



## ADVENTURE OF CITIZENSHIP: CITIZENSHIP IN NATION STATE OF EUROPEAN COUNTRIES AND CITIZENSHIP IN EU: BEYOND THE NATION STATE

VATANDAŞLIĞIN MACERASI AVRUPA ULUS DEVLETLERİNDE VE AVRUPA BİRLİĞİNDE  
VATANDAŞLIK: ULUSUN ÖTESİ

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### Öz

Vatandaşlık kavramı tarih boyunca tartışılan bir konu olmuştur. Geleneksel vatandaşlık kavramının oluşumu, modern ulus-devletin ve dolayısıyla modern kapitalizmin gelişimiyle paraleldir. Vatandaşlık konusu, son yirmi beş yıldan beri yoğunluklu bir şekilde tartışılır hale gelmiştir. Bu tartışmanın artmasının nedenleri, hızla artan küreselleşme, modern ulus-devletin yaşadığı aşınmanın artması ve kapitalizmin değişen dinamikleridir. Sayısı ve buna göre etkileri de giderek artan ulus-ötesi yargı sistemleri (Avrupa Adalet Divanı, Uluslararası Tahkim Yasası vb.) uluslararası iş piyasası, evrensel insan haklarına saygı gibi insiyatifler, ulusal vatandaşların tabi oldukları modern ulus-devletin sınırlarını belirsizleştirmiştir. Bu nedenle, ulus-devletler artık kendi sınırları içinde yaşayan insanları mutlak bir iktidar ile yönetmeye muktedir görünmüyorlar. Avrupa Birliği geçen yüzyulumıza damgasını vuran ulus devlet anlayışını değiştirmiştir. Ulus-üstü bir yapı olmasa da ulus- ötesi bu yapıda vatandaşlık din, mezhep ve milliyet gibi öğeler anlamını giderek yitirmektedir. Sosyal ve ekonomik öğeler daha fazla ön plana çıkmaktadır.

**Anahtar Kelimeler:** Vatandaşlık, Uyruklu, Avrupa, Avrupa Birliği, Milliyetçilik(Ulusçuluk), Milli (Ulus) Devlet, Devlet Milliyetçiliği.

### Abstract

The concept of citizenship has always been subject to hot discussions throughout history. Citizenship issue has begun to be discussed widely in the last 25 years. A fast increase of globalization, an increase in the erosion of the modern nation state and changing dynamics of capitalism are the reasons of increased discussion. Initiatives such as the transnational legal systems, whose number and accordingly effects are ever-increasing, (European Court of Justice, International Arbitration Law etc.), international labour market and respect to the universal human rights makes the frontiers of modern nation state, of which national citizens are dependent on, uncertain. Therefore, it seems that nation states are not capable of ruling the people that live within its frontiers with an absolute power. European Union has changed the understanding of nation-state. Although it is not a supranational body, it is certainly an organisation beyond the nation state. Citizenship in this kind of continental organisations more and more is becoming less meaningful with the concepts of religion, sect, and nationality. Economic and social concepts are becoming higher in the agenda in explaining the concept of citizenship.

**Key Words:** Citizenship, Nationality, Europe, European Union, Nationalism, Nation State, State Nation(alism).

*“The nature of citizenship, like that of the state, is a question which is often disputed; there is no general agreement on a single definition”*

*Aristotle*

## **Introduction**

Formation of traditional citizenship concept runs parallel with modern nation state and accordingly with the development of modern capitalism. Citizenship issue has begun to be discussed widely in the last 25 years. A fast increase of globalization, an increase in the erosion of the modern nation state and changing dynamics of capitalism are the reasons of increased discussion. Initiatives such as the transnational legal systems, whose number and accordingly effects are ever-increasing, (European Court of Justice, International Arbitration Law etc.), international labour market and respect to the universal human rights makes the frontiers of modern nation state, of which national citizens are dependent on, uncertain. Therefore, it seems that nation states are not capable of ruling the people that live within its frontiers with an absolute power.

Today, many new social and political practices and theories almost challenge the dominant citizenship concept in the context of nation state. Along with the citizenship concept, concepts such as nation, state, nation state, ethnicity, multiculturalism, identity, sub-identity, upper identity have been discussed.

A new model of citizenship, which was entitled as active (republican) in literature, has been tried to be established in Turkey following the foundation of Republic. However, there is a transition from active citizenship to passive (liberal) as a result of globalization.

## **Citizenship in Ancient Age, Ancient Greek and Rome**

Before analyzing the citizenship system in Ancient Greek, we need to focus on “polis”, which is a result of radical socio-economic developments that emerged in a long historical process. A polis in Ancient Greek was consisted of one or a few cities and the rural area that surrounded it. Within the framework of city (not country or state), Polis was an orderly and complex structure that contains various temples, state buildings, agora, sports areas, open air theatre and etc (Ağaoğulları, 2006, 12-14).

