the citizen has never been accepted as an individual who fully has his or her rights in the capacity to exercise them, but rather stayed as a mischievous child who must be punished when he or she is "wrong".

[58] As is known, the Turkish Armed Forces (TSK), has played important roles in the establishment of the Republic of Turkey and in the processes of nation-building as well as modernization. In doing so, TSK imposed itself as the protector and guardian of the regime. Even before 1908, TSK has joined in with politics (Şen, 2005) and sometimes directly intervened in the civilian governments. A perceived threat on the basis of national security, radical Islamic fundamentalism and secularism in relation to it, were at the heart of these interventions. The TSK, justifying it with the betrayal of the republican principles in 1960 and 1997, and the chaos and the threat of national security in 1971 and 1980, intervened in the civilian governments.

This authoritarian father figure manifests itself also in setting the boundaries of the national identity that precedes loyalty rather than equality as well as nationality. As Ben Herzog (2011, p. 83) has already depicted it very saliently:

> Determining who becomes a member is the state's way of shaping and defining the national community. Thus, granting citizenship is a powerful tool in maintaining the state's sovereignty, especially in times when it confronts substantial external pressures (such as transnational migration) that undermine its independence and self-determination.

In 1908, with the Second Constitutional Monarchy, a creation of a centralized nation-state was aimed at. Hence, the tendency to identify citizenship with national citizenship began during the Committee of Union and Progress period (Polat, 2011). In the following years after the declaration of the Republic, "Ottomanism ideology" gave way to "Turkism ideology", the citizenship concept began to be brought to a more nationalist point and the nationalist emphasis was taken clearly to the forefront (Polat, 2011). This was quite related with the fact that as a result of Balkan Wars, World War I and War of Independence, Turkish territory reduced and this demanded the administration of the population residing at the territory in hand as well as those fled during the War of Independence. Accordingly, during 1920s, the newly established Turkish Republic "went through a thorough physical and political reconstruction process" in the hands of the ruling elite[59] (Çağaptay, 2003, p. 166). In this process, efforts to create a nation and then citizens were based on Turkish-Islamic synthesis and this created "a cradle for organization of the nation-state" (Polat, 2011, p. 138-139).

In the process of creating the nation-state blended with nationalism, the process of purge of non-Turkic elements, which were seen as a priority issue, was carried out. According to Said (2000, p. 140) "just beyond the frontier between "us" and the

[59] Needless to say, there are various interpretations of the Turkish history. For instance while Çağlar Keyder provides a reading of Turkish history on the basis of economics, Şerif Mardin underlines rather the cultural aspects. The reason for me to use that of the 'ruling elite' is to emphasize the strategical moves and top to bottom practices of those in power in dealing with citizenship affairs as well as the national identity.

"outsiders" is the perilous territory of not-belonging". Moreover, he argues that this is the place that people were exiled in the early ages and a huge number of refugees and displaced persons wander in the modern age. At the very beginning of the 1900s, Greeks and Armenians were forced to leave or expelled due to their political and economic empowerment, 'disloyalty', and 'cooperation' with the occupation forces. Moreover, those, who wished to return, were blocked by means of various measures, and even were revoked of Turkish citizenship as it will be explained later. Thus, ninety percent of Anatolia was composed of Muslims (Polat, 2011) and thus was Turkified. In addition to these, the aforementioned state policies continued after the establishment of the Republic because the state discredited particularly non-Muslims and considered them as a threat to the nation-state (Çapar, 2005). Bali (2006, p. 49) likens this situation to a love-hate affair, since "as they put pressure on them to Turkify on one hand while on the other hand they really did not want to embrace them as loyal citizens with full rights". Thus, this situation is reflected in citizenship practices as well and just as in Turkish nationalism, fundamental references of Turkish citizenship evolved from religious (1919-1923) to secular (1924-1929) and then to ethno-cultural (1929-1938) themes (Kadıoğlu, 2007, p. 285) and paved the way for exclusion of non-Muslim as well as non-Turk elements of the nation from the circle of Turkish citizenship.

As a matter of fact, the issue of citizenship in this process can be read through two main points regarding the available literature on the issue in Turkey. The first point is, the question of who can be a citizen with the full meaning of the word and the second one is what kind of a citizen a person should be, if included in the citizenship regime. To begin with the first one, Article 88 of the 1924 Constitution granted Turkish citizenship to all residents irrespective of race or religion. Although this definition did not directly exclude non-Muslim populations, it was inclusionary under certain circumstances. Yeğen (2005) argues that by this article the constitution approved the fact that there exists ethnic groups other than Turks in Turkey, yet their physical presence as well as any special right would not be allowed to appear in law texts. Furthermore, some privileges were given to the Turks by the laws enacted in the Turkish Grand National Assembly, and this continued throughout the 1920s; and

"the laws gradually transformed the idea of becoming a Turkish citizen into a Turk" (Çağaptay, 2003, p. 169).

Moreover, when it comes to the 1930s, with the expansion of totalitarian regimes, Turkey gradually had its share of nationalism and concomitant practices. Hereby what came to the forefront in the late 1930s was "regulations that can be deemed favorable to Turkish race" (Polat, 2011, p. 139-140). Yeğen (2009, p. 597) argues that from the beginning of the Turkish Republic onwards, Turkish citizenship has "oscillated between an ethnic and a political definition of the (Turkish) Nation" which is visible in the Turkish Constitution even today. Drawing attention to the "gap between "Turkishness as citizenship" and "Turkishness as such""[60], Yeğen unfolds the terminological inconsistencies[61] considering the definitions of state and citizen in 1961 and 1982 Constitutions. Therefore, he argues that citizenship as a legal status has never been the only determinant of Turkishness. This point is apparently reflected in Bali's following arguments. According to Bali (2006) the non-Muslims, even though they were equal citizens, would be accepted as part of the Turkish nation if they adopted the Turkish language as their mother tongue, Turkish culture and the ideal of Turkism. However besides, Turkification policies was at work as it will be elaborated more in the next sub-section. Thus, as Bali (2006, p. 48) puts it together in brief:

> On the one hand they [Republican elites] repeatedly stated that they would accept the minorities as real "Turks" provided that they sincerely embraced the Turkish ideal, language and culture, and on the other hand they interpreted the legislation and the concept of "non-Muslim" in a manner that made it very clear that they considered Turkey as a predominantly Muslim country in which non-Muslim citizens did not have full rights.

[60] For further information please refer to Yeğen, M. (2005)

[61] For further information please refer to Yeğen, M. (2009)

To summarize, the privilege to fully enjoy citizenship rights was not independent from ethnicity and religion (Kirişçi, 2000). Moreover, the citizenship practice in Turkey "bears the traces of an ethnicist logic" and loyalty to the nation-state has been more decisive than religion in determining who can or cannot become a Turk (Yeğen, 2002). This mentality resulted in discriminatory and (forced) assimilationist citizenship practices and they were opposed to the political definition of the Turkishness (Yeğen, 2002). In other words, if the non-Muslim groups did not have any problems with assimilating into Turkish culture, then Turkish citizenship was open to them (İçduygu, Çolak and Soyarık, 1999). But if they had problems or did not keep on the right side of the requirements of anticipated loyalty, they were punished not only with exclusion from the rights that modern citizenship regime ensures but also from citizenship as such. Therefore, 1923-1950 was a period in which the new nation, the state, and the sense of citizenship meaning membership to this nation were mapped out (Polat, 2011). Yet this, in various occasions, was realized at the expense of non-Muslim and non-Turk elements' exclusion from equal citizenship rights. To conclude, Balibar (2015, p. 76) conspicuously depicts this process:

> It is always citizens, ‘knowing’ and ‘imagining’ themselves as such, who exclude from citizenship and who, thus, ‘produce’ non-citizens in such a way as to make it possible for them to represent their own citizenship to themselves as a ‘common’ belonging.

With regards to the second point, the state expected those who are included into the citizenship regime to satisfy the expectations of the state as well as to represent a certain typology for accessing equal citizenship rights. That is to say, as Taşkın (2014) contends, the citizens of the new republic were expected to act as the carriers of the modernization project and to place service in the state as well as for the nation precede individual rights and freedoms. However, Caymaz (2006, p. 35) argues that citizenship conception of the single-party period "underwent a democratic transformation in the 1950s". This time, what expected from the citizens were that they being civilized, modern, virtuous and compatible with their social environment (Caymaz, 2006). For these to happen as expected, national education has had played

a crucial role. The underlying reason for basic education to be compulsory in nation-states is that the state apparatus of national education works like "a factory that produces citizenship" (Caymaz, 2006, p. 5). Although the emphasis in relevant curriculums[62] has changed in time, the education policies of the Republican era aimed at raising loyal generations to the Turkish nation and the state, and to keep these generations ready and vigilant for the struggle against the elements that pose a danger to the nation and the state (Gökaçtı, 2005). Accordingly, the descriptive character of this "national citizen" was loyalty and sacrifice (Üstel, 2004, p. 328). To give a very brief information, in general, the concept of citizenship is identified with being Turkish as well as commitment to the country, the roots and Atatürk's principles (Gürses, 2011). Moreover, it is expected that a citizen be passive rather than active and participatory, which are two crucial pillars of democracy. Accordingly, Gürses (2011) contends that passive[63] citizenship is one of the basic characteristics of the Turkish political culture.

Furthermore, considering the Turkish citizenship, Kadıoğlu (2012, p. 34-35) argues that "[T]he achievement of national unity appeared to be the *raison d'etre* of citizenship in Turkey". That is why the definition of Turkish citizen is not neutral but instead it has not only religious and linguistic but also cultural characteristic (Kadıoğlu, 2012). Although there was an attempt to move away from the nationalist expression particularly via the 1961 Constitution and the efforts in multi-parties period, it was not able to bring the concept of citizenship to a standard of democratic and equal one (Polat, 2011). This is to some extent due to the fact that those who define themselves as the state in Turkey have put themselves against the people and treated them as an immature multitude and underscored both the separation and the hierarchy of state-people (Aydın, 2005). To summarize these discussions, a recent

[62] For very detailed information on the issue, please refer to Üstel, F. (2004); Gürses, F. (2011)

[63] Here, I used the active-passive citizenship distinction not in legal but in sociological terms.

research[64] shows how this citizenship formation project enduring for more than a hundred years has been successful. With reference to the results of this research, fifty percent of the interviewees said that citizenship brings "the rights expressed in law" to their minds; 30 percent "membership to the state" and 20 percent "duties defined in the law". As the level of education increases, the emphasis on rights increases, but the proportion of those who see citizenship as a "duty" does not change with the level of education. In addition, the idea that rights exist for those who fulfill their duties is very common. 53 percent of the society thinks they cannot influence politics, and 82 percent are not members or volunteers of any non-governmental organization. Discrimination against non-Muslims is higher than any other group.

To put it in a nutshell, one of the main perspectives of the Republic was to build the Turk not only as an individual but also as a nation (Saymaz, 2015, p. 25). In doing so, the state apparatus did not hesitate to use its violent power and "the agent of each objection to the aforementioned dream of the founding ideology paid price: Kurds, communists, political Islamists and Alevis" (Saymaz, 2015, p. 25). As a result, although the situation of being a subject of the sultan had legally ended, the process of becoming citizens in the modern sense could not be finalized for almost a hundred years in Turkey (Ünsal, 1998). In fact, dissidents were either accused of being communist, reactionary or separatist/terrorist. Yet, particularly from 1990s onwards, a new era has begun in which the concept of official republican citizenship, which is mainly on duty, considered to be homogeneous and inclusive, is questioned by the claims of various groups. Women, Kurds and Islamic groups have started to pronounce the demands of gender, ethnic and religious-based identity that were previously confined to the private sphere in the public sphere (Kadıoğlu, 2005). In addition, the EU candidacy of Turkey from 1999 onwards, has also opened the way of taking steps for democratic and participatory citizenship, which has been flourished by spreading of the civil society in Turkey. Accordingly, the notion of citizenship gained popularity not only in the academic world but also in the political

[64] KONDA/IPM "Vatandaşlık Araştırması" Bulgular Raporu, 2016. Available at http://konda.com.tr/wp-content/uploads/2017/03/VatandaslikArastirmasiRapor.pdf

agenda and debates revolved around the concept of constitutional citizenship, which is considered to be more inclusive. Yet, at the present time, with the state turning into a more and more authoritarian one in the last few years, it is possible to talk about a backward trend in not only the debates on inclusionary citizenship but also the context of citizenship rights in Turkey.

3.2 Banishment/Exile as a Punitive Tool in the Ottoman Empire and During the Republican Period

People live in exile because of their thoughts. Undoubtedly exile, being on exile are phenomena arising from conflict.[65]

As historical work reveals, there are "connections between historical practices of banishment... and the emergence of denationalization power" (Gibney, 2017, p. 377). Banishment/exile had been used as a form of punishment in the Ancient Greek and had circumvented death penalty in Rome by giving the opportunity for a citizen sentenced with capital punishment to escape by voluntary exile. Banishment/exile had been widely used in the Ottoman Empire as well. Moreover, policies of (re)settlement used as a means of assimilation of both ethnic minorities and non-Turk groups in the Republican period, are regarded as practices of exile. Yet, studies on banishment/exile particularly in the Ottoman context is to some extent limited. Since then, it seems important to touch upon the issue of banishment particularly in the Ottoman Empire in relation to practices of citizenship revocation during the Republican period. Accordingly, the aim of this section is to focus on a general view of banishment/exile in the Ottoman Empire and its change over time.

To begin with, Mete Çubukçu devastatingly summarizes the historical continuity in exile in Turkey. He contends:

[65] Demir Özlü, cited in Andaç, Feridun (1996) "*İnsanlar düşüncelerinden dolayı sürgünlüğü yaşarlar. Kuşkusuz sürgün, sürgünlük çatışmadan doğan bir olgu* "

> The history of this country from the Ottoman Empire is the history of exile. It's abnormal, but unfortunately it is. Because of their political views, the dissidents, the opponents of the authority... All of the intellectuals, writers and artists have always experienced exile. The considerable amount of persons who were subjected to exile due to their ethnic origin, identity is one of the facts that should not be forgotten considering this land.[66]

Continuing on Çubukçu's contention, in the Ottoman Empire, the exile sentence was applied both as a legal and an administrative penalty. The exile sentence for persons in the Ottoman Empire starts late, mass exiles had been used as a method of colonization and (re)settlement from its establishment onwards. While the exile sentence was forbidden for individuals until the late fifteenth century, exile punishment was initiated for thieves and prostitutes from the early sixteenth century onwards (Uçar, 2006) and it was applied for very distinct crimes or groups of crimes (Köksal, 2006; Alan, 2014). To clarify, the concept of exile had two different meanings, both of which had effects on the logic behind practices of citizenship revocation, in the Ottoman Empire: While the first one amounts to (re)settlement of distinct communities, the second one is a legal term and a form of punishment (Köksal, 2006). With regards to (re)settlement, the ruling authorities had (re)settled particular population groups under certain programs and rules especially when their authorities were challenged or jeopardized. However, from the mid-nineteenth century onwards, it was used for those who had voiced political opposition as well (Metin, 2007). Needless to say, it was directly related with the emergence of political opposition in the enlightenment period came after the Tanzimat reform. The penalty of exile[67] was mostly imposed upon dissident intellectuals, students and military officers under the authority of Sultan Abdulhamid II and Committee of Union and

[66] Çubukçu, M. (2014), p.15, "Osmanlı'dan günümüze bu ülkenin tarihi sürgün tarihidir. Anormal bir durumdur ama maalesef öyle. Siyasi görüşleri nedeniyle, muhalif kalanlar, otoriteye karşı çıkanlar. Aydınlar, yazarlar, sanatçılar hepsi mutlaka sürgünle tanışmıştır. Kimliğinden etnik kökeninden dolayı sürgüne maruz kalanların azımsanmayacak sayısı da bu toprakların unutulmaması gereken gerçeklerindendir."

[67] For instance, Sultan Abdulhamit II received an intelligence in 1896 and sent seventy eight individuals most of whom were doctors and medical students, to exile in Fizan (Acehan, 2008, p. 23). For detailed information about political exiles during the Period of Constitutional Monarchy II, please refer to Polat, H. A. (2018)

Progress. In this period, exile penalty was imposed not only on the basis of judicial proceedings of the Court Martial (*Divan-ı Harp*), but also on the basis of Sultan's will without any trial (Uçar, 2006). According to Acehan (2008), the most number of exile sentence imposed upon was during the reign of Sultan Abdulhamid II.

Köksal (2006) argues that the exile penalty, in this period, was a kind of compulsory residence sentence. The Ottoman Empire used many parts of its land as a place of exile. At that time, there were some islands and provinces in the territory of the empire, which are independent countries today. The common feature of all these places was that they were as far away from the center as possible. (Acehan, 2008). The place of exile varied depending on the nature of the offense, the authority and position of the offender in the state service, or similar reasons. The exiled offender had the opportunity to move freely in the exile area and to live as a resident. This was the most important difference between the exile penalty and the "*kalebend*" punishment, which was a harsher penalty. The exile was usually implemented with some other penalties. If it was a public official who was sentenced to the exile punishment, then s/he was dismissed; his/her ranks and titles were withdrawn, salary was terminated, property can be partially or completely confiscated according to the situation of the crime (Köksal, 2006). The sultan was the final authority for the decision of the exile penalty. The ruler had the authority to give orders to exile independently. As soon as the written approval of the Sultan is obtained, an immediate order was issued against the offender. A divan-ı hümayun sergeant, whose common name was "bailiff", would be assigned to notify the offense as well as to take the offender to the place of exile, and the order would be handed to the bailiff. (Köksal, 2006). As the state was responsible for taking the offender to the place of exile, the state covered the expenses. The exiled citizen had the opportunity to free movement in the exile area and occasionally s/he had the opportunity to do a work pursuant to his/her position and the exiled citizen was provided with supplies pursuant to his/her status (Köksal, 2006). According to Uçar (2006: 15), the reason behind the state endeavor of providing exiles with the aforementioned assistance was the fact that it aimed at giving an opportunity of "a new chance of adaptation and commitment to the authority", however the state also tried to control their acts with

the reports of informers. Furthermore, the exile punishment was a short term rule because the purposes were self amelioration of the offender and others' drawing a lesson and refrain from committing a crime. Except for its expiration, the punishment could be terminated only with an amnesty that would be granted by the will of the Sultan (Köksal, 2006).

Metin (2007) argues that when the general character of exile practices are examined, they aimed at punishing and sending away the opponents of the current regime for the sake of protecting the regime Therefore, the exile punishment had been used on account of the fact that the effective and competent officials, who were opposed to the political power, were harmful and thus imposed upon political crimes especially after the 19th century onwards (Alan, 2014).

To elaborate more on the exile sentence in the Republican era, Metin (2007) argues that it can be categorized into two types: First, obligatory residence after imprisonment and second, obligatory resettlement for political purposes. To begin with the first one, the penalty of exile had been redefined and exile sentence was drafted qua obligatory residence with the Turkish Penal Code Law No. 200 (1 March 1920) (Uçar, 2006). Up until 1965, on when Article 12 of Law No. 647 abolished the punishment of exile, the exile sentence was applied as an obligatory residence[68] throughout the Republican era (Metin, 2007). With the amendments made to the relevant articles of the Turkish Penal Code, exile penalty was applied in different ways and contents. What is remarkable is the fact that exile penalty was applied not only during the Second World War years but it also targeted writers, poets and members of leftist and Marxist parties after the 1950s[69] (Uçar, 2006). Furthermore, according to lawyer Atilla Coşkun, although the exile penalty was abolished in 1965,

[68] For detailed information on the issue please refer to Metin, E. (2007)

[69] According to Uçar, these practices were rather administrative than punitive and as such they were not much different from the exiles imposed upon by the will of the Sultan in the Ottoman Empire (Uçar, 2006: 242). For detailed information please refer to Uçar, A. (2006)

this punishment was applied extensively during and after the 1980 coup d'état under the name of 'General Security Surveillance', which was previously accepted as a punishment and described as an administrative measure later (cited in Uçar, 2006).

Secondly, one can encounter distinct examples of obligatory/forced (re)settlement for political purposes not only in the early years of the Republic but also in the later periods. Furthermore, during the Republican period, the ruling authorities resorted to practices of both individual and mass exiles. To begin with, as aforementioned above Turkish Penal Codes included articles with regards to the exile penalty, but except for this, Independence Tribunals had the authority to impose exile penalty until 1927 (Şur, 2015). Apart from the fact that many opponents of the regime were intimidated by the Independence Tribunals, 150 individuals, known as *150likler*[70], were enforced exile abroad on the grounds that they collaborated with the enemy forces in the course of War of Independence and opposed to the Ankara Government in 1924 (Karaca, 2007). Moreover, they were revoked of their Turkish citizenship. Yet, almost all of the *150likler* had left the country before the law was enacted (Karaca, 2007, p. 28). Additionally, settlement laws that were legislated between 1923 and 1938 had been the basis of mass exiles[71] during the Republican period (Şur, 2015) as it will be elaborated in detail in the following pages. However, it seems important to mention at this point that according to Şur (2015), exile was used as a political tool in (re)settling the individuals or group of individuals who had or were perceived to have the potential to cause conflict. Furthermore, Şur (2015) argues that the adoption of many compulsory (re)settlement laws by the Turkish Grand National Assembly in the period of 1923-1938 after the important uprisings was directly related to the national security concerns of the state. However, the exile practice was not limited to the single party era. The fourteen members of the National Unity Committee, who overthrew Democrat Party government in May 27, 1960, were sent to exile by the

[70] For detailed information on *150likler*, please refer to Karaca, E. (2007)

[71] For very brief examples of exile around the world and during the Republican period, please see Ekinci, T. Z. (2009)

rest of the Committee and this was called as the "Fourteens case"[72] afterwards (Olgun, 2016). As a last word, the 1980 coup in particular, with the heavy penalties it imposed, such as death penalty and life imprisonment, led to tens of thousands of Turkish citizens' exile and being refugees in European countries, as it will be explained in detail below.

Accordingly, the practice of exile in the Ottoman Empire which had started as a means of (re)settlement of Muslim and non-Muslim populations into newly conquered places, later turned into a state policy that was used as a punishment of dissidents from the 19th century onwards (Acehan, 2008). Moreover, the practice not only targeted individuals but also the masses. As a last word, the changing of civil servants' duty stations, such as dissident teachers or health personnel taking place even today, can be regarded as another dimension of (internal) exile in Turkey. However, there is yet any academic studies on this subject.

3.3 Citizenship Laws in Turkey through the Lens of Citizenship Revocation

This part of the study focuses on citizenship laws in Turkey with a particular emphasis on the clauses relevant to the revocation of citizenship and their change in time. Accordingly, this part aims at understanding whether the laws or their contents relevant to citizenship revocation change in time and/or follow a pattern. In doing so, first changes in nationality laws with regards to citizenship revocation will be analyzed. Secondly, the practice of citizenship revocation until 1950s in Turkey will be elaborated on. Thirdly, other relevant issues that had direct or indirect effect on individuals' loss of their citizenship will be accentuated.

[72] For further information, please refer to Olgun, E. (2016)

3.3.1 Changes in Nationality Laws: A Continuous Effort to Disown Citizens

This sub-section of the study focuses on the Turkish citizenship laws and the grounds that they have with regards to the revocation of citizenship. Apart from the amendments, one can encounter four citizenship laws enacted thus far: Ottoman Nationality Law No.1044 (Tabiiyet-i Osmaniye Kanunnamesi, hereafter TOK) in 1869, Turkish Citizenship Law No.1312 in 1928, Law No.403 in 1964 and Law No.5901 in 2009. While TOK had used the expressions of *teb'a* and *tâbiiyet* and Law No. 1312 used both citizenship and *tâbiiyet*, they completely having the same meaning (Nomer, 1971), Law No. 403 and 5901 used only the expression of citizenship in the law text. With regard to the citizenship revocation, in each of these laws, the loss of citizenship has been strategically regulated with the necessities of the time which will be discussed below. In addition, the Turkish state approved other related laws or decrees that would pave the way for citizenship revocation or made provisions for it particularly in times of (military) intervention in the government. In this way, the Turkish state has always found an arbitrary way of getting rid of unwanted citizens or citizen groups and this section focuses on the changes in citizenship laws with regard to the citizenship revocation.

To begin with a historical background, Ottoman Nationality Law[73] was enacted in 1869 and prominent since it was the first attempt to regulate citizenship law and carry citizenship to a legal basis. Its underlying reason was to make a regulation[74] on the issue of nationality, since non-Muslims were acquiring citizenship of foreign countries in order to benefit from the capitulations (Aybay & Özbek, 2015). In 1876, with the Kanun-i Esasi, Ottoman citizenship received constitutional protection. TOK

[73] Although this law is regarded as the first nationality law considering the Turkish history, Hanley argues: "The 1869 law describes forms of affiliation that do not constitute citizenship according to any useful understanding." For further information and a comprehensive discussion on the issue, please refer to Hanley, W. (2016).

[74] In the Ottoman Empire, the issues related to nationality up to the TOK, were carried out according to the rules of Islamic law (Batur, 2014: 12)

considered everyone who resided in the Ottoman country, in principle, as Ottoman national. Adopting the principle of jus sanguinis as a rule in terms of acquiring nationality, TOK had also exceptionally included the jus soli principle (Aybay & Özbek, 2015). According to the law, the children whose parents or only father were Ottoman nationals, were considered to be Ottoman nationals. The children born in the Ottoman country would be able to make a request to obtain Ottoman nationality within three years of reaching adulthood (Aybay & Özbek, 2015). With regards to its content, this law included provisions of law such as, naturalization (Article 3 and 4), renunciation with permission from the government (Article 5), *ıskat* (Article 6) and effect of marriage on women's nationality (Aybay & Özbek, 2015). TOK named the involuntary loss of citizenship by the decision of the competent authority as *tabiiyetten ıskat* (Arat, 1974). According to Article 6 of TOK, it is stipulated that acquiring a foreign state nationality without permission or entering into military service of a foreign state were grounds for *ıskat* (Arat, 1974). In 1916, the clauses added to Article 6 of TOK expanded the grounds of *ıskat* to serving voluntarily in a foreign state except for military service and not fulfilling military service[75] obligation of the Ottoman Empire (Tanrıbilir, 2008).

To continue with the Turkish Citizenship Law No. 1312, which was adopted in 1928, it was the first comprehensive regulation on the nationality law of the Republican era. It was based on jus sanguinis and also included the principle of jus soli. The law regarded the children who were born to unknown parents or to at least one stateless parent in Turkey, as Turkish citizens. Moreover, children born from a Turkish mother or from a Turkish father, even if they were born out of wedlock, were also accepted as Turkish citizens regardless of the place of birth (Nomer, 1971). According to Aybay and Özbek (2015) these clauses were manifestations of the republic's tendency to increase its number of citizens[76].

[75] For reasons of *ıskat* added to the law considering the military service obligation, please refer to Tanrıbilir, F. B. (2008, 41). These reasons were regulated as reasons for *kaybettirme* in Law No. 403 Article 25/ç, d and e.

[76] However, concerning the aim of increasing the population there were both desirable and undesirable groups who could potentially become citizens, as it is displayed throughout the study.

Law No.1312 was quite similar to the abolished law in terms of the grounds for citizenship revocation (Arat, 1974), however in a more detailed manner (Öztürk, 2007). It is possible to classify the grounds for citizenship revocation in Law No. 1312 under two headings changing according to whether the individual is naturalized or acquired citizenship by birth (Öztürk, 2007). Articles 9 and 10 included provisions that applied to all Turkish citizens. According to Article 9, the Council of Ministers could strip the citizenship of those who acquired "“the citizenship of other countries without special permission from the government” or joined the armies of other countries" (Çağaptay, 2006, p. 72). On the other hand, with Article 10 of the same law, the Council of Ministers were entitled to revoke citizenship on grounds of desertion, not doing the military service or "...of whom it had become known that they fled abroad and could not prove the opposite and return within the given time, (...) or Turkish citizens who have been living abroad for five years and have not registered with the Turkish Consulates in question" (Guttstadt, 2006, p. 51). Article 11 of the law included provisions that applied only to naturalized Turkish citizens (Fişek, 1983). Hereunder, citizenship of the naturalized citizens could be revoked in case of the activities against to the internal and external security of the state and of the obligations related to military service are not fulfilled. Article 12 of the law stipulates that those whose citizenship was revoked are prohibited from entering into the country, those located in the country are deported and their assets in Turkey are liquidated (Tanrıbilir, 2008).

Between 1964 and 2009, the Turkish Citizenship Law No. 403 was in force and Turkish citizenship could be acquired by descent, by place of birth, through the competent offices or by right of choice. Children born of a Turkish father or mother[77], whether in Turkey or abroad, were Turkish citizens from birth. Moreover, children who were born in Turkey and were not able to acquire their citizenship by being born of their mother and father shall be Turkish citizens from birth. Children

[77] This clause was amended by Law No. 2383 on 13.2.1981, for further information on the issue please refer to the section 3.3.1.2 Gender and Nationality: Turkish Case

who were found in Turkey shall be considered to have been born in Turkey if the contrary is not established to be the case.

The grounds for citizenship revocation were far-reaching in this law. In Law No. 403, Part Two stated the grounds for "Loss of Turkish Citizenship". According to the law, one can lose Turkish citizenship (i) by legal means; (ii) upon decision by competent authority and (iii) by right of choice. Considering the loss of Turkish citizenship upon decision by competent authority, it authorizes the Council of Ministers to penalize actions not in conformity with loyalty to the state. However, it was very difficult to identify which actions are not in conformity with loyalty to the state (Nomer, 1971). Hence, this part of the law was criticized much for this ambiguity.

The Law No. 403 does not use the term *ıskat*; instead it envisaged two main ways, *kaybettirme* and *çıkarma*, through which one can be revoked of Turkish citizenship under the heading "actions not in conformity with loyalty to the state".[78] Considering the Turkish law, the term "*kaybettirme*" appeared first in Law No. 403[79] (Tanrıbilir, 2008). The provisions of *kaybettirme* were regulated under Article 25. The reasons for it were to a large extent same as the Articles 9 and 10 of the Law No. 1312 and they targeted at Turkish citizens by birth. According to this law, those who work against the interests of Turkey in a foreign country or work for a foreign state which is at war with Turkey, acquire another citizenship and do not inform the Turkish authorities, or does not respond to a military service call for three months, could be revoked of citizenship. Moreover, residing abroad for more than seven years and not

[78] Both the 54th Article of the 1961 Constitution and the 66th Article of the 1982 Constitution make mention of the same ground for the loss of Turkish citizenship and it is the following:
"Citizenship can be acquired under the conditions stipulated by law, and shall be forfeited only in cases determined by law. No Turk shall be deprived of citizenship, unless he/she commits an act incompatible with loyalty to the motherland."
Available at https://global.tbmm.gov.tr/docs/constitution_en.pdf

[79] In addition, neither "kaybettirme" nor cancellation of receiving into citizenship existed in TOK and Law No. 1312 (Öztürk, 2007: 100).

showing any interest in maintaining ties with Turkey was also a ground for revocation of citizenship. Article 26 referred to reasons for *çıkarma*, whose results were very similar to *ıskat*, and it targeted at naturalized Turkish citizens as well as Turkish citizens by birth only at times of war. According to the law, a person who lost his/her Turkish citizenship through *çıkarma* could never re-acquire it, re-entry to Turkey was possible only with a permission and for a short term and his/her assets would be liquidated (Tanrıbilir, 2008). Among many amendments which lead to various inconsistencies and paved the way for preparation of the current Citizenship Law No. 5901, the 1981 amendment[80] is worth mentioning for the purposes of this study. With the amendment, the following clause[81] was added to the law:

> *g) Persons who engage in activities against the internal and external security or economic and financial security of the Republic of Turkey in violation of laws while abroad, or who have gone abroad by any means after having engaged in similar activities, and against whom it is thus impossible to begin a public trial or prosecute or implement a sentence in Turkey and who despite the issuance of a call to do so do not return to the country within three months, or one month during periods of martial law or extraordinary conditions (state of siege).*

The current Citizenship Law No. 5901 was enacted in 2009. First of all, it should be noted that some points are particularly noteworthy in the general rationale[82] of the draft law. The first is that the systematic of the law had deteriorated as a result of many amendments made to the Law No. 403 and therefore it should be reconstituted according to the principles of law, were emphasized. Secondly, it is underlined that in relation to Turkey's European Union membership, Turkey might have to respond

[80] This amendment not only facilitated the processess for stripping individuals of their citizenship, but also legalized multiple citizenship, which was an issue particularly related with the Turkish emigrants in Germany and their problems such as military service, property ownership, lack of political rights (Kadirbeyoğlu, 2012, 5).

[81] This clause was repealed with Law No. 3808 enacted on 27/05/1992. Except for this amendment, four other laws that amended Law No. 403 were enacted. For detailed information on and content of these amendments, please refer to Aybay and Özbek (2015).

[82] https://www.tbmm.gov.tr/sirasayi/donem23/yil01/ss90.pdf

to the tendency relating to citizenship laws taking European Convention on Nationality as a base. In addition, the draft law made mention of some problematic points in the citizenship procedures of Turkish citizens living abroad and the need to facilitate the granting of Turkish citizenship to some foreigners.

According to the law, Turkish citizenship can be acquired by birth or after birth. Turkish citizenship by birth can be acquired by place of birth and/or descent. Citizenship by birth is acquired at the moment of birth. A child born to a married Turkish father or mother, whether in Turkey or abroad, is Turkish citizen. A child born to a Turkish mother and an alien father out of wedlock is Turkish citizen. Moreover, a child born of a Turkish father and an alien mother out of wedlock acquires Turkish citizenship if the principles and procedures regarding the determination of descent are met. A child born in Turkey, but acquiring no citizenship from his/her alien mother or alien father acquires Turkish citizenship by birth and a child found in Turkey is deemed to have been born in Turkey unless otherwise proven. As to the acquisition of Turkish citizenship after birth, it is possible either with a decision of competent authority, by adoption or by choice. Furthermore, according to the law, an alien who wishes to acquire Turkish citizenship can acquire it with the decision of the competent authority, provided that he/she fulfils the conditions stipulated by this Law. However, fulfilling the conditions required, do not grant an absolute right to the person to acquire Turkish citizenship since the law requires that there should be no obstacle as regards national security and public order.

As for the grounds for citizenship revocation in Law No. 5901, it should be stated from the outset that this law, compared to the previous Turkish Citizenship Laws, has limited the grounds for the involuntary loss of citizenship to a great extent and in this sense it is a very important development. The Council of Ministers can revoke citizenship on the basis of the grounds mentioned in Article 29[83] of the law. These

[83] A very recent amendment made to the law with a statutory decree will be elaborated more in Chapter V.

actions are rendering services, which are incompatible with the interests of Turkey, for a foreign state, despite notifications to cease the task, voluntarily continuing to render any kind of services for a state, which is at war with Turkey, without the permission of the Council of Ministers and voluntarily rendering military service for a foreign state without obtaining permission. However, any regulation that would prevent people, whose citizenship would be revoked due to these reasons, to become stateless is not included in the law (Odman, 2011). Furthermore, with the law, the opportunity to reacquire Turkish citizenship was recognized to those who were revoked of citizenship on the grounds of Article 25 a,ç,d and e clauses of Law No. 403. However, it is mentioned in Article 43 of the law text that those persons may reacquire citizenship by the decision of the Council of Ministers if they apply and provided that there is no obstacle for national security even if they are not living in Turkey. Another important issue regarding this law is that the acquisition of foreign state citizenship without permission is not anymore mentioned as a ground for revocation of citizenship.

In summary, this section of the study aimed at providing a general overview of the citizenship laws particularly regarding to the practice of citizenship revocation. Without going into details of the analysis made within the context of this research, which will be extended in Chapter V; in light of the overview provided above, the following section aims at examining whom the practice of citizenship revocation affected and how it has changed in time, with a particular emphasis on the period until 1950s.

3.3.2 The Practice of Citizenship Revocation in Turkey: Until 1950s

At various historical moments, denationalization has reshaped nations, revealed the racial and ethnic hierarchies that lie underneath citizenship, and cast individuals into the great vulnerability and insecurity of statelessness.[84]

This section of the study has a focus upon the continuous effort of the state to disown citizens, particularly the non-Muslims, with a particular emphasis from the beginning of the Republic until 1950s. The reason for limiting this section with a time period until 1950s is due to the fact that the few studies available on this particular issue rather focus on the time period before 1950s, although the inclusionary and exclusionary character of Turkish citizenship has been the subject of many academic studies. Thus, this section of the study aims at providing a general overview of the practice of citizenship revocation based on secondary sources without elaborating on my own research, which is inclusive of the time period from 1950 to 2015 that will be provided in Chapter V.

As Spiro (2014, p. 2181) contends:

> Citizenship has historically been framed in terms of loyalty and allegiance. It has set down the legal boundaries of human community - the marker between "us" and "them". Beyond its legal benefits, it has been processed as a signifier or membership, reflecting communal solidarities, vaunted as a kind of badge of honor.

Yet, there has always been individuals as well as groups who were not considered as deserving that "badge of honor" throughout the history of citizenship. Considering the Turkish Republic, one can argue that a binary practice was carried out in taking that badge of honor back. That is to say, those in power during the single-party period, did not only exile but also revoked citizenship of those opposing to the regime as well as of non-Muslims, who were perceived to be disloyal.

[84] Gibney, M. (2017), p.379

To begin with the opponents of the regime, at this juncture, one of the most important laws is the Treason Law. This law, enacted on 29 April 1920, even before the internal bylaws of the Assembly, is particularly concerned with the treason and punishment of those who support this crime as well as their punishment and practice. The first act on revocation of citizenship was made on the basis of this law and on Damat Ferit Pasha and the ministers in his government. In a decree of 26 May 1920, it was decided that the ministers of Damat Ferit and his government were to be investigated and to be deprived of their citizenship with their spouses in accordance with this law (Batur, 2014). The decree of 26 May 1920 was the first and only decree that a decision of citizenship revocation was made on the basis of The Treason Law (Batur, 2014). Another one is Law No. 431[85] dated March 3, 1924. By this law[86], Khalifa Abdulmecit and all men, women, groom and children of the Osmanoğulları family were deprived of Turkish citizenship. With this law, a total of 234 people were deprived of Turkish citizenship (Batur, 2014).

With regards to the non-Muslim population of the Ottoman Empire, The Committee of Union and Progress believed that after the Balkan Wars ended in 1913, the condition for the Ottoman Empire to continue on the remaining lands would be possible by getting rid of the Christian citizens. For this purpose, it developed and implemented policies that had two important pillars: the expulsion and/or annihilation of Christians[87] (Akçam, 2016). This practice continued during the Republican period, despite the provisions of the 1923 Treaty of Lausanne on the protection of non-Muslim minorities. As a result, while one in five persons in the geographical area which is now Turkey was a Christian in 1913, the proportion had

[85] *Hilafetin İlgasına ve Hanedan-ı Osmani'nin Türkiye Cumhuriyeti Memaliki Haricine Çıkarılmasına Dair Kanun*

[86] With the Law No. 5958 on June 16, 1952, some articles of the law were amended and some members of the Ottoman dynasty were allowed to enter the country, but they were not allowed to reacquire Turkish citizenship.

[87] In parallel, the assimilation of non-Turkish Muslims (especially the Kurdish, Albanian, Bosniak and Caucasian immigrants) was also aimed.

declined to one in forty as early as the end of 1923 (Keyder, 2005) and it gradually declined over the years.

Dauvergne (2007, p. 495) argues that "...citizenship law and migration law work in tandem to create the border of the nation" since they work together "in drawing a line between inclusion and exclusion". They are intertwined in the history of the Ottoman Empire as well as Turkey and even one can add (re)settlement laws to these with regard to the Turkish history, which will be depicted in detail below. To begin with, by the amendment made to the military service legislation in 1909, the people who are exempted from were held responsible for the military service. That is to say, non-Muslims were included in the conscription system as well and accordingly this led the young non-Muslim men to flee abroad. Moreover, as early as 1914, especially Greek Orthodox groups as well as during the war of independence Armenians and Assyrians had began to leave the Ottoman Empire. This migration wave of non-Muslims, which had direct effects on their status of citizenship, continued during the Republican period. Article 6, Clause 3 of TOK stated that those who fled to foreign countries in order not to perform military service and did not return within the specified time period would be deprived of citizenship (Batur, 2014). In addition, according to the same law, especially during the Balkan War, World War I and War of Independence, those who acquired the citizenship and/or entered the service of other countries without official permission from the state were revoked of citizenship and they were not allowed to enter the country. Besides, to preclude the return of especially Armenians and Greek Orthodox groups, who had left the country during the war of independence and had not returned since, the state passed Law No. 1041[88] in 1927 (Çağaptay, 2003), which authorized the Council of Ministers to revoke the citizenship of those who did not return. Guttstadt (2012) argues that despite this law was used in practice to strip non-Muslims from citizenship, it was also used for pushing political opponents and dissidents out. Furthermore, in 1928 with Decision No. 7559, the Council of Ministers was allowed to strip the citizenship of women

[88] Law No. 1041 dated Mayıs 23, 1927 *Şeraiti Muayeneyi Haiz Olmayan Osmanlı Tebaasının Türk Vatandaşlığından Iskatı Hakkında Kanun*

who did not participate in the war of independence (Guttstadt, 2006). What is more, in 1933, with The Statute of Travelling, the return of only those who left the country with a passport issued by the Ankara government is allowed, whereas those with one issued by the Allied Powers were denied (Çağaptay, 2003).

Another law that determined who was to be included in Turkish citizenship was the Law on Settlement. The Turkish state enacted the Settlement Act 2510 in 1934 and it became something of a handbook in dealing with the homogenization of the nation and assimilationist practices targeting non-Turks as well as issues of refugees and immigrants. The basic aim of the law, as Yeğen (2009, p. 603) argues, was the Turkification of all non-Turkish elements, "either by settling Turkish elements in non-Turkish areas or by settling non-Turkish elements in Turkish areas". In accordance with this law, Turkey provided refugee and immigrant status to groups such as Muslim Bosnians, Albanians, Circassians, Tatars, etc., but declined to accept the settlement of groups such as Christian Orthodox, Gagauz Turks and Shi'a Azeris (Kadirbeyoğlu, 2012). This policy effectively pre-secreened those applying for citizenship and helped Sunnis settle in Turkey, in spite of official statements that only those of Turkish descent and culture would be so favored (Kirişçi, 2000). Moreover, according to the Articles[89] 7 and 11/B of this law, people who change their places without permission as well as those who are not affiliated with Turkish culture and who are dependent on Turkish culture but speak other languages than Turkish, might be deprived of citizenship (Batur, 2014).

Exclusion of certain groups from Turkish citizenship went hand in hand with further policies that ended in non-Muslims coerced to leave Turkey. Various means have been developed for minorities to go away and moreover they had been encouraged to leave the country. In these practices aimed at non-Muslims, especially at the point of migration, non-Muslims were expected to migrate without selling out their property (Güven, 2012) because the state, on the other hand, was aiming at the Turkification of capital.Therefore, these practices have played a key role in the decrease of the

[89] These articles of Law No. 2510 was abolished with Law No. 5098 on 18.6.1947

non-Muslim population day by day, the Turkification of capital and the exclusion of non-Muslims from citizenship. Inspired by Baskın Oran's (2005) study, these practices can be categorized under eight headings: 1- Armenian, Assyrian as well as other non-Muslim groups deportation and genocide (1914-1916)[90]; 2- The Greek Turkish Population Exchange (1923)[91]; 3- Not applying the provisions of Lausanne on Imbros and Tenedos[92]; 4- The Law on Professions and Services Allocated to Turkish Citizens in Turkey (1932)[93]; 5- The Anti-Jewish Pogrom in Thrace (1934)[94];

[90] It is well known that deportation of particularly Armenians resulted in a huge number of refugees. League of Nations took a prominent role in dealing with the issue of Armeninan refugees changing from settlement to the provision of Nansen pasaports to Armenian refugees. For futher information please see Gzoyan, E. (2014) The first mass of stateless people was helped by the international community via an internally accepted travel document, namely Nansen Passport that was issued following an international agreement generated at the Intergovernmental Conference on Identity Certificates for Russian Refugees in 1922. It was originally provided to Russian refugees who were displaced following World War I and the Bolshevik Revolution in Russia. It is estimated that about 800,000 Russian refugees had become stateless during this period. Then the Nansen Passport was extended to Armenians in 1924, and Turks, Assyrians, Assyro-Chaldeans and Kurds in 1928 (Heyward and Ödalen, 2013, p. 6). Moreover Nazi regime did withdrew citizenship of political opponents in 1923. By 1942, governments of 52 countries put Nansen Passports into practice.

