



**European Journal of Turkish Studies**

Social Sciences on Contemporary Turkey

**10 | 2009**

**State-Society Relations in the Southeast**

---

## Incoherent State: The Controversy over Kurdish Naming in Turkey

Senem Aslan

---



### Édition électronique

URL : <http://journals.openedition.org/ejts/4142>

DOI : 10.4000/ejts.4142

ISSN : 1773-0546

### Éditeur

EJTS

### Référence électronique

Senem Aslan, « Incoherent State: The Controversy over Kurdish Naming in Turkey », *European Journal of Turkish Studies* [En ligne], 10 | 2009, mis en ligne le 29 décembre 2009, consulté le 16 février 2020.

URL : <http://journals.openedition.org/ejts/4142> ; DOI : 10.4000/ejts.4142

---

Ce document a été généré automatiquement le 16 février 2020.

© Some rights reserved / Creative Commons license

---

# Incoherent State: The Controversy over Kurdish Naming in Turkey

Senem Aslan

---

- 1 In 2002, seven parents were taken to the criminal court in Dicle, a town in the province of Diyarbakır, for giving Kurdish names to their children<sup>1</sup>. According to the prosecutor's claim, these names were the code names used by militants of the Kurdistan Workers Party (PKK), and, therefore, were against the Civil Registration Law, which stipulated that names which do not conform to national culture, moral norms, customs and traditions and which offend the public could not be given to children. The case was brought to the attorney's attention by the Diyarbakır gendarmerie, which investigated the records at the Registration Office and came up with a list of Kurdish names after the Ministry of the Interior sent a secret circular, warning local administrators about an increase in Kurdish naming.<sup>2</sup> Ironically, the court was presided over by a female judge with a Kurdish name, Şirvan. During the hearings, the prosecutor drew attention to a report sent from the Turkish Language Society, stating that the names 'did not conform to Turkish naming habits.' In fact, some of the names in the list, such as Serhat and Baran were commonly used in Turkey. The families' attorney underlined that the prosecutor did not have the right to bring name annulment cases to court. In the end, the judge recognized the attorney's claim and dismissed the case due to procedural reasons.<sup>3</sup>
- 2 In Turkey, Kurdish names constitute one of the main issues of cultural contestation between state authorities and the Kurds. A Kurdish name ban is widely cited by many scholars as an example of the Turkish state's repressive policies of assimilation and is condemned by human rights activists. This article explains why, despite expanding legal spaces for expressions of Kurdish identity, the issue of Kurdish naming has become more contentious since the late 1980s. Beginning with the 1990s, the Turkish government gave signs of relaxing limitations on the expressions of Kurdish culture. The Kurdish language ban was lifted in 1991 and many Turkish politicians and members of the government increasingly acknowledged the need to recognize Kurdish cultural rights. Mainstream newspapers, which had largely avoided writing about the

Kurds in previous periods, started to refer to the Kurdish issue more frequently. Political opening continued in the 2000s. In the post-2000 period, as part of an effort to meet European Union (EU) membership criteria, the parliament passed laws that eased restrictions on the use of the Kurdish language in the media and educational domains. Consequently, broadcasting in Kurdish in public and private radio and TV stations and teaching Kurdish in private institutions became legal.

- 3 It was, however, in these two decades that state authorities and parents trying to give their children Kurdish names began challenging each other more heatedly. Parents encountered problems in their attempts to register Kurdish names at the registration offices and were sometimes harassed by authorities. Some Kurds refused to register their children unless they were allowed to give Kurdish names and faced administrative problems in the following years. Consequently, Kurdish naming has become subject to numerous police investigations and court cases. Why do we see an increased contention over naming between Kurdish activists and Turkish state authorities at times when the space for expression of minority identities was expanded? My answer to this question is twofold, calling attention to the mutually transformative relationship between state behavior and activist strategies.
- 4 Part of the answer to this question, I argue, relates to incoherent state responses to the issue of Kurdish naming. A detailed analysis of the naming controversy in Turkey suggests that the ban on Kurdish names was not an absolute and permanent rule that remained valid at all times across similar cases. Instead, different parts of the Turkish state formulated and implemented different and contradictory responses in dealing with the issue of naming. Particularly, I call attention to the role of local state officials, such as registrars, public prosecutors, judges, police, and gendarmerie, in the escalation of naming controversy. The local bureaucracy's insistence on the Kurdish name ban, despite the consistent rulings of the Court of Cassation [Yargıtay] against this practice, denoted a subtle contestation among state actors over how to solve the Kurdish problem.
- 5 Second, increased contention over naming was a consequence of changing strategies of Kurdish activism. The naming controversy suggests that earlier policies of Turkification have created their counterparts within Kurdish activism, which in turn has made negotiation and compromise more difficult for both sides. Kurdification of names increasingly became a tool for the creation of Kurdish nationhood and a symbol for protest against the Turkish state. Especially in the post-2000 period, Kurdish activists sought to construct unique Kurdish names through the creation or revival of names of Kurdish linguistic origin and to mobilize Kurds at large to adopt these names to distinguish themselves from the general Turkish public. The recent insistence of activists to register Kurdish names with letters that do not exist in the official alphabet and the support of the PKK in such efforts strengthened official perceptions that Kurdish naming practices were more a tactic of constructing an exclusivist understanding of Kurdishness than an effort at cultural preservation and thus met with official resistance. In this article, I call attention to the mutually transformative relationship between states and minority strategies. The Kurdish movement did not remain static in the face of the Turkish state's policies. It evolved and responded in ways that altered the dynamics of cultural and legal conflict.
- 6 This case study on the naming controversy suggests a need for a more contextual, dynamic, and relational understanding of state behavior. Most analyses of state-

Kurdish relations depict the Turkish state as a unified and coherent actor that imposes a set of rigid and uncompromising nation-building policies to transform the citizens into one, specific understanding of Turkishness.<sup>4</sup> Such assumption reifies the state as an integrated unit and ignores the dissonance and confrontations that take place between different state institutions and actors. This article draws on the ‘state in society’ approach (Migdal et. al. 1994, 2001) and calls attention to the non-monolithic nature of the Turkish state. As Hansen and Stepputat (2002: 16) suggest, ‘As modern forms of governmentality penetrate and shape human life in unprecedented ways, the practices and sites of governance have also become ever more dispersed, diversified, and fraught with internal inconsistencies and contradictions.’ Such heterogeneity of state responses has a lot to do with the different contexts in which state institutions operate. Understanding how states respond to an issue requires going beyond a procedural understanding of policy making to an analysis of how state institutions and actors interpret and recreate policies at different levels.

- 7 In the first section, I provide a brief discussion of why states interfere in naming practices along with a short history of the Turkish state’s policy of naming. In the second section, I briefly discuss the legal restrictions on Kurdish cultural expressions after the start of the armed conflict in the 1980s and 1990s. In the third section, I examine how the naming issue became more contentious at the end of the 1980s with the escalation of the armed conflict between the PKK and the Turkish military. I show how state agents, particularly local officials such as registrars, public prosecutors, judges, police, and gendarmerie who worked in the conflict-ridden Kurdish areas came to perceive any expression of Kurdishness as a political symbol in support of the PKK. I also examine the decisions of the Turkish Court of Cassation, which is the appeals court of last resort, with regards to personal naming practices and discuss how the local state institutions frequently ignored its consistent rulings against the ban on Kurdish names. I argue that the local bureaucracy’s insistence on the ban, despite the rulings of the Court of Cassation, played a crucial role in instigating the naming conflict and facilitating the growing politicization of personal naming practices among the Kurds. In the final, fourth section, I discuss this cultural contention within the context of the EU reforms and the increasing Kurdification campaign of the Kurdish movement.