Relationships between poleis were mostly based on wars, not peace. As a result of this, the citizens of a polis received military training since Polis was also a military unit. Polis was a more comprehensive organization than the state. It was not only a social and political organizational form, but also it was a religious, military and economic organization as a whole. Greeks were proud of these organizational forms and perceived Polis as criteria that distinguish civilization from barbarism. Since each Greek perceived himself firstly as a citizen (polites), they were conditioned to live with the reality of polis (Ağaoğulları, 2006, 14-16). In the 5<sup>th</sup> century B.C., polis society was composed of three groups on legal framework; citizens, foreigners and slaves. Citizens were the free people that composed of “native” population of Polis and have some rights. During the first periods of Polis, citizenship was identical to the landowning (oikos). Later, any male, who had a right to use weapon, were accepted to the citizenship. On the other hand, citizens were in the minority in the Polis population as a whole<sup>1</sup> (Ağaoğulları, 2006, 19).

As is known, the citizens are divided into three classes in Plato’s State; the rulers, the guardians, and the workers. The workers are the largest class and comprehend all men, who are merchants, having a profession or working.<sup>2</sup> In the State, like in Sparta, all citizens are excluded or exempted from economic production. The class that cultivates the land is Serfs. People, who are not a citizen but a foreigner, deal with trade and industry. Citizenship status may be acquired by both descent, either the father or the mother. Imaginary citizens of Plato are not equal. They were divided into four classes or degree according to their wealth (Heater, 2007, 28).

Plato suggests a representative council, of which a quarter of members are elected by citizen classes. In this system, richest people are being represented more than the poorest people. Plato’s primary goal is a state that is stable and harmonious. Citizens that are social and respectful to the political system, abiding by laws and exerting self-control are good

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<sup>1</sup> Characteristics of citizens, which were the dominant class in Ancient Greek and Sparta, can be listed as such: to be equal, economic dependence on helots’ (slaves) working, an intensive system of care and education for children, messing together (phiditia), military service, to have virtue of citizenship and participation to the state administration. In Spartan citizenship model, it was expected that a Spartan citizen should fulfill his “civic duties” carefully. That requires a full obedience to the laws and a full participation to the council. In principle, Spartan type of citizenship was really artificial and coerced. Besides, citizenship was based mainly on “duties”, not rights. (Heater, 2007, 18). As can be seen, there was positive relation between citizenship and virtuousness in Ancient Greek. Citizenship was being guided to “the duties” towards society.

<sup>2</sup> In Laws, Plato's last and longest dialogue, Plato suggests an exact number for the size of a polis (city state). 5040 is the optimal number.

citizens. Instead of equality, citizenship system is on the basis of principle of reciprocity of rights and duties between individual and political society(Heater, 2007, 28).

Aristotle, a student of Plato, spent almost half of his life in Athens. However, he was not a citizen of Athens. Like Plato, he designed a hierarchical society model: ideally a military-ruler citizen class, a productive class that were composed of peasants, artisans, tradesman and workers and did not have political rights since they have professions that has not virtue and finally a slave class. Aristotle provided the most consistent model that might be appropriate to the diversity of Greek citizenship systems. Appropriate citizen education would build up a desire for good and studious citizenship. On the other hand, when all the citizens consisted of a real society, a life might be really lived (Heater, 2007, 29-36).

Real citizenship emerged firstly in the laws of Solon. The reason of emergence of citizenship concept and law with Solon for the first time in history was the desire to stop the social chaos, which was as a result of conflict between tribes mentioned above, and to establish a stabilized society. Together with Solon's laws, a broad definition of people that would participate to public areas caused to very important results regarding to citizenship institution. While making regulations, Solon dissociated the bond of citizenship from the tribal basis noticeably. On the other hand, he preserved the unequal situation as data. In other words, Solon, like his predecessors, divided citizens into four classes accordingly their wealth and arranged privileges-liabilities system on this base (Heater, 2007, 37).

After Solon, some other reforms were made that were prepared by Cleisthenes. His laws usually are accepted as the beginning of democratic period in Athens. Kleisthenes grouped citizens in various groups and a more complex form (Heater, 2007, 38). The status of citizenship has been evolved and became more flexible in accordance with Greek model. Romans comprised various citizenship classes, gave slaves possibilities to reach citizenship honour and extended this title out of the city and in time to the farthest boundaries for each person and society (Heater, 2007, 49).

During the first years of the Roman Republic, following to overthrow of monarchy at around 507 BC, ordinary Romans (plebeians) had some kind of citizenship status that were gained as a result of struggle against the aristocracy (patricians).<sup>3</sup> Roman citizenship was a

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<sup>3</sup> Nobility had a right to hold positions in the state administration and to deal in politics, and they had great role in the formation and administration of army. Their members were great landowners. On the other hand, Plebeians, who had no lands, were excluded from political life and forced to work in the lands of nobility.

model of *duties* and *rights*. Essential *duties* were military service and payment of certain taxes. Second one had been included the taxes regarding to property and legacy tax. *Duties* had been balanced with *rights*. The distinction between public and private life was definite. Right of family merge of a citizen and a right to trade with another Roman citizen might be collected under a specific title, the rights that were not given to the other groups except Roman citizens. Public or political citizenship rights were divided into three: right to select the members of councils and candidates for political positions, right to take part in the councils and right to be a magistrate, in spite of the obstacle of classified structure for equal opportunity. To get citizenship were beneficial both for the individual and Rome State. The dependence of these people to the state and their legionary candidates were only assured by giving them citizenship status (Heater, 2007, 49-54; Turner, 1992, 47-48).

Citizens of Rome never had a political power like in Athenian citizens used their councils under the rule of democracy. Rome never became a democracy. During the Republican period, the Senate and consuls had the power and during the term of Roman Empire, emperors had the power (Heater, 2007, 52-53).

