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Editorial

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In this issue of *Kurdish Studies*, the eleventh since our first publication five years ago, we are again fortunate to have a thought-provoking collection of pieces covering a variety of different topics pertaining to the culture, history, and politics of the Kurds. This issue includes two original pieces written by Sacha Alsancakli and Aram Rafaat respectively, as well as a translation by Ethem Çoban of Joachim von Elbe's 1929 piece *Der englisch-türkische Mossulkonflikt* [The English-Turkish Conflict of Mosul].

In the opening piece, Sacha Alsancakli offers important insights into the cultural history of early modern Kurdistan through an examination of the *Sharafnāma*, a Persian language chronicle of Kurdistan and its nobility completed in the late sixteenth century. Scholars have long recognised the chronicle, composed by the hereditary Kurdish governor of Bitlis, Sharaf Khan, as one of the preeminent sources for understanding the history and culture of early modern Kurdistan. Indeed, Alsancakli has emerged as one of the leading scholars of the *Sharafnāma* with his 2017 article *Matrimonial Alliances and the Transmission of Dynastic Power in Kurdistan: The Case of the Diyādīnids of Bidlīs in the Fifteenth to Seventeenth Centuries*, receiving the University of Central Florida's "The Best Article Award in Kurdish Political Studies" for 2018. However, in his latest article in this issue of *Kurdish Studies*, rather than focusing on the *Sharafnāma* itself, Alsancakli lucidly examines two Turkish language translations of the chronicle produced in the late seventeenth century. In doing so, he provides new perspectives on the social meaning of the work as well as more broadly the process of cultural change in the region brought about by the advent of Ottoman rule.

While still maintaining a historical focus, Aram Rafaat's contribution takes us forward to the early twentieth century. It seeks to shed light upon the processes

through which the Kurdish-inhabited districts of the former Ottoman vilayet of Mosul came to be incorporated into the newly formed Kingdom of Iraq. A number of historians, including Wadie Jwaideh, David McDowall and Saad Eskander, have tackled this topic before. However, these earlier studies often focused on Kurdish resistance to this process and, most notably, the efforts of Sheikh Mahmud Berzenci to establish a Kurdish nation-state in districts in and around Sulaimani. However, Rafaat's article takes a different approach. Rather than concentrating on resistance per se, he examines the mechanisms through which the British sought to legitimise the inclusion of Southern Kurdistan in Iraq. These include the 1921 referendum over the Faisal candidacy for the Iraqi throne, the 1924 Constituent Assembly that ratified Iraq's basic law, and finally the League of Nations sponsored fact-finding commission of 1925, which ultimately awarded Mosul and its Kurdish districts to Iraq despite heavy Turkish objections.

As already noted, the third and final piece published in this edition of *Kurdish Studies* is Ethem Çoban's translation of "Der englisch-türkische Mossul-konflikt" [The English-Turkish Conflict of Mosul] by the German-American jurist Joachim von Elbe. Published in 1929, this piece constitutes a detailed discussion of the legal issues surrounding the conflict over Mosul's final status, namely whether it would become part of the newly formed Republic of Turkey or the British-backed Kingdom of Iraq. As such, this translation, which includes a critical introduction, will be of importance to not only those with a specific interest in Kurdish, Turkish, or Iraqi history but also those interested in issues pertaining to international law more generally.

Finally, it was with great sadness that we received word of the death of the noted Iraqi social scientist and scholar, Faleh Abdul Jabar. On behalf of *Kurdish Studies'* editorial board, we would like to extend our condolences to his friends and family. In his obituary of this prominent scholar, Michiel Leezenberg charts the important contribution Faleh Abdul Jabar made to Kurdish studies in particular, but also to our understanding of Iraq and the Middle East in general.

Acknowledgments

Special thanks to Janet Klein for her diligent work in copy-editing the content of this issue and to Ergin Öpengin and Aram Rafaat for the translation of the abstracts into Kurdish.



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Historiography and Language in 17th-Century Ottoman Kurdistan: a Study of Two Turkish Translations of the *Sharafnāma*

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Abstract

In the closing decades of the 11th/17th century, two Turkish translations of the *Sharafnāma* were produced in the Kurdish princely courts of Bidlis and Pālū. The translators were Muḥammad Bēg b. Aḥmad Bēg, a great-great-grandson of Sharaf Khān II, the author of the work, and Sham'ī, a secretary at the court of Amīr Yanşūr Bēg, prince of Pālū. While their works differed in style and purpose, both men offered a reflection on the demise of Persian and increasing prestige of Turkish in Ottoman Kurdistan. In the case of Sham'ī, this was supplemented by a more general observation on the various languages of the region. Evidence also suggests that while Persian was replaced by Turkish in the princely courts of Ottoman Kurdistan, some Kurdish *literati* and scholars instead chose to write part of their works in Kurdish. This article is a comparative study of Muḥammad Bēg and Sham'ī's translations, followed by a brief analysis of the associated sociolinguistic developments.

Keywords

Sharafnāma – Kurdish language – Ottoman Empire – historiography – translation

Dîroknivîsî û ziman di Kurdistana Osmanî ya sedsala 17an de: Vekolînek li ser du wergerên tirkî yên *Şerefnameyê*

Di dehsalên dawî yên sedsala 11an/17an de, du wergerên tirkî yên *Şerefnameyê* li serayên mîrgehên Bidlîs û Palûyê hatin nivîsandin. Wergêrên van metnan Mihemed Beg kurê Ehmed Beg, kurê nevîçirkekî Şeref Xanê duyem ê nivîskarê berhemê yê eslî, û Şem'î, munşiyekî Emîr Yensûr Begê mîrê Palûyê bûn. Tevî ku armanc û şeweyê karên wan cuda bûn jî, herdu wergêran amaje bi lawazketina zimanê farsî û bilindbûna qîmeta zimanê tirkî li Kurdistana Osmanî kir. Li gel vê yekê, Şem'î herwiha nêrîneke giştî li ser zimanên cihê yên herêmê pêşkêş kir. Wekî din, tevî ku tirkî li serayên mîrên Kurdistana Osmanî dewsa farsî girt, hin zanyar û rewşenbîrên kurd tercîh kir ku beşek ji berhemên xwe bi kurdî binivîsînin. Ev gotar nixandîneke berhevdayî ya wergerên Şem'î û Mihemed Beg e, li gel pêdeçûneke kurt li ser pêşketinên civakî-zimanî yên pê ve girêdayî.

Mêjûnûsî w ziman le Kurdistani 'Usmani' sedey 17hem da: twêjîneweyek bo dû wergêranî turkîy *Şerefname*

Le duwa deyekanî sedey 11hem/17hem da dû wergêranî turkîy *Şerefname* le dîwanî mîrayetîy Bedlîs û Pallû berhem hatin. Wergêrêkîyan Mihemed begî kurî Ehmed beg bû, ke newey newey nûserî xudî berhemeke, wate Şerefxanî dûweme, wergêrrekey tirîş Şem'î, sikritêr le koşkî mîr Yensûr beg mîrî Pallû bû. Le katêk da karekanyan le rûy stayl û amancewe cuda bûn, herdû piyawekan amajey lawazbûnî zimanî farsî û hellkişanî payey zimanî turkî le kurdistani 'Usmanî xiste rû. Le halletî Şem'î da, eme be têrwanînekî giştî ziyatir le merr zimanekanî herêmeke tewaw kira. Bellgekan ewe pêşniyar deken ke le katêk da le dîwanî mîrayetîy Kurdistani 'Usmanî da zimanî farsî be zimanî turkî cêgay degorêtewe, hendêk le roşinbîr û zana kurdekan eweyan hellbijard ke beşêk le karekanyan be kurdî binûsinewe. Em babete twêjîneweyekî berawirdkariye bo herdû wergêrrekeyî Mihemed beg û Şem'î, we kurte hellsengandinêkî peywest bew geşesendine komellayetî-zimanewaniyey be duwa da dêt.

Introduction

The *Sharafnāma* is a well-known history of Kurdish dynasties and ruling houses, several versions of which were written in Persian in 1004–7/1596–99 by Amīr Sharaf Khān Bidlīsī, prince of Bidlīs in northern Kurdistan. The historical account starts with the dynasty of the Marwānids in the 5th/11th century and includes, as is usually the case in Islamic historiography, many dynasties and events contemporaneous to the author. It comprises a *muqaddīma* (prolegomena), four *ṣaḥīfas* (books) and a *khātima* (epilogue). There are, to the best of our knowledge, forty-two extant manuscripts of the *Sharafnāma*, very few of which have so far been studied. Among these forty-two manuscripts, we find an autograph dated 29 Zū al-Ḥijja 1005/13 August 1597, containing a first version of the text and illustrated with twenty miniatures (Ms. Elliott 332, Bodleian Library, Oxford), as well as two copies revised by the author in Muḥarram 1007/Aug.–Sept. 1598 (Ms. Hunt. Don. 13, Bodleian Library, Oxford) and Shavvāl 1007/May 1599 (Ms. Dorn 306, National Library of Russia, St. Petersburg). After a widespread distribution in the 11th/17th century, with 16 extant manuscripts dated from this period, the book almost completely ceased to be copied in the 12th/18th century (we know of only one copy from that epoch). It was rediscovered in the 13th/19th century, which saw the production of 25 manuscripts of the work.¹ Through this renewed interest on the part of Kurdish dynasts, it also drew the attention of Orientalists, and the text of the *Sharafnāma* was first published by Vladimir Veliaminov-Zernov (d. 1904) in St. Petersburg in 1860–62.²

In a previous publication, I have briefly described the history of the transmission of the *Sharafnāma* in Bidlīs in the century that followed its composition.³ Putting aside the short-lived rule of princes Żiyā' al-Dīn Khān II (r. 1009–10/1601

1 Sharaf Khān II (r. ca. 986–1009/1578–1600) was the leader of the Rōzhikī tribe and Diyādīnid prince of Bidlīs, southwest of Lake Van (the name Diyādīnid supposedly came from a man named Żiyā' al-Dīn, founder of the dynasty; see Scheref, 1860–62: 1, 364). Very few things are known of his life outside of what he himself says in his autobiography, added as a *zayl* (continuation) at the end of the fourth *ṣaḥīfa* (book) of the Kurdish chronicle, devoted to the Diyādīnids. For more information on Sharaf Khān's biography, see Glassen (1989), and the more recent and detailed studies by Dehqan and Genç (2015a and 2015b). See my forthcoming PhD dissertation for an in-depth study of the different *Sharafnāma* manuscripts.

2 Later editions and translations are all based on this edition, in which V. Veliaminov-Zernov used the manuscript Dorn 306 as a base text (he did not have knowledge of either Elliott 332 or Hunt. Don. 13).

3 See Alsancaklı (2016); on the sources used by Sharaf Khān II in composing the work, see also Alsancaklı (2017a).

and 1011–19/1602–10),⁴ Ziyā' al-Dīn Khān III (r. 1065–66/1655–56) and Badr al-Dīn Khān (r. 1076–78/1665–67/8), the 11th/17th century was especially marked by the reigns of Abdāl Khān (r. 1019–65/1610–55 and 1066–76/1656–65) and his son, Sharaf Khān III (r. 1078–1103/1668–91).⁵ Abdāl Khān is certainly the Kurdish prince of the period that is best known in history, in large part because his colourful character was recorded in the *Seyāhatnāme*, or “Book of travels”, by the celebrated globe-trotter Evliyā Çelebi.⁶ The Ottoman traveller spent several months in Bidlis in the years 1065–66/1655–66, in the context of an ongoing conflict between Abdāl Khān and Melek Aḥmed Paşa, *beylerbeyi* (governor) of Van, and he spoke highly of the *khan*.

Nonetheless, after an economically and culturally prosperous reign that lasted for more than half a century, Abdāl Khān's independent-mindedness finally seems to have cost him his position: in 1076/1665, he was demoted and exiled to Istanbul where he was executed in 1078/1667–68, on the order of the sultan Mehmed IV (r. 1058–98/1648–87).⁷ The reasons for his execution are unknown, although it might be related to the ousting of Abdāl Khān's son, Badr al-Dīn Khān, nominated in his stead by the Porte in 1076/1665, and the coming to power of his other son, Sharaf Khān III, possibly as a result of a revolt against Badr al-Dīn Khān.⁸

Once he ruled Bidlis, one of the very first decisions taken by Sharaf Khān III was to order his cousin, Muḥammad Bēg, son of a brother of Abdāl Khān named Aḥmad Bēg, to produce a Turkish translation of the *Sharafnāma*. Muḥammad Bēg indicates that he started his work in 1078/1667–68, and he completed it in 1080/1669. This translation is known to us through four different manuscripts: manuscript Or. 1127, dated Wednesday 24 Rajab 1080/18 December 1669

4 See Dehqan and Genç (2015b: 13).

5 See Demir (2008: 282).

6 The passages of the *Seyāhatnāme* devoted to Bidlis were edited, translated and published by Robert Dankoff in 1990. In view of the city's size, the number of folios devoted by Evliyā to this account is rather important: R. Dankoff estimates it at nearly 2.5% of the narrative content, noting that “much more space is devoted to Bitlis than to hundreds of places of equal or greater significance – Vienna, for example, or, closer to our subject, Van, Erzurum, and Diyarbakir.” See Evliyā (1990: 6).

7 See Köhler (1989: 39–40); also Dankoff in Evliyā (1990: 11, note 2).

8 Some support for this assumption is provided by the inscription on Badr al-Dīn Khān's tombstone, in which the word *shahid* (“martyr”) has been written next to the prince's name. Badr al-Dīn Khān died in 1084/1674 in unknown circumstances, and he was buried in a grave (*turba*) on Bidlis' Gökmeydan, to the south of the Ikhilāṣiyya *madrasa* (see Ulugana (2015: 53–54); Pektaş (2001: 40–41); Oluş Arık (1971: 64) and Sinclair (1987: 302–4). Badr al-Dīn Khān and Sharaf Khān III were half-brothers; for more details, see Figure 2 of the Diyādinid family tree in Alsancakli (2017b).

and kept in the British Library (London);⁹ manuscript Muallim Cevdet O.29, dated Muḥarram 1188/March-April 1774 and kept in the İstanbul Büyükşehir Belediyesi Kütüphanesi;¹⁰ manuscript Tarih 364, dated 1296/1878–79 and kept in the Ali Emiri collection of the Millet Kütüphanesi (Istanbul);¹¹ and manuscript Add. 7860, undated (British Library, London).¹² Because it is the oldest, I will primarily use the manuscript Or. 1127 in this article, while always providing references to the other three copies and also quoting from them when relevant (however, the text is mostly identical in all four manuscripts).

Associated with two Persian copies of the *Sharafnāma* produced in 1083/1672, the existence of four manuscripts of Muḥammad Bēg's Turkish translation suggests that the reign of Sharaf Khān III saw the advent of a new period of diffusion of the book from Bidlis to outside audiences, mostly in the neighbouring principalities of Ottoman Kurdistan. Furthermore, the Turkish translation allowed for a better access to the work: Muḥammad Bēg himself mentions that, due to it being in Persian, the *Sharafnāma* was no longer understood, and facilitating access to this capital text for the Diyādīnids was thus an explicit objective of the translation.

This was also the case for another Turkish translation of the *Sharafnāma*, produced in 1092/1681 in the Kurdish principality of Pālū, about 90 kilometres to the northwest of Diyarbakir. This translation was penned by a man named

9 This is indicated in the manuscript's colophon (f. 372v, ll. 2–6), which reads: "Copied by the slave and sinner, the weak and lowly 'Alā' al-Dīn b. Muṣṭafa, on a Wednesday at the end of the honoured month of Rajab in the year 1080" (كتبه العبد المذنب الحقيق الضعيف نحيف علاء الدين ابن مصطفى در اواخر رجب المرجب فى يوم اربعه سنه 1080 فى تاريخ ثمانين و الف)

10 This manuscript ends with the fourth *ṣahīfa* of the *Sharafnāma* and lacks its *khātima*, as well as a colophon. However, the date of its copy is known through a note written on folio 1r, which states: "This is an elegant history devoted to the events of the princes of Kurdistan and dedicated to the conqueror of Eger [a city in the north of Hungary], Sulṭān Meḥmed III. It was written in 1005 [1596–97] in the common tongue by an Iranian, grandson of Amīr Khān [Mawṣillū], and it narrates the glorious deeds of the Ottoman sultans and some of their renowned viziers. The objective of the translation was that the text might be understood by anyone who would like to study it: this is why this discourse was written by the bay-coloured ink of the pen in Muḥarram 1188 [March–April 1774]." ("Biñ beş târihi hîlâlında Egrî fâtihî Sulṭân Meḥmed nâmına Emîr Hân duḡterzâdesi bir Īrânî âdem lisânında Kurdistân ümerâsınıñ eḡvâlini mutaẓamınñ güzelce târiḡdir, münâsebetle mulûk-i 'osmânî ve vüzerâ'-i şöhret-'unvânlardan ba'zılarınıñ nâm u şânî mezkûr ve meşṭûrdur resîde-i nazar olur, ya'nî ma'lûm ve icmâl-i tercemesi negâh konandegâne mafhûm olmak için bu maḡâle icâle-i kümeyt-i ḡalem olmuşdur fi m sene 1188.")