## I. The Politics of Naming for State and Nation-Building

- 8 States’ interference in personal naming practices is inextricably linked to modern state formation and establishment of direct rule. Collection of taxes, imposition of conscription, institutionalizing a standard legal system and property regime, and establishing a system of universal citizenship entail expansion of state control over daily lives of its citizens. As Scott et al. (2002) emphasize states’ efforts to impose direct rule over their populations necessitates increased social legibility: ‘The modern state- by which we mean a state whose ideology encompasses large-scale plans for the improvement of the population’s welfare- requires at least two forms of legibility to be able to achieve its mission. First, it requires the capacity to locate citizens uniquely and unambiguously. Second, it needs standardized information that will allow it to create aggregate statistics about property, income, health, demography, productivity, etc.’

(Scott et. al. 2002: 10). One of the ways states increase the legibility of their populations is through assigning each individual a fixed and hereditary surname.

- 9 The Surname Law that was passed in 1934 in Turkey indicates such state efforts to identify each individual as a legal person. This law required each citizen to adopt a family name. It also brought certain restrictions on the types of surnames that can be adopted. These restrictions suggested that the state's aim to impose a surname law went beyond a purely administrative motive. The Turkish state also considered the law as an agent of social makeover to mold citizens into a homogeneous, national unit. First, the law was used as a tool for detribalization. The Republican regime considered tribes as signs of backwardness and tribal leaders as centers of power that could challenge the expansion of state authority in the countryside. Tribes were seen as communities that stood in the way between states and citizens; they were obstacles to establishing direct state rule.<sup>5</sup> The Surname Law forbade surnames that were related to tribes. Hüseyin Koca (1998: 132) writes that sons of some tribal leaders were given different last names than their fathers' and that each son received a separate last name to break up the tribal structure, which was quite strong especially in the Kurdish and Arabic-speaking areas of Eastern and Southeastern Anatolia.<sup>6</sup> Nevertheless, no systematic data is available on how extensive this practice was. At best, the practice had been uneven and incomplete. Sometimes large landowning families and tribes could keep their established names, by which they were known if they were powerful enough to influence the local officials.<sup>7</sup>
- 10 Second, the Surname Law was meant to foster a sense of Turkishness within society and prohibited surnames that were related to foreign ethnicities and nations. Policy of naming has been a conventional tool for states to construct a new national tradition and identity. It can be a mechanism for ethnic segregation or assimilation (Scassa 1996: 174-175). Domestically, Turkish policy aimed at the latter. The Surname Law was a tool for the creation of Turkish national identity and an ethnically indistinguishable citizenry. Nevertheless, at a global scale, it also intended to draw clear-cut boundaries of Turkishness, separating Turkey from the other Muslim nations. The new language policy of the early Turkish Republic promoted the development of purified Turkish to establish a radical break with the Ottoman past and to construct a secular national identity.<sup>8</sup> A regulatory statute on surnames that was prepared by the Council of Ministers after the law required surnames to be taken from words of Turkish origin.
- 11 Although there was no legal requirement for the Turkification of first names, personal naming practices were also influenced by the new language policy. There was already a media campaign before the Surname Law that promoted the replacement of personal and geographical names of Arabic and Persian origin with pure Turkish names (Sadoğlu 2003: 257). Unlike non-Muslims, who conventionally used different names than the Muslims at the time, there was no distinct separation between Kurdish and Turkish names. Both ethnic communities used to give traditional Muslim names, which were predominantly Arabic and Persian, to their children. With the new Turkification trend, both Turks and Kurds increasingly began to give pure Turkish names to their children. Naci Kutlay (1997: 311-312), a prominent Kurdish intellectual and activist, notes that during the first few decades of the Republic, many Kurds, especially those who lived in urban areas, gave their children pure Turkish names and names that were reminiscent of Central Asia or Turkish history. Bulliet (1978: 494) writes that the use of Turkish names slowly but steadily increased among the population at large since the

establishment of the Republic. Especially non-Muslim minorities felt more pressure to Turkify their names in order not to encounter any discrimination. Türköz (2007) writes that as recognized minorities, the Jewish, Armenian, and Greek communities were not legally required to change their names, but this was not made explicit in the law. Many non-Muslim citizens 'chose to divest their names of explicit markers of their ethnic affiliation. Changes in minority names were made in several ways: by cutting off an ending that marked the name as ethnic, by maintaining one syllable of the old name and adapting the name to Turkish, by adopting a fairly innocuous name such as Çiçek, or, in one case, a complete translation of a name' (Türköz 2007: 901).

- 12 The Turkification trend also paved the way for a large-scale toponymical engineering.<sup>9</sup> Not only non-Turkish geographical names that suggested the existence of different ethnic communities within Turkey's boundaries but also those that contained some reference to particular religious or traditional structures and to the old regime began to be changed in the early Turkish Republic. To cite an example, a village named Kürtseyh [Kurdish Sheikh] was divested of its ethnic connotation and took a neutral name of Çiçektepe [Flowerhill]. Over the years until 1980, the names of 67 percent of subdistricts and 63 percent of villages were changed in Southeastern and Eastern Turkey<sup>10</sup>. This was followed by another wave of renaming during the military rule after the 1980 coup. Renaming of places emphasized Turkish claims of ownership to these geographic areas and sought to recreate their inhabitants' sense of space in accordance with the official nationalist ideology. Most importantly, through acts of renaming the Turkish state underlined the extent of its power over its citizens.
- 13 As Scassa (1996: 172) discusses, states regulate the use of surnames more closely than personal names because fixation of surnames is crucial for modern state building as it helps institutionalize a standard legal system and property regime. Thus, individuals cannot change their surnames as easily as they can change their first names. States' interest in the regulation of personal names, nevertheless, has been more sporadic and contextual. In Turkey, too, the state's intervention in the parents' choice of names for their children has been uneven and directly correlated with efforts to invigorate a common national identity. Official restrictions in personal naming practices emerged at times when perceptions of threat against national unity increased within the state circles. It was after the 1980s, with the escalation of the armed conflict between the Kurdish insurgency and the Turkish army, that state officials came to be more selective with regard to personal naming practices.
- 14 The first attempt to regulate the choice of first names came with the 1972 Registration Law. Article 16/4 of the law stipulated that names which do not conform to national culture, moral norms, customs and traditions and which offend the public could not be given to children. It was left to the discretion of officials working at the registration offices to decide whether a name ran counter to the 'national culture' or not. Sezgin Tanrikulu, a prominent human rights attorney based in Diyarbakır,<sup>11</sup> argued that before the military coup in 1980, Kurds could have given Kurdish names to their children. He called attention to the prevalence of many Kurdish names such as Berfin, Helin, Hazal, Baran, and Kendal, which could have been officially registered.<sup>12</sup> Some of the Kurdish activists whom I interviewed confirmed this and pointed out that negotiating with state officials working in the registration offices over a Kurdish name could be possible before the 1980s. A disagreement over a name was usually resolved during such negotiation, without having to go to a judicial process.<sup>13</sup>