After the collapse of ancient city states and Rome in Europe, citizenship institution went through different phases for a long term and had an important transformation until the modern age, at which citizenship revitalized. Citizenship, which re-emerged with the modernity, has passed through very important historical phases and evolved. During Christianity and Medieval Age, citizenship regressed and kingdoms with absolute power emerged. Finally, a new period succeeded it, in which citizenship took the modern-democratic form as a result of bourgeois democratic revolutions.

### **Nation state, Nationalism and Modern Citizenship**

Citizenship concept in a modern sense is regarded as a notion that was caused by French Revolution. However, modernity which has indicated the political and economical developments in the West since the 16th Century has brought significant developments concerning transition to citizenship.<sup>4</sup>

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<sup>4</sup> The emergence of modern citizen concept is closely related with the mobility from the rural areas to the urban centres. Citizen means someone from the city. Citizenship has been the pushing force from feudal loyalty relations to relations based on capitalist agreements.

As of 18<sup>th</sup> Century, the relationship between citizenship and nation became a matter of argument. Although there have been no bonds between being a citizen and being a nation, in the course of time citizenship became synonymous with nationality (Heater, 2007, 109).

A modern international System based nation state form was established with the Westphalia Treaty of 1648 which was signed after the 30 Years' War. The treaty started the period of ipsofacto commutual recognition of land sovereignty. Nation state form emerged in a process parallel with the acquisition of national legitimacy of the governments which had territorial sovereignty. (Güralp 2007, 11) Glorious Revolution dated 1688 and revolutionary struggle against aristocratic privilege in Great Britain were effective in establishing the ideas of sovereignty and citizenship, agreement of representation and society (Turner, 1992, 135).

As of 18th and the end of 20th Century two types of consideration on citizenship emerged; Republican (active) Citizenship and Liberal (passive) Citizenship<sup>5</sup>.

In the liberal view, which bases citizenship on belonging to nation state, social bonds are agreement based. Liberal individualistic citizenship concept is actually a special concept. What is meant by saying individuals are preeminent and morally autonomous beings that partly in public space in a limited sense in the political space, their preference to use or not to use the rights brought by citizen statue. However in the concept of Republican citizenship the emphasis to the practice causes the language of "duty" which must be carried out by the individual to be regarded as a citizen among the other citizens (Oldfield, 2008, 94).

Liberal tradition was founded by Thomas Hobbes and the person who put the concept of "rights" into the agenda completely and developed the liberal tradition was John Locke. Lock's theory played a significant role in the American and French Revolution. With French Revolution, everybody became "*citoyens*"<sup>6</sup> by abolishing the social and class titles.

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<sup>5</sup> For the detailed investigation of the two types of citizenship see "Citizenship: An Unnatural Practice?", in Ayşe Kadioğlu (ed) Vatandaşlığın Dönüşümü, İstanbul: Metis Yayınları, pp 93 -106.

<sup>6</sup> The term citizen derived from civitas in the ages and cicitatus idea emerged in Roman time. This etimological root is in French "cite" term meaning city. The word Citizen in English, French, Italian, German and Spanish is derived from the word city. Besides the Kingdoms and Empires in Europe a political formation, in which more equal individual rights are observed, was city- states. Living in the city provided people certain rights as long as they performed especially their tax and military duties, the new legal status is defined with reference to the rights in context with these cities in history. ( Göcek, 2005, 60). The notions in French "nationalite" and citoyennete" in time got their meanings in German as "staatsangehörige" and "staatsbürger" and has a special meaning. While

Declaration of the rights of Man and the Citizen pronounced the civil rights such as equality before the law, exemption from arbitrary detention, freedom to talk. Women and people who do not have assets were deprived of the active citizenship rights in spite of the equality principle of the French Revolution. That is to say, modern citizenship was a constituent of the endeavour of the French Revolution to create a nation making its own law and deciding its own destiny (Turner, 1992, 49).

J. J Rousseau's first sentence in the first chapter of his Social Contract is "Man was born free, and he is everywhere in chains." Rousseau does not argue the salvation of man by breaking the chains of political repression. People should not be rescued from the civilizatory power of regular state system in order to go back to natural status. Instead, Rousseau tried to define a new social existence way which would bring civil liberty with the progressed form of republican citizenship tradition rather than a concept envisaging the liberty to pursuit self interests of the person. Liberty is achieved and protected with co operation of the citizens and their fulfilling their duties. This will be achieved through "General Will" ( Heather, 2007, 107).

The concept of public in the writings of Rousseau represented the "general will" and political competence in the society agreement. According to this, public manages general will by means of representatives and ensures the legality of the political system through political representation. Naturally the fundamental question of the nation state which relies on the principle of the representation of the governed and gets the legality from this basis, is who is included to the public/nation being the basis of legality. Drawing the lines of the nation as a whole and choosing which elements within these lines to have legality function, had a more vital importance than all the political systems that had come into existence till that day.