11 This is known thanks to a note by the copyist dated 1296/1878–79 and written on the first page of the manuscript.

12 This manuscript unfortunately lacks a colophon or any other indication about its date of production.

Sham'ī, presumably a *munshī* (secretary) at the court of the Mirdāsīd prince of Pālū, Amīr Yanşūr Bēg, whom he mentions as the patron of the work. While his translation is less complete and written in a simpler prose than Muḥammad Bēg's, Sham'ī also supplemented it with a continuation of the chapter dedicated to the history of the princes of Pālū up to the time of writing. The autograph of this translation is kept at the library of the museum of the Topkapı Palace (Topkapı Sarayı Müzesi Kütüphanesi) under the call number Revan 1469. A second version of the translation was produced in 1095/1684 in Pālū's sister principality, that of the Mirdāsīd rulers of Agīl, by an unknown scribe who made minor changes to Sham'ī's translation and, most importantly, added a continuation on the history of the princes of Agīl to supplement that on the princes of Pālū. This second version is included in a *majmū'a*, or collection of texts, kept with the call number Add. 18547 in the British Library (London). The text of Sham'ī's translation, including variants found in Add. 18547, was recently published by Adnan Oktay in Istanbul. In this paper, I will thus refer to the published edition as well as the two extant manuscripts.

In the first two parts of this article, I will present a comparative study of the two Turkish translations of the *Sharafnāma*. I will then strive to explain how they demonstrate a shift from Persian to Turkish as the official written language of Ottoman Kurdish courts in the 11th/17th century. While Persian was a high literary language enjoying great prestige among the learned elite of the Kurds, Ottoman Turkish was primarily seen as a bureaucratic idiom devoid of such status. In the third part, I will argue that the demise of Persian also allowed for the development of written literature in Kurdish, mostly consisting of texts inspired by the classical Persian works and didactic books to be used for teaching pupils in the *medreses* of Kurdistan. Thus, as Persian was replaced by Turkish as the administrative language in Ottoman Kurdistan, Kurdish became a primary language of literary production in the region.

1 History as an Instrument for the Legitimation of Dynastic Power: Muḥammad Bēg's Turkish Translation of the *Sharafnāma* (Bidlīs, 1078–80/1667/8–69)

When Sharaf Khān III came to power, in 1078/1667–68, his first important act was apparently to commission an Ottoman Turkish translation of the *Sharafnāma*.¹³ Multiple family connections played a role in this process.

13 Sharaf Khān III was the great-grandson of Sharaf Khān II, author of the *Sharafnāma*, himself the grandson of Sharaf Khān I (r. 906–13/1500–7 and 920–40/1514–33), one of the most powerful Kurdish princes of the early 10th/16th century.

The *Sharafnāma* had, of course, been written by Sharaf Khān III's own great-grandfather, Sharaf Khān II, a little less than a century earlier, and the work was, already at the time of production, heavily centred around the Diyādīnid dynasty of Bidlīs. It seems that one of the main objectives of this book was to bolster the Diyādīnids' claim to primacy among the dynasts of Kurdistan, a claim they had maintained since at least the time of Sharaf Khān II's grandfather, Sharaf Khān I.¹⁴ With regards to this claim, the diffusion of the *Sharafnāma* played a role as significant as its composition. Thus, at the turn of the 11th/17th century, several versions of the work (at least four) were prepared under the supervision of the author, Sharaf Khān II, before being sent to various Kurdish princes, notably Halō Khān, ruler of the Ardalān and Ḥusayn Jānbūlād, ruler of Kilīs/Aleppo.¹⁵

Sharaf Khān II's grandson Abdāl Khān also had an interest in the *Sharafnāma*. According to Evliyā Çelebi (1990: 288–89), an autograph work of Sharaf Khān was in the *khan's* library in 1065/1655.¹⁶ We also know of another manuscript of the *Sharafnāma* produced at the request of Abdāl Khān,¹⁷ in which a panegyric to the Diyādīnid ruler was added just before the colophon, at the end of the book.¹⁸ The text of this panegyric is remarkable because, aside from

14 See Scheref (1860–62: I, 361–62, 412, 415–16), etc.

15 See Alsancakli (2015) and my forthcoming PhD dissertation.

16 This was possibly the manuscript Elliott 332.

17 This manuscript is unfortunately not extant. However, its text is known from two later copies, produced in 1083/1672 during the reign of Abdāl Khān's son Sharaf Khān III, in which this passage is also reproduced. One of these copies, dated 4 Sha'bān 1083/25 November 1672, is kept in the Biblioteca reale of Turin with the call number Or. 12, while the other, manuscript Supplément Persan 238 of the Bibliothèque nationale de France (Paris), was completed on 6 Sha'bān 1083/27 November 1672 by a copyist named Yasīn b. Mullā Isma'īl.

18 The panegyric reads as follows (abbreviated for clarity): "The book was finished, with the help of God (...), may its author (...) Sharaf Khān, whose elegance is reminiscent of Paradise, rest in Peace, during the blossoming of the garden of virtue and the grove of the rose garden of knowledge, that is the rule of the occupant of the throne of the spiritual path and traveler of the way of the religious law, meaning (...) Abdāl Khān the glorious Khan and Anūshīrwān, source of generosity and justice, may God Almighty extend the days of his State and Power until the Day of Judgement and the coming of the end of times (...)." (تمّ الكتاب بعون الله ... المؤلف ... المرحوم المغفور ... يعني شرف خان بهجت بهشت) "آيين السواد الوجه في الدارين حور العين را تزئين و تمكين و تسكين و ممتحن گردد بحق سيد المرسلين برحمتك يا ارحم الراحمين كه بعد از گلگلين حديقهي فضيلت و شاخسار گلشن معرفت و جاي نشين مسند طريقت و راهروان زمري شريعت يعني ... ابدال خان خاني عظيم الشاني انوشيرواني Ms. Or. 12, ff. 286r, l. 4–286v, l. 6; see also SP 238, ff. 242v, l. 11–243r, l. 1.) The title "Anūshīrwān" refers to the celebrated Sasanian king Khusraw I (r. 531–79), seen by Islamic authors as a characterisation of the ideal of the just and enlightened ruler.

the usual eulogistic titles, the copyist also formulated wishes for the eternal prosperity of Abdāl Khān's "State and Power" (دولت و سلطنت). This is indicative of the *khan's* independent-minded spirits, also demonstrated by his generally defiant behaviour, which led to frequent clashes with the governor of Van, chief representative of Ottoman authority in the region.¹⁹ This situation reminds us of the conditions prevailing some sixty years earlier, when Abdāl Khān's grandfather, Sharaf Khān II, wrote the *Sharafnāma* and monitored its circulation. Like him, Abdal Khān apparently made use of the work to bolster the Diyādīnids' claims to independence from Ottoman central power in Bidlīs.

In cultural and political terms, however, Abdal Khān was very much attached to an Ottoman perspective, contrasting with Sharaf Khān II's Persianate background and education.²⁰ This distinction showed in every aspect of dynastic life, from the Diyādīnids' reconstructed ancestry (*nasab*) to the princes' matrimonial alliances. Thus, while Sharaf Khān II associated the Diyādīnids with Sassanid royalty, styling himself "the Khusrawid",²¹ Abdāl Khān favoured an Abbasid story of origins, like several other dynasties in Ottoman Kurdistan.²² As for alliances, Sharaf Khān II had married into the Turkmen Mawşillū family, related to the Safavids, while Abdal Khān had wed a woman bearing the title Khānim Sulṭān, great-granddaughter of the Ottoman sultan Selim II (r. 974–82/1566–74).²³

This cultural shift was most manifest in the language used at court and in administration. Already during the reign of Abdāl Khān, Persian seems to have been on the decline as the written language of the Diyādīnid court, a fact which is demonstrated through many examples. While Evliyā Çelebi (1990: 96–97) notes that the *khan* himself was fluent in "Persian, Kurdish, Turkish

19 Thus, much of Evliyā's account of his time in Bidlīs is devoted to the conflict between his patron, the governor of Van Melek Aḥmed Paşa, and Abdāl Khān.

20 For Sharaf Khān II's own account of his formative years in the Safavid royal palace of Shāh Ṭahmāsp (r. 930–84/1524–76) in Qazvīn, see Scheref (1860–62: I, 449–50).

21 *الاکاسری*; see *Sharafnāma*, mss. Elliott 332, f. 246v, l. 14 and Hunt. Don. 13, f. 263v, l. 20. This is another reference to Khusraw I; in this context, it can be translated as "the Sassanid". On the Diyādīnids' supposed links with the Sassanids, see Scheref (1860–62: I, 362).

22 The *khan* claimed to be descended from an Abbasid dignitary named Sulṭān Awḥadahullāh, otherwise unknown; see Evliyā (1990: 46–47, 56–57, 64–65, 72–73, 80–81, 142–43, 174–75, 342–43 and 356–57). Other Kurdish dynasties claiming Abbasid origins included the houses of Ḥakkārī, 'Amādiya, Kilis and the Mirdāsīd rulers of Agīl, Pālū and Charmüg. See Scheref (1860–62: I, 89, 106, 175–76 and 220–21).

23 Khānim Sulṭān appears at several points in Evliyā's story; see Evliyā (1990: 76–77, 154–55, 162–63, 304–13, 318–19, 326–27, 336–39, 342–45 and 352–55). On the matrimonial alliances of the Diyādīnids, see Alsancakli (2017b), notably pp. 238–40.

and Arabic”, Abdāl Khān still commissioned several translations of Persian and maybe Arabic works into Turkish, some of which are extant. We can mention, for example, a translation of Ḥamdallāh Qazvīnī’s *Nuḥḥat al-Qulūb* (“Pleasure of the Hearts”),²⁴ or that of an otherwise unknown treatise on various arts and crafts called *Majmū’a al-Ṣanāyi’*, or *Ṣanāyi’ al-Ṣanaw’āt* (“The Compendium of the Arts” or “The Arts of the Crafts”).²⁵ As for the languages spoken at court, it seems to have been both Kurdish and an Azeri Turkish dialect specific to the Diyādīnids and Rōzhikids of the Lake Van region.²⁶ In light of these

- 24 A geographical work on Iran and Mesopotamia, written ca. 740/1340 by Ḥamdallāh Mustawfī Qazvīnī (d. ca. 744/1344) and including passages on Kurdistan that were used by Sharaf Khān II in the *Sharafnāma*. Compare Scheref (1860–62: I, 83, 335), and Mustawfī Qazvīnī (1915: 106–8, 214). Two manuscripts of this undated and anonymous Turkish translation are kept in Ankara’s Milli Kütüphanesi, with the call numbers A 957 and A 979. In the book’s *dībācha*, the translator relates how he carried out this work on the instructions of Abdāl Khān, because “since it [the book] was in Persian, persons who did not speak Persian could not benefit from [reading it]” (“lākin fārsī olduğı ecelden fārsī dilini bilmeyen andan maḥzūz ve mütemetti’ olmaz idi”; A 957, f. 1v, ll. 7–8 ; A 979, f. 1r, ll. 12–13).
- 25 The manuscript of the Turkish translation of the *Majmū’a al-Ṣanāyi’* that we possess is a mixed codex, kept in the library of the University of Vienna with the call number Cod. Mixt 211a–d, and it is not the work’s original manuscript, as we are told by the text’s colophon: “The book was finished with the help of God, the munificent sovereign, and copied in the holy month of Zū al-Qa’da 1112 [April–May 1701].” (تمت الكتاب بعون الله الملك الوهاب) (1112, f. 100r, ll. 4–6). Although the manuscript, which includes religious matters on the remaining folios, was copied not long after the reign of Abdāl Khān, it was apparently not produced in a Bidlīsīte, or even Kurdish context. Indeed, the manuscript’s copyist writes in red ink, ahead of the main text, that: “This book is the *Ṣanāyi’ al-Ṣanaw’āt*, written by Abdāl Khān. This Abdāl Khān was one of the Turkish begs” (*Hazā kitāb Ṣanāyi’ al-Ṣanaw’āt fi ta’līf Abdāl Ḥān. Bu Abdāl Ḥān dedikleri Atrāk beglerinden bir beg imiş*, f. 1v, ll. 1–3), thus betraying his unfamiliarity with the work’s background. In this sentence, he also designates Abdāl Khān as the author of the book; however, we read further in the body of the text that he merely ordered its translation, again so as to make it easier for potential readers to understand it (f. 1v, l. 13–2v, l. 1). It is of course possible that Abdāl Khān ordered a translation of a book he himself had written, and Evliyā Çelebi (1990: 92–105) does speak of him, in a typical manner, as a prolific author, master of a thousand skills (*hezār-fen*) and “versed in alchemy and magic and several hundred occult philosophical sciences”. On the book’s fore edge, we also read the mention “*Ṣanāyi’ al-Ṣanaw’āt* by Abdāl Khān” (صنایع الصنوعات لابدال خان), suggesting he was indeed both the author of the book and the one who had requested its translation.
- 26 On this topic, see Evliyā (1990: 84–85), and Dankoff’s introduction, pp. 18–26; see also Hendrik Boeschoten in Evliyā (1988: 81–106) and Martin van Bruinessen (2000 and 1988: 20–21), where the author postulates that “the Rojikī, or at least their urban elite, spoke a mixed language, a Turkish dialect infused with numerous Arabo-Persian and Armenian expressions”. Van Bruinessen is probably right in pointing out that the use of this Turkish dialect was restricted to the urban elite, as in Evliyā Çelebi’s narrative, most of the interactions with tribal soldiers of the *khan* are conducted in Kurdish (see, for example, Evliyā

developments, the production of a Turkish translation of the *Sharafnāma* was the next logical step, and it was taken by another scion of the dynasty, Abdāl Khān's son and the principality's new ruler Sharaf Khān III, who in 1078/1667–68 asked his first cousin Muḥammad Bēg b. Aḥmad Bēg to complete the project.²⁷

In the passage of the translation's preface (*dibācha*) where he explains the context of its production, Muḥammad Bēg b. Aḥmad Bēg subtly suggests his displeasure at having been asked to undertake this task, writing:

It shall not stay concealed from the sun-like brightness of the brilliant spirits of the noble companions that the honourable commander-in-chief, great among the great, protector of the weak and the destitute, support of the warriors of the holy faith, endowed with the favours of the Lord of the worlds and glory of state and religion, Sharaf Khān, source of justice and blessings, son of Abdāl Khān, whose dwelling is in Paradise, may God Almighty and glorious extend the days of his state and increase the strength of his power, and may peace be upon his forefathers, gave in 1078 [1667–68] to the most despicable of God's creatures and the frailest of His servants, burdened by unruliness and lacking in virtue, Muḥammad Bēg, son of Aḥmad Bēg Mīrzā, in need of the divine mercy of the Eternal, the eminent request to translate the *Sharafnāma* from

(1990: 196–97 and 210–11); see also Scheref (1860–62: I, 441)). He further suggests that the peculiar linguistic situation in Bidlis had to do with the city's location on the road from Tabrīz to Aleppo, writing that “no other Kurdish emirate maintained as much international relations as Bitlis, which made it necessary to know Turkish and Persian”. To this, we can add the fact that Sharaf Khān II, Abdāl Khān's grandfather, had mostly grown up in an Azeri Turkish-speaking environment. His mother was a Mawşillū and so was his maternal uncle, Muḥammad Bēg, governor of Hamadān, who was like a “second father” (منزلت پدر خالوی; Scheref (1860–62: I, 451)) to him and whose daughter he married. Furthermore, Turkish was certainly used to an important extent in the Safavid military circles in which Sharaf Khān II evolved for most of his career. Even though he was presumably born in Bidlis, Ziyā' al-Dīn Khān, son of Sharaf Khān II and father of Abdāl Khān, was in fact three quarter Mawşillū, and our “Rozhikī Turkish” dialect might possibly just be the language developed in Sharaf Khān's household. In that case, it would have only been spoken by members of the dynasty and their close affiliates, making the term “Diyādinid Turkish” more appropriate. This is, however, only mildly related to our subject, which is the written language of the Diyādinid court – even if Abdāl Khān occasionally composed poetry in “Diyādinid Turkish” (see his *takhmīs* (pentastich) reproduced in Evliyā (1990: 84–89)), the complete absence of extant documents in the language, save for Evliyā's text, suggests that it essentially remained an oral phenomenon.

27 Aḥmad Bēg was a (probably younger) brother of Abdāl Khān, and thus a paternal uncle of Sharaf Khān III.

Persian into Turkish, so that anyone might benefit from its consultation. Even though this was not the duty of this miserable one to do so, we have put our trust into God Almighty's grace and, asking for His backing, we have striven to accomplish the task at hand.²⁸

Almost drowned in an ocean of praise to the new ruler Sharaf Khān III, Muḥammad Bēg's laconic comment that it was "not [his] duty" to do the translation is interesting. We would indeed expect such a work to be requested of a *munshī*, and not a member of the princely family, who presumably held a much higher position at court.²⁹ Sharaf Khān II, the work's author himself, does not seem to have written more than one specimen of his *Sharafnāma*, being content with supervising and occasionally correcting later versions reworked by one or several secretaries. Even by the end of the 11th/17th century, there must still have been many people capable of reading and understanding advanced Persian prose in Bidlīs, a commercial centre comparatively close to the border with the Safavids. It thus remains a mystery why Sharaf Khan III specifically asked his cousin to undertake this task.