[91] The citizenship of those who were subject to population exchange also changed. They lost the citizenship of the state they left and were not allowed to return to their former citizenship (Nomer, 1971, p. 134). Already before this, the Greeks and Christians in general had left Anatolia (Onaran, 2013, p. 256).

[92] After that, the Greeks left their lands and started to migrate, which lasted at least until the 1970s.

[93] Article 4 of the Civil Service Law (1926) stated that all civil servants must be Turkish. The Law on Professions and Services Allocated to Turkish Citizens in Turkey (1932) banned foreigners from occupying specified professions (Akar, 2009, p. 153). Moreover, Akar (2009) argues that the term Turkish citizen was applied as Turkish in practice. Approximately 15.00 Greeks left the country as a result of this law (Çağaptay, 2003, p. 604), whereas Belarusians residing in Turkey but not Turkish citizens were granted citizenship in 1934 in order to prevent their destitution (Kadirbeyoğlu, 2012, p. 2). According to Kadirbeyoğlu, this is one of the examples that "shows the discretionary practices of inclusion and exclusion practices of Turkish citizenship" (Kadirbeyoğlu, 2012, p. 2)

[94] Although the Jewish community has always perceived as a loyal minority, they also had their share of the attacks against non-Muslims in 1930s and 1940s. The effect of anti-Semitic wave in Europe began to be felt in Turkey and Thrace was the target in 1934. In Çanakkale, Kırklareli and Edirne, vandalism began against Jews' houses and businesses (Akar, 2009, p. 153-154) and Jews began to migrate to Istanbul. But the immigration of Jews, who did not feel safe in Istanbul, continued, and with the establishment of the state of Israel in 1948, many Jews immigrated to Israel. Approximately 40% of the 76. 945 Jews living in Turkey, had migrated between 1948-49. When the migrations in

6- The incident of the Twenty Classes (1941), The Wealth Tax Law (1942) and Forced Labor Camps[95]; 7- 6-7 September Events/Pogrom (1955)[96]; 8- 1964 Deportation of Greeks[97]. Needless to say, as a result of these developments, non-Muslims' migration from Turkey gradually increased[98]. As shown in the table below, between 1945 and 1950, the amount of immigration, which showed a leap of 50 percent, increased almost fourfold between 1950 and 1955 (Akar, 2009). In this period, The Wealth Tax, the establishment of the state of Israel and September 6-7 Pogrom played a major role in the emergence of this result.

1951-52 were added, this rate increased to 45% (Güven, 2012, p. 178). For further information on how Jews were excluded from Turkish citizenship by the authorities particularly duirng 1940s, please refer to Guttstadt, C. (2012).

[95] In May 1941, almost all the minority, adult men were conscripted in order to prevent them from fifth column activities on the eve of Worl War II. In 1942, the second decree was enacted (Bali, 2004: 304). The Wealth Tax Law (1942), which impinged the wealth of non-Muslims to a great extent, was an extraordinary tax issued by the government. The conscription of non-Muslims in 1941 and then The Wealth Tax were the most effective measures developed by the government elites against non-Muslim citizens (Güven, 2012, p. 133). One of the most typical implementations specific to The Wealth Tax was the decisions of sending those who could not pay the taxes to forced labor camps. This was applied to a limited number of taxpayers (Akar, 2009: 90) and everyone who was held in labor camps was released in December 1943. The Wealth Tax had been followed by a large wave of migration of minorities (Güven, 2012, p. 145).

[96]An organized mass assault was carried out on 6-7 September 1955 against the Greek minority living in Istanbul. The events were triggered by false news in the Turkish press the previous day, claiming that Mustafa Kemal Ataturk's house in Thessaloniki was bombed. Further information on the issue will be provided in Chapter IV.

[97] The Greeks living in Turkey with Greek passports were deported in 1964 and the 1964 Decree blocked their goods and money. Further information on the issue will be provided in Chapter IV.

[98] As a result, the situation of the non-Muslim populations is important in terms of showing what all these practices and implementations aimed and managed. The first census was made in Turkey in 1927 and the total population was 13 million 648 thousand 270. According to Onaran (2013, p. 234), based on the available data, the share of the non-Muslim population in Istanbul was 55.9 percent at the end of the 19th century and the share of the Muslim population was 44.1 percent. In 1927, this rate decreased to 31.1 percent, while the percent of the Muslim population increased to 68.9 percent. Considering these numbers, the non-Muslim population is supposed to be about 2 million 77 thousand compared to the total population of 75 million in 2010, but the total number of all non-Muslims was estimated to be 100 thousand in 2012 (Onaran, 2013, p. 235).

Table 6: Demographic impact of external migration on population size
Net migration (1000 persons) (Akar, 2009, p. 176)

Period	Male	Female	Total
1935 - 1940	67,3	76,5	143,8
1940 - 1945	12,6	12,4	25,0
1945 - 1950	18,6	18,4	37,0
1950 - 1955	17,8	75,2	93,0
1955 - 1960	73,5	70,5	144,0

The arguments above are quantitatively validated in Batur's study (2014). The number of naturalized individuals between the years 1923-1950 was 260.649, while the number of those who were stripped of citizenship was 14.220 (Batur, 2014). The naturalized citizens were mostly those who were either from the Turkish lineage or who embraced Turkish culture in line with the provisions of 1934 Law on Settlement (Batur, 2014). Moreover, in most of the naturalization cases Law No. 1312 was enforced with a total number of 6828. The most striking point in this regard was the provision in Article 10 which stipulated that those who did not register to the consulates for a period of five years might have been be excluded from citizenship. The total number of individuals revoked of citizenship on the basis of Article 10 of the Law No. 1312 was 4210, most of whom were non-Muslims, Jews and Armenians respectively (Batur, 2014). Considering the number of revocation of citizenship cases, Law No. 1041 comes after Law No.1312, with a total of number of 6328. Almost all of them were non-Muslims, mostly Jews and Armenians[99]. Furthermore, Mumyakmaz (2008) asserts that from the 1920s to the 1950s, applications for renunciation of citizenship of first Jews, secondly Rums and thirdly Armenians were admitted.

In the procedures of naturalization and revocation of citizenship, the Law no. 1041, the Turkish Citizenship Law No. 1312 and the Resettlement Law No. 2510 have

[99] Akçam and Kurt argues that the number of Armenians deprived of Turkish citizenship was very limited and it was as late as 1964 Turkish Citizenship Law No. 403 that they lost their Turkish citizenship with a provisional article. For very detailed analysis of the issue please refer to: Akçam, T. & Kurt, Ü. (2012)

been the main pillars, according to the findings of Batur's study (2014). Between the period of 1923-1950, while those who did not participate in the War of Independence, left the country and did not return within the specified time period were revoked of citizenship, a large number of people, who had came to Turkey as immigrants and refugees from neighboring countries were naturalized (Batur, 2014). Moreover, as Batur (2014) argues, while patriotism had been a crucial criteria in naturalization decisions, those who had loose ties or severed all ties with the homeland were deprived of citizenship. Another point that is noteworthy is that, for example, during the Inönü period except for 58 persons on the basis of Settlement Act and 14 persons on the basis of Article 11 of the Law No. 1312, no one had been deprived of citizenship and taken out of the borders of the Republic of Turkey, since they were already abroad (Batur, 2014). The following table summarizes these discussions.

Table 7: Number of citizens revoked and naturalized, and number of decisions revoked regarding the relevant law (1923-1950) (Batur, 2014, p. 306-307)

Relevant Law	**Number of Citizens Revoked**	**Number of Citizens Naturalized**	**Number of Decisions Revoked**
TOK	204	2143	16
Law No. 1041	6328	-	8
Law No. 1312	6828	71.941	45
Law No. 2510	262	186.565	1
Others (including Law No. 433)	598	-	156
TOTAL	14.220	260.649	226

So, the practice of citizenship revocation actually proceeded through two channels: The opponents of the regime were excluded from the circle of citizenship through the means of special laws such as Law No. 431 and The Treason Law, while particular articles in the citizenship laws had prevented the return of those who had already left the country and were mostly non-Muslim. As can be seen, the issues of perceived (dis)loyalty as well as (in) security are closely related to the migration flows, which had direct effects on the practice of citizenship revocation, of non-Muslims. However, another situation both parallel and consecutive to the homogenization of

the nation is that of the 'traitors' within the Turks, who are considered to be the most loyal circle. This issue, almost 30 years after forgotten, had been taken to the stage once again especially with the alleged threat of communism during the Cold War, but not as densely as in the following years. As a result various groups were left out of Turkish citizenship as well as forced to leave Turkey, while some others were invited to Turkish citizenship. In line with these developments, the minorities were perceived not as ""loyal citizens" but as "future traitors" of the young nation-state" (Güven, 2012: 104). On the other hand, various other groups, communists, Kurds, Islamists, to name but a few, were perceived as internal enemies and this time the raison d'état headed towards them.

3.4 Other Issues in Consideration of Citizenship Revocation

As it was mentioned on the previous sub-section, apart from the citizenship laws and clauses added to it in times of (military) intervention in the government, further issues either directly or indirectly affected the practice of citizenship revocation, or to put it more saliently, contributed to the emergence of de jure as well as de facto statelessness cases within the context of Turkey. Accordingly, the aim of this part is to provide the reader with information on these issue and the context that they have influence either in practices of citizenship revocation or statelessness. The first point is the gender discriminatory nationality laws and how they can lead to cases of statelessness. Moreover, it also provides information on how constituents of perceived loyalty can treat men and women differently. Secondly, it gives detailed information on how military service obligation in Turkey can cause cases of not only de jure but also de facto statelessness. Finally, this part refers to some specific articles of the Turkish Penal Code in relation to raison d'état and freedom of expression in Turkey with regards to the revocation of citizenship.

3.4.1 Putting Gender into Perspective: Discriminatory Citizenship Laws, Statelessness and Revocation of Citizenship

Despite the fact that the notion of human rights come to the fore after French Revolution and has become prevalent particularly after the mid 20th century, women as well as children were excluded from citizenship rights in various contexts and it was possible for women to attain political, civil or social rights at a later date than men in any country without exception (Çakır, 2014). Because of this, feminist theorists who criticize liberal democracies from a woman's perspective, underlined that the notion of gender should be included in the concepts of democracy or citizenship (Sirman, 2003). Yet, instead of full inclusion, women were instrumentalised in almost all nationalization/modernization processes of nation-states, which considered women as responsible for not only biological but also ideological/cultural reproduction (Çakır, 2014). Although the role of women's movement in attaining rights cannot be glossed over, Pateman still argues that citizenship does not ensure equity, since women are not included in it as citizens but as women in the modern male-dominated order (cited in Sirman, 2003). Hence predictably, women did not have equal conditions with men, not only in accessing citizenship rights, but also in transferring citizenship to their children and even in the withdrawal of citizenship rights. Within the provided framework, this section of the study first focuses on the relation between gender discriminatory nationality laws and statelessness, second touches upon the situation in Turkey and finally it relates these discussion to the practice of citizenship revocation.

3.4.1.1 Gender Discriminatory Nationality Laws and Statelessness

Within the context of this study, this particular phenomenon is important since citizenship laws that do not grant women equal rights with men on passing down citizenship are important reasons for the rise of statelessness cases for ages and at the same time concerns UNHCR under its mandate for prevention and reduction of

statelessness.[100] The unequal attitude towards women in that lasted for many years has begun to change radically after the 1957 Convention on the Nationality of Married Women and the 1979 CEDAW Convention. While the 1957 Convention abolished automatic changes in a woman's nationality as a result of her marriage or of a change in her spouse's nationality; the article 9 of the 1979 Convention "calls for equal rights between men and women to acquire, change, and retain their nationality, with specific preclusion of automatic changes in nationality triggered by the nationality of the husband" (Brysk & Shafir, 2004, p. 93).

Consequently, particularly after 1970s many countries addressed the unequal treatment of men and women in their nationality laws: For instance France in 1973, Germany in 1979, Italy and Spain in 1983 amended their laws in order to guarantee equal rights in terms of nationality issues (Ammar, 1999) and in 1969 Mexico, in 1981 Zaire and Turkey made amendments in their constitutions in order to abolish unequal treatment of men and women with regard to the right to transfer nationality to children (Ammar, 1999). Furthermore, in recent years various other countries[101] made reforms to their nationality laws, most of which were inherited from the colonial periods, and in many of them the legislative reform just extended the right of women to transfer her nationality to her children (UNHCR, 2018). In addition, while some states in the MENA region[102] have made progress in this area since 2004, women's passing down their citizenship to children is still hampered by law in the region.

To continue with a general overview at the present time, in almost thirty countries around the world, women are still unable to pass down their citizenship to their

[100] UNHCR (2014) Background Note on Gender Equality, Nationality Laws and Statelessness

[101] Please refer to UNHCR 2018 Background Note on Gender Equality, Nationality Laws and Statelessness for further information and relevant countries.

[102] For further discussion on the origins of women's unequal citizenship rights in the region please refer to: Van Waas, L. & Albarazi, Z. (2014)

children under equal conditions with men.[103] As of 2016, according to Equality Now report[104], %27 of countries have sexist nationality laws and 53 countries have discriminatory nationality laws. Among these 53 countries, 20 of them are in the Sub-Saharan Africa; 16 in Middle East/North Africa; 11 in Asia Pacific and 6 in the Americas. Moreover, married women cannot pass on their citizenship to foreign spouse in 48 countries, and to the children born outside the country, on an equal basis with married men in 26 countries.

Accordingly, gender discriminatory nationality laws not only affects women but also children and can render individuals stateless. To begin with women, a woman can become stateless in the following cases: (i) If she's a national of a state that automatically changes her nationality status when she marries a non-national and cannot acquire the spouse's nationality or the spouse has no nationality; (ii) If a woman acquires her spouse's nationality upon marriage, then loses the acquired nationality in case of divorce and if her original nationality is not automatically revived by her country of origin.

With regards to children, they are mostly affected by the laws through which "nationality is determined exclusively by patrilineal descent", since women cannot transfer their nationality to their children (Blitz & Lynch, 2011, p. 7-8). This is particularly valid for many Arab states (Blitz & Lynch, 2011), where the child may be denied the nationality of the country of origin, if the mother marries to a non-national and/or gives birth to the child in a country other than her country of origin. Moreover, in some cases, children can become stateless if they cannot acquire their fathers' nationality. This may take place under the following situations[105]: (i) if the father is stateless; (ii) if the laws of the father's country do not allow transfer of

[103] Van Waas, L. & Albarazi, Z. (2014

[104]https://d3n8a8pro7vhmx.cloudfront.net/equalitynow/pages/301/attachments/original/1527597970/NationalityReport_EN.pdf?1527597970

[105] UNHCR 2018 Background Note on Gender Equality, Nationality Laws and Statelessness

nationality, for instance when the child is born abroad; (iii) if the father is unknown or not formally married to the mother at the time of birth; (iv) if the father cannot manage administrative requirements to transfer his nationality to the child or get/present proof of his nationality; (v) if the father is not willing to accept the lineage.

3.4.1.2 Gender and Nationality: The Turkish Case

As it was mentioned before, apart from the amendments, four citizenship laws have been enacted thus far. Except for one amendment made to the Law No. 403, in almost all of these laws, women have had equal rights with men in passing on their nationality to their children. To begin with Law No. 1312, Article 1 of the law states that children born to a Turkish father or a Turkish mother either in Turkey or abroad are Turkish citizens. Moreover, Article 2 of the law mentions that (a) children born in Turkey to unknown parents; (b) children born in Turkey whose mother or father or one of them is stateless; (c) children, who is given birth by a Turkish mother or have a Turkish father, born out of wedlock either in Turkey or in a foreign country are Turkish citizens. Besides, Article 13 of the law states that if a foreign woman marries a Turk then she acquires Turkish citizenship and if a Turkish woman marries a foreigner, she stays as a Turkish citizen. Moreover, according to the law, a foreign woman has the right to revert to her original citizenship in three years time, if she gets divorced, but it seems that she does not necessarily lose her Turkish citizenship since it is not mentioned clearly in the law text.

As aforementioned, the previous Turkish Nationality Law No. 403 was amended various times. Considering its first version, which was enacted on February 11, 1964, the first Article of the law stated that either in Turkey or abroad, a child who (a) has a Turkish father; (b) is born by a Turkish mother, but cannot acquire father's nationality by birth; (c) is born by a Turkish mother out of wedlock, is a Turkish citizen from the moment of birth. Thus, it meant that child born by a Turkish woman

married to a foreigner did not, in principle, acquire[106] Turkish citizenship, since Turkish citizenship is granted only if the father's citizenship could not be earned by birth (Bozatay, 2010). This clause was changed with the 1981 amendment made on the law and it was stated that children who either have Turkish fathers or are born by Turkish mothers either in Turkey or abroad are Turkish citizens from the moment of birth. Thereby the unequal treatment of women and men was eliminated to some extent. Furthermore, both men and women were allowed to pass their citizenship to their children independent of their spouses' citizenship and furthermore the law allowed them to retain their Turkish citizenship if they marry a non-citizen. However, when a Turkish woman marries to a non-citizen, then she could not pass her citizenship to the foreign spouse while a Turkish man could do it (Arat, 2005).

The current citizenship law in Turkey is Turkish Citizenship Law No. 5901. According to the law, Turkish citizenship can be obtained either at birth or later in life. Turkish citizenship acquired at birth is automatically granted on the basis of descent or place of birth and is effective from the moment of birth. For the acquisition of citizenship on the basis of descent, the following conditions are valid: children born to a Turkish mother or through a Turkish father within the unity of marriage either in Turkey or abroad and children born to a Turkish mother and through an alien father out of wedlock are granted Turkish citizenship. If a child is born out of wedlock to a Turkish citizen father and a foreign mother they are entitled to citizenship of the Republic of Turkey, if the procedures and principles governing the establishment of blood lineage are fulfilled. With regard to place of birth, naturalization takes place from birth onwards, if a child is born in Turkey but unable to obtain the nationality of any country and both parents are foreigners. Finally, any unaccompanied child found in Turkey is considered to have been born in Turkey unless otherwise specified. Apart from the limited criticisms towards the law, it is considered to have taken into account the responsibilities arising from the

[106] For further information and comparative analysis of Turkish Nationality Law No. 403 and No.5901 on acquisition of Turkish nationality, please refer to Bozatay, Ş. (2010)

international conventions in general and paid particular attention in preventing statelessness (Bozatay, 2010).

Finally, considering the issue of citizenship revocation and gender, despite the fact that available or comparative data is little if any, Ben Herzog and Julia Adams (2018) strikingly analyzes revocation of citizenship practices in the United States in a very recent study. According to this study, mechanisms of citizenship revocation targeted prototypically masculine behaviors and thus were patriarchal particularly until 1922. That is to say, despite the fact that the language of the laws were gender neutral, in practice "women were not perceived as full citizens" (Herzog & Adams, 2018, p. 17) since they were treated differently in practices of citizenship revocation. This is due to the fact that, as Herzog and Adams argues, women's loyalty to the state was regarded less important because "loyalty and disloyalty were mainly assessed with respect to military service and security issues from which women were traditionally excluded" (Herzog & Adams, 2018, p. 24).

To put it in a nutshell, despite the fact that Turkish citizenship laws did not explicitly make discrimination against women, in practice, with regards to revocation of citizenship, women in so much that they are not considered threatening enough were placed in a relatively lower position compared to men. This is, as Herzog and Adams argues (2018), because of the fact that a direct association was established between citizenship and soldiering, military service, security as well as defense of homeland. To clarify with an example, while the banishment/exile of prostitutes, which is a culturally so-called cursed action, started as early as the sixteenth century in the Ottoman Empire, in any of the nationality laws, any mentioning of revocation of citizenship is made for sex workers. That is to say, what Herzog and Adams (2018, p. 16) argues for US example, "actions culturally linked to manhood have also been associated with good citizenship" seems only to some extent valid[107] for the Turkish case as well with regards to the revocation of citizenship.

[107] There are a few exceptions: In 1924 the Law No. 431 was prepared in relation to the removal of the Ottoman Dynasty, stated that women belonging to the dynasty were also subject to the provisions of the law. In 1928 with Decision No. 7559, the Council of Ministers was allowed to strip

3.4.2 Military Service Obligation and Revocation of Citizenship in Turkey

As it is obvious from the title, this section of the study focuses on the compulsory military service and its effect on the practice of citizenship revocation in Turkey. To begin with, as Heater (1999) argues, one of the central features of Greek citizenship was the military service. In the age of the nation-states institutionalized conscription has had a universal meaning, which according to Levi has helped to build the modern nation-state as well (Sunata, 2016). Thus, it is not surprising that compulsory male conscription began in France in 1798, just after the French Revolution. Accordingly, by means of the institutionalized military service a new social type, to name "citizen-soldier", was introduced (Sunata, 2016, p. 149). Furthermore, as Weber argues by means of military service, people has made to "understand the language of the dominant culture and its values as well as, amongst others patriotism" (cited in Sunata, 2016, p. 149).

Except for the role that military service played in the modern nation-state, Sevinç (2006) argues that conscription has been regarded as of vital importance during the Cold War period, yet both the termination of the war and the assumption that the nation-state model commenced to dissolve, made conscription, which is the indispensable part of the 19th and 20th centuries, controversial. With regards to the military obligation at the present time, it is regulated in various ways and also differs from country to country. While the countries including Turkey, Israel and Iran adopted the conscription system, military service is based on voluntariness in United Kingdom, United States or the Netherlands. In countries other than those two categories, mixed systems have been adopted. For instance one can do community service in lieu of military service and/or unarmed military service can be done in the army (Aygün, 2009).

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the citizenship of women who did not participate in the war of independence (Guttstadt, 2006, p. 51).

Considering the Turkish case, while the military service law took effect in 1886 (Sunata, 2016), military service became compulsory for men in Turkey in 1927 (Açıksöz, 2015). Article 72 of the Constitution of the Republic of Turkey says:

> National service is the right and duty of every Turk. The manner in which this service shall be performed, or considered as performed, either in the armed forces or in public service, shall be regulated by law.

Although this article makes mention of the 'national service' that can be performed either in the armed forces or in public service, according to the Turkish law, military service is regarded as a civic duty (Aygün, 2009). Moreover, the Turkish law does allow for neither conscientious objection nor civil service, thus military service obligation is stricter in Turkey compared to other countries (Sunata, 2016).

With regards to the relation between military service obligation and revocation of citizenship, due to the fact that conscription is regarded as a consequence of the loyalty obligation required by the nationality bond (Aygün, 2009); some countries, such as Turkey, Germany, USA, allow for provisions in their citizenship laws that cause the loss of citizenship arising from the military service obligation, while some others, such as Italy, do not (Aygün, 2009). One can encounter two different causes of loss in this respect (Aygün, 2009): In the first case, the liable person can lose his citizenship if he is abroad and does not comply with the call for military service or if he escaped abroad in order not to perform the military service. In the second case, if the liable person does military service voluntarily in a foreign state[108] without the permission of the country of origin, then this can lead to the loss of his citizenship. Although any provision pertaining to the second case appears in the current citizenship law in Turkey, it was not considered as a ground for loss of Turkish citizenship in Law No. 403. Yet still, in TOK and Citizenship Law No. 1312, its

[108] In fact, Article 7 of the European Convention on Nationality stipulates that military service can result in the loss of citizenship, only if voluntary service in a foreign military force is served.

consequence was revocation of citizenship, or rather *ıskat*, which was a harsher penalty (Aygün, 2009).

Within the context of this study and considering statelessness, conscription had been closely related with the loss of Turkish citizenship until very recently. In Turkish citizenship law, the revocation of citizenship related to military service had found a wider regulation area than many countries (Aygün, 2009). The failure to fulfill the military service obligation was a ground for revocation[109] of Turkish citizenship in Law No. 403, which was abolished in 2009. The Law No. 403 included three clauses under Article 25 of the law pertaining to the impact of military service obligation on the revocation of citizenship as it is explained above.

Aygün (2009) contends that among the relevant clauses mentioned above, revoking citizenship on the grounds of Article 25/ç was one of the most common practices as long as the Law No. 403 was in force. Aygün's contention is endorsed by Sunata's arguments. Considering the Turkish case, Sunata (2016) investigates two major areas in terms of military-migration nexus: "(i) exiles, asylum seekers and refugees as a result of military coups and (ii) conscription-related migration". According to Sunata (2016), the percentage of the population in the military age who prefer to postpone the military service either legally or illegally is about 42. Furthermore, she argues, in doing so, many young men either move to different parts in Turkey or go abroad to abstain from the military service obligation. Hence, the conscription not only has an impact on migration, but also on revocation of citizenship up until 2009, when the Citizenship Law changed and military service is not anymore a warrant for it. Moreover, Sunata (2016) refers to the year 1980 as the most significant year for both migration due to the coup and conscription. Accordingly, within the context of this study, the military-migration nexus is important since it has paved the way for emergence of de jure and de facto statelessness cases as it is mentioned throughout the study.

[109] For other relevant cases in this context, please refer to Aygün, M. (2009)

With respect to the current Citizenship Law No. 5901, considering its grounds, eliminating the incompatibilities raised by various amendments made to the Law No. 403 and ensuring compliance with citizenship legal regulation in international law come to the fore. During the discussions of the law in parliament, various objections were made by the opposition party members at various points. Within the context of this study, especially when the military service obligation in relation to loyalty was taken into consideration, what Republican People's Party MP Ali Oksal said[110] seems to summarize the issue:

> In accordance with Article 72 of the Constitution, national service is the right and duty of every Turk. Without any excuse to escape military service is disloyalty to the homeland.[111]

As a result, until very recently, military service obligation had both direct and indirect impact on the issue of citizenship. Moreover, although the Constitution points out to the "national service", the fact that the law does not allow either for conscientious objection or civil service reveals that conscription is still considered in relation to (dis)loyalty, as it is apparent in Oksal's word above. Yet, the fact that Law No. 5901 abolished Law No. 403, which allowed for revocation of citizenship on various grounds with regard to the military service obligation, eliminated the risk of citizens' becoming stateless due to 'failure' to perform the military service. Accordingly, Law No. 5901, compared to the former one, is more compatible with the European Nationality Convention, at least on the issue of military service obligation and revocation of citizenship.

[110]https://www.tbmm.gov.tr/develop/owa/tutanak_g.birlesim_baslangic?P4=20419&P5=H&page1=42&page2=42

[111] "Anayasa'nın 72'nci maddesi uyarınca vatan hizmeti her Türk'ün hakkı ve ödevidir. Herhangi bir mazeret olmadan askerlik görevinden kaçmak vatana sadakatsizliktir. İzinsiz olarak başka bir ülke için gönüllü askerlik hizmeti yapmak vatandaşlığın kaybına sebep teşkil eden bir eylem olarak sayılıp cezalandırılması ne kadar doğru ise kişinin kendi ülkesi için askerlik yapmaması, vatandaşlığın kaybettirilmemesi şeklinde düzenleme yapılmış olması da o kadar yanlıştır."

3.4.3 Turkish Penal Codes: Raison D'état and Freedom of Expression

Freedom is always and exclusively the freedom for the one who thinks differently.[112]

Particularly in the Cold War era, raison d'état practices were legitimized in Western states by the discourse that the dissidents were internal enemies who acted in connection with an extremely dangerous external enemy (Sancar, 2014). By this way, the internal enemy can be completely excluded from citizenship and deprived of all kinds of assurances or the privileges that citizenship ensures. Moreover, the scope of this internal enemy is so expanded that not only the active members of the armed groups, but also those who are sympathetic to them and/or who are alleged to offer moral support with their ideas are also included. This leads to the fact that the citizen becomes a security risk, and the priority of the citizen against the state, which is one of the basic claims of the rule of law, turns into the priority of the state against the citizen (Sancar, 2014). As Öztan and Bezci (2016) argues this is due to the fact that the main purpose of the raison d'état is to ensure the survival of the state and for those in power to maintain their positions.

Furthermore, criminal law and law on criminal procedure is very closely related to the concept of power. That is to say, as İnanıcı argues, "since it gives the jurisdiction to punish those who do not comply with the legal values, every field of the criminal law is also a field of power" (İnanıcı, 2011, p. 9) and those in power in Turkey did not hesitate to exercise its strength particularly over 'political offenders'. İnanıcı (2011) purports that considering political offenders not as criminals but enemies began in the Roman period. The fact that this tendency subsists until modern-day "is not only a matter of mentality, but also the methods of punishment that the state/community form has found to maintain and keep its existence" (İnanıcı, 2011, p. 32). Furthermore, İnanıcı states that the change in the expressions used by the

[112] Rosa Luxemburg

Republican judiciary as well as society to define political offenders reveals how the issue of political crime is perceived in society. During the period of Independence Courts, a counter-revolutionary and enemy approach to those opposed to the revolution was demonstrated. In later investigations, the used concepts were communist, reactionary, right wing extremists and racist. In 1970s accusations of first anarchist then separatist were used. Finally, the definition of the terrorist, regardless of their political views, has been used for all political offenders from the last quarter of the 20th century (İnanıcı, 2011) and in Turkey with the Anti-Terror Law amended in 1991 onwards (İnanıcı, 2011).

To continue with the internal enemy argument in consideration of Turkey, Sancar (2014, p. 164) argues that:

> There is a dominating mindset that establishes a close association with prohibition of thoughts and survival of the system (and even the state). Human rights in general, and freedom of thought in particular, are sources of serious danger and threat in the system's consciousness and/or sub-consciousness.

Hence, every claim concerning these has been met with a severe intervention by the Turkish state, since Sancar (2014) argues that official ideology in Turkey is shaped with the premise that truth is one and only. Accordingly, the official ideology in Turkey does not want neither to tolerate different views nor even accept their existence. Thus, whenever different views become more and more visible, the state did not hesitate to use repressive mechanisms either juridically and/or actually. This situation has a special significance in this study, when periods of military coups in Turkey are considered. Before leading into the details on the importance of military coups for this study, it seems important to give an ear to Foucault (2007, p. 343-345), who argues that coup d'état is an expression of raison d'état and contends:

> The coup d'État is the state acting of itself on itself, swiftly, immediately, without rule, with urgency and necessity, and dramatically. The coup d'État is not therefore a takeover of the state by some at the expense of others. It is the self-manifestation of the state itself. It is the assertion of raison d'État, of [the raison d'État] that asserts that the state must be

> saved, whatever forms may be employed to enable one to save it. The coup d'État, therefore, is an assertion of raison d'État, and a self-manifestation of the state. ... For the nature of the *coup d'État* is to be violent. The usual, habitual exercise of *raison d'État* is not violent precisely because it readily avails itself of laws as its framework and form. But when necessity demands it, *raison d'État* becomes *coup d'État*, and then it is violent. This means that it is obliged to sacrifice, to sever, cause harm, and it is led to be unjust and murderous.

In light of these discussions, Çelenk (1988) refers to 12 March 1971 and 12 September 1980 military coups in Turkish history as examples of rulers' withdrawing or restricting rights when they saw their class interests are in jeopardy. After the military coup of 27 May 1960, a new constitution, which brought about a wide range of rights and freedoms to workers and laborers, had been established in Turkey. In this relatively libertarian environment that comes with the 1961 Constitution[113], the unions became powerful and the number of Marxist and leftist publications increased, which had an impact upon university students. Moreover, for the first time in Turkish history, a socialist party Workers Party of Turkey (TİP) got into the parliament. Taşkın (2014), referring to Soyarık and Üstel, states that following the 1961 Constitution, which was a temporary period dominated by a citizenship concept that focused on rights, with the 1982 Constitution duties based conception of citizenship was revived again. However, the military intervention on 12 March 1971 destroyed this environment by changing all articles pertaining to the rights and freedoms of the 1961 Constitution and 12 September 1980 military coup repealed 1961 Constitution and replaced it with one that is "authoritarian, prohibitive, and repressive" (Çelenk, 1988, p. 28). Furthermore, according to Kenan Evren[114] the terrorist separatist leftists who live on external enemies as well as the fundamentalist rightists who aimed at purging Atatürk's revolutions and laicism and tried to infiltrate

[113] In accordance with Article 54 of 1961 Constitution, it was stated that "No Turk shall be deprived of his citizenship unless he commits an act irreconcilable with loyalty to the homeland" (Balkan, S., Uysal, A. E. and Karpat, K. H., 1961, p. 14) and even judicial remedies had been enacted for decisions and procedures related to revocation of citizenship. For English translation of 1961 Constitution and the relevant article, please refer to Balkan, S., Uysal, A. E. and Karpat, K. H., (1961)

[114] The president of the National Security Council, which was the governing body after the 1980 coup d'état.

into parties, were the internal enemies of Turkey (Öztan & Bezci, 2015). Öztan and Bezci (2015) argues that association of 'internal enemies' with external threats paved the way for these groups' exclusion from nation as well as the political space. The 'internal enemies' were judged by State Security Courts, which were established after 1980. These courts were special and exceptional ones, which heard all kinds of social and political cases, and included military people serving as judges. Çelenk (1988) argues that these courts compelled the crime elements[115] of Article 141 and 142 and made decisions of death penalty, which were politically driven.

Considering Foucault's analysis on coup d'état, particularly the 1980 military coup in Turkey, is important with regard to two aspects: First, some articles of the Penal Code that were not applied in criminal law cases were brought to work after 1980 coup d'état. From 1982 to 1991[116], the judgments and punishments relating to the disclosure of ideas[117] were basically based on the famous 140[118], 141[119]., 142[120].,

[115] The main issue at this point was whether force was used or not. That is to say, Article 141 and 142 of the Turkish Penal Code prohibited a social class's domination on or eliminating another class by use of force or by armed struggle. However the courts had so much expanded the scope of these articles that publishing Marxist/socialist periodicals, books or even believing in Marxist philosophy or socialism were considered within the context of these articles. Moreover, both then the Supreme Court and Constitutional Court made judgements that in the criminal elements of these Articles, force and violence were already available.

[116] The Anti-Terror Law (No. 3713) dismantled the Articles 140, 141, 142 and 163; yet Article 8 of the Law No. 3713 paved the way for expanding the scope of the category of thought crime in Turkey.

[117] For further discussions and detailed information on the issue please refer to Sancar, Mithat (2014) and Tanör, Bülent (1994)

[118] Article 140 states that: "a citizen who publishes in a foreign country untrue, malicious, or exaggerated rumors or news about the internal situation of the State so as to injure its reputation or credit in foreign countries, or who conducts activities harmful to national interests, shall be punished by heavy imprisonment for not less than five years."

[119] Punishing of the people and organizations that aimed at establishing control of workers over other social classes.

[120] Punishing the propaganda of the crime in Article 141.

163.[121] and 312. Articles of the Turkish Penal Code[122] (Sancar, 2014). Article 140 of the Turkish Penal Code, which has been applied intensely during the period of September 12, although it was not practiced before, was the leading one that had been a justification for revocation of citizenship for citizens obliged to live abroad (Çelenk, 1988; Tanör, 1994). Moreover, 141 and 142 were applied intensively especially during the periods after March 12 and September 12 military coups[123]. Furthermore, not only real persons but legal persons, organizations were also sued for these articles (Çelenk, 1991). According to the Ministry of Justice, between 1982 and 1990, 10.194 people were tried on Articles 141, 142 and 163, which was, according to Tanör (1994) was like a mirror reflecting the country's level of freedom of thought. According to a statement made by Minister of Justice in accordance with the Articles 142 and 163, the number of ongoing defendants was 1269 and the number of detainees was 61 as of 14.11.1990 (Tanör, 1994).

To continue with the second aspect, with regards to the offences against the state, Sancar (2014) argues that it is common to encounter the elements of political

[121] 163 protected the country from reactionism. According to this article, in contradiction to secularism, the people and organizations who wanted to adapt the state's order to religious principles and beliefs and those who propagated them were being punished.

[122] As it is well-known Turkish Penal Code, Law of Criminal Procedure and Anti-Terror Law are still debated in EU-Turkey negotiations.

[123] The freedom of organization as well as expression of anti-system thought, although it was quite weak in that period, severely supressed from the 1930s onwards in Turkey (Örnek, 2014, p. 137). In fact, the first penal code after the establishment of the Republic came into force in 1926. Articles 141 and 142, which are considered to be major legal barriers to class politics and freedom of thought, included in the law with the amendment made in 1936; the issue of violence was excluded from the requirements for the formation of the crime with the amendment made in 1938 (Örnek, 2014, p. 119). Moreover, the 1951 amendment made the limits of the crimes described in Articles 141 and 142 vaguer and paved the way for arbitrary and inconsistent case decisions in the following years (Örnek, 2014, p. 125). According to Taner, it was the thought itself that was prohibited and punished with Article 142 (Tanör, 1979, p. 139). Thus, every amendment made on the Articles 141 and 142 had been the main legal means of restrictions on leftist politics and aimed at making these means more vague but more effective in terms of the definition of crime (Örnek, 2014, p. 127). Although the articles 141 and 142 were abolished in 1991, they continued to pursue their existence particularly through Anti-Terror Law in various other ways.

judgement, which means the instrumentalization of judiciary in order for political oppression and purge, without taking rules of law into account. He further adds that if a court takes official ideology or raison d'état as a reference instead of law and justice, then this can be characterized as a political judgement. In Turkey, particularly after the 1980 coup d'état, a double standard were applied between rightist and leftist persons when they are tried on Articles 141, 146 and 168 of the Turkish Penal Code, which paved the way for discriminatory practices. That is to say, when a rightist committed the crime it was considered as an ordinary crime of "establishing an organization for committing a crime"; but on the other hand when a leftist committed the same crime it was regarded as a crime of "attempting to overthrow the constitutional order" (Çelenk, 1998). While the punishment for the first crime was two to five years; it was death penalty for the latter. This unfair practice manifests itself also in the following case: While those committed ordinary crimes could take advantage of amnesty, those tried on political crimes could not.

As a result particularly the 1980 coup with the heavy penalties it imposed, such as death penalty and life imprisonment, not only lead to tens of thousands of Turkish citizens' exile and being refugees in European countries, but also became the source of new cases of statelessness via adding new temporary articles to the citizenship law as mentioned above. Another important issue to be underlined is that even though the numbers are unknown, there are still stateless persons who fled after the 1980 coup. What is more, some citizens were forced to live in de facto stateless status for many years due to the arbitrary decisions made by the authorities considering the right to enter one's country and some were stripped of Turkish citizenship, without even knowing it, since they did not perform military service, which was mentioned above. Furthermore, some citizens were forced to live in de facto stateless status for many years due to the arbitrary decisions made by the authorities considering the right to enter one's own country, to renewal of passports etc.. As a consequence, freedom of thought and expression in relation to penal codes have had an indirect effect in the emergence and increase of cases of de jure and de facto statelessness within the context of Turkey.

To sum up, this chapter aimed not only at providing a historical background on the notion of citizenship in Turkey, but at fitting this background into the debates on inclusionary and exclusionary frontiers of Turkish citizenship, paternalism, national identity and (dis)loyalty. Moreover, it also made mention of the similarities and the differences between banishment/exile and revocation of citizenship as punitive tools in dealing with the 'mischievous children' of the paternalist Turkish state. Continued with the analysis of Turkish Citizenship Laws especially on the basis of revocation of citizenship as well as the grounds for it, the chapter argued that disowning citizens was not a practice for once but, rather, it was a continious effort, which changed in time regarding the political needs. Furthermore, this chapter, on the basis of the secondary sources, provided a general overview of the practice of citizenship revocation as well as its relation to migration flows of particularly non-Mulisms, in Turkey until 1950s. Lastly, this chapter indicated other related issues, to name gender discrimination in nationality laws, military service obligation and the Turkish Penal Codes, in consideration of citizenship revocation in Turkey. Chapter V will elaborate more on the interlinkages of these issues and their influence on the practice of citizenship revocation in Turkey after 1950s, which is derived from the research made for this study. However, before that, the next part, Chapter IV, presents self-reflexive considerations on the fieldwork.

CHAPTER 4

FEELING THE FIELD UP TO THE HILT: SELF-REFLEXIVE CONSIDERATIONS ON THE FIELDWORK

Unlike journalists, who are schooled into recognizing risks, researchers are generally forced to discover them through trial and error.[124]

It is well-known that there is the risk of harm that researchers can do to the people being studied as well as other parties such as colleagues, institutions, broader groups and interest groups. However, another group under risk is that of researchers themselves, that is not much focused on either by researchers themselves or in academia in general. Gentile (2013) mentions of four main risk scenarios that can be distinguished in 'closed' polities while conducting fieldwork: 1) "Risks are low and the research setting is relatively free as long as all relevant legal and ethical standards are respected"; 2) "... a heightened perception of risk while real risks might be slow"; 3) "..risks are high but perceived as low"; 4) There are known real risks including threats, blackmail, imprisonment or deportation. Moreover, in addition to the risks, Warwick mentions of types of harms that researchers can face with and emphasizes "the psychological effects arising from engaging in deception and manipulation, both in terms of feelings of guilt and self-doubt but also effects on personal behavior outside research contexts" (Hammersley & Traianou, 2012, p. 73). That being the case, there has almost been silence in academic literature up to last few years until when publishing articles on researchers' experiences became widespread. According to Glasius et al. (2018, p. 88) the reason for this was the fact that "compared to the

[124] Gentile, M. (2013), p.432

suffering of some of our respondents, our own vicarious feelings are not worth mentioning.". Furthermore, by underlining the importance of writing researcher experiences, Glasius et al. (2018) remarks that we do not do a disservice to the respondents.

Putting all together, since we, as researchers, are affected by the stories we listened to, the cases we encountered and so take some risks or even get harmed one way or another, I believe, it seems important to speak of these experiences and make them visible. Actually, it is not possible to see such a section having looked at my Master's thesis; it is as if there is an off-voice narrating the subject. But after a few years I had finished my Master's thesis, I heard a call for an edited book which was focusing on fieldwork experiences. As I was writing a chapter for that book[125], only then I noticed what I actually experienced and how much they affected me. I must say that although writing is a scary thing to me; I felt emancipated and good, when I wrote the aforesaid chapter after the fieldwork I had conducted with a very vulnerable group and on a relatively sensitive issue. This is, why I write this chapter, with a self-reflective perspective, based on my experiences, fears, strengths and weaknesses while I conducted this research.

4.1 Disentangling the Field

To begin with, when I had graduated from high school, I had a chance to study Law or Sociology and it was the 'understanding' struggle of sociology that attracted my attention and made me eager to choose sociology as an undergraduate program. Nevertheless, I had never guessed that this effort of understanding could turn into a wish to be understood and a desire to telling in time. Furthermore, neither in the undergraduate, nor in the graduate program, I felt as desperate as in the years I spent for my PhD study. I was not only aware but also had been warned by close friends

[125] Mutlu, Y. (2016)

about the difficulties of PhD; however I was enthusiastic about continuing. Besides experiencing the troubles of being a student of social sciences in daily life throughout all my years in sociology, I witnessed the desperation of very close friends during their PhDs as well. Moreover, I have always studied and worked on traumatic issues with and for vulnerable and disadvantaged groups, which in the end caused me feel like in a burnout syndrome over the years. While, latest writings depicts the difficulties PhD students get into and the increase in mental illnesses in academia[126]; I believe particularly social sciences stands at a distinct threshold, when considered coming up with a significant research topic and the practice of writing[127].

