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Introduction

We will start with a short description of how it is to grow up as a Kurd in the Turkish part of Kurdistan. The extracts come from the testimony of Esref Okumus to the Conference on Minority Rights, Policies and Practice in South-East Europe, Copenhagen, March 30th--April 1st 1990, organised by The Danish Helsinki Committee and The Minority Rights Group, London. Esref Okumus is a Kurdish journalist in his early thirties, now working in Sweden:

As a Kurd in Turkey you are born in a village or a town the name of which is not valid, because names of nearly all Kurdish villages and towns I know are today changed into Turkish.\$(1)

If your parents wish to give you a Kurdish name, your name will not be registered by the authorities. It will be changed into Turkish. If your parents still insist to keep your Kurdish name, they will be prosecuted and forced by a court to change your name into a non-Kurdish name.\$(2)

When you, seven years old, go to school, you won't be able to communicate with your teachers. At least if you, just like me, have parents who do not speak Turkish. It will take 4 or 5 years before you at all can speak with your teachers.\$(3) When you have become an adult, you must be aware of all the laws which prevent you from keeping your Kurdish identity.

First of all, you are not allowed to claim that your mother tongue is Kurdish. The third section of law no. 2932 tells you what your mother tongue is: 'The mother tongue of Turkish citizens is Turkish.'

You are not allowed to speak Kurdish in public places (citations from law no. 2932) ... If you, in spite of all this, speak Kurdish, you can be sentenced to a maximum of 2 years of imprisonment according to section 4 of the same law.

... (quotations from laws prohibiting all forms of expression in Kurdish) ... All this means that you, as a member of the Kurdish minority in Turkey, are deprived of all fruits of your culture. I want to emphasize this: ALL fruits of your culture. If you don't want to accept this, and clearly show your disapproval by, for instance, writing to a newspaper, then you can be prosecuted for 'weakening of national feelings', according to section 143 of the Penal Code. You can be sentenced to a maximum of 10 years of imprisonment.

If you, as a Kurd in Turkey, 'build or attempt to build an association' to maintain your culture and language, you can be sentenced to a maximum of 15 years of imprisonment, according to section 141 of the Penal Code.

Thousands of Kurds have been sentenced according to these laws. If you try to explain this situation abroad, exactly as I am doing at this moment, you can be sentenced to 10 years of imprisonment for 'damaging the reputation of the Turkish state'. \$(4)

Sertaç Bucak, in a report to the same Conference (1990: 2), said: "Every day there are reports in the newspapers about the confiscation of a journal or a book because it has written or reported about the Kurds" (regardless of the language in which it is written). Using words like "the Kurds" or "Kurdistan" has been enough for confiscation (see also note 11).

Okumus's conclusion is that if Kurds in Turkey assimilate completely and deny their Kurdish identity, they are accepted as a citizen equal to all others. They can even become presidents, like the former Turkish president Turgut Özal (who is reputed to be of Kurdish origin). But if Kurds in Turkey attempt to use only some of the most fundamental minority rights, to speak and maintain their own language, identify as a Kurd, and enjoy and maintain Kurdish culture through books, films, cassettes, etc or through a Kurdish cultural organisation, they can be sentenced to at least 50 years of imprisonment.

This paper\$(5) brings together some of the extensive documentation of how the Kurds in Turkey are prevented from using their mother tongue, in defiance of international covenants on human rights that Turkey is a signatory to---or, in some cases very significantly, is NOT signatory to (see later). It also discusses some of the consequences of this for Kurdish culture and Kurdish children and adults, both in Turkish parts of Kurdistan, in Turkey proper and elsewhere. At the same time it shows how a clarification of concepts, here demonstrated by the concept of mother tongue, can help us in analysing lack of linguistic rights and in formulating requirements which a universal declaration of linguistic human rights must fulfill (see Skutnabb-Kangas---Phillipson, this volume). Since it is not always easy to get reliable information about the Kurdish language, we start with a short description of the linguistic situation.

Kurds and the Kurdish language

Kurdistan, the land of the Kurds, 500,000 square kilometers, comprises an area larger than the combined areas of Great Britain, the Netherlands, Belgium, Switzerland and Denmark. The Kurdish population totals approximately 25-30 million today. The Kurds constitute the majority of the population in their homeland, which is divided between Iran, Iraq, Syria and Turkey.

The Kurds are one of the oldest peoples of the Middle East. Kurdistan has its place among the great ancient civilizations of Mesopotamia. In his work *Anabasis* the Greek historian and military leader Xenophon speaks of Kurdish tribes, mostly self-sufficient farmers without religious rulers, in the regions which the Kurds still claim as their homelands today (Roth 1978: 17). The ancestors of the Kurds lived there for thousands of years, founded villages and cities, lived from farming, constructed irrigation systems and canals, and used cuneiform writing.

Kurdish is, like German and English, an Indo-European language and belongs to the northwestern Iranian family (e.g. Pott 1840: 59). It is closely related to Farsi/Persian (as Danish or Dutch are related to German, Mönch-Bucak 1989). It is not related to Turkish (an Altaic non-Indo-European language) or to Iranian and Syrian Arabic (a Semitic non-Indo-European language). Linguistic proof of Old Persian dates back 4000 years. New Persian and Kurdish developed after Old Persian. Kurdish developed as an independent language in an area where Iranian languages have been spoken for at least 3,000 years, and has been documented since, at the latest, the time of the Arab conquest, i.e. for nearly 1300 years (Mönch-Bucak 1989).

There are two main dialects/varieties of Kurdish, and several smaller dialects/varieties:

-KURMANCI (north Kurmandji, North Kurdish), spoken in Turkish and Syrian Kurdistan, in the northern parts of Iranian and Iraqi Kurdistan and in (former Soviet) Armenia.

-SORANI (south Kurmandji, South Kurdish, sometimes also called middle Kurdish), spoken in the southern parts of Iranian and Iraqi Kurdistan.