Whatever his reluctance to fulfil it, Muḥammad Bēg was very thorough. No part of the work is missing from the translation, which even includes the *khātima*, an annalistic history of the Ottomans and the Safavids, despite it having virtually no bearing on the history of Kurdish dynasties, including the Diyādīnids. As a result of this thoroughness, the translation is slightly longer than the original, varying between 350 and 400 folios in the different

28 "Aşhāb-i kirāmuñ zamīr-i münir-i mihr-tenvīrlerine ḥafī ve nihān buyurulmaya ki emirü'l-ümerā'ü'l-kirām kebirü'l-küberā'ü'l-'izzām 'avnü'z-zü'efā ve'l-mesākīn nāşirü'l-guzāt ve'l-cāhidīn el-mü'eyyed bi 'ināyet rabbi'l-'ālemīn celālūd-devlet ve'd-dīn a'ni Şeref Ḥān ma'denü'l-cüd ve'l-ihsān ibn-i Abdāl Ḥān cennet-mekān ḥaḥḥ sübhānehü ve te'āla ḥazretleri devletün dā'im ve saltanatün kā'im kılsun. Ve ebā ü ecdādına raḥmet kılsun. Bu aḥḥar-ı ḥalku'l-lāh ve ez'af-i 'ibādu'l-lāh kesirü'l-'işyān ve ḳalilü'l-ihsān el-muḥtāc ilā raḥmeti'l-lāhi'l-maliki-ş'şamed Muḥammad Beg ibn-i Aḥmad Beg Mīrzā fi tāriḥ-i sene samāna ve seb'ine ve elf der işāret-i 'ālī buyuruldu ki Şerefnāme fārsi zebāndan türkiye terceme ediün, tā kim muḥā'ālaya muvaffāḳ olā. Egerçe bu za'ifüñ vazīfesi deḡil-idi ammā Allāh te'ālanuñ dergāhına şıḡınub andan isti'ānet ḡaleb eyleyüb iḳdām eyledik."; see ms. Or. 1127, ff. 8r, l. 8–8v, l. 3; also the same passage in the other manuscripts of the translation: MC O.29, ff. 6v, l. 15–7r, l. 6; AE Tarih 364, p. 7, ll. 9–15 and Add. 7860, f. 6v, ll. 3–11.

29 In this regard, the use of the expression *nihān ve ḥafī buyurulmaya ki ...*, generally found in the *telḥīs* produced by the Ottoman chancery (documents sent to the Sultan by the Grand Vizier), is an indication of Muḥammad Bēg's background and occupation: he probably held a high-ranking position in the court of Sharaf Khān III, maybe that of vizier, which explains why he thought this translation work should not have been asked of him. This also suggests that Muḥammad Bēg only devoted a fraction of his time to the task, hence why it took him as long as two years to complete it. On *telḥīs*, see Pál Fodor (2011).

manuscripts, and it took two years to be completed, with Muḥammad Bēg finishing it on 25 Rabi' I 1080/23 August 1669.³⁰ His translation includes the panegyric mentioned earlier, in the same spot before the colophon, but Abdāl Khān's name has been replaced in it by that of the translation's patron, Sharaf Khān III.³¹ Muḥammad Bēg thus carried out his translation from the same *Abdāl Khān manuscript, which later served as a model for the two Persian copies of the work produced in 1083/1672.³² Why the name of Abdāl Khān was not replaced by that of Sharaf Khān III in these copies remains a mystery, although this might have to do with the greater liberty that Muḥammad Bēg had as a translator and member of the princely family.

The two Persian manuscripts of the *Sharafnāma* sponsored by Sharaf Khān III were completed at an interval of two days, on Friday 4 Sha'bān/25 November and Sunday 6 Sha'bān/27 November of the year 1083/1672, probably by two different copyists, only one of which is identified.³³ Available evidence, based

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- 30 This date is found in the colophon of the AE Tarih 364 manuscript, which reproduces the autograph's colophon. This has led the writers of the manuscript's notice in the online catalogue of the Institute of Manuscripts of Turkey (Türkiye Yazma Eserler Kurumu) to describe it as an autograph ("mütercim in el yazısı", see <http://www.yazmalar.gov.tr/eser/serefname-tercumesi-kurdistan-tarihi/191804>). However, in addition to the note already mentioned and bearing the date of 1296/1878–79, the modern hand and paper, as well as a map of Kurdistan drawn by the copyist on the manuscript's last page (pp. 698–99) and showing the borders between Russia, Iran and the Ottoman empire as they were after the signature of the Treaty of Turkmānchāy (24 Rajab 1243/10 February 1828) and the second Treaty of Erzurum (15 Jumādā II 1263/31 May 1847), make a clear case for the dating of this manuscript to the later part of the 13th/19th century. It might have been copied in Diyarbakir and acquired there by the renowned intellectual 'Alī Emīrī, native of that city, who later founded the Millet library by donating his collection of around 16 000 manuscripts and early printed documents. 'Alī Emīrī's seal is found on pages 1, 695 and 698 of the manuscript. On the treaty of Turkmānchāy, see Xavier de Planhol (1990), and on the second Treaty of Erzurum, see Sabri Ateş (2013: 129–38) and Keith McLachlan (2013).
- 31 See Or. 1127, ff. 372r, l. 8–372v, l. 2; also AE Tarih 364, p. 695, ll. 1–8 and Add. 7860, f. 332v, ll. 5–17 (this passage is missing from the manuscript MC O.29). Sharaf Khān III is called by his cousin Muḥammad Bēg "Sharaf Khān the Second" (شرف خان الثاني). Sharaf Khān I, who was one of the most powerful Kurdish princes of the early 10th/16th century, had apparently been somewhat forgotten by the time of his descendant.
- 32 Written here with an asterisk, as this is a reconstructed manuscript (see *supra*, note 18). This was probably the sole manuscript of the *Sharafnāma* remaining in Bidlīs, after most of Abdāl Khān's library had been auctioned off by the governor of Van, Melek Aḥmed Paşa, in 1065/1655, following the *khan's* defeat and flight from the city (he came back the next year, only a day after Melek Aḥmed Paşa's destitution was made known in Bidlīs). Evliyā Çelebi was put in charge of this auction, and he thus provides us with a detailed description of the contents of the *khan's* library. See Evliyā (1990: 280–301).
- 33 On these two manuscripts, see *supra*, note 18.

on our findings about their later circulation, suggests that these copies were destined to be circulated in Iranian Kurdish principalities, where knowledge of Persian of course remained current, whereas the book's Turkish translation was specifically produced with the intent of being distributed in the neighbouring principalities of Bidlīs.³⁴ This tells us that, although Sharaf Khān 111's project contrasted with that of Abdāl Khān in their uses of the work,³⁵ he also clearly followed in the footsteps of his father and great-great-grandfather by using the *Sharafnāma* as a legitimizing tool for the power and standing of the Diyādinids of Bidlīs in Ottoman Kurdistan. However, the translation's distribution seems to have been (voluntarily or not) restricted geographically, as the work apparently remained unknown outside of the Lake Van area. Amīr Yanşūr Bēg, Mirdāsīd prince of Pālū, to the north of Diyarbekir, was thus unaware of its existence when, eleven years later (1092/1681), he sponsored the production of another Turkish translation of the *Sharafnāma*, to which we will now turn our attention.

2 Reading, Translating and Updating the *Sharafnāma* in the *majlis*: the Turkish Translation by Sham'ī, Court Secretary of the Prince of Pālū (1092/1681)

Like other Kurdish rulers, the Mirdāsīd princes of Pālū and Agīl, two sister principalities located to the north of Diyarbekir, also demonstrated their interest in their own dynastic histories through the production of copies, translations

34 Thus, the manuscript Or. 1127 was copied only a few months after the autograph, in 24 Rajab 1080/18 December 1669, by a man named 'Alā' al-Dīn Muştafa (see f. 372v, ll. 2–6), and it was later circulated in the principality of Ḥazzō, as demonstrated by several notes to the name of its ruler, Nūshīrvān Bēg b. Xīzr Bēg of Ġarzan, bearing the dates of 1129/1716–17 and 1147/1734–35 (see ff. 1r and 372v). The 'Izīzānīd princes of Ḥazzō/Şaşūn were "cousins" of the Diyādinids according to the dynasties' mythical origins, and related to them by strong matrimonial links. What is more interesting is that, in two of these notes, this copy of the Turkish translation of the *Sharafnāma* is called "Tārīkh-i Nūshīrvān", or "History of Nūshīrvān", showing how other dynasties also appropriated the work. On the common origins of the Diyādinids of Bidlīs and the 'Izīzānīdīs of Ḥazzō, see Scheref (1860–62: 191, 357–65), and for the mention of Nūshīrvān Bēg as ruler of Ḥazzō in Ottoman archives, see Orhan Kılıç (1997: 159–60).

35 Abdāl Khān's copy had apparently been made for conservation purposes, as attested by the fact that it never left Bidlīs. Furthermore, the manuscript Elliott 332 also features informative notes and bookmarks dating from the reign of Abdāl Khān, suggesting it was also kept in Abdāl Khān's library for perusal.

and continuations of the *Sharafnāma*.³⁶ Their interest in Sharaf Khān's work is attested by the existence of a manuscript of the *Sharafnāma* copied in 1070/1660 by a man named Zū al-Nūn al-Pālūyī, or Zū al-Nūn of Pālū, kept with the call number Y-0561 in the library of the Turkish Historical Institute (Türk Tarih Kurumu) in Ankara, although this manuscript was not the model for Shamī's translation.³⁷ Furthermore, extant manuscripts of two early modern *shajaras* (genealogical trees) of the dynasty of Agīl, including one dated to the early 12th/18th century, roughly the same period as Shamī's translation, are indicative of a more general preoccupation with problematics of dynastic history and legitimacy.³⁸

Shamī's translation was realised in 1092/1681 at the request of the prince of Pālū, Amīr Yanşūr Bēg, and it also includes a *zayl* on the history of the princes of Pālū up to the time of writing.³⁹ An anecdote related by Shamī in the *dibācha* (preface) of his translation sheds light on the way manuscripts of

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- 36 The Mirdāsids of Pālū, Agīl and Charmūg were thus called because the tribal confederation over which they ruled claimed descent from members of the Arabic tribe of the Banū Kilāb that had fled after the killing of their chief Šāliḥ b. Mirdās (r. 416–20/1025–29), founder of the Mirdāsīd principality of Aleppo; see Scheref (1860–62: I, 178) and Thierry Bianquis (1993: 115–23). On their history, see notably Nusret Aydın (2003 and 2012), Feyzullah Demirtaş (2005) and Nilay Özoek-Gündoğan (2014).
- 37 Indeed, it includes the end of the chapter on the Ayyūbids, the chapter on the Ardalān and the beginning of the chapter on the Ḥakkārī of the *Sharafnāma*, which are missing in Shamī's translation. However, the translation also contains, in many places, variants associated with the Y-0561 manuscript, suggesting Shamī's model might have been copied from it (compare for example Y-0561, f. 4v, ll. 3–6 with R. 1469, f. 4r, ll. 11–15). I wish to thank here Yusuf Baluken, who kindly shared with me a copy of parts of the Y-0561 manuscript. Another *Sharafnāma* manuscript also exhibits signs of a connection with the Mirdāsids. This is the manuscript Add. 23531 of the British Library (London), which includes a rubricated "bookmark" by the copyist, Ḥājī Shērwan, who wrote "About the history of the Mirdāsids" (مطلب احوال مرداسی; f. 88r, ll. 15–17) in the margins of the chapter devoted to the Mirdāsīd dynasties of Agīl, Pālū and Charmūg (Book III, Part 1, Chapter 2). This suggests that the intended addressee of this manuscript, copied in 1079/1669, was a Mirdāsīd ruler.
- 38 These two *shajaras* have been studied by Yunus Emre Gördük (2014). They establish a link between Pīr Manşūr, ancestor of the Mirdāsīd rulers, and 'Abbās, uncle of the Prophet, via the latter's grandson 'Alī b. 'Abdallāh. This genealogy is also given by Sharaf Khān, on the basis of "the genealogical tree still in the hands of his [Pīr Manşūr's] descendants" (بموجب شجره که حالا در دست اولاد اوست; Scheref (1860–62: I, 176)). On *shajaras* in general, see Nebi Bozkurt (2010).
- 39 The date of the translation is given in the text's colophon, as well as at the end of the *zayl* on the history of the princes of Pālū, which is concluded by wishes of prosperity and success for Amīr Yanşūr Bēg. There are also verses of poetry dedicated to that ruler in the *dibācha* and before the colophon. See Şem'ī, ed. A. Oktay (2017: 49–51 (*dibācha*), 156–66

the *Sharafnāma* were used in the various Kurdish courts, while explaining the reason for his Turkish translation. He writes:

Shamī, this despicable one, full of defects (...) happened to be honoured with the attendance of the noble *majlis* ["assembly"] of our ruler, His Excellency the enlightened prince [Yanşūr Bēg], when suddenly, in the course of conversation, mention was made of the government and lineage of his glorious ancestors and forefathers. To the best of their ability, some of those in attendance at the *majlis* told stories on this subject, but in the end, the *History of the Sharafnāma* was sought, for it had been clearly and extensively related in it. However, because it was in Persian, it was of little help. Afterwards, that mighty lord ordered this despicable one to translate this book in the Turkish language.⁴⁰

From this passage and his presence at the prince's *majlis*, we can gather that Shamī was probably a *munshī* at Yanşūr Bēg's court. Shamī's translation, which he calls the *Terceme-i tevārīh-i Şeref Hân* or *Terceme-i tevārīh-i Şerefnāme*, is stylistically very different from the one made by Muḥammad Bēg in Bidlīs. Whereas Muḥammad Bēg's translation, composed 12 years earlier, was written in an ornate and flowery language on par with the Persian text and the general standards of Ottoman Turkish historiography at the time, Shamī's work exhibits a simpler prose, in terms of both structure and lexicon. Much of the Persian and Arabic learned vocabulary has thus been replaced by Turkish equivalents, in contradistinction with Muḥammad Bēg's more literary writing style, associated with the formalised tenets of classical *inshā'* prevalent at the court in Istanbul. A quick comparison of a random passage in both texts, the beginning of the very first chapter on the Marwānid princes of Diyārbakr and Jazīra, will suffice to illustrate this difference:

(*zayf* on Pālū), 271–72 (colophon)); also manuscript R. 1469, ff. 2r, ll. 1–10, 39r, l. 4–42r, l. 17 and 87r, ll. 3–12.

40 “[B]u ḥakīr-i pūr-takşīr, a'nī Şemī (...) ittifaķen ḥakimimiz olan (...) emīr-i rūşen-żamīr ḥazretlerinin meclis-i şerifleri ile şeref-yāb olup nā-gāh esnā-yı muşāḥabetde ābā ve ecdād-ı 'iżmīnuñ semt-i ḥükümet ve tertīb-i nesebleriniñ zıkr-i cemīli vāķī' oldu. Ḥużzār-ı meclisden niçe kimseler 'alā-ķadri'l-imkān naķl eylediler. 'Āķıbetü'l-emr, Şeref-nāme Tevārīḫine mürāca'āt idüp anda 'ala't-taḫşīl 'ayān ü beyān olmuşdı. Ammā, Fārisī olduĝı [i]çün ol deñli müfid olmadı. Ba'dehu, ol şāḫib-i devlet, bu kitābı, zebān-i Tūrkiye terceme eylemege bu ḥakire emr eyledi.” (Şemī, 2017: 50–51; R. 1469, f. 2r, ll. 1–7.)

Sharaf Khān's text	Muḥammad Bēg's translation	Sham'ī's translation
<p>بر مرآت ضمائر مهر تنویر دانشمندان صافی ضمیر صورت اینمعی عکس پذیر خواهد بود که اول کسی که از طایفه اکراد در دیاربکر و جزیره حکومت نموده احمد بن مروانست و در زمان قادر عباسی کار او عروج تمام یافته چنانچه قادر او را ملقب بنصر الدوله گردانید^a</p>	<p>Mir'at-ı zāmīr-i münīr-tenvīre bu ma'nenūñ şūratı böyle 'aks-ı pezīr olur ki evvel şaḥş bu Ekrād ṭā'ifesiinden Diyār Bekr ve Cezīre vilāyetinde da'vā-yı salṭanat idüb masnad-ı hükümetde müt- emekkin olmuşdur, Aḥmed bin-i Mervāndur ki Ḳādir-i 'Abbāsī zamānında anuñ kār u bār temām-ı meretebe 'urūc idüb şöyle ki Ḳādir Naşru'd-Devle nām ile anı mulaḳḳab eyledi.^b</p>	<p>Ma'lūm ola ki, Diyār-bekr ve Cezīre Ekrād'ı ṭā'ifesiinden evvel kimse ki, salṭanat da'vāsın idüb hükümet taḥtında oturan Aḥmed ibni Mervān idi ki, Ḳādir-i 'Abbāsī zamānında anuñ devleti ve şevketi şol meretebe 'urūc bulmuşdı ki, Ḳādir-i 'Abbāsī aña Naşru'd-devle deyü laḳab viridi.^c</p>

In the mirror of the minds as bright as the sun of the clear-spirited scholars, the case of the matter shall be reflected that the first person from the Kurdish people who ruled in Diyārbakr and Jazīra was Aḥmad b. Marwān. During the time of Al-Qādir the Abbasid, his affairs ascended to the highest summits, so much so that Al-Qādir gave him the title of "Protector of the State".