I read a book one day and my whole life was changed.[128]

With the aforementioned background, I have went through all the processes and difficulties I have made mention of and in the fourth year of my PhD I have noticed that I did not want to study on my former PhD subject. Then the things have been tougher for me. For almost more than a year, I had been searching for a new research subject that would have a significance and that would not fag me out psychologically. One day, while I was reading a book it sprang out miraculously. Despite, it did not change my whole life, it paved the way for me to decide on a mystery to be unveiled as Asplund puts it: "Asplund views writing (good) social science as similar to writing a (good) detective story. You create a mystery and then you solve it" (Alvesson & Kärreman, 2011, p. 16-17).

The book I was reading was mentioning of more than hundred stateless persons in Turkish prisons. I was really excited with this information since I had been to many

[126] http://www.theguardian.com/higher-education-network/blog/2014/mar/01/mental-health-issue-phd-research-university

[127] As it is well known there is a book that focuses precisely on the writing process in the social sciences: Becker, H. S. (2007)

[128] Pamuk, O. (1998)

prisons in Turkey heaps of times for various researches however never heard of existence of stateless persons. Moreover, being aware of the maltreating in Turkish prisons, I could not think of the plight of stateless persons who are deprived of diplomatic protection of any state. However, when I thought about the difficulties on conducting a research with stateless prisoners such as permission from Ministry of Justice and language obstacles, I have decided to study on the plight of stateless persons and statelessness generally in Turkey and putting a particular section focusing on prisons. But when I presented my thesis proposal, with the pertinent guidance of the thesis committee, we have decided that I study on revocation of citizenship in Turkey, which has not been studied in sociological terms but dominated by law discipline mostly, if any.

I should mention at the outset that when I decided to study on this issue I was really excited, however I could not foresee the obstacles and difficulties inherent in this research. First and foremost I thought that I could have access to more informants living in Turkey, however it was not possible. When I began by making a preliminary search through Internet, I had the chance to identify some informants who were revoked of Turkish citizenship and reacquired it. I could reach these people either through my own contacts or through their affiliations. However, when I noticed that there are still many people who could not return to Turkey, not only I was shocked with the graveness of the issue but also got into panic about having access to these ex-citizens. With these questions in my mind, I have caught the fact that one of the very famous authors whose citizenship revoked was living in Belgium and I was going to Belgium for a meeting. Luckily, he was effectively using the Internet and we had the chance to appoint a day to meet in Belgium. It was his kindness that he and his wife postponed their vacation for meeting me. This interview was very impressive for me not only because it provided me with insight on the topic but also disabused me of what an exiled person can manage far from his/her home, acquaintances, beloved ones and all. What is more, having met and making the interview with him facilitated my latter contacts during the research process.

When I turned to Turkey, I met with my friends from different leftist or socialist parties to ask whether they can put me in contact with interviewees considering my research topic. This is because I became acquainted with one of the interviewees in a seminar in May 2015. After one of the participants of the seminar took the floor and shared his experiences, I thought that he could direct me to some interviewees. When I talked to him at the end of the seminar, he told me that I could met some interviewees within these political parties since they are organized around these parties after they returned to Turkey. Thereupon, I met two of my friends whom I know organized in aforementioned parties for a long time. They contacted me with members of other parties, which I thought as a key to open the door for my fieldwork. At the same time, I was searching through the Internet for potential interviewees and trying to find their contact information. I have noticed that most of the interviewees are living in İstanbul and I planned a visit to İstanbul in July 2015 after communicating with the interviewees. Members of the aforementioned political parties told me that they would surely direct me to relevant interviewees. Even, one interviewee that I would like to meet living in İstanbul and they told me that they will arrange the meeting for me. Eventually I went to İstanbul at the beginning of July. My plan was to make interviews with the interviewees I got appointment with, reach as many interviewees as I can with the snowball technique and complete other interviews arranged by the members of the political parties. However when I went to İstanbul, not only members of the political parties but also some of the interviewees did not answer my phone or reply my e-mails.

For the field research, I had rent a flat of my friend's friend in İstanbul in a district that I did not know very well. Due to the fact that my contacts did not reach out, usually I could only meet one interviewee per day, if I was lucky. On my fourth day in İstanbul, I did not have any meeting and was at home watching a movie. My mobile phone rang, an unknown number was calling. Despite I usually do not answer unknown numbers, I picked up the phone because I thought that it was one of the interviewees calling. However, what I heard was the following:

> We are .... [I could not understand what they said]. In a little while, there will be electricity cut and we will come to kill you.

I was shocked not only with the last sentence uttered with a mechanical voice, but also with a woman screaming I was made to listen on the line. Immediately, I put down the telephone and called the police to ask whether they have heard such a thing but the answer was 'No'. The police told me to close all the doors and call them again if anything happens. I tried but when I understood that I could not sleep alone at the house, I asked for my friends, who had already offered to do so, to spend the night with me. Then what made me more and more worried that I thought nobody actually know that I was staying at that house, but me and my sister was registered at the same house in Ankara. I called and asked her whether she was at home or not. She was about to enter into the house and when I told her what happened, she was worried sick about and could not stay alone at home in the following months. Those were the days the political atmosphere in Turkey was getting worse in Turkey, particularly during and after 2015 general elections. As Glasius et al. (2018, p. 83) propounds "In overtly repressive contexts, we may also experience moments of fear that have nothing to do with us personally." As is the case with what Glasius et al. others argue, my anxiety level had risen and my PhD thesis subject played a respectable amount of role in this. I have noticed that I could not continue the fieldwork after that telephone call, which probably was a rag, and left İstanbul the next day waiting for my bus at a cafe all the day just not to stay at that flat. In January 2016, I went to Istanbul once more, but I asked a friend of mine to accompany me during the fieldwork because the political atmosphere went even worse and my anxiety level did not allow me to travel and conduct the research alone in Istanbul.

Unfortunately, this was not the only case that I felt apprehension during this study. At the beginning of the fieldwork, one of the interviewees made mention of a research report, which was prepared by a think tank operating in Turkey, which was nominated by state authorities, but then not allowed to be published, focusing on the peace process and return of the exiles. He gave me a copy of the report, however he

also requested me for not letting anyone know that it was him who gave me the copy, and not using it in my dissertation without permission. Then I contacted one of the contributors of the report, whom I already knew, and requested him to ask the writers of the report whether I can use it in my thesis or not. The answer was negative and I could not use the already available data from the report, although it had quite useful information. Then I got into contact with one of the researchers who took part in the research process and made an interview with her. While I was writing the dissertation I wrote to her and asked for permission to use the data in the interview, yet she wanted to know what kind of information I would use because she wrote the report was confidential and she wanted none of us get into trouble. Accordingly, I decided to forget about the report and not to use any information for not putting her on her guard.

As might be expected I was not the only one who felt uneasy about this study. The author of the book I mentioned above, who provided me with the email addresses of the exiles in Europe, wrote me an email about the exiles' concerns after I sent them emails. He wrote: "Because the deep state has various initiatives around them, friends are cautious" and asked my references from well-known mass organizations. I replied to him providing references of former interviewees, who are politically active and acknowledged persons among the exiles in Europe and attached my CV to the email. I did not hesitate to share information about myself, indeed I thought I had to do it to establish rapport with the interviewees and I thought it would be impolite not to reveal myself while they opened their heart to me. Everything was fine for me until one day the doorbell rang when I was studying at home. It was a cargo, coming from a European country, sent by one of the interviewees and in it there were three books signed by him. I became happy but felt a little nervous. I wrote emails to both of the interviewees, one who asked for information about myself and the one who is the author of the books, asking for how they could learn my home address as polite as I can. The author of the books did not even reply to my email and the other interviewee wrote to me that he did not even know my address so how could he give it to someone else. I still do not know how he found my home address and sent me

the books, yet as far as I remember, my address was available on my CV and I believe that he knew it by this way.

I should mention that I lost contact with some people, who were very well-known for their political activism particularly in the 1980s, without knowing the reason. Yet anyway, I was lucky enough to conduct interviews with pioneers of 1970s and 1980s leftist groups. I was not coming from a leftist group or a member of a party, but I have never felt any insult or any bad, negative attitude or behavior, rather I felt most of the interviewees put their heart and soul into this study. However, when I attempted to interview the celebrities I felt what it means to be despised at the field, which is the topic to be focused on in the next part.

4.2 The Worst of All: Interviewing Celebrities

This subpart of the study benefits much from both my friends' and my own experience in conducting interviews with celebrities, since there is very limited resource on this particular experience. In all the years I worked as a researcher I mostly contacted with 'ordinary people'[129] with many vulnerabilities and did not have any experience in interviewing celebrities. Yet I listened to or heard of unpleasant instances from other researchers on the issue. Contrary to the general belief, Driessens (2013) argues that celebrities are not over-researched except for giving interviews in the press and their motivation could be rather low in participating to academic research. Moreover, he argues that engagement in academic research "usually does not offer them any direct return in terms of increased media visibility, commercial value, or public attention" and so "...might be conceived as a threat to their public and carefully crafted images..." (Driessens, 2013, p. 198-199).

[129] Here, I use the term 'ordinary people' as an opposite of celebrities.

In one of the two instances I will mention below, what I experienced was congruent with Driessens's arguments yet in the other one, the situation was totally the opposite. To begin with the first instance, I reached out an artist via text message, explaining my study and asking for an opportunity to conduct an interview in İstanbul. He replied in the dead of night and wrote that he was not living in İstanbul anymore. I replied back and wrote him that I could go and visit him for the interview. By chance, one of my closest friends, who has a PhD in ethnomusicology, would go to the town he was living and I wrote to the respondent once more to ask whether my friend could make the interview and luckily he approved. Me and my friend went over the questions, the aims of my study and so on for him to get prepared for the interview. However, when my friend contacted him when he arrived at the town, he postponed the interview two times and in the end told him that I could send him the interview questions and he would answer by email. I was a little surprised but sent him the questions. Almost after a month he sent an email asking for the questions. I wrote him that I have already sent them but probably due to a confusion he did not get them and attached once more. A few days later, I received the e-mail below, sent towards morning:

> Hello. I do not want to upset you, but how do you feel about yourself if these questions are directed at you? I would like to say that I will not be a guinea pig trying to answer these questions. These questions are abhorrent to me. Please reconsider your questions. If you were in my place, you would not answer them either. I see it as an insult to myself, even if I know it is not intentional. Maybe they wanted it from you. But unfortunately I have no answer. I'm sorry.

I was really upset and in uncharted waters. I had sent the interview questions to dozens of people, yet I did not met with such a reaction. I forwarded his e-mail to my supervisor and we replied him by emphasizing that my study was a scientific research that takes ethical issues into consideration and participation was completely on voluntary basis. He neither replied nor got into contact anymore. I believe his attitude was very much related with what Driessens mentions of; once revoked of his Turkish citizenship, he is not only a citizen of Turkey now but also a relatively

famous singer living in Turkey, and I think he considered my interview questions as a threat for what he already has.

In the second example, my experience was far distinct. A close friend of her referred me to her and she admitted to make the interview. We agreed upon the date and place. She told me that she would meet her friends after the interview so she would have time for an hour. As far as I knew, she was a respected artist in her own cohort and so I was happy to have the chance to make an interview with her. Moreover, I could not reach out female interviewees, therefore this interview was very important for me. When I arrived at the meeting point I called her up and she did not answer. I waited for ten or fifteen minutes and then she called back and told me that she was sitting at a cafe. When I met her she was already sitting with her friends and offered to make the interview upstairs at the cafe. While we were leaving her friends, I heard her telling "I will be back in 15-20 minutes." It was surprising for me because she told me that she would have one hour for the interview. Nevertheless, we went upstairs and sat at a table yet the music was very loud for the tape recorder to record effectively. Then I decided to take the interview short and ask just the crucial questions for me. When I began with the questions focusing on her experience of 1980 coup and of exile, she told me that she do not want to look back, the past is the past and added that she understood the fact that I would like to write in my thesis that I interviewed her. Her attitude really bothered and made me feel despised. I could not help but to answer with a smart aleck manner and told her that we, as social science researchers, generally do not put the real names of our respondents in our writings and rather use pseudo names. She was surprised and asked: "If you won't write my name, then why do you have this interview with me?". With this question, it became more than obvious to me that either I failed to make myself understood or the only thing she cared was visibility even in an academic study. Not only the setting was inappropriate for the interview but also her attitude disturbed me and I finished the interview earlier than I planned.

These were the worst experiences that I have lived through over the years and therefore was very informative for me, particularly considering the power relations

among the researcher and the interviewees. Needless to say, these were two extreme examples. Almost all the interviewees in this study were well-known persons in certain circles and there were examples that our communication lasted after the interview, and moreover were supportive and helpful and did their utmost effort. For instance, one of them send me his poem he wrote after Paris attacks in 2015. Others shared all their writings, articles, invited me to their homes, their exhibitions and offered moral and material support as well. And finally, one of the interviewees made this study possible, in the strictest sense of the word, by opening up and sending me the archival materials when I needed.

4.3 Political Situation as a Variable during the Research Process

Another variable, that plays a crucial role but mostly not included in academic texts, is the political situation in the territories where the research is conducted, or in general. I'm aware that I was not the only one writing a PhD thesis or affected by the political events. However I particularly include these experiences, since I believe it is important to speak both of the political environment as well as of its effects on conducting research and also on the writing process. This is because during this study a lot has changed politically and its repercussions directly affected my study. Furthermore, these changes, escalation of the armed conflict from 2015 onwards and increasing political turmoil in Turkey had direct effects on plight, views and plans of the interviewees as well. Hence, this subpart aims at mentioning of these points within the aforementioned framework.

To begin with, when I started to conduct a research on the issue of citizenship revocation, it was not on the agenda and with the amendments on Turkish Citizenship Law (Law No. 5901; see Chapter 3) justifications for citizenship revocation was very limited. Therefore, I felt relatively safe since I was conducting a research on past experiences and so I did not think that I was sailing close to the wind. Yet, when it began to be at government's agenda from the beginning of 2016 onwards and in addition restrictions on academic freedom began to grow, this thesis

itself became a source of concern for me. Furthermore, the fact that both the conflict and political turmoil escalated in Turkey just before the June 7, 2015 elections and more than that after the elections and the fact that I conducted this research in such a politically turbulent times, immensely increased my level of anxiety. Moreover, since most of the interviewees were still politically active and had the chance to contribute to Turkish politics with the Peace Process after thirty, forty years necessitated extra effort to reach out to them and take measures for me. Most of the respondents living abroad, with whom I made interviews, still engaged in politics; I also had access to those who are not, but to a lesser extent. I had contacts from persons returned to and still living in Turkey, yet they did not want to make the interview. I did not prefer to make interviews with persons who were sought in connection to any crime, yet there were respondents who were in this position and I could notice only during the interviews. The reason for this preference was totally pertaining to ethical considerations. Last but not least, I did not include exiles who left the country particularly after July, 2016 although there are so many similarities in addition to differences with former exiles.

Furthermore, I made an interview with one of the experts working at Prime Ministry Presidency for Turks Abroad and Related Communities. Considering the political situation in Turkey and my worries pertaining to my research, I decided to make mention of my research topic as "citizens living abroad", without giving any details. This is defined as "depoliticizing the research topic" by Glasius et al. (2018, p. 41), and they assert that it is not only a helpful strategy but also a general, common practice in authoritarian fields. Although I did not explain my topic in detail, I tried to obtain information with indirect questions; yet it was obvious that there was not any effort put into the topic of ex-citizens. Another issue that Glasius et al. (2018, p. 81) mention of, is related with surveillance. They argue:

> While there may be exceptions, we should assume that in an authoritarian context, critical journalists and activists are likely to be under (online and/or offline) surveillance to some degree, and there is a good possibility that we as researchers may come under the radar if we contact them, even if we never notice it.

While the political turmoil escalated in Turkey, my anxiety grew even worse. Despite the fact that I did not face any intervention or experience any direct threat, the profile of the interviewees started to worry me. In one of the interviews, the interviewee with whom we were meeting for the second time thus I did not any problem of trust, wanted to meet at an office of a news site, whose owner had been kidnapped and was threatened by civilians a few months ago. I could not ask for changing the meeting place and when I arrived at the office, the respondent and the owner were sitting together. We moved to another room for the interview and after a while the owner of the news site knocked the door and told us that he was going out for taking his children from school. We continued with the interview, yet it was very dramatic since the male respondent in his sixties was telling about the torture he was subjected to under custody in tears and that his name was put on in some lawsuits again in the last few months. Being at that office and listening to torture narratives and recent accusations directed to him, not only pulled me apart but also increased my anxiety. In the meanwhile, the door bell rang. Since the owner had his own keys, I could not help thinking someone else came, and getting frightened until I saw two students at the door. By the end of the day, the respondent, the owner, his daughter and me were sitting at the same table in a restaurant for dinner, yet I was still anxious because I thought that they were being followed.

As I mentioned above, I was not the only one who had been affected by the political situation in Turkey. To give an example from one of the interviewees, he was a citizen of another country who had been entering into Turkey for years and even publicly doing his job. He wanted to meet at a cafe in Kızılay, which was known as a meeting point for people of Dersim origin. Those were the times I had serious difficulties in entering crowded centers or going to public spaces, yet I could not share my drawbacks with him and admitted to meet him there. We made the interview, had lunch together and then we decided to leave. We started to get prepared and then he gathered his hair, which he let free during the interview and put his hat on. It sounded like he didn't want to be recognized. When he asked me for accompanying him to the general bus station, I understood that I was right. It was very difficult for me because I was avoiding that bus station for months, yet I thought

telling this to him would be unpleasant. While we were walking to the station, he anxiously warned me: "Do not walk very fast, it attracts attention. There are many undercover cops around here." I was used to hearing that I walk fast, but I'm not sure if I walked fast that day because I was worried. No matter which, this experience revealed how much the interviewees, with whom I conducted the study, were still worried about staying in Turkey.

After all the field related inconveniences, worries and difficulties; I was trying to write my thesis and trying to preserve my belief in what I do. Then 15.7.2016 occured and for me all went into a nosedive. Since I reside in an apartment relatively close to the Parliament, my worries peaked at that night and in the following days as well. Accordingly, I left everything, and moved to a small town where my mom lives, for a few months and get psychological and medical support, for the first time in my life. But afterwards, I had to return to Ankara for the projects I had already promised. Just ten days after I returned to Ankara, the association, of which I was the secretary general, and working for children's rights, was closed down with a statutory decree. With the advice of human rights lawyers and activists whom we trust and worked together, three friends from the administrative board and me had to go abroad for a while. This was an interesting experience for me to understand what it means to leave the country you live in overnight.

4.4 Herstory of the Field: Being a Woman at the Field

> *Classic descriptions of writing problems frequently include a touching account of a sheet of white paper that begs to be written on, while the author confronting it sits frozen with anxiety. Every word seems wrong. Not only do the words seem wrong, they also seem dangerous.*[130]

As it is well known, the role of gender in the field research has been discussed for a long time in the social sciences (Easterday, Papademas, Shorri, & Valentine, 1977; Gurney, 1985; Kosygina, 2005). Moreover, survey results reveals that gender is one of the important variables that has the potential to influence the field research in either disadvantageous or advantageous ways (Clark, 2006). Discussions can generally be grouped into two tendencies: While the first tendency is to argue that women and male researchers are not treated equally and that women researchers are at a disadvantage particularly in male-dominated social structures; the second one is to argue that because women are perceived as harmless and unthreatening in general, it is easier for women to access the interviewees (Ergun & Erdemir, 2010).

Considering my own experience, like every PhD student, I had serious difficulties in getting started writing considering reservations, fears and so on. But I should point out that this subpart is the one that I thought over the most, since I could not decide whether I should write this section in so much detail or not. This part, which was not so detailed in the previous version, took its final form with the encouragement of a friend whom I greatly value. Accordingly, this section is an attempt to draw attention to the sexual harassment that women researchers experience in the field and highly detailed because I believe that particularly women should try to make their experience in this area even more visible. Therefore, it will mostly focus on the disadvantageous positions that I, as a female researcher, experienced during this study.

[130] Becker, H. S. (2007), p. 132

As I have mentioned before, I have worked for various organizations in conducting research for more than ten years. During these years, I have had the chance to study in prisons, on violence against women, resettlement, girls' education and so on... The fact that all these research focused rather on sensitive groups or vulnerable people, what I experienced was a great hospitality and their eagerness to narrate their stories since they had an expectation of their situation will improve and that nobody ever cared about their views or needs. Apart from these, what I would like to call attention to is the fact that I have not experienced this much sexual harassment as I had in my PhD thesis fieldwork. This was the first time ever I felt the difficulty to conduct a research as a woman or less likely, I did not have this much awareness. Another point that I would like to underline is the fact that what I experienced and define as sexual harassment was not by interviewees but by the key persons I interviewed for this research. To begin with, the first one was an assistant professor, whom a great deal of my key informants recommended me to meet with, from a university in Ankara. We arranged the time for the interview which would be held in his office at the university. After I had entered into his room, I had to wait for half an hour because he had something to do with his students. When they were finished, we sat face to face to make the interview. I asked whether I could record the interview and he said that he did not know my questions and the subject as well, so he did not prefer the recording. The interview lasted more than I guessed and I wanted to smoke. I asked him whether I could smoke at the office and he told me that it was not allowed but I could smoke. I told him that it was not that much important and if it is not allowed I would not smoke. He said: "No problem, you can smoke.. But if you let me to do so, I will lock the door. I'm asking your permission because once it happened to me; one of my assistants accused me of sexual harassment." For me the interview was getting more and more uneasy. Then he started to tell the story and then talk about sexuality[131] and how natural it was to talk about sexuality. I was extremely surprised, unable to understand why we were talking on these and went hot and cold all over. The door was locked, I was alone with a man, whom I have

[131] While I was trying to calm down myself and understand why he was talking about such things and why I was listening to him, I even heard him speaking of "erection coefficient"!

recently met and who rightly or wrongly was accused of sexual harassment, and I was subjected to his mansplaining. I could do nothing but listened to him and when I had the chance I asked another question and tried to drop the subject. After the interview finished, when I got out of the building I was feeling really bad and this lead me to annoy on myself for not being able to say something to him. Surprisingly, the second anecdote happened with another instructor working at the same university. One of the NGOs I contacted directed me to this instructor with the belief that he could help me with a specific part of my study. We arranged the interview, when I entered into the room, he welcomed me, asked my name again and said: "My former girl friend's name was Yeşim too." Whether or not his ex-girlfriend's name was Yeşim, for me it was inconvenient since I have nothing to do with this information and I would not prefer this kind of communication with the persons I met for the first time. Lastly, I met with a parliamentarian, who was a lawyer as well, to ask some questions about Turkish Nationality Laws and whether he knew any other lawyers who tried a case on revocation of citizenship in Turkey. Despite, he was helpful and guiding; when we had finished the interview, he proposed me to meet at a pub that evening. I was astonished and got angry but could not withdraw his offer suddenly because I felt it was a shame and left the room by saying "Maybe". In the evening, he sent me a text message. I did not reply and then he called me up two times as far as I remember. I got annoyed of his insistence and did not answer the phone, but the second time he called I was on the phone and thus he could easily understand that I saw his message and the missed call. I felt that I had do reply, however I could not directly say to him that I do not want to meet with him at a pub, therefore I send him a text message and wrote that one of my respondents came to Ankara from abroad so I had to meet him.

This chapter of the thesis has so far provided the reader with self-reflexive considerations on the fieldwork and mainly focused on the issues of strengths and weaknesses as well as the concerns of the researcher. Moreover, it also made mention of the difficulties in interviewing celebrities and of the political situation and gender as variables affecting the fieldwork. Thereafter, it will focus on the limitations of the study.

4.5 Limitations of the Study

First and foremost, the basic obstacle in this study was one of mine that I could not foresee that there are quite a few persons deprived of Turkish citizenship in the past still live abroad. Indeed, before I began the interviews I had made applications to three different programs for spending one academic year abroad, however none of them resulted in success. This fact made things hard for me while conducting the research. Yet, I believe that I was lucky enough to access some of these people with support of many individuals to whom I am grateful.

Secondly, I aimed at applying to Middle East Technical University Scientific Research Projects Coordination Center with a research project for financially supporting my fieldwork abroad. Yet, my supervisor, with justification warned me of the perils of my research topic and the political turmoil in Turkey. Apart from this hampering affect, the oppression on every field and everyday life of citizens in Turkey directly affected my research. Furtermore, quite a few of my interviewees, either living abroad or in Turkey, were very much active in politics and this led to difficulties in arranging the interviews. What is more, some of my contacts directed me to persons who were sought by Interpol, but not deprived of Turkish citizenship. Although I still believe that interviews with these persons could be very fruitful; not only considering my own security but also for not risking anybody for a PhD research, I decided on not to conduct these interviews.

Another very important point is that despite I had sweat over it, I could not have access to female respondents as much as males. This is due to two reasons: First, the number of females whose citizenship revoked is not as much as the males and it is very limited. And secondly, I identified four female informants but had a chance to have access only to two of them. I made an interview with one of them, but the other interview could not been realized since she got sick. She is living abroad and the day we decided to make the interview was the only day that we could do so since she was leaving the next day and I would return to Turkey within a couple of days. Thus, as a

researcher, I acknowledge this as a serious limitation in this thesis being aware of the fact that women's experiences differ from that of men to a great extent.

In addition, it is claimed that citizens, organized around Islamist groups and nationalist movement, were deprived of citizenship as well, but to a lesser extent compared to the leftist or socialist groups. Considering my contacts, I did not have a chance to access neither to Islamist organizations nor to the nationalist ones. Yet, I should mention that I did not put very much effort on accessing to these persons. Furthermore, due to the fact that I benefitted much from snowball sampling technique during this research, the number of interviewees who were avoid of politics were less than those actively participating to the political realm.

As a last word, it was difficult for me to conduct the research and write the findings from the beginning of the research till its end. I believe this is very much related with what Glasius et al. (2018, p. 1) argue, that is the 'authoritarian field':

> It is not the absence of free and fair elections, or repression, that most prominently affects our fieldwork in authoritarian contexts, but the arbitrariness of authoritarian rule, and the uncertainty it results in for us and the people in our fieldwork environment.

I believe, the time period I conducted this study was congruent with the arguments that Glasius et al. (2018) put forth and it brought about its own drawbacks, as explained above. With these limitations and the background put forth, the following chapter, including the analysis of Council of Ministers notices as well as of the in-depth interviews, focuses on the practice of citizenship revocation in Turkey after 1950s.

CHAPTER 5

THE PRACTICE OF CITIZENSHIP REVOCATION IN TURKEY AFTER 1950s

This aim of this chapter is to provide the reader with an insight on the issue of citizenship revocation practice after 1950s in Turkey. The study focused on the practice of citizenship revocation on the basis of the secondary sources thus far and from now on it aims at presenting the findings of not only the analysis of Council of Ministers notices, but also the analysis of in-depth interviews made with de facto and de jure stateless persons for this research. In doing so, this chapter will first analyze the practice in relation to national identity and to perceived (dis)loyalty to the nation state and provide the analysis of the Council of Ministers from 1950 to 2015. Secondly, it will underline the survival strategies of those who were rendered either de facto or de jure stateless and their coping mechanism with exile. Thirdly, it will focus on the interviewees' life experiences after exile and/or revocation of citizenship. Lastly, it will not only make mention of views and expectations of the exiles on return, but also will provide a discussion on the recent developments with regard to the practice of citizenship revocation in Turkey.

5.1 National Identity, Perceived (Dis)Loyalty and Revocation of Citizenship in Turkey after 1950

Citizenship as a social construction has more to do with the actual needs of the state than with a general coherent and stable ideological perception.[132]

The aim of this part is to examine the practice of citizenship revocation in Turkey after 1950s in relation to the concepts of national identity and perceived (dis)loyalty, and to provide the analysis of Council of Ministers notices from 1950 to 2015, which were examined within the context of this study. Before dealing with the analysis, it seems important to mention that the issues of national identity as well as (dis)loyalty have almost always been very much related with the perception of minority issues, migration of minorities and inclusion in the citizenship regime as well in Turkey. Herein, what Chaliand (1993, p. 3) contends, provides insight about the viewpoint of the ruling elites on minority issues:

> The minorities, which were tolerated by the authorities in the past as long as they gave their allegiance to the weakly centralized states and empires which prevailed at the time, have now become an obstacle to the more extensive form of control which the new states are seeking to impose. This is heightened by the fact that the very notion of minorities having *rights* is alien to a tradition in which the normal practice has been for the despot to distribute favors amongst the leaders of the minorities he used or tolerated. Indeed it is difficult to see how the rights of minorities could be recognized when the mass of the people in the majority are themselves treated like children and addressed only in the hocus-pocus language of nationalist rhetoric.

Considering the paternalist character of the Turkish state in parallel with what Chaliand contends, instead of freeheartedly recognizing their rights, Turkish nation-state not only constantly turned the minorities into a target in discussions of (dis)loyalty, but also either exiled, forced to migrate or winked at minority groups'

[132] Herzog, B. (2011), p.103

leaving the country en masse. Furthermore, as it was elaborated on in Chapter III, (dis)loyalty has played a constituent role in inclusionary and exclusionary character of the citizenship regime in Turkey. All these have brought about various issues related to citizenship issues one of which is the revocation of citizenship. As it was mentioned earlier, Albarazi and Tucker (2014, p. 7) argue particularly for the MENA region that "perceived (dis)loyalty to the state is used as a means to (de)naturalise persons or populations". Moreover, they put particular emphasis on the fact that the loyalty in point changes with regard to the political needs of the day. Then the question of, when and whom the practice of citizenship revocation affected in Turkey throughout the time period 1950-2015, arises immediately. There is no single answer to this question, and the answers to this question seem to coincide with the changing perception of (dis)loyalty over time and the developments taking place at both global and local scales.

To begin with 1950s, as it was widely elaborated on in Chapter III, the aim of the Turkish governments to ""purify" Asia Minor from Christians and Jews by way of (re)settlement policies and to consolidate them in Istanbul, if they did not migrate abroad, had already been realized by 1950s" (Güven, 2012, p. 171). In 1955, almost all non-Muslims of the Republic were living in Istanbul (Güven, 2012). Although this is the case, the events affecting the migration of non-Muslims have not yet come to an end. The last two events of the historical categorization provided in Chapter III with reference to Baskın Oran, led non-Muslims to migrate from Turkey en masse and these events can be said to potentially had direct effects on their citizenship status. This is due to the fact that acquiring another citizenship without permission was perceived as a disloyal act by Turkish authorities, and became a ground for revocation of citizenship. The first of these is the 6-7 September Events/Pogrom (1955) and the second is the 1964 Deportation of Greeks and in addition to it, 1974 Turkish invasion of Cyprus.

As it is well-known, in May 1950 the Democratic Party (hereafter DP) won the majority of seats in National Assembly and marked the end of the single-party period in Turkey. According to Bali (2009), with the DP coming to power, minorities in

Turkey put their trust in Turkey for the first time in Republican history. Besides, not only in the elections held in 1950, but also in those in 1954, almost all minority voters voted for the DP (Güven, 2012). Moreover, Güven (2005) argues that DP's practice indicated that the state elites were more tolerant towards the minority groups. However, from 1954 onwards, when debates on Cyprus exacerbated, the aforementioned tolerance was disappeared (Güven, 2005). In addition, the trust that the minorities had in DP government would be destroyed almost suddenly on September 6-7, 1955 (Bali, 2009). Besides all the vandalism, pogrom, violation of rights, and attacks directed at Greeks as well as other minorities, another very important issue is that of the provocation campaign towards the minoritires was initiated in the Turkish media just a few months before the 6-7 September Events/Pogrom (Güven, 2012). The basic pillar of the campaign was the allegeation of disloyalty to the Turkish state and it was targeting all non-Muslims in the person of the Greeks (Güven, 2012). As Güven (2005, p. 39) argues, for most non-Muslims, the events of September 6-7, 1955 were clear evidence that they were not accepted as Turkish citizens, and accordingly as a result of 6-7 September not only Greeks/Rums but also Armenians and Jews collectively migrated from Turkey (Güven, 2012, p. 173). For instance while a document dated February 1956 mentions of the "mass application" of Armenians who want to migrate to the US, it is stated that another group of Armenians applied to the Soviet Union Consulate to go to Armenia (Güven, 2012, p. 178). Moreover, as Güven (2012, p. 177) purports "the rapid rise in the number of Armenians ready to emigrate in the spring of 1956 was interpreted by the Istanbul press as another proof of the "traditional disloyalty" of minorities for the Turkish state and the "historical ties with foreign powers"". As to the Jews, as it was mentioned in Chapter III, Jewish migration had already started much earlier than 1955 and Turkish state had deprived several thousands of Jewish citizens living abroad of their citizenship between 1938 and 1945 (Guttstadt, 2006). Jewish migration continued without slowing down during 1940s, 1950s and 1960s as well. According to Bali (2009, p. 5), "mass migration, which began a few months after the establishment of the State of Israel and ended at the end of 1949, led to the immigration of about 30,000 Jews, half of the Jewish population of the period, to Israel". Moreover, after 6-7 September 1955, the number of Jews migrated to Israel

was 1910 in 1956 and 1911 in 1957 (Bali, 2009, p. 63) and between 1960 and 1962, according to one source, about three thousand, according to another source, eight thousand Jews would emigrate to Israel (Bali, 2009, p. 80).

The last event that had direct effect on particularly Rums' migration form Turkey is 1964 Deportation[133] of Greeks and in addition to it, 1974 Turkish invasion of Cyprus. In March 1964, Turkish authorities unilaterally terminated the agreement[134] that was signed in 1930 and by which both Turkey and Greece recognized the right of residence to nationals of the other country in their territories. In addition, on 6 April 1964, Turkey declared that it unilaterally terminated the visa treaty and this took away the right to return of unknown number of Rums, who went to Greece for Easter that started on April 1 and lasted for a week (Akar & Demir, 1994, p. 46). According to Akar and Demir (1994: 15), despite The Wealth Tax Law (1942) and 6-7 September Events/Pogrom (1955), Rums left Turkey mainly in 1964 and in the following years. In 1964, it is stated that not only 12.592 Rums of Greek nationality were exiled, but also at least 30.000 Rum of Turkish nationality left Turkey en masse (Onaran, 2013, p. 274). That Turkey invaded Cyprus in 1974 had been the last straw for Rums and accordingly the number of Rum Orthodox people decreased to 7.000 in 1978, while it was almost 100.000 in 1960 (Güven, 2012, p. 183).

Furthermore, Akar and Demir (1994) contends that some of the Rums holding Turkish nationality denied their ethnic identity and changed their names or proselytized. Due to the change[135] made to the announcement of population census

[133] For detailed information on the issue please refer to Onaran, N. (2013), Akar, R. and Demir, H. (1994) and Güven, D. (2012)

[134] On 30 October 1930, Turkey an Greece bilaterally signed the following three agreements: The Treaty of Friendship, Neutrality, Conciliation and Arbitration, The Protocol on Naval Armaments, and The Convention of Residence, Commerce and Navigation.

[135] This change has also been highly influential considering the analysis made for this study. Since the Council of Ministers notices found in BCA from 1950 to 1970 included the *millet* section, quantitative data could mostly be provided according to the ethnic origin of those revoked of their citizenship. However, it has not been possible to do the same thing after 1970.

results in 1965, to follow the changes in the population of non-Muslims through population censuses is not possible after 1965 (Dündar, 2000); yet the table below shows the gradual decrease in the number of minorities living in Turkey, as a result of all the historical developments provided above:

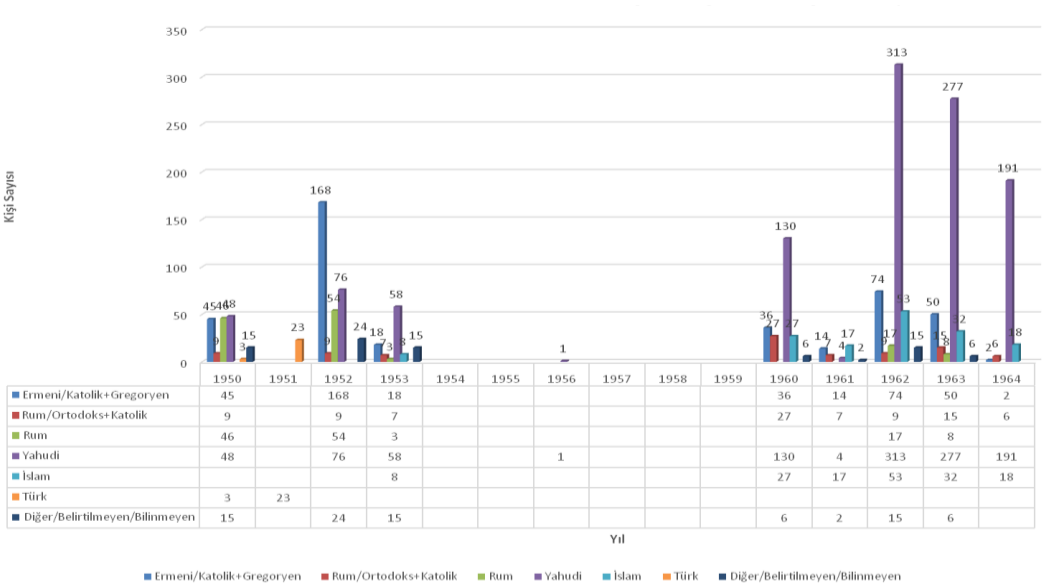
Table 8: Percentage of non-Muslim population (Dündar, 2000, p. 138)

	1927	1935	1945	1955	1960	1965
Percentage of non-Muslim population	2.8	2	1.6	1.1	1	0.8

The impact of all these migration events on the issue of citizenship arises when this issue is considered together with the related citizenship laws and the relevant articles. To roughly remind of them, Articles 9 and 10 of the Law No. 1312 enacted in 1928, included provisions that applied to all Turkish citizens. According to Article 9, the council of ministers could strip the citizenship of those who acquired "“the citizenship of other countries without special permission from the government” or joined the armies of other countries" (Çağaptay, 2006, p. 72). On the other hand, with Article 10 of the same law, the council of ministers were entitled to revoke citizenship on grounds of desertion, not doing the military service or "...of whom it had become known that they fled abroad and could not prove the opposite and return within the given time, (...) or Turkish citizens who have been living abroad for five years and have not registered with the Turkish Consulates in question" (Guttstadt, 2006, p. 51). Article 11 of the law included provisions that applied only to naturalized Turkish citizens (Fişek, 1983). Hereunder, citizenship of the naturalized citizens could be revoked in case of the activities against to the internal and external security of the state and of the obligations related to military service are not fulfilled. Article 12 of the law stipulates that those whose citizenship was revoked are prohibited from entering into the country, those located in the country are deported and their assets in Turkey are liquidated (Tanrıbilir, 2008).

Before proceeding to the results of the analysis related to the revocation of citizenship notices, the following points should be reminded of. As it was mentioned in Chapter I as well as throughout the following pages, there are inconsistencies and limitations with regard to the available data. Due to these reasons, the numbers provided below should not be considered as precise and concrete ones, instead they should be regarded as limited data displaying the patterns and their change in time considering the practice of citizenship revocation from 1950 to 2015.

To begin with the time period 1950-1964, in which Law No. 1312 was in force, the graph[136] below shows the ethnic distribution of individuals who were revoked of their citizenship during the period in question.



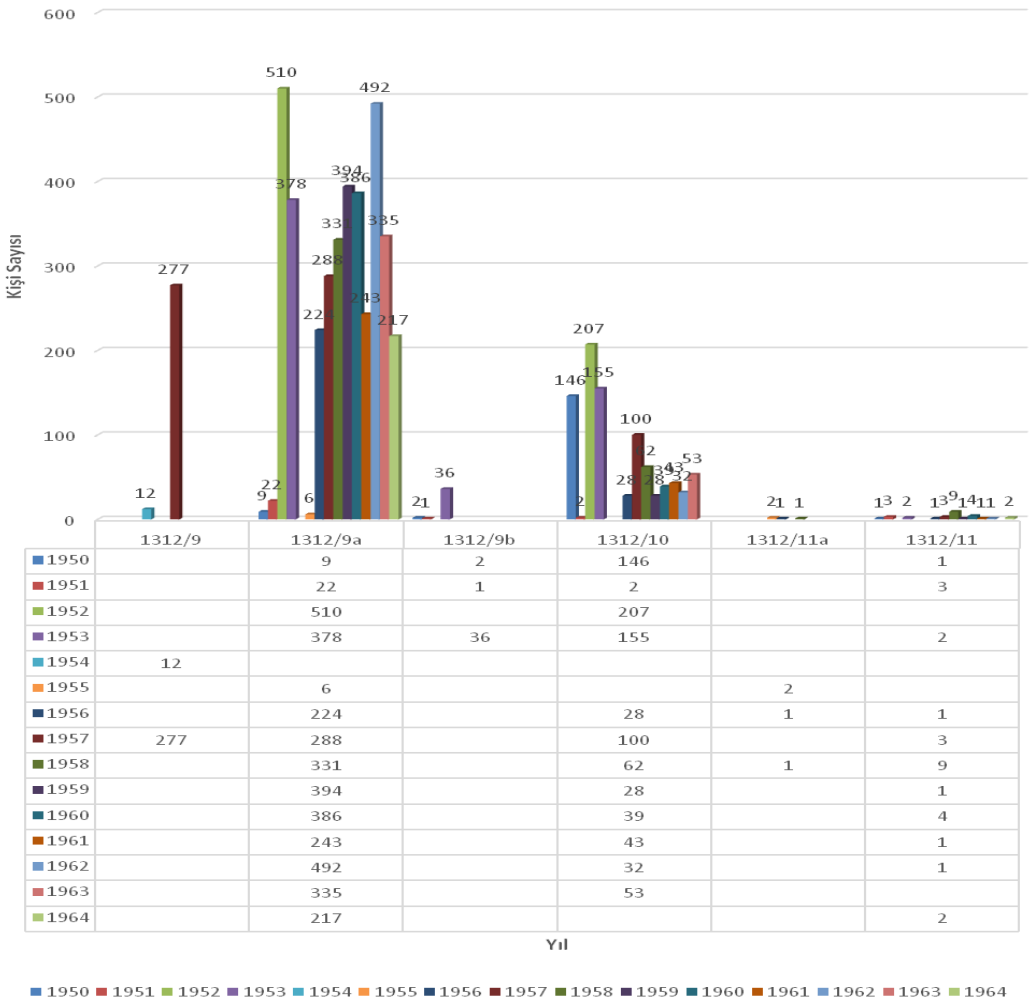
	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964
Ermeni/Katolik+Gregoryen	45		168	18							36	14	74	50	2
Rum/Ortodoks+Katolik	9		9	7							27	7	9	15	6
Rum	46		54	3									17	8	
Yahudi	48		76	58			1				130	4	313	277	191
İslam				8							27	17	53	32	18
Türk	3	23													
Diğer/Belirtilmeyen/Bilinmeyen	15		24	15							6	2	15	6	

Figure 1: Number of individuals revoked of Turkish citizenship (1950-1964), on the basis of ethnic background[137]

[136] All the graphs included in this study are produced by the author on the basis of the Council of Ministers notices examined within the context of this research.

[137] For all the graphs, the category of "Other/Unspecified/Unknown" refers either to the unspecified *millet* of the individual or to very small number of individuals with ethnic backgrounds of Bulgarian, Albanian, Latin, German, Christian, Gıldani, Keldani etc. and the category of Open.