## II. 1980s and 1990s: Official Restrictions on Kurdish Cultural Expressions

- <sup>15</sup> The 1980 military coup has become a turning point in state-Kurdish relations in Turkey, and it was after this date that the issue of naming became increasingly politicized. The emergence of Kurdish groups that advocated self-determination and the formation of the PKK at the end of the 1970s convinced the military that separatism was an imminent and a serious threat that should be stopped, at any cost. The military rule that lasted from 1980 to 1983 interpreted any manifestation of Kurdishness, from speaking the Kurdish language to listening to Kurdish music, as a challenge against national integrity and did not tolerate it. The repressive measures that the military rule undertook during this period played a significant role in the radicalization of the Kurdish masses (Bozarslan 2001: 46-47). The state policies of this period were also crucial in politicizing the use of the Kurdish language and bringing the language issue to the core of cultural contestation that would last for the years to come. For instance, the infamous Law 2932, which came into effect towards the end of the military rule in 1983, banned the use of the Kurdish language in public and private.<sup>14</sup> The second article of the law stated, 'No language can be used for the explication, dissemination, and publication of ideas other than the first official language of countries, recognized by the Turkish state.' The law was carefully formulated to make Kurdish its sole target but never mentioned the word 'Kurdish,' as it would mean the official acknowledgement of the existence of the Kurdish language. The law also prohibited the spread of any language, other than Turkish, as the mother tongue. Until its repeal in 1991, the law was used to justify probations, interrogations, and litigations against those who spoke, sang, or published in Kurdish.<sup>15</sup>
- <sup>16</sup> It was in the contentious environment of the 1980s that Kurdish names have been increasingly seen as subversive of national culture and banned at the local registration offices. According to Sezgin Tanrikulu, the military regime, which was in power between 1980 and 1983, sent a list of Kurdish names to the registration offices and banned these names.<sup>16</sup> Transition to multi-party politics in 1983 did not lead to a relaxation of the policies restricting Kurdish cultural practices. The emergence of the PKK and the start of the Kurdish armed resistance increased the state's intolerance towards expressions of Kurdishness. The armed conflict also led to a gradual politicization of Kurdish cultural elements, such as music, dress, language, and celebrations, which curtailed the state's willingness to relax cultural measures. For instance, a genre of Kurdish music developed that glorified and propagated armed struggle and self-determination. Newroz, known as the New Year that marks the first day of spring around March 21, became a more public and political event that symbolized Kurdish resistance against state repression. The PKK also used Newroz as a means to propagate and conduct violence. Its celebrations led to violent conflicts between state security forces and Kurdish activists from time to time (Yanık 2006: 287). Such politicization strengthened the hardliners' position within the state, particularly the military's. The hardliners tended to see the Kurdish cultural demands as a subtle prelude to autonomy and eventually territorial secession. Although the end of the 1980s brought a debate among politicians, members of civil society organizations, and intellectuals about how to solve the Kurdish problem through non-military means,



relaxation of legal restrictions on Kurdish cultural expressions proved to be a difficult matter.<sup>17</sup>

- <sup>17</sup> By the beginning of the 1990s, the government began to relax some of the major restrictions on expressions of Kurdish culture. The infamous Law 2932, which banned the Kurdish language in public and private, was lifted in April 1991.<sup>18</sup> The following December, Deputy Prime Minister Erdal İnönü argued that Kurdish citizens should enjoy their cultural identity in full. On March 1991, the Minister of Culture issued a directive allowing for the celebration of Newroz, the Kurdish New Year, all over the country. The following year the Prime Minister Süleyman Demirel announced that he recognized the Kurdish ethnic presence. President Turgut Özal, in particular, took important steps in an attempt to solve the problem through non-military means. In January 1990, he approved the compulsory jurisdiction of the European Court of Human Rights, which since then has become a crucial appeal mechanism for Kurdish activists. He also announced that he was partly Kurdish, argued for Kurdish broadcasting on state television, tried to form informal contacts with the Kurdish leaders, stated that a federal system could solve the Kurdish problem, and advocated the preparation of an amnesty law for the PKK fighters (Ataman 2002).
- <sup>18</sup> Such liberalization also had an effect on bringing the Kurdish issue into the public debate. As Somer (2004: 246) states, 'Beginning in 1991, not only did the number of articles escalate drastically, but also a large percentage of the articles began to use 'Kurd,' indicating that the discursive categories that the journalists were using in describing similar events were in transition.' In a country in which officials almost never used the word 'Kurd' and identified the Kurdish issue as a problem of regional backwardness or terrorism, these were drastic changes. As Yeğen (2007: 137) notes, Kurdish resistance pushed Turkish nationalists to publicly recognize the existence of a separate Kurdish identity, which they had denied for decades. This recognition, nevertheless, was uneven at different levels of the state. In other words, there was no integrated state response towards such liberalization. Attempts to reduce tensions by easing the restrictions on Kurdish linguistic and cultural practices failed to produce the desired impact on the ground. Resistance to cultural policy change by state officials working at the local levels has played a considerable role in instigating further cultural and symbolic conflict. For instance, even after Law 2932 was lifted in 1991, most of the restrictions on the use of the Kurdish language remained de facto in force, largely because the abolition of the law did not influence the behavior of the local state cadres.

<sup>19</sup>

### III. Mixed State Responses to Kurdish Naming

- <sup>19</sup> An analysis of the Kurdish naming controversy since the 1980s demonstrates the incoherent nature of state policies in Turkey. The naming controversy underlines how parts of the state –the military, bureaucracy, political parties, government, and judiciary along with their representatives at the lower levels of the state in local areas– formulated and implemented different and sometimes conflicting responses in their attempts to deal with the Kurdish problem. The continuing controversy over Kurdish naming seems in part to be due to local officials' reluctance to recognize Kurdish names, and, more generally, their reluctance to make concessions to the idea of 'Kurdish rights.' Specifically, it was the local registrars, public prosecutors, judges,



police, and gendarmerie who played significant roles in escalating the naming controversy.

- 20 In some cases, Kurdish names came to be targets of the local police and prosecutor. In February 1987, for instance, the weekly news magazine *Nokta* reported that the Office of the Public Prosecutor in Bitlis brought twelve people to court, charging them with giving Kurdish names to their children. The judicial process started after the Bitlis chief of police conducted a survey of the names registered in the public registration office and wrote a report about local naming practices to the office of the public prosecutor. In this report the police chief wrote that the majority of the population living in Bitlis conserved their local characteristics, that they continued to speak their local language, and that they gave their children Kurdish names. Before the public prosecutor in Bitlis charged the parents, he asked for an opinion from the Ministry of the Interior. As a result, the Ministry prepared a committee of experts composed of two administrators from the General Directorate of Population and Citizenship Affairs. The report written by the committee underlined that the names were not Turkish and added, 'Over the long term, the names given to children are very important for our national unity and social structure. Therefore, names given to children should have a character that unites society.' The report also drew attention to the Article 16/4 of the Registration Law, which stipulated that names which do not conform to the national culture, moral norms, customs, and traditions and which offend the public cannot be given to children. As a result of this report from the Ministry of the Interior, the public prosecutor applied to the court to annul the Kurdish names. After 10 months of the first hearing in court, the judges decided to drop the case for procedural reasons, claiming that public prosecutors could not open court cases to annul registered names. This ruling was in conformity with a previous decision of the Court of Cassation, which stipulated that a name's non-Turkish origin could not be a justification for its annulment.<sup>20</sup> Neither the decision of the court in Bitlis nor the earlier decision of the Court of Cassation, however, could serve as precedents and prevent name annulment cases from being opened in the Kurdish regions in the following years.
- 21 Often it was the officials in public registration offices in Kurdish cities who played a critical role in instigating the contestations over naming. In 1988, the registration office in Midyat issued a criminal complaint about a parent who gave his children Kurdish names, Valat and Bayer. According to the registrars, these names were not in conformity with the national culture, customs, and traditions and, therefore, should be erased from the registration records. The civil court of Midyat asked an opinion from the Ministry of the Interior's General Directorate of Population and Citizenship Affairs. This time the General Directorate's interpretation conflicted with its report in the previous year. While it underlined that the names were not of Turkish origin, it called attention to the Lausanne Treaty and stated that people who belonged to minority groups in Turkey had the right to give foreign names to their children. Accordingly, the family in question could be considered as belonging to a minority and that the children's names were common among people who constituted a minority community in Eastern Turkey. This was one of the very rare instances that an official institution recognized the Kurdish population as a minority in Turkey. In fact, the opinion was based on an incorrect interpretation of the Lausanne Treaty, which recognized only the non-Muslim Turkish citizens as minority groups. In accordance with the answer sent from the Ministry of the Interior, the local civil court of Midyat ruled that the Kurdish

names of the children could not be changed.<sup>21</sup> While the decision of the Midyat court paralleled the decision of the court in Bitlis a year ago, its legal justification was different.