Some linguists also classify southeastern dialects (Sineî, Kirmansahi, Leki) as a distinct variety. In addition, speakers of some central Iranian (grouped together as Zaza and Gurani) and southwest Iranian (e.g. Luri) varieties, also claim Kurdish ethnic and linguistic identity. These varieties are not easily mutually intelligible with Kurmanci and Sorani, but speakers of Zaza and Gurani learn Kurmanci very easily, whereas the opposite is not true (e.g. van Bruinessen 1978: 30). There are no strict dialect boundaries; the dialects merge gradually (for details, see Hassanpour 1989).

Most Kurdish literary critics consider Kurdish art poetry to have started with Baba Tahir Hamadani (935--1010) (Shakely 1989: 51), but the oldest Kurdish literary text, *Pir Salyar's wisdom*, dates from the period before the islamization of Kurdistan. Orature (oral literature) has always played an important part in the development of the Kurdish language, partly because of the oppression of Kurdish literature. Many Kurdish poets and historians have also written in other languages from the 1200s onwards. The Kurdish national epic, *Mem û Zîn*, written in 1694 by Ekhmede Khani (Ahmed-i-Xani), is partly based on an old folk tale, Meme Alan. It combines a beautifully told romantic-tragic love story with Kurdish longing and struggle for liberation, a frequent Kurdish combination.

Much Kurdish literature, both old and new, has as one of its central themes the struggle against oppression (e.g. Fuad 1988: 22). For instance, the great Kurdish poet Cegerxwin (The Bleeding Heart; pseudonym for Hasan Sheikmous) follows this theme, from poems about the Kurdish smith Kewa who slew the child-brain-eating tyrant (Iranian king Ejdehak/Zuhak) and liberated the Kurdish people, (still celebrated on March 21, Newroz, the Kurdish national day) to poems on international solidarity and the fight against colonialism (e.g. the poem Heval Pol Robson/Comrade Paul Robeson). (Cegerxwin's publisher again faces a sentence for some of the poems---see note 11). Also Kurdish newspapers (the first, *Kurdistan*, in 1898 in Cairo) and magazines (e.g. *Jin* 1918--19) bear witness to the need to strengthen Kurdish resistance.

The Kurdish language community---divided, dispersed and oppressed

The Kurdish language community differs from many others in several respects which, taken together, have restricted a more "normal" development of the language. The Kurds have been and are still divided, dispersed and oppressed.

Firstly, the Kurdish language community is divided and dispersed. Kurds are subjected to colonial rule in four states, Turkey, Iran, Iraq and Syria. Hundreds of thousands of Kurds have been deported (6) or more or less forced to move from Kurdistan to other parts of the occupying states or to other countries.

Thus it has been and is difficult for the Kurds to develop their language in a way which is normal in closely-knit non-dispersed language communities. This has resulted, among other things, in the fact that written Kurdish today uses three different alphabets and there are at least three centres for the development of a standard variety. The Bedir-Xan variety (Bedir-Xan---Lescot 1970) (or HAWAR-variety), introduced in 1932 in Damascus and Beirut by Celadet Ali Bedir-Xan in the magazine *Hawar*, based on Kurmanci (mainly as spoken in the south-eastern parts of Turkish Kurdistan), uses the Latin alphabet. The Sulemaniye variety, the standard language of the Kurds in Iraqi Kurdistan, based on the Sorani variety of Kurdish, uses a modified variety of the Arab-Persian script (and the Arabic script was also used in Turkish Kurdistan until 1928--1929). Standard Kurdish in the former USSR, based on Kurmanci as spoken in the southern parts of Armenia, uses the Cyrillic alphabet, but the Latin alphabet was used for Kurdish in the USSR until the late 1930s.

Geographical dispersion and the many changes in script type have, in addition to the oppression of the language itself and the denial of education to Kurds in general and specifically of instruction in Kurdish, made much Kurdish written literature inaccessible to most of the Kurds themselves. Mehmet Emin Bozarslan is the author of both the first Kurdish primer in Turkey, Alfabe (which was banned and led to his imprisonment in Turkey) and numerous children's books. He is teaching his compatriots literacy in exile (despite threats from the Turkish Embassy in Denmark---see Skutnabb-Kangas 1984: 279--280) while rescuing, transcribing, translating and writing comments on some of the old literature (e.g. Kurdistan, Jin, Mem û Zîn), all this virtually without financial support. This shows vividly some of the difficulties in Kurdish literary work. Very few Kurds in the world would be able to read what has been published even during this century in Kurdish, even if there were no prohibitions. Few literate language communities in the world face such cumulative difficulties.

Therefore, the Kurdish vocabulary has also evolved in different directions in different parts of Kurdistan. The Kurdish language is not related to the dominant majority language of 3 of the 4 occupying states. As Kurds are obliged to operate for many official purposes in the dominant official languages (which are very different from their mother tongue), despite (often) limited proficiency in them, there is widespread borrowing from them into Kurdish. This complicates the mutual intercomprehensibility of different varieties of Kurdish.

The Kurdish language has been oppressed in most occupying countries, most severely in Turkey, as will be described later. The oppression has made the development of the Kurdish language extremely difficult.

The majority of Kurds in Iran, Syria and Turkey are considered illiterate in their native tongue. In these countries official policy has prevented the autonomous development of a literary variety by denying Kurds education in their own language as well as the right to distribute printed material in Kurdish. Linguistic and literary projects have thus been restricted to clandestine activities of oppositional movements" (Matras 1990: 1).

Most of the recent development of Kurdish as a literary language has taken place during the few periods of relative freedom⁽⁷⁾ in Iraq and to some extent Syria, but particularly in the former Soviet Union. To an increasing degree this work is being undertaken by Kurds in exile. Such work is made more difficult by the fact that the ban on Kurdish is also transferred to other countries: there is no teaching in or through Kurdish in most western European countries where Kurds live as migrants or refugees. While most other migrants can get help from the embassies of their countries of origin in upholding their language and culture, Kurds are actively prevented by theirs from maintaining and developing their language (see again note 2 for naming practices).