It is obviously apparent that the sum of non-Muslim population is greater than the sum of Islam and Turk categories, and the fact that the majority is Jews is remarkable. To continue with another graph[138], it shows the number of individuals revoked of citizenship on the grounds of Articles 9, 10 and 11 of Law No. 1312.



	1312/9	1312/9a	1312/9b	1312/10	1312/11a	1312/11
1950		9	2	146		1
1951		22	1	2		3
1952		510		207		
1953		378	36	155		2
1954	12					
1955		6			2	
1956		224		28	1	1
1957	277	288		100		3
1958		331		62	1	9
1959		394		28		1
1960		386		39		4
1961		243		43		1
1962		492		32		1
1963		335		53		
1964		217				2

Figure 2: Number of individuals revoked of Turkish citizenship (1950-1964), on the basis of ground for revocation

[138] The relevant article numbers were included in the data as they are written in the decisions of the Council of Ministers. So, for example, the fact that the data has both 1312/9 and 1312 /9a does not actually refer to different things.

Considering the Law No. 1312, except for Article 9, all other articles or the related clauses about revocation of citizenship pose the risk of rendering the individual in question, stateless. As it can be obviously seen, most of the individuals were revoked on the basis of Article 9. This is important considering the fact that in Batur's (2014) study, which examines the time period from 1923 to 1950, it is stated that within that time period, the maximum number of citizenship revocation decisions was made pursuant to the law numbered 1312 and that the number of citizens who were revoked on the grounds of Article 10 was noteworthy. However, the graph provided above refers to a change, since the number of individuals who were revoked of citizenship on the grounds of Article 9 is much greater than those revoked on the grounds of Article 10. This change can be explained by the fact that not registering at the consulates was outdated since it does not anymore respond to the needs of the Turkish authorities. What was probably more remarkable after the 1950s was the issue of migration of non-Muslim populations of the Republic, which was condoned 'with pleasure' and accordingly Turkish State could revoke their citizenship on the grounds of acquiring another citizenship without a permission. This pattern would continue to be the leading ground for revocation of citizenship at least until 1990s. Furthermore, it also seems important to indicate that this was also not independent from the perception of dual citizenship as a lack of allegiance and/or disloyalty almost until the end of 1990s.

Another significant issue with regard to the practice of citizenship revocation considering the time period 1950-1964, is that of the Cold War and the anti-communism impulse, which had started much earlier in Turkey. As Gibney (2011, p. 10) refers to "The Cold War and widespread anxiety over the communist threat" as phenomena extending powers of denationalization, one can see a similar tendency in Turkey beginning in the early 1950s. While, particularly with the onset of The Cold War, anti-communism became something of a common ideological tool of different political trends in Turkey, except for 1960s and 1970s when the impact of left-wing politics started to manifest itself, the discourse of the communist threat was used in a completely "disproportionate manner" relative to the empirical situation in Turkey (Örnek, 2014: 112). At this point, it is also worth mentioning that before the

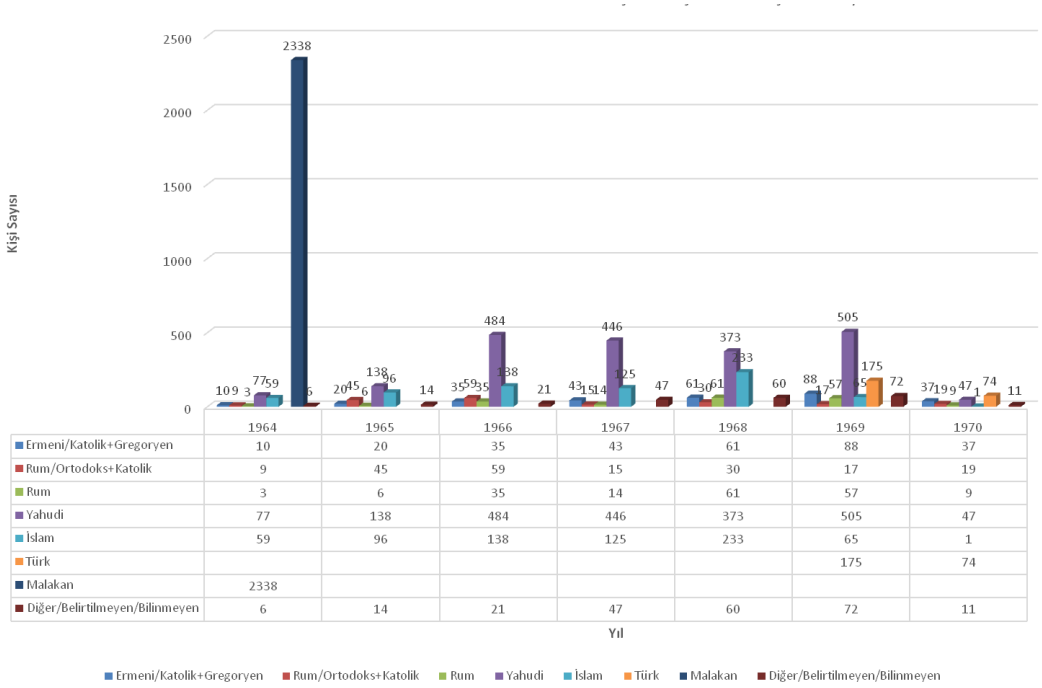
deportation of at least 12.000 Greek citizens and involuntary migration of their family members holding Turkish citizenship in 1964, "more than half of the Rums were accused of being communists" by some of the journalists writing in Turkish newspapers (Akar & Demir, 1994, p. 21). Considering the notices, it does not seem that the communist threat was used as a ground for revocation in mass, but revocation of a communist poet Nazım Hikmet's[139] citizenship was a menace to those mingling with communism as well as the rest of the society. Indeed, since Nazım Hikmet was not a naturalized citizen, the ground for his citizenship revocation was Article 10. However, as law also stipulates, those revoked of their citizenship on the grounds of Article 11 were naturalized Turkish citizens, most of whom were male, with migrant backgrounds. Moreover, pertinent correspondences for revocation of citizenship included allegations of making propaganda in favor of communism and spying on behalf of Russia and/or against the country. In one of the notices, even a ten year old child of the related person is revoked of his Turkish citizenship as well.

Herewith, besides forced deportation, exile and (re)settlement of non-Muslims almost immediately after the foundation of the Republic resulting in their loss of Turkish citizenship, the practice of citizenship revocation once again began to target the political dissidents and/or 'internal enemies', albeit to a limited extent at least until 1980 coup d'état. Moreover, in the meanwhile Turkish Citizenship Law No. 403 is enacted in 1964 and the grounds for citizenship revocation are quite expanded and detailed. To mention hastily, Article 25 and 26 regulated the revocation of citizenship. Article 26 referred to reasons for *çıkarma*, whose results were very similar to *ıskat*, and it targeted at naturalized Turkish citizens as well as Turkish citizens by birth only at times of war. According to the law, a person who lost his/her Turkish citizenship through *çıkarma* could never re-acquire it, re-entry to Turkey was possible only with a permission and for a short term. Furthermore, the provisions

[139] On 25.7.1951, the Council of Ministers decided to deprive Nazım Hikmet of Turkish citizenship in accordance with Article 10 of Law No. 1312. Nazım Hikmet's renaturalization was brought back to the agenda from time to time, however it was not possible until 5.1.2009, when the Council of Ministers repealed the decision. However, according to some scholars, the fact that the decision on Nazım Hikmet's citizenship deprivation was repealed, instead of revoking, is questionable since it had different legal results. Another relevant discussion on this issue was that one of the reservations of the government was that tens of thousands of citizens who had been revoked of their Turkish citizenship should not benefit from the opportunity provided to Nazım Hikmet. For further discussion on the issue, please refer to Altıparmak, K. and Karahanoğulları, O. (2009)

of *kaybettirme* were regulated under Article 25. The reasons for it were to a large extent same as the Articles 9 and 10 of the Law No. 1312 and they targeted at Turkish citizens by birth. According to this law, those who acquire another citizenship and do not inform the Turkish authorities (25/a), work against the interests of Turkey in a foreign country (25/b) or work for a foreign state which is at war with Turkey (25/c) or does not respond to a military service call for three months (25/ç), those who during mobilisation or who having joined up with their unit escape abroad and do not return within the legal period (25/d) and those who, while performing their military service duty with members of the Armed Forces and finding themselves abroad on duty, on leave, for a change of scene or for medical treatment do not return within three months of the expiry of this period without a valid excuse (25/e) could be revoked of citizenship. Moreover, residing abroad for more than seven years and not showing any interest in maintaining ties with Turkey (25/f) was also a ground for revocation of citizenship.

To begin with the following graph shows the number of individuals who were revoked of their Turkish citizenship during 1964-1970, on the basis of ethnic background on the basis the analysis of notices that were available at BCA. The striking number of 2338 in year 1964, refers to the collective citizenship revocation of *Malakans*/Russian Kazakhs who once lived mostly in Kars province.



	1964	1965	1966	1967	1968	1969	1970
Ermeni/Katolik+Gregoryen	10	20	35	43	61	88	37
Rum/Ortodoks+Katolik	9	45	59	15	30	17	19
Rum	3	6	35	14	61	57	9
Yahudi	77	138	484	446	373	505	47
İslam	59	96	138	125	233	65	1
Türk						175	74
Malakan	2338						
Diğer/Belirtilmeyen/Bilinmeyen	6	14	21	47	60	72	11

Figure 3: Number of individuals revoked of Turkish citizenship (1964-1970), on the basis of ethnic background (including *Malakans*)

Despite its uniqueness, the case of *Malakans* actually tells a lot about how the raison d'état functions on the practice of citizenship revocation in Turkey, therefore it seems important to give a brief information about it. The Malakans are a group of Russian origin Christians, who as it is written in the correspondences, were settled down in the districts and villages of the Kars province when it was occupied by Tsarist Russia in 1876. Most of them are involved in horse breeding and considering their religion and traditions, among the Malakans who are of an age to marry and who have blood relation up to 4th degree, cannot marry. The Malakans, in 1957, submitted a petition that they want to emigrate to Soviet Russia in accordance with Article 7[140] of the Law No. 1312. As it is understood from the secret correspondence, the Malakans wanted to emigrate for the following reasons[141]:

[140] Article 7 of the law stipulates that those who want the renunciation of Turkish citizenship should get a permission for that. Moreover, it states that those who did not do military service are not allowed to do that.

[141] BCA, 30-18-1-2 / 179-46-1

> Attitudes of people of Kurdish origin who settled here and ... illegally interfered with their real estate ... pastures and uplands were occupied and ... unlawful treatment could not been prevented timely and it has been confirmed ... that the means of subsistence have been limited to a large extent.

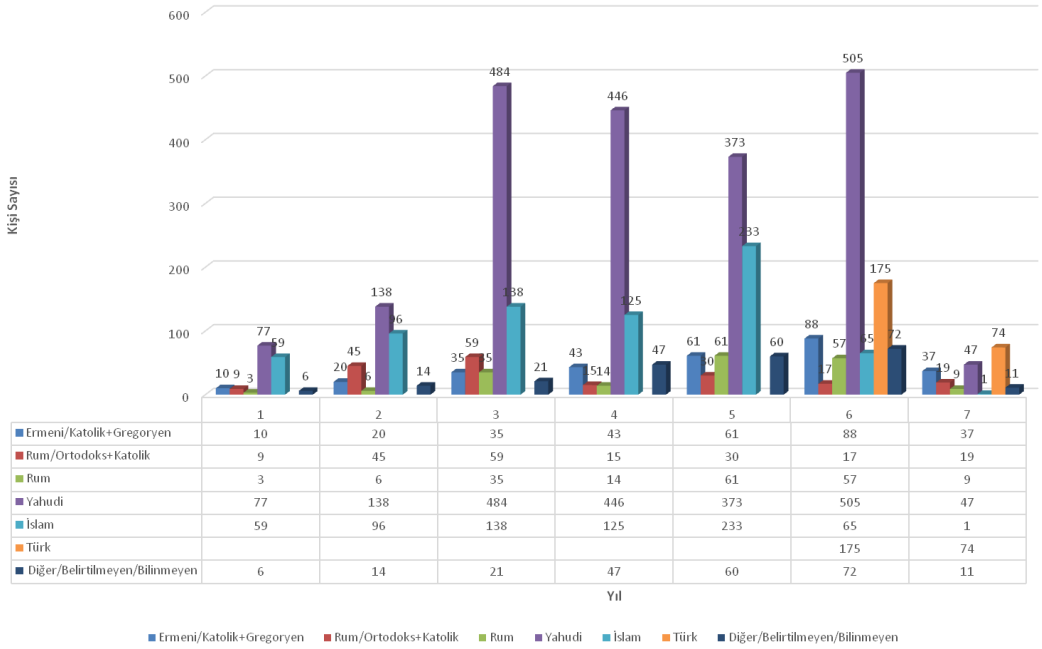
Besides, it is stated that these are the main reasons why the Malakans wanted to emigrate, but that they seem to propose the difficulties that they face in marrying. The state first tried to prevent them from migrating and even established a commision to improve their settling conditions including university professors and representatives of related ministries. The concern here is that the departure of the Malakans can be a subject of "abuse against the country" and may subsequently lead to a "political complication." Subsequent correspondence more generally relates to the properties left behind; because the state considered that "the drawbacks that would result from these properties falling into the hands of undesirable persons, must be prevented." As a result, in 1961, it was decided that "the requests of the Malakans to emigrate to Russia would be fulfilled by first giving them the passports and then revoking them of Turkish citizenship." These documents were valid for going to Soviet Russia and once only. However, among the correspondence, Malakan men's military service also posed a problem and the opinion expressed by the authorities was as follows:

> Allowing the Malakan people, who settled down on the most important route between Erzurum and Kars and who do not have any good intentions and activities for our country, to go to Soviet Russia with others, even those at the military age, and resorting to revocation of Turkish citizenship, after they acquired Russian citizenship...

According to the correspondence, the Malakans' migration to Russia knowing the confidential information about the Turkish Army and the defense was found objectionable by the authorities, and it was the most important motivation in the decision above. Although the exact date could not be found, on the basis of the correspondence regarding their remaining properties, it can be presumed that the Malakans had already migrated by 1961. As a result, Malakans' Turkish citizenship was revoked as the notice below displays:

> Council of Ministers decided on 6/8/1964 that (2338) Malakan Russian Kazakhs, whose identities are indicated on the attached list... and who collectively emigrated to Soviet Russia and acquired the nationality of the aforesaid State without getting permission to renunciate Turkish citizenship, ... were revoked of Turkish citizenship on the grounds of Article 25 (a) of Law No. 403.

Therefore, considering all the correspondence and decisions made in the case of the Malakan people, it seems as an important example of both the strategic use of revocation of citizenship and the arbitrariness of its implementation.



	1	2	3	4	5	6	7
Ermeni/Katolik+Gregoryen	10	20	35	43	61	88	37
Rum/Ortodoks+Katolik	9	45	59	15	30	17	19
Rum	3	6	35	14	61	57	9
Yahudi	77	138	484	446	373	505	47
İslam	59	96	138	125	233	65	1
Türk						175	74
Diğer/Belirtilmeyen/Bilinmeyen	6	14	21	47	60	72	11

Figure 4: Number of individuals revoked of Turkish citizenship (1964-1970), on the basis of ethnic background (excluding *Malakans*)

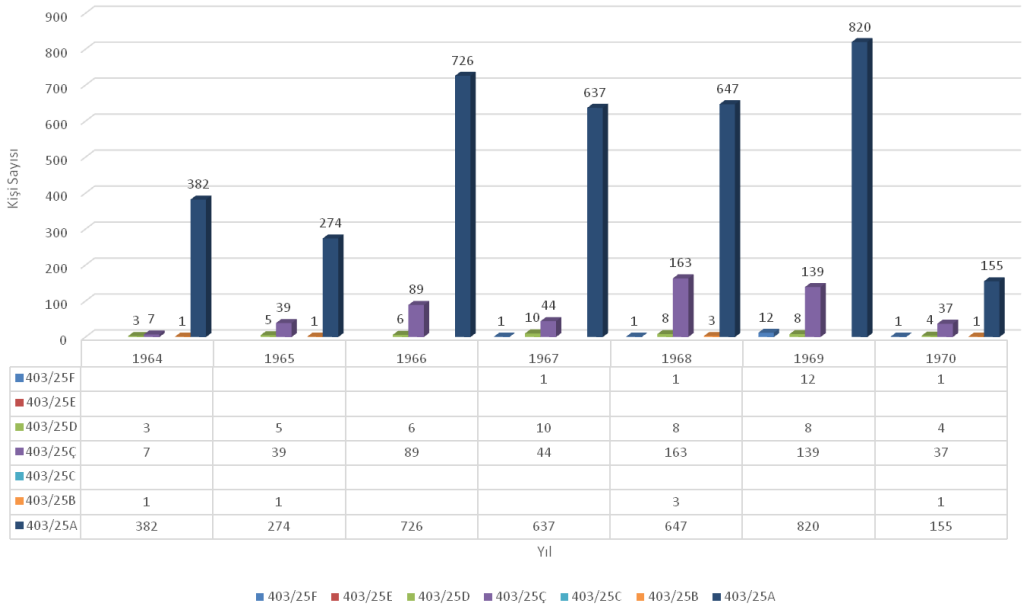


Figure 5: Number of individuals revoked of Turkish citizenship (1964-1970), on the basis of ground for revocation (excluding *Malakans*)

As it can be easily observed through the three graphs provided above, most of the decisions considering the revocation of citizenship, are made on the grounds of 25/a. and except for the *Malakans*, the majority is Jews. While Armenians constitute the second group, Rums become apparent mostly after 1965 in the notices. Again, the number of non-Muslims are greater than the sum of the categories of Islam and Turk. Furthermore, 25/ç appears as the second ground via which the decision on citizenship revocation is made for. With regard to the time period 1964-1970, one of the very interesting results is that the numbers of those revoked of citizenship on the grounds of the clauses other than 25/a and 25/ç are scarcely any compared to these two. As can be seen from the graph above, on the basis of the available notices, while there is noone whose citizenship was revoked on the grounds of 25/c and 25/e; the number of those whose citizenship was revoked on the grounds of 25/b, 25/d and 25/f is quite a little. Nevertheless, it is important to mention that all of those whose citizenship was revoked on the grounds of 26/b are Rum. Furthermore, while the number of non-Mulisms was little more than that of the Islam category among those revoked on the grounds of 25/d; almost all of those revoked on the grounds of 25/f are Turks. Except

for Article 25/a, all other clauses of the law, could potentially render an individual stateless.

After Law No. 403 enacted in 1964, no major amendment with regard to revocation of citizenship was made to the law during 1960s and 1970s. Nevertheless, the wave of migration from Turkey had continued, albeit its shape had changed. First of all, as it is well-known Turkish labor migration to Germany started in the 1960s. As Başer (2013, p. 167) also notes, the largest wave of migration took place between 1961-1973 and labor migration was replaced by family reunification and political asylum after 1973. Furthermore, with the political instability in Turkey, the number of Turks and Kurds who went to Germany for political reasons since the mid-1970s increased (Başer, 2013, p. 168). Moreover, another concurrent wave of migration from Turkey was directed towards the Northern and Western European countries and while left-wing dissidents were in forefront after 1971 and particularly 1980 military coups, from 1990s onwards it was Kurdish dissidents who migrated for the most part (Çavlin, Adalı & Kumaş, 2016). It should also be mentioned that Kurdish migration was also related with the compulsory military service.

Although throughout the republican period, Turkey witnessed series of mass immigration as a result of political practices, it is not possible to say that political emigration occured in masses before the 1971 coup from Turkey (Özgüden, 2008). Yet still, the political emigration that occured after March 12, 1971 actually ended with the collapse of the regime and the general amnesty of 1974 (Özgüden, 2008). Hence almost everyone did return to Turkey and started to take part in the political organizations, trade unions, democratic mass organizations again (Özgüden, 2008). Accordingly, "the post-1974 period represents a real rise for the left and social movements" in Turkey (Aydınoğlu, 2007, p. 468). That the left and social movements as well as the clashes between left and right-wing groups became more and more apparent, on top of the economic stagnation, social unrest and political instability, paved the way for another intervention in the government, which is the 1980 coup d'état.

The effects of the 1980 coup d'etat and the consequent transformations in Turkey have been discussed and dealt with for almost forty years, however it is well known that grievances generated by it still continues. From discussions on a new constitution to restraints on freedom of expression are still hot debates in Turkish political context. Nevertheless, the issue of citizenship revocation after 1980 coup has not much debated in relation to the political context and socio-historical developments. Before delving into the details about the practice of citizenship revocation after 1980 coup, providing brief information of relevant restrictions and oppression throughout the period without going into detail seems important to understand the background.

First of all, as Çağlar (2002, p. 88) argues "the September 12 Coup, in addition to its other objectives, was primarily an attempt to destroy the political and social opposition". The following data[142] about the post-coup process is important to give an idea of the severity of the things happened in this period:

> 650,000 people were detained. 1,683,000 people were blacklisted. 230,000 people were tried in 210,000 lawsuits. 517 people were sentenced to death and 50 of them were executed. 71,000 people were tried under articles 141, 142 and 163 of Turkish Penal Code. 98,404 people were tried by being a member of an organization. 388,000 people were denied a passport. 3,854 teachers, 120 lecturers and 47 judges were dismissed. 30,000 people were fired from their jobs because they were suspects.14,000 people had their citizenship revoked. 30,000 people went abroad as political refugees. 23,677 associations were shut down. 299 people lost their lives in prison. 303 cases were opened for 13 major newspapers.

Furthermore, according to Çağlar (2002), the regime's oppression practices were extended over to Turkish and Kurdish workers living and working in Europe, and even in some cases the consulates seized the passports. Çağlar (2002) further purports that the number of individuals who applied for but were not provided with a

[142] The source is the Parliamentary Investigation Commission for the Coups and the Memorandums Report prepared in 2012. For the Turkish version of the report, please refer to: https://www.tbmm.gov.tr/sirasayi/donem24/yil01/ss376_Cilt1.pdf

passport is 348,000; the number of persons who had been revoked of Turkish citizenship and therefore cannot return to Turkey in the official statements is 13.348; the number of individuals who were issued a call for return to the country is 26.000 and the number of individuals who fled after September 12 and requested for political asylum abroad is approxiamately 40.000. On the other hand, in his article, Çiçek (1989) propounds different numbers. He argues that it is alleged that the number of Turkish citizens who applied for aslyum was 60.000 in 1980 and 116.000 from 1981 to 1988. But over the course of the first nine months of 1989 an unprecedented increase emerged in the number of Turkish citizens seeking political asylum in European countries. During the first nine months of 1989, 13.000 Turkish citizens applied for asylum in Federal Germany, 8500 in France, 6400 in Switzerland and 4000 to England; thus in total 34.000 citizens requested asylum (Çiçek, 1989).

In the following years, neither these incidents that occurred after the coup were faced and restorative justice mechanisms were fully employed, nor the migration wave was over. As Sirkeci (2017) contends, it is well-known that Turkish citizens still migrate abroad, some of them are refugees and also large diaspora populations exist in Germany, France, the Netherlands, Austria and Switzerland. According to Sirkeci (2017, p. 25), a significant part of emigration from Turkey can be associated with Turkey's Kurdish question of which effects became more evident particularly since 1980s and during 2000s. During this time period, Sirkeci (2017) states that 1,017,358 Turkish citizens, most of whom were Kurds, applied for asylum in the industralized countries. Needless to say, the reason for this increase was the "environment of insecurity" (Sirkeci, 2017) in Turkey that deepened particularly after the armed conflict started in 1984 between PKK and TSK on top the 1980 coup. As a result, applying for asylum became the only option for those who want to emigrate but who cannot meet the visa-immigration requirements that were getting harder (Sirkeci, 2017). Besides these, migration of Alevis[143] and of Syriacs[144] must not be forgotten.

[143] Alevis became the target of far-right groups particularly after 1970s and this brought about massacres against Alevis. Besides the oppression they experienced during 1980 coup, as a result of the 1978 Maraş, 1980 Çorum and 1993 Sivas massacres Alevis migrated to different parts of Europe.

The fact that Alevis "have been subjected to assimilationist policies that sought to turn them into docile Turkish subjects/citizens or stigmatize them as internal enemies who threaten the well-being of the nation" (Yonucu, 2017, p. 4) culminated in their migration from Turkey; and like Kurds, the number of Alevis in the diaspora became "more than their proportion in the Turkish population" (Sirkeci, 2017, p. 25). The Syriac migration, on the other hand, that started particularly in 1960s as "guest workers" was not independent from the social/political instability and the discrimination they were subjected to. Moreover, Syriac community[145] got their share from the escalation of the conflict between PKK and TSK during 1980s and 1990s, and seeked political asylum in the European countries.

With this background, it is time for providing the analysis of what the revocation of citizenship notices tell us about all these migration waves as well as the socio-political developments in Turkey. To begin with, it should be mentioned from the beginning that the analysis provided for the years 1971-2015 is based on the notices found in the Official Gazette. The reason for this was the fact that BCA archive for this time period was not accessible. Therefore, this means that the data on the *millet* of the individual who was revoked of Turkish citizenship lacks, but still some inferences can be provided. Moreover, it is not easy to give concrete numbers pursuant to the law articles because in most of the notices, particularly from 1975 to mid 1985, one cannot find whose citizenship was revoked on which ground. That is to say that, the lists including tens of or thousands of individuals are published in the Gazette, however the lists are not decomposed on the basis of the relevant clause of Article 25. It can be said that the fact that this time period mostly overlaps with the periods of martial law been declared in Turkey, affected the arbitrariness of the practice. The figure in Appendix C, blatantly displays the practice of citizenship revocation for the period in question.

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[144] Syriacs, mostly Christian, were not recognized as a non-Muslim minority by the Turkish state under the Treaty of Lausanne.

[145] For a very detailed study about Syriacs, their migration routes and identity discourses in the European diaspora, please refer to Atto, N. (2011)

Another very significant inference that could be made on the basis of the available data is the fact that a far bit of the decisions were made on the grounds of the clauses a and ç of Article 25. While there is almost noone who is revoked of Turkish citizenship on the basis of 25/b, the number of those revoked on the basis of 25/e is fairly limited. With regard to 25/d, it is apparent that the number of individuals revoked on the grounds of this clause is quite lower compared to those revoked of citizenship on the grounds of 25/a and 25/ç. As to the gender dimension of the individuals affected, since 25/ç, d and e[146] are the clauses related to the military service, none of the individuals revoked of Turkish citizenship on the grounds of these clauses could be female.

Although it is not possible to give concrete numbers with regard to the ethnic background of individuals considering the grounds for their citizenship revocation, by means of a closer look that focuses on the names and birth places, at the notices, one can speak of some patterns in general. Examining the notices, one can easily find out that conflict of loyalty or allegiance became the ground predominantly for non-Muslims' revocation of citizenship throughout the years almost up until the 1990s, since the number of non-Muslims revoked of their citizenship on the grounds of 25/a is greater than the Muslims. Needless to say, this does not mean that Muslims were not revoked of their citizenship on the basis of 25/a; however one can easily notice that Jews are generally in the forefront almost throughout all the decades in the notices. Furthermore, it seems that Rums and Armenians[147] were also those who were revoked of their Turkish citizenship on the grounds of 25/a. Especially from the 1970s onwards, Rums become more apparent in the notices, particularly on the grounds of Article 25/ç, which is a fact that can be easily associated with their migration flow particularly after the 1964 deportation. To exemplify, it is declared

[146] The proposal of the Ministry of National Defense is obligatory in order to be judged on the clauses ç, d and e.

[147] Akçam and Kurt (2012), in their impressive book, argues that Ottoman Armenians and their children, without explicitly mentioning, were revoked of their Turkish citizenship collectively and automatically by a temporary article related to "missing persons" that was added to the Turkish citizenship law of 1964. For further information on the issue, please refer to Akçam and Kurt (2012). For the relevant law text, please refer to http://www.resmigazete.gov.tr/arsiv/11638.pdf

that on the Official Gazette, dated 29 December 1975, almost all of the 44 individuals who were revoked of Turkish citizenship were Greek/Rum.

Considering the 1980s, especially after the second half of the 1980s, in the cases of the revocation of citizenship in accordance with Article 25/a, Muslims have gradually become visible. Moreover, although they were sporadic before, especially after 1983, non-Muslims born in East and Southeast provinces started to be visible. Furthermore, they appear to have been revoked of citizenship in accordance with Article 25 /a, rather than Article 25 /ç. This situation continues until the first half of the 1990s, however they become more visible especially after 1992-1993. For example, in the 1994 decisions, a large number of people born in Hatay and Maraş were revoked of their citizenship on the grounds of Article 25 /ç. But with the 1990s, the above pattern starts to change; since from the early 1990s onwards the number of citizenship revocation decisions on the grounds of 25/ç becomes higher than the decisions on the grounds of 25/a and the number of non-Muslims in the decisions decreases. Although there are exceptions, this continues until the mid-2000s. In particular, from the beginning of 1999 onwards, it is possible to talk about collective lists of 500, 700, 1000 and 2000 people, in round figures. Moreover, what is more peculiar in the 1990s, when the armed conflict between Turkish Armed Forces (TSK) and Partiya Karkerên Kurdistan (PKK) escalated and in the 2000s as well, is the fact that most of those whose citizenships were revoked on the grounds of 25/ç[148] were born in the provinces where Kurds are the majority. The below table, in general, shows the aforesaid change, with a focus on the early 2000s:

[148] Sunata (2016: 155) argues that the military service avoidance is considered with migrant's ethnic, educational and socio-economic backgrounds in the recent studies and with reference to Sirkeci , she wrotes that the motivation regarding "environment of human insecurity" is more likely among Turkish Kurds instead of Turks." The relevant analysis seems to confirm this thesis, since the individuals who were revoked on the grounds of 25/ç that for the most part were born in the provinces where Kurds are the majority and the numbers show an increase particularly after 1990 when the armed conflict intensified.

Table 9[149] Number of individuals revoked of Turkish citizenship (2000-2005), on the grounds of Law No. 403 Article 25

Year	**25/a**	**25/c**	**25/ç**	**25/f**	**Total Number**[150] **of Individuals who Lost Turkish Citizenship by the decision of the Authorities**
2000	42	0	1.868	0	1.920
2001	24	0	2.689	0	2.735
2002	81	0	2.193	0	2.316
2003	272	0	5.077	0	5.489
2004	246	0	1.975	0	2.367
2005	242	0	178	0	464
TOTAL	**907**	0	**13.980**	0	**15.291**

Interestingly, one can encounter persons, who were born even in the 1930s or 1940s, whose Turkish citizenship was revoked on the grounds of 25/ç in the 2000s. For instance, it is declared that on the Official Gazette, dated 29 September 2000, 1869 and dated 28 October 2001, 882 individuals, most of whom were born in Kurdistan provinces, were revoked of citizenship for they did not serve in the army. The graph in Appendix D blatantly displays this change.

Before continuing with the amendment made to the law in 1981, it should be mentioned that there was no risk for those revoked on the ground of 25/a to become stateless, since they had already acquired citizenship of another country other than Turkey. However, for all the other clauses of Article 25, it can be said that the individual in question would be rendered de jure stateless, if s/he had not already acquired another citizenship. Moreover, notices about vacation of judgements, change in the ground for revocation of citizenship and particularly after mid-1960s lists on permission for renunciation of Turkish citizenship were also published in the Official Gazette. However they were not included in the analysis, since the number

[149] I am indebted to Associate Professor Zeynep Kadirbeyoğlu for sharing this information that she received from General Directorate of Population and Citizenship in the previous years, with me.

[150] The fact that the total number of individuals who Lost Turkish Citizenship by the decision of the authorities

of notices about vacation and change was very limited, and the permission lists were voluntary acts. Lastly, the notices also includes the lists of those naturalized and a few lists pertaining to those who were found suspects and were not naturalized, yet they neither included in the analysis.

To continue with the extraordinary measures taken after 1980 coup, the most striking thing with respect to the practice of citizenship revocation is the fact that with an amendment made to the Law No. 403, two clauses 25/g[151] and 25/h were added, as it was mentioned in Chapter III. While the clause 25/g added[152] to the Law No. 403 became the basis for political dissidents, opponents and even artists and intellectuals' revocation of Turkish citizenship, there was no one whose Turkish citizenship was revoked on the grounds of 25/h in the notices that were analyzed within the context of this study. To begin with the number of individuals who were revoked of Turkish citizenship on the grounds of clause 25/g, it seems that the data available is not consistent. According to the notices analyzed in this study, the total number seems 168 and if the coloumn 403/25-35.1 in the last two graphs, is also included, it becomes 170[153]. One can see that it was utilized as a ground for revocation of citizenship between 1981 and 1990. However, while the answer[154] given to a parliamentary question in 2012 mentions that the citizenship of 210 individuals was

[151] This clause was repealed with the Law No. 3808 enacted in 27/5/1992.

[152] Law No. 2383 dated 13/12/1981. National Security Council debated this amendment in a secret session and therefore one cannot access neither the arguments nor the justifications. However, in the minutes of Draft Law Amending the Article 25 of the Turkish Citizenship Law and the Report of the Internal Affairs Commission, it is stated that "The provision in question [25/g], was considered as a remedy in order to bring the defendants to justice within the conditions and circumstances of the September 12 period and it therefore was put into effect."

[153] This number apparently shows that in the Official Gazette search there are missing notices, which means that some of the notices could not be found on the basis of the keywords mentioned in the methodology part.

[154] https://www2.tbmm.gov.tr/d24/7/7-7493sgc.pdf
Moreover, it is mentioned in this answer that the state registers of those whose citizenship was revoked on the grounds of 25/g were revived without any necessity of their application or any other transaction.

revoked on the grounds of this clause and properties of those who were revoked were confiscated, another answer[155] of a parliamentary question in 2004 mentions that the number is 227. Furthermore, Tanör (1994: 123) contends that as of 1987, the number of those who were revoked of Turkish citizenship was approximately 14.000; among these, 984 individuals were renaturalized and the revocation procedure for 38 people who applied to the Council of State was canceled. Yet, objections of four out of five individuals who lost their nationality in accordance with the provision of 25/g and appealed to the Council of State, were rejected (Tanör, 1994). Lastly, in the minutes of Draft Law Amending the Article 25 of the Turkish Citizenship Law and the Report of the Internal Affairs Commission, it is stated:

> 9 out of 227 people, whose citizenship had been revoked, have reacquired our citizenship, the revocation decisions of 9 people were cancelled and transactions of 18 people are still continuing. 3 people are dead. As a result of the evaluation of the available data, it was determined that 175 out of 227 people mentioned above were included in the scope of the articles 140, 141, 142 and 163 of the Turkish Penal Code and therefore they were revoked of their citizenship.

Considering the data provided above, it seems that there is inconsistency even in the data provided by the state authorities. Moreover, the fact that the answer given to the parliamentary question in 2012 does not make mention of data about any other grounds for citizenship revocation except for 25/g can be interpreted as the state does not seem to consider other grounds for revocation as important, and second, revocation on the grounds of military service obligation seems to be so normalized for state authorities that albeit it had always been a ground for revocation of Turkish citizenship, the data on that is not provided. In addition, the data, which gives the number of individuals revoked of Turkish citizenship after 1980 coup as 14.000, as it is provided in the Parliamentary Investigation Report and taken as a reference by many authors does not seem accurate. This is not only because of the vagueness of

[155] https://www2.tbmm.gov.tr/d22/7/7-1889c.pdf

the time period that this data covers, but also of the fact that it does not specify which articles and/or clauses are covered in.

It is not possible to say that these are the things that have been put behind for individuals whose Turkish citizenship were revoked on the grounds of Article 25/g and 25/ç both in the period and after the 1980 coup. The effects of the practice of citizenship still continues even at the present time. Even though the number is unknown and is estimated to be few, there are people who are still stateless since then. There are stateless ex Turkish citizens who live either in Turkey or still abroad and it will be elaborated more on the next part. Nevertheless, some of them were able to return to Turkey. So how was this legally possible?

The Anti-Terror Law in Turkey was amended on April 14, 1991 with the Law No. 3713. With Law No. 3713, not only the Articles 140, 141, 142 and 163 of the Turkish Penal Code (Law No. 765) were repealed, but also the following temporary article[156] was added to the law text:

> *Temporary Article 5. In order that those who, according to chapter (g) of Article 25 of Law 403 on Turkish Citizenship, have lost their Turkish citizenship can benefit from the temporary provisions of this Law, there shall be no condition imposed on their re-entry into the country within two years from the coming into force of this law and such persons shall not be stopped at the border when re-entering.*

What is peculiar about this amendment, according to Çelenk[157] (1991, p. 413), is the fact that there is a gap in this article, since although the law introduces regulations in

[156] The translation used for this temporary article is available at: https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/22104/96348/F146542622/TUR22104.pdf
In Turkish it is as follows: "*Geçici Madde 5 – 403 sayılı Türk Vatandaşlığı Kanununun 25 inci maddesinin (g) bendi gereğince Türk vatandaşlığı kaybettirilenlerin bu Kanunun geçici maddeler hükümlerinden istifade edebilmeleri için bu Kanunun yürürlüğe girdiği tarihten itibaren iki yıl içinde yurda girişlerinde herhangi bir şart aranmaz ve hudut kapılarından girişleri engellenemez.*"

[157] For further information about how this temporary article disrupts the principle of equality before the law, please refer to Çelenk, H. (1991).

one way or another, even for death penalties, "it does not provide a solution for citizens who were revoked of their Turkish citizenship". Therefore, Çelenk (1991, p.413) argues, "the absence of a provision for the abolition of the Council of Ministers' decision on those who lost their citizenship in such a law, is a major shortcoming and injustice". Before completing this part, three other amendments[158][159] seem important to be mentioned. The first one is Law No. 2383 dated 13.2.1981. With this law, as Aybay and Özbek (2014: 69) argues, the basic principles of the Law No. 403 have been amended. In addition to it, the following provisional article[160] was added to the law:

> *Provisional Annex Article 1. The Council of Ministers is authorised to implement Article 8 of the Law No. 403 with regard to those persons who where Turkish citizens by birth and who were deprived of Turkish citizenship in accordance with the Turkish Citizenship Law, No. 1312, or due to other reasons, provided they show their intent to reacquire Turkish citizenship within two years from the effective date of this law and there is no objection seen to their being readmitted to Turkish citizenship.*

The second one is Law No. 3540 dated 20.4.1989. This law, besides amending two articles that regulate the process of acquisition of citizenship, included a temporary article as well. The provisional article[161] stated:

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[158] For all the other relevant amendments made, please refer to Odman, T. (2011), under the heading " Other amendments made related to the elimination of statelessness", pp. 158-161

[159] For all amendments made to the law, please refer to Aybay, R. & Özbek, N. (2015)

[160] The translation of this article was made by EUDO Citizenship Observatory, it is available at: http://eudo-citizenship.eu/NationalDB/docs/TUR%202383%201981%20(English).pdf
In Turkish it is as follows: "*Ek Geçici Madde 1 - 1312 Sayılı Türk Vatandaşlığı Kanunu hükümlerine göre vatandaşlıktan ıskat edilmiş veya başka bir nedenle vatandaşlığımızı kaybetmiş doğuştan Türk vatandaşı olan kişilerin bu Kanunun yürürlük tarihinden başlayarak 2 yıl içinde yeniden Türk vatandaşlığına girmek isteğinde bulunmaları ve vatandaşlığa alınmalarında bir sakınca görülmemesi halinde haklarında 403 sayılı Kanunun 8 inci maddesini uygulamaya Bakanlar Kurulu yetkilidir."*

[161] The translation used for this provisional article is available at: https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5acf7de44
In Turkish it is as follows: "*Geçici Madde — 1312 Sayılı Türk Vatandaşlığı Kanunu hükümlerine göre vatandaşlıktan ıskat edilmiş, doğuştan Türk vatandaşı olan kişilerin bu Kanunu yürürlük tarihinden başlayarak iki yıl içinde yerinden Türk vatandaşlığına girmek isteğinde bulunmaları ve vatandaşlığa*

> *Provisional Article (Added by Law number 3540 of date 20/04/1989) If those persons who were Turkish citizens from birth who have been stripped of citizenship according to the statutes of the Turkish Citizenship Law number 1312 wish to reenter into Turkish citizenship within two years of this Law's coming into force (as of date 29/04/1989), and if there is deemed to be no objection to their being received into Turkish citizenship again, then the Council of Ministers shall be authorised to apply the statutes of Article 8 of Law number 403 in respect of them.*

The third one is the Law No. 4112 enacted on 7/6/1995. With this amendment, according to Kadirbeyoğlu (2012, p. 6), "a privileged non-citizens status" was created and the motivation behind this "was to devise a mechanism that would allow people living in Germany to acquire German citizenship without losing their rights in Turkey". However, what is more important in relation to the practice of citizenship revocation considering this study, is the fact that some members of the parliament "raised their concerns[162] as to whether this amendment would enable the 'Armenians, Jew, Rum etc. (who had renounced their Turkish citizenship in order to acquire another citizenship) to come back to Turkey and reclaim property that had been confiscated when they changed their citizenship." (Kadirbeyoğlu, 2012, p. 7). It can be argued that these concerns were related to the properties remained after the involuntary migration/exile of minority groups in Turkey and as well as to the worries of residing of minorities in Turkey, which had been continiously tripped up. Moreover, it may be perceived as having the potential to harm the ideal of a homogeneous "we". What all these amendments unveil is the fact that, despite the governments attempt to revoke past decisions of citizenship revocation, they do it in a so strategic manner that it prevents the unwanted citizens from joining "us" again.

Considering the late 2000s, no decision of revocation of citizenship was found between 2005 and 2015, on the basis of the keywords used for the Official Gazette

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alınmalarında bir sakınca görülmemesi halinde, haklarında 403 sayılı Kanunun 8 inci maddesi hükümlerini uygulamaya Bakanlar Kurulu yetkilidir."

[162] For some of the other MPs' views on the issue please refer to Kadirbeyoğlu, Z. (2012), p.6-7

search. Already in 2009 the Turkish Citizenship Law has changed and the grounds for revocation of citizenship have been considerably reduced[163]. In addition to these, at various times, the members of the parliament submitted legislative proposals to regulate the citizenship rights of the people who were revoked of Turkish citizenship and/or who were either exiled or forced to migrate; but no major developments were made except for the amendments and regulations mentioned above. Moreover, in 2013, the government made a verbal call to return home. In the scope of this study, the informants' views and opinions about this call were especially asked and relevant information is provided in the next part. In a nutshell, from the 20th century onwards, on the eve of the establishment of the nation-state, the practice of citizenship revocation continuingly targeted non-Muslim populations either due to their being declared a traitor, to them leaving the country and not returning in war conditions or not registering the consulates/acquiring another citizenship without permission. During the Cold War period, opponents of the ruling elites were accused of first making communist propaganda and then committing crimes against the state, which paved the way for them to live decades in exile or to even have their citizenship revoked. Particularly after the 1980 coup d'état, the ground for citizenship revocation was delineated as 'actions that are incompatible with loyalty to the state'. In other words, that is to say that, articles pertaining to the revocation of citizenship and exceptional clauses added to the law texts not only has changed in time but they followed a pattern as well. Moreover, it is apparent that the practice of citizenship revocation is not only used strategically in consolidating the homogenized "we", but it also utilized as a disciplinary tool for the mischevous children of the paternalist Turkish state. Therefore, it also tells us a lot, on the basis of loyalty and national identity, about the inclusionary and exclusionary boundaries of citizenship. Furthermore, the fact that Council of Ministers is the authority to revoke the citizenship of an individual does not only lead to arbitrary decisions but it also turns the practice into an administrative act, almost without any judicial control. As a reult, it can be argued that the pattern arises out of the desire of the ruling authorities in excluding particular groups from not only the political field but also the whole rights

[163] A very recent amendment made to the law will be elaborated on in part 5.3

system provided by the citizenship regime. Thus the state was rescued from unwanted citizens or citizen groups, as was the Ottoman Empire with its use of exile, and the raison d'état was perpetuated in the name of the salvation of the state in defiance of all protections provided by citizenship as well as human rights.