- 22 A survey of the Court of Cassation [Yargıtay] decisions concerning naming clearly shows the dissonance between state institutions at different levels and how the issue became more controversial in the Kurdish localities in the 1990s. In Turkey, the Court of Cassation is the court of appeals of last resort and reviews the decisions of the lower courts to ensure standardization in the legal practice. If the Court of Cassation does not agree with a decision, it annuls the decision of the lower court and remands the case to the lower court. If the lower court insists on its previous decision, the General Assembly of the Court of Cassation concludes appellate review on the lower court's judgment and makes the final decision on the case.<sup>22</sup> Since the 1980s, the Court of Cassation's decisions with regards to taking non-Turkish names have been consistently liberal. In all the cases about naming, Kurdish or other foreign names,<sup>23</sup> the court ruled that individuals were free to take any name, unless the meaning of the name was insulting, humiliating, or profane. Such rulings, however, were hardly taken into consideration by the local bureaucratic circles in the conflict-ridden Kurdish areas. For state agents who served in the local areas of the conflict, banning Kurdish names became a way to assert state authority over the very private details of Kurds' lives, at times when many such officials felt their authority was being threatened.
- 23 In 1990, for instance, the Court of Cassation overruled a decision of a lower civil court, which ruled that the parents involved should annul the Kurdish name, 'Berivan,' that they had given their child and registered officially. The Court of Cassation rejected the ruling based on several reasons. It ruled that, procedurally, name annulment cases could not be opened in courts either by public prosecutors or by registration offices but that only individuals could apply to courts in order to change their names. The court also stated that, since naming their children is a right of parents, no individual could be stripped of a name by a court decision according to the main principles of human rights. In addition, it found the lower court's explanation inadequate as to why the name, 'Berivan,' did not conform to the national culture, customs, and traditions.<sup>24</sup>
- 24 During the 1990s, the Court of Cassation also issued rulings on a number of cases that involved individuals who wanted to change their Turkish names to Kurdish. In the 1990s, with the intensification of the armed conflict and the popular spread of Kurdish nationalism, more Kurds wanted to take distinctive Kurdish names and used the Turkish court system to seek their rights. The lower courts in general were not empathetic to such demands and rejected the plaintiffs' demands on the grounds that the names were not Turkish. A fewer number of these plaintiffs could appeal their cases to the Court of Cassation. In all these cases, the court of last resort consistently ruled that personal names do not have to be of Turkish origin. For instance, in 1993, the Court of Cassation cancelled a lower court's decision that refused a parent's demand to change his daughter's name from 'Berrin' into a Kurdish name, 'Berfin.' While the lower court refused this demand on the grounds that the name was not Turkish, the Court of Cassation issued the following ruling:
- 25 According to the stated clause of the law, names which do not conform to national culture, moral norms, customs and traditions and which offend the public cannot be given. Although the court rejected the case based on this clause, the justification was based on a photocopy of a text that was written by the chairman of the editorial board

of the Turkish Language Society [Türk Dil Kurumu] to the Ministry of the Interior. The aforementioned chairman's opinion that giving the name 'Berfin' to Turkish children would be contrary to the national culture, moral norms, customs and traditions because of its foreign origins cannot be a justification for a court decision. Why the word 'Berfin' does not conform to our traditions and cannot be given as a name to Turkish children unlike names that are commonly used in our society such as Pervin, Nermin, Şermin, Berin, and the like should be explained thoroughly in a way that would leave no doubts.<sup>25</sup>

- 26 As a result, the Court of Cassation annulled the decision of the lower court. A year later, in a very similar case, the Court of Cassation overruled another lower court's decision that did not allow a woman to change her name from Songül to Rojda. In this case too, the lower court based its decision on an opinion that came from the Turkish Language Society. The Court of Cassation, nevertheless, did not find such opinion adequate and made a decision based on the meaning of the name and whether or not the individual was known within the society by the name he/she wanted to take. Unless the meaning of the name was insulting, defamatory or profane, the Court of Cassation ruled that the lower courts did not have the right to deny that name to the individual, even though the name was not Turkish.<sup>26</sup>
- 27 One important controversial case was seen in 1999. A father, whose daughter's name was 'Hatice,' applied to the Court of Cassation to challenge the lower court's refusal to change her name into Kurdish, 'Mizgin.' The lower court denied the name change to Mizgin on the grounds that it did not exist in the Turkish language and stated that it had Persian (Kurdish)<sup>27</sup> origin. The court referred to the opinion of a Turkish language and literature professor, who stated that the name had different and contradictory meanings, one of which could be considered insulting. According to the expert's opinion, the name could mean 'guest, dining table, hospitable, clean, and urine,' depending on the way it was spelled in Persian. One of the reasons why the lower civil court found the name objectionable was because of its meaning of 'urine.' The plaintiff, however, stated that it meant 'good news' in his regional language. The Court of Cassation found the lower court's decision appropriate and approved it. Nevertheless, the decision did not come as a result of a consensus. In his dissenting opinion, one judge stated that it would not be right to ban the name Mizgin because it was used commonly in the plaintiff's region, that people's lifestyles in this region could not be considered as distinct from the Turkish culture, and that the plaintiff had the right to choose a lifestyle from the milieu that he lived in. He also called attention to the commonness of non-Turkish names within Turkish society and expressed his skepticism about the objectivity of the expert's opinion on the name's meaning.<sup>28</sup>
- 28 In 2000, the plaintiff applied to the Court of Cassation for a reexamination of the case. This time the General Assembly of the Court of Cassation found the expert's opinion inadequate and subjective. It issued a ruling in favor of the father and stated:

29 'First we should note that the fourth clause of the Article 16 of the Registration Law was not written to purify Turkish from words of foreign origin but to avert people from giving names that do not conform to the national culture, moral norms, customs and traditions. Eastern and Southeastern Anatolia is a part of the motherland, where, not only a

particular ethnic group, but people with different ethnic origins live as part of our country's reality.'