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"Nationalite" represented the formal belonging to the nation, "citoyennete" represented physical belonging. According to this distinction, everybody including a nation could not be an active citizen and thus could not take part in the political will formation. Only active citizens (citoyen) had the right to participate politics and take part in the formation of general will. (Turner, 1992,49)

With the 1789 French revolution, different types of nationalism emerged in Europe<sup>7</sup>. French nation state emerged with French nationalism. As French Nationalism emerged almost concurrently with French nation state, the duty of ensuring political and social unity was performed by politicians. However, German nationalism emerged half a century before German nation state. A successful struggle against aristocratic forces forms a dimension of historical emergence of democratic citizenship. As for Germany, the failure of liberal bourgeois struggle forms a dimension of idiosyncratic bureaucratic authoritarian characteristics of German political life which was under the aristocratic sovereignty of Junker class (Turner, 1992, 56). According to German nation concept, Nation is a society existing before the state, looking for its state and descended from the same source. French Citizenship concept evolved in an assimilationist and state centred model. Fundamental idea of the philosophic forerunners of French Revolution was to make society which they defined as nation; active subjects of political will formation. Chronic distance between nationalism and nation state raised the prominence of race factors as the basis of modern German Citizenship. German citizenship concept has a character which is organic, differentiative and Volk centred. While German Nationalism developed heavily in an ethno- cultural way, French process was predominately political (Göztepe, 2003; Kadioğlu, 2009, 117; Turner, 1992, 51; Brubaker, 2008, 67).

T.H. Marshall's Works have been highly famous and influential over the new analysis of modern citizenship concept after the Second World War. In his lectures which he gave in 1949, he defined three types of citizenship as civil, political and social and argued that historical development of them was respectively. With the expansion of Citizenship rights, Citizen Class was enlarged in a way that could include women, blacks, working Class and other religious groups. Marshall, whose opinion roots were taken from James Mill and J.S. Mill's liberal tradition, developed a certain version of individualist ideas of British Liberalism. According to Marshall, A complete expression of citizenship is only possible with liberal democratic welfare state. Although Marshall has been criticised for making the analysis for British society, the basis which categorize the citizenship into 3 headings has secured its validity (Heater, 2007, 12; Kymlica, 2004, 400-401; Turner, 1992,35). In addition to this, because of pointing a prototype, evolutionary teleological history of citizenship

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<sup>7</sup> For the development of Nationalism see Eric J HOBSBAWM (2006) *Nationa and Nationalism since 1780*, İstanbul: Ayrıntı Yayınları, Ernest GELLNER (1992), *Nations and Nationalism*, İstanbul: İnsan Yayınları.

concept and citizenship theory are not valid in different types of modern citizenship, It has been criticized extensively in the recent literature especially in the works of Bryan Turner<sup>8</sup> (Kadıoğlu, 2002, 264).

Although ensuring the equality of the society had a brief contribution for implementation of Citizenship institution consistent with original source, international wave of immigration brought the necessity to question one more time a new problem that is the meaning of citizenship institution within the boundaries of nation state.

As a result of the big wave of immigration to industrialized Countries which was primarily economically motivated, the communities in these countries faced with a huge crowd of people who are the citizens of other countries in addition to their Citizens. The ranking of rights in Marshall's theory was reversed in those circumstances and immigrants were granted with economic rights in addition to fundamental rights and liberties. However, for a long time immigrants were deprived of the political rights traditionally only given to the citizens of that county in nation states. As it was not consistent with the fundamental rights and liberty of the West, upon considering that lifelong deprivation of political rights of new immigrants who were understood not to be transient with the births of the second generation, some solutive proposals have been put forward such as dual citizenship, facilitation of being a citizen, recognition of electing and being elected as a right in the local elections depending upon residential duration.

### **Citizenship in Turkey: Ottoman Heritage and Ottoman Nation System**

Ottoman Empire was a monarchy. The country's legal legitimacy source was in the hands of sultans and their families. Sultan's legitimacy source was originated from religion and traditions. Although, with the course of time, the sultan's authority was being restricted, he was indeed the leader of the country. All the people living in the Empire were depended on him<sup>9</sup> (Mardin, 1995, 182). Ottoman Empire had a multi-national structure. The policy which

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<sup>8</sup> Bryen Turner ,(1992), "Outline of a theory of Citizenship" (der.)Chantal Mouffe, Dimensions of radical Democracy: Pluralism, citizenship, community, Verso: London – New York Also M Mann comments on Citizenship as a strategy to restraint Class Struggles which is performed by ruling class in developed countries. Mann, M. (1987), "Ruling Class Strategies and Citizenship," Sociology, 21/3.

<sup>9</sup> For the History of Ottoman Empire, Halil İnalcık, (2003) Osmanlı İmparatorluğu Klasik Çağ 1300-1600 [Ottoman Empire: the Classical Age:1300-1600], İstanbul: Yapı Kredi Press. There two different views about the date of citizenship foundation in Turkey. According to the first one, it arose in the Republic Period and

the empire developed for ethnic and religious groups mostly intended to integrate them with the governmental system by giving them cultural and religious sovereignty and a local self-government right rather than changing their ethnic compositions or trying to affect their identities (Karpas, 2002a, 712).

This structure, called as nation system, appeared as a natural result of paying attention to composition of various religious-ethnic groups and their cultures. This system, on the one hand, provided religious, cultural and ethnic continuity to these communities. It, on the other hand, enabled them to be integrated with Ottoman governmental, economic and political systems. That is to say, the nation system emphasized the globalism of faith and ignored the differences in ethnicity and language without eradicating them (Karpas, 2006a, 276).