5.2 Survival Strategies qua Non-citizens and Coping with Exile

> *Exile is strangely compelling to think about but terrible to experience. It is the unhealable rift forced between a human being and a native place, between the self and its true home: its essential sadness can never be surmounted.*[164]

The aim of this part is to provide the reader with what it means to be a de facto or de jure stateless person on the basis of the interviews made for this study. As it was mentioned in the methodology part, this study is designed as an exploratory, qualitative research and thus this part will predominantly aims at depicting the plight of de jure or de facto stateless persons of Turkish origin, with their own words. Accordingly, this part will first inform the reader about a general overview of the informants. Secondly, it will briefly focus on the informants' perceptions on homeland and citizenship in general. Thirdly, it will make mention of the life experiences on the eve of and after exile and/or of revocation of citizenship. Finally, this part will conclude with informants' expectations and views on returning to Turkey.

[164] Said, E. (2000), p. 137

5.2.1. General Overview of the Interviewees

Refugees are thus either de jure or de facto stateless.[165]

As it is already mentioned above, the aim of this sub-part is to depict the general overview of the interviewees. To begin with, in general, it is not possible to talk about any distinguishing feature in terms of the birth place and/or ethnic identity of the interviewees. As can be seen in the table below, the majority of them are male[166]. Most of the interviewees fled abroad in the 1980s, yet there is less who went in the 1970s and 1990s. It is possible to say that almost all of them, except for a few, had a connection or membership to the revolutionary/leftist/ progressive organizations in the 1970s and 1980s. Almost all of them, had crossed the borders with fake passports. It is seen that, while especially for those, who were the members of an organization, in the 1980s, the decision, to leave the country, was made together with the organization; yet the decsision to flee abroad through the 1990s were more individual decisions. Moreover, a few of the interviewees mentioned that they fled abroad through irregular migration routes and one mentioned that he did not want to talk on the issue. While some interviewees had already fled before they were charged; some others broke out of prison, stayed in Turkey for some time and then went abroad. Almost all of them had thought that it would take a short while, but at least they had to stay in exile for decades, some even for thirty, forty years.

[165] Massey, H. (2010), p. 62

[166] I have mentioned in the methodology section that women's experiences lack in this study. Recently, especially in the late 2000s, although the books written on 1960s, 1970s organizations' history, make mention of it, women's experiences of exile can only be found in crumbs. In fact, primarily men of that period are at the forefront and this fact can be interpreted as an indicator of the fact that the thought of women in the tradition of struggle in that period is still put into the second plan. Although it does not directly refer to the experiences of citizenship and/or exile, the following sources can be referred: Sağır, A. 2015; Baydar, O. & Ulagay, M. 2011; Mater, N. 2009

Those who went abroad in the 1980s were mostly subjected to prosecutions under the famous articles 140[167], 141, 142 and 146 of the period. Tanör (1994, p. 70) states that "the balance of lawsuits and convictions on TCK 141, 142 and 163 has been a mirror that adequately reflects the country's level of freedom of thought." [168] According to the data of the Ministry of Justice, between 1982 and 1990, 10,949 people were charged with these articles and as Minister of Justice stated on 14.11.1990, the number of the defendants in the case of TCK 142 and 163 was 1269 and the number of detainees was 61 (Tanör, 1994, p.70). Although the limitation period for many of the alleged offences has expired, for some of them new trials have been initiated under the anti-terror law. Some interviewees follow up such proceedings, while others do not follow up and say that they do not have information about them.

As to the grounds for revocation of citizenship, while of the interviewees were revoked of Turkish citizenship under Law No. 403 Article 25/g, some others were revoked of their citizenship under Law No. 403 Article 25/ç, when they were on exile. The fact that some of the interviewees of similar characteristics were deprived of their citizenship on the grounds of 25/g and some others on 25/ç, and that the persons in the executive levels of some organizations have not been revoked of Turkish citizenship, lay bare the arbitrariness of the practice. An interviewee ironically explains this as follows:

> It really should be pure luck playing tricks on me that I was revoked of my [Turkish] citizenship. Sure I was one of those people being seriously searched on charges related to September 12 coup, but, many of my friends who were sought after for more serious charges than me, were not deprived of citizenship. My guess is that they held a lottery and picked the names of those to expel from citizenship by chance. This is what I predict. (Interviewee, 15)[169]

[167] For a critique of the Article 140, please refer to Çelenk, H. (1998)

[168] For other related provisions considering "thought crime", please refer to Tanör, B. (1994)

[169] Vatandaşlıktan çıkarılmam lotonun azizliği olmalı. tamam 12 Eylül'ün ciddi arananlar listesindeydim ama benden daha ciddi aranan pek çok arkadaşım vatandaşlıktan çıkarılmadı. Sanırım rastgele arananlar arsından loto çekip vatandaşlıktan çıkardılar. Tabi bu bir tahmin.

While some still refrain from entering Turkey, it is observed that some others visit Turkey as either a Turkish citizen or a foreign citizen. Most of the interviewees either hold citizenship of another country other than Turkey or have dual citizenship. Nevertheless, there are individuals who are still stateless. Their exact number is unknown, yet it is anticipated that it is quite little. In addition, there are those who are able to return from abroad after Law No. 3713 dated April 12, 1991 was enacted.

Before moving on to the interpretation of interviews made for this study, last point that should be mentioned is the fact that exiles from Turkey living in Europe organized around *Avrupa Sürgünler Meclisi*[170] (hereafter ASM) from 2013 onwards. Before ASM[171], there was not any organization dealing with the problems or plight of exiles in Europe, since ahead of the foundation of ASM, most of the exiles were organized first in the branches of their own organizations and then in various organizations in the Europe. The need for ASM, as one of the interviewees stated arose when some of the exiles could return to Turkey.

In addition, while some people were tortured and imprisoned for many years, the felt burden of going abroad was underlined by some of the interviewees. Another related aspect of this is that those who left were accused of escaping. This was also reflected in the criticisms directed against ASM. Although a bit long, the following words of one of the ASM founders clearly reveals ASM's point of view on this issue as well as what it means to be in exile. This also seems to be quite overlapping with Arendt's discussions and the socio-historical background provided in throughout the study:

[170] European Exiles Assembly

[171] As a result of the discussions made, instead of limiting exile solely to the 1970s or 1980s; the ASM considers all types of forced or involuntray displacements, including 1915, during the history of the Republic as exile. Its establishment is closely related with the process that was initiated by The European Peace and Democracy Assembly with regard to the Kurdish issue in 2013. ASM is one of the participants of this organization and it specifically works on the issue of exile. Although it is not against individual returns to the country, ASM demands a collective, organized and permanent liberation. It also aims to combat the conditions that generate the exile. 17 leftist/ democrat/ ethnic organizations has declared its support for ASM. (Interviewee 2)

A friend of us from Turkey approached the issue from another angle: He pointed out that we do not need to name ourselves as political asylum-seekers, refugees or exiles, "you are just escapees, you have escaped, you are fugitives." I thanked that person in one of my works, because, yes, he named us correctly, and yes, escaping is a right of a person if that person considers herself/himself under some form of threat psychologically and physically in life. Maybe, we should add here the issue of psychological or social identity as well. Up until now, Turkey has not reconciled that, for at least 40 years, a war is going on because of social identities. In my work, I added that, yes, our name may correspond in legal terms to a refugee or an asylum-seeker, or in cultural terms we may be named as defects or exiles, but if we are to find a name that would better describe our foundation, "escapees" would be a good match. It is to protect the social, biological and psychological well-being in a just war. The universal declaration of human rights, even those declarations are outdated in modern life, but in that declaration, one's right to his/her native tongue is regarded as, along with one's right to faith etc., one of those fundamental human rights. If a person cannot use his basic rights, s(he) cannot live as a human being: so, we end up trying to describe this deficient human. In that respect, whatever the reason is, be it someone could not use the mother tongue freely, or someone could not express political thought freely because of oppression, or someone felt his/life is threatened, whatever the reason is, escaping for that person amounts to looking for and accessing to freedom. Escaping is the struggle of that person to express himself/herself freely. This is absolutely a political definition, a political description.[172] (Interviewee 2)

[172] Türkiye'den bir arkadaşımızın bir başka yaklaşımı oldu. Kendinizi siyasi ilticacı, mülteci ya da sürgün diye adlandırmanıza gerek yok; siz kaçkınsınız, siz kaçtınız, kaçaksınız diye... Ona da yazdığımız yazıda ben teşekkür ettim, adımızı doğru kullandığını söyledim; çünkü evet biz kaçkındık ama kaçmak bir insan hakkıdır. Yani yaşamını tehlikede gördüğü takdirde psikolojik ve bedensel yaşam burada belki bir psikolojik ya da sosyal kimlik eklemek gerekiyor; yaşam kavramı içerisine ki bu belki Türkiye açısından alışılmadık bir şey bu zamana kadar ama en azından 40 yıldır bir sosyal kimlik üzerinden bir savaş sürmektedir. Bunları ekleyerek dedim doğru bizim hukuk karşısındaki ismimiz mülteci ya da ilticacı bizim kültürel anlamdaki kavram olarak ifade edildiği zaman eksik ya da sürgün denilebiliyor ama bizim alt yapımızı oluşturan bir kelime aranıyorsa biz kaçkınlarız. Doğru bir savaşta yaşamımızı ve sosyal ve biyolojik ve psikolojik vs yaşamımızı koruyabilmek için. Bugün insan hakları evrensel bildirgelerinde ki onlar bile eskimiştir çağımızla kıyaslandığında... İnsan hakları evrensel bildirgelerinde mesela dil her insanın dili, temel insan hakları kavramlarından biri olarak geçer ya da inançları vs bütün bunlar insan hakları kavramları içerisinde. Demek ki insan haklarını kullanamadığı takdirde insan olarak yaşayamıyor demektir. Bir eksik insan tarifi çıkıyor. Bu anlamda sürgünlük ister böyle bir gerekçeyle ister dilini kullanmada ister etnik kimliği ile ortaya çıkamadı, ister politik düşünceleri yasaklandığı için kendini özgür ifade edebilme olanaklarını kaybetti, isterse fiziksel olarak yaşamını tehlikede gördü... Hangi gerekçeyle olursa olsun kaçmak bir özgürlük arayışıydı; kaçmak özgürlüğe ulaşma çabasıydı. Kendini özgürce ifade edebilme çabasıydı ve bu da tamamen politik bir kavramdır, politik bir tariftir.

In this study, the interviewees were mostly directed by ASM and the people around it. Among the interviewees, some were actively involved in ASM, some others criticised the organization and a few did not even heard of it. Therefore, while the data collected, differs in terms of citizenship and revocation of citizenship practices, it is clear that studies including more people with different backgrounds, will enrich our understanding of the issue. The tables below lists the interviews made within the context of this study. After the lists, the next part focuses on the analysis of in-depth interviews.

Table 10: The List and Profiles of the Interviewees

No	Gender	Date of Birth	Rendered De Facto or De Jure Stateless	Citizenship (At the Time of the Interview)	Resident in (At the Time of the Interview)	Interview Conducted by means of
1	Male	1936	De Jure	Belgium	Belgium	Face to face
2	Male	1950	De Facto	Germany	Germany	Face to face
3	Male	1955	De Facto	France	Turkey	Face to face
4	Male	1953	De Jure	Turkey	Turkey	Face to face
5	Male	1960	De Facto	Germany&Turkey	Germany	Face to face
6	Male	1957	De Jure	Sweden	Sweden	Skype
7	Male	1953	De Jure	The Netherlands	The Netherlands	E-mail
8	Male	1948	De Jure	Germany	Germany	E-mail
9	Male	1946	De Jure	UK	Turkey	Face to face
10	Male	1976	De Jure	Stateless	UK	Face to face
11	Male	1950	De Jure	Germany & Turkey	Germany	E-mail
12	Male	1946	De Jure	Switzerland & Turkey	Turkey	E-mail
13	Male	1955	De Facto	Germany	Germany	E-mail
14	Male	1959	De Facto	Austria	Austria	E-mail
15	Male	1957	De Jure	France & Turkey	Turkey	E-mail
16	Male	1957	De Jure	Germany	Germany	E-mail
17	Male	1957	De Jure	Turkey	Turkey & Germany	E-mail
18	Male	1954	De Jure	France	France	Face to face
19	Female	1956	De Jure	Germany & Turkey	Turkey	Face to face
20	Male	1949	De Jure	Turkey	Turkey	E-mail
21	Male	1959	De Facto	Turkey	Belgium	Skype
22	Male	1941	De Jure	Germany & Turkey	Turkey	Face to face
23	Male	1960	De Jure	France	France	Mobile Phone
24	Male	1957	De Jure	Stateless	France	Skype
25	Male	1956	De Facto	Germany & Turkey	Germany	Skype
26	Female	1972	De Facto	Turkey	Germany	E-mail

Table 11: The List of Expert Interviews

No	Gender	Profession	Interview Condducted by means of
1	Male	Academician	Face to face
2	Male	Human Rights Advocate	Face to face
3	Male	Parlamentarian and Lawyer	Face to face
4	Male	Lawyer	Face to face
5	Female	Academician	Face to face
6	Male	Academician	Face to face
7	Female	Academician	Face to face
8	Male	Lawyer (Abroad)	Skype
9	Male	Journalist (Minority newspaper)	Face to face
10	Male	Journalist (Minority newspaper)	Face to face
11	Male	Minority foundation representative	Face to face
12	Female	Non-governmental organization researcher	Face to face
13	Male	Minority foundation representative	On the phone
14	Male	Governmental institution representative	Face to face
15	Male	Non-governmental organization representative	Face to face
16	Male	Freelance journalist (Abroad)	Skype

5.2.2. Perceptions on Homeland and Citizenship

I identify my home country with my childhood. As I grew up, somehow I drifted apart from it, and the more I drifted apart, the more it grew within me.[173] *(Interviewee 13)*

Remembering her arguments on 'calamity of rightlessness', Arendt (1962, p. 293) purports that "The first loss which the rightless suffered was the loss of their homes, and this meant the loss of the entire social texture into which they were born and in which they established for themselves a distinct place in the world." To get an idea on this loss, after a general introduction on the socio-demographic characteristics, the interviewees were asked what the concepts of homeland and citizenship meant to them in the in-depth interviews. Based on the answers, one can easily categorize them into two groups. For the first group, the connotations of both concepts were rather sentimental and the emphasis made rather on the cultural commonality

[173] Benim için vatanım çocukluğumdu ve büyüdükçe ondan nedense uzaklaştım, uzaklaştıkça da o büyüdü içimde.

dimension. The metaphors used for the word homeland were "family home", "the most meaningful part of life", "memories" and "as a part of identity". The concept of citizenship, on the other hand, was defined by the interviewees as "a belonging which one does not have a chance to choose and that adheres to him when he is born", "something emotional, not legal" and "living with people of the same culture". One of the interviewees delineated his feelings as:

> It is not the citizenship one looks for, rather one looks for her/his deep memories. Following your experience with heavy illegal conditions and inhuman prison settings, it is like wearing a luxurious comfy dress, but it is a dress that tightly fits you for the rest of your life.[174] (Interviewee 17)

The interviewees in the second group were those who mentioned that homeland or citizenship did not have a meaning for them and some of them rather emphasized that they feel as global citizens. Moreover, they further stated that they feel like "landless and rootless" and they do not belong to anywhere. To quote one of the interviewees, he stated:

> Citizenship has never meant anything to me: It still does not. What's important is that one can manifest behaviors and express thoughts freely without being held under any type of pressure. … I always felt as a person who is without land and without roots. My feelings are not about citizenship, because my struggle has always been in the name of creating another world. That struggle is ongoing and I will continue to struggle for it until my last breath.[175] (Interviewee 8)

However, in addition to the two groups above, it should be mentioned that views of Kurdish interviewees diverges from this categorization. In general, Kurdish interviewees mentioned that they do not recognize the Turkish state as their state and

[174] Vatandaşlıktan çok insan doğup büyüdüğü, derin anılarının olduğu yerleri arıyor. Ağır illegal koşullardan, insanlık dışı cezaevi koşullardan sonra rahat lüks ama dar bir elbise giymiş gibi hissediyor insan yaşam boyu kendini.

[175] Vatandaşlık benim için hiç bir şey ifade etmedi ve etmiyor. Önemli olan düşünce ve davranışların hiç bir baskı altına alınmadan ifade edilmesidir.... Kendimi her zaman topraksız ve köksüz hissettim. Vatandaşlıkla ilgili değil bu hislerim, çünkü ben başka bir dünya yaratma mücadelesi verdim ve halen veriyorum, son nefesime kadar da vereceğim.

since they do not consider themselves as citizens neither. Nevertheless, while a Kurdish interviewee refers to Turkish citizenship as a "compulsory citizenship", the other one states:

> Citizenship can be compared to the stock certificates of a joint-stock company whereas the state is that joint-stock company. Why should I give up that right of me? One day the worth of those shares may skyrocket.[176] (Interviewee 6)

It is apparent that the institution of citizenship is not only experienced in a wide variety of manners, but also means different things to those who fully get its benefits and to others deterred from availing of it. Moreover, for a de jure stateless individual, not having one, creates a limbo situation that oscillates between belonging vis a vis rootlessness as well as freedom. The owner of the sentences below is a Kurd as well, but a stateless person. His perception totally differs from the others:

> Well, now, neither can I see myself as belonging to England, nor as belonging to Turkey. I am in a vacuum and I am looking for an answer, but I cannot find it. … But, of course that longing for Turkey is still there: not as a Turk, but as a Kurd. Well, I have to stay in this open prison as if England is 100 km wide or 1000 km wide: I am only free within this territory. I cannot go out of this zone. France is in one-hour distance but you are not allowed to go. Belfast is in 45-minute distance, not allowed to go. Wherever, you go, you are asked about your papers, your residency, and your register. If you have an issue with the police, if the police officer asks you to show your identity, you cannot give your identity papers. There is nothing that belongs to you.[177] (Interviewee 10)

[176] Vatandaşlık bir hisse senedi gibidir anonim şirkette, devlet bir anonim şirkettir. Niye vazgeçeyim? Gün gelir çok değerli olabilir.

[177] Yani şimdi kendimi ne İngiltere'ye ait hissedebiliyorum ne de Türkiye'ye ait göremiyorum. Şu an bir boşluktayım, soruma cevap arıyorum ama bulamıyorum ... Ama sonuçta bir özlem var Türkiye'ye karşı. Bir Türk olarak olmasa bile bir Kürt olarak bir özlem var yani şu an mecbur açık bir hapishanedeyim yani diyelim ki İngiltere 100 km veya 1000 km sadece bunun içinde özgürüm yani bunun dışına çıkamıyorum.1 saat sonra Fransa'dır ama geçemiyorsun. ... Belfast geçeyim desen 45 dk. geçemiyosun. Nereye gidersen git kimlik soruluyor, oturumun soruluyor, kaydın soruluyor. Polislik bir olayın olsa adam kimlik ver dese kimlik veremiyorsun. Sana ait olan birşey yok.

As a result, as it was mentioned in Chapter II with reference to Sassen (2002), citizenship is not a unitary experience, and various definitions can be provided for it, except for its legal dimension. Furthermore, the interviews display that the perception of citizenship and the felt degree of loss, do not only change with the person's own situation, but also with the ethnic background and the lived experiences. The next part elaborates more on these lived experiences of the interviewees who had to flee abroad from Turkey, on exile, revocation of citizenship and their survival strategies. The next part elaborates more on these lived experiences of the interviewees who had to flee abroad from Turkey, on exile, revocation of citizenship and their survival strategies.

5.2.3. Life Experiences after Exile and/or Revocation of Citizenship

> *In short, Germany has become our new "home." It is as if we were abused by our parents and we have found a new home, Germany is such a new "home" to us. … How I recall Turkey is like those parents who regularly make the news on the third page of newspapers: those parents who could not take care of their children, those parents who abused their own children.*[178] *(Interviewee 16)*

This part of the study, by placing at the core of the analysis the interviewees' experiences, aims at providing insight about revocation of citizenship and exile as well as de facto and de jure statelessness. To begin with, as Massey (2010) also propounded, refugees are either de jure or de facto stateless persons. Considering the Turkish case, it should be mentioned from the beginning that regarding the interviewees of this study, refugeehood intertwined de jure and de facto statelessness. This is due to the facts that first, when they were revoked of their Turkish

[178] Kısaca Almanya yeni "yuvamız" oldu. Ebeveynleri tarafından kötü muameleye maruz kalmış bir çocuğun yeni yuvası nasılsa, Almanya da bizim için öyle bir "yuva" işte. ... Demek ki Türkiye bana, sık sık üçüncü sayfa haberlerinde okuduğumuz gibi kendi çocuklarına göz kulak olamamış, kendi evlatlarına kötü muamelede bulunmuş anne babaları çağrıştırıyor.

citizenship, and rendered de jure stateless, most of the interviewees had already fled and were living abroad. Second, some others had already obtained a residence permit or the asylum status and albeit they were not revoked of their citizenship, they were turned into de facto stateless persons. Yet still they were destitute of the diplomatic protection. This is where Arendt (1962, p. 294) makes mention of the second loss; in her own words:

> The second loss which the rightless suffered was the loss of government protection, and this did not imply just the loss of legal status in their own, but in all countries. Treaties of reciprocity and international agreements have woven a web around the earth that makes it possible for the citizen of every country to take his legal status with him no matter where he goes ... Yet, whoever is no longer caught in it finds himself out of legality altogether ... By itself the loss of government protection is no more unprecedented than the loss of a home. Civilized countries did offer the right of asylum to those who for political reasons, had been persecuted by their governments, and this practice, though never officially incorporated into any constitution, has functioned well enough throughout the nineteenth and even in our century. The trouble arose when it appeared that the new categories of persecuted were far too numerous to be handled by an unofficial practice destined for exceptional cases.

That being thrown out of the pale of law and deprived of governmental protection, in Arendt's view, the rightlessness is not about absolute loss or enactment of the rights, but rather (Arendt, 1962, p. 295):

> The calamity of the rightless is not that they are deprived of life, liberty, and the pursuit of happiness, or of equality before the law and freedom of opinion—formulas which were designed to solve problems within given communities—but that they no longer belong to any community whatsoever.

Belonging to a community, which is directly related to third loss, has a crucial place in Arendt's analysis and it will be elaborated on in the following pages. Yet, before that, it seems important to make mention of the lived experiences of exiles, and exile itself, which displays that rightlessness is not just solely related to the granting and

enactment of basic human rights, in Arendt's understanding. Regarding exile, Eastmond (1989, p. 7) contends that:

> Exile represents a social disruption at structural levels which leaves no domain of social experience untouched, with profound and existential consequences. ... The condition affects the lives of refugees in all their vital dimensions -social, cultural, emotional and even physical- as it ruptures the basis of the social world of those affected and attacks their ontological security.

On the basis of the interviews made for this study, the interviewees' survival strategies in and with exile, and their coping mechnanisms, can be covered in three headings that refers to the rupture Eastmond makes mention of. For this study, it can be argued that they are in parallel with the experiences related to psychological/emotional plight of the person, to refugee/asylum implementations of different countries and to implementations of the country of origin that is Turkey. To begin with, Edward Said's (1993, p. 114) frequently quoted and quite long depiction summarizes the psychological/emotional plight of the exiles from Turkey:

> There is a popular but wholly mistaken assumption that to be exiled is to be totally cut off, isolated, hopelessly separated from your place of origin. If only that surgically clean separation were possible, because then at least you could have the consolation of knowing that what you have left behind is, in a sense, unthinkable and completely irrecoverable. The fact is that for most exiles the difficulty consists not simply in being forced to live away from home, but rather, given today's world, in living with the many reminders that you are in exile, that your home is not in fact so far away, and that the normal traffic of everyday contemporary life keeps you in constant but tantalizing and unfulfilled touch with the old place. The exile therefore exists in the median state, neither completely at one with the new setting nor fully disencumbered of the old, beset with half involvements and half detachments, nostalgic and sentimental on one level, an adept mimic or a secret outcast on another. Being skilled at survival becomes the main imperative, with the danger of becoming too comfortable and secure constituting a threat that is constantly to be guarded against.

While one of the interviewees defines refugeehood as "the resetting of life at an adult age and rebuilding the identity"(Interviewee 6); another one, describes the exile with the following sentences:

> Exile is like a death- spreading over time. Especially if you can't do a job or if you're not politically organized. A feeling of eternity occurs, no start no end. You forget people's faces. It is a heavy process (Interviewee 21)

Moreover, some of the interviewees emphasized the severity of the plight of exiles by mentionining that, those who went to the Europe were not only subjected to marginalization, but also they got "lost" if they could not have access to opportunities for learning the language or if they were not politically organized. In some of the interviews, it was mentioned that some exiles committed suicide or had heart attack, and lost their lives since they could not put up with exile. Another important issue made mention of, was the fact that most of the interviewees had been subjected to torture in Turkey before they fled abroad. While the fact that they were exposed to torture eased their asylum processess, its influences accompanied the exiles throughout the years. Some of the interviewees mentioned that when they arrived, the officials of the host countries suggested theraphy sessions for the exiles, since the effects of torture would ensue in 20-30 years time. Although none of the interviewees stated that they got therapy, general tendency was to speak of how being in exile psychologically affected them adversely. An interviewee, who is in exile for fourty years, described this state of mind as:

> When your friends are being tortured at home, we are in Europe and at least we have that immunity; that is, I believe, the one agony all the people who migrated or went into exile go through, if they own a certain sense of responsibility. Well, that's what we experienced. It is not like I have finished questioning it until now. Forty years have passed since then, I am still thinking, was it a correct decision to leave. What could we have done if we stayed? Were there other things we could have done? Those thoughts never stop haunting a person who was made stateless or who was forced into exile. Those thoughts sometimes find their ways in your dreams, you come across with your friends … (Silence) It is hard…[179] (Interviewee 1)

[179] Arkadaşlar orda işkence çekerken biz Avrupa'dayız, en azından bir dokunulmazlığınız var; o sanıyorum bütün göç eden, sürgüne giden insanların yaşadığı bir dram, eğer sorumluluk duygusu taşıyorsa. Biz bunu yaşadık yani, Hala da onun muhakamesini yapmıyor değilim yani ben üzerinden kırk yıl geçti bazen geriye bakıyorum, düşünüyorum acaba çıkma kararını vermek doğru muydu değil miydi. Kalsaydık ne yapabilirdik, başka bir şey yapabilir miydik. O, her vatansızlaştırılmışın ya da sürgüne düşmüş olanın hiçbir zaman başından atamayacağı bir düşünce. Rüyalarınıza da girer aslında, arkadaşlarınızı görürsünüz… (Sessizlik) Zor…

As to the coping mechanisms with being in exile, Said (2000: 181) argues that:

> Much of the exile's life is taken up with compensating for disorienting loss by creating a new world to rule. It is not surprising that so many exiles seem to be novelists, chess players, political activists, and intellectuals.

Both those conveyed in the interviews, as well as the increase in the number of books written by exiles themselves either as organization history or as memoirs, which were published especially during the Peace Process, namely, supports Said's argument. One of the interviewees puts it forth in relation to the conditions in Turkey:

> I do not intend to return to Turkey. I'm not thinking of it, if what is meant is settling there. I have done much in 34 years in France and Germany. I finished a second college. I have written 14 books and published many articles. I could not make of even half of them, if I had lived in Turkey. (Interviewee 11)

There were similar discourses in the narratives of many interviewees, if not all. On the one hand, this can be seen as a reflection of the opportunities that Europe offers to them, while on the other hand it can be interpreted as a compensation for going abroad. Moreover, it seems that this view as well as feeling are shared by exiles from different time periods. A journalist who left Turkey in 1990s states:

> When we went, the Kurds had already become an important force in Europe. We had just started the first television in the history of Kurds. It was really exciting. You fall into the void, you can't believe it, and you live in Europe in the hope that you'll always come back, but you can't. When you struggle, you overcome these things. We had run around, newspaper, television, meeting, rallies, walks... Therefore it went well (Interviewee 5)

Thus, they come to re-enter the political arena from which they were excluded in Turkey; they maintained their struggle as a coping mechanism in exile and this allowed them to experience a relatively lighter experience of exile. That political activisim, seems to ease the greviances of their being in the exile more or less,

however, in some instances, it turned into a trouble for them. This point requires to mention of the refugee/asylum implementations of different countries.

As Van Waas (2011, p. 36-37) argues, there are a great deal of discrepancies with regard to the circumstances in which stateless persons live, "yet an impaired ability to exercise an assortment of rights remains a common complaint." From education to work permits, from owning property to getting married, de facto and/or de jure stateless persons faces with various problems. In addition, arbitrary detention and violation of right to travel are some of the common problems that stateless persons confront with. Moreover, due to the fact that "the rights of the stateless in the areas of association, freedom of movement, residence, work, public assistance, identity and travel documents are all contingent upon 'lawful' residence in the state" (Belton, 2011, p. 62), stateless persons might potentially be hampered from fully enjoying their rights. Accordingly, if a state, which is party to the 1954 Convention, does not convince that a person resides lawfully, then it does not have an obligation to provide the aforementioned rights (Belton, 2011). At this point, the following quotation from a still stateless ex-Turkish citizen clarifies how the practice of naturalization can sometimes serve not to the best interest of the stateless person, but to that of the state in question:

> I have been abroad for 36 years, I am in France. I had the opportunity to apply for French citizenship, but I haven't done it up until now. Now, I have applied for it, but, well, that's a complicated process for me. Because the French state has also judgments about me. It has been a challenging process. I am not a national of any country right now. But, when we look at the laws of France, finally it has to accept me and take me in. But, the problems France is going through right now and my background in an [unlawful] organization complicate my process. … If you prove you have been in France for two years, they accept you, the laws say that. But, they prolong the process because of my case. For more than 30 years, I have been in this country. If they do not grant me citizenship, we will solve my case through ECtHR, there is no other way to it.[180] (Interviewee 24)

[180] 36 yıldır yurtdışındayım, Fransa'dayım. Fransa vatandaşlığına daha önce başvurma olanağım olduğu halde başvurmadım. Ancak bunu yeni yaptım, o da karmaşık bir süreç benim açımdan yani. Çünkü Fransız devletinin de benle ilgili yargıları var, biraz zorlu bir süre geçti. Şu anki statüm; apatride yani herhangi bir ülkenin vatandaşı değilim. Fakat Fransa sonuç olarak kendi yasalarına baktığımızda

To continue with the interviewees' experience about assortment of their rights, it was apparent from the interviews that the host country as well as the time period plays a significant role throughout the process. Almost all of the interviewees underlined the fact that seeking asylum and living as a de facto or de jure stateless person in the 1980s was relatively easier in general. One of the reasons for this was that in the 1970s the number of exiles living in Europe was relatively fewer and thus those fled in the 1980s were more advantageous because political organizations from Turkey were already established in the European countries, particularly in Germany. Another reason is that in the 1990s, as early as the mid 1980s, the European countries had already began to constitute a common immigration policy system as well as border policy and these had impact on the asylum seekers (Soykan, 2011). Before, there were variations among the European countries with regard to their implementations. However, as the interviewees' stated, the policy of the socialist Mitterand government in France was to accept asylum seekers from Turkey and accordingly the process for those who applied to France was easier, compared to Germany, Austria and the UK, to name but a few. Accordingly, although the principle anticipated for asylum application was that the person appeal to the country in which s/he first stepped in, some of those seeking asylum applied to France, albeit they entered different countries. One of the interviewees narrates this process with the following sentences:

> I left [my country] in 1981. First, I went to Germany. I stayed there until 1987. Mitterrand was in power then. Well, it appeared then that he announced to grant asylum to people who had to leave their country. I could not get a status as a student in Germany. So, I came to France. Friends in France told me to go there: they knew I wanted to be a student in high school and told me it was easier to be a student there. It really turned out that to be easier. I was granted asylum in 1988 and I returned to Germany. [What was your reason for returning to Germany?] Well,

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almak, kabul etmek zorunda bunu. Fakat Fransa'nın şu anda yaşadığı problemler benim kendi özelim, kendi örgütsel bir geçmişim nedeniyle bu konuda sıkıntı yaratıyorlar tabi... 2 sene Fransa'da bulunduğunuzu kanıtlarsanız kabul ediyorlar, yasaları böyle. Fakat benle ilgili sıkıntı yaratıyorlar. Ben bu ülkede 30 seneyi aşkın bulunuyorum. Vermedikleri takdirde AİHM ile bu işi çözeriz, başka yolu yok.

> there were more Turks in Germany. And all of them were politically involved.[181] (Interviewee 23)

Another one states:

> I actually wanted to stay in France but later I decided to stay in Germany and applied for asylum there. I preferred France in the first place because of my skills in French and maybe I would get the support of the French Communist Party … At the end of a 1.5-year process, Germany declined my application; on grounds that I was an "international terrorist." Between 1980 and 1990, the wait times for applications could be prolonged up to 4.5 years there. So, I illegally moved to France. The system is different there; I was granted asylum in 1.5 days.[182] (Interviewee 2)

To be granted asylum was not only important because it provides sort of a protection against the state from which the asylum-seeker comes from. The fact that it would ensure lawful residence eased exercising of the basic rights. However, every asylum-seeker was not lucky enough and their experience, as another interviewee depicts, differ:

> I went abroad in 1984. The main theme of my escape was the fear of being caught. Because, I deserted from the [unlawful] organization, I could not handle the challenges brought about. I decided and went abroad with a fake passport. I stayed in Vienna, the first place that I arrived. I am still living here. I applied for asylum here. For 5.5 years, my application

[181] Ben 1981'de ayrıldım. Önce Almanya'ya gittim. Almanya'da kaldım 1987'ye kadar. O zaman Mitterrand hükümeti vardı. Ülkesinden gitmek zorunda kalan çıkmak zorunda kalan insanlara iltica hakkı verileceğini falan ilan etmişti yani açıkçası. Almanya'da öğrenci statüsü de elde edemedim. Dolayısıyla Fransa'ya geldim. Fransa'da arkadaşlarım, bana, sen buraya gel dediler. Daha kolay hem, işte o zamanlar benim liseye gitmek istediğimi de biliyorlardı arkadaşlar. Buraya gel daha kolay olur dediler. Hakikaten daha kolay oldu. Fransa da iltica ettim 1988 de ve tekrar Almanya 'ya döndüm. [What was your reason for returning to Germany?] Daha çok Türk vardı işte Almanya'da. Buradakilerin hepsi politikti.

[182] Aslında Fransa istiyordum ama Almanya'da kalmaya karar verince iltica talebini Almanya'da yaptım. Hem Fransızca bilgisi, hem Fransız Komünist Partisi desteği olabileceği için... 1.5 yıl sonunda Almanya'da iltica talebim olumsuz sonuçlandı; "uluslararası terörist" olduğum gerekçesiyle. 80-90 arası 4.5 yıla kadar çıkan uzun süreli beklemeler olabiliyordu... İllegal olarak Fransa'ya geçtim. Sistem de farklı; 1.5 günde Fransa'da iltica hakkı aldım.

> was not accepted. I never received benefits from the state. In the meantime, I worked illegally. In 1989, I received the passport with refugee-stateless status in 1989.[183] (Interviewee 14)

In addition to all these, although the number of interviewees who spoke of discrimination or maltreatment, the quotation below displays the fact that there are also cases in which asylum seekers experience violence in the host countries:

> During my application for the refugee status, I was exposed to threats of a woman from the refugee commission, who claimed that I was a terrorist and I should be sent back to Turkey. Then, I hired a lawyer and I was able to obtain a passport with a stateless status. Two years after I hired lawyer, I obtained the passport with a refugee status. I never received aid from any organization in Vienna. At the onset, I was unaware [of the benefits], then, since I always worked illegally and started to support myself economically, there was no need to ask for it.[184] (Interviewee 14)

Moreover, few interviewees stated that they did not and not want to apply for aslyum. The strategies they used for legal residence included registering as a student. The fact that they had to flee Turkey, also resulted in interruption of their educational life, and most of them either could not finish school or fled before they receive their diplomas since they were wanted. This had influenced the exile period, particularly with regard to basic survival. In this respect, Arendt (1962, p. 296) argues:

> But neither physical safety—being fed by some state or private welfare agency—nor freedom of opinion changes in the least their fundamental situation of rightlessness. The prolongation of their lives is due to charity and not to right, for no law exists which could force the nations to feed them; their freedom of movement, if they have it at all, gives them no

[183] 1984 yılında yurtdışına çıktım. Kaçışımın ana teması yakalanma korkusu. Çünkü örgütten ayrılmıştım. Tek başıma zorlukları göğüsleyemedim. Kendim karar verdim ve sahte pasaportla yurtdışına çıktım. İlk geldiğim yerde, Viyana'da kaldım. Ve hala burada yaşıyorum. İltica talebinde bulundum. 5,5 sene ilticam kabul edilmedi. Devletten hiç bir yardım almadım. Bu arada kaçak işlerde çalıştım. 1989 yılında mülteci-vatansız pasaportu aldım.

[184] Mülteci başvurumda mülteci komisyonunda görevli kadının tehditlerine maruz kaldım. Bana sen teröristsin, seni Türkiye'ye göndermek gerekiyor dedikten sonra avukat tuttum. Avukatım üzerinden de vatansız pasoportu aldım. Avukat tutuduktan iki yıl sonra mülteci pasoportu aldım. Viyana'da hiç bir kuruluştan yardım almadım. İlk başlarda bilmiyordum sonra da kaçak işlerde çalıştığım için ekonomik sorunumu çözdüğüm için gerek duymadım.

> right to residence which even the jailed criminal enjoys as a matter of course; and their freedom of opinion is a fool's freedom, for nothing they think matters anyhow.

In Arendt's analysis, the last points above, which will be opened up in the following pages, are of curical importance in understanding her famous expression of "the right to have rights". But before that, interviewees' experiences require refering to their survival strategies in exile in relation to their physical safety. With regard to lawful residence, those who could not get a residence permit had to continue their lives by working in temporary and precarious jobs, if the social assistance system was not supportive of the asylum seekers. One of the interviewees describe this as "Most of the political refugees do not have a profession, the only thing they know is just the politics. They become like a fish out of water, when they come." (Expert Interviewee 2) For now, while some of those living abroad are already retired, some still survive on unemployment benefits. In addition to education, getting married seems to have been another means of obtaining a residence permit. Although not for all, as it is quoted below, marriage has been a survival strategy as well.

> We were strongly against the concept of an official marriage. …However, a while later some legal issues pressed themselves; I was an applicant of asylum in France, but I needed to reside in Germany. The expediencies of the marriage system in Germany imposed itself on me to be able to reside in Germany legally for a long time and to legally work there. I had to get married. But, German officials told me to apply with the [Turkish] Consulate. The Consulate rejected our request to get married since we were asylum-seekers. So, I applied to France. French officials brought the judicial procedures of the three countries in front of me. …It was not possible to go further with that option. We applied to Germany. They want us to get married, but the same rules were imposed …Well, if you research really hard, you can find solutions. We finally got married under the rules of Denmark.[185] (Interviewee 2)

[185] Resmi evlilik kavramına şiddetle karşıydık... Bir süre sonra ama bir hukuk bastırdı; Almanya'da oturabilmem için çünkü ben Fransız ilticacısıydım. Almanya'da yasal olarak uzun süre oturabilmek ve iş bulabilmek için resmi evlilik sistemlerin dayattığı zorunluluğuyla karşı karşıya kaldım. Resmi evlenmek zorunda kaldım ama evlenebilmek için önce Almanya dedi ki konsolosluğa başvur. Konsolosluğa başvurdum, evlenme talebimizi reddetti, ilticacı olduğumuz için. Tamam, Fransa'ya başvurdum. Fransa üç devletin hukukunu birden getirdi koydu önüme... Fransa da olmadı, Almanya'ya başvurduk. Almanya istiyor bizden evlenmemizi, aynı kuralları bu sefer Almanya istedi. ... En son ha tabi arayınca bulunabiliyor; Danimarka evliliği yaptık biz.

Lastly, while some of the interviewees mentioned that they did not prefer to be naturalized, at least until they had to. One of the interviewees mentioned that it was something of an emotional thing. That is to say that, he went exile to ensure his safety of life for a temporary period and from his point of view, being naturalized was an exploitation of the host country. However, another interviewee explained his attitude as below:

> German rules required us to renounce Turkish citizenship, however, Turkey was not expelling us [from Turkish citizenship]. In those cases, Germany was still granting citizenship to asylum-seekers… I did not want to apply for German citizenship, the main reason for that was political. It was kind of relieving not to opt for that: I could have been prosecuted any time, just like you, like how the people in Turkey were prosecuted.[186] (Interviewee 2)

Nevertheless, that they could not enter into Turkey either because they were not Turkish citizens anymore or they had ongoing cases at the Turkish courts, some of the interviewees stated that they applied for renunciation of Turkish citizenship. The reason for that was acquiring citizenship of another country, which does not allow for dual citizenship, to be able to enter into Turkey. Accordingly, citizenship of another country then emerged as a survival strategy, though a couple of interviewees stated that Turkish state was not eager to give permission for it.

There were other implementations of the Turkish state and these lead to interviewees developing distinct mechanisms. To begin with, the fact that the Turkish state makes the call for return to those who fled considering the conditions of time is not a very effective method. Although, the state asserts that it sent the notices to the residential address or to the family address, some of the interviewees learnt[187] that they were

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[186] Almanya Türk vatandaşlığından çık diyor ama Türkiye çıkarmıyor. Bu durumda Almanya yine de ilticacılara vatandaşlık veriyordu.... Almanya'da vatandaşlığa başvurmak istemedim, esas sebebi politikti. Rahatlatan bir tercihti, her an, ben de sizin, Türkiye'dekilerin olduğu gibi yargılanabilirim üzerinden.

[187] What is more striking, even there are Turkish citizens who were revoked of citizenship, probably on the basis of Article 25/ç while some of them were in a Turkish prison. For some of the news

revoked of their Turkish citizenship after many years. Moreover, as might be expected, accessing to the Official Gazette was not as easy as it is at the present time. Some of the interviewees stated that the revocation of citizenship did not affect themselves or their lives when they learnt about it, and one of them explained it as:

> When I was revoked of Turkish citizenship, I was already in Germany. I did not feel anything. If you are politically active within the context of the September 12 coup, you have to pay the costs. I regarded the issues with that outlook.[188] (Interviewee 11)

However, the conditions of de facto and de jure stateless persons varied and that they were revoked of citizenship had different emotional and/or legal consequences for others:

> I learned it through the Council of Ministers decision published on the X.X.2002-dated [Turkish] Official Gazette. One of my friends who read about the news notified me. First I was really very surprised and I felt weird. Because many people who were applying to exit from the citizenship in order to evade compulsory military service were being rejected then. I felt as if I was ripped off by gangsters. I was still a citizen during when I was being tortured in all possible ways in the cellars of the police headquarters. Even though they were placing unjust accusations and were using all the illegal torture methods, they were still considering me as a citizen. We were still formally 'equal' with them on the basis of citizenship. I was paying the cost of what that citizenship entailed. I did not doubt for once that I would hold them accountable one day. (I still have no doubts for time is the best medicine.)[189] (Interviewee 7)

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related to the issue, please refer the links: http://sendika63.org/2013/05/ahmet-ne-yasar-ne-yasamaz-107581/, https://www.sabah.com.tr/gundem/2009/06/07/vatansiza_gorus_yasagi, https://t24.com.tr/haber/askerden-kactigi-icin-vatandasliktan-cikarildi-yeniden-vatandas-olmak-icin-yaptigi-tum-basvurular-reddediliyor,815797?fbclid=IwAR0EgJkY17norh-hfeqv1BUnm36mzgW3lwxx7Lpof2Dcal5OFM2gm37h5tA

[188] Çıkarıldığımda zaten Almanya'da idim. Hiçbir şey hissetmedim. Politik olarak aktifseniz, 12 Eylül koşullarında faturayı da ödeyeceksiniz. Meseleyi bu çerçevede gördüm.