- 30 The court acknowledged that many of the names used in Turkey are of Arabic and Persian origin and are ingrained in Turkish culture and traditions. It was convinced by the father's claim that the child is commonly called as 'Mizgin' by her family and friends and that the name is commonly used in the region where the family resided. As its final decision the court ruled that the father had legitimate reasons to change his daughter's name.<sup>29</sup>
- 31 As the different court cases indicate, the attitude of different state institutions towards Kurdish naming was neither monolithic nor consistent. To ensure nationwide unity in implementation, the Ministry of the Interior sent separate circulars in 1986, 1990, and 1992 stating that officials in registration offices should register names of parents' choice. The circulars also specified that if a name was considered objectionable, registrars should first consult the Ministry before informing the public prosecutor.<sup>30</sup> Nevertheless, state registrars continued to refuse to register Kurdish names, the gendarmerie searched for Kurdish names to inform legal authorities, and local public prosecutors occasionally filed suits against parents who gave Kurdish names to their children. In addition, disregarding the highest court's previous decisions on the issue, many local courts continued to interpret the Article 16/4 of the Registration Law as a ban against Kurdish names. For example, in 1998, the Elazığ registration office refused a father's demand to register his child's name as 'Laşer Rodi.' The administrative court of Malatya approved the registration office's claim two years later. In an interview, the father stated that although his grandmothers' Kurdish names were officially registered, he was not able to register his child's name for the five years since his birth.<sup>31</sup>
- 32 This study did not try to methodically study the motives for local officials' relatively conservative reactions to national-level legal reforms loosening restrictions on Kurdish cultural expression. However, it is plausible that they resisted national policymakers' reform efforts for several reasons. First, it is likely that some officials toughened their behavior because of the harsh circumstances of the war, which made them less tolerant of cultural practices and symbols of Kurdishness. Some blamed local people for their distress related to the everyday risks of war, came to associate almost every element of Kurdish culture with separatism, and thus were little inclined to accommodate Kurdish cultural expressions or to distinguish between non-politicized and politicized forms of such expressions. Second, the authority of the military-bureaucratic apparatus on the ground was strengthened by several governmental decrees during the fight against the PKK, which increased extralegal and arbitrary practices of local state officials in the region. Finally, unlike the parliamentarians and the members of the government, these local officials were largely insulated from international pressures for the improvement of human rights.
- 33 As the naming controversy suggests, the Turkish state has not been a coherent and unitary actor in dealing with the Kurdish issue. Instead, ideological or normative disagreements as well as different contexts in which state actors operated mattered in the different interpretation and implementation of laws and policies. As Joel Migdal (2001: 116-117) points out, the state may not generate a single response to an issue or problem: 'Rather, its outcomes –the formulation and implementation of its policies– are a series of different actions based on the particular calculus of pressures that each engaged component of the state faces in its particular environment of action ....The

outcome can just as likely be a sum of ill-fitting responses that stem from the different components of the state as they respond to their various arenas of domination and opposition.’ These contradictory responses that state institutions and actors had given to similar situations, nevertheless, reduced the credibility of the future policy changes in the eyes of the Kurds and further contributed to the politicization of the naming issue. In the post-2000 period, Kurdish naming became a tool for activists to express their protest against reforms which they perceived to be merely cosmetic.

## IV. Post-2000: Further Politicization of Kurdish Naming

- <sup>34</sup> At the time of the most substantial language policy change in Turkish Republican history, the Kurdish naming controversy escalated once more in the 2000s. A substantial transformation in state policy came after the capture of Abdullah Öcalan, the leader of the PKK, in Kenya in February 1999. After his capture, the PKK, which renamed itself first as KADEK (the Kurdistan Freedom and Democracy Congress) and later as Kongra-Gel (People’s Congress), declared a five-year unilateral ceasefire that led to a dramatic reduction of armed clashes in the years to come. At the end of 1999, another significant development took place. The Helsinki meeting of the European Council, held on December 1999, took key decisions on the enlargement of the European Union and declared Turkey a candidate. The prospect of becoming a full member of the EU and the decline in PKK’s armed operations created a suitable conjuncture that put pressure on the government to address the issue of human rights and to undertake reforms that would have important consequences for the Kurdish demands. Between 2001 and 2003, the Turkish Parliament passed seven sets of reform packages that encompassed constitutional and legal amendments to meet the EU membership criteria.<sup>32</sup> These amendments also addressed some of the long-awaited Kurdish demands for cultural rights. In August 2002, a change in the Law on the Teaching of Foreign Languages abolished the ban on teaching Kurdish in private classes. Another important improvement with regards to Kurdish cultural rights came with the amendment to the broadcasting law, which allowed for ‘broadcasting in different languages and dialects Turkish citizens traditionally use in their daily lives.’<sup>33</sup> This amendment opened the way for broadcasting in Kurdish in public and private radio and TV stations. Despite many implementation problems on the ground, the legal changes removed many restrictions on the use of the Kurdish language.
- <sup>35</sup> The expansions of Kurdish linguistic rights coincided with changing Kurdish strategies. In 2002, the PKK declared that it promoted political uprising as a solution to the Kurdish problem. As Romano (2006: 144) points out, the discourse of the Kurdish insurgency shifted to the language of human rights, democracy, and multiculturalism as its military strength weakened and as it needed to attract greater European and international support. In its 8th congress, the PKK announced KADEK as its only legitimate representative and declared its decision to undertake political actions of civil disobedience.<sup>34</sup> Only a few months before this announcement, one of the major newspapers in Turkey, *Hürriyet*, reported that the Turkish intelligence agencies warned the government about the PKK’s decision to begin a Kurdish naming campaign as part of its new civil disobedience strategy. Accordingly, the PKK would mobilize people to apply to courts to replace their Turkish names with Kurdish names as a way

to create the Kurdish nation.<sup>35</sup> In May 2002, the Ministry of the Interior sent a secret circular warning to local administrators about a possible increase in Kurdish naming and asked them to ensure that parents name their children in accordance with the registration law. The circular granted governors wide discretion over decisions about Kurdish naming without specifying how this authority should be used.<sup>36</sup> This process started another wave of contention between state officials and the Kurds. Any demand for a Kurdish name was interpreted by state officials to be in line with the demands of the PKK and could be perceived as a crime. The Registration Office in Mersin took a family to court for giving the name Rojhat to their child.<sup>37</sup> A lawyer who wanted to give the name Robin to his newborn son could not register it in Diyarbakır.<sup>38</sup> In Ardahan, two fathers who wanted to give Kurdish names to their sons were sent to the State Security Court on the charges of separatism and supporting a terrorist organization through propaganda. The case was dismissed when the fathers' relationship with the PKK could not be established.<sup>39</sup> In Diyarbakır, after surveying the civil registry records, the gendarmerie prepared a list of 600 Kurdish names and sent it to the office of the public prosecutor, which immediately started investigations. In the gendarmerie's document it was written that the campaign for Kurdish naming was part of the PKK's attempts of political struggle and that those who insisted on giving Kurdish names to their children acted in accordance with the PKK's directives. Similarly, in İzmir nine people who gave Kurdish names to their children were taken to court for supporting the PKK. According to the Turkish Human Rights Foundation, a total of 76 name annulment cases were brought to the courts in the year 2002.<sup>40</sup>

- <sup>36</sup> The mobilization of both state officials and the Kurds with regards to naming in the post-2000 period underlines the difficulty of reconciliation, even at the cultural and symbolic level, after periods of armed conflict. Ross (2007) emphasizes the importance of 'psychocultural interpretations' in playing a causal role in ethnic conflicts. As Ross argues, parties to the conflict do not act in a vacuum. Their interpretations of new phases in a conflict are conditioned by their preexisting beliefs, experiences, and narratives: 'The ambiguity of most events means they can be interpreted in different ways, and to deal with this ambiguity groups turn to readily available interpretations and narratives that then shape subsequent behavior. This, of course, is what makes ethnic conflict so difficult to contain and manage and why ambiguous events are selectively interpreted as confirming evidence for preexisting beliefs. Furthermore, since many disputes involve parties with a long history of conflict, older grievances are easily appended to newer ones as political conditions warrant.' (Ross 2007: 25). In Turkey, the history of armed conflict prevented most state actors from seeing Kurdish rights as a neutral category of minority rights, even after the decline in armed clashes. Rather, the Kurdish demands for recognition of difference have been predominantly perceived as demands for national self-determination. Especially for the local bureaucracy and the military that had firsthand experience of the war, the pro-EU reforms that began to lift restrictions on the use of Kurdish meant conceding to the demands of the Kurdish insurgency through outside pressure. For instance, the resistance of the military and the bureaucracy to the expansion of the cultural and linguistic space for expressions of Kurdishness was quite apparent in the cases of Kurdish broadcasting and private Kurdish teaching. Many human rights activists have emphasized the bureaucratic complications that undercut the implementation of many of the reforms and the gap between legislation and actual practice.<sup>41</sup>