In the mirror of those whose minds are as bright as the sun, the case of the matter shall thus be reflected that the first person from the Kurdish people who strived for independent power and settled on the throne of government in the provinces of Diyārbakr and Jazīra was Aḥmad b. Marwān. During the time of Al-Qādir the Abbasid, his affairs ascended to the highest summits, so much so that Al-Qādir gave him the name of "Protector of the State" as a title.

It shall be known that, from the Kurdish people of Diyārbakr and Jazīra, the first person who strived for independent power and sat on the throne of government was Aḥmad b. Marwān. During the time of Al-Qādir the Abbasid, his state and dignity had ascended to such heights that Al-Qādir the Abbasid gave him the title of "Protector of the State".

a Scheref (1860–62: 1, 19).

b Or. 1127, f. 14r, ll. 1–5.

c Şem'î (2017: 61); see also R. 1469, f. 5v, ll. 6–8.

In addition to the stylistic differences mentioned above, although Muḥammad Bēg did tend to write in an increasingly simpler prose as he went along, it is also clear from this comparison that Muḥammad Bēg's translation was much more literal than Shamī's. These contrasting characteristics reflect the different uses that were intended for these two translations. As we have seen, the text sponsored by Sharaf Khān III was meant to be distributed to nearby principalities and, like the original *opus*, it was supposed to support the Diyādīnids' claim to political greatness among the other houses of Kurdistan. As such, it was expected from Muḥammad Bēg to produce a work both faithful to the original style and content that would meet the standards of Ottoman historical writing. The expectations were very different for Shamī's translation, only meant for the personal use of the prince of the smaller principality of Pālū, Yanşūr Bēg, and other members of his court. The objective was to produce a rendition of the text in readable and intelligible Turkish, rather than adhere to any predefined standard of historiographical or stylistic greatness.

As a result of this different approach, Shamī also omitted the *khātima* from his translation: this was obviously a part of the *Sharafnāma* in which Yanşūr Bēg had no interest. Furthermore, an accidental loss in the model manuscript forced him to skip a good bit of the chapters on the Ayyūbids and Ḥakkārī princes and the whole chapter on the Ardalān.⁴¹ Associated with Shamī's simpler and more concise style, these voluntary or involuntary lacunae have contributed to the comparative brevity of the text, which is only 87 folios long, to be compared with the 372 folios of Muḥammad Bēg's translation in the Or. 1127 manuscript. Even though they both produced Turkish translations of the *Sharafnāma*, Muḥammad Bēg and Shamī were thus in reality doing different work, with distinct objectives. They both seem to have succeeded in achieving these objectives. The number of extant copies of Muḥammad Bēg's translation gives a measure of its favourable reception. Meanwhile, Yanşūr Bēg, as well as the larger Mirdāsīd circles, must also have been favourably impressed with Shamī's work, notably with the *zayl* included in the translation, for Muşafa Bēg, the Mirdāsīd prince of Agil, apparently had a second version of the text produced, presumably in 1095/1684.

This tentative dating is based on the latest date mentioned in that second version's sole extant manuscript, kept in the British Library with the call number Add. 18547/1. It is unknown if this is the original manuscript of the version

41 The translator explains this omission with the following note: "Here [the manuscript] does not follow the plan, because some folios were missing from [our] model" ("bunda tertib'den düşmüşdür zîrâ ki nüshâ'dan evrâk zâyi' olmuşdi"; see ms. R. 1469, lower margin of folio 17v; also Şem'î (2017: 95–96)).

produced in 1095/1684: it is now part of a *majmū'a* in which the translation is followed by the first part (*jūz'*) of Mas'ūdī's *Golden Prairies*.⁴² The absence of a colophon, presumably ripped away when the two texts were pieced together (see f. 132r), prevents us from reaching definite conclusions on the date of composition of this second version, as well as its authorship and patronage. The text is nearly exactly the same as that of the original version by Sham'ī, although the copyist also made a few corrections to Sham'ī's text.⁴³

However, what makes this a different version of the translation, rather than a mere copy of it, is the existence of a short but important addition: in supplement of the *zayl* on the princes of Pālū, there is also in this manuscript a *zayl* on the Mirdāsīd princes of Agīl, ending with the rule of Muṣṭafa Bēg, in 1095/1684. The author of this *zayl* bestows wishes of prosperity upon Muṣṭafa Bēg, and he writes in a markedly more ornate style than that found in the rest of the work. On the other hand, this *zayl* is a lot shorter than the *zayl* on the history of the princes of Pālū.⁴⁴ The difference in style between both *zayls* suggests that Sham'ī was not the author of the *zayl* on the princes of Agīl included in this second version of his translation. Rather, it is more probably Muṣṭafa Bēg's own secretary who copied Sham'ī's work, supplementing it with a short *zayl* on the dynasty of his patron, although nothing can be asserted. Muṣṭafa Bēg's patronage of this work appears to have been directly inspired by Yanṣūr Bēg's patronage of the original translation, demonstrating the *Sharafnāma*'s continued relevance as an instrument of dynastic legitimacy for Kurdish princes everywhere, and not only in Bidlīs.

Moreover, both Sham'ī's and Muḥammad Bēg's translations explicitly point to the fading of Persian literacy in Ottoman Kurdistan in the later part of the 11th/17th century. Based on what we have seen so far, we would be inclined to believe that for all intents and purposes, Persian had then been replaced by Turkish as the dominant language in the region. In some respects, this was

42 The text of Sham'ī's translation runs on ff. 1v–132r, and that of the first part of Mas'ūdī's *Golden Prairies* on ff. 133v–183r. It is followed by a short text attributed to Shaykh Isma'īl Muqrī (Mokrī), written by the same copyist (ff. 183v–184v). If we are to believe its colophon (f. 183r, ll. 5–23), the manuscript of the *Golden Prairies* was written earlier than the composition of the *Sharafnāma* translation, in Zū al-Ḥijja 1062/November 1652 (f. 183r, ll. 17–23). The *majmū'a* also features an acquisition note dated 6 Rajab 1161/2 July 1748 (f. 133r). See also Şem'î (2017: 31–32).

43 See Adnan Oktay in Şem'î (2017: 32–33).

44 See the text of the *zayl* on the princes of Agīl in Şem'î (2017: 150–52); Add. 18547, ff. 59r, l. 4–60v, l. 3. Both *zayls* were the object of an earlier publication by Anwar Soltanī (2005). However, he had only worked on the later Add. 18547 manuscript, which led him to describe Sham'ī as the secretary of Muṣṭafa Bēg, and attribute sponsorship of the whole project to the prince of Agīl.

indeed the case, as the existence of these translations aptly demonstrates. However, the same period also corresponds to the rise of a written Kurdish literature, notably in the fields of poetry and didactic religious texts, in certain Kurdish principalities such as Jazīra and ‘Amādiya.⁴⁵ Can this phenomenon also be linked to the decline of Persian? If so, how can we reconcile it with the apparent prevalence of Turkish as the administrative and historiographical language of the Ottoman Kurdish courts? These are some of the questions we will now address in the third and final section of this article.

3 Persianate Culture, Ottoman Bureaucracy and Kurdish Scholarship: the Sociolinguistic Evolution of 11th/17th-Century Ottoman Kurdistan

What was the attitude of 11th/17th-century Kurdish speakers towards their own language and the other languages of the region, notably Arabic, Persian and Turkish? This question might seem impossible to answer, as the subject is mostly ignored in the relevant sources. We have no single work dedicated to this issue in the Kurdish context, no equivalent to the Timurid *Muḥākamat al-Lughatayn* (“The Judgment of Two Languages”) by Mīr ‘Alī Shīr Navā’ī (d. 906/1501), in which the famous writer from Herat vowed to demonstrate the literary superiority of Chagatai Turkish over Persian.⁴⁶ Furthermore, as for any linguistic group, Kurdish speakers did not constitute a uniform and cohesive group. However, the Turkish translation of the *Sharafnāma* produced in Pālū in 1092/1681 does provide us with information on how *one* Kurdish speaker perceived the several languages he was presumably fluent and literate in. This

45 Already in the text of the *Sharafnāma*, ‘Amādiya is hailed by Sharaf Khān II as Kurdistan’s greatest centre of learning, albeit with no mention of Kurdish-language works; see Scheref (1860–62: I, 15). In Jazīra, the Medreseya Sor (Red Medrese) was also an important centre of scholarship; it is there that the renowned Kurdish author Melayê Cizîrî taught. In Bidlis, the scholar Muḥammad Barqal’î apparently wrote in Kurdish, although no works of his in this language are extant. A great number of authors of Kurdish-language works also originated from the greater Lake Van area, for example Şêx Şemseddîne Qutbê Exlatî from Akhlât, Feqiyê Teyran and Ehmedê Xanî from Ḥakkārî, Elî Teremaxî from Miks, etc. Nothing is known of literary production in the relatively minor Mirdāsîd principalities of Pālū and Agîl, and the existence of literature in Kurdish at this time should not be generalised to all Ottoman Kurdish principalities a priori.

46 See the edition by Faruk Sema Barutçu Özönder (1996) and the English translation by Robert Devereux (1966). On the question of Turko-Persian diglossia in the Centrasianic context, also see the works by Marc Toutant (notably 2016), and Aftandil Erkinov (2004 and 2008).

speaker is none other than Sham'ī himself, the translator of the work and a *munshi*' at the court of Yanşūr Bēg. In the *dībācha* of his work, Sham'ī makes a passing remark on the different languages spoken in Kurdistan and elsewhere, the brevity of which is compensated by its unexpected candour. Using as a starting point the Quranic verse that says: "and of His signs is the creation of the Heavens and Earth and the variety of your tongues and hues";⁴⁷ he then writes that:

It shall be known that, here, the variety of tongues refers to the various languages spoken among the creatures, some of which are Arabic, Persian, Kurdish, Turkish and Greek, Hindi, Afghan and, in addition to these, many more strange tongues and wonderful languages that cannot be counted. However, the most eminent and elegant of these tongues is Arabic, in which the noble Qur'an was revealed, and after it, Persian, the sweetest of languages. Then, each people has considered their own language to be the highest, but Imām Muḥammad Barqal'ī, Mullā Muḥyi' al-Dīn Jazīrī, and many more great scholars and noble *literati*, have chosen the Kurdish language, making it the most agreeable. Furthermore, the bravest and most generous peoples of the aforementioned Islamic community are the Arabs, and then the Kurds.⁴⁸

47 Qur'an, "The Greeks", 30/22; see A. J. Arberry (1996: 107).

48 "Ma'lūm ola ki, bu maḳāmda ihtilāf-ı elsineden murād maḳlūḳāt mābeyninde olan elsine-i muḫtelifdūr ki, ba'zısı 'Arabī ve ba'zısı Fārisī ve ba'zısı Kürdī ve ba'zısı Türkī ve Rūmī ve Hindī ve Avḡānīdūr ve bunlardan mā-'adā niçe niçe ḡarā'ib diller ve 'acā'ib luḡatler vardur kim, 'add ü iḫşā olunmaz. Ammā, cümle dillerden a'lā ve eḫşāḫ 'Arab dilidūr kim, Qur'an-ı 'azīmu'ş-şān ol luḡat ile nāzil olmuşdur ve bundan şoñra Fārisī dilidūr kim emlaḫ-ı elsinedūr ve bundan şoñra her bir ḳavim kendü dillerin a'lā ṭutmuşlar, ammā Imām Muḫammed Berḳal'ī ve Mellā Muḫyi'd-dīn Cizīrī ve niçe niçe 'ulemā-i 'izām ve fuḫalā-i kirām, Kürd dilini ihtiyār idüp maḳbūl ṭutmuşlar ve bu zikr olan millet-i İslāmiyyenüñ ziyāde şecā'atlısi ve şāhib-i sehāsi 'Arab ḳabilelidūr, ve bunlardan şoñra Kürd ḳabilelidūr." (Şem'ī (2017: 50); R. 1469, ff. 1v, l. 11–2r, l. 1; Add. 18547, ff. 1v, l. 16–2r, l. 6.) Mawlānā Muḫammad Barqal'ī was a religious scholar native from Bidlis; active during the reign of Sharaf Khān I (early 10th/16th century), to whom he dedicated *ḫāshiyas* (commentaries) on various books, he was also a resident at the court of the prince of Bokhtān, Badr Bēg b. Shāh 'Alī Bēg, as noted by Sharaf Khān II in the *Sharafnāma* (see Scheref (1860–62: 128, 341–42); also mention of an anti-Yezidi *fatwā* by the same Muḫammad Barqal'ī in the manuscript Hunt. Don. 13, f. 6r, ll. 1–2). The only extant text by Muḫammad Barqal'ī is a commentary on another anti-Yezidi work by a Kurdish scholar, the *fatwā* of Malā Šālih al-Kurdī al-Ḥakkārī. However, like Malā Šālih's *fatwā*, Muḫammad Barqal'ī's commentary is written in Arabic, not Kurdish; see Mustafa Dehqan (2008 and 2015). It is unclear who is meant by the name Mullā Muḫyi' al-Dīn Jazīrī – perhaps it is the famous Kurdish poet Shaykh Aḫmad Jazīrī, (d. 1050/1640), better known as Melayē Cizīrī?

First, let us note that Sham'ī was most likely proficient in all the languages mentioned: as a translator of a Persian work into Turkish, he must have had extensive knowledge of both languages, and as a learned man of his time, he must also have known Arabic to some extent. As for Kurdish, his mention of works by Muḥammad Barqal'ī, and a man perhaps to be identified with Melayê Cizîrî, suggests that he could at least read the language and presumably speak it, though we do not know if he was capable of writing it. In any case, the opinion formulated is that of a multilingual and educated individual, presumably a Kurd, whether it can be said to accurately represent the approach of the *munshî* at other Ottoman Kurdish courts, or even educated Kurds in general, is of course debatable.

Sham'ī's description of Arabic, the language of the Qur'an, as the "most eminent" of languages is unsurprising, just like his view of Persian, the literary language *par excellence*, as second in the hierarchy of the world's tongues.⁴⁹ However, he then makes a bolder claim by asserting the superiority of Kurdish over the rest of the world's languages, including Turkish, basing his rationale on the "many (...) great scholars and noble *literatî*" who chose to write in it. This linguistic prevalence of Kurdish is, in turn, linked by Sham'ī to a supposedly higher status of the Kurdish community, the "bravest and most generous" after the Arabs in the Islamic world.

At this point, Sham'ī ends his aside and gets back to the translation, leaving us with the following question: if Kurdish was so prestigious as a literary language, second only to Arabic and Persian, why did Sham'ī translate the *Sharafnāma* into Turkish, and not into Kurdish? He might not have had a choice, as his translation was done at the request of Yanşūr Bēg, his patron; however, this does not fundamentally change the matter. Since Sham'ī did not hesitate to clearly express his opinions on languages in the *dibācha* of the work, Yanşūr Bēg must have shared them to a degree. Why, then, would he have requested a Turkish, rather than a Kurdish translation?

To make this issue even more interesting, Sham'ī's *Terceme-i tevārîḫ-i Şerefnāme* was not the only Turkish translation of a Persian-language historical chronicle composed in the second half of the 11th/17th century in Ottoman Kurdistan. We have already discussed Muḥammad Bēg's Turkish translation of the *Sharafnāma*, made in Bidlīs at the request of Sharaf Khān III in 1078–80/1667/8–69, as well as the Turkish translation of Ḥamdallāh Mustawfī Qazvīnī's *Nuzhat al-Qulūb*, produced at the request of another ruler of Bidlīs, Sharaf

49 The high status of Persian was, however, not only associated with its literary qualities, but also to its place as "the second sacred language of Islam"; see Mohammad Ali Amir-Moezzi (2006).

Khān III's father Abdāl Khān. We can thus assert that in at least some of the Ottoman Kurdish courts, historical chronicles were preferably translated into Turkish, rather than Kurdish.

We might be tempted to explain this phenomenon by the existence of a well-grounded tradition of historical writing in Turkish by the end of the 11th/17th century, including the production of numerous Turkish translations of Persian chronicles in the Ottoman Empire. However, such a tradition also existed for religious and literary texts; yet, from the turn of the 11th/17th century, at least some of these texts were increasingly being written in Kurdish in Ottoman Kurdistan, in addition to Turkish-language classics also produced in the region, such as the *Ma'rifetnāme* by Ibrāhīm Ḥaqqī Erzurumī (d. 1194/1780).⁵⁰ What reason can we give for this dichotomy between historical texts on the one hand, and literary and religious works on the other? Before trying to answer this question, let us focus for a moment on those Kurdish-language religious and literary texts produced in the 10th/16th–11th/17th century and their authors.