[189] X.X.2002 tarihli Resmi Gazete'de yayınlanan Bakanlar Kurulu kararıyla öğrendim. Haberi okuyan bir dostum haber verdi. Önce çok şaşırdım ve bir tuhaf oldum. Çünkü askerlikten kurtulmak için vatandaşlıktan çıkmak için başvuran bir çok kişinin bu talebi kabul edilmiyordu. Ben hiç bir talepte bulunmadığım halde askerlik yapmadığım için vatandaşlıktan çıkarılmıştım. Kendimi gangsterler tarafından soyulmuş gibi hissettim. Emniyet bodrumlarında her türlü işkence yapılırken bile vatandaş

> To be honest, I do not remember what I felt at that moment, but later I remember celebrating it. … We celebrated because … Wow! Because it meant that the doors for a travel to Turkey would open then. I was like I won something. … It was like you learn you won something and you are delighted about it.[190] (Interviewee 23)

> Revocation of my citizenship did not cause any extra difficulties in my life in exile. I had already applied to the Austrian authorities for an asylum. When I learned that I was revoked of citizenship, I gave my papers to UNHCR and to the Austrian foreign police office. My asylum application, which was not addressed until that moment, was admitted and I was granted a passport with the status of stateless-Heimatlos. But, that did not help too much. Because, the countries I could visit or denied entrance was written down on the passport.[191] (Interviewee 20)

The fact that both the treatment of host countries as well as the country of origin for stateless persons varies to a great extent, as Van Waas argued, it requires mentioning of the multifaceted problems that stateless persons face, since all these problems needs distinct strategies to be able to tackle. Considering this study, the plight of children show up besides many others. Although, in theory, the decision of revocation of citizenship should not affect either the spouse or the children, the uncertainity surrounding stateless persons directly or indirectly and adversely or affirmatively affects children. One of the interviewees describes how the decision of citizenship revocation affected his daughter as follows:

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idim. Beni haksız olarak suçlasalar da, hukuk dışı her türlü işkenceyi yapsalar da vatandaş olarak kabul ediyorlardı. En azından formel olarak onlarla vatandaşlık temelinde "eşit" idim.Vatandaş olmanın bedelini ödüyordum. Bir gün bunların hesabını soracağımdan şüphem de yoktu.(Hala daha da yok, zaman en iyi ilaçtır derler)

[190] Dürüst davranmak gerekirse ne hissettiğimi o anda hatırlamıyorum ama daha sonra kutladığımızı hatırlıyorum...Kutladık çünkü...Vay be! Türkiye'ye gitme kapısı açıldı yani. Şimdi bir şey kazanmış gibi oldum…Bir şey kazanırsınız ve sevinirsiniz gibi bir şey oldu.

[191] Vatandaşlıktan çıkarılmam sürgündeki yaşamımda artı bir olumsuzluk yaratmadı. Zaten Avusturya makamlarına iltica için başvurmuştum. Bu kararı öğrenince belgeleri Birleşmiş Milletler Mülteciler Komiserliği'ne ve Avusturya yabancılar polisine verdim. O güne kadar cevap verilmeyen iltica başvurum kabul edildi ve bana vatansız-Heimatlos- pasaportu verildi. Fakat bunun da büyük bir yararı yoktu. Çünkü pasaportta yine orjin ve hangi ülkelere gidip hangilerine gidemeyeceğim yazılıydı.

I literally had nothing. … Ayşe, of course, had some means, her father was still alive. When her father passed away, we encountered something we never expected. We thought that Duygu was revoked of [Turkish] citizenship; however, it appeared that she still held it. This helped in the sense that if Ahmet, her father died, the state would have seized Ayşe's share on the will, which did not happen and Duygu finally inherited the share. During the process of obtaining German citizenship, they asked about the citizenship of the child. We wanted our daughter to stay in Turkish citizenship. They asked why. We cited the reasons. … In fact, among the three of us, Duygu, who was the only German, ended up not keeping her German citizenship. When, later, she applied for German citizenship, the officials rejected the application on grounds that the family is no longer residing in Germany. The family was a source of fun in the final state of citizenships: the parents obtained German citizenship, our younger son kept his German citizenship for about a time, Duygu stayed as a Turkish national.[192] (Interviewee 22)

Another outcome of being stateless is related with the issues about the child you had. My daughter was born in Paris. Like "a gift given for your birth," I learned that I was expelled from citizenship. It was not possible to register my daughter on her grandfather's register in Turkey. French officials offered to describe her status as "a political refugee." … I did not concede. Later, we went to Germany. They told me, "For 40 years Turks are here but we have never seen such as case as yours: a Swiss lady gave birth in France and the father is stateless, then they ask papers from the German officials." I was able to register my daughter many years later on my register in Turkey when I was finally admitted back to Turkish citizenship. My daughter was 16 years old. Until that age, she remained on her mother's register. She was accepted as my daughter in all parts of the world but not on my Turkish identity register. When I received my Turkish identity card, I also applied to the Consulate to get a Turkish card for her as well and they told me there "to obtain a DNA test from a full-fledged hospital to prove that she was my daughter."[193] (Interviewee 12)

[192] Benim de hiçbir şeyim yoktu... Ayşe'in vardi tabii ki, babası sağ idi. Babası vefat ettiği vakit, biz hiç ummadığımız bir şeyle karşılaştık. Biz Duygu'nun da vatandaşlıktan atıldığını zannediyorduk, o meğer Türk yurttaşlığında kalmış. Bu şuna yaradı; aksi takdirde Ahmet Bey öldüğü vakit Ayşe'nin hissesine devlet el koyacaktı; Duygu'ya kaldı. Yurttaşlığa geçerken çocuk ne olacak dediler, kız kalsın dedik. Niye? Böyle böyle... Aslında bu 3 kişi içinde tek Alman olan Duygu, Alman olamadı. Sonradan yurttaşlığa başvurduğu vakit aile artık Almanya'da oturmuyor diye reddettiler. Aile çok matrak bir hale geldi; anne-baba Alman olduk, küçük oğlumuz sadece Alman olarak kaldı bir süre, Duygu ise sadece Türk olarak kaldi.

[193] Vatansız kalmanın başka bir sonucu da budur, yani çocuk sorunu. Kızım Paris'te doğdu, benim hakkımda da sanki "doğum hediyesi" gibi vatandaşlıktan atıldığım kararı verildi. Kızımı dedesinin kütüğüne yazdırma olanağım yok oldu. Fransız yetkililer "politik mülteci yapalım" dediler... Kabullenemedim. Sonra Almanya'ya gittik. Onlar da "40 yıldır Türkler burda ama böyle ilginç bir

For another interviewee, the source of concern was the military service obligation and whether his son will have to do the military service if the interviewee re-acquires the Turkish citizenship.

In addition to these, the fact that some of the exiles were sought by Interpol was another very significant issue in the interviews, both in relation to Turkish state practices and to the right to travel. One of the interviewees mentioned that those who were sought by Interpol, particulary in the 1980s were obliged to travel to the border countries illegaly and strategically not by plane. Therefore, Interpol arrest warrants were the biggest obstacles before the freedom of movement of stateless persons. Another interviewee explained his experience with regard to the revocation of citizenship and Interpol.

> In 1988, following my marriage, I obtained my residency permit in Germany. Back then, you had to wait for five years following the marriage. In 1993, it was the case that I have to renounce Turkish citizenship but Turkey was not allowing to do so. It is because Turkey does not want to lose the right that people, who are on the list of Interpol, be extradited and sent back. Extradition depends on the specific policies of each and every government: some of them may start extraditing people. In 2000, a law was enacted that even if Turkey does not expel from citizenship, Germany could grant citizenship for the asylum-seekers. Asylum-seeker status was a very difficult one; they nullify you.[194] (Interviewee 25)

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durumla ilk kez karşılaştık, İsviçreli bir bayan vatansız birinden Fransa'da çocuk doğurmuş, Almanlardan kağıt soruyor" dediler. Kızımı, yıllar sonra vatandaşlık hakkım iade edildiğinde Türkiye kimliğimde kütüğüme, kaydıma alabildim.16 yaşındaydı. O yaşına dek annesinin kütüğüne kayıtlı durdu. Dünyanın her yerinde kızımdı ama Türkiye'de TC kimliği ve kütüğünde değildi. TC kimliği aldığımda ona da TC kimliği almak ve kütüğüme işletmek için başvurduğumda konsoloslukta "tam teşkilatlı bir hastahanede DNA testiyle kızım olduğunu ispatlamam gerektiği" söylendi.

[194] 88'de almanya'da oturum aldım evlilikten sonra; evlenince de 5 yıl beklemen gerekiyordu o zaman. 1993 yılında Türk vatandaşlığından çıkmam lazım çıkamıyorum; çünkü Türkiye vatandaşlıktan çıkarmıyor. İade hakları olsun diye bizi vatandaşlıktan çıkarmıyor; İnterpol tarafından arananları. İade her hükümete bağlı, kimileri iade edebiliyor. 2000 yılında Türkiye vatandaşlıktan çıkarmasa bile Almanya vatandaşlık verebilir kanunu çıktı siyasi sığınmacılar için o zaman aldım vatandaşlığı. İlticacılık çok zordu; seni hiçleştiriyorlar.

One interviewee asserted that interstate interests, including the economic ones, are effective in Interpol's activities, and the role of the institution, according to him, was:

> When you talk with people about Interpol, they tend to have a warm attitude towards the institution. Because the perception of it is that Interpol essentially is an institution that fights with the international criminal organizations. My personal opinion is that; Interpol is mostly used in political mechanisms. It is like an agency that enables swapping of political criminals between the states, and sometimes it is turned into a tool to enforce sanctions or to put pressure on each other between the states.[195] (Interviewee 2)

Except for the Interpol arrest warrants, a couple of the interviewees spoke of the fact that Turkish state harrassed not only the relatives in Turkey, but also the exiles through the consulates abroad. As one the interviewees states:

> During this period [in exile], of course we were involved in the class struggles in Germany as well as in the struggle with the country's problems with close attention. In the meantime, the offices of the Turkish Republic in here and the institutions in Turkey were not neglecting to take care of us. They were disturbing my mother, who was alone in Turkey, with [unwanted] frequent visits, and they were trying to court me to come to their consulate offices. Employing lots of tricks, they called me to the Consulate to be able to seize my passport. They did not expel me from citizenship but they used many excuses to try to deprive me of my passport.[196] (Interviewee 13)

Furthermore, again with regard to the consulates, what the interviewees mostly mentioned of, was the lack of consular services. Moreover, the arbitrary attitudes of

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[195] Toplumda İntrerpol dediğiniz zaman İnterpol'e yönelik bir sıcak yaklaşım var aslında. Çünkü İnterpol esas olarak mafya gibi uluslararası suç örgütleriyle mücadele eden bir kurum gibi algılanıyor. Oysa kişisel düşüncem İnterpol'ün en çok kullanıldığı alan siyaset mekanizmaları. Yani devletlerarasındaki siyasal suçluların birbiriyle takaslanabilmesi ya da birbiri karşısında yaptırım gücü yaptırma, zorlama gibi bir şeyin amacı aracı haline gelebilmektedir İnterpol.

[196] Bu süre içerisinde [sürgündeyken] tabiki Almanya'daki sınıf mücadelesi içinde yer aldığımız gibi, ülkedeki sorunlarla da yakından ilgilenerek mücadele içerisinde yer alıyorduk. Ancak bu dönemde buradaki TC ve Türkiye'deki kurum ve kuruluşlar da bizimle ilgilenmeyi ihmal etmiyorladı. Türkiye'de yanlız kalan anamı gidip gelip sıkıştırdıkları gibi, burada da konsoloslukları vasıtasıyla bana çeşitli kurlar yapıyorlardı. Çeşitli oyunlarla beni konsolosluğa çağırıp pasaportuma el koyma oyunlarına başvurdular. Vatandaşlıktan atmadılar ama türlü bahanelerle pasaportsuz bırakmak istediler.

the officers were another matter that made the interviewees' experience difficult. To start with the consulates, it seems that especially until the last 5-10 years, consulates have not been tolerant. Two of the interviewees sum the problems up as:

> You are being tried at a court in Turkey, you are being sought after, you are not able to go the Consulate practically. When they need you to sign a document, you have to sort it out. You are sending the papers along with someone you know, but in that case you need to sign a document at the notary or you need the services of a lawyer, for him to have you sign the paper. The lawyer goes back and forth between you and the Consulate a couple of times and follows up with your transaction. A task you can complete in a day could only be completed in one or two months. Those were the challenges … You cannot go to the consulate; you should not do that. Because the consulate is the territory of the country. You are the person who is being sought or sued about, the consulate does not actually do the process.[197] (Interviewee 3)

> I was born in Turkey. I have been living in England for 20 years as a political asylum seeker. I came here and I learned 6-7 months later that I was expelled from Turkish citizenship. There was a court proceeding in 1997. I presented the court evidence but they told me the newspaper I presented was not an original one, the evidence was disregarded. Here, I applied to the Consulate many times but could not get a response. They even do not take you in. Only once, they took me in, and I do not know how that happened because I was rejected entrance too many times. They tell me, "You should hire a lawyer in Turkey, then your case should be discussed at the Parliament, if the Parliament decides positively, you will be taken back, if not you will be expatriated. You will have to continue living in a lounge area. How can I continue living in a lounge area?" … Or, they told me that in Turkey they will take me in [a prison], and they will not give me any identity cards, and they will enlist me in the military service. I asked how is that possible that they do not give me identity papers and they enlist me in the military service. I asked what would be my status when they enlist me in the military service, will I be recruited

[197] Türkiye'de mahkemeniz olmuş, aranma durumundasınız, konsolosluğa fiilen gidemiyorsunuz. O durumda bir de evrak imzalaması gerekiyor, yani onu halletmeniz gerekiyor. O durumda konsolosluğa gidemediğiniz için bir yakınınızla gönderiyorsunuz, bir de noterden şey olması gerekiyor ya da bir avukat aracılığıyla, siz imzalıyorsunuz, oraya götürüyor, tekrar size gerekiyor, tekrar konsolosluğa gidiyor. Böyle bir işlem takip ediyor. ... Bir günde halledeceğiniz işlem bir ay sürüyordu, iki ay sürüyordu. Öyle bir zorlukları var.... Siz gidemiyorsunuz konsolosluğa, gitmemeniz gerekiyor. Çünkü orası ülke toprakları, o ülkenin toprakları ve siz aranan ya da hakkında dava açılan birisiniz, konsolosluk işlemi fiilen yapmıyor.

> as a Turkish citizen or as a stateless person doing a patriotic duty for the homeland? Officials cannot answer those questions.[198] (Interviewee 10)

As to the arbitrary treatment of officials, those who can enter to Turkey mentioned that they still feel anxious due to the uncertainities now and again and thus try to take various measures.

> Every time I plan to come to Turkey, I notify my Swedish attorney that s(he) should take action with the Foreign Ministry at most one day later, if no news is heard of me. During entry into country, I was made to wait longer than expected two times at the passport counter and they asked unrelated questions about my birth place. I was revoked of citizenship but all my information is still kept with them I know it.[199] (Interviewee 6)

> I could not do the compulsory military service; they could have revoked my citizenship, but they did not. I went to the Consulate in 2015 and obtained my identity card for the first time. Then I voted. When you go there [Consulate], guy opens the file and it reads "subject to investigation" there. They asked for a witness to prove that I am that same person X. I gave the address of my uncle's daughter. 4-5 months passed during when I stayed without an identity card. The officials went to the address, showed the photo and asked if this is the X person. … They set a time limit for those over 50 years of age who arrived for political reasons.[200] (Interviewee 25)

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[198] Türkiye doğumluyum, 20 seneye yakındır İngiltere'de yaşıyorum.ilticacı olarak. Buraya geldim 6-7 ay sonra öğrendim Türk vatandaşlığından atıldığımı. 1997'de mahkemem vardı. Mahkemeyede sunduğum halde gazete orjinal değil dediler bana, dikkate alınmadı. Burada da konsolosluğa defalarca baş vurup da cevap alamadım, içeri bile almıyorlar. Sadece bir defa içeri aldılar o da nasıl oldu ben de anlamadım, defalarca kapıda reddedilip geri gönderildim. Bana diyor ki Türkiye'de avukat tut senin durumun meclise gidecek meclis karar verip de almak isterse alır. Almak istemezse yurt dışı edilirsin. Devamlı bir salonda kalırsın, ben nasıl bir salonda yaşamımı sürdüreyim... Ya da diyor seni içeri alırlar kimlik vermezler seni askere gönderirler. Ben de dedim ki bana kimlik vermiyorsun bir belge vermiyorsun beni askere gönderiyorsun. Hangi sıfatla askere göndereceksin beni; türk vatandaşı olarak mı göndereceksin bir vatansız olarak mı vatani görevi yapmaya göndereceksin? Ona da cevap veremiyorlar.

[199] Her Türkiye'ye geldiğimde İsveçli avukatıma bilgi veriyorum; eğer haber alamazsan 1 gün sonraya kadar direkt Dışişleri nezdinde başvuruda bulun diye. 2 sefer pasaport kontrolünde fazla bekletildim, doğum yerimle ilgili alakası olmayan sorular sordular. Vatandaşlıktan çıkarıldım ama bütün bilgim orada biliyorum.

[200] Askerlik yapamadım, atabilirlerdi atmadılar. 2015'te konsolosluğa gittim; nüfus kağıdı aldım ilk defa sonra da oy kullandım. Gidince adam hemen açıyor "soruşturmaya tabidir" yazıyor. X olduğuma dair şahit istediler. Dayımın kızının adresini verdim. 4-5 ay geçti nüfus kağıdımı almadan. Gitmişler,

The last point to be noted is that, for those whose citizenship was revoked, what kind of strategies they adopt regarding the renaturalization. Blitz and Lynch (2011, p. 203) argues that "Regaining citizenship ends isolation and empowers people, collectively and personally. Such political and personal changes are of considerable importance to the advancement of a human rights regime based on dignity and respect." However, considering Turkey, it seems that the authorities exert their authority to the utmost for not including those deemed to be suspects into the polity again. Accordingly, it seems that each and every individual define his strategy on the basis of his own subjective condition. For instance, one of them argues that:

> Of course, I want the Turkish Citizenship to be returned. Even this question itself does not make sense to me. I want my natural rights back which were usurped. Who gave this citizenship to me? Those who usurped it? No, like everyone else I got them by birth. … I have not taken action yet. Because, a just legal environment to take that action is not available.[201] (Interviewee 7)

Some of the interviewees had already applied for it, yet their experiences almost totally differed from each other. While the stateless interviewee living in France consulted with the Consulate of Turkey in Paris in 2005, the answer he got after a month was the following "The Ministry of Interior did not accept your file regarding your naturalization and does not consider it necessary." Moreover, he states that the women, who was probably a democratic person, said to him "Never waste your time in Turkish citizenship. You better apply for French citizenship. That way you can come and go to Turkey". This was not the only case among the interviewees. Another one, who applied to the court in Turkey for renaturalization got the response "... The rejection, by our Ministry, of the request of the plaintiff, who is regarded as a suspect, to be renaturalized, is considered to be in compliance with our legislation

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fotoğraflar göstermişler bu X midir diye. ... 50 yaşın üzerinde siyasal sebeplerle gelenler için 1 yıl süre koymuşlar.

[201] Türkiye Cumhuriyeti vatandaşlığının geri iadesini elbette istiyorum. Bu soru bile bana saçma geliyor. Gasp edilmiş hakkımı istiyorum. Bana bu vatandaşlığı kim verdi? Gasp edenler mi? Hayır, bu herkes gibi benim de doğuştan gelen bir hakkım...Şu anda bir girişimim yok. Çünkü girişimde bulunacak bir hukuki ortam yok.

and for the interests of our country."[202] Although they could not reacquire Turkish citizenship, one of the interviewees who could reacquire it, mentioned of other obstacles, which lay bare the degree of arbitrariness in practice, before being recognized as fully Turkish citizen again:

> The state revokes your citizenship but another state institution still considers you as a citizen. You are still followed up for any breach of your duties "arising from your citizenship." For example, when my citizenship rights were returned, I went to the Consulate to get my passport. Officials told me, "You were on the list of the law enforcement for 17 years for being a draft-dodger" and they asked for a 12,000 Swiss Francs-worth compensation for military service not done. Even though your citizenship rights are returned to you de jure along with your "vested rights," the case is that you may not get those rights automatically. You need to fight for each and every right of yours, and that still does not mean you get them back. For example, I could not get the state's honorary press card for doyens; I applied for it and said, "I was not a citizen of the Turkish Republic for 17 years but I have been in the writing profession since 1976, which is the year I obtained my state press card. I am ready to prove that I am a writer with the works I have produced until now." They rejected my application saying "you needed to work for at least 20 years to get that honorary press card, you have not completed that period."[203] (Interviewee 12)

Lastly, the quotation below seems to disclose how agency can strategically survive, albeit various preclusions and arbitrariness of raison d'état:

> I do not want to be renaturalized. As a citizen of another country, I already live in Turkey. I do not apply because then I'm going to face military service again. (Interviewee 9)

[202] Expert interview, lawyer of the interviewee

[203] Devlet sizi vatandaşlıktan atıyor ama devletin bir başka kurumuna göre atılmıyorsunuz. "Vatandaşlık görevleriniz" açısından izlenmeniz sürüyor. Mesela vatandaşlık hakkım iade edildiğinde pasaportumu almaya konsolosluğa gittiğimde "17 yıldır asker kaçağı olarak aranıyorsunuz" dediler ve pasaport alabilmem için 12 bin İsviçre Frangı dövizli askerlik parası talep ettiler. Vatandaşlık hakkınız "müktesep haklarınız"la birlikte geri verildiğinde bu haklarınız size otomatikman verilmiyor. Her birini almak için ayrı mücadele gerekiyor, tabi eğer alabilirseniz. Mesela şeref basın kartımı alamadım; başvurdum, "17 yıl boyunda TC vatandaşı değildim ama basın kartımı aldığım 1976'dan beri yazarım, yazdığımı ürünlerimle ispata hazırım" dedim. Başvurumu "basın şeref kartı için 20 yıl çalışmış olmanız gerekli, sizde süre daha tamamlanmamış" diye reddettiler.

5.2.4. Expectations and Views: Honorable Return, Apology and Democracy

> *I passed through times that I had to learn "not to think" about returning to Turkey. Planning a future that "could never happen" would prevent me from catching up with or understanding the realities of life in here. If any legal changes take effect (in Turkey) that will enable "thinking," then I may start "thinking of" considering a return.*[204]
> *(Interviewee 26)*

The last point, relevant to the interviews, that should be mentioned is the issue of views and expectations about returning to Turkey. As it was mentioned before, some of those who went abroad have already returned to Turkey, particularly after the Turkish Penal Code was amended in 1991. Yet this law made discrimination among those who were tried on the basis of different articles of the law, and thus not all those who fled abroad could have the opportunity to return. Moreover, some of them enter to Turkey as citizens of countries other than Turkey. In addition, it should be noted from the outset that it is not easy for the interviewees to make a decision on returning or not, and is also closely related to their legal situation. The experiences of the following two interviewees summarizes this point:

> Leaving Turkey was not what I wanted to do. I was either going to serve an unfairly imposed prison sentence, get tortured, maybe I would be killed, or, I was going to flee. I saw all of these happen to people around me. So, I had to choose the second option. I should also say that I believed this would be a temporary period during when I would continue the political fight in a safer setting. But, this period lasted more than I expected. I was inexperienced. I have never lived in such a setting before. As I neared the end of this time, I can't say I never hesitated (to go back). Unintentionally, I had attained a comfortable life. I could have continued that. I could have settled there. There were no obstacles against that. And indeed, many people in the same situation opted for it. But, I never thought of spending the rest of my life there. Above all, I felt alone and unprotected. I could only imagine being a refugee, an asylum-seeker only for a time. I wanted to see that I kept my earlier promise: as soon as the

[204] Türkiye'ye dönmeyi 'düşünmemeyi' öğrenmek zorunda olduğum süreçlerden geçtim. 'Olmayacak' denen bir geleceği düşünmek, buradaki reel yaşamı yakalama-kavrama çabamı engelleyecekti. 'Düşünme'ye dahi olanak tanıyacak yasal bir değişiklik olursa; o zaman bu konuda 'düşünme'ye başlamayı planlıyorum.

pressing concerns vanished, I would return to my country. That was the only way, for me, about being honest. If my return home would not entail any hopes of settling my issues there, I do not know if I still would be of same mind, though. We were aliens there no matter what. It was not possible to bear with those circumstances without the presence of pressing concerns. At least, that was what I thought and felt. We could not overcome those feelings.[205] (Interviewee 20)

Before, friends from the union came; they had me embark on a plane and sent me back. We learned something; the related commission received the list of names in 1992 and I was involved in that list of names. When I learned that, I went to the [Turkish] Consulate. So, apparently, I had a particular case, they searched it, and they let me know: "yes, you have that case." I said, "I want to go back urgently." They gave me a temporary paper, but the consulate guy was a very well-intentioned young pal, he told me "This paper does not guarantee you anything" … "Look, they can take you in (prison)." I believe he was an unbigoted buddy. I said "That's fine, that is my problem." So, of course, I do not return from here, bereft of support; 7-8 friends, who are attorneys, and a circle of 200-250 people, family and friends, greeted me at the airport. … Officials kept me confined till morning. …The next day, I was taken to the Gayrettepe district police station, the due procedures were done. … Because, there are ongoing cases against me or cases that are dropped … but, those cases need to be dropped officially.[206] (Interviewee 4)

[205] Türkiye'den kendi isteğimle ayrılmamıştım. Ya haksız yere yıllarca hapis yatacak, işkence görecek belki de hayatta olmayacaktım; ya da kaçacaktım. Bunların hepsi çok yakınımda yaşandı. İkinci yolu zorunlu olarak seçtim. Ayrıca belirtmem gereken bir etmende politik mücadeleye devam etmek bu nedenle de bu geçici olduğunu düşündüğüm süreyi daha güvenli bir ortamda geçirmek istiyordum. Süre beklediğimden çok ve uzun sürdü. Deneysizdim. Böyle bir ortamı hiç yaşamamıştım. Bu uzun sürenin sonuna yaklaşırken tereddütlerim olmadı değil. İstemediğim şekilde de olsa rahat bir ortama da kavuşmuştum. Bunu devam ettirebilir oraya yerleşebilirdim. Bunun önünde bir engel yoktu ve benim konumumda birçok kişi bunu seçmişti. Ama hiçbir zaman orada yaşamımı geçirmeyi düşünmedim. Her şeyden önce kendimi yalnız ve korumasız hissediyordum. Mülteci, sığınmacı, bir yere sığınmış olmayı sadece geçici olarak düşünebilirdim. Zorunluluk ortadan kalkınca ülkeme dönmeyi, kendime verdiğim sözü tutmak istiyordum. Ancak bu tutumu dürüstlük olarak kabul ediyordum. Bu sözleri, geri dönüşün hiçbir güvencesi olmasaydı da yine de böyle mi düşünürdüm bilmiyorum. Biz ne yaparsak yapalım yabancıydık işte. Bu durum zorunluluk olmadan katlanılır gibi değildi. En azından ben böyle düşünüyordum ve hissediyordum. Biz bu duyguları aşamadık. Geri dönüşün nedenleri bunlardı.

[206] Daha önce sendikadan arkadaşlarımız geldi, uçağa bindirip geri gönderdiler. Şeyin bilgisi geldi, mecliste 92'de ilgili komisyona gelmiş isimler, bunun içinde ben de varım. Onu öğrenince ben gittim konsolosluğa. Tabi şimdi benim böyle bir durumum varmış, araştırdılar; 'Evet sizin böyle bir durumunuz var' dediler. Ben dedim 'Dönmek istiyorum hemen'. Bana geçici bir kağıt verdiler ama konsolos çok iyi niyetli genç bir çocuktu dedi 'Hiçbir garantisi yok ama' ... Yani 'İçeri alabilirler' dedi. Demokrat bir çocuktu tahminim. Ben 'Tamam ' dedim bu benim sorunum. Tabi buradan boş dönmüyoruz, hava alanında 7-8 tane avukat arkadaşım vardı, 200-250 de arkadaş ve aile… Sabaha

In addition, there are some interviewees who stated that they are threatened because of their political activities abroad. One of the interviewees who lives in Turkey for now, stated that threats continued after he returned to Turkey. It may be asserted that this creates a concern for the interviewees on their wish or decision for return. Except for these concerns, the interviewees were asked about their views on the call of the government for them to return to Turkey. From the perspective of the interviewees, this issue is interpreted on the basis of apology and honorable return, as two of the interviewees below states:

> What the state did to us was so unfair. Such an injustice, you cannot do that to people who are not fully grown yet. The state should have apologized … I was expecting that in my case. … But, to no avail, the attitude is too superficial: "we pardoned you." … Sorry, but what is that pardon for? What did we do to make you pardon us? You see? … No, I do not want to be pardoned; I want an apology, an a-p-o-l-o-g-y.[207] (Interviewee 23)

> Why would not I want that? I left my family, everything that I had, behind. I fled from prison; I do not want to go back just to get in it again. We want to return home as free people, in dignity, living according to our ideals.[208] (Interviewee 25)

Furthermore, for most of the interviewees, this call was not a sincere one because its legal-psychological-political foundations was not established. Accordingly, almost all of the interviewees feel distrust related to this call. As to the reasons for this distrust, one of the common themes that was mentioned of was that the aim of the

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kadar tuttular ondan sonra ertesi gün Gayrettepe'ye gittik emniyete, gerekli işlemleri yaptık... Çünkü süren davalar var veya düşmüş davalar var fakat resmen düşürülmesi gerekiyor onların.

[207] Devlet bize çok büyük haksızlık yaptı. Yani çocuk yaşta insanlara böyle bir haksızlık yapılmaz. Devlet özür dileseydi… Şahsen özür bekledim. ... Ama öyle bir yaklaşım yok, yüzeysel çok, işte affettik… Neyi affediyorsunuz ki yani biz ne yaptık ki affedecek, anlatabiliyor muyum? ...Hayır, af değil özür bekliyorum özür.

[208] İstemez miyim. Ailem, sevdiğim herşeyi bıraktım. Ben cezaevinden kaçtım, oraya girmek için dönmek istemiyorum. Özgürce, ideallerimize uygun, onurlu bir dönüş istiyoruz.

government was to weaken the power of the diaspora and to control it by this call. This is why, as one of the interviewees states, the government turned it into a campaign. In addition while one of the interviewees considered this call in relation to the government's need for financial supply and could get it with the revenue from military service compensation fee; another one underlined the fact that this call was very much related to the 'Peace Process' and nothing special to the exiles who fled Turkey in different time periods. Lastly, most of the interviewees accentuated the fact that their return, to a great extent, hinges upon the improvements in the realms of democratization as well as freedom of thought and of expression in Turkey. Within the context of this study, this desire is the last point, to be associated with Arendt's arguments on 'loss'. Arendt (1962, p. 296) asserts:

> The fundamental deprivation of human rights is manifested first and above all in the deprivation of a place in the world which makes opinions significant and actions effective. Something much more fundamental than freedom and justice, which are rights of citizens, is at stake when belonging to the community into which one is born is no longer a matter of course and not belonging no longer a matter of choice, or when one is placed in a situation where, unless he commits a crime, his treatment by others does not depend on what he does or does not do. This extremity, and nothing else, is the situation of people deprived of human rights. They are deprived, not of the right to freedom, but of the right to action; not of the right to think whatever they please, but of the right to opinion.

Considering that the experiences provided above are those of the exiles, accused on the grounds of freedom of thought and expression related articles of the Turkish Penal Code, who had to flee Turkey particularly after 1980s, Arendt's notion of "the right to have rights" becomes more of an issue. Their emphasis on democratization and freedom of thought as a condition for their return requires to call on the Arenditian perspective once more. Referring to Arendt, Parekh (2013, p. 14) argues:

> ...though stateless people retain the capacity for action because it is rooted in natality, statelessness deprives them of other fundamental requirements of action - a community to judge their action and speech as meaningful and the posibility for a reliable public space in which to act.

Consequently, it can be argued that despite the activism and power of the diaspora groups, what the interviewees rather seek for is a political realm with a community in which their actions and speech could be judged and so be meaningful. Thus, they look forward to not only an apology, which will relieve their distress, but also to a more democratic and egalitarian Turkey, within which their saying will be meaningful.

In addition to all, most of the interviewees also emphasized that the issue of return should not be limited only to the exiles who fled from Turkey in the late 1900s, but it should also include all the non-Muslims as well as the minorities who were forcefully banished. Though the information gathered with this study is quite limited considering the plight, views and expectations of non-Muslim groups who were forced to leave Turkey and revoked of citizenship and cannot be said to be generalizable; one of the significant issues, in the interviews made with the experts, was an explicit or implicit criticism to the diasporas particularly in relation to the alleged numbers of people forcedly migrated or exiled. Furthermore, neither none of the experts interviewed nor their organizations had quantitative data on the practice of citizenship revocation that affected the non-Muslim populations. Although one of the representatives of the Assyrian community in Turkey did not want to talk in detail on the issue of revocation of citizenship, he contended:

> Since our community is not involved in political issues, I do not know anybody who is revoked of citizenship in the last forty-fifty years... Certainly, there may be people who lived in Europe for many years and renunciated voluntarily (Expert interview 13)

Furthermore, while the journalist from an Armenian newspaper mentioned that the restitution of Turkish citizenship was something of an emotional issue particularly for Armenians and does not necessarily correspond to an expectation of property restitution particularly for second generation Armenians. On the other hand, the Greek minority foundation representative propounded:

> Greeks of old Istanbul, they want to improve relations with Turkey; they want to protect citizenship in that respect. For example, the property issues in Gökçeada ... They went and their children did not have citizenship. That's why they can't be the heir to the goods. For this reason, Turkey citizenship is important for the second and third generations (Expert interview 11)

As a result, this part attempted to answer the second research question of the study. Therefore, on the basis of the semi-structured in-depth interviews, this part aimed at providing information about the survival strategies of the interviewees as non-citizens as well as their coping mechanisms with the exile. To summarize, while intellectual production and political activism have been important pillars in coping with the exile; both the social assistance systems of the host countries, albeit diversified, and the strategical tactics, such as utilizing citizenship of an EU country to re-enter to Turkey, have come to appear as survival strategies for either de facto or de jure stateless persons. Most of them have already become citizens of somewhere for a long time and so they do have and can exercise their human rights, yet to a great extent as citizens of any other country. Nevertheless, their aspiration of cultivating active citizenship practices as Turkish citizens are still hampered through various means. This fact is one of the mostly mentioned obstacles before their return.

5.3 From Disappearance to Recent Resurgence of Citizenship Revocation in Turkey

Until now, this chapter has aimed for providing the reader with the findings of the notices as well as the analysis of the interviews derived from this research. This part of the study basically elaborates on the third and the last research question of the study; that is, 'Why do the Turkish state not anymore resort to the practice of citizenship revocation?'. This question was important from the beginning of the study and confirmed by the preliminary findings of the notices analysis. Furthermore, this question was the backbone of the interviews with the experts. Accordingly, this part of the study, in light of the information provided throughout the study and the analysis provided above, will deal with the aforementioned research question

pertaining to the latest citizenship law in Turkey as well as the amendments made to it, and the part will conclude with a general discussion on the practice of citizenship revocation in Turkey.

To begin with, the recent citizenship law that is Law No. 5901 enacted in 2009, was prepared to eliminate the inconsistencies in Law No. 403, and to accord the citizenship law with the European Convention on Nationality. Up until very recently, it seemed to succeed in its aims, at least pertaining to the grounds for citizenship revocation; because as far as it was explained in Chapter III, it is apparent that the current citizenship law has had restricted the grounds for citizenship revocation to a great extent compared to the previous laws. Accordingly, when I began to study on this research in late 2014, I was searching for an answer to the reason/s behind that why the Turkish authorities did not resort to the practice of citizenship revocation anymore. Therefore, I asked the experts I interviewed what could be the reasons for that. On the basis of the interviews conducted with the experts, one could roughly observe two different views. According to the first view, the reasons behind Turkish authorities' not resorting to the practice of citizenship revocation were: that the right to citizenship has been increasingly tended to be considered as a human right, that though Turkey is not a party, there was the influence of European Nationality Convention, and that the Turkish citizenship law was required to conform with the Convention. Furthermore, one of the experts emphasized that citizenship also serves for the state to disseminate its power. Adding that, punishment gets out of range via the practice of citizenship; he asserted that the state noticed that if it resorts to the practice of citizenship, then it cannot dominate or control those individuals. On the other hand, considering the second view, it was argued that it may not be correct to say that the state does not resort to the practice of citizenship revocation anymore, because the authorities could put the practice into operation again if they want or need it. Moreover it was also emphasized that the raison d'état is not in need of the practice for now.

Although it is against to certain international conventions to which Turkey is a party, nevertheless over the course of this research, the second view turned out to be right

and an amendment in Turkish Citizenship Law was made after the coup attempt in July 2016.The fact that the following clause was added to the current citizenship law with Decree No.680, has signaled the resurgence of the practice once again:

> *(2) In cases where investigation or prosecution has been carried out on the grounds of the crimes stated in the Turkish Penal Code dated 26/9/2004 and numbered 302[209], 309, 310, 311, 312, 313, 314 and 315[210] of the Turkish Penal Code, citizens who cannot be reached because of not being in the country shall be notified to the Ministry for the revocation of their citizenship within one month after investigation by the public prosecutor or by the court during the proceedings. In the event that they do not return to the country within three months despite the announcement made in the Official Gazette by the Ministry of Interior, the Turkish citizenship of these persons may be deprived by the proposal of the Ministry and the decision of the Council of Ministers.*

Yet more, the expression of "Council of Ministers" in the clause was replaced by "President" with the Decree No. 700, which means that all the authority for revocation of citizenship is now with the President. It is stated in Article 37 of the law that applications regarding the acquisition or loss of Turkish citizenship should be made directly to the Governorate of the province or to the Diplomatic Representations abroad. However, the Decree makes no mention of judicial control pertaining to the given decisions. As is already obvious, Turkish citizens, who went abroad and were investigated or prosecuted on the grounds of the aforementioned articles, face the risk of citizenship revocation in defiance of the international standards of citizenship revocation.

On the basis of these developments and risks, I had to revise my third research question and it changed into: 'Why have the Turkish authorities decided to resort to the practice of citizenship revocation once again?' (2016 onwards). Dealing with this

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[209] Article 302 of Section 14 of the Penal Code entitled *'Offences against National Security'*. It is related to 'provocation of war against the state'.

[210] Articles 309 - 315 of Section 15 of the Penal Code list various crimes related to *'Offences against Constitutional Order and Operation of Constitutional Rules'*

question, on 5 June 2017 and 10 September 2017, two notices, related to the article above and convoking "return home", were published in the Official Gazette. In total, there were 229 Turkish citizens in these lists. The first list also included Fethullah Gülen[211] and HDP[212] deputies. However, from that day forward, there is no one whose citizenship has been revoked on the grounds of the clause added to the law above. Another point that is noteworthy is that the number of women in these lists has increased compared to previous periods, for instance Law No. 403 Article 25/g. The fact that no one was revoked of his/her Turkish citizenship after the amendment that gives the authority to do so to at first to Council of Ministers and then to President, made me to reformulate the third research question as 'Why do the Turkish authorities not revoke citizenship of even one citizen?' (2017 onwards). Despite the fact that no one rendered de jure stateless with the recent resurgence of the practice of citizenship revocation in Turkey, one can assert that countless others are experiencing de facto statelessness. According to Institute on Statelessness and Inclusion Policy Brief (2017, p. 5) the denial of consular services for Turkish citizens has already begun and even cases of refusal of providing IDs or passports to children born to Turkish citizens abroad are reported.

In addition, it seems important to mention two further points. It is known that especially in the last few years, both there is an intensive migration from Turkey to the EU countries, and an increase in asylum applications particularly "after the second half of 2015" (Sirkeci, 2017, p. 31-32). Since, Turkey's increasingly authoritarian and conservative government causes "political pressure on the secular minority" (Sirkeci, 2017, p. 33), it is anticipated that those migrating from Turkey will mostly be "well-educated and qualified" persons (Sirkeci, 2017, p. 32). These

[211] Fethullah Gülen is accused of masterminding the 15 July 2016 coup attempt in Turkey.

[212] HDP (People's Democratic Party) is a left-wing party, which was founded in 2012. On its website, it is stated: "We demand what we seek the most in our land: Freedom, equality, peace and justice. We fight for democracy, workers' rights and humane life standards. We highly regard the rights of the nature and the humans and all those who inhabit the world." It has 65 MPs in the parliament. Since 4 November 2016, 16 MPs of HDP were arrested, 9 of them, including two former co-chairs, are still in prison.

inferences are also attested by an exile, who argues that "This is a new case, a kind of exile that has never been seen before."[213] He further asserts[214]:

> It seems difficult to determine about their political views, but we can say that they have generally adopted the secular and Kemalist worldview. We can also say that people who live in a modern way of life and who see it under threat in another way.

Moreover, it is known that some of the people who were put on trials particularly on the eve of as well as after the 2016 coup attempt went abroad. Accordingly, we need hardly mention that there is a risk that citizens who are prosecuted on the grounds of the relevant articles of the Turkish Penal Code mentioned in the clause added to the nationality law, may be revoked of their Turkish citizenship.

As a result, needless to say, the clause above has expanded the grounds for citizenship revocation and has the potential to pose new cases of arbitrary revocation of citizenship that can lead to new cases of statelessness for Turkish citizens. Since there is no one whose citizenship has yet been revoked on the basis of the clause above, it seems so that the state intended to intimidate the dissidents at least for now. Moreover, the fact that the practice of citizenship revocation is associated with the provisions in the penal code lays bare the fact that Turkish authorities once again aims at punishing the mischievous children by taking even the basic rights back. Therefore, these recent developments are important in terms of seeing the ruling elite resorting to the practice of citizenship revocation in every situation when its power shaken, and of the fact that they do so by means of special measures.

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213 http://avrupasurgunleri.com/degisik-bir-surgun-engin-erkiner/?fbclid=IwAR2V6ik9q4cxoOAVby-CJfVr0EQCJ6Zc18FWVawHI3l4_hS42XTDJCXsYeo

214 http://avrupasurgunleri.com/degisik-bir-surgun-engin-erkiner/?fbclid=IwAR2V6ik9q4cxoOAVby-CJfVr0EQCJ6Zc18FWVawHI3l4_hS42XTDJCXsYeo

5.4 Discussion: (Dis)Loyalty Revisited: Traitors, Terrorists and Obedient Citizens

> *People who are happy about the economic sanctions applied by the US, who applaud the economic manipulation, who can't accept the growth, power and independence of Turkey should be stripped of their Turkish citizenship. They can go live in the countries they serve since they're tools of those countries*.[215]

Incredible though, these words were uttered by a deputy, when the Turkish Lira depreciated considerably against the US dollar in August 2018. This viewpoint seems to summarize about a hundred years of state-citizenship relations in the republican history of Turkey. The state is presented as a father in a paternalist family, whose advice should be listened to. To question what the state does and to reason against it is condemned. Not limited to making threats, the Turkish state scares and punishes citizens and does not hesitate to revoke citizenship regardless of whether the individual will be stateless or not. As this study apparently reveals, apart from the amendments, in all of the four citizenship laws enacted, the revocation of citizenship has been strategically regulated with the necessities of the time pertaining to the cyclical developments. In addition, Turkish state approved other related laws or decrees that would pave the way for citizenship revocation or made provisions for it particularly in times of (military) intervention in the government. Eventually by this way, Turkish state has always found an arbitrary way of getting rid of unwanted citizens or citizen groups. At the present time, Turkish state, like the recent 'fashion' to getting rid of unwanted citizens in most of the European countries, makes terrorism accusations a leading issue with regard to the revocation of citizenship.