- 37 Another process that underlined the difficulty of cultural reconciliation involved the changing strategies of Kurdish activism. The pro-Kurdish activists' efforts to mobilize the Kurdish masses around naming were a consequence of the new cultural-linguistic turn in the movement's strategies. With the expansion of the legal-cultural space, the post-2000 period has seen renewed efforts to develop the Kurdish language and literature, to increase the volume of Kurdish publications, and to do research on Kurdish history and culture. In this process, Kurdish activism also expanded its focus to cultural and symbolic contestation, which aimed at defining Kurdishness by differentiating itself from Turkishness. For the Kurdish activists, names increasingly became a tool for the symbolic creation of Kurdish nationhood. Prominent Kurdish activist Naci Kutlay (1997: 327-328) states, 'The identity search and struggle in recent years showed itself, primarily and in its simplest form, in the use of Kurdish names. Everybody looks for a Kurdish name for his/her children, more distinctly in the cities with high Kurdish population density and less so in villages, and they take care that these names be meaningful and pure Kurdish. Names chosen from Kurdish history and geography began to be used, replacing the old traditional names. At the same time these names indicate the families' patriotic character, advocating Kurdish identity.' As stated earlier, many Kurds and Turks used to share similar Muslim names in the past. Kurdish activists' naming campaign in the post-2000 era, nevertheless, increasingly took a nationalist, exclusivist character, aiming to construct a clear-cut boundary between Turkishness and Kurdishness, and thus played a role in complicating the reconciliation process.
- 38 In June 2003, the Turkish Parliament changed Article 16 of the Registration Law to minimize contradictory interpretations of the article and to put an end to the naming controversy. The article, which stipulated that children could not be given names that contradict with the 'national culture' and 'Turkish customs and traditions,' was changed. The amendment dropped the terms 'national culture' and 'Turkish customs and traditions,' and stated that only names that disregard moral norms or offend the public could not be given as first names. The following September, the government sent a circular to the governors explaining the amendment and asking them to ensure that any name could be registered in their province as long as it does not violate moral norms and offend the public and is spelled in accordance with the official Turkish alphabet. Soon after the amendment was passed, the pro-Kurdish Democratic People's Party (DEHAP) and the Free Society Party (ÖTP) organized a campaign for the registration of Kurdish names that include letters q, x, and w, which do not exist in the official alphabet. Administrators of these parties collectively applied to courts to replace their names with explicit Kurdish names such as Xemgin, Berxwedan, Warjin, Qalferat, and Hêzîl Avaşîn. The applications reached hundreds. While the activists declared that they wanted to show the limits of the cultural openings and the EU reforms, they also introduced a set of Kurdish names, which were largely unknown to the public before. Some of these names also had explicit nationalist connotations such as şêrway [warrior], Serxwebun [independence], Welat [motherland], and Serhildan [uprising].<sup>42</sup> Neither the local courts nor the Court of Cassation allowed the registration of Kurdish names with the letters that did not exist in the alphabet. In the rulings, the courts stipulated that spelling of the names should conform to the rules of the Turkish alphabet and that nonconformity could create administrative problems and confusion.
- <sup>43</sup> The registration of Kurdish names that are spelled with the letters in the official alphabet, nevertheless, has created fewer problems since the amendment of the related



article in the Registration Law and signified some change in Turkish state policies.<sup>44</sup> In 2008, a father could register his newborn daughter's name as Helin Kurdistan, which meant 'nest of Kurdistan,' without much difficulty in Şanlıurfa.<sup>45</sup>

- 39 The insistence on the part of the Kurdish activists to use names that are distinctively Kurdish and spelled with letters that do not exist in the official alphabet signified to the public the Kurdish activism's dissatisfaction with the new openings and its unwillingness to accept an easy conciliation. The recent naming controversy also underlined a Kurdification process that paralleled the earlier Turkification practices, which aimed at purification of the language and the construction of an exclusive ethnic identity. As such, it indicates a mutually transformative interaction between state policies and minority activism. The naming controversy of the post-2000 period underlines the potential of Kurdish nationalism to act like a mirror image of Turkish nationalism, which in turn makes reconciliation over minority rights more difficult to achieve. Practices of Kurdification reinforce a sense of ambivalence among state actors vis-à-vis minority rights, lead them see such initiatives as steps for separatism rather than acts for ethno-cultural preservation, and consolidate their resistance to policy reforms. Many municipalities in the Southeast run by the pro-Kurdish Democratic Society Party (DTP) began to push harder for Kurdification, which resulted in official resistance at different levels of state institutions. In 2007, the Diyarbakır Municipality published a 105-page reference book that listed Kurdish names. In Urfa, in the district of Suruç, the municipality's efforts to Kurdify street names failed as a result of litigation.<sup>46</sup> In Diyarbakır, giving Kurdish names to parks was not allowed by the district administration based on the grounds that the constitution stipulates Turkish as the official language.<sup>47</sup> Such a broad interpretation of the related article in the constitution once more underlined the local administrative suspicions of the Kurdish cultural demands and the non-linear character of state-minority relations.

## Conclusion

- 40 The Kurdish naming contention in Turkey suggests that the conventional approaches to state-Kurdish relations remain inadequate in understanding state behavior. As the Turkish state's responses to Kurdish naming indicate, nation-building should not be conceptualized as a linear and unchanging process. This process was in fact marked by many instabilities and contradictions in state discourse and practice. Nevertheless, the scholarship on state-minority relations remained largely unconcerned with how different state institutions in Turkey could tackle the same issue in different ways. In this study, I argue that different contexts in which state actors operated mattered in formulation and implementation of policies. Depictions of the Turkish state as a coherent and unitary actor may overlook some of the major factors that instigate the Kurdish conflict. What we need is more ethnographic analyses of the Turkish state that problematize its contradictory practices and attend to the practices of state institutions at the local levels. This study is only a step towards this in its attention to the fragmentations and divergent practices of different state actors. More nuanced and in-depth studies of state institutions could give a clearer picture of struggles that take place at the state level, explain why state actors behave the way they do, and clarify how a state's inconsistencies affect its relations with the society.

- 41 One question that this study raises relates to the decisions of the Court of Cassation vis-à-vis Kurdish naming. The Court's tolerance for Kurdish names is particularly interesting because the Court has a reputation for endorsing a guardianship role to protect Kemalist ideals and prioritizing state interests over individual rights and freedoms.<sup>48</sup> Therefore, the Court has not been consistently liberal on matters of human rights, let alone Kurdish political and cultural rights. Under what circumstances and in which issue areas the Court observes human rights norms and acts as an agent of liberalization are important questions that go beyond the objectives and scope of this study. These questions still await an answer and require further study on the decisions of the Court of Cassation.
- 42 The naming controversy also underlines how state policies and minority activism mutually condition one another. The Turkish state's interventions over the years to regulate and control the private lives of the Kurds, such as what names to give to children, gave new meaning and politicized many of the cultural expressions, as in the case of Kurdish naming. The general official discourse on Turkishness and the Turkification policies influenced the manner Kurdish activists imagined Kurdish identity and pushed them to define it in more exclusivist terms with clear-cut boundaries. The increasing use of names by Kurdish activists as markers of divisive identity coupled with the history of armed conflict, in turn, contributed to the official resistance against Kurdish naming, especially at local bureaucratic levels. One implication of this study is that nation-building should be seen as a dynamic and interactive process, rather than a unidirectional one. Neither state actors nor minority activists act in a vacuum. In other words, both state policies and minority strategies are a result of an interaction, in which earlier acts and discourses matter for the formulation of current practices of both sides. A clean causal relationship between state policies and minority mobilizations may not be easily established with an approach that takes into consideration such mutual transformations. Nevertheless, an interactive and contextual understanding of state-minority relations could better illuminate the possibilities for reconciliation after long periods of conflict.