Together these facts make the situation of the Kurdish language community different from that of others. No other literate language communities in the world are today forced to maintain and develop their language under equally oppressive and difficult circumstances, without linguistic human rights. Because of geographical dispersion and political division between several states (something that Kurdish shares with many other languages in the world) and the severe cultural-political oppression, which includes the most brutal linguistic oppression in the world enacted with the force of law, the Kurdish language has had extremely difficult conditions for its development.

Despite the repression, Kurdish is a fully-fledged language, ready to take its place among official state languages in the world. When enough resources are devoted to the development of the Kurdish language, Kurdish can relatively rapidly be developed into a language which can fulfill all modern needs in education, (see Muttersprache Kurdish 1980; Meyer-Ingwersen 1989) administration, etc (see Hassanpour 1989). "Despite irregularities, inconsistencies and variation there is no doubt about the fact that a literary variety of the Kurdish language exists and is used in publications to express a wide range of subjects", Yaron Matras concludes in his study of Kurdish orthography (Matras 1990: 8).

The legal situation of the Kurdish language in Turkey is in violation of universal and European agreements

A history of oppression

This is how the Bremen Declaration on Human Rights in Kurdistan, adopted at an international conference in April 1989, described the situation of the Kurds in Turkey:

Kurdish children (in Turkey) have no right to education and training in their mother tongue. Use of the Kurdish language is forbidden by law. Any publication in the Kurdish language, the production, sale and playing of Kurdish music, and the celebration of national and traditional festivals have been declared to be crimes. The Turkish government has replaced Kurdish place names and geographical names with Turkish ones. Kurds are imprisoned and sentenced for crimes of conscience (Human Rights in Kurdistan 1989: 231).

Although oppression of the Kurdish language has been Turkish policy since the time of Atatürk, and was enshrined in the Constitution of 1923, this oppression has been intensified in recent years in a number of new laws. The deprivation of linguistic human rights in Turkish Kurdistan has been formalised in the Turkish Constitution of 1982 and in several

recent laws.

We shall relate the relevant Turkish constitutional and legal enactments to international covenants some of which Turkey is a signatory to, and to those European covenants and regulations that Turkey, as a member of Council of Europe and an aspiring member of the European Community, should conform to. It is also significant that Turkey has NOT signed some of the most central human rights instruments, for instance the International Convention on the Elimination of All Forms of Racial Discrimination, ratified or acceded to by 128 countries (1991) and The International Covenants on Economic, Social and Cultural Rights (100 countries) or Civil and Political Rights (93 countries; see [UN Human Rights Fact Sheets](#) 12, 16 and 15).

Prior to that it is important to stress that the Turkish Constitution and the Laws quoted are in clear defiance of the Treaty of Lausanne (July 21, 1923), part of which---Section III Concerning Protection of Minorities---deals specifically with Turkey. In Article 37 of the Treaty of Lausanne,

"Turkey undertakes that the stipulations contained in Articles 38 to 44 shall be recognised as fundamental laws, and that no law, no regulation, nor official action shall conflict or interfere with these stipulations, nor shall any law, regulation, nor official action prevail over them".

Most of the Treaty deals with what are referred to as "non-Moslem minorities" (and most Kurds are Muslims), but Article 39 states clearly that "No restriction shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press or in publications of any kind or at public meetings." Likewise, article 39 states that "Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of their own language before the Courts". As will be seen in the Extracts below, Turkey violates in its Constitution and other laws the linguistic rights which it has itself specifically guaranteed in the Treaty of Lausanne.

We shall refer to three categories of laws in what follows. Firstly we shall refer to laws which are in force and have been so since their promulgation in the early 1980s, most importantly the Turkish Constitution of 1982, and the Turkish Penal Code. Secondly, we shall refer to laws which were in force until April 12 1991, but which were annulled then (Law No. 2932 of October 22 1983 on Publications in Languages Other Than Turkish; Law No. 2820 of 22 April 1983 on Political Parties; and several paragraphs (140, 141, 142 and 163) in the Penal Code). And thirdly, we shall refer to the Law to Fight Terrorism of 12 April 1991 (Law No. 3713), a law which recapitulates most of the prohibitions on the use of Kurdish in the earlier, annulled laws, but often in a more covert form. \$(8) It might be important to explain that the somewhat cryptic formulation, defining what "languages prohibited by law" are, namely "languages other than those which are the primary official languages of states recognized by the Turkish State" (Law 2932/2 and other laws) is formulated thus so as to avoid referring explicitly to the Kurdish language, an act which itself was prohibited by law (section 81 of Law No. 2820---see below). Kurdish is a secondary official language in Iraq, hence the circumlocution. Under the laws annulled in 1991 thousands of Kurds were imprisoned, killed and tortured (see e.g. [Helsinki Watch Update](#) 1990; [Human Rights in Kurdistan](#) 1989, 1990). Most of the prohibitions are still in force through law 3713, but in a more covert form. The only ban on the Kurdish language which has been lifted is that on private use, provided it does not fall under the other paragraphs. Thus Kurds are now allowed to speak Kurdish in their homes and sing Kurdish love songs in their gardens, but if a Kurdish child complains to a parent in a private garden, while picking beans, about not being allowed to speak Kurdish during the breaks in school, this act is still a terrorist crime. \$(9)

Samples of Turkish law restricting Kurdish

Still in force:

The state of Turkey is in its state territory and state citizens an indivisible whole. Its language is Turkish. (Constitution, Article 3).

Everyone bound to the Turkish state through the bond of citizenship is a Turk. (Constitution, Article 66, Paragraph 1).

