

# STATE, LAW AND CITIZEN

The Syrian War and the Turkish Crisis

How old is the Syrian state ? How old is the Turkish state ?

What was 'there' before ? (and where is 'there' ?)

From Empire to state, and from vilayet to mandate.

Do borders define a state ? (Can there be a state without borders ?)

What is law ?

Does the state create law or does the law create states ? (Or neither ?)

*De jure and de facto*

What kind of social power is it ?

What relationship is there, if any, between law and justice, between law and order ?

- Command 'theory' of law
- Consensual 'theory' of law
- Natural law
- Societal necessity (*ubi societas, ubi ius*)
- Deconstructionist 'theory' of law
- Law as justice
- Value or imperial 'theory' of law
- Marxist theory of law

What is law ?

Does the state create law or does the law create states ? (Or neither ?)

*De jure and de facto*

*Ius gentium*

Law of the peoples  
Law of humanity

*Natural law*

Universal law

*Ius Civile*

Civil law,  
Civic law  
Law of each community  
Law of each polis

Citizen or subject ?

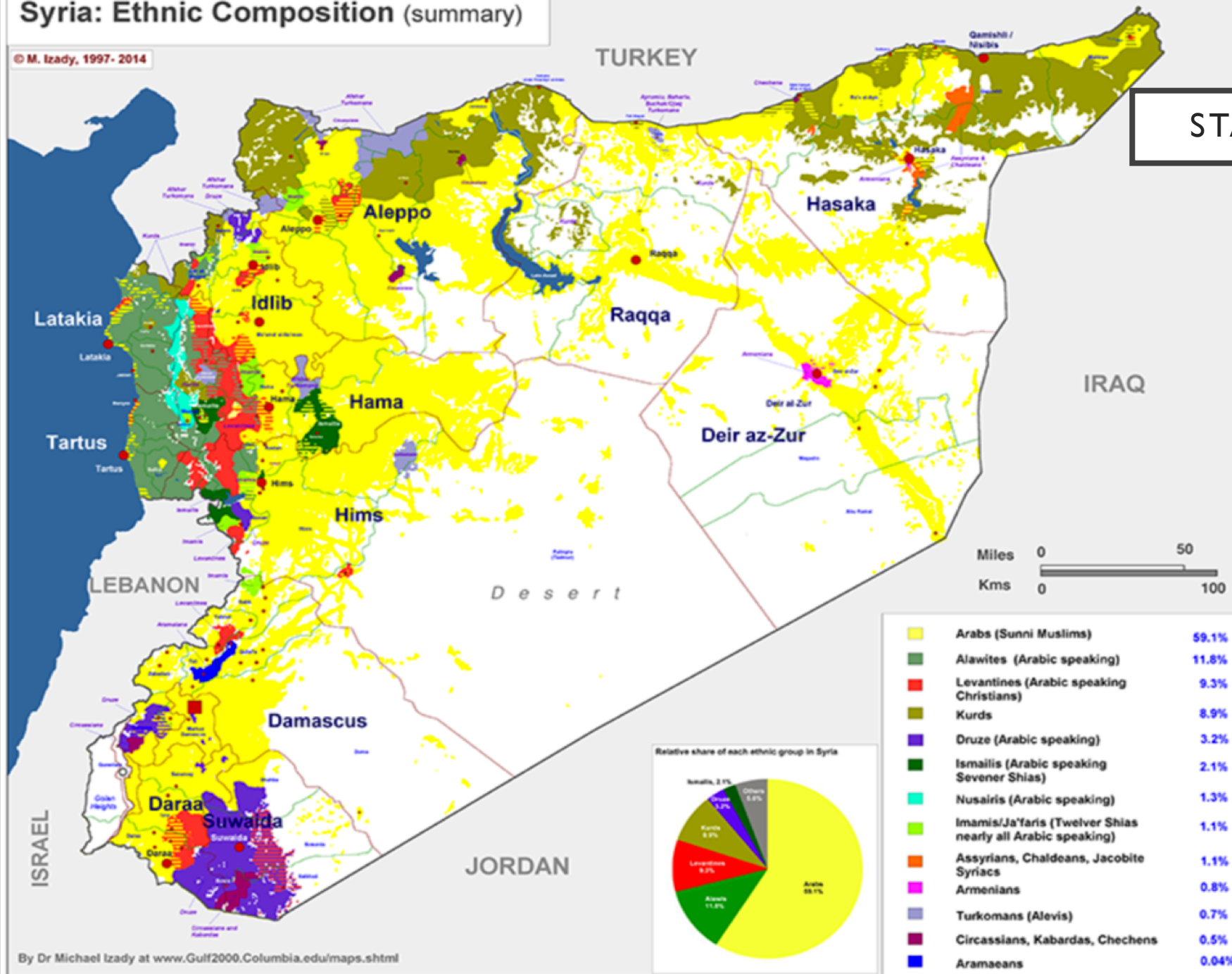
Who should be a citizen (if anyone) ? What makes a citizen ? Does citizenship entail legal equality ?

... of rights and duties

Why obey ? Why follow ?

# Syria: Ethnic Composition (summary)

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Map by  
STATE, LAW AND CITIZEN

Gulf  
2000  
Project  
<http://gulf2000.columbia.edu/maps.shtml>



*What is it to be British ?*

*What is a Turk ?*

*How do you make a Syrian ?*

### *Preamble*

Affirming the eternal existence of the Turkish Motherland and Nation and the indivisible unity of the Sublime Turkish State, this Constitution, in line with the concept of nationalism introduced by the founder of the Republic of Turkey, Atatürk, the immortal leader and the unrivalled hero, and his reforms and principles;

Determining to attain the everlasting existence, prosperity, material and spiritual well-being of the Republic of Turkey, and the standards of contemporary civilization as an honourable member with equal rights of the family of world nations;

The absolute supremacy of the will of the nation, the fact that sovereignty is vested fully and unconditionally in the Turkish Nation and that no individual or body empowered to exercise this sovereignty in the name of the nation shall deviate from the liberal democracy indicated in the Constitution and the legal system instituted according to its requirements ...

## I. Form of the State

ARTICLE 1- The State of Turkey is a Republic.

## II. Characteristics of the Republic

ARTICLE 2- The Republic of Turkey is a democratic, secular and social state governed by rule of law, within the notions of public peace, national solidarity and justice, respecting human rights, loyal to the nationalism of Atatürk, and based on the fundamental tenets set forth in the preamble. III. Integrity, official language, flag, national anthem, and capital of the State

ARTICLE 3- The State of Turkey, with its territory and nation, is an indivisible entity. Its language is Turkish. Its flag, the form of which is prescribed by the relevant law, is composed of a white crescent and star on a red background. Its national anthem is the “Independence March”. Its capital is Ankara.

## IV. Irrevocable provisions

ARTICLE 4- The provision of Article 1 regarding the form of the State being a Republic, the characteristics of the Republic in Article 2, and the provisions of Article 3 shall not be amended, nor shall their amendment be proposed.

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