However, as the state developed, its society system also developed on behalf of Muslims and emphasized their superiority within the community. But later, in the recession period of the Empire, non-Muslims started to be powerful in terms of economy, and this situation was naturally not liked by Muslims. In 18<sup>th</sup> century in Europe, the source of political domination started to be questioned and this situation caused Minorities in the Ottoman Empire to demand equal rights with Muslims (Göçek, 2005, 62).

With the recession period in the Ottoman Empire, attempts were made to regain the power they had in the past. With modernization attempts of Selim III and Mahmud II, the

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continued up to present days. The second view suggests that citizenship began with Constitutionalism II but continued up to the Administrative Reform. As a criticism towards the view that citizenship arose with the Republic Period, Reşat Kasaba, Çağlar Keyder and Ayşe Kadioğlu suggested a new viewpoint. According to Kadioğlu the foundation of Turkish Citizenship takes place before urbanization and the formation of a local bourgeoisie. When compared to its European matches, the deficiency of the concept of Turkish citizenship will be understood. However, Işın-İşyar emphasizes the term “civilization” as a proof of connection between citizenship and city. In this way, they criticize Kadioğlu’s ideas about it. For detailed discussions about this topic, you can have a look at Engin Işın-Bora İşyar (2005), “Türkiye’de Ulus-Devlet ve Vatandaşlığın Doğuşu, in A.Kaya, T.Tarhanlı (ed.), **Türkiye’de Çoğunluk ve Azınlık Politikaları: AB Sürecinde Yurttaşlık Tartışmaları**, İstanbul: Tesev Press, 69-83. E. Işın, in another work of his, starts the history of citizenship with Ottoman Empire’s conscious Westernization process in the 19<sup>th</sup> century and claims that it cannot end with Turkish Republic in the 20<sup>th</sup> century. You can have a look at his book: Engin Işın “Şarkiyatçılık Sonrası Osmanlı Vatandaşlığı” in F.Keyman, A.İçduygu (ed.) *Küreselleşme, Avrupalılaşıma ve Türkiye’de Vatandaşlık*, İstanbul: İstanbul Bilgi Üniversitesi Yayınları, pp.29-57.

state started to become a central one. One of the most important attempts to respond to changing conditions was the Administrative Reform. With this reform, sultan consented to restriction of his power and left everything but his life, possession and honor security to the hands of judges. Thanks to this Administrative Reform, reforms which were made in military domain before were extended to other fields. The reform paved the way for educational and judicial arrangements and innovations. According to Halil İnancık (2006, 29) in all legislations, equality of all classes and citizens became the main and stable principal. This principal occupied an important part in Ottoman policy and played a crucial role throughout the Administrative Reform period. According to the Reformists, thanks to the equality principle, all the citizens would unite and serve for the continuity of the Ottoman Empire.

Reform in which the notion of Ottomanism was first mentioned, the term “subjects” is mentioned as “citizens”. In the Reform, it is emphasized that new regulations are very different from the previous ones and is solely depended affection and dependence between all the citizens (Somel, 2004, 96). Niyazi Berkes (2003, 214-217), however, has doubts about whether the word “citizen” in Ottoman Turkish was used to give the same meaning with its French equivalent or not. He says “Because in formal French translation, the word “country” is translated as “pays” and the word “nation” is translated as “patrie”, which shows that in language modernization process, terms lose their previous meanings and they also have not gained their Western meanings yet (Karpat, 2006, 177).

The main goal of the Reform was to provide the equality of Muslim and non-Muslim citizens in all aspects. To people who were not Muslims, some rights, such as to be appointed to government duties, military service, to enter the state assembly and to be represented in the Supreme Assembly, were given. With Administrative and Rescript Reforms, an Ottoman nation, whose rights and gains were equalized whatever the religion or nationality was, was being tried to be formed. ‘Ottomanism’ was being regarded as a superior identity for various nations and ethnic groups in the empire and the first given rights were the civil rights. The influence of these kinds of regulations caused dissatisfaction since it was felt in the daily lives of the citizens. Reform rights led to uprisings among the elite Muslims who were afraid of losing their privileged positions (Tanör, 2002, 96-115; Hanioglu, 2000, 247; Göçek, 2005, 63; Kadioğlu, 2008, 37-38).

In the 19.century, the efforts to create a mutual Ottoman identity superior to religious and national identities would gain impetus in order to cease the separatist and nationalist tendencies starting with Serbs. In addition to religion and sect as an identity, the invention of

the Ottoman as a political identity had started. With Reform, in education in the line of patriotism a mutual country's idea and depending on the aim of raising "Ottoman citizens" stands out. In 1869 reflecting Reformers of Rescript's Ottomanism political view the fundamental law of education would emanate and schools from primary to junior high would be opened in the grounds of congregation under the control of the government. However, it is seen that secondary schools and higher education were established in order to transfer the Ottoman identity mixed in terms of religion and sect and to provide the political-social union in the society. Within this frame, "Galatasaray Sultanisi" to which students from every class and nation could enter was opened with the help of France in 1868 (Alkan, 2004, 385; İnalçık, 2006, 30).