No language prohibited by law may be used for disclosure or publication of ideas and opinions. Written or printed materials, records, tapes, videotapes as well as other means of expression that are in violation of this prohibition will be confiscated ... (Constitution, Article 26/3).

No publications or broadcasts may be made in any language prohibited by law. (Constitution, Article 28/2).

No language other than Turkish may be taught as a native language to citizens of Turkey in instructional and educational institutions. (Constitution, Article 42/9).

Annulled 12 April 1991:

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The mother tongue of Turkish citizens is Turkish. (Law 2932/3).

It is prohibited to disclose, publish or broadcast ideas and opinions in languages other than those which are the primary official languages of states recognized by the Turkish State." (Law 2932/2). Section 3/b of the same law specified that this also includes posters, records, films and tapes.

Article 142/3 of the Turkish Penal Code prohibited the dissemination of "separatist propaganda", and Article 143 "the weakening of national feelings".

Section 81 of Law No. 2820 on Political Parties (22 April 1983) stated:

It is forbidden to claim that there exist minorities in Turkey. It is forbidden to protect or develop non-Turkish cultures and languages.

The new Law to Fight Terrorism (3713), in force since 12 April 1991, defines in its Article 1 terrorism as follows:

Terrorism is any kind of action conducted by one or several persons belonging to an organization with the aim of changing the characteristics of the Republic as specified in the Constitution, its political, legal, social, secular and economic system, damaging the indivisible unity of the State with its territory and nation, endangering the existence of the Turkish State and Republic, weakening or destroying or seizing the authority of the State, eliminating fundamental rights and freedoms, or damaging the internal and external security of the State, public order or general health by any one method of pressure, force, violence, terrorization, intimidation, oppression or threat.

An organization as described in this Law is constituted by two or more people gathering under a common aim.

We have emphasized some of the formulations which can be used to prosecute a person who claims linguistic human rights. Most political parties in democratic countries could also be considered terrorist organizations according to this definition.

Article 2 defines Terrorist Criminals:

A member of an organization, founded to attain the aims defined in Article 1, who commits a crime in accordance with these aims individually or with others or a member of such an organization, though not committing the intended crime, is called a terrorist criminal.

Those who are not members of the terrorist organization, but commit a crime in the name of the organization count as terrorist criminals and are punished like members of the organization."

Articles 3 and 4 define what Terrorist Crimes and Crimes Committed for Terrorist Purposes are. \$(10) Article 8, Propaganda against the indivisible unity of the State, stipulates

Written and oral propaganda and assemblies, meetings and demonstrations aiming at damaging the indivisible unity of the State of the Turkish Republic with its territory and nation are forbidden, regardless of the method, intention and ideas behind it. Those conducting such an activity are to be punished by a sentence of between 2 and 5 years' imprisonment and a fine of between 50 million and 100 million Turkish pounds. (our emphasis)

For reasons of space, we cannot quote the Articles from the Penal Code which define terrorist crimes, but we will only give two recent examples (for more see note 11; for further information see Besikci 1989--- a Turkish sociologist who himself has again been imprisoned on accusations of violating Article 8); (Ali) Bucak 1989; Rumpf 1989 and references there). There are numerous similar measures against books and journals written in Kurdish or about the Kurds.

Mehmet Bayrak was prosecuted in October 1991, and risks up to 8 years of imprisonment, for editing and publishing the book Kürt Halk Türküleri [Kurdish folk songs], Öz-Ge Yayinlari [Öz-GR Publishers] Nr 3, Ankara. The book is a collection of Kurdish folk songs along with the music. No verdict has yet been pronounced.

When the book Kürdistan'da Türk Endüstrisi [Turkish Industry in Kurdistan] by Ömer Tuku was published in Istanbul in November 1991 by DOZ Publishers and Druck GmbH, the book was confiscated in pursuance of a decision by the State Security Court. The publisher is being prosecuted; the author lives in Germany (Decision No. 991/511, Investigation No. 991/1035). \$(11)

A note on recent developments

After the Turkish General Election of 20 October 1991 a coalition government was formed by the conservative Right Way Party (DYP), led by Süleyman Demirel, and the Social Democrat People's Party (SHP), led by Erdal İnönü. The

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partners agreed on 15 November 1991 on a "democratising package", on 19 November a coalition protocol was signed, and on 25 November the government's programme was proclaimed in Parliament. On 30 November the Turkish Parliament passed a vote of confidence in the new coalition government.

According to the "democratising package" there would be a thorough revision of the law on political parties imposed by the military dictatorship, and of the repressive trade union law. International covenants on human rights, in particular those that Turkey has ratified but never in reality implemented, would finally be brought into force. Police custody, during which torture has been standard practice, is to be reduced to 24 hours. A new law should permit a lawyer to be present during police custody. The Anti-Terror law too, passed in the spring of 1991 by the Motherland Party of President Özal, was supposed to be subjected to a major revision. The same applies to the law on the police. The laws which sanction banning and censoring should even be scrapped completely. Higher education, radio and television should regain their autonomy. Likewise there should now be an end to governing by means of "decrees with the force of law", the standard instrument of the Motherland Party, in order to escape parliamentary control. The government would also like to change the constitution.

"The state of Turkey is in its state territory and state citizens an indivisible whole. Its language is Turkish", says the Constitution still (see above). On the other hand Kurdish identity is supposed to be recognized. Kurdish books and newspapers, music cassettes and the like are supposed to be published freely. There should also be no restriction on writing about them.

Even so, there are no plans for allowing Kurdish to be taught in schools in future. Nor are radio or television programmes in Kurdish permitted. Kurdish parties are still forbidden. In other words no fundamental change of direction in the essentials of policy vis-a-vis the Kurds is visible, at least when this article goes to press (December 1993). The Kurdish question is still considered a "security problem"---and the oppression has in fact escalated.