---

## BIBLIOGRAPHIE

- Aslan, S. (2008) *Governing Areas of Dissidence: Nation-Building and Ethnic Movements in Turkey and Morocco*, unpublished PhD Dissertation, University of Washington.
- Ataman, M. (2002) 'Özal Leadership and the Restructuring of Turkish Ethnic Policy in the 1980s,' *Middle Eastern Studies* 38 (4), pp. 123-143.
- Bozarslan, H. (2001) 'Human Rights and the Kurdish Issue in Turkey: 1984-1999,' *Human Rights Review* 3 (1), pp. 45-54.
- Bulliet, R. W. (1978) 'First Names and Political Change in Modern Turkey,' *International Journal of Middle East Studies* 9 (4), pp. 489-495.
- Cemal, H. (2003) *Kürtler*, Istanbul, Doğan Kitap.

- Çolak, Y. (2004) 'Language Policy and Official Ideology in Early Republican Turkey,' *Middle Eastern Studies* 40 (6), pp. 67-91.
- Hansen, T. B.; Stepputat, F. (2001) 'Introduction. States of Imagination,' in Hansen, T. B.; Stepputat, F. (eds.) *States of Imagination: Ethnographic Explorations of the Postcolonial State*, Durham, Duke University Press.
- Hassanpour, A. (1992) *Nationalism and Language in Kurdistan, 1918-1985*, San Francisco, Mellen Research University Press.
- Koca, H. (1998) *Yakın Tarihten Günümüze Hükümetlerin Doğu-Güneydoğu Anadolu Politikaları*, Konya, Mikro Yayınları.
- Kurban, D. (2003) 'Confronting Equality: The Need for Constitutional Protection of Minorities on Turkey's Path to the European Union,' *Columbia Human Rights Law Review* 151 (35), pp. 151-214.
- Kutlay, N. (1997) *Kürt Kimliği Oluşum Süreci*, İstanbul, Belge Yayınları.
- McDowall, D. (1996) *A Modern History of the Kurds*, London & New York, I.B. Tauris.
- Migdal, J. S.; Kohli, A.; Shue, V. (eds.) (1994) *State Power and Social Forces. Domination and Transformation in the Third World*, Cambridge & New York, Cambridge University Press.
- Migdal, J. (2001) *State in Society. Studying How States and Societies Transform and Constitute One Another*, Cambridge, Cambridge University Press.
- Natali, D. (2005) *The Kurds and the State. Evolving National Identity in Iraq, Turkey, and Iran*, Syracuse, Syracuse University Press.
- Öktem, K. (2008) 'The Nation's Imprint: Demographic Engineering and the Change of Toponymes in Republican Turkey,' *European Journal of Turkish Studies*, no. 7, <http://www.ejts.org/document2243.html>
- Oran, B. (2004) *Türkiye'de Azınlıklar: Kavramlar, Lozan, İç Mevzuat, İçtihat, Uygulama*, İstanbul, TESEV Yayınları.
- Romano, D. (2006) *The Kurdish Nationalist Movement. Opportunity, Mobilization, and Identity*, Cambridge, Cambridge University Press.
- Ross, M. H. (2007) *Cultural Contestation in Ethnic Conflict*, Cambridge, Cambridge University Press.
- Sadoğlu, H. (2003) *Türkiye'de Ulusçuluk ve Dil Politikaları*, İstanbul, İstanbul Bilgi Üniversitesi Yayınları.
- Scassa, T. (1996) 'National Identity, Ethnic Surnames, and the State,' *Canadian Journal of Law and Society* 11 (2), pp. 167-191.
- Scott, J. C.; Tehranian, J.; Mathias, J. (2002) 'The Production of Legal Identities Proper to States: The Case of the Permanent Family Surname,' *Comparative Studies in Society and History* 44 (1), pp. 4-44.
- Somer, M. (2004) 'Turkey's Kurdish Conflict: Changing Context, and Domestic and Regional Implications,' *The Middle East Journal* 58 (2), pp. 235-254.
- Türköz, M. F. (2004) *The Social Life of the State's Fantasy: Memories and Documents on Turkey's 1934 Surname Law*, unpublished PhD Dissertation, University of Pennsylvania.
- Türköz, M. (2007) 'Surname Narratives and the State-Society Boundary: Memories of Turkey's Family Name Law of 1934,' *Middle Eastern Studies* 43 (6), pp. 893-908.

Yanık, L. K. (2006) 'Nevruz or Newroz? Deconstructing the Invention of a Contested Tradition in Contemporary Turkey,' *Middle Eastern Studies* 42 (2), pp. 285-302.

Yeğen, M. (2007) 'Turkish Nationalism and the Kurdish Question,' *Ethnic and Racial Studies* 30 (1), pp. 119-151.

Yıldız, K. (2005) *The Kurds in Turkey: EU Accession and Human Rights*, London, Pluto Press.

Ziya, Abdullah (1933) 'Köy Mimarısı', *Ülkü* 9, pp. 37-41.

## NOTES

1. I thank Jason Scheideman, Nicole Watts, the members of the EJTS editorial board, and the two anonymous readers for their helpful comments and criticisms on previous drafts of this article.
2. *Radikal*, 'Baran, Serhat Yasaklı,' 4 March 2002.
3. *Radikal*, 'Berivan'ın Yargıcı Şirvan,' 19 April 2002 and *Cumhuriyet*, 'Şirvan'dan Baran'a Onay,' 22 May 2002.
4. For some examples of such approach see Natali (2005), McDowall (1996), and Hassanpour (1992).
5. I discussed state's efforts to detribalize the Kurdish regions and to makeover the Kurdish society at length in my dissertation. For more see Aslan (2008).
6. This practice was also confirmed by some of my interviewees in Southeastern Anatolia.
7. For more on the Surname Law and the negotiations between citizens and state officials during the surname adoption process, see Türköz (2004) and (2007).
8. For more on the language policies of the early Turkish Republic, see Çolak (2004) and Sadoğlu (2003).
9. For a detailed analysis of changes in place names during the Republican period, see Öktem (2008).
10. *Türkiye Mülki İdare Bölümleri, 1 Kasım 1980 durumu, İçişleri Bakanlığı, Genel Yayın No: 408, Seri III, Sayı 4*. The practice continued after 1980 as well.
11. Tanrıkulu was the president of the Bar Association in Diyarbakır and is the regional representative of Turkish Human Rights Foundation. He was one of the first attorneys who submitted Kurdish complaints to the European Court of Human Rights.
12. Interview with Sezgin Tanrıkulu, *Radikal*, 25 August 2003.
13. My impression is that demand for distinctively Kurdish names was also lower in the pre-1980 period, before the expansion of Kurdish nationalism to the masses. Nevertheless, to my knowledge, there has been no study to verify a change in Kurdish naming preferences over time.
14. For the full text of the law, see 'Türkçeden Baska Dillerde Yapılacak Yayınlar Hakkında Kanun,' *Resmî Gazete*, No: 18199, 22 October 1983, pp. 27-28.
15. According to the official statistics, between 1986 and 1991, 115 court cases were opened and 189 people were tried for the violation of Law 2932. This data is compiled from the website of the General Directorate of Criminal Registration and Statistics of the Ministry of Justice: <http://www.adli-sicil.gov.tr/istatist.htm>. However, many more people were detained and interrogated but not charged for violating Law 2932. There is no statistical data about their numbers. In addition, in many cases the authorities considered speaking in Kurdish as a violation of the Turkish Penal Code's Article 142, which banned advocating separatism and propagating ideas that weaken national sentiments.
16. Interview with Sezgin Tanrıkulu, *Radikal*, 25 August 2003.
17. See Cemal (2003) for detailed accounts of positions by different state actors on the Kurdish issue.