Much has been written on the beginnings of classical Kurdish literature in both poetry and prose in that period, with studies and editions of the works of such figures as Melayê Cizîrî (d. 1050/1641), Feqiyê Teyran (d. 1041/1632), Şemseddîne Exlatî (d. 1085/1674), Ismaîlê Bayezîdî (d. 1121/1709), Mela Bateyî (d. 1168/1755), Selîmiyê Hîzanî (fl. 1168/1754), and, of course, Ehmedê Xanî (d. 1119/1707), author of the celebrated *opus Mem û Zîn* ("Mem and Zin").⁵¹ In many ways, this development paralleled the "classical age" of Ottoman Turkish *divan* literature.⁵² However, this should not be understood as meaning the complete disappearance of Persianate culture in Kurdistan and the Ottoman Empire at large. In a recent work, Michiel Leezenberg (2016: 259) has thus noted that even after Turkish "had largely replaced Persian as the language of the Ottoman bureaucracy and emerged as a language of refined courtly poetry in its own right (...), [it] never wholly sidelined Persian as a language of learned letters", especially since "official and literary uses of Turkish were and remained replete with Persian (and, of course, Arabic) loan words and loan constructions."

50 A native of Pasîn (Pasinler), to the east of Erzurum, Ibrāhīm Ḥaqqī travelled to Tillo, a village on the outskirts of Sêrt (Siirt), where he became a follower of the Kurdish Qadirî *shaykh* Isma'îl Faqîrullāh. He completed his *Ma'rifetnāme* in 1170/1757; see the edition by Faruk Meyan (2014).

51 See the classic but dated study by Qanatê Kurdo (1983), and, more recently, Mehmed Uzun (1992, 2003), Feqî Huseyn Saġnıç (2002), and Abdurrahman Adak (2013), among others. Most of the works of the classical authors have been published in more or less satisfactory editions; for a recent review of these publications, see Bolelli (2015).

52 See İskender Pala (2007).

The same could be said of classical Kurdish literature, as its most celebrated products were indeed modelled on, or at least inspired by, the earlier works of classical Persian authors such as Niẓāmī Ganjavī (d. 606/1209), Farīd al-Dīn ‘Aṭṭār (d. 618/1221), Ḥāfiẓ-i Shīrāzī (d. 792/1390) and others. This allowed for the survival of Persianate culture in a localised form, as the decreasing knowledge and literary use of Persian in the Ottoman lands, including Kurdistan, created the need for these Kurdish and Turkish books inspired by the Persian greats. Ehmedê Xanî’s *Mem û Zîn* is a masterly executed example of this, as it shows a skilful integration of elements of Kurdish oral literature and folklore, the core story of *Mem û Zîn* comes from the Kurdish oral epic *Memê Alan*,⁵³ with motifs common in classical Persian literature. A difference between Kurdish and Turkish is that, in the principalities of Ottoman Kurdistan, a distinction remained between the language of bureaucracy and official correspondence, Ottoman Turkish, and that of the *līterati* and court poets, some of whom chose to work in Kurdish. Such a distinction did not exist in the central lands of the Ottoman Empire, where there was a much longer tradition of using Turkish in the administration: there, Turkish was the language of both bureaucracy and literature.⁵⁴

All the well-known Kurdish *līterati* of the period under scrutiny were also, without exception, religious scholars, having both studied and taught in some of Kurdistan’s numerous and prestigious *medreses*.⁵⁵ Thus, they also produced didactic works for use by the *medreses*’ pupils. Ehmedê Xanî, who had himself studied in many different *medreses*, including in Bidlīs,⁵⁶ is again the most well-known author of such books in this period. We can mention his *Nûbihara biçûkan* (“The Children’s Fruits of Spring”), a Kurdish-Arabic rhymed dictionary designed to help Kurdish pupils learn Arabic, and his *Eqîdeya îmanê* (“The Tenets of Faith”), a primary-level book on the core principles of the Islamic creed. It is around these didactic works in Kurdish that the *medrese* curriculum probably crystallised at the turn of the 12th/18th century, as far as we can gather from 20th-century accounts such as those of Zeynelabidîn Zinar and Sadreddin Öztoprak.⁵⁷

53 On *Memê Alan*, see Michael L. Chyet (1991).

54 For an insightful discussion of this topic, see Christopher Markiewicz (2015: 140–45).

55 See Zeynelabidîn Zinar (1998: 1–4). This is an abridged English translation by Martin van Bruinessen of the author’s earlier *Xwendina medresê* (Stockholm: Pencînar, 1993), which I could unfortunately not consult.

56 See Kadri Yıldırım (2011: 23).

57 Both Zeynelabidîn Zinar and Sadreddin Öztoprak were former students of Kurdish *medreses*. Indeed, the traditional *medrese* system remained in use in Kurdistan well into the 20th century, even after it was banned in Republican Turkey in 1924. See Zinar (1993

This standard curriculum, given with minor differences in both Zinar (1998: 12–17) and Öztoprak's (2003: 185–89) accounts, included Ehmedê Xanî's two books, as well as other Kurdish works such as Elî Teremaxî's *Serfa kurmancî*, a work on Kurdish, Persian and Arabic grammar, to which Leezenberg (2014) has devoted a detailed article. A quick glance at the list of books and the order in which they were studied allows us to understand quite well the role given to these Kurdish books in the educational system of the *medrese*.⁵⁸ For example, Zinar (1998: 11) writes that “the standard curriculum (*rêz*) included around twenty books that the *feqî* [pupil] had to learn entirely by heart”. In this curriculum, apart from the early tasks of learning the Arabic alphabet and memorizing the Qur'an, the first four books studied were in Kurdish. These were the *Mewlûd* (“Life of the Prophet”) by Mela Bateyî, Xanî's *Nûbihara biçûkan*, the *Nehcû'l-Enam* (“The Path of the Creatures”) by Mela Xelîlê Sêrtî (d. 1259/1843), described by Zinar (1998: 12–13) as “a brief text in Kurmanci verse on Muslim doctrine” and, on the same subject, Ehmedê Xanî's *Eqîde*.⁵⁹ Only upon completion of the study of these four books did the students start reading Arabic works on Shafî'i *fiqh*.

Next, the *feqî* moved to the study of the Arabic verb (*sarf*) and that of Arabic syntax (*nahw*). In both cases, pupils again started with Kurdish texts (Elî Teremaxî's *Serfa kurmancî*, called *Tesrîfa kurmancî* by Zinar, and two books by Mele Ênisê Erqetênî called *Zurûf* and *Terkîb*), before moving on to the classical

and 1998), and Öztoprak (2003). Extensive information on these two sources is also given in Leezenberg (2014). Even now, there are still *medreses* in Kurdistan, functioning as a supplement to the regular school system; see Davut Işıkdoğan (2012).

58 The importance of books in the *medrese* educational system has been highlighted by Fahri Ūnan (1999), who writes that “[t]he lessons were fundamentally linked with the books, and, with time, this link meant that the names of books and those of the lessons were mentioned in the same breath. Thus, most of the time, the books studied were also understood as the ‘lesson’s name.’” In this system, books were the curriculum, and the completion of a book allowed the student to progress by moving on to the next one, regardless of the time it had taken them. This is best explained by one of the teachers interviewed by Işıkdoğan (2012: 48–49) in his article on contemporary Kurdish *medreses*: “We don’t have the same programmatic approach that is found in formal education. You have a specific book to study, and you already know the next book you will study when you finish it. But the time and duration of study devoted to each book depends on the student. (...) There is no obligation to finish a certain number of books in a given amount of time. (...) In this way, *medrese* education shows similarities with student-centred approaches in modern education.”

59 Emedê Xanî's *Eqîde* is not included in Öztoprak's list, and the *Nûbihar* is incorrectly described in it as an “Arabic-Turkish” dictionary. However, it is accurately referred to as an Arabic-Kurdish dictionary in the body of the work (2003: 46). For Öztoprak's description of the general situation of Kurdistan's *medreses* and his own student years, see Öztoprak (2003: 42–51).

Arabic works on the subject, but even these were explained in Kurdish by the teachers (Zinar, 1998: 4, 13–14). Thus, out of 23 books in Zinar’s list, 7 are in Kurdish and 16 in Arabic.⁶⁰ Although we cannot project these accounts from the 20th-century into the past, it seems that at least in the early stages of study, the curriculum of Kurdish *medreses* did not differ significantly from that of state-sponsored Ottoman *medreses*, save for the use of these Kurdish books.⁶¹ When approaching a new topic, the educational method thus consisted in first studying Kurdish books on the subject, presumably as a means to acquire its core vocabulary and principles, and then advancing through Arabic texts of increasing difficulty.

From this short summary, we can clearly see that Kurdish authors of historical chronicles, or translations thereof, and the Kurdish *literati* who produced both literary works and didactic works for use in the *medreses*, belonged to two different classes of people. The former represented the traditional category of the *munshī*, or court secretaries, usually also the authors of most of the Ottoman and Persian chronicles,⁶² whereas the latter were scholars and *literati* (*‘ulāma’ va fuḏālā’*). While they were all men of letters, they did not practice the same work and were not associated with the same milieu. The *munshī*, as in the example of Shamī, evolved in court circles and their day-to-day occupation mostly consisted in writing official correspondence in Ottoman Turkish, while the *‘ulāma* taught in Kurdish *medreses*, in Kurdish, to mostly Kurdish pupils. This differentiated use of languages in 11th/17th-century Ottoman Kurdistan explains why Muḥammad Bēg and Shamī both translated the *Sharafnāma* into Turkish rather than Kurdish, which did not stop Shamī from hailing the literary superiority of Kurdish, exemplified by the writings of the epoch’s great *literati* and scholars.

60 The proportions are similar in Öztoprak’s list. What is interesting here is the complete absence of books in both Persian and Turkish. Although books in Persian appear in the curriculum given by Zinar, they were only read by students advancing as far as “university-level” studies, who were presumably going to make a career in the religious sciences. Öztoprak’s book also shows ample evidence of the knowledge of Persian among *medrese* teachers and religious scholars in general, but it was very likely not the case for the bulk of the students who had left the *medrese* earlier to pursue other occupations.

61 The Arabic books studied in Ottoman and Kurdish *medreses* were mostly the same; compare Cāhid Baltacı (1976: 35–43, notably p. 37), with the lists in Zinar (1998: 12–17) and Öztoprak (2003: 185–89). One major exception to this was of course the domain of *fiqh*, as in Kurdish *medreses*, Shafi’i *fiqh* was predominantly studied, while in state-sponsored *medreses*, the official Hanafi school of thought prevailed.

62 Sharaf Khān II is, of course, one of a few exceptions to this general rule, to which we can also add, for example, the author of the *Aḥsān al-Tawārikh*, Ḥasan Bēg Rūmlū (fl. late 10th/16th century).

Conclusion

In the closing decades of the 11th/17th century, two Turkish translations of the *Sharafnāma* were produced in the Kurdish princely courts of Bidlīs and Pālū by Muḥammad Bēg b. Aḥmad Bēg, a great-great-grandson of the author of the work, and Shamī, a *munshi*⁶³ at the court of Amīr Yanşūr Bēg. These works contrasted in some ways. Written in an ornate and flowery style in line with Ottoman chancery prose of the time, Muḥammad Bēg's translation was meant to be circulated in neighbouring principalities as a token of the political prestige and power of the house of the Diyādīnids of Bidlīs. Meanwhile, Shamī wrote in a simpler Turkish prose for the occasional perusal of the prince and other members of his *divan*.

Yet, the translations were also both written at the request of the princes themselves, and the use of history and genealogy as elements of dynastic legitimation is manifest in both cases. Furthermore, Muḥammad Bēg and Shamī both explicitly stated that these translations into Turkish were rendered necessary by the fact that the Persian-language original was not understood any more. The partial demise of Persian and increasing use of Turkish in Ottoman Kurdistan throughout the 11th/17th century was following a larger trend in the whole of the empire. By this process, the "Persianate world" ceased to include the regions located west of the Safavid border and mostly became restricted to Iran proper and the lands further east. However, in the case of Ottoman Kurdistan, this linguistic shift brought about a differentiation in the language uses formerly covered by Persian: while the domain of the *munshi*, including the writing of historical chronicles, was heavily influenced by Ottoman chancery practices and thus developed in Turkish, the circles of scholars and *literati* associated with the *medrese* environment started composing some of their literary and didactic texts in Kurdish.

This linguistic dichotomy between the court and the *medrese* might also have reflected a nascent political rivalry: while the Kurdish scholars, like the common people, were exhausted by the never-ending imperial wars for control of the border region, a fact most eloquently described by Ehmedê Xanî in his lament on the prejudice the wars brought about on the Kurds,⁶³ the ruling

63 "See, from the land of the Arabs to that of the Georgians, how the Kurds have become like fortresses! The Turks and the Iranians have built for themselves, on all sides, a Kurdish rampart, using the Kurds as targets for the arrow of destiny. As if they were the key to the frontiers, each of their clan stands as a solid dam, against which the roaring waves of the Turkish and Tajik sea splatter the Kurds with blood, splitting them in two like an isthmus." (*Bifikir ji 'Ereb heta ve Gurcan / Kurmanc çî bûyne şubhê burcan / Ev Rom û 'Ecem bi wan*

dynasts actually had much to gain by playing these power games in which they were major contestants. The fact that the *Sharafnāma*, a text which was more than anything the expression of the political aspirations of these Kurdish dynasts, almost completely ceased to be copied in the 12th/18th century might be an indication of their decreasing influence in Kurdistan.

Furthermore, the vast network of the *medreses*, allowing the circulation of both teachers and students all over Kurdistan and beyond, was probably a far greater unifying factor than the constantly warring and mostly self-serving dynastic principalities. This political rivalry between princes and scholars would resolve in the 13th/19th century with the end of the autonomy of the Kurdish emirates, after which the political space was completely filled by religious leaders, who would spearhead most of the important Kurdish nationalist revolts of the late Ottoman and early Republican era.

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The Shaky Foundations of the 1926 Annexation of Southern Kurdistan to Iraq

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Abstract

Between 1921 and 1925, the Kurds of Southern Kurdistan participated in three main political processes in Iraq. These processes were the election of Faisal Ibn Hussein as the King of Iraq in 1921, the election of the Iraqi Constituent Assembly in 1924, and the Mosul Province referendum organised by the League of Nations in 1925. The British used the Kurds' participation as a foundation for the annexation of Southern Kurdistan to Iraq. However, this article argues that these three processes cannot be considered as legitimate foundations as the majority of Kurds voted against these processes or were excluded from participation.

Keywords

Southern Kurdistan – Mosul Province – Britain – Iraq – League of Nations

Bingehên lawaz ên îlhaqa Kurdistana başûr bi ser Iraqê ve li sala 1926an

Di navbera salên 1921 û 1925an de li Iraqê, kurdên başûrê Kurdistanê tevli sê prosesên siyasî yên sereke bûn. Yek ji van prosesan hîlbijartina Faysal ibn Huseyin wek qralê Iraqê bû li sala 1921an, yek hîlbijartina Meclisa Avakar a Iraqê bû li sala 1924an, û referandûma wilayeta Mûsilê bû ku sala 1925an ji hêla Cemiyeta Neteweyan ve hatibû encamdan. Brîtanyayê tevlibûna kurdan wek bingehêk bi kar anî ji bo îlhaqa başûrê

Kurdistanê bi ser Iraqê ve. Lê belê, îddiaya vê gotarê ew e ku ev her sê proses nabin wek bingehên rewa bêne qebûlîkirin ji ber ku piraniya kurdan reya xwe li dijî van prosesan dan an jî rê li ber beşdariya wan hate girtin.

Binema lertzokekanî likandinî başûrî Kurdistan be ‘Êraqewe le 1926 da

Le nêwan 1921 ta 1925 da, kurdekanî başûrî Kurdistan le sê proseyî siyasîy serekî le ‘Êraq da beşdarîyan kird. Ew sê proseyeş brîtîbûn le hellbijardinî Feyselî kurî Husên wek padşayî ‘Êraq le 1921, hellbijardin bo Encumenî Damezrênerî ‘Êraqî le 1925, we rîfrandomî wîlayetî Mûsill ke le layen Komelleyî Gelan le 1925 da rêk xira. Berîtanya em beşdarîkirdiney kurdî wek binema bo likandinî başûrî Kurdistan be ‘Êraqewe be kar hêna. Bellam, em babete argumêntî ewe dekat ke em sê proseye nakrêt wek bine-may şer’î bo likandinî başûrî Kurdistan be ‘Êraqewe hejmar bikrên çunke zorîney kurd dengiyan le dijî ew sê proseye da yan bêbeş kiran le beşdarîkirdin.