Sample international and European covenants which Turkish language law is in defiance of

Here we merely list a selection of paragraphs from international covenants and European resolutions/recommendations that Turkish language law is in defiance of. Most of the paragraphs mentioned can be found in the Appendix of this volume:

-The Charter of the United Nations (1945), paragraphs 6.11, 55.

-The Universal Declaration of Human Rights (1948), paragraphs 2, 26

-The International Covenant on Economic, Social and Cultural Rights (1966, in force since 1976), paragraph 13.(1) (Turkey has not ratified it, though).

-The International Covenant on Civil and Political Rights (1966), Art. 27

-The Convention on the Rights of the Child (1989), Art. 30

-The Concluding Document, Vienna Meeting of Representatives of Participating States of the Conference on Security and Co-operation in Europe (the CSCE, the Helsinki accords), January 1989, paragraph 45, in the section on "Information"; Document of the Copenhagen meeting of the Conference on the Human Dimension of the CSCE, 1990, paragraphs 32, 33, 34, 35, 38, 40; Charter of Paris for a New Europe, November 1990, CSCE

-The Arfe resolution of the European Parliament of 16 October 1981 and the Kuijpers resolution of October 1987, specifically the domain of education; The European Parliament resolution on the use of languages in the community (Official Journal of the European Communities, no C 127/139, 1984), Preamble, 2.

Turkey is also in defiance of all the draft resolutions about the protection of minorities being prepared at a regional level by the Council of Europe and the European Parliament---see the Appendix and Skutnabb-Kangas---Phillipson, this volume, for some of these.

Implications of the Turkish policy in Turkish parts of Kurdistan, in Turkey proper, and elsewhere

Linguistic genocide---the UN definition

During the preparatory work for formulating the Convention against Genocide (accepted by the United Nations in 1948) the possibility of including cultural genocide was discussed. Cultural genocide may take the form of linguistic genocide (or linguicide). In the final draft of the Convention linguistic genocide was included, and defined as follows in Article III, 1 (quoted from Capotorti 1979: 37):

Prohibiting the use of the language of the group in daily intercourse or in schools, or the printing and circulation of publications in the language of the group.

The article (III,1) about cultural and linguistic genocide was in the end vetoed and not included in the final Convention. (This omission partly explains the intensive work presently going on under Unesco auspices to guarantee linguistic

human rights (see Phillipson---Skutnabb-Kangas, in this volume). What we have left, though, is a definition, agreed upon by many states, of what linguistic genocide means. It is easy to see that what Turkey does, falls within the definition of linguistic genocide, as defined by the UN.

What happens to the Kurdish mother tongue

In order to analyse in more detail what Turkey does when it tries to kill the Kurdish language and culture, we have to relate this to those rights which a language should have. Since linguistic genocide can only happen in relation to a group's mother tongue, we have to start with defining what a mother tongue is.

Definitions of a mother tongue

We have earlier defined it on the basis of several criteria. Table 1 summarises the criteria and the corresponding definitions:

TABLE 1 HERE

We have four theses about the definitions:

- A. The same person can have different mother tongues, depending on which definition is used.
- B. A person can have two or more mother tongues according to all criteria used.
- C. The mother tongue can change during the course of a person's life, even several times, according to all other criteria except origin.
- D. The definitions can be organised hierarchically, according to the extent to which they respect linguistic human rights. The definitions by function and competence are more primitive, while definition using a combination of origin and internal identification shows more awareness of linguistic human rights. This presupposes that others accept the internal identification of a person.

For the purposes of linguistic human rights, mother tongue(s) is/are the language(s) one has learned first and identifies with. For most Kurdish people, their mother tongue is Kurdish.

In our view, a universal declaration of linguistic human rights should guarantee at an individual level that, in relation to

The mother tongue(s), everybody can

- identify with their mother tongue(s) and have this identification accepted and respected by others,
- learn the mother tongue(s) fully, orally and in writing (which presupposes that minorities are educated through the medium of their mother tongue(s)),
- use the mother tongue in most official situations (including schools);

other languages, that everybody whose mother tongue is not an official language in the country where s/he is resident, can

- become bilingual (or trilingual, if s/he has 2 mother tongues) in the mother tongue(s) and (one of) the official language(s) (according to her own choice);

the relationship between languages,

- any change of mother tongue is voluntary, not imposed.

If these rights are not guaranteed, deprivation of the mother tongue may follow. Deprivation of the mother tongue has profound consequences both at an individual level and at a group level. At the group level deprivation of the mother tongue of a group amounts to linguistic genocide, which is what Turkey attempts.

Phases in mother tongue deprivation

We will analyse different phases in mother tongue deprivation with the help of two scales which describe the attitudes towards minority languages. In the first one Juan Cobarrubias, a Basque researcher living in the USA, presents (1983: 71) a "taxonomy of official attitudes toward minority languages, [where] the following can be distinguished:

1. attempting to kill a language;

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2. letting a language die;
3. unsupported coexistence;
4. partial support of specific language functions;
5. adoption as an official language".

An absolute minimum of minority rights would require at least partial support of specific language functions (4 above). Even unsupported coexistence (3), leads in most cases to language death within some generations and represents mother tongue deprivation. There are still many cases of letting languages die (2), worldwide. But the attempt to kill the Kurdish language (1) by Turkey represents the most blatant example of linguicide this century. To our knowledge, in no other country in the world today has attempting to kill a language been formally codified in the constitution and related laws.

Killing a language expresses what happens at a group level. But the group consists of individuals, who have the threatened language as their mother tongue, the language they have learned first, a language they know and use and identify with. To kill a language you have to either kill the individuals speaking it or make these individuals change their mother tongue. Turkey tries to change the mother tongue of the Kurds and make Turkish their mother tongue. If you are not allowed to identify with your mother tongue and ethnic group, to learn your mother tongue and to develop it in school, and to use it publicly, the consequence in the long run is that the language is killed. We show how Turkey through the laws quoted above systematically tries to replace the Kurdish mother tongue in all its functions. We also contrast Turkey with other countries.