Later on, 1869 dated Law on Ottoman Nationality was published. Law on Ottoman Nationality for the first time defines Ottoman nationalities independent of the religious principles and tries to create an Ottoman identity which does not discriminates against Muslim and Non-Muslims and which is based on universal equality. According to the 1869 dated law's 1.item, "Everybody who is born from an Ottoman mother and father and only those who are born from an Ottoman father are Ottoman citizens." So, some rights and responsibilities for everybody who has the right to be a member of the nation were brought. Ottoman citizenship gained a new status as a new law category in terms of secular identity (Işın, İşyar, 2005, 70; Karpat, 2006, 181).

With the 1876 Fundamental Law which declared the idea of Ottomanism for the first time, under the title of "Teba-i Devlet-i Osmaniye'nin Hukuk-i Umumiyesi" the first large-scaled regulation regarding the Ottoman nations rights were brought. The statement in the 8th item in the Fundamental Law, "Someone who belongs to the Ottoman nation, whatever his religion or sect is, is Ottoman" emphasises that individual determines the nature of the societal contract. Hereby, Ottoman citizenship advances between, on one hand, as the Fundamental Law foresee in the frame of 'liberal/contractual' citizenship understanding, on the other hand, "experienced/actual" citizenship's communitarian nature. This first related to the announcement of the Ottoman's Fundamental Law II. Abdulhamit's Hatt-i Humayun which was send to Grand vizier Mithat Pasha, the need for unity in Ottoman nations in order to economic and monetary development of the empire was emphasized and this lay under forming "civilized societal unity" by invariably making use of the different elements forming the nation such as freedom, justice and equality principles were indicated (Üstel, 2004, 166-167; Somel, 2004, 105). The Ottoman Parliament which was formed by the acceptance of the

Fundamental Law, the question of which section and congregation would be represented in what proportion led to these groups redefining their identities and joining the election process and using the political dimension of Ottoman citizenship ( Göçek, 2005,63).

When gotten to the II. Constitutional Monarchy, the Ottoman Empire was becoming gradually centralized and an intensive legalization and constitutionalization period was being experienced. The political modernization foreseen by the II. Constitutional Monarchy, from sect to society, finding its definition in transition from mechanical cooperation to organic cooperation requires a new political-public area and the citizen who is going to be its actor. In the early era of the Constitutional Monarchy, it witnesses the secularization of the politics. Freedom, equality, justice, and solidarity principles are the basic references of sect's congruity text (Üstel, 2004, 166-167). F.Keyman, İçduygu (1998, 175) between 1908 and 1918 it was claimed that in Committee of Union and Progress' period a different understanding of citizenship framed and underlined, which was based on a certain Turkish identity. For instance, it can be said that Young Turks constructed a citizenship depending on a certain Turkish identity in the view of changing the Empire to nation-state in the understanding of the same kind as "One state-one nation".

The thought of 'Osmanlılık' (Ottomanism) is also encountered in the intellectual dimension within the era of II.Constitutional Monarchy. Arguments between 'Osmanlıcı' (Ottomanist) and 'Türkçü' (Turkist) writers have also been encountered with. One of the 'Osmanlıcı' writers is Mustafa Satı (Sati al-Husri). Sati has mentioned his thoughts on Ottoman in the conference he gave under the name of "Vatan İçin," in Darülfünun, during the Balkan wars. Within his conference, Sati has focused on how the concept of patriotism had changed together with the emergence of national freedom, and he has also compared France and Germany known as two different nation-government models of Europe in literature. Later on, Sati has mentioned how the German model based on language tie was not suitable for the unity of Ottoman Empire, and thus how the language tie would be one of the weakest connections that would be used to hold the empire together. Sati, who has a secular way of thinking, confesses the importance of Muslim religion in terms of being one of the factors for holding the empire together. Therefore, within the Satı's 'Osmanlılık' point of view, homeland concept and Muslim religion tie that are the results of historical and political desire are encountered as in the French model (Somel, 2004, 112-114).

Reforms, then Reform Commands, and I. and II. Constitutional Monarchy couldn't have decreased the effects of European countries on the Ottoman Empire. Moreover, various

Ottoman nations insisted on constructing their own nation-governments. The war of Kırım in 1853, the rebellion of Girit in 1896 and especially the Balkan Wars in 1912 led the ‘Osmanlılık’ concept within the empire to become weaker in a big sense. The concept of ‘Türklük’ has emerged as the politics of Ottoman failed.

### **Citizenship in the early Republic Era: The Construction of the Nation**

Together with the II.Constitutional Monarchy seeds of a nation state planted and in 1923, together with the announcement of the republic, a period of the construction of the nation-state completely begun. The goal of the new government had been to reach to the modern civilization level. Thus, in order to reach to that goal, the enlightenment of the public and therefore the concept of imposing the reforms from the top have been adopted. The main point behind this is the modernity imposed from the top by the Kemalists. According to Mardin, Concept of Kemalism lies behind ‘the conceptualization of the Turkish Republic being formed completely as a nation-government’ (Heper, 2006, 98; Keyman, 2008, 228; Mardin, 1995). As also stated by Köker (2007), Concept of Kemalism has replaced the religion concept with government, described with its pure secular meaning; however the ‘unity concept’ hasn’t disappeared. The unity of nation and government has been replaced with the unity of religion and government. The similarity between the formula of customary legitimacy and Kemalist legitimacy is quite attractive. Positivism has enlightened the political organization of the new population constructed on the Ottoman regime; on the other hand, the concept of ‘Türklük’ is focused on. (Ünsal, 1998, 14). According to Fuat Keyman (2008, 228), four dimensional movement and principles are present within the modernization of early republic, which moves within the continuity with past and breaking relationship<sup>10</sup> and puts a government’s construction enterprise into action in its essence. These four dimensions are; ‘Convention of Strong Government,’ ‘National Development,’ ‘Organic Society’ and ‘Republican Citizenship.’