Introduction

An independence referendum for Iraqi Kurdistan was held on 25 September 2017, and 92.7 percent of the voters lent their support for independence (Kurdistan Regional Government 2018).¹ The referendum raised the question of why the people of Iraqi Kurdistan wanted to separate from Iraq. The answer to this question lies partly in the manner in which Southern Kurdistan² (Mosul

1 The referendum results were not recognized by any foreign states.

2 Mosul Province was a province of the Ottoman Empire, named after its capital at the city of Mosul. This province made up the major area of today’s Iraqi Kurdistan. This article will use the term “Southern Kurdistan” to indicate the Kurdish areas of the Ottoman Empire’s former Province of Mosul. British official documents used this term widely following the British occupation of Iraq. After the creation of Iraq, the term ‘Southern Kurdistan’ was still commonly used by British officials and scholars until at least the mid-1940s (e.g. see, Edmonds, 1928: 162–163; 1931: 350–355; Rajkowski, 1946: 128–134). It was also used by the Kurds and is still a popular term in Kurdish literature to this day. From the mid-1940s onward, the name was gradually replaced by the term “Iraqi Kurdistan.” Nowadays, the two terms are used interchangeably.

province)³ was incorporated into Iraq in 1926.⁴ To understand the historical background of the present-day Kurdish-Iraqi conflict, this article tackles the issue of the manner in which Southern Kurdistan was attached to Iraq and the Kurds' role in this process.⁵ To investigate these questions, this article examines the Kurds' participation in three processes that were used by British officials, such as Lord Curzon, the British Foreign Secretary, as justification for this incorporation (Zetland, 1928: 333–36).

The first process was a referendum held in Iraq in the summer of 1921, upon which Faisal was proclaimed the King of Iraq (he ruled until his death in 1933). This article analyses patterns in the Kurdish vote during this plebiscite. The second process was the Kurdish participation in the Constituent Assembly in 1924. Kurdish participation in both the referendum and the Constituent Assembly was used by the British as a basis for the arguments put forward at the League of Nations in favour of the annexation of Southern Kurdistan. The third process was the referendum that was held by the League of Nations to determine the future of Southern Kurdistan in 1925. This was the most important process organised under the façade of resolving a continuing frontier problem between Turkey and Iraq. This article examines Kurdish participation in this referendum in further detail.

The literature on the annexation of Southern Kurdistan to Iraq has mainly dealt with the 1925 referendum held by the League of Nations (Sluglett, 1976; Hussein, 1977; Eskander, 2000). Other scholars have dealt with the problem between Britain and Turkey (Çoşar and Demirci, 2004; Dunder, 2012) or the frontier question between Iraq and Turkey (Cuthell, 2014: 80–94), rather than the Kurdish question. Little, if any, attention is given to other

3 The Kurdish region of Iraq or Northern Iraq are also two terms that have been used to indicate the same geographical region of Southern Kurdistan. The term Kurdistan Region of Iraq, however, is used by the Constitution of Iraq to refer to the three governorates of Erbil, Sulaimani and Duhok. The Kurdistan Region is officially recognised as a federal region ruled by the Kurdistan Regional Government.

4 After its annexation to Iraq, four governorates were created within Mosul province. They were the governorates of Mosul, Kirkuk, Erbil and Sulaimani. The City of Mosul became the capital of the Mosul governorate in today's Iraq. Many Kurds still do not consider the city of Mosul to be a Kurdish city, particularly after the 1968 creation of the Duhok Governorate, which included most of the Kurdish districts of the Mosul governorate (The Geography of the Kurdistan Region of Iraq, 1998: 18; Kurdistan Regional Government – Ministry of Education, 216: 37–38).

5 British official documents stated: “three-quarters of the inhabitants of the Mosul Wilayat were non-Arab, five-eighths being Kurdish, and one eighth Christians or Yazidis” (Wilson, 1931). Noteworthy to mention that British officials distinguished Yazidi Kurds as different from Muslim Kurds, that means the Kurds constituted more than three-quarters of the Mosul province population

political processes, including the plebiscite that facilitated the incorporation of Southern Kurdistan into Iraq, such as the Kurds' vote for Faisal in the plebiscite of 1921, and the Kurds' participation in the Iraqi Constituent assembly in 1924. This article attempts to answer the question as to whether these three processes can be considered as foundations for the annexation of Southern Kurdistan to Iraq.

This article is based on a textual analysis and critical evaluation of British archival materials and secondary sources relating to the annexation of Southern Kurdistan to Iraq, including books, memoirs, journal articles, essays, official documents and textbooks. It also draws on official statements and documents published by British and Iraqi officials. The article examines whether these three processes were legitimate foundations for the incorporation of Southern Kurdistan into Iraq, while illuminating the history of Kurdish-Iraqi relations. The analysis begins with a briefing on the goals and reasons for the British policies. The Mosul referendum finalised the future of the Mosul province, the plebiscite establishing King Faisal, and the Kurds' participation in the Constituent Assembly, all between 1921 and 1925, facilitated the annexation of the province. During this period, Southern Kurdistan was not officially part of Iraq, and the Iraqi government had no control over it. From 1921 to 1925, most of the mountainous areas of southern Kurdistan were outside British control. In addition to the British, the two main actors in Southern Kurdistan were Kurdish nationalists, led by Sheikh Mahmud, and the Kemalist regime in Turkey. These two groups were factors in reshaping British policies in Southern Kurdistan.

The first factor reshaping British policies in Southern Kurdistan was the rise of the Kurdish nationalist movement led by Sheikh Mahmud, with the sheikh's goal being the establishment of an independent Kurdish state (Wilson, 1931: 137; Hawar 1990: 13; al-Bayatti, 2005: 231–36). British forces entered Kirkuk in May 1917 and Mosul in October 1918. These were the two main cities of Mosul province (*Reports of Administration for 1918 of Divisions and Districts of the Occupied Territories in Mesopotamia* 1918). The resultant British occupation of the Mosul Province brought the British into more direct relations with the Kurds. However, the British administration did not dispose of a well-defined policy towards Southern Kurdistan. By the end of 1918, the British had decided to extend their influence to all areas of Southern Kurdistan, following their occupation of Mosul and Kirkuk and the power vacuum created in Southern Kurdistan after the collapse of the Ottoman Empire. In this context, Kurds sought protection and, thus, they were willing to collaborate with the British colonial forces in Southern Kurdistan (Bell, 1927: 534). The British initially supported the establishment of an autonomous Kurdistan region

under the authority of Sheikh Mahmud as a *Hukmdar* (Ruler) commencing in October 1918 in Sulaimani.⁶ However, the British quickly reneged on promises of autonomy for the Kurds. By mid-1919, the British officials in Baghdad questioned “the wisdom of allowing Sheikh Mahmud further to increase his power” (*Kurdistan and the Kurds* 1919) and then modified their policy in Southern Kurdistan. In July 1919, British forces attacked Sulaimani, destroying this first Kurdish government by capturing Sheikh Mahmud. They imprisoned him in a British jail in India until 1922 (Bell, 1927: 534).

This termination of Kurdish government was followed by the introduction of an administration similar to administrations in force elsewhere in Iraq. During this period, the people of Sulaimani rejected the rule of the Arab government of Iraq (Report on Middle East Conference Held in Cairo and Jerusalem 1921; *Rojî Kurdistan*, 15/11/1922: 1, 27/12/1922: 2; Wilson, 1936: 112; Bell, 1953: 293; McDowall, 2004: 158; Eskandar, 2014: 165), so the British placed them under the direct administration of Sir Percy Cox.⁷ Realising the popularity of Sheikh Mahmud and the failure of Britain’s Southern Kurdistan administration, the British then released Sheikh Mahmud and allowed him to return (Bell, 1927: 534; Edmonds, 1957b: 58; Khadduri, 2000: 84). Upon his return, Sheikh Mahmud established his second government and again declared himself King of the Kingdom of Southern Kurdistan. On March 3, 1923 the British bombed Sulaimani. By early 1924, his rule collapsed under the pressures of British military operations.

In addition to the military operations, the British adopted other sets of policies designed to thwart the Kurds’ attempts to establish an independent state and to ensure the region’s inclusion in the new kingdom of Iraq. One of the main means through which the British attempted to reshape Kurdish Iraqi-relations was to compel the Kurds to participate in a set of political processes that Britain had designed for the formative period of the Iraqi state. This included the plebiscite that was intended to install Faisal as King of Iraq and the establishment of the Constituent Assembly. These attempts were accelerated with the termination of the two successive Kurdish governments, in 1919 and 1924. Officials in Baghdad wanted to exploit Sheikh Mahmud’s absence and establish a favourable situation for incorporating Southern Kurdistan into Iraq. British deliberations leading to these three measures took place in the absence of any Kurdish government. For example, the 1921 election of Faisal took place after British suppression of the first Kurdish government. Similarly, the Kurds’

6 Sulaimani is the Kurdish form and is used throughout this article in preference to the Arabic form Sulaimaniya.

7 Sir Percy Cox, was the High Commissioner of Iraq between June 1920 and May 1923.

participation in the Constituent Assembly of 1924 and the Mosul referendum of 1925 took place after the overthrow of the second Kurdish government.

The second factor that reshaped British policies, and forced it to implement the three processes, discussed as above, was the Kemalist regime's claim that Southern Kurdistan belonged to Turkey. Now acting as an independent power with its own interests in mind, Turkey rejected the British occupation of Mosul province and considered it as illegal, as it happened after the Mudros ceasefire agreement between Istanbul and the allied countries.⁸ The Turks insisted that historically, racially, culturally, and economically the inhabitants of Mosul province belonged to Turkey, and not to a newly created state of Iraq. They also claimed that the people of the region preferred to be part of Turkey, not Iraq. According to the British documents, the Turks discussed plans to regain their influence over the Kurds and to re-occupy the Mosul province through military operations, in order to retain their control over the Mosul province (*Conclusion of Meetings of the Cabinet, 1925: 40*). Up until early 1924, there were pockets of Turkish army control remaining in Southern Kurdistan. On many occasions, they came into direct confrontation with the British army. The Turks managed to elicit the support of many Kurdish chieftains and mobilised them in their favour. At the same time, the British and the Turks were in negotiations at the Lausanne peace conference for a peaceful resolution of the Mosul question. These events, and especially the Lausanne negotiations, had significant impact on the British policy in Southern Kurdistan. Britain was trying to strengthen its bargaining position at the Lausanne negotiations by manipulating the Kurds. The British decision to compel the Kurds' participation in the election of Faisal and the Iraqi Constituent Assembly ought to be seen in this context. From 1924 onward, the British officially made demands on Southern Kurdistan on behalf of Iraq.

The Kurdish Vote for Faisal as King of Iraq

One of the most important steps to facilitate the Kurds' annexation to Iraq was their participation in a plebiscite designed to determine whether Iraq accepted Faisal as King of Iraq. Many Iraqi and Western historians have put special emphasis on the election of Faisal by the majority of the people of Iraq. Khadduri (2000: 84), for example, claimed that Faisal "was proclaimed King of Iraq by the majority of its people." Other scholars, such as Yaphe (2003:

⁸ The Mudros Armistice was signed between Great Britain and the Ottoman Empire on 30 October 1918, ending hostilities between the Ottoman Empire and the Allies.

392), Ferguson (2003: 231), Walker (2003: 29–40), and Karsh & Karsh (2003: 313) suggest that Faisal won 96 percent of the vote in the 1921 referendum to elect him as king of the newly established state of Iraq. Marr (2012: 25), another well-known historian of Iraq, thus argues that “a well-managed plebiscite gave Faisal 96 per cent of the vote.” However, she suggests that “his real support was nowhere near that figure.” By August 1921, Faisal was crowned King of Iraq and continued in this role until his death on September 8, 1933.

British officials in Baghdad, such as Percy Cox, Gertrude Bell, and Cecil John Edmonds,⁹ emphasised that the referendum was carried out throughout the country and that Faisal had been chosen king by an overwhelming majority of 96 per cent (British relations with Ibn Sa‘ud, 1924: 15; Bell, 1927: 53; Edmond, 1957a: 118). The election of Faisal was used as one of the main pieces of evidence that Southern Kurdistan voted for being part of Iraq. For example, at the Lausanne Conference, Lord Curzon, the Secretary of State for Foreign and Commonwealth Affairs, argued that inhabitants of Baghdad, Basra and Mosul provinces believed that they were parts of an indivisible whole and refused to be separated. Curzon also insisted that the people of the Mosul province unanimously voted in Faisal’s favour and used this as an indication of the wishes of Mosul’s inhabitants to be part of Iraq. Curzon stated that in 1921, Kurdish districts “showed their attachment to the State of Iraq during the referendum on the election of King Faisal to the throne” (League of Nations, 1928: 13).

If we consider that the total votes for Faisal were at 96 percent, then one can say that the overwhelming majority of Kurds voted for Faisal as their king. In other words, since the Kurds constitute around 20 percent of Iraq’s population, even if all four percent that rejected Faisal were Kurds, the fact remains that around 80 percent of the Kurdish vote must have favoured Faisal. Two important conclusions may be drawn from the Kurdish vote for Faisal. First, their vote could be considered as a plebiscite on accepting both Faisal as their ruler and the incorporation of Southern Kurdistan into Iraq. Second, during the referendum, Southern Kurdistan was not part of Iraq. This could imply that by voting for Faisal, the Kurds would have stated their desire for their territory to be attached to Iraq. Hence, according to this logic, one could say that there were strong grounds for, and a Kurdish willingness to be a part of Iraq.

Increasing evidence, however, suggests that the degree of democracy in Faisal’s election and the Kurds’ support for him are questionable. First, Faisal

9 Gertrude Bell was the Oriental Secretary of the British High Commissioner in Baghdad. Cecil J. Edmonds was a British political officer in Kirkuk and played a central role in the suppression of the Kurdish nationalist movement and the termination of the second Kurdish government of Sheikh Mahmud.

was neither Kurdish nor Iraqi by origin or birth. He was brought from the Hijaz (present-day Saudi Arabia) by the British, and had never been in Southern Kurdistan or even Iraq. Faisal was not known to the majority of Iraqi Arabs (Fieldhouse, 2002: 17; Dawisha, 2011: 14; Deeb, 2013: 44; Allawi, 2014: 339–340), let alone the Kurds. At best, Faisal was a symbol of Arab nationalism, an ideology that was unknown and irrelevant to the Kurds (Wilson, 1936: 285). The Iraqi state and its institutions were not yet established, not only in Southern Kurdistan but in Iraq proper. There was no feeling of solidarity and cooperation between the Arabs and Kurds. For example, in his telegram, dated 10 September 1920, the British Civil Commissioner in Baghdad stated that: “there is clearly no desire on the part of the people to be connected with any such conception as an Arab State” (Telegram from Civil Commissioner 1920: 3). According to Arnold Wilson (1931: x), Kurdish “leaders had no common policy”; however they “agreed only in their opposition to any form of government, which would bring them under Arab domination.” A similar statement came from Philip Willard Ireland, another British Officer in Iraq. He emphasised that “Kurds, asserted that they would never live under Arab rule, as did also the Yazidis of Jabal Sinjar” (Ireland, 1937: 168). Hence, there was no such reason for the Kurds to vote for Faisal to become their king. During the election of Faisal, the Kurdish region was in a state of popular rebellion. Arnold Wilson, the British civil commissioner in Baghdad from 1918 to 1920, explains that in 1922, only one year after Faisal’s election, a widespread rebellion demanding an independent Kurdish state engulfed most parts of Southern Kurdistan (Wilson, 1931: 137).

Secondly, an investigation of the election process undermines Iraqi and British statements regarding Faisal’s popular vote in Southern Kurdistan. At least two out of three Kurdish governorates at the time rejected Faisal. Kirkuk rebuffed him completely and the whole Sulaimani region boycotted the referendum altogether (Dawisha, 2011: 15). Moreover, no representative from either governorate attended the accession ceremonies (Edmonds, 1957a: 118). In fact, the British were not in a position to force the people of this region to participate in the process. This is because of the increased political instability in Southern Kurdistan. During this period, Southern Kurdistan had been in almost constant rebellion against the British. According to Lord Curzon, the people of the Sulaimani area were not asked to vote in the election of Faisal (League of Nations, 1925: 15). This was also true for the Kirkuk governorate. Only Erbil province and the Kurdish districts of Mosul province voted for Faisal. Thus, at least half of the Kurdish population did not actually vote for Faisal and therefore real Kurdish support for him was nowhere near the earlier figure claimed by the British and Iraqi officials.

In his memoir, Wallace Lyon, who was a British Adviser/Inspector of Erbil during the election, explained that on Election Day “the tribal chiefs and city elders [of Erbil] were gathered together and asked to sign the petition for Faisal” (Lyon & Fieldhouse, 2002: 95). A number of conclusions could be drawn from Lyon’s statement. First, there was not a real “election”, but rather a process of signing a petition. Second, the chiefs and elders had not gathered willingly, but were brought together by colonial forces. Third, the chiefs’ and elders’ opinions were not considered; they were asked to sign for Faisal. Fourth, the process of signing the petition was limited to the city chiefs and elders. In other words, the majority of the city’s population, and the whole population of the governorate districts and rural areas (including their chiefs and elders) were excluded. Considering that the majority of the population in 1921 were residents of rural districts, it is clear that the vast majority of the population was excluded from any such referendum.