There are other countries which, directly or mostly indirectly try to change the mother tongues of some or all of their minority populations according to the criteria of function and competence (several articles in this volume describe such situations). Most such countries do so in a covert way, by not explicitly promoting the use of minority languages in education and in official situations. Not being able to use a language in all contexts, especially in schools, leads to a diminishing competence, and this may lead to language death over several generations. But no other countries prohibit in their Constitutions the internal identification with a language (i.e. forbid self-identification with one's mother tongue), or try to change the mother tongue by origin (i.e. regulate what parents can name their children, which language they can talk to their children in private and/or public places), or change by force the external identification of mother tongues (claim that a group's mother tongue or ethnic identity is something else than what it is). A few other countries do some of these things covertly, but no other country has overtly encoded them in the Constitution.

Legislation on language can either thwart or promote equality between languages. In an attempt to capture some of the relevant distinctions, we (Skutnabb-Kangas---Phillipson 1989) have devised a grid charting some of the important dimensions of language rights (see the description of it and figure 1 on page 1 on page in our joint article in this volume). The two dimensions used are degree of overtness and degree of promotion. The promotion continuum starts with prohibition of a language, continues via toleration, to non-discrimination prescription, to permission to use the minority language. At the other end of the continuum we have promotion of the minority language. This is obviously oriented toward maintaining it. For a minority language to be maintained, overt promotion is needed, if the language is to survive over several generations. This is especially true in situations where minority children get formal education in schools: schools are one of the most important means for assimilation of Kurdish children.

In the next section we will place Turkey on the grid in relation to the extent that Kurdish is promoted or suppressed by Turkey, according to each of the mother tongue criteria presented above, in Kurdistan, Turkey proper and elsewhere, and also relate this to Cobarrubias' phases.

Turkish oppression of Kurdish: changing the mother tongue

The easiest aspect to try to change through laws and regulations is the mother tongue by the criterion of FUNCTION. There are extremely few countries in the world where the full official use (Cobarrubias' point 5) of any minority language would get the same overt promotion in official use as the majority language/s. But there are examples (French in Canada, Swedish in Finland, French and Flemish in Belgium, French, German and Italian in Switzerland), even if there are territorial (and other) restrictions involved in many of them. But many countries show some degree of permission or at least non-discrimination prescription. Turkey has placed itself in the far left top corner on the grid, with the highest possible degree of legally encoded overt prohibition.

Turkey can to a large extent uphold this prohibition in the Turkish part of Kurdistan and in Turkey proper, with the help of killings, imprisonment, torture and intimidation. Turkey also tries to uphold the prohibition in other countries where Kurds from Turkey live as labour migrants or as political refugees, and it has managed, with the help of threats and intimidation of the Kurdish population, coupled with a shameful ignorance and silence on the part of the countries in which expatriate Kurds live, to diminish the completely legal public use of Kurdish in other countries too.

In regulating the mother tongue by COMPETENCE schools play a decisive role. If a minority language is not used as a medium of education, it is very unlikely that it is maintained over several generations as a language which the children learn in all domains, including literacy at a high level. Teaching a minority language as a subject in school is mostly not enough (see e.g. Boyd 1985). Many indigenous languages which were upheld for generations, despite colonization, when there were no schools, disappeared in a generation or two, as soon as the children started to get formal education

(e.g. Jordan 1988).

Most countries in the world at least tolerate the development of mother tongue competence, but many permit the teaching of minority mother tongues, at least if it happens outside the school hours and if the state does not need to meet all the costs. Also here Turkey is in the far left top corner of the grid, with the highest possible degree of legally encoded overt prohibition, which it manages to uphold in Turkish parts of Kurdistan and in Turkey proper. Through false information about the Kurdish language and through prohibiting the publishing of Kurdish materials Turkey has also severely restricted the possibilities of using Kurdish as the medium of education in other countries and even the teaching of Kurdish as a subject. Both happen though, to a minor extent and on an experimental basis, in a few countries, for instance in Sweden.

In regulating the mother tongue by the criterion of **external identification** most countries in the world can be placed on either overt or covert permission or on promotion. The type of regulating that sometimes does occur is when dialects of the same language are grouped together in census statistics under one name. This was, for instance, done in India in the census of 1961, when the 1.652 mother tongues claimed by Indians were reduced by the Central Institute of Indian Languages to some 400 different languages. For instance Hindi was reported under almost 100 different names (e.g. Pattanayak 1981). It should be emphasized that this is mostly done by linguists, on linguistic grounds, because the "languages" can be seen as varieties of one language⁽¹²⁾ (see also Skutnabb-Kangas, in press). In sharp contrast to the large majority of countries in the world, Turkey insists on a false external identification of Kurdish speakers, and is again in the far left top corner of the grid, with the highest possible degree of legally encoded overt prohibition, which it manages to uphold completely in Turkish parts of Kurdistan and in Turkey proper. And again it manages by intimidation and the ignorance of other countries to uphold the prohibition to some extent in other countries too, even if it is mostly a question of covert prohibition. There may be a few other countries in the world which try to prohibit external identification with a minority mother tongue covertly, but Turkey is the most harsh example in the world of doing it overtly.

In regulating mother tongue by **internal identification**, again most countries in the world can be placed on either overt or covert permission or on promotion. As far as we know, no other country in the world has legally encoded overt prohibition of internal identification. Turkey is alone in the far left top corner.

It is difficult to regulate mother tongue by **ORIGIN** overtly. Covertly it is done in many countries, where the overt or covert message given to minority parents has been and is: speak the majority language to your child. This assimilationist message has, of course, been delivered under the cover of "it is best for the child, if you want your child to get ahead". But the Turkish way of even forbidding Kurdish names, both in the Turkish parts of Kurdistan and in Turkey proper, comes closer to overt prohibition even here than other countries.⁽¹³⁾ Turkey can thus be placed in the middle of the far left, prohibition which is between overt and covert. Many other countries are in the far left lower corner. Turkey also tries to extend this prohibition to Kurds in other countries (see note 2). Turkey does more overtly what in many countries is done more covertly, namely trying to kill the language by persuading the parents voluntarily to assimilate the children.