The ‘Republican Citizenship’ model has been defined in the constitution of 1924(clause 88). According to this model, ‘no matter what their religion or races are Turkish inhabitants are to be known as Turks due to their citizenship.’ Convention of strong

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<sup>10</sup> Beginning with the Reforms era, there have been social scientists that have supported the ‘continuity’ and ‘tramp/breaking’ theses between the Ottoman and Republic reforms. As done in the numerous topics, this event is an important one to consider in order to be able to understand the development of citizenship in Turkey. The writings in the 18<sup>th</sup> journal of ‘Muhafazakar Düşünce’ consider the modernization of republic within the concept of ‘Tramp or Continuity.’

government, national development and the citizenship concept settled into the organic society really included a moral virtuous personality, which was included within the citizenship concept of constitution of 1924, which was therefore far behind the legal level. It was a virtuous personality which was full of duty other than the equity that was expected to be internalized that there is an organic tie within the basis of the duty and service between the government and the personality itself resulting from the service towards the government and society coming before the personal equity and independence.

The first citizen law of the republic era is the 1312<sup>th</sup> law that was accepted in 1928. This law reflects the desire of giving the ‘Turkish citizenship’ to as much people as possible as a result of the psychological effect of the population being low within the first years of the republic. A foreign woman getting married with a Turk automatically becomes a Turkish citizen; whereas, a Turkish woman getting married to a foreign person holds on to her Turkish citizenship. This law has considered the citizenship concept with blood tie as in the Ottoman times, and the land tie principle has been considered only as a multi bordered practice.

As mentioned above, while Turkish citizenship emerged as a concept imposed by state authorities, the distinctive characteristics of this citizenship concept were shaped at the Congress of Republican People's Party in 1931 and formulated through six arrows, which are: nationalism, secularism, populism, republicanism, etatism and revolutionism. These principles were included in the Constitution in 1937 and Turkish people were expected to internalise them (Kadıoğlu, 2009, 119).

People's Houses (Halkevleri), the aims of which were to educate people politically, ideologically and culturally, were opened as 'internaliser institutions' on 19<sup>th</sup> February 1932 instead of Turkish Hearts, which had been established to contribute to the cultural integrity and hoped to rise Turkish civilisation. The ideological and cultural objective of the people's Houses was to base the national culture on the folklore and reality of people and its political objective was to indoctrinate nationalistic, secular and populist ideas to the people. According to Ünsal (1998), Being Turk was identified with the citizenship through an understanding of “One state, one people and one language”.

In literature, Turkey's system of citizenship is stated to be a combination of “contracting political citizenship”, which is the politically inclusive model of French nationalism/republicanism and “ethnic citizenship” which bears the exclusive features of German nationalism (Vardar, 2009, 97; Soyarı, 2009, 155). According to Kadıoğlu (2009,

118), Turkish nationalism has both the characteristics of French and German nationalism in itself. It is both civilizationist and culturist in this sense. So it has got a paradoxical nature.

Civil, political and social rights classified by T. H. Marshall made a different progress in Turkey compared to Europe as Kadioğlu (2009, 126) pointed out. These aren't the rights that emerged as a result of people's demands and struggles, rather they were granted by the government.

The world has undergone a rapid transformation period since 1980s, especially from 1990s up to now. Turkey has been affected by this transformation as well. By 1980s, people witnessed a crisis of state-centred and one-piece political culture running on the basis of the model of republican citizenship, which was based on secular rationalism, an organic view of society and duty. The state-centred modernization project and the model of republican citizenship in Turkey need restructuring. In other words, they have to be transformed in such a way that they will cover the pluralist and multi-cultural structure of social relations thereby providing integrity among discrepancies (Keyman, 2008, 233; Keyman, 2009, 345). The concept of citizenship in 1924 and 1961 even 1982 Constitution was defined on the basis of a legal bond established with the government and ethnicity wasn't considered a prerequisite of this legal structure. It is also emphasized in literature that the concepts of Turk and Turkishness do not imply any religious, racial, linguistic or cultural differences. Rather, Turkishness is meant to be the concept of citizenship as an expression of legal and political connection to the Republic of Turkey and Turk is meant to be the citizens of Turkey's Republic. In brief, citizenship is set as a legal relationship and status in 1982 Constitution as well.

### **Nation State, Europeanism and Citizenship of European Union**

In today's world, citizenship usually means the individual's legal status framed by the rights and tasks as a member of a nation state. However, since citizenship is "a dynamic identity" (Faulks, 2000), the definitions of status and membership, which are two main elements of citizenship, change constantly. The meaning and borders of modern citizenship have been questioned from different aspects in parallel with the social, political and economic developments which are defined as postmodernism and globalization, and experienced since especially 1990s. Citizenship has started to be defined differently. On the one hand, as the international borders become vague, the nation state begins to lose the characteristic of being the only authority determining rights and tasks. On the other hand, those groups feeling

isolated from modern citizenship due to their ethnicity, sex and religion demand rights which are based on identity and increasingly state that the definition of citizenship should be expanded.