Finally and most importantly, Erbil’s chiefs and nobles did not sign the petition willingly; rather, they were forced to add their names. Lyon (2002: 95) reveals that even the city’s chiefs and elders “were reluctant [to sign the petition for Faisal] and asked about other candidates.” However, there was no competition between several candidates; Faisal was the only one. Lyon also admits that he threatened the chiefs and nobles that if they didn’t sign the petition, “the British would be annoyed and perhaps send out columns of troops.” He added that, “as most inhabitants were Kurds, if there had not been his persuasive method [i.e., threats of sending out columns of troops] it was not an easy matter to get their ... signatures for Faisal.” Lyon also admitted that “the election was rigged” and “the King was foisted on Iraq by the British government” (Lyon, 2002: 96). The “election” of Faisal was merely a façade to provide symbolic legitimacy to a newly created Iraq.¹⁰ Faisal was not an elected figure at all; rather, he was imposed on most of the Kurds.¹¹ Thus, if the election of Faisal is to be considered as a plebiscite over the decision to incorporate Southern Kurdistan into Iraq, it is clear that the majority of the Kurds rejected the extension of Iraqi rule into Southern Kurdistan.

10 With this fraudulent election, the British set up a precedent for the likes of Saddam Hussein and other Middle Eastern dictators who always claimed 90% or above of the votes.

11 Debates on this process in Arab-majority provinces are outside the scope of this paper.

Kurdish Participation in the Constituent Assembly in 1924

The British officials in Baghdad, including Sir Percy Cox, who was a High Commissioner of Iraq from June 1920 to May 1923, wished to incorporate Southern Kurdistan into Iraq. Bell, who enthusiastically supported Cox's goal, suggested that Kurds take part in the election process of the Iraqi Constituent Assembly, which would then be used as grounds for the incorporation of the Kurdish region into Iraq (Colonial Office, 1921: 59–60). To represent different regions of Iraq in the Constitution Assembly, an election was held in March 1924. The British insisted on the Kurds' participation in this election and ensured their representation in the Assembly.

Many argue that with the exception of Sulaimani, all cities of Southern Kurdistan were represented in the Iraqi Constitutional Assembly in 1924 (Lyon & Fieldhouse, 2002: 38; Al-Doski, 2008: 29–31). Even Sulaimani deputies who wanted to represent their city went to Kirkuk (which was under British control) and became deputies from Sulaimani in the Iraqi Assembly (Edmonds, 1957a: 345; Emin, 2000: 15). According to the Collection of Notes of the Constituent Assembly for the Year of 1924, eighteen Kurdish deputies represented the Kurds in the Constituent Assembly. Sulaimani was represented by five members, Erbil by eight, Kirkuk by three, and Mosul by two Kurdish members (The Iraqi Government-Interior Ministry, 1924: 418–430). Thus, the Kurds' participation in the Iraqi elections of 1924 is another argument used as a basis for including Southern Kurdistan into the newly-formed Iraqi state.

Based on the preceding argument, one could derive several conclusions. First, deputies from all governorates of Southern Kurdistan participated in the first assembly. Kurdish participation preceded or coincided with the League of Nations' recommendation to incorporate Southern Kurdistan into the Iraqi state in 1925. Therefore, the Kurdish presence in the Iraqi assembly could be interpreted as the Kurdish decision to be part of Iraq even prior to the official incorporation of Southern Kurdistan into Iraq. Second, in 1924, the assembly had three main missions with regard to reshaping Iraqi internal and external statuses. These three missions were to ratify the British-Iraqi treaty; to ratify a draft of the Iraqi constitution and to approve the electoral law of the House of Representatives (The Iraqi Government-Interior Ministry, 1924:7). Accordingly, the Kurds had an opportunity to present Kurdish views and interests on both constitutional and international levels. By implication, therefore, it could be said that the Kurds not only demonstrated their willingness to be a part of Iraq, but through their deputies, they participated in the creation of this state. Accordingly, the Kurds were involved in processes that could be considered as the basic foundations on which the Iraqi state would be built.

On closer inspection, however, it seems that Kurdish participation in the Constituent Assembly is another shaky foundation upon which the Iraqi state was built. Edmonds, who at the time served as a British political officer in Kirkuk, explains why the British wanted the Kurdish participation in the Constituent Assembly. Edmonds (1957a: 364) stated that by 1924 Sheikh Mahmud's "stock appeared to have sunk so low that I felt that one more push would topple him over."

In order to oust Sheikh Mahmud, the British adopted a set of policies. The first was to launch a military campaign against Sheikh Mahmud. To that end, Edmonds admitted that he "frequently begged for air action [against Sheikh Mahmud], or even for the reoccupation of Sulaimani by the Iraqi Army" (Edmonds, 1957a: 365). In his memoirs, Edmonds provides a detailed explanation on how the British army, with support of large scale British Royal Air Force (RAF) raids, had suppressed military resistance to the British occupation throughout Southern Kurdistan, particularly in the Sulaimani and Erbil districts (Edmonds, 1957a: 350, 377–381). Finally, as a result of the heavy RAF attacks, Sheikh Mahmud was compelled to leave Sulaimani during the end of 1923 and early 1924 (Edmonds, 1957a: 379). Throughout this period, the Kurdish region was turned into a battlefield and by July 1924 the British occupied Sulaimani (Edmonds, 1957a: 433).

The re-occupation of Sulaimani can be considered as a turning point in the process of the annexation of Kurdistan to Iraq for several reasons. First, the re-occupation of Sulaimani resulted in the total collapse of the Kurdish government. Second, since its creation, this was the first time that the Iraqi army had been used to fight against the Kurds. Although Iraqi army participation was symbolic as only one column was used in the occupation of Sulaimani (Edmonds 1957a: 387), by bringing in the Iraqi army to fighting against the Kurds, the British had set a norm for the Iraqi state that all successive Iraqi regimes have followed, namely the use of the military in the suppression of the Kurds. The presence of the Iraqi army in the city of Sulaimani prior to the League of Nations referendum of 1925 was one of the ways in which the British attempted to create a status quo. Moreover, a RAF officer "was put in charge of the administration, with the style of Mutasarrif [Governorate] under the Iraqi Government" (Edmonds, 1957: 387). This meant not only the end of the Kurdish government and the British policy of indirect rule in Sulaimani, which had been followed since 1918, but also the beginning of administration of the region by Iraq.

To prevent any future Kurdish nationalist movements, the British adopted more repressive measures in Kirkuk province. For example, Edmonds ordered the arrest of many pro-independent Kurdish leaders, including Said Ahmad

Khanaqa of Kirkuk, one of the most influential personalities in the city (Edmonds, 1957a: 317). In addition to the arrest of Kurdish leaders the British also followed two sets of policies in Kirkuk in order to eliminate the Kurdish independence movement. The first policy was the entrusting of the administration of Kirkuk province to pro-British Turkmen families such as the Ya'qubi family, who had no sympathy towards Kurdish independence. Edmonds did so, despite his belief that Kurds constituted the overwhelming majority of the province (Edmonds, 1957a: 384, 416). Another policy consisted of encouraging the settlement of Arabs in the Hawija district of Kirkuk. To that end, Edmonds asked the agricultural department to pay special attention to the needs of the Arab settlers in the region (Edmonds, 1957a: 323–324).

Thinking that the military operation might not be enough to topple Sheikh Mahmud, another approach that was used by the British was to work on deepening the internal Kurdish conflict and using it against Sheikh Mahmud. Seyyid Taha of Rowanduz, for example, was neutralised by bribes and/or misled by false promises about the intention of the British to establish Kurdish self-rule within the borders of Iraq (Edmonds 1957a: : 310, 326, 329).¹² Edmonds also threatened Simko Shikak the charismatic Iranian Kurdish leader who came to Southern Kurdistan to support Sheikh Mahmud, forcing him to leave the region (Edmonds, 1957a: 315).¹³ Other tribal leaders, who were for one reason or another in dispute with Sheikh Mahmud, were also bribed and provided with financial and governmental positions (Hilmi, 2003: 73–77; al-Bayatti, 2005: 127–130).

Moreover, the British decided to use the Kurds' participation in the Constituent Assembly as another method to contain Sheikh Mahmud's movement. Edmonds (1957a: 366) stated that the Kurds' "membership of the Constituent Assembly of Iraq provided a valuable piece of evidence to rebut the claim that the recalcitrant 'King' [Sheikh Mahmud] really represented Kurdish opinion." Edmonds also believed that the Kurds' participation in the process may help change the Kurds' rejection towards full adherence to the Iraqi State (Edmonds, 1957a: 303). Thus, the goal behind facilitating the participation of Kurds in the

12 Seyyid Taha was a grandson of the celebrated Sheikh Ubeydulla-i Nehri. In 1880 Sheikh Ubeydullah led the largest movement in Kurdish history by joining together the Kurds of the then Ottoman and Persian Kurdistan area.

13 Ismail Agha Shikak was popularly known as Simko Shikak. He was a leader of an important nationalist rebellion in Eastern Kurdistan (1918–1922). During this period he took control of the area around Lake Urmia. In 1921, he expanded his area of control of parts of eastern Kurdistan to extend from Khoi in the north to Baneh to the south. However, when he was defeated in August 1922 his entity disintegrated.

Constituent Assembly was to put an end to the Kurdish independent movement under the leadership of Sheikh Mahmud.

On the eve of the Constituent Assembly election, the British colonial power had successfully paralysed the Kurdish nationalist movement. Edmonds now informed Baghdad that he was confident enough to prepare for the election. He admitted that by this stage, Kurds had realised that the incorporation of Southern Kurdistan into Iraq was the only option being offered to them by the British, and many Kurds started to accept participation in the election (Edmonds, 1957a: 344–45).

Kurdish participation in the Constituent Assembly was more symbolic than “real”. The examination of Kurdish participation in discussions during the Constituent Assembly session supports this argument. First, most Kurdish deputies came not from elections in Southern Kurdistan, but were appointed by the British or by Faisal (Emin, 2000: 26; Hilmi, 2003: 268–269; Al-Doski, 2008: 29–3). This was particularly true for the Sulaimani deputies. During the election, most areas of Sulaimani, Erbil and Kurdish Districts of Mosul and Kirkuk governorates were not under British or Iraqi control (Kelidar, 1979: 20). The rural areas of Kirkuk and Erbil were also outside British jurisdiction and no election was held in these areas. Second, the Kurdish deputies often obeyed British and Iraqi instructions and policies and avoided any call for Kurdish rights that might have offended British plans for their newly-created state of Iraq. In his memoirs, Edmonds admits that on the day of ratification of the British-Iraqi Treaty, the majority of Arab deputies either refused to attend the Constituent Assembly or voted against the Treaty. Only 69 out of 100 deputies attended the session. Of this number, only 39 voted for the Treaty and nearly half of those who voted for it were Kurdish deputies (Edmonds, 2012: 520). Since there were 18 Kurdish deputies, that means all the Kurdish deputies voted for the Treaty and less than 20 out of 82 Arab deputies voted for the Treaty. These Arab deputies who rejected the Anglo-Iraqi treaties, aimed at further compromise from the British towards their local nationalist demands. This is further evidence that the Kurdish deputies neither represented any Kurdish nationalist movement nor the wider Kurdish interests. Despite this crucial role that the Kurdish deputies played in the passing of the British-Iraqi Treaty, they refrained from asking the British and Iraqi governments to show their commitment to promises given to the Kurds.

Kurdish deputies also avoided offending Arab nationalists. To that end, they mostly refrained from intervening, and on the occasions they did it was to raise issues meant to appease British and Iraqi officials. For example, on many occasions during these sessions, Mohammad Sharif, the Deputy of Erbil, emphasised the belonging of the entire Mosul Province (Southern Kurdistan) to

Iraq, without mentioning any Kurdish rights (The Iraqi Government-Interior Ministry, 1924: 112). One important document that Kurdish deputies could have used as a basis to defend Kurdish rights was the Anglo-Iraqi Statement of Intent, issued in London on 20 December 1922. In this document, the two sides promised the Kurds that “His Britannic Majesty’s Government and the Government of Iraq recognize the right of the Kurds living within the boundaries of Iraq to set up a Kurdish Government within those boundaries” (Edmonds, 1957: 312). However, it was not used by the Kurdish deputies, who also refrained from criticising the on-going British military operations against Southern Kurdistan.

Under these circumstances, Kurds who were willing to field candidates for the Iraqi parliament were not in a position to claim that they represented the Kurdish people and their cause and were in no position to defend Kurdish interests. Kurds often accused Kurdish members of the Iraqi assembly of being opportunists, puppets, traitors, and agents of British and the Iraqi authorities (Zhiyan Newspaper, 23/2/1928; Barzani, 2003: 160; Al-Doski, 2008: 29–31).

To sum up, during the election of the Constituent Assembly, Southern Kurdistan was under military occupation, the Kurdish people’s demands were suppressed, and they lost their power, voice, and their rights to self-determination and self-representation. There was no understanding or coordination between the Kurdish deputies in Baghdad and the Kurdish nationalist leaders; instead, there was a form of animosity between the two groups. The majority of Kurdish deputies did not win seats through direct elections; rather, they were appointed by the British authorities. Hence, it can be argued that Kurdish participation in the Constituent Assembly was a scenario played out by the British in order to facilitate the incorporation of Southern Kurdistan into Iraq.

Kurds’ Participation in the League of Nations Referendum of 1925

In 1925, the League of Nations arranged a referendum to determine the future of the Mosul province and to provide a legitimate framework for the attachment of Southern Kurdistan to Iraq. This is another process that should be scrutinised to better understand whether it may be considered as a foundational episode regarding the incorporation of Southern Kurdistan into Iraq. In 1921, the British Colonial Office held a conference in Cairo to determine the fate of Iraq. The Cairo Conference, however, failed to reach a conclusion on the future of Southern Kurdistan. Claiming that Mosul province was invaded by the British after the Mudros ceasefire agreement between Istanbul and the

Allied powers, Turkey insisted it was its sole right to rule the Mosul province. To solve the deadlock, the Lausanne Conference was held between the Allied powers and Turkish representatives in 1923. Since then, the issue has been known as the Mosul question.

The Treaty of Lausanne (1923) superseded the Treaty of Sèvres and bore no specific reference to the Kurds,¹⁴ instead it promised only tolerance for minorities in general.¹⁵ The two parties, however, failed to reach an agreement on Mosul during the Conference, and the issue was referred to the League of Nations. To determine the future of the province of Mosul, the dispute was referred to the League of Nations in August 1924. The League of Nations Fact-Finding Commission (FFC) was established in September 1924. The FFC was chaired by M. de Wirsén, a Swedish diplomat, with Colonel Paulis of the Belgian Army and Count Teleki, formerly Prime Minister of Hungary, as its members. They travelled in Southern Kurdistan and were accompanied by two teams of experts, one Turkish and the other British (League of Nations, 1925: 26–27). A referendum was held by the FFC in 1925, the main question being whether the people of Mosul province (Southern Kurdistan) wanted to be part of Iraq or Turkey. The FFC found that the “desires expressed by the population [were] more in favour of Iraq” (League of Nations, 1925: 88). The FFC presented its full report to the League of Nations on 17 July 1925 and recommended the attachment of Southern Kurdistan to Iraq. Based on the FFC’s recommendation, the League incorporated Mosul province (Southern Kurdistan) into Iraq in July 1926.

In line with the FFC findings and recommendations, many Iraqi historians have subsequently emphasised that the incorporation of Southern Kurdistan into Iraq reflected the desire of the Kurdish population to be a part of Iraq rather than Turkey (Hussein, 1977: 230–232; Al-Bayati, 2005: 378). Al-Bayati (2005: 378–379), for instance, holds that this incorporation was mainly due to

14 The Treaty of Sèvres was signed in 1920 between the Allies, who were the victors of WWI, and the Ottoman Empire. It was the first international recognition of the Kurds and their right to a homeland. Article 62 of the Treaty of Sèvres provided the Kurds with autonomy. Article 63 asked the Turks to honour that autonomy, and Article 64 allowed for possible independence.

The Lausanne Peace Conference began on 20 November 1922, ending with the Treaty of Lausanne between the Allied powers and Turkey. It was signed on 24 July 1923. Lord Curzon represented Britain and İsmet İnönü represented Turkey. Two important outcomes of Lausanne were the depriving of Kurds of those rights given to them in the Sèvres Treaty, and both Britain and the Turks agreed over what was later to be known as the Mosul Referendum of 1925.