We claimed above that the mother tongue definition which shows the highest extent of respect for linguistic human rights is a combination of origin and internal identification: the mother tongue is the language one has learned first and identifies with. For majority populations it is self-evident that this language is also the one they know best and use most. These aspects, knowing and using a language, are less immediately central to identity than the two others, origin and self-identification. Therefore attacking these represents attacking the existential roots of a human being and a group. If a language is not passed on by parents to children (if it does not become the children's first learned language) and if the children do not identify with a language, it dies. Parents can of course choose not to pass on their language and discourage their children from identifying with it. They as speakers "own" the language, and they have the right to make the choice not to let the language live on in their children, even if we as sociolinguists may regret it. But parents can also be forced to act in this way or to accept that their children do not learn their mother tongue and do not identify with it (and, consequently, neither learn it properly nor use it). This is tantamount to killing a language.

Conclusion

This brief review, together with the documentation in the references, can be regarded as showing, that, seen in a global context, Turkey does more, with more brutal means, and more overtly, than any other country in the world to actively kill a language, Kurdish. Turkey, using all the means at its disposal, seeks to deprive all the Kurds, regardless of whether they live in the Turkish parts of Kurdistan, in Turkey proper, or as migrants/refugees in other countries, of their identity, their language and their cultural heritage. In addition, Turkey tries to deprive Kurds in Turkey proper of their fair share of the resources which they participate in creating and their fair share of power in Turkey proper. And Turkey tries---and this is at the root of all the other forms of deprivation---with all the means at its disposal, to deprive Kurds in the Turkish part of Kurdistan of the fruits of their labour, the resources which they create, and the power to determine their own future in their own country, Kurdistan.

In this, Turkey uses all the means that can be used for exerting power: sticks, carrots and ideas, i.e. punitive force (physical and psychological violence), remunerative force (bargaining) and ideological force (persuasion) (Galtung

1980). Turkey (and other countries occupying Kurdistan) kill and torture Kurds and threaten those who refuse to give up their language, identity and cultural heritage. Turkey holds up the carrot of a successful career for assimilated Kurds, trying to persuade them not to be Kurds. And Turkey tries through lies and silence to persuade Kurds of the non-existence, unhelpfulness and un-worthiness of their language, culture and ethnic identity and of their lack of right to self-determination as a nation.

When a people is too numerous to kill physically (as the Kurds are), linguicide and cultural genocide are the only "alternatives" for the occupiers. What cannot be accomplished through physical genocide in one generation (to annihilate the Kurds) can maybe be accomplished over several generations through cultural and linguistic genocide. That is one of the main reasons why it is as important to demand cultural and linguistic human rights as it is to demand economic and political rights.

It is urgent and imperative that the international community, and the organizations that represent it, take steps to force the Turkish government to grant to the Kurds and the Kurdish language basic linguistic human rights.

Significant sections of the international community are increasingly voicing protests against Turkish oppression of the Kurds. This was, for instance, a major concern of the conference on "Minority Rights--- policy and practice in South-East Europe", organized by the Danish Helsinki Committee and the Minority Rights Group, London, and held in Copenhagen March 30--April 1, 1990. At the Ninth World Congress of Applied Linguistics, held at Thessaloniki, Greece, April 15-20, 1990, some 80 distinguished professors and other researchers signed a protest against the violation of the linguistic human rights of the Kurds in Turkey. They agree that basic linguistic human rights are being violated in a brutal manner in Turkey.

The international community is aware that Turkey follows a policy of genocide, physical and cultural, and linguicide. Linguistic freedom is the precondition for the realization of many other fundamental rights. If one is not allowed to use and develop one's own mother tongue, it is difficult to enjoy such other rights as the right to the free expression of opinion (Article 19 of the Universal Declaration of Human Rights), the right to enjoy cultural rights (Art. 22 of the UDHR), the right to education (Art. 26 of the UDHR), the right to freely participate in the cultural life of one's community (Article 27.1 of the UDHR). All of these rights (and several others) are significantly limited in their scope if basic linguistic freedom is not granted. Is the international community to continue to covertly accept this violation of human rights, or is it time that the Kurds were guaranteed basic justice? So far, the international community has done very little. \$(14)

Notes

1. "The villages in Kurdistan, of centuries old Kurdish origin, have been given new Turkish names." Often villagers first heard these new names at the gendarmerie when they were asked which village they came from and gave the Kurdish name of their own village. They were physically punished for using the old Kurdish name which "did not exist" (Mönch-Bucak 1989).

2. Kurdish first names and last names are not allowed. "Kurds have been given Turkish names, preferably family names of extreme Turkish nationalism such as Öztürk ("pure Turk") (Mönch-Bucak 1989). Members of the Political Affairs Committee and the Subcommittee on Human Rights of the EC Joint Parliamentary Committee, European Parliament, asked Turkey 26 questions on human rights 7 March 1991 (PE 148.128). One of these was "Will parents be allowed to give Kurdish first names to their children?" The Turkish answer, dated 26 March 1991 (PE 150.056) says that "... parents have always been free to give customary names which are not in contravention of the basic linguistic features of the Turkish language to their children".

Our comment: Since Kurdish is an Indo-European language, it is not at all related to the Altaic non-Indo-European Turkish language. Its structure (phonology, morphology, syntax) is completely different from Turkish. Most "basic linguistic features" of the Kurdish language are thus "in contravention" with those of the Turkish language. The formulation above can thus be interpreted so that every Kurdish first name can be regarded as inadmissible by the Turkish authorities. "Silence is killing them" (1994: 40) reports on the registration of the publishing company, now called "Pele Sor" in Istanbul. The publisher was prevented from registering the company "because of the 'ʾ' sign above the last 'e' of the company name 'Pele'. They told me this spelling was not Turkish and therefore registration would not be permitted. Consequently I had to refrain from registering my company."