European integration was evolved towards European citizenship though restricted with Maastricht Treaty in 1992.

Moreover, having a different route with the decision that EU gave recognition to Turkey's candidacy status at Helsinki Summit in 1992; the relationships of Turkey-EU have also started to have remarkable effects upon questioning the citizenship.

Particularly the argument of "new citizenship" needs to be taken as a focal point in order to make sense of EU citizenship. In this argument, regardless of settlement, local participation and ethnicity of Europeans, the non-alignment between citizenship and nationality supports the search for the optimum common values that will make them live together (Vardar, 2009, 91).

The concept of "Constitutional Citizenship" used by Jürgen Habermas in 1990s caught remarkably much attention in Turkey, too. While it was defined as an inclusive and umbrella concept covering up the religious and linguistic discrepancies in Turkey's context, Habermas used it to criticize the phenomenon of German citizenship which was defined to emphasize blood relation (*jus sanguinis*). With constitutional citizenship, he tried to express that citizenship was a phenomenon related with dependence on a constitution rather than a nation. Thus, he implied the futility of the bond between citizenship and nationality and criticized the law of citizenship existing in Germany (Kadioğlu, 2009, 127).

Constitutional citizenship is a kind of concept that will be able to end duality existing in the core of Turkish practices of citizenship by making the political-legal status of individual independent from his/her cultural identity. In other words, if the inclusive approaches and practices in which the rights and responsibilities of citizens are completely independent from the individual's ethno-cultural identity and defined through neutrality of law, they will be able to achieve a politically and legally integrity without causing homogeneity among citizens (Soner, 2009, 384).

Along with the going on process of globalization, the demand has increased for a revision of the citizenship system. The very rapid change resulting from globalization, replacement and mobility of population have accelerated the differences, once left to private

scope, being opened to public scope. These differences are usually stated through expressions of race, ethnicity, religion and language (Kadioğlu, 2009, 114).

Europe also witnesses the revival of nationalism simultaneously. On the one hand, the concept of modern citizenship expands towards human rights; on the other hand it becomes narrow with the emphasis put on identity politics (Kadioğlu, 2009, 115).

### **Conclusion**

From ancient Greece to 21.st century, the journey of citizenship still goes on. In the present era, the concept of dominant citizenship within nation-state seems to be threatening by various social and political applications and theories emerged. With the concept of citizenship, concepts such as nation, state, nation-state, ethnicity, multi culturalism, identity, sub identity, upper identity have become under debate.

Citizenship concept in modern sense is regarded as a concept emerged by French Revolution. However, political and economic developments since the 16.th century in Western World in the light of modernity led to significant developments for transition to citizenship.

T.H.Marshall's studies became highly famous and effective in new analysis of modern citizenship concept of Second World War period.

The developments of civil, political and social rights in the classification of T.H.Marshall have been different in Turkey in comparison to Europe. These rights in Turkey are not rights obtained after demands from inferior and fights but given by the superior. Citizenship in Turkey has been quite different from the citizenship concept emerged with the generation of state nations in Europe.

The main reasons are social, political and especially economic differences of us in the construction of nation state. While Europe was constructing bottom-up nation state, pressure and interest groups comprised multi economic structure demanded rights from the system. Nation states had to meet these demands. The most important problem of Europe about the citizenship concept of nation states has been the emphasis on nationalism besides citizenship. This has caused otherization of different nations living in the same country.

This otherization deteriorated peaceful atmosphere in Europe and close nation state models and related furious and ideological understanding of citizenship has been debated. Due to lack of capital stock and lack of entrepreneurs, which has historical roots, statist

economic model has generated state nationalism instead of nation state. This situation, which meant change of communal understanding in agricultural societies in to an industrial society, has caused a perception of a favour rather than a right given to citizenship identity. The relationship between state which is the greatest employer of statist economy and its citizens has turned into an employee-employer relation. Unlike the member states European Union, which defended the rights of low income groups against employers and organised work conditions, Turkey could not carry out duty of negotiation properly because of being side as an employer in Turkey. Besides pointing legal status, the framework of which is drawn with rights and duties, it can be understood from the study above that citizenship is carried to a continental dimension with disposing the handicaps of nationality concept of transnational unions such as the E.U, without neglecting nation state.

Political directions and discussions of E.U are also focus points of discussions related to E.U citizenship. Although integration of Europe is limited with Maastricht treaty in 1992, it evolves into European citizenship. In this sense Maastricht treaty has provided additional constitutional rights to E.U citizens from legal European citizenship. However, in the European Union, which is on the way of political integration with Amsterdam Treaty by pointing out the fact that initiative to create European citizenship is not rival of nation state citizenship, they try to stop possible reactions. The most important benefit of European citizenship concept is that rights of national minorities of nation state democracies are taken into granted by transnational indispensable structure. What makes E.U indispensable and different from U.N and other international organizations is its economic interdependence.

In E.U citizenship system disconnects citizenship and nationality and this situation promotes the pursuit of minimum common values which will enable Europeans to live together regardless of habitation, local participation and ethnical rules. However, E.U is still an uncompleted political project. Serious discussions related to the future of European Union might still go on. The present global economic crisis may affect the discussions. We may say that E.U citizenship issue is still under construction

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