[215] Cumhuriyet Newspaper, 15 August 2018. The owner of these words is Mustafa Destici, Chairman of Turkish government ally the Grand Unity Party. Grand Unity Party (BBP), founded in 1993, is an ultra-nationalist party, ideologically upholding Turkish-Islamic synthesis. Despite criticisms in the party, BBP supported AKP-MHP led People's Alliance in June 2018 elections. Now it has one MP, Mustafa Destici, in the parliament.

As Paye (2009, p. 15) argues the distinction between the enemy and the criminal, is annihilated by means of fight against terrorism, which is "a long-term struggle against a constantly redefined virtual enemy". Considering the attempted and actual changes in citizenship laws of many European countries, as well as Canada and USA, Gibney (2017, p. 367) draws attention to the shift in denationalization justifications, which has changed "from 'punishing' acts of disloyalty or eliminating divided loyalties ... to protecting citizens against future terrorist attacks through deportation" yet the case in Turkey is different. It can be argued that in Turkey the allegations of treason as well as terrorism are not generally dissociated from (dis)loyalty to the nation or the state. Lately, the increasingly authoritarian state continues to produce its own "native and national"[216] so-called terrorists by playing with the margins of loyalty as well as disloyalty. Yonucu's (2017, p. 2) words sheds light on the legal dimension of this process:

> In line with global trends in terror legislation (Eckert, 2008; Hoffman, 2004), Turkey's anti-terror law has a very vague and broad definition of terror (Bargu, 2014; Belge, 2006). The 2007 amendments retained the broad, vague definitions of terror stipulated in the law while increasing the number and scope of crimes that can be considered to be terrorist offences. They also made it much easier to apply the law, increase the length of punishments for alleged terrorist acts, legalized breaches of fair trial rights, and paved the way for the categorization of political crimes as terror crimes (Ersanlı & Özdoğan, 2011; Özbudun, 2014).

Most of the time the practice of citizenship revocation in Turkey did not and still does not target naturalized or dual citizens, but rather native born citizens, through turning them into traitors or terrorists by means of contextually changing definitions of (dis)loyalty. Therefore during the Republican period boundaries of (dis)loyalty in relation to equal citizenship rights have been continuously changed, which in turn

[216] Before 1 November 2015 elections, in his meeting in İstanbul, Erdoğan said: "I want you to send 550 native and national deputies to the parliament on 1 November. You probably understand what I mean." Henceforth, he uses the words native and national together for any situation that might come to mind, changing from technology to money, from cars to the attitude of football player Mesut Özil's leaving German national team due to the discussions after he had his photo taken with Erdoğan.

became a pass key that opens all the doors on the way to establishing a more ethnically, religiously and politically homogenized 'we'.

In today's Turkey, loyalty is so interlaced with obedience that Erdoğan stated: "I hear that some people say that they find Turkey uninhabitable and that they will go abroad. ... We should give them the money for ticket and send them, because they are a burden to our country."[217] As a result any citizen who does not comply with the changing demands of loyalty and does not obey authority unquestioningly faces the risk of de facto statelessness, to say with a little exaggeration, since s/he does not have the right to criticize, express needs pertaining to his/her identity or to their rights as a citizen. Furthermore, there are already thousands of citizens whose passports are cancelled or properties confiscated, who were imposed bans on leaving the country in contrast to obedient citizens who benefit from all the privileges that citizenship ensures and even more[218].

To put it in a nutshell, as it is mentioned throughout the study, a great deal of regulations have been made regarding the citizenship laws in the Republican period. While these laws and regulations have been important measures to prevent the emergence of statelessness, especially of childhood statelessness, the Turkish state has led to the emergence of cases of de facto and de jure statelessness by revoking Turkish citizenship of those who acquired it by birth and were already abroad. These regulations are often shaped on the basis of preventing the unwanted citizen or citizen groups to take advantage of their citizenship rights and even the right to enter

[217] https://www.haberturk.com/tv/gundem/haber/1899903-erdogan-catlayin-patlayin-bak-yiktik Habertürk 31.3.2018

[218] With Decree No. 696 it is stated that "with regard to the civilians who acted to protect the democracy during the terrorist coup attempt; all those individuals who acted with the aim of suppressing the coup attempt and the terrorist activities that took place on July 15, 2016 and actions that can be deemed as the continuation of these, shall be immune from any legal, administrative, financial or criminal responsibilities, without having regard to whether they held an official title or were performing an official duty or not. (https://rm.coe.int/cets-005-turkey-information-note-on-decree-law-no-691-on-certain-measu/168077fa15)

their own country, which is regarded as a fundamental human right. In addition, the laws generally made discrimination on the basis of whether the citizen is a naturalized or acquired Turkish citizenship by birth. Moreover, most of the time these provisions has conflicted with the articles in the then constitutions[219]. In particular, it can be said that in Law No. 403, the expression of "actions not in conformity with loyalty to the state" could be and was interpreted quite broadly that almost all opposition was criminalized and it became a means of spreading fear to the rest of the society. Likewise, the fact that the current Turkish Penal Code, Law of Criminal Procedure and Anti-Terror Law, because of their content are still debated in EU-Turkey negotiations, increases the risk of discretionary decisions about citizenship revocation on the ground of the clause added to the law with Decree No. 608. More recently, the Turkish state by expanding the definition of terrorist and terrorism, threatens dissident citizens with revoking their citizenship. This perspective puts the dissidents under the risk of becoming stateless due to the potential revocation of their Turkish citizenship, since practices of citizenship revocation not necessarily targeted only the dual nationals in Turkey. In addition to this, the fact that until the recent amendment made into law, all decisions of citizenship revocation were made by the Council of Ministers triggered an arbitrariness in the decisions. Yet, today the fact that the sole owner of this authority has become the President lays bare the gravity of the situation in Turkey. As a result since the very first examples of banishment and exile to these days, those in power, amended citizenship laws and regulated provisions on citizenship revocation with regard not only to the felt necessities of the time but also to that of their own. Hence, revocation of citizenship has became a disciplinary tool that was used to exclude the "wrongdoers" from the polity as well as a tool to "get rid of" the unwanted citizens or citizen groups.

[219] For detailed information please refer to Aybay, R. & Özbek, N. (2015)

CHAPTER 6

CONCLUDING REMARKS

Citizenship revocation only enhances the discretionary and arbitrary power of the executive, at the expense of all citizens, and of citizenship itself. Banishment deserves to be banished again. Permanently.[220]

This study was designed to analyze the practice of citizenship revocation in Turkey, which is a subject that has long been neglected in the citizenship literature in Turkey. That the subject has been neglected can be due to the reasons of the practice being considered as something of a relic or of the fact that access to coherent data pertaining to the issue is limited. Whichever the reason, the findings provided in this study suggests that citizenship revocation is not just something of a reminiscence of bad old days. Instead, the practice of citizenship revocation seems to be a real as well as a contagious fact hampering the ideal of universality of human rights not only in Turkey but also among sovereign nation-states as well.

The aim of examining the practice of citizenship revocation in Turkey within the context of this study necessitated not only the articulation of a socio-historical perspective in understanding the available patterns considering the practice in Turkey and utilizing a qualitative research methodology, but also taking into account the developments pertaining to citizenship revocation in relation to the debates revolving around national identity, (dis)loyalty and to the war against terrorism throughout the Western world as well. Moreover, the practice of citizenship revocation in the Turkish case required to delve into the issue of statelessness as well as the relational bond among the two concepts. Hence, the study benefitted much from Arenditian perspective in analyzing the practice of citizenship revocation in Turkey.

[220] Macklin, A. (2015), p. 6

The main research questions of the study has been formulated as: 1- How do the practice of citizenship revocation intertwine with the national identity as well as the perceived (dis)loyalty to the nation-state in Turkey? 2- How do persons rendered de jure and de facto stateless by the Turkish state survive and what are their coping strategies in exile? 3- Why do the Turkish authorities not resort to the practice of citizenship revocation anymore? In search of the answers to the first research question, secondary sources, citizenship laws and relevant articles in the laws as well as the changes in both of them were analyzed. Moreover, from 1950 to 2015, Council of Ministers notices pertaining to the revocation of citizenship were analyzed. The answers for the second question were derived from the in-depth interviews conducted with individuals who were rendered either de facto or de jure stateless by the Turkish authorities. Lastly, for the third question, which evolved during the course of this study as it was mentioned in Chapter I and V, expert interviews were conducted and the analysis made is based on these interviews as well as the recent amendments made in the Turkish Citizenship Law No. 5901.

In light of the research summary provided above and of the socio-historical background put forward throughout the study, one can observe the following patterns pertaining to the practice of citizenship revocation in Turkey. To begin with, the practice of citizenship revocation does not differ much from the tradition of exile in Ottoman period. From the late Ottoman Empire to the early and continuing periods of the Turkish Republic, relevant articles considering the practice of citizenship revocation has always found its way into the citizenship laws enacted. This point is significant considering the fact that by including articles permissive for the revocation of citizenship and adding on further provisional clauses particularly when its authority was challenged, the ruling authorities has always either found or created the ways to disown the unwanted citizens. On the other side, inclusion of articles pertaining to revocation of citizenship in each and every four citizenship laws means that there have always been some individuals and/or individual groups, who would potentially not be considered as part of the national identity. That goes without saying that this perspective was not independent from the perceived (dis)loyalty, which was a signifier of the potential to be included or excluded from the ever

changing, homogenized "we". Over and above, not only the boundaries of (dis)loyalty changes, but also its functionality is determined by the needs of the ruling authorities. Accordingly, this study argues that the Turkish case is in the same ballpark more with the states and their practices in the MENA region compared to the Western states, with regard to the logic behind the practice of citizenship revocation.

In addition to these, the fact that the practice of citizenship revocation has been carried out on the grounds of more 'innocent' reasons, such as not registering at the consulates, acquiring the citizenship of another state without permission, and not doing the military service; rather than relatively more 'serious' justifications, such as working in the service of another state or spying that might threaten the security of the state, is important in terms of showing how the raison d'etat works. This means that the raison d'etat, with the practice of citizenship revocation, targeted mainly the individuals or groups who are already abroad and whom the state is unwilling to welcome. Herewith, considering the citizenship practices of inclusion as well as exclusion, by means of the practice of citizenship revocation, ethnic homogenization went hand in hand with political homogenization/cleansing.

Furthermore, the practice of citizenship revocation has been put on almost without any judicial control. It has not only been an administrative act, but it has almost always been arbitrary. This fact reminds us of the nation-state structuring once again. At this point, what Macklin (2015: 5) argues seems important:

> Citizenship as legal status obviates both the need and the legitimacy of an ongoing or comparative evaluation by state authorities of how much or how well a citizen performs as a citizen. The very act of subjecting a subsisting citizenship to this kind of normative scrutiny subverts the security that distinguishes legal citizenship from other statuses that define the relationship between state and individual.

This point requires reminding of the relation between being a good citizen and a good person, and how these intertwine with the national identity. This is due to the fact that evaluation of the state authorities of how much or how well a citizen

performs predominantly considered within the context of national security or survival of the state. That the practice of citizenship revocation is almost never discussed pertaining to the offences targeting an individual or the common good, such as sexual assault or corruption, to mention but a few, discloses the fact that states, like Turkey, make this evaluation mainly on the basis of being loyal and docile. At this point, it can easily be asserted that, the practice of citizenship revocation has always had the potential to turn into a weapon particularly in states, such as Turkey, where the state's superiority to the individual is generally accepted, citizenship is defined on the basis of assignments/obligations rather than the rights and not so secure. Needless to say, this fact is very much related with the paternalist character of the Turkish state, which still does not consider citizens qua citizens, but rather as subjects. Hence, this study argues that there is a continuous effort of the Turkish state, to disown "unwanted" citizens, and the practice of citizenship revocation has played an unignorable role in establishing a more homogeneous, more docile "we".

In a legal sense, there are times that the laws invoking revocation of citizenship were later compensated. However, on the basis of the pretexts of not being an obstacle to national security, the prerequisite of Council of Ministers' permission etc., Turkish citizenship have been kept closed for the unwanted citizens. Thus the state was rescued from unwanted citizens or citizen groups, like exile in the Ottoman Empire, and the raison d'état was perpetuated in the name of the salvation of the state in defiance of citizenship as well as human rights.

With regard to the experiences of the interviewees, three headings put forth summarizes the plight of persons who were rendered de facto or de jure stateless by the Turkish state. The fact that the interviewees were surrounded by unpredictable uncertainty and arbitrariness required them to develop certain coping mechanisms and survival strategies. On the basis of the interviews, these can be categorized in parallel with the experiences related to psychological/emotional plight of the person, to refugee/asylum implementations of different countries and to implementations of the country of origin. It can be said that these coping mechanisms and survival

strategies facilitated their lives in exile, albeit to a certain degree. But still, they seem to suffer from an ontological deprivation in an Arenditian sense. Roughly speaking, they feel like children who have been ill-treated by their parents, and this feeling manifests itself in their discourse of describing themselves as "not a full human", "human with a lack" or "something like a human". Despite their political activism in the diaspora, they want their words and actions to be recognized in a polity where they would be meaningful as well as relevant. In their views, the basic pillars of this recognition are the apology of the state, democratization and respect to the freedom of thought and expression in Turkey. The fact that these pillars still seems the main reasons for recent flows of flight and/or emigration from Turkey apparently displays the fact that not much has changed even at the present time.

As to citizens of Turkey, they had and still have their share of calamity of loyalty surrounding state-citizen relations in the form of the sovereign nation-states. In light of the above discussions, this study argues that the situation with regard to the practice of citizenship revocation in Turkey cannot be simply described on the basis of discrimination against a certain group of citizens, say ethnic or religious minorities, but rather, it is at least as much related to freedom of thought and expression, penal codes and democratization when particularly discourses on loyalty, treason and terrorism are considered. Furthermore, the Turkish state has almost always revoked citizenship of those who are already outside its territory of sovereignty, which in turn caused many cases of de facto and even de jure statelessness to emerge. Accordingly, one of the most key arguments that this study asserts is that the practice of citizenship revocation in Turkey requires looking upon the discussions coming along with the concept of statelessness. The most important reason is that the Turkish authorities, when resorting to the practice, ignored whether the person in question will become stateless or not, and have not taken any measures of it until recently.

Furthermore, in practice, revocation of citizenship has continued throughout the history of the Republic, often in relation to the issue of loyalty with extra measures that have been taken with arbitrary and various means, especially in times of

necessity and of (military) interventions in the government. Hence, non-Muslims as well as Muslim groups not only were considered as outside of the circle of Turkishness, but also of equal citizenship. Therefore, while one cannot speak of equal citizenship; citizenship as such was very much associated with a constantly changing definition and boundary of (dis)loyalty and the threat of citizenship revocation has been turned into a weapon in the hands of authorities. Hence, in the eyes of the ruling authorities, the citizen has never been accepted as an individual who fully has his or her rights in the capacity to exercise them, but rather stayed as a mischievous child who must be punished when he or she is "wrong".

Today is dominated by a full uncertainty and arbitrariness in Turkey, although surely not for the obedient citizens. Citizens cannot predict which crimes would make them revoked of their citizenship since disloyalty has been extended to include almost all the opposition and the slightest expression of criticism has been perceived as treason. So while loyalty has became a disciplinary tool, whose content has diversified at different periods in relation to the necessities of the time, the current government does not confine itself with loyalty but demands obedience from citizens in order for them to avail of the benefits that citizenship ensures. As a result, this study argues that the revocation of citizenship decisions, the grounds for them, their change in the course of time and even their timing are actually like a summary of Turkey's political life. Thereby, analyzing the practice of citizenship revocation, not only depicts those deemed to be deserving or are wanted to be included in the polity, entitled for benefitting from human rights, deemed to be full humans and those who does not deserve all these, but it also forms a frame of examining the very contested concept of citizenship in relation to its negation.

Consequently, in light of the theoretical background as well as the discussions provided throughout the study, this thesis, by examining the practice of citizenship revocation in a socio-historical perspective in Turkey, aims at contributing to the studies of citizenship through focusing on its non-existence. Accentuating the importance of considering the practice of citizenship revocation in relation to paternalism and national identity as well as (dis)loyalty and freedom of thought, this

thesis, considering the Turkish polity, displays the fact that the history of practice of citizenship revocation in Turkey jibes with the history of inequality, discrimination and migration.

Lastly, the author believes that this research opens up a variety of areas for further research. Firstly, this study, through associating them with different political turning points, will better come to fruition by means of an elaborative examination of the notices as well as the justifications for naturalization. In addition, making comparisons between those ethnic/religious/social groups invited for Turkish citizenship and those disowned, will broaden our understanding of inclusionary and exclusionary character of Turkish citizenship. Furthermore, making comparative studies between the past and the recent exiles, and taking age, gender, reason of exile etc. into account, will provide us with a thorough understanding of changing dimensions of expectations, experiences as well as the state practice. And finally, conducting qualitative studies with the recent exiles will make us have insight into the cases of de facto statelessness situations prompted by the Turkish state.

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APPENDIX A

INTERVIEW QUESTIONS

Preliminary Information:

1. Place and year of birth:
2. Gender:
3. For how many years have you been living in your current location? When did you arrive? Before, in which locations did you live and for how long?:
4. Education :
5. Job/Income Level :
6. Marital Status? Number of children (if any) :
7. Languages you know/speak :
8. (For male interviewers) Military status:
9. What is your current citizenship status? (Stateless, dual, (if any) application status, renaturalized, etc.). Citizenship status of spouse and children?:

Life History:

- Could you tell a little bit about your life?
10. What type of family / environment you were born in?
11. How was your youth? (Information about school, work… (If any) Political organization history - When, which organization, connections, reasons? Organization outlook: points of commonality, of dissidence? How about the state reflex against the organization? Change of the political organization? If so, can you explain the above points for each and every organization separately?:

Migration / Exile / Escape Story & Statelessness:

12. What does citizenship mean to you? How do you define citizenship? What does homeland mean for you and how do you define it? What did the concept of homeland meant for you after you had been deprived of citizenship? Is there a place where you feel that you belong? Did revocation of citizenship caused any change in your life, feelings and thoughts, especially in these issues (homeland & belonging)? How?

13. When were you revoked of Turkish citizenship? How did you learn that you were deprived of citizenship? What was the ground for revocation? How did you respond to this? (Fleeing before/after revocation?) How did you feel when you learned that you were deprived of citizenship? What did/does being revoked of citizenship mean for you?
14. Were you married, when you were deprived of citizenship? Did you have children? Did life change for them, how? Did the relations with nuclear/extended family change? How?
15. Speaking of your life after you were revoked of Turkish citizenship ... Did you stay in Turkey? For how long? Had you ever stayed in Turkey while you were on the run; did you come across policeman or soldiers? How did you live on, while you were on the run? Where were you when you were deprived of citizenship, where did you go after? If you fled abroad, how did you make the connections to flee? Why did you chose that location? Because of familiar people or what else?
16. For how long did you live as a stateless person/political refugee? How did you feel about being a stateless person/political refugee? If any what are the difficult and easy aspects of being a stateless person/political refugee? What had changed in your life after acquiring a stateless person/political refugee status? Are you still a stateless person/political refugee? Have you applied to any national / international court against your revocation of citizenship? If you did, how did it end up? How was your experience in this process? How did/do you maintain your life?
17. Have you ever felt the need of hiding your status as a stateless person or a refugee? Have you ever been mistreated by any person, institution or a state, because you were a stateless person/political refugee? Did you get help from any institution/organization concerning your problems? If so, how did you become aware of these institutions/organizations? How was your experience in this process?
18. Could you avail of the right to work and to organize, while you were a stateless person/political refugee? Could you benefit from services such as health, education and social assistance? While you were a stateless person/political refugee, how was your experience about rights and responsibilities? (e.g. tax, property, military service)

Future Expectations:

19. A - (If stateless): Have you applied for political asylum or refugee? Is there such a situation right now? Is it concluded? What have you experienced in this process? Do you want your Turkish citizenship to be restituted? If yes, why? Have

you made an attempt on this? If yes, what is the current situation now? If not, why?

19. B – (If already renaturalized): Was it you who claimed restitution of Turkish citizenship? Why did you do that? How long did it take? What kind of processes did you go through? What has changed in your life since you have been renaturalized?

19. C – (If citizen of a country other than Turkey/ If holding an asylum or refugee status in another country) Do you demand restitution of Turkish citizenship? If yes, why? Have you made an attempt on this? If no, why?

19. D – (If dual national): Was it you who claimed restitution of Turkish citizenship? Why? How long did it take? What kind of processes did you go through? What has changed in your life since you have been renaturalized?

20. (For those not living in Turkey) Do you plan to return to Turkey? Why? What does returning to Turkey mean for you?

21. (For those living in Turkey) How and for what reason did you decide returning to Turkey ?

22. The government, in 2013, made a call to "return" for those who were revoked of Turkish citizenship after the September 12, 1980 coup. Have you heard about this call? How do you commentate this? What does it mean for you? Why do you think such a call has been made after so long?

23. The same call was also made to non-Muslims who were forced to leave Turkey? How do you commentate this?

- Can I get in contact with you again after you returned this form to me, if I would like to ask further questions? (Yes / No is enough)

APPENDIX B

LIST OF RELEVANT ARTICLES IN TURKISH NATIONALITY LAWS WITH RESPECT TO REVOCATION OF CITIZENSHIP

TOK

Article 6: Acquiring citizenship of a foreign country without permission or entering into military service of a foreign state

Serving voluntarily in a foreign state except for military service and not fulfilling the military service (added in 1916)

Law No. 1312

Article 9: Acquiring citizenship of a foreign country without permission or joining the armies of other countries

Article 10: Desertion, not doing the military service, fleeing abroad and could not prove the opposite and return within the given time, or Turkish citizens who have been living abroad for five years and have not registered with the Turkish Consulates

Article 11: Engaging in activities against the internal and external security of the state and if the obligations related to military service are not fulfilled (applies only to the naturalized citizens)

Law No. 403

Article 25/a: Acquiring citizenship of a foreign country without permission

Article 25/b: Serving for a foreign state

Article 25/c: Working in any kind of work, for a state that is in a state of war with Turkey

Article 25/ç: Not responding to a military service call for three months on a declaration of war in Turkey, to participate in the defense of the nation

Article 25/d: Fleeing abroad, either during mobilization or after joining up the unit, and not returning within the legal period

Article 25/e: Not returning within three months while performing military service duty, including members of the Armed Forces

Article 25/f: Not officially contacting, after acquiring Turkish citizenship by decision of a competent authority and resided outside of Turkey for at least seven years without interruption

Article 25/g: Engaging in activities against the internal and external security of the Turkish state, while in abroad or fled abroad and not returning to Turkey within three months upon call

Article 25/h: Not officially contacting, after acquiring the citizenship of a foreign country and resided outside of Turkey for at least seven years without interruption

Article 26: Naturalized Turkish citizens who engaged in activities against the internal and external security of the Turkish state, while in abroad or fled abroad and not returning to Turkey in three months upon call

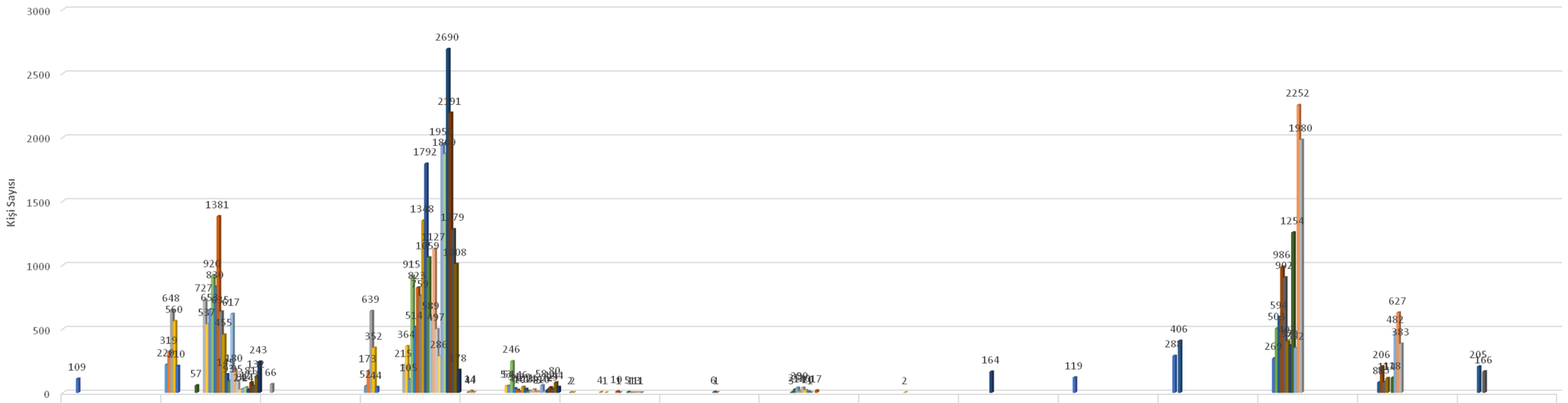
Law No. 5901

Article 29/a: Having rendered services, which are incompatible with the interests of Turkey, for a foreign state, and not ceasing despite notifications

Article 29/b: Voluntarily continuing to render any kind of services for a state, which is at war with Turkey

Article 29/c: Voluntarily render military service for a foreign state without obtaining permission

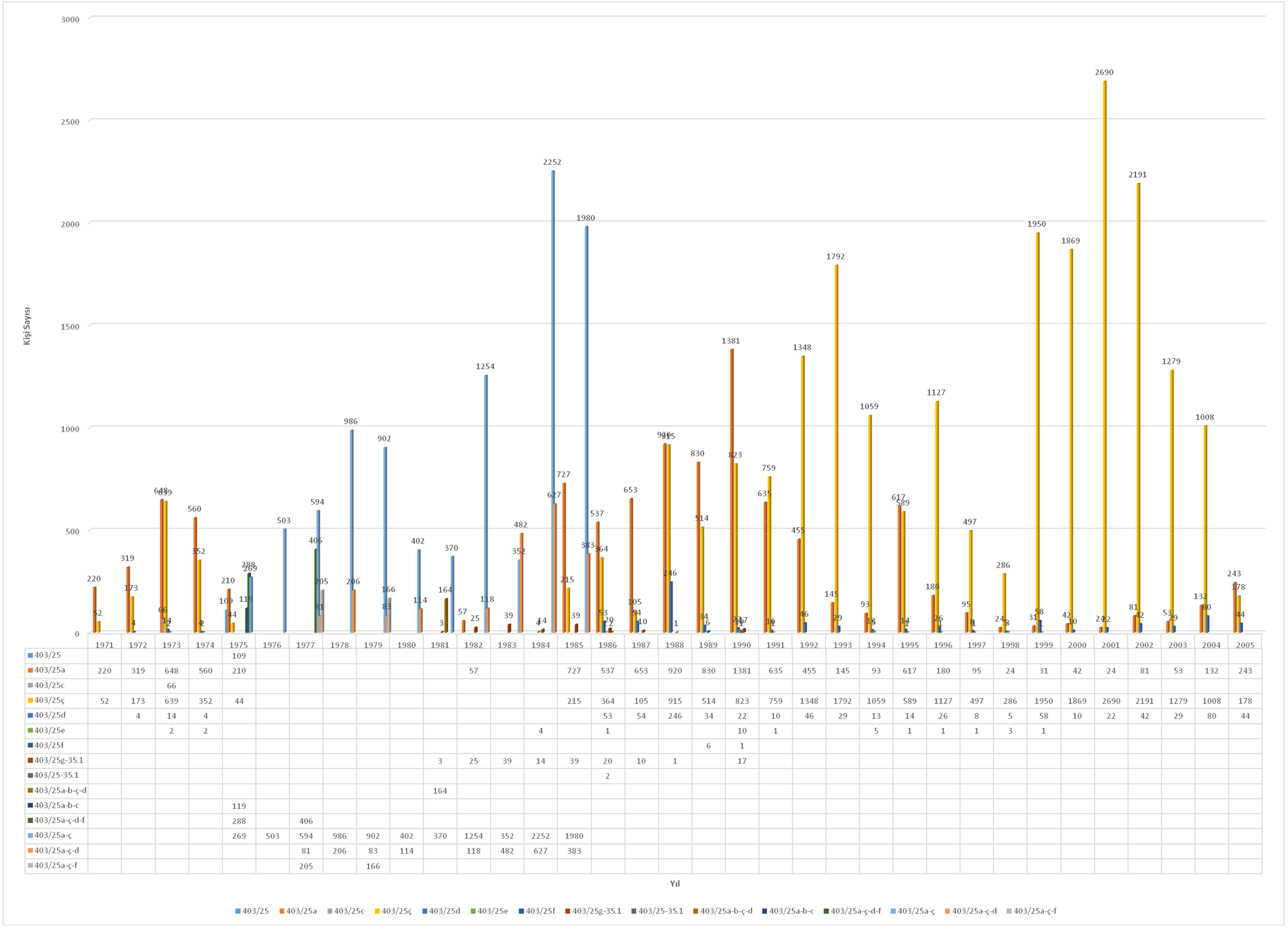
APPENDIX C



	403/25	403/25a	403/25c	403/25ç	403/25d	403/25e	403/25f	403/25g-35.1	403/25-35.1	403/25a-b-ç-d	403/25a-b-c	403/25a-ç-d-f	403/25a-ç	403/25a-ç-d	403/25a-ç-f
1971		220		52											
1972		319		173	4										
1973		648	66	639	14	2									
1974		560		352	4	2									
1975	109	210		44							119	288	269		
1976													503		
1977												406	594	81	205
1978													986	206	
1979													902	83	166
1980													402	114	
1981								3		164			370		
1982		57						25					1254	118	
1983								39					352	482	
1984						4		14					2252	627	
1985		727		215				39					1980	383	
1986		537		364	53	1		20	2						
1987		653		105	54			10							
1988		920		915	246			1							
1989		830		514	34		6								
1990		1381		823	22	10	1	17							
1991		635		759	10	1									
1992		455		1348	46										
1993		145		1792	29										
1994		93		1059	13	5									
1995		617		589	14	1									
1996		180		1127	26	1									
1997		95		497	8	1									
1998		24		286	5	3									
1999		31		1950	58	1									
2000		42		1869	10										
2001		24		2690	22										
2002		81		2191	42										
2003		53		1279	29										
2004		132		1008	80										
2005		243		178	44										

Figure 6/A: Number of individuals revoked of Turkish citizenship (1971-2015), on the basis of ground for revocation

APPENDIX D



	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
403/25					109																														
403/25a	220	319	648	560	210							57			727	537	653	920	830	1381	635	455	145	93	617	180	95	24	31	42	24	81	53	132	243
403/25c			66																																
403/25ç	52	173	639	352	44										215	364	105	915	514	823	759	1348	1792	1059	589	1127	497	286	1950	1869	2690	2191	1279	1008	178
403/25d		4	14	4												53	54	246	34	22	10	46	29	13	14	26	8	5	58	10	22	42	29	80	44
403/25e			2	2										4		1				10	1			5	1	1	1	3	1						
403/25f																			6	1															
403/25g-35.1											3	25	39	14	39	20	10	1		17															
403/25-35.1																2																			
403/25a-b-ç-d											164																								
403/25a-b-c					119																														
403/25a-ç-d-f					288		406																												
403/25a-ç					269	503	594	986	902	402	370	1254	352	2252	1980																				
403/25a-ç-d							81	206	83	114		118	482	627	383																				
403/25a-ç-f							205		166																										

Figure 6/B: Number of individuals revoked of Turkish citizenship (1971-2015), on the basis of ground for revocation

APPENDIX E

CURRICULUM VITAE

Personal Information

Surname, Name: Mutlu, Yeşim
Nationality: Turkish (TC)
Date and Place of Birth: 12October 1983, Ankara
E-mail: yesimutlu@gmail.com

Education

Degree	Institution	Year of Graduation
PhD	METU Sociology	2019
MS	METU Sociology	2009
BS	METU Sociology	2006
High School	Atatürk Anadolu High School, Ankara	2001

Work Experience

Year	Place	Enrollment
2018 June –December	Turkey's Center for Prison Studies Research Grant	Independent Researcher
2018 July	CFCU	Independent Assessor
2017 December-2016 September	KOÇKAM Gender Studies Research Grant	Research Coordinator & Researcher
2017 April- 2016 January	Philosophical Society of Turkey	Project Coordinator
2017 March - April	OSCE/ODIHR	Media Monitor
2016October- December	UNICEF	Short-Term National Consultant
2015-2016	Agenda: Child Association	Project Assistant
2015 September- November	OSCE/ODIHR	Senior Assistant to the Political Analyst
2015 June-December	Raoul Wallenberg Institute – Human Rights Research Program	Research Coordinator & Researcher
2014 November- December	GIZ, EDUSER, IB and Hacettepe University	Researcher
2014 June	UNICEF	Short-Term Expert

2013 May-September	UNICEF	Short-Term National Consultant
2013 January -April	WHO	Short-Term National Consultant & Researcher
2012 April-June	WHO	Short-Term National Consultant &Researcher
2012 May-June	UNICEF	Short-Term National Consultant &Researcher
2011 August-2011 March	Research for S. Taşgın (PhD Candidate at Michigan State University)	Researcher
2011 August-2010 October	Diyarbakır Metropolitan Municipality	Project Coordinator
2010 March-February	ILO	Project Evaluation Assistant
2008 November-December	Turkish Institute of Health, G&G Consulting	Head of Field Team
2008 December-January	METU Scientific Research Projects Coordination Center	Project Assistant
2008 May-April	Association for Solidarity with the Freedom Deprived Youth	Researcher
2008 April-May	Hacettepe Institute of Population Studies	Researcher
2008 June	KONDA Research and Consultancy	Field Coordinator
2006 December-November	UNICEF	Field Coordinator & Researcher
2006 December-2003 December	METU Public Relations Officer	Assistant

Foreign Languages

Advanced English

Publications

1. Mutlu, Y. (2019). Deprived of the "Right to Have Rights": Stateless Persons in Turkish Prisons Research Report. *Turkey's Center for Prison Studies* (Original in Turkish)

2. Mutlu, Y. (2018). "She's Turkish But Good": Researching On Kurdish Internal Displacement As A 'Turkish' Woman Researcher. Bahar Başer (Ed.) *Research Reflections From the Field: Insider/Outsider Dilemma, Positionality and Reflexivity in Kurdish Studies*. Lexington Books Kurdish Societies, Politics and International Relations Series

3. Mutlu, Y. (2018). Elephants In The Room?: Syrian 'Refugee' Children and The Risk Of Statelessness In Turkey. Urszula Markowska - Manista (Ed.) *International Experiences In The Area Of Refugee And Migrant Children's Adaptation - Theory, Research, Praxis*. Warsaw:
WydawnictwoAkademiiPedagogikiSpecjalnejim. M. Grzegorzewskiej

4. Mutlu, Y. (2016). In The Pendulum Of Us And Them: Genealogy Of Studying Kurdish Forced Migration As A 'Turkish' Woman Researcher. Rabia Harmanşah &

Z. Nilüfer Nahya (Eds.) *Etnografik Hikayeler Türkiye'de Alan Araştırması Deneyimleri*. Istanbul: Metis (Original in Turkish)

5. Mutlu, Y., Kırımsoy, E., Antakyalıoğlu, Ş., (2016). *In the Shadow in Blurred Spaces: Syrian Refugee Children and The Risk Of Statelessness Research Report*. Gündem Çocuk Derneği.(Original in Turkish)

6. Mutlu, Y. (2015). Vulgar in Diyarbakır, Kurd in İstanbul: Internally Displaced Kurdish Youngsters in Turkey. Lülüfer Körükmez& İlkay Südaş (Eds.),*Göçler Ülkesi*. Istanbul: Ayrıntı (Original in Turkish)

7. Kırımsoy, E., Mutlu, Y. and Others. (2013).*Case Based Training Program For Facilitators: Training Program for Child Justice System Worker*s. Ministry of Justice, Turkish Academy of Justice, High Council of Judges and Prosecutors Ministry of Family and Social Policies. Ankara: UNICEF Turkey Office. (Original in Turkish)

8. Kırımsoy, E., Mutlu, Y. and Others. (2013). *Training Program For Child Justice System Workers: A Guide Book for Jurists.* Ministry of Justice, Turkish Academy of Justice, High Council of Judges and Prosecutors Ministry of Family and Social Policies. Ankara: UNICEF Turkey Office (Original in Turkish)

Certificates & Trainings

- PhD Workshop on Citizenship and Statelessness 2018 Tilburg University Tilburg Law School (The Netherlands, 2018)
- UNESCO 11th International Summer School "International Experiences in the Area of Refugee and Migrant Children's Adaptation - Theory, Research, Praxis" (Poland, 2017)
- "Impunity and Human Rights" Seminar organized by Joint Platform of Human Rights & Ankara University Human Rights Centre (Turkey, 2014)
- Civil Society Development Centre "Queer theory, feminism and narratives of masculinity" (Turkey, 2013)
- Mardin Artuklu University "Workshop on Preparing Research Projects in Social Sciences" (Turkey, 2013)
- Mediators Beyond Borders International Training Institute "Women in Peacebuilding: Enhancing Skills and Practice" (Turkey, 2013)
- Navarino Network & Yale University Program on Order, Conflict and Violence Olympia Summer Seminars "Transformation of Conflict" (Greece, 2012)
- USAID & ICHD & TESEV "Enhancing the Capacity of Evidence-based Policy Analysis Training" (Turkey, 2012)
- Amnesty International "Poverty and Social Exclusion in the Context of Economic, Cultural and Social Rights" Training of Trainers (Turkey, 2011)
- Deleeuw International & Grant Programme to Enhance Human Resources "Project Management Training" (Turkey, 2011)
- Human Rights Foundation of Turkey Diyarbakir Office "Guide Book for Coping with Ongoing Social Traumas" Meeting (Turkey, 2010)

- "Human Rights and Truth" Seminar organized by Joint Platform of Human Rights & Ankara University Human Rights Centre (Turkey, 2012)
- Human Rights School The Association of Human Rights and Solidarity for Oppressed People (Turkey, 2009)
- "Human Rights" Seminar organized by Joint Platform of Human Rights & Ankara University Human Rights Centre (Turkey, 2008)
- Training on the Behavior Assessment of Imprisoned People on Hiv/Aids (Turkey, 2006)

Scholarships, Grants & Awards

- Raoul Wallenberg Institute Travel Grant (2018)
- Turkey's Centre for Prison Studies Research Grant (2018)
- Raoul Wallenberg Institute Human Rights PhD Research Scholarship (2018)
- Dicle Koğacıoğlu Article Award (with Mehtap Tosun, 3rd, 2017)
- UNESCO 11th International Summer School Fellowship (2017)
- Koç University Centre for Gender Studies Research Award (2016)
- Raoul Wallenberg Institute Human Rights Research Grant Award (2015)
- Azerbaijan Diplomatic Academy Scholarship (2013)
- Navarino Network & Program on Order, Conflict and Violence at Yale University Olympia Summer Seminars Scholarship (2012)
- The Scientific and Technological Research Council of Turkey PhD Scholarship (2009 - 2015)
- The Scientific and Technological Research Council of Turkey MS Scholarship (2006 - 2008)

APPENDIX F

TURKISH SUMMARY/ TÜRKÇE ÖZET

YURTTAŞLARINI REDDETMEK: PATERNALİST TÜRKİYE DEVLETİNDE VATANDAŞLIĞIN KEYFİ OLARAK KAYBETTİRİLMESİ VE VATANSIZLIK

Bu tez, Türkiye'de vatandaşlığın kaybettirilmesi pratiğini, sosyo-tarihsel bir perspektifle incelemeyi amaçlamaktadır. Vatandaşlığın (irade dışı) kaybettirilmesi uygulamaları ve bununla ilişkili olarak ortaya çıkan vatansızlık durumları ve vatansızların sorunlarına uluslararası hukuk ve insan hakları hukuku alanlarında giderek daha fazla yer verilmesine karşın, sosyal bilimler literatüründe konu ancak son yıllarda görünürleşmiştir. Bu durum Türkiye için de geçerlidir ve vatandaşlığın kaybettirilmesi pratiğine yönelik çalışmalar yok denecek kadar azdır. Bu noktadan hareketle, bu çalışma, vatandaşlık çalışmalarının en unutulmuş alanlarından biri olan, vatandaşlığın kaybettirilmesi pratiğine odaklanarak, vatandaşlık kavramını, onun değili, yani vatansızlık üzerinden anlamaya çalışmaktadır. Bu amaçla, çalışma, ilk olarak vatandaşlığın kaybettirilmesi pratiğinin ulusal kimlik ve algılanan sadakat(sizlik) ile ilişkilendirilerek analiz edilip edilemeyeceğini tartışmaktadır. İkinci olarak ise, vatandaşlığın keyfi olarak kaybettirilmesinin, Türkiye'nin demokratikleşmesi ile düşünce ve ifade özgürlüğü temelleri üzerinden tartışılıp tartışılamayacağı irdelenmiştir. Çalışma kapsamında sunulan analizlerin kaynağını, 1950-2015 arasında Resmi Gazete'de yayımlanan, vatandaşlığın kaybettirilmesine yönelik Bakanlar Kurulu kararları ile Türkiye devleti tarafından de facto ya da de jure vatansız bırakılan kişilerle yapılan derinlemesine görüşmelerde aktarılan deneyimler oluşturmaktadır. Bunların yanı sıra, bu çalışma Türkiye Vatandaşlık Kanunları'ndaki ilgili maddelerin ve bunların zaman içerisindeki değişimlerini inceleyerek, hangi dönemlerde, hangi vatandaş veya vatandaş gruplarının

'vatandaşlık zırhı'ndan faydalandırıldığını, hangilerinin mahrum edildiğini anlamaya çalışmış; buna dair sosyo-tarihsel bir analiz sunmayı amaçlamıştır. Dolayısıyla, bu çalışma Türkiye Cumhuriyeti tarihinin hangi dönemlerinde, ne gibi gerekçelerle vatandaşlığın kaybettirilmesi pratiğinin uygulandığına odaklanarak; günümüzde de tartışılan bu uygulamanın hem mantığını anlamayı hem de Türkiye vatandaşlık çalışmalarına katkı sunmayı hedeflemiştir.

Çalışmanın her bir bölümü Türkiye'de vatandaşlığın kaybettirilmesi pratiğini hem ilgili literatürle hem de Türkiye'deki sosyo-tarihsel gelişmelerle ilişkilendirerek anlamak amacıyla şekillendirilmiştir. Araştırma temel olarak devlet egemenliği, vatandaş ve insan hakları ikilemi ile özellikle son dönemde meseleye ilişkin olarak gündeme gelen güvenlik ve terörizmle mücadele tartışmalarından beslenmiştir. Bunun yanı sıra, vatandaşlığın irade dışı kaybı ve vatansızlık literatürleri de çalışmanın temelini oluşturmuştur. Çalışma kapsamında Türkiye Cumhuriyeti vatandaşlık kavramı, onun içerme/dışlama pratikleri üzerinden aktarılırken, vatandaşlığın kaybettirilmesi pratiği ise ulusal kimlik ve sadakat(sizlik) ile ilişkilendirilerek incelenmiştir. Bu tartışma zeminlerinden hareketle, çalışmanın organizasyonu altı bölüm olarak şekillendirilmiştir.