The practice of not allowing Kurdish first names has also been extended to Kurds in European countries. Turkish Embassies have been known to refuse to record children with Kurdish names (as a recent case in Denmark again showed), in birth certificates, for instance for passports. Turkish Embassies have lists with "names allowed to be given to Turkish citizens".

3. See Clason---Baksi 1979 and Skutnabb-Kangas 1984a for examples.

4. The sentences mentioned by Okumus have been increased in the new Law 3713. Article 5, Increase of sentences, says:

"Penalties of imprisonment and fines imposed according to respective laws in respect to those committing crimes as described in Articles 3 and 4 are to be increased by one half. In doing so the penalties may exceed the maximum penalty for that particular or any kind of crime. However, in case of heavy imprisonment the penalty may not exceed 36 years, in case of imprisonment 25 years, and in case of light imprisonment 10 years' imprisonment."

5. For more detail see Bucak 1989, 1990, 1991; Erdem---Skutnabb-Kangas 1980; Phillipson---Skutnabb-Kangas 1990; Skutnabb-Kangas 1984a, 1991a; Skutnabb-Kangas---Phillipson 1989a, 1990, 1991, 1993).

6. E.g. Baran 1989; Bucak 1989; Chaliand 1980; Kuutman 1984. Silence is Killing Them (1994: 55--57) lists the names of the villages which were destroyed only in 1993--- there are altogether 392 of them.

7. TURKEY has had few such relaxed periods. The Turkish Constitutions 1923, 1961 and 1982 have all banned the Kurdish language. In 1924 the schools (many of which had existed for several centuries), in which lessons took place in the Kurdish mother tongue, were closed. From then until the present time, the only language allowed in the schools in Kurdish areas has been Turkish. Teachers are, almost without exception, from western Turkey and do not understand Kurdish (Mönch-Bucak 1989; Clason---Baksi 1979).

Despite poison gas warfare, mass deportations and other expressions of extreme political repression, IRAQ continues to recognize Kurdish as the second official language. Especially from 1958 to 1960 and from 1970 to 1974, Kurds in Iraq were linguistically and culturally in a better position than Kurds in other parts of Kurdistan. Kurdish was allowed orally and as medium of education in schools. Kurdish literature was allowed to be published and read. Kurdish folk dances were presented as Kurdish. A Department of Kurdish studies was opened at the University of Baghdad and it had at its peak period some 500 students. The University of Sulemaniye also had a Kurdish Department (for details, see Hassanpour 1989).

During the Republic of Mahabad (1946--1947) in IRAN, Kurdish was used as a medium of education and Kurdish language literature, newspapers etc were published. After the leaders of the republic were hanged in the market place in Mahabad on March 31 1947, Kurdish book bonfires lit up the streets in Mahabad (Kuutman 1984: 41).

There was a relative cultural and linguistic freedom for the Kurds in SYRIA during the period between the world wars, and many Kurdish intellectuals from other parts of Kurdistan settled in Syria. Kurdish magazines and books and Kurdish radio were allowed. From the early 1960s on, this was replaced by severe political and cultural repression, including forced repatriation and forced arabization. Kurdish has largely been forbidden since.

Kurdish has had reasonable conditions for development in the former SOVIET UNION. It has been used in schools and on the radio, and used and developed extensively in written publications.

8. At the time of the writing of this article, there is no official translation into English of law 3713. We have, in addition to the original (published in Turkish in the Official Gazette Resmî Gazete), used the unofficial translation provided by the Human Rights Foundation of Turkey/Turkiye İnsan Hakları Vakfı.

9. Turkey does not even try to deny that this is the case, as was clear from the Turkish Embassy's reply ("Kurderne", by

Councillor Osman Centintas, 20 October) to my article ("Terroristerne: Jeg, Anker og PKK", 30 September 1993) in the Danish daily Information.

10. These are crimes defined in Articles 125, 131, 146, 147, 148, 149, 156, 168, 171, 172, and Articles 145, 150, 151, 152, 153, 154, 155, 169, and 499 (second paragraph) of the Turkish Penal Code, respectively, and Article 9 (parts b,c and e) of the Law 2845.

11. Silence is killing them (1994) has examples and lists of thousands of Kurds having been murdered, tortured, being beaten up, disappearing, etc in the Turkish part of Kurdistan in 1993, with attacks on cities and villages, most of them allegedly by state authorities or with their cooperation. All this only because they are Kurds. It also contains tens of examples of court cases against writers and journalists. Using the word "Kurdistan" or "Kurd" is considered "separatist propaganda" and has led to severe prison sentences in several cases, likewise displaying the national Kurdish colours, (red/yellow/green) in journals, on weddings, in clothes, in theatre performances, etc. Journalists, authors, owners of newspaper kiosks, publishers, editors, correspondents, newspaper vendors on the streets, all are murdered and attacked by security forces, taken into custody, tortured, sentenced to long periods of imprisonment and high fines for violation of the Anti-Terror Law. Books, newspapers and journals are confiscated, their offices and other assets likewise. Only because they write about Kurds. Authors and/or publishers of books like the following face massive fines and long prison sentences or are already imprisoned: Dersim Tütüküleri---Taye Lawike Dersim [Folk Songs from the Dersim Region], author Mustafa Duzgun; Dersen Zmani Kurdi - Kürtce Dil Dersleri [A Grammar of the Kurdish Language], author Baran; Cumhuriyet Halk Firkasi Programi ve Kürt Sorunu [The Kurdish Question and the Program of the Republican Popular Party], author dr. Ismail Besikci; Kime ez---Ronak [Who am I---Enlightened], a book of poetry by Cigerxwin, the best known contemporary Kurdish poet who die