18. For more on the debates see 'Kürtçeye Özgürlük,' *Nokta*, 3 June 1990.
19. I discuss how local state officials recreated many of the linguistic restrictions even after the abolition of Law 2932 at length in my dissertation. For more see Chapter III in Aslan (2008).
20. See the articles 'Zozan oldu Suzan,' *Nokta*, 15 February 1987, pp. 16-18 and 'Zozanların yasağı da kalktı,' *Nokta*, 14 February 1988, p. 38.
21. See 'Resmi bir itiraf: Kürtler azınlıktır,' *Nokta*, 19 June 1988, pp. 22-23.
22. More information about the Turkish Court of Cassation can be found at [www.yargitay.gov.tr](http://www.yargitay.gov.tr). The court decisions in this article are compiled from the Kazancı case law database. For more information on the database, see [www.kazanci.com.tr](http://www.kazanci.com.tr).
23. The following are a few case examples that involved non-Kurdish names. It was the 18<sup>th</sup> Civil Chamber (18. Hukuk Dairesi) of the Court of Cassation that heard all these cases. For instance, a dual citizen of Germany and Turkey applied to the Court of Cassation to annul a lower court's decision that did not allow him to replace his Turkish name with his German name, Dennis. The Court of Cassation annulled the lower court's decision and issued a ruling that there was no law or regulation that required a name to be Turkish and that everyone had the right to officially carry a name by which he was known in society. For more see Esas no: 2002/4750, Karar no: 2002/7382, 1 July 2002. About a man who wanted to take his original German name after he became Turkish citizen, see Esas no: 1996/2181, Karar no: 1996/2777, 19 March 1996; about the name 'Jutta,' see Esas no: 1997/3451, Karar no: 1997/4459, 6 May 1997; about the name 'Jülyet,' see Esas no: 2002/10421, Karar no: 2002/12155, 16 December 2002.
24. Yargıtay İlâmı, T.C. Yargıtay 3. Hukuk Dairesi, Esas no: 8859, Karar no: 516.
25. Yargıtay İlâmı, T.C. Yargıtay 18. Hukuk Dairesi, Esas no: 9708, Karar no: 0832, 13 October 1993.
26. Yargıtay İlâmı, T.C. Yargıtay 18. Hukuk Dairesi, Esas no: 1994/7386, Karar no: 1994/8560, 21 June 1994.
27. Only once in the court's decision the name's Kurdish origin is acknowledged. In the rest of the text, the name is referred to as Persian.
28. T.C. Yargıtay Hukuk Genel Kurulu, Esas no: 1999/18-966, Karar no: 1999/1010, 1 December 1999. The decision can be found at *Yargıtay İçtihatları*, no. 52, April 2000.
29. T.C. Yargıtay Hukuk Genel Kurulu, Esas no: 2000/18-127, Karar no: 2000/154, 1 March 2000.
30. Interview with a Kurdish activist. Also see Türkiye İnsan Hakları Vakfı (1993): *Örneklerle Türkiye İnsan Hakları Raporu 1992*, Ankara: Türkiye İnsan Hakları Vakfı Yayınları, p. 171.
31. T.C. Malatya İdare Mahkemesi, Esas no: 1999/1204, Karar no: 2000/335, 11 April 2000. For the interview see 'Rodi'nin adı yok,' *Milliyet*, 13 February 2003.
32. For more on the reform packages see Oran (2004).
33. For detailed information on the recent reforms that related to state-minority relations in general, see Oran (2004), Yıldız (2005), and Kurban (2003).
34. For this resolution see <http://www.kurdistan.org/Current-Updates/kadek.html>
35. '40 Yıllık Kani Oldu Kürt İsmi,' *Hürriyet*, 29 January 2002.
36. Kurban (2003: 196); 'Kanun Değişti, Kafa Değişmedi,' *Radikal*, 1 September 2003; and see the interview with Sezgin Tanrıkulu, *Radikal*, 25 August 2003.
37. 'Rojhat'a dava açıldı,' *Özgür Politika*, 11 October 2002. See <http://www.savaskarsitlari.org/arsiv.asp?ArsivTipID=5&ArsivAnaID=10059#ilgili> to access the full article.
38. 'Oğluna Robin Adını Koyamadı,' *Cumhuriyet*, 16 October 2002.
39. 'Yine Kürtçe Yine Yasak,' *Radikal*, 30 May 2002.
40. For more information on the official circular about naming and the several cases in this period, see Türkiye İnsan Hakları Vakfı (2003): *Örneklerle Türkiye İnsan Hakları Raporu 2002*, Ankara: Türkiye İnsan Hakları Vakfı Yayınları, pp. 22-26. The report can be reached at [www.tihv.org.tr](http://www.tihv.org.tr).
41. For more on the EU reforms and practice see Kurban (2003) and Aslan (2008).

42. For more see the 2002, 2003, and 2004 annual reports of the Turkish Human Rights Foundation at [www.tihv.org.tr](http://www.tihv.org.tr). Also see *Radikal*, 16 December 2003 and 28 October 2003.
43. Yargıtay İlami, T.C. Yargıtay 18. Hukuk Dairesi, Esas no:2004/3398, Karar no:2004/4808, 25 February 2004.
44. See the annual reports of the Turkish Human Rights Foundation after 2003 at [www.tihv.org.tr](http://www.tihv.org.tr).
45. 'İşte Küçük Kürdistan,' *Radikal*, 28 October 2009.
46. 'Şanlıurfa'da Kürtçe Sokak İsmi Polemiği Bitmiyor,' *Hürriyet*, 26 December 2008.
47. 'Kürtçe İsimler Reddedilince Park İsimsiz Kaldı,' *Hürriyet*, 13 May 2009.
48. See the short discussion on Turkish higher courts' conservatism in JURISTRAS report, 'Supranational Rights Litigation, Implementation, and the Domestic Impact of Strasbourg Court Jurisprudence: A Case Study of Turkey,' in <http://www.juristras.eliamep.gr/?p=156>
- 

## RÉSUMÉS

This article analyzes contention over Kurdish naming in Turkey. It explores why there has been increased contention over naming between Kurdish activists and Turkish state authorities since the 1980s. First, it underlines the incoherent state responses to the issue of Kurdish naming and calls attention to the role of the local state officials in the escalation of naming controversy. In particular, the paper analyzes the dissonance between the rulings of the Court of Cassation [Yargıtay] and the local state actors' decisions and behavior. Second, it discusses the increasing Kurdification campaign of Kurdish activism and its role in exacerbating contention over naming.

## INDEX

**Mots-clés :** Cour de cassation, kurdification, noms kurdes, politique linguistique, relations Etat-société, turquification

**Keywords :** Court of Cassation, judicial politics, Kurdification, Kurdish names, language policy, name ban, state-society relations, Turkification

## AUTEUR

### SENEM ASLAN

Senem Aslan is a postdoctoral research fellow at the Department of Near Eastern Studies in Princeton University. She will be an assistant professor at Bates College, Lewiston, Maine starting in the fall of 2010.