Birinci bölüm, çalışmanın amacı, önemi, metodolojisi ve organizasyonuna odaklanmıştır. Çalışmanın genel amacı, üç temel araştırma sorusu üzerinden Türkiye'de vatandaşlığın kaybettirilmesi pratiğinin irdelenmesidir. Özel olarak ise bu çalışma, vatandaşlığın kaybettirilmesi pratiğinin hangi dönemlerde, hangi vatandaş ve/veya vatandaş gruplarını nasıl etkilediğini ve buna dair bir örüntüden söz edilip edilemeyeceğini anlamayı amaçlamıştır. Bunun yanı sıra, özellikle son birkaç yılda yeniden gündeme getirilen vatandaşlığın irade dışı kaybettirilmesi pratiğinin, yönetici elitler tarafından tekrar devreye sokulmasının hangi saiklerden kaynaklandığına dair bir tartışma zemini yaratmayı da amaçlamıştır. Araştırmanın öneminden bahsetmek gerekirse, Türkiye'de vatandaşlığın kimleri/hangi grupları içerdiğine dair oldukça geniş kapsamlı ve çeşitli araştırmalar halihazırda varken;

vatandaşlığın kaybettirilmesine ilişkin neredeyse hiçbir çalışmanın olmaması bu araştırmanın önemini ortaya koymaktadır. Konuya dair yapılan tek kapsamlı araştırma 1923-1950 tarihlerini incelemektedir. Dolayısıyla, bu çalışma da 1950-2015 tarih aralığına dair veri üreterek, vatandaşlık çalışmalarına bu kapsamda katkıda bulunmayı amaçlamıştır.

Metodoloji bölümünde ayrıntılı olarak bahsedildiği gibi, çalışmanın iki temel veri kaynağı vardır. Bunlardan ilki, 1950-2015 yılları arasında Resmi Gazete'de yayımlanan ve vatandaşlığın kaybettirilmesine yönelik olan Bakanlar Kurulu kararlarıdır. Resmi Gazete taraması dört anahtar kelime üzerinden yapılmıştır, bunlar: "Türk vatandaşlığından ıskat", "Türk vatandaşlığını kayıpetme", "Türk vatandaşlığından çıkarılma" ve "Türk vatandaşlığının kaybettirilmesi"dir. Bu anahtar kelimeler üzerinden erişilen Bakanlar Kurulu kararları, daha sonrasında eldeki tek veri olan kişi ad-soyadları ve doğum yeri temel alınarak analiz edilmiştir. Bu analiz hangi dönemlerde, hangi gerekçelerle, kimlerin Türkiye vatandaşlığının kaybettirildiğine dair bir çerçeve sunmuş ve tezin ana araştırma sorularının cevaplanmasında önemli rol oynamıştır.

İkinci veri kaynağı ise, Türkiye Devleti tarafından de facto veya de jure vatansız bırakılan kişilerle yapılan, yarı-yapılandırılmış, derinlemesine görüşmelerdir. Araştırmanın saha çalışması 2015-2016 yılları arasında tamamlanmıştır. Yüz yüze görüşmeler yapıldığı gibi, görüşmecilerin yurtdışında olduğu durumlarda Skype, e-posta veya telefon aracılığıyla da görüşme yapılmıştır. Sosyal bilimlerin ilgili literatürü göz önünde bulundurulduğunda, 'hassas' veya 'saklı' grup olarak tarifleyebileceğimiz görüşmecilere ulaşmak çok kolay olmasa da, kartopu tekniği bu süreci nispeten kolaylaştırmıştır. Nitel çalışmalarda yaygın olarak kullanılan derinlemesine görüşme tekniğinin özellikle deneyim çalışmalarında kullanılmasının salık verilmesi, bu araştırma dahilinde de bu tekniğin kullanımını gerektirmiş ve görüşmeler vatansızlık durumlarına ilişkin kapsamlı veri sağlamıştır.

Çalışmanın ikinci bölümü, araştırmanın teorik çerçevesini belirleyen temel bölümdür. Bu bölüm, vatandaşlık kavramı ve teorileri üzerine ayrıntılı bir tartışmaya girmektense, vatansızlığı anlamak adına vatandaşlığın devlet ile birey arasındaki yasal bağ olarak tariflenen tanımını temel almıştır. Ayrıca, vatandaşlık literatürünün kurucu metinleri üzerine genel bir giriş sağlamakla birlikte, bu bölüm, esas olarak vatandaşlığın nasıl bir 'sadakat sertifikası'na dönüştürüldüğüne yönelik bir çerçeve çizmiştir. Aynı zamanda, vatandaşlığın Antik Yunan'daki görünümlerinin ve Fransız Devrimi sonrasında modern politikanın ulus-devlet temelli şekillenmesi ile birlikte ulusal kimlikle nasıl ilişkilendirildiğinin aktarılması hedeflenmiştir. Bu noktada, ulus-devletlerin vatandaşlarını belirleme konusunda neredeyse sınırsız bir egemenlik alanına sahip olmaları, sadece ulusun tanımlanmasını değil aynı zamanda inşa edilmesini de beraberinde getirdiği tartışması bu çalışma açısından da oldukça önemli olmuş ve sadakat(sizlik) algısını dikkatle incelemenin de önemini ortaya çıkarmıştır. Vatandaşlığın "bulanık ve akışkan sınırları" pek çok farklı boyutuyla ve özellikle 1990'lar sonrasındaki gelişmelerle birlikte incelemeye tabi tutulsa da, bu incelemenin yasal vatandaşlık sisteminin tamamen dışında kalanları/bırakılanları, tartışmaya dahil etmemesi, vatansız kişilerin on yıllar boyunca sessizliğe gömülmesi sonucunu doğurmuştur.

Vatansızlık statüsünün ilk örnekleri ulusal egemenlik hakları için pazarlık eden ulus-devletlerin vatandaşlıktan çıkarma uygulamalarıyla görülmeye başlanmıştır. Özellikle I. Dünya Savaşı süresince vatandaşlıktan çıkarılmalar istenmeyen kişi ve/veya kişi gruplarının, ulus-devlet sınırlarının dışına gönderilmesi ve dolayısıyla vatandaşlığın sağladığı ayrıcalıkların da dışında bırakılması ile sonuçlanmıştır. Bunun yanı sıra, vatandaşlığın irade dışı kaybettirilmesinin, özellikle yirminci yüzyılda kimi rejimler tarafından 'sadakatsiz vatandaşlar'ın cezalandırılmasının bir aracı olarak da kullanılması, vatandaşlığın, iktidar sahiplerinin ihtiyaçları doğrultusunda politik bir silaha dönüştürülmesinin yolunu açmıştır.

Daha önce de bahsedildiği gibi, oldukça yakın bir zamana kadar, vatansızlık mefhumu ve vatansız kişilere yönelik çalışmalar büyük oranda sınırlı kalmıştır. Ancak meseleye ilişkin ilk kapsamlı çalışma Hannah Arendt tarafından yapılmıştır. Bu araştırma da Arendt'in "haklara sahip olma" kavramsallaştırmasını temel alarak, Türkiye Devleti'nde vatandaşlığın kaybettirilmesi pratiğini irdelemiştir. Arendt, çalışmasında insan haklarının paradoksuna vurgu yaparak, ulus-devletler çağında vatandaşlık hakları ve insan hakları gerilimi üzerinde durmuştur. Arendt'e göre vatandaşlık sadece bir ulusal komitenin tam anlamıyla üyesi olmayı değil aynı zamanda insanlığın da üyesi olmayı ifade eder. Dolayısıyla, vatansızlığın, kişiyi tüm bu üyeliklerden mahrum bırakması, onun sadece bir 'yuva'yı ve diplomatik korumayı kaybetmesi ile sonuçlanmaz; aynı zamanda kişinin "görüşlerini anlamlı ve eylemlerini etkin kılan" bir siyasallıkta kendine yer bulabilmesinin de önüne geçer. Bu nokta, Arendt'in vurguladığı "kişinin eylemlerine ve görüşlerine göre yargılandığı bir çerçevede yaşaması anlamına" gelir ve "haklara sahip olma hakkı" kavramsallaştırmasının temelini oluşturur.

1948 tarihli İnsan Hakları Evrensel Bildirgesi'nin 15. Maddesi "Herkesin bir vatandaşlığa sahip olma hakkı vardır ve hiç kimse keyfi olarak vatandaşlığından veya vatandaşlığını değiştirme hakkından mahrum edilemez" der. Bu hüküm uluslararası hukuk alanında benimsenmiş ve her kişinin bir vatandaşlığı olması ve kişinin vatandaşlığından keyfi olarak mahrum edilmemesi ilkeleri uluslararası hukuka yerleşmiştir. Her ne kadar bu ilkeler vatansızlık hallerinin önlenmesi bakımından büyük önem taşısa da, Birleşmiş Milletler verilerine göre bugün dünyada en az milyon vatansız kişi bulunduğu tahmin edilmektedir. Dolayısıyla alınan önlemlere, tartışılan politika önerilerine ve uluslararası hukukun işlerliğine rağmen bir hukuki durum olarak vatansızlık iç savaşlar, silahlı çatışmalar, sınır değişiklikleri ve zaman zaman da kanunlarda yapılan değişiklikler sonucu artarak devam etmektedir. İnsan hakları hukuku ve alanında yaşanan gelişmelere rağmen, insanın salt insan olmaktan kaynaklanan haklara sahip olduğu iddiası, günümüzde hakların hala ve çoğunlukla bir ulusun üyesi olmakla erişilebilir olması ile temelinden sarsılır. Bu durum ise özellikle diplomatik korumadan yoksun olan

vatansız kişi ve kişi gruplarını etkiler. 1958 tarihinde Amerikan Yüce Mahkemesi Yargıcı Earl Warren tarafından "işkenceden daha ilkel bir cezalandırma formu" olarak tanımlanan vatansızlık durumlarının günümüzde artarak devam ediyor olması konunun güncelliğini ve insan hakları söyleminin bu noktadaki yetersizliğini göstermektedir.

Bunların yanı sıra, çalışma, vatansızlık durumlarının ortaya çıkabildiği koşullara da değinerek, vatansızlığın farklı veçhelerine ve beraberinde gelen belirsizliklere de ışık tutmayı amaçlamıştır. Vatansızlık durumu, bir ülkenin vatandaşlık kanunlarında ortaya çıkan bir boşluk, yeni ulus-devletlerin kurulması, sınırların değişmesi, zorunlu göç veya politik dönüşüm ve/veya şiddetli çatışmalar sebebiyle veya bunların sonucu olarak ortaya çıkabilir. Böylelikle bir kişi kendi ülkesinin sınırları içinde vatansız kalabileceği gibi başka bir ülkenin sınırları içerisinde de vatansız durumuna düşebilir. Dolayısıyla, vatansızlık sadece iki tarafı – hem vatansız kişinin ülkesi, hem de vatansız konumunda yaşadığı ülkeyi- da ilgilendiren bir statü değil ve fakat uluslararası hukuku da ilgilendiren bir mefhumdur. Vatansızlık durumunun alınan tüm önlemler ve kabul edilen sözleşmelere karşın sayıca hala azalmaması ve hatta nesiller arasında aktarılıyor olması durumun önemini açıkça ortaya koyar. Bunun yanı sıra, vatandaşlığın irade dışı kaybettirilmesi uygulamalarının ulusal, etnik, dini ve/veya dilsel azınlıklara yönelik ayrımcı pratiklerle ve de zorunlu göç ile iç içe geçtiğinin de altı çizilmelidir.

Bu bölümde üzerinde önemle durulan ve Türkiye örneğini anlamayı da sağlayan bir diğer başlık ise de facto ve de jure vatansızlık ile keyfilik tartışmalarıdır. De jure vatansız kişi tanımı hiçbir vatandaşlığa sahip olmayan kişiler için kullanılırken, vatansızlık durumlarının çeşitliliği, vatandaşlığa sahip olsalar da vatandaşlık haklarından yararlandırılmayan kişiler için de facto vatansız kişi tanımının gündeme gelmesine neden olmuştur. Her ne kadar konu üzerinde çalışan kimi akademisyenler, de facto vatansız tanımlamasının, de jure vatansız kişilerin ihtiyaçlarının görünmezliğine yol açtığını iddia etseler de, vatansızlığın farklı görünümleri, de facto vatansız tanımının gerekliliğine işaret etmektedir ve bu çalışma için de işlevsel

olmuştur. Vatandaşlığın irade dışı kaybettirilmesi pratiğine yönelik önemli bir diğer başlık ise uygulamanın keyfiliğine odaklanmıştır. Bu konu özellikle, kaybettirme pratiğinin tek ve çift vatandaşlığa sahip kişiler arasında bir ayrımcılığa sebebiyet vermesi ve aynı zamanda çoğunlukla idari bir işlem olarak uygulanması noktalarında önemlidir. Kaybettirme işlemine yönelik yargı sürecinin açık olması ve/veya yargı sürecinin işletilip işletilmemesi, pratiğin keyfi olup olmaması tartışmasının belirleyenlerindendir.

Dahası, her ne kadar ilgili literatür vatandaşlığın kaybettirilmesi pratiğinin en fazla sadakatsizlik temelinde, yani 'hainlik' iddiasıyla, uygulandığını belirtse de; son dönemlerde pratiğin terörizme karşı savaş ve (ulusal) güvenlik ile ilişkilendirilerek uygulanıyor olması, Türkiye'deki konuya ilişkin güncel tartışmaları anlamak için de bir kapı aralar. Vatandaşlığın irade dışı kaybettirilmesi uygulamasının yeniden gündeme gelmesinde 11 Eylül 2001 saldırılarının önemi vurgulanırken, saldırılar sonrasında gerek Amerika'da gerekse de Avrupa'da terörle mücadele kapsamı altında tariflenen değişikliklerin etkileri öncelikli olarak haklara sahip olma hakkının avantajından en çok faydalanan yurttaşlar üzerinde değil; vatandaş olmayanların ya da göçmenlerin üzerinde olmuş olması, vatandaşlık mefhumunun içerme pratiklerine dair de önemli veriler sunar. Özellikle 2010 sonrasında Hollanda, Fransa, İngiltere, Danimarka ve İsrail gibi ülkeler vatandaşlık kanunlarında köklü değişikliklere gitmiştir. Bunun bir sonucu ve en önemlisi öncelikli olarak çifte vatandaşlığa sahip bireylerin, ve çoğunlukla da Müslümanların, terörizm bağlantısı gerekçesi ile vatandaşlıktan çıkarılması ve 'ülkeleri'ne geri gönderilmesi olmuştur. Bir diğer sonucu ise vatandaşlığın bir hak mı yoksa bir ayrıcalık mı olduğu tartışmasına, kimlerin vatandaşlık halkasının içine dahil edildiği kimlerin ise dışarıda bırakıldığıyla ilişkili olarak önemli noktaları açığa çıkarması ve tartışmaya açması olmuştur.

Son olarak, bu bölüm, uluslararası insan hakları sözleşmelerinde vatansızlıkla ilişkili maddeler ve vatansızların hakları konularına yer vermiştir. Buna ek olarak, dünyanın farklı bölgelerinden vatandaşlığın irade dışı kaybettirilmesi örneklerine ve bunun

yanı sıra uzun süreli vatansızlık vakalarına yer vererek, vatansızlığın ve vatandaşlığın kaybettirilmesi pratiğinin yaygınlığını gözler önüne sermeyi amaçlamıştır.

Araştırmanın 3. bölümü, Türkiye'de vatandaşlığın gelişimi ve vatandaşlığın kaybettirilmesi pratiği ile ilgili sosyo-tarihsel arka plana odaklanmayı amaçlamıştır. Bu bölüm, ilk olarak, Osmanlı'da ve devamında Türkiye'de vatandaşlığının içerme ve dışlamaya ilişkin sınırlarına dair bir tartışmayı ortaya koymakla başlar. Bunlardan ilki, bu çalışma dahilinde devletin paternalist yapısıyla ilişkilendirilerek açıklanır. Başka bir ifadeyle, Osmanlı'dan devralınan mirasla, devlet vatandaşlık ilişkilerinin otoriter bir baba figürü ile yaramaz bir çocuk arasında kurulan ilişkiye benzediği tartışılır. Bu sebeple, vatandaşların, kendilerinden beklendiği üzere, genellikle pasif ve onaylayan bir tavrı benimsedikleri; bunu benimsemeyi reddettiklerinde ise cezalandırıldıklarını tartışır. Ayrıca, bu vatandaş tipinin yaratılmasında milli eğitim ve (askeri) darbelerin rolü üzerinde de durulur. Türkiye özelinde, vatandaşlığın kaybettirilmesi pratiğinin, bahsedilen cezalandırma yöntemlerinden sadece birisi olduğu iddia edilir. İkinci olarak, Türkiye vatandaşlığının sınırlarının belirlenmesinde sadakat(sizlik)in oldukça kritik bir rol oynadığı, kimlerin vatandaşlığa dahil edildiği ve kimlerin edilmediği üzerinden açıklanmaya çalışılır.

Bu tartışmaların yanı sıra, bu bölüm, ilgili literatür göz önünde bulundurularak, vatandaşlığın irade dışı kaybını, Osmanlı İmparatorluğu ve Cumhuriyet dönemindeki sürgün uygulamalarını da göz önünde bulundurarak anlamaya çalışmıştır. Araştırmalar göstermektedir ki, sürgün, özellikle 19. yüzyıldan itibaren, yönetime muhalif olan etkili ve yetkili görevlilerin, zararlı oldukları gerekçesiyle uygulama alanı bulmuş ve politik suçlar için kullanılmaya başlanmıştır (Alan, 2014: 246). Türkiye Cumhuriyeti devleti ise 1920'li yılların başından itibaren Ermeniler, Süryaniler, Rumlar gibi hem 'istenmeyen' grupların Türkiye sınırlarına tekrar girmesini engellemek için, hem de siyasi muhalifleri bertaraf etmek için vatandaşlığın kaybettirilmesi pratiğine başvurmuştur. Pratiğin bu dönemlerdeki

yansımalarını odağına alan tek çalışma, Batur'un (2014) 1923 - 1950 tarihlerini kapsayan doktora tezidir. Bu çalışmaya göre vatandaşlığın kaybettirilmesi ve vatandaşlığa kabul işlemleri, 1923 yılından itibaren, ilk yıllarda Tabiiyet-i Osmaniye Kanunnamesi hükümleri doğrultusunda gerçekleştirilmiş, ilgili kanunların yürürlüğe girmesi ile ise bu kanunlarla işlemlere devam edilmiştir. Özellikle 1041 sayılı Kanun, 1312 sayılı Türk Vatandaşlığı Kanunu ve 2510 sayılı İskan Kanunu işlemlerin temel dayanakları olmuştur. 1923-1950 yılları arası dönemde, öncelikle I. Dünya Savaşı'na katılmayarak yurdu terk eden ve belirlenen sürede dönmeyenler için vatandaşlığın kaybettirilmesi işlemi yapılmıştır. Bunun yanı sıra, nüfusta nitelikli bir artış sağlanması yönünde politikalar uygulanırken, vatanseverlik önemli bir kıstas olarak kabul edilmiş, vatanla tamamen bağlarını koparan ya da bağları gevşek olanlarla hukuki bağlar tamamen sona erdirilme yoluna gidilmiştir (Batur, 2014: i-iii). Batur'un çalışması, incelediği dönem aralığında, bu uygulamaların en çok Müslüman olmayan vatandaş gruplarını ve bunlar arasından da öncelikli olarak Yahudileri etkilediğini ortaya koymaktadır.

Bu çalışma da göstermektedir ki, Batur'un çalışmasında vardığı sonuçlar Türkiye'nin ulus inşa sürecinde izlediği yol, yöntem ve kullandığı araçlarla doğrudan ilişkilidir. Diğer bir ifadeyle, özellikle 1930'lardan itibaren, gerek devlet söyleminde gerekse de uygulamada Türk etnik kimliğinin ön planda tutulması ve bununla ilişkili olarak uygulanan etnik milliyetçiliğe varan politikalarla, Türkiye'nin Müslüman olmayan nüfusunun, ülke sınırlarını terk etmesine göz yumulmakla kalınmamış; aynı zamanda bunun için (yeniden) iskan, (zorunlu) göç ve imha gibi önlemler de sistematik bir şekilde devreye sokulmuştur. Ermeni ve Rumların tehciri, Türkiye - Yunanistan nüfus mübadelesi, Yahudiler'e yönelik 1934 Trakya olayları, azınlıklara yönelik 6-7 Eylül 1955 saldırıları ve Rumlar'a yönelik 1964 sürgünü bu uygulamalardan sadece bazılarıdır. Bu uygulamalarla sadece ulusun homojenleşmesi amacı güdülmemiş, aynı zamanda sermayenin Türkleşmesi de hedeflenmiştir. Sonuç olarak, kendilerine bir yaşam alanı bulamayan azınlıklar ülkeden göç etmeye başlamış ve Türkiye nüfusundaki oranları giderek azalmıştır. Buna karşılık Türkiye Devleti ise ya yurtdışına gidip de dönmeme, askerlik hizmetini yapmama veya konsolosluklara beş

yıl süreyle kayıt yaptırmama gerekçeleriyle, azınlıkların vatandaşlığını kaybettirme yoluna gitmiş ve böylelikle geri dönüşlerinin de önünü kapatmıştır.

Bunların yanı sıra, bu bölüm, Türkiye Vatandaşlık Kanunları'nı da inceleyerek, özellikle vatandaşlığın kaybettirilmesi gerekçelerinin zaman içindeki değişiminin, bize konuya ilişkin ne söylediğini analiz etmeye çalışmıştır. Böylelikle bu çalışma, Türkiye Vatandaşlık Kanunları'ndaki vatandaşlığın kaybettirilmesi gerekçeleri ve bunların zamanla değişimi üzerinden hangi tarihsel dönemlerde, kimlerin, hangi gerekçelerle vatandaşlıktan çıkarıldığına dair bilgi sunmakta ve bunu ayrıntılı olarak çalışmanın beşinci bölümünde aktarmaktadır.

Son olarak bu bölüm, Türkiye'de vatandaşlığın irade dışı kaybıyla ilgili olarak toplumsal cinsiyet, zorunlu askerlik hizmeti ve Türk Ceza Kanunları hakkındaki tartışmalara değinerek; vatandaşlığın kaybettirilmesi pratiğinin Vatandaşlık Kanunları dışında hangi değişkenlerden doğrudan veya dolaylı olarak etkilendiğine dair de bir çerçeve sunmaktadır. Buna göre, Türkiye Vatandaşlık Kanunları vatandaşlığın kaybettirilmesi pratiğine ilişkin toplumsal cinsiyet bakımından herhangi bir ayrım yapmazken, zorunlu askerlik hizmetini yapmamanın 5901 sayılı son vatandaşlık kanununa kadar, vatandaşlığın kaybettirilmesinin bir gerekçesi olması sebebiyle; pratiğin ağırlıklı olarak erkekleri etkilediğini söylemek mümkün görünmektedir. Ancak burada altı çizilmesi gereken en önemli nokta, özellikle 1980 darbesi sonrasında uygulanan Türk Ceza Kanunu'nun 140, 141, 142 ve 163. maddeleri uyarınca yargılanan vatandaşların, cezaların ağırlığı sebebiyle yurtdışına çıkmak zorunda kalmış olmaları ve 'yurda dön' çağrısına uymadıkları için vatandaşlıklarının kaybettirilmiş olmasıdır. Tüm bu tartışmalar ışığında, bu bölüm hem vatandaşlığın kaybettirilmesine ilişkin maddelerin tüm Türkiye Vatandaşlık Kanunları'nda kendine yer bulduğunu aktarmaya çalışmış hem de bunun istenmeyen kişi veya gruplardan 'kurtulmanın' bir aracı olduğunu tartışmaya açmıştır.

Dördüncü bölüm, sosyal bilim araştırmacılarının yakın zamana kadar pek de üzerinde durmadıkları bir alan olan, araştırmacının saha deneyimlerine odaklanmaktadır. Buradaki amaç araştırmacının bu çalışmayı yürütürken yaşadığı deneyimleri özdüşünümsel bir perspektifle aktarmasıdır. Bu kapsamda, bu bölümde ilk olarak saha çalışması için gerekli bağlantıların kurulması, görüşmecilere ulaşılması ve buna ilişkin deneyimler paylaşılmıştır. Bunu yaparken araştırmacı kendi öznel durumunu da saha çalışması ile ilişkili olarak değerlendirmeye çalışmış; araştırma konusunun tekrar gündem olduğu bir dönemde, böyle bir konuyu çalışmaya yönelik endişeleri, korkuları ve yaşadığı kimi zorluklardan söz ederek, araştırmacıya çalışmanın içinde bir özne olarak yer vermeyi amaçlamıştır. Bunun nedeni, araştırmacıların genelde, kendi çalışmalarını yazarken bir anlatıcı olarak çalışmanın dışında kalmalarına yönelik bir itirazdır. Özellikle son bir kaç yıldır yayımlanan çeşitli çalışmalar, hem araştırmanın yürütüldüğü sosyo-politik ortamın araştırma ve araştırmacılar üzerindeki etkisinden, hem de araştırmacıların kimi özelliklerinin ve/veya kişisel durumlarının, örneğin cinsiyet, etnik/dini köken, alanda kurulan ilişkiler üzerindeki etkisinden bahsetmenin önemli olduğunun altını çizer. Bu doğrultuda bu çalışmada da, araştırmacı saha çalışmasını yürütürken yaşadığı deneyimleri üç temel başlık üzerinden aktararak, bu deneyimlerin görünürleşmesine katkı sunmayı hedeflemiştir. İkinci olarak, araştırmacı "kapalı" siyasallıklarda ve/veya hassas konularda araştırma yürütmenin zorluklarına odaklanmıştır. Araştırma süreçlerinde politik durumun oynayabileceği rol üzerinde durarak araştırmacı kendi deneyiminden yola çıkarak alınabilecek kimi önlemler ve belirlenebilecek stratejilere yer vermiştir. Üçüncü olarak, araştırmacı 'ünlü' kişilerle görüşmenin zorluklarını, sınırlı da olsa ilgili literatürle ilişkilendirerek aktarmaya çalışmıştır. İkinci olarak, araştırmacı saha çalışması yürütürken yaşadığı ve toplumsal cinsiyetinden kaynaklanan kimi noktalara değinmiştir. Araştırmacının buradaki amacı, saha çalışmalarının da birer şiddet ve taciz alanlarına dönüşebileceğinin altını çizmek ve bu gibi sorunlara dair deneyim paylaşımlarının yaygınlaşmasına katkı sunmaktır. Ve son olarak, bu bölümde çalışmanın sınırlılıklarına yer verilmiştir.

Beşinci bölüm, bu çalışmanın iki temel veri kaynağından edinilen bilgilerin analiz edildiği bölümdür. Bunların ilki 1950-2015 yılları arasında vatandaşlığın kaybına ilişkin pratiğin ve gerekçelerin ayrıntılı bir analizini içerirken, ikincisi çoğunluğu 1980 sonrası göç etmek ve sürgünde yaşamak zorunda kalmış görüşmecilerle yapılmış derinlemesine görüşmelerde aktarılan deneyimlerin, sürgün literatürü ve Arendt'in haklara sahip olma hakkı kavramı temelinde tartışılmasını kapsar. Dolayısıyla, çalışma ilk olarak, öncesindeki devlet pratikleriyle de ilişkili olarak, 1950'lerden itibaren özellikle azınlıkları hedef alan uygulamalardan söz ederek, Türkiye özelinde (zorunlu) göç ile vatandaşlığın kaybettirilmesi pratiği arasındaki ilişkiye dikkat çeker ve (zorunlu) göçün, azınlıkların Türkiye vatandaşlığının kaybında rol oynadığının altını çizer. İkinci olarak ise, görüşmecilerin deneyimlerinden hareketle, Türkiye özelinde vatandaşlığın kaybettirilmesi pratiğinin vatansızlık literatürü ile ilişkili olarak analiz edilmesi gerekliliğini tartışmaya açar.

Öncelikle Bakanlar Kurulu kararlarının analizi ile başlamak gerekirse, 1312 sayılı kanunun yürürlükte olduğu 1950-1964 yılları arasında vatandaşlığı kaybettirilen kişilerin çoğunluğunun, Müslüman olmayan azınlık gruplara mensup vatandaşlar olduğu göze çarpmaktadır. Batur'un (2014) çalışmasında elde ettiği verilerle benzer bir biçimde, Yahudiler yine ilk sırayı almaktadır. Ancak burada dikkat çekici bir kırılmadan söz etmek önemli görünmektedir. 1923-1950 yılları arasındaki vatandaşlığın kaybı kararlarını inceleyen Batur'un (2014) çalışmasının sonucuna göre, söz edilen dönem içerisindeki en fazla sayıda vatandaşlığın kaybettirilmesi kararı, 1312 sayılı kanunun 10. maddesi, yani beş yıl süreyle konsolosluklara kayıt olunmaması gerekçesiyle verilmiştir. Fakat, 1950-1964 tarihleri arasındaki kararlara bakıldığına ise, en fazla sayıda kararın aynı kanunun 9. maddesi yani, izin almadan başka devlet vatandaşlığına geçmek veya başka ülkelerin askerlik hizmetinde bulunma gerekçeleriyle verildiği görülmektedir. Bu çalışma kapsamında bu kırılma, konsolosluklara kayıt olmama gerekçesinin, devletin veya yönetici elitlerin artık ihtiyacına cevap vermemesi olarak değerlendirilmiştir. Bu noktada şunu da belirtmek önemli görünmektedir: İzin almaksızın başka devlet vatandaşlığına geçmek, hem Türkiye Devleti hem de başkaca devletler tarafından bir sadakatsizlik örneği olarak

görülmüş ve çifte vatandaşlığın kabul gördüğü nispeten yakın zamanlara kadar vatandaşlığın kaybettirilmesinin yaygın gerekçelerinden birisi olmuştur. Bu sebeple, izin almaksızın başka devlet vatandaşlığına geçmek, son vatandaşlık kanunu olan 5901 sayılı kanuna kadar, Türk vatandaşlığının kaybettirilmesi için bir gerekçe olmuş ve 1990'lara kadar da Bakanlar Kurulu kararlarında ağırlıklı olarak yer bulmuştur.

Söz edilen dönemde, Bakanlar Kurulu'nun vatandaşlığın irade dışı kaybına ilişkin kararları incelenerek başkaca çıkarımlar da yapmak mümkündür. Gibney (2011) Soğuk Savaş döneminde yaygınlık kazanan 'komünizm tehdidi'nin vatandaşlığın kaybettirilmesi kararları ve/veya uygulamaları üzerinde etkisinin olduğundan söz eder. Türkiye için de benzer bir çıkarımda bulunmak mümkündür. Devletin iç ve dış güvenliği aleyhinde faaliyetlerde bulunmak ve askerlik hizmetini yapmamak 1312 sayılı kanunun 11. maddesi gereğince vatandaşlığın kaybettirilmesinin bir gerekçesi olabilir ve Türk vatandaşlığını doğuştan değil sonradan kazanan kişilere yöneliktir. Özellikle 1950'lerin ikinci yarısından sonra bu madde uyarınca oldukça az sayıda da olsa karar verildiğini görmek mümkündür. Bu anlamda esas dikkat çekici olan nokta, ilgili kararlara ilişkin yazışmalarda, vatandaşlığı kaybettirilen kişiye yönelik komünizmi yaymak, Rusya'nın hizmetinde olmak vb. ithamların yer alıyor olmasıdır. Bunun Türkiye'de en bilinen örneği Nazım Hikmet Ran'ın Türk vatandaşlığının, bu madde uyarınca olmasa da, yabancı devlet hizmetinde olmak gerekçesiyle kaybettirilmiş olmasıdır.

1964'te Türkiye Vatandaşlık Kanunu değişmiş ve 403 sayılı kanun yürürlüğe girmiştir. Bu kanun kendisinden önce yürürlükte olan 1312 sayılı kanuna yer alan vatandaşlığın kaybettirilmesi gerekçelerinin hemen hemen hepsini içermiş, ayrıca gerekçeleri daha da çeşitlendirmiştir. Bu kanun kapsamında, 1964-1970 yılları arasında vatandaşlığı kaybettirilen kişilere bakıldığında, Bakanlar Kurulu kararlarının gösterdiği bir diğer önemli nokta, eldeki verilerle, net sayıları vermek mümkün olmasa da, 1990'lara kadar bu kanun kapsamında vatandaşlığı kaybettirilen kişilerin ağırlıklı olarak kanunun izin almaksızın başka devlet vatandaşlığına geçmek gerekçesiyle, 25/a fıkrası üzerinden işleme tabi tutulduğudur. Vatandaşlığı

kaybettirilen kişiler arasında yine Yahudiler öne çıkarken, ikinci sırada Ermeniler yer alır ve özellikle 1965 sonrasındaki kararlarda Rumlar giderek görünür olmaya başlar. 25/a fıkrasına ek olarak, ikinci en fazla sayıda vatandaşlığın kaybettirilmesi işlemi ise yurt dışında bulunup da askerlik hizmetini yerine getirmemek ve yapılacak çağrıya üç ay içinde cevap vermemek, yani 25/ç fıkrası gereğince yapılmıştır. Bu tarihler arasında 25/c ve 25/e fıkraları gereğince vatandaşlığı kaybettirilen kimse yokken; 25/b, 25/d ve 25/f fıkraları uyarınca vatandaşlığı kaybettirilen kişilerin sayısı 25/a ve 25/ç ile kıyaslanamayacak kadar sınırlıdır. 1971-2015 tarihleri arasında yayımlanan Bakanlar Kurulu kararlarına bakılacak olursa, karşımıza şöyle bir tablo çıkar: Bu dönemde vatandaşlığın kaybettirilmesi kararları, önceki dönemlerdekiler ile benzeşerek, çok ağırlıklı olarak 25/a ve 25/ç fıkraları uyarınca verilmiştir. 25/b fıkrası uyarınca vatandaşlığı kaybettirilen kimse yokken, 25/e uyarınca vatandaşlığı kaybettirilen kişi sayısı oldukça sınırlıdır. Veriler ışığında, bu döneme ilişkin altı çizilmesi gereken üç önemli nokta vardır. Bunlardan ilki, 1975-1985 tarihleri arasında verilen Bakanlar Kurulu kararlarında kimin, hangi gerekçeyle vatandaşlığını kaybettiğinin bile açıklanmadığı durumlar vardır. Uygulamadaki bu belirsizlik ve hatta keyfilik, Türkiye'nin o dönem sıkıyönetimle yönetiliyor olması ile ilişkilendirilmiştir. İkinci nokta ise 1980 darbesi sonrası kanuna eklenen 25/g fıkrası uyarınca, sayısı net olarak bilinmemekle birlikte 200"ün üzerinde kişinin Türk vatandaşlığının kaybettirildiği ve mallarına el konulduğudur. Bu kişilerden bazıları sonradan tekrar Türk vatandaşlığına alınırken, sayıları bilinmemekle birlikte, 25/g veya 25/ç fıkraları uyarınca vatandaşlığı kaybettirilmiş ve hala vatansız olan kişiler de vardır. Üçüncü ve son önemli nokta ise 1990'lar itibari ile vatandaşlığın kaybettirilmesi kararlarında ikinci bir kırılma noktasının görüldüğü ve bu tarihten itibaren 25/ç uyarınca verilen kaybettirme kararlarının 25/a uyarınca verilenlerden fazla olması ve etkilenen kişiler bakımından Müslüman olmayan kişiler sayıca azalırken, Kürt illerinde doğmuş kişilerin sayılarında artış olmasıdır. Bu örüntü 2000'li yılların başına kadar devam ederken, 2005'ten sonra vatandaşlığın kaybettirilmesi kararına rastlanmamıştır.

2009 yılında çıkarılan 5901 sayılı kanun, Türkiye'nin güncel vatandaşlık kanunudur. Kanun kapsamında vatandaşlığın irade dışı kayıp yolları oldukça azaltılmış ve kanun Avrupa Vatandaşlık Sözleşmesi ile uyumlu hale getirilmeye çalışılmıştır. İncelenen dönem içerisinde 5901 sayılı Türk Vatandaşlığı Kanunu uyarınca verilmiş herhangi bir vatandaşlığın kaybettirilmesi kararına rastlanmamıştır. Bu doğrultuda yapılan Bilgi Edinme Hakkı kapsamındaki başvuruya ise ilgili birim tarafından olumsuz yanıt verilmiştir. Ancak burada bahsedilmesi gereken önemli bir değişiklik vardır. Her ne kadar 5901 sayılı Türk Vatandaşlığı Kanunu vatandaşlığın kaybettirilmesine ilişkin fıkraları sınırlandırmış olsa da, 15 Temmuz sonrasındaki gelişmelere paralel olarak, 6.1.2017 tarihinde yürürlüğe giren 680 sayılı Kanun Hükmünde Kararname ile kanunun 29. maddesine yapılan ekleme, yine Türk Ceza Kanunu'nun ilgili maddeleri gereğince yargılanan ve yapılacak 'yurda dön' ilanına uymayan kişilerin vatandaşlıklarının kaybettirilebileceğini belirtir. Eklenen bu yeni fıkra, sadece Türk Ceza Kanunu'nun bu maddelerinden yargılanan kişileri vatansızlık riskiyle karşı karşıya bırakmamakta; tıpkı 1980 darbesinden sonra olduğu gibi, yönetici elitin iktidarına yönelik olarak yapılan bir müdahalenin, muhalif kesimlerin vatandaşlığı ile tehdit edilmesini beraberinde getirdiğini de göstermektedir. Ek olarak, kanunda yapılan bu değişikliğin, dünya genelinde vatandaşlığın irade dışı kaybettirilmesi pratiğinin yenilenen gerekçeleriyle uyumlu bir şekilde (ulusal) güvenlik ve terörle mücadele söylemleri ile ilişkilendirilmesinin de bunun bir parçası olduğu vurgulanmıştır. 2.7.2018 tarihinde yürürlüğe giren 700 sayılı Kanun Hükmünde Kararname ile Bakanlar Kurulu ibaresinin Cumhurbaşkanı şeklinde değiştirilmiş olması, vatandaşlığın kaybettirilmesi kararının tek bir kişi tarafından verilebileceği anlamına geldiğinden, vatandaşlığın kaybettirilmesine yönelik verilecek kararlarda keyfiliğin en önemli göstergesidir. Son olarak, belirtilmelidir ki, bu kanun ve ilgili Kanun Hükmünde Kararnameler uyarınca Türk vatandaşlığı kaybettirilen bir kişi yoktur. Bu çalışma kapsamında, yönetici elitin elinde buna yönelik hukuki ve idari erk olmasına rağmen, pratiğe henüz başvurulmamış olması da irdelenmiş ve bu tehdidin söylemsel olarak dolaşıma sokulmasının, en azından şimdilik topluma gözdağı vermek amacını taşıdığı iddia edilmiştir.

Bu bölüm altında ikinci olarak çalışma kapsamında yapılan derinlemesine görüşmelerden de bahsetmek gerekirse, görüşmecilerin çoğunluğunun 1980 sonrasında ve kaçak olarak yurtdışına gittiği söylenebilir. Hemen hemen hepsi Türk Ceza Kanunu'nun 140,141, 142 ve 163. maddelerinden yargılanmış, ve dönemin sol/sosyalist/ilerici örgütlerinde yönetici ve/veya destekçi olarak yer almışlardır. Görüşmecilerin tamamı on yılları aşkın süredir sürgündedir. Kimileri başka ülkelerin vatandaşlıklarını kazanmışken, çok az sayıda kişi hala vatansızdır. Bunun yanı sıra, çifte vatandaşlığa sahip kişiler olduğu gibi, Türk vatandaşlığına tekrar alınmış kişiler de vardır. Görüşmecilerin bazılarının vatandaşlığı 403 sayılı Türk Vatandaşlığı Kanunu'nun 25/ç fıkrası uyarınca, bazılarınınki ise 25/g fıkrası uyarınca kaybettirilmiştir ve bu farklılığa dair anlamlı bir çıkarımda bulunmak mümkün görünmemektedir.

Görüşmelerde sorulan sorular, görüşmecilerin kişisel özellikleri ve yaşam öyküsü, vatan/vatandaşlık algısı ile sürgün ve/veya vatandaşlığın kaybettirilmesine yönelik his, düşünce ve deneyimler ve Türkiye vatandaşlığının geri iadesi ile özellikle geleceğe ilişkin Türkiye'ye dönüş hakkındaki düşüncelerine odaklanmıştır. Görüşmecilerin yanıtları sürgün literatürü ile ilişkilendirilerek ve Arendt'in sunduğu kavramsal çerçeve temelinde analiz edilmiştir. Görüşmecilerin özellikle sürgün ve vatandaşlığın kaybettirilmesi pratiği sebebiyle yaşadığı zorluklar ve haklara erişememe sorunları, Türkiye'de vatandaşlığın kaybettirilmesi pratiğinin vatansızlık literatürü üzerinden incelenmesi gerekliliğini ve de facto vatansız kavramının, farklı vatansız bırakma pratiklerini anlamada ne kadar işlevsel olabileceğini göstermesi açısından önemlidir. Görüşmecilerin hemen hepsinin Türkiye'ye dönmenin koşulu olarak Türkiye'nin demokratikleşmesi, düşünce ve ifade özgürlüğü ile onurlu dönüş imkanlarına vurgu yapmalarının ise, hem Türkiye'de vatandaşlığın kaybettirilmesi pratiğinin düşünce ve ifade özgürlüğü ile hem de Arendt'in sözünü ettiği anlamda "haklara sahip olma hakkı" kavramsallaştırması ile yakından ilişkili olmasını göstermesi bakımından önemli olduğu sonucuna varılmıştır.

Sonuç olarak bu araştırma, Türkiye'de vatandaşlığın kaybettirilmesi pratiğini yukarıda söz edilen çerçevede sosyoloji, tarih, insan hakları ve hukuk alanlarından beslenerek anlamayı hedeflemiştir. Bu araştırma, temel olarak, Türkiye'de vatandaşlığın irade dışı kaybettirilmesi pratiğinin hangi dönemlerde, ne gibi saiklerle, kimleri hedefe alarak uygulandığına dair nitel bir analiz ortaya koymayı amaçlamıştır. Böylelikle, bu çalışma, Türkiye'de vatandaşlığın irade dışı kaybettirilmesi pratiğinin ancak vatansızlık kavramı ile anlaşılabileceğini ve bu pratiğin, yönetici elitlerin ihtiyaçlarına göre politik bir silaha dönüşmesinin Türkiye devletinin paternalist yapısıyla ilişkili olduğunu tartışmaya açmaktadır. Bu çalışma, ayrıca, vatandaşlığın kaybettirilmesi pratiğinin, ulusal kimlik ve sadakat(sizlik) tanımları zaman içerisinde farklılaşsa da, 'biz'e kimlerin dahil olup, vatandaşlığın sunduğu nimetlerden kimlerin tam olarak yararlanabileceği 'istenen' vatandaş tipiyle ilişkili olarak değişse de, Türkiye ulus-devletinin 'istenmeyen' vatandaşlarından kurtulma histerik arzusuna dayandığını ve ulusal kimlik mefhumuyla ve 'biz'in inşasıyla yakından ilişkili olduğunu iddia etmektedir. Son olarak, bu çalışma, Türkiye'de vatandaşlığın kaybettirilmesi pratiğinin ulusal kimlik ve sadakat(sizlik) ile ilişkili olduğu kadar Türkiye'nin demokratikleşme ve düşünce ve ifade özgürlüğü sorunları ile de ilgili olduğunun altını çizmektedir.

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