15 In the Lausanne Treaty minorities referred only to the recognised “millet” and thus to non-Muslim communities (Greeks, Armenians, Jews), and Kurds were not included.

the efforts of Kurdish patriots and nationalists in Sulaimani province to change the balance in favour of inclusion into Iraq. Looking from an Arab-centric and nationalist perspective, he contends that the Kurdish desire to join Iraq had a historical, patriotic, and political dimension, adding that under the leadership of Sheikh Mahmud the Kurds were closely connected to the Arab leaders in the south and centre of Iraq (Al-Bayati, 2005: 378–379). Al-Bayati asserts that the Kurdish desire to join Iraq reflected Sheikh Mahmud and his movement's nationalist and patriotic (Iraqi) nature (Al-Bayati, 2005: 378–9). He suggests that the first sign of Kurdish feelings of Iraqi patriotism went back to 1915 and were embodied in Sheikh Mahmud's direct participation in the 1915 al-Shua'iba battle with the Arabs against the British.¹⁶ In his quest to unite various forces in the patriotic struggle against the British, Sheikh Mahmud also maintained strong connections with Shiite religious leaders (Al-Bayati, 2005: 378–9; Hussein, 1977: 230–232). Accordingly, Sheikh Mahmud's patriotism was construed as similar to that of the Arab nationalists, and Kurdish attitudes about the incorporation of Southern Kurdistan into the state of Iraq were viewed as similar to that of the Arabs. Secondly, according to this reading, the Kurds agreed with Arabs that Mosul was an indivisible part of Iraq. Finally, this perspective holds that these historical and patriotic sentiments of the Kurds were the main reason for the annexation of Southern Kurdistan to Iraq. Thus, many argue that Southern Kurdistan's inclusion into Iraq was due to the desire of the Kurdish population to be a part of the country.

These claims represent the mainstream Arab take on this historical period, but they deserve closer scrutiny, especially in terms of the Kurdish people's supposedly expressed desire to the League of Nations to be a part of Iraq. Indeed, several pieces of evidence demonstrate that the FFC report was contradictory. One such piece of evidence comes from the FFC report itself. In this report, presented to the League after the referendum, the FFC admitted that if the ethnic consideration had to be taken into account, an independent state of Southern Kurdistan should be established (League of Nations, 1925: 88). Similarly, many British officials of that time, including members of the British House of Commons, suggested that the problem did not lie in drawing the frontiers between Iraq and Turkey, but resided in the greater Kurdish

16 The al-Shua'iba battle took place in the Mesopotamian city of Nasiriyah, 100 miles south of Baghdad, between the Shiite tribes and the British. The Shiite Clerics organised over 10,000 tribal warriors to fight the British forces under the banner of Islam. Sheikh Mahmud participated in this battle with some 1,000 fighters. The Kurds participated with the Shiite tribal warriors, not as Iraqis but as Muslims.

question (Ahmed, 2004: 189). London and the FFC, however, ruled out taking into account the national aspirations of the Kurds.

Likewise, the credibility of the FFC report is greatly undermined by the fact that it ruled out the option of an independent Kurdish state, and only offered the choice of union with Turkey or Iraq. The popular demand among the Kurds was the establishment of an independent Kurdish entity, and not the dictated choices of being part of the two nascent states (Sluglett, 2007: 64). The popularity of an independent state was evident in Kurdish support for Sheikh Mahmud's bid for independence (Wilson, 1931: 137; Eskander, 2014: 176–177). During this period, the Kurds enjoyed a degree of self-rule, albeit intermittently. Sheikh Mahmud founded his first government in October 1918, which lasted until June 1919. This embryonic Kurdish state raised the Southern Kurdistan flag, designed its emblem, and issued stamps to represent it (Hilmi, 2003: 83; Jwaideh, 2006: 180). In November 1918, Sheikh Mahmud replaced the Turkish language with Kurdish as the official language of Southern Kurdistan (Kaymaz, 2011: 86; Bechar, 2016). Then, in 1922, with the help of British officials, he established the second Kurdish government that lasted until 1924, and proclaimed himself as King of Southern Kurdistan. Following the handover of Southern Kurdistan to Iraq, Sheikh Mahmud revolted, calling for an independent Kurdish state. Arnold Wilson, the first British High Commissioner who played a vital role in creating the Iraqi state, stressed that Mahmud's claim for independence had popular support. Wilson (1931: 137) states that “four out of five people supported Sheikh Mahmoud's plans for an independent Kurdistan.” London and the FFC, however, disregarded the Kurdish bid for independence, despite the popularity of this demand. In the absence of a further option in support of an independent Kurdish state, those Kurds who were interviewed by the FFC reluctantly voted for Iraq. Though in the League of Nations documents the term “vote” was used for the process, there was no actual voting process. In fact, it was more a procedure of selected interviewing and Kurds, who were selected and interviewed, signed petitions.

Another significant shortcoming of the FFC and its report was that the commission had no Kurdish members. Thus, the FFC overlooked Kurdish perspectives and interests, disregarding the Kurdish people's right and will to self-determination. It is noteworthy that the FFC admitted that most of the people did not possess any feeling of solidarity with the Arab Kingdom of Iraq (League of Nations, 1925: 88). Nonetheless, the committee recommended the annexation of Mosul province to Iraq. Though the FFC “findings”, as reflected in its report, suggested the Kurds had favourable views towards Iraq, evidence on the ground indicate quite the opposite, as the Kurds did not, in fact, vote to be included in Iraq. In the Sulaimani province, for example, only 32

out of 6,000 people voted for inclusion (Eskander, 2000: 158). Furthermore, the FFC referendum was limited to tribal chiefs, sheikhs and religious notables (Shields, 2004: 55). The FFC members did not visit all Kurdish areas, and their visits were limited only to the more easily accessible areas of Southern Kurdistan. This meant that most areas of rural Kurdistan, inhabited by a significant part of the Kurdish population, were not visited by the FFC. Additionally, many of the Kurds did not know about the goal behind the referendum and its political consequences. The British were indeed aware of these issues. For example, during the Lausanne conference, the British claimed that “Angora [Ankara] asks for a plebiscite. The Kurds have never asked for it, poor fellows. They do not know what it means” (House of Commons Parliamentary Papers, 1923: 357). Those Kurdish tribal and religious leaders who were consulted did not necessarily represent other sectors of Kurdish society. By the same token, their interests, opinions, and decisions did not necessarily reflect those of the rest of the Kurdish people. In the 1920s, the social organisation was tribal, and ordinary people – even if they had opinions of their own – followed those of their tribal and religious leaders, whose decisions were usually influenced by personal interests.

Due to the British domination of the FFC, the recommendations of the commission are quite questionable. On the one hand, Britain was part of the conflict and was already in a contentious dispute with the Kurds over the future of Southern Kurdistan. On the other hand, the British were in a conflict with the Turks over the ownership of Southern Kurdistan. As part of this conflict, the British placed demands on Southern Kurdistan on behalf of Iraq, and insisted that the region belonged to Iraq. The British argued that the new Iraqi state could not survive without Mosul’s mountainous boundary (*Conclusions of Meetings of the Cabinet, 1920: 254; Edmonds 2012: 530*). Under British influence, the FFC ignored the Kurdish demands and only took into consideration the Turkish and British claims. In addition, Britain used its position as a superpower and its mandate as a colonial power. For example, during their tours of the Kurdish region, the FFC members remained under close British supervision. The FFC was also prevented from making snap visits to areas under British control. On at least one occasion, the non-British members of the FFC threatened that they would resign due to the restrictions that the British had imposed on their movements in Southern Kurdistan (Sluglett, 1976: 116). Thus, the FFC’s recommendations closely reflected the British position and objectives, while the Kurdish perspective was ignored.

Finally, and most importantly, the FFC conducted a geographically and demographically limited survey, rather than a comprehensive referendum. This is because the FFC was established to resolve the dispute arising between the

Turks and British over the claims to the ownership of Mosul province, rather than to help the Kurds in the exercise of their right to self-determination. In other words, the FFC's main mission became drawing the frontiers between Iraq and Turkey, rather than finding out what the inhabitants of the land wished for.

The FFC's mission focused on finding which ethnic group comprised the majority of the area. In their bids to annex Southern Kurdistan, both Turkey and Britain focused on the ethnic composition of the region. The FFC visited the disputed areas between January and March 1925 and studied both the Turkish and British arguments. The two parties in dispute proposed different census figures to prove that either the Turks or the Arabs were minorities in the province. Not surprisingly, the Turkish survey claimed that Arabs were a small minority in the province and, therefore, the region should not be awarded to Iraq. The British, on the other hand, insisted that the Turks were a small minority and the province did not belong to Turkey.¹⁷ The Turks argued that the Kurds and Turks were brothers and that both groups wanted to live under Turkish rule. By contrast, the British claimed that the Kurds were different, that they did not want Turkish rule and that Iraq needed Mosul (League of Nations 1925). They did not specify what Kurdish demands were, and were in fact actively involved in silencing the Kurdish voice, as we have seen.

The FFC investigated the two parties' allegations regarding the ethnic composition of Mosul by asking people about their ethno-religious identities. The irony was that all parties, the League of Nations, Britain, and Turkey, admitted that the Kurds made up the majority of the population in Mosul province. As mentioned earlier, the FFC report even highlighted that if the Kurds' ethnic considerations had to be taken into account, an independent state of Southern Kurdistan should be established. However, the Kurds' ethnic demands were ignored and only the Turkish and British perspectives on the ethnic identity of Mosul's population were used as the criteria to determine the destiny of Mosul province, without regard for the aspirations of the actual population.

Conclusion

Prior to the annexation of the Kurdish region to Iraq, the Kurds had not considered themselves to be Iraqi, nor were they known or referred to as such. Until

17 The British, Turkish and League of Nations' documents used the term "Turks" as reference to "Turkmen", though they are not directly related to the Turks of Turkey.

its incorporation into Iraq, the British colonial power dealt with Southern Kurdistan and other parts of Iraq separately. Despite the fact that officially and administratively, Southern Kurdistan was not part of Iraq, from 1919 onward, the British attempted to force the Kurds to participate in several processes that were introduced elsewhere in Iraq. Two of the most important processes that were forced in Southern Kurdistan during this period were the plebiscite for the King Faisal and the Kurdish participation in the Constituent Assembly. The British designed these measures for a number of reasons, including: to create ties between Southern Kurdistan and Iraq; to guarantee the British control over Southern Kurdistan's potential oil fields; to consolidate British influence in Southern Kurdistan; to facilitate the penetration of Iraqi forces and officials into Southern Kurdistan; to give the British a better bargaining position; and, finally, to guarantee the annexation of Southern Kurdistan into Iraq. From 1924 onward, the British placed demands on Southern Kurdistan on behalf of Iraq and insisted that the Kurdish region belonged to Iraq. Based on such demands from the British, the League of Nations arranged a referendum in 1925 to formalise the attachment of Southern Kurdistan to Iraq. These three processes, particularly the 1925 referendum, served as the basis of the arguments at the League for the annexation of Southern Kurdistan. In 1926, the League of Nations voted for the incorporation of Southern Kurdistan into Iraq and, from that point on, the Kurdish region became an integrated part of the country.

The British officials in Baghdad claimed that these episodes demonstrated the Kurdish engagement in the formation of the Iraqi state. However, upon closer examination, we have found the opposite to be true: Southern Kurdistan was annexed to Iraq without taking into account the wider Kurdish population's concerns and wishes. Indeed, in each of these three processes, the majority of the Kurds were excluded from participation or refused to participate, and many of those who participated voted against incorporation. The British plebiscites were manipulated, and their results misrepresented. Based on this evidence, one can say that Southern Kurdistan was attached to Iraq against the will of the majority of the Kurds. It was British power and its disregard of the rights and wishes of the Kurdish people that allowed Iraq to emerge as a viable state, at the expense of the Kurds and other minorities. While the British sowed the seeds of a conflict that continues to this day, the Arab administrations of Iraq became beneficiaries of British colonial gerrymandering. This is the main reason that, from the outset, the Kurdish nationalist movement has rejected the annexation of Southern Kurdistan to Iraq as an illegitimate act, and championed the creation of an independent Kurdish state as their primary objective.

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Translation



The English-Turkish Conflict of Mosul

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Abstract

This article is the English translation of Der englisch-türkische Mossulkonflikt by Dr. Joachim v. Elbe, a prominent German-American legal expert of the 20th century. The original article in German was published in 1929 in the first issue of *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* (Heidelberg Journal of International Law). The aim of translating this article is to present to the readers of *Kurdish Studies* the perspective of past publications documenting discussion on Kurds and statehood as well breaking language barriers and making such documents accessible to a wider audience. Moreover, this translation hopes to provide policymakers and scholars engaged in this topic with an overview of the legal history.

Keywords

statehood – nation-building – cession – Mosul Conflict: Treaty of Lausanne

Dubendiya Îngilîz û Tirkan li ser Mûsilê

Ev babet wergerra îngilîzî ya babeteke bi nawnîşana *Der englisch-türkische Mossulkonflikt* e û ji layê doktor Joachim v. Elbe ve hatiye nivîsîn, ku pisporekî diyar yê yasaya emerîkî-elmanî yê sedsala bîstem e. Babeta eslî li sala 1929 bi elmanî li jimareya yekem a *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* (Kovara Heidelberg bo Yasaya Navdewletî) de hatiye belavkirin. Armanca serekî ji wergêrana vê babetê ewe nêrîna weşan û nivîsarên demên borî ji bo belgekirina guftûgoyên li ser kurd û dewletdariyê bikevine ber bal û nezera xwînerên kovara *Kurdish Studies*, li gel şikandina rêgirîya zimanî û wisa bibe ku ev belge bikevine ber destê cewawerekî berfirehtir. Ji bilî van, ev werger hêvîdar e nezereke giştî li ser dîroka yasayî bo siyasetmedar û lêkolerên mijarê dabîn bike.

Milmilanêy îngilîzî-turkî le Mûsill

Em babete wergêrranî îngilîzîy babetêke be nawnîşanî *Der englisch-türkische Mossulkonflikt* we le layen dîktor Joachim v. Elbe nûsrawe, ke pisporrêkî diyarî yasayî emrîkî-ellmanîy sedey bîsteme. Babete esllîyeke le sallî 1929 be ellmanî le yekem jimarey *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* (Jornallî Heidelberg bo Yasay Nêwdewletî) billaw kirayewe. Amancî serekî le wergêrranî em babete eweye rwangey billawkirawekanî rabirdû bo dokumêntkirdinî giftugokan le ser kurd û dewletdarî bixirête ber didî xwêneranî *Kurdish Studies*, legell şkandinî rêgirîye zimanewanîyekan we wa bikrêt ew dokumêntane bikewne berdest cewawerêkî frawantir. Cige lewe, em wergêrrane hîwaxwaze têrrwanîni giştî leser dîrokî yasayî bo siyas-etmedaran û twêjeran dabîn bikat.

Introduction by Ethem Çoban¹

Der englisch-türkische Mossulkonflikt was written in 1929 by Dr. Joachim v. Elbe, a researcher at the Institute for Foreign Public Law and International Law, today the Max-Planck-Institute for Comparative Public Law and

¹ Main sources used:

Bentwich, *Nationality in Mandated Territories Detached from Turkey*. (*British Year Book for International Law* 1926, p. 97)

International Law, Germany's powerhouse of public international law. Entitled the English-Turkish Mosul Conflict, the original article in German was published in the first issue of *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* (*Heidelberg Journal of International Law*). The article has been translated in its entirety and, although *legalese* in nature, retains the original essence of the document. The article can be understood as a legal opinion of the Mosul Conflict between England and Turkey conducted before the League of Nations, and as such demonstrates the contested status of Mosul in the process of Iraqi state formation. In this context Turkey contested the effectiveness of Iraqi statehood, a newly created state under the protectorate of England, over the disputed Mosul region. Therefore, the successful consolidation of statehood via its most potent power-consolidating agent,² namely recognition, heavily depended on the protectorate state, in this case via the British crown.

The element of recognition as laid out by *Joachim v. Elbe*, is particularly interesting when considering the recent Kurdish referendum for independence from Iraq which saw 92 % of the population voting in favour of independence. When the question of Kurdish statehood is raised, commentators often highlight the Kurds' apparent "lack of unity". It was indeed British colonial foreign policy which – as articulated in a raw orientalist line of argument England submitted before the League of Nations – divided the Kurds of Turkey from the Kurds of Iraq. The English argument was: "*The Mesopotamian Kurds lack any feeling of belonging to the Anatolian tribesmen living under Turkish rule. They tend towards the Arabic State of Iraq.*" At the same time, and maybe contrary to popular belief or Turkish state practice, Turkey argued, "*The Kurds are race-related to the Turks, both are of Turanian descent. Also, from the point of view of religion and custom, both tribes form solid national unity [sic]... Between*

Fischer Williams, *Sovereignty and the League*. (*British Year Book for International Law* 1926, p. 24 et seq.) Hesse, *Die Mossulfrage*, Berlin 1925.

Le Fur, *L'Affaire du Mossoul*. *Rev. Gen. Dr. Int.* (Fauch.) 1926, p. 60 et seq.

Loder, *The Truth about Mesopotamia, Palestine, and Syria*, London 1923.

Moberley, *The Campaign in Mesopotamia 1914–1918*, London 1923 (Vol. I–III), London 1927 (Vol. IV).

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Toynbee, *Survey of International Affairs* 1925. Vol. I. *The Islamic World*. London 1927.

V. F. M., *The Mosul Question* (The Reference Service on International Affairs of the American Library in Paris, Nos. 9, 10 April 1926).

2 Cf. Crawford, J (2012). *Brownlie's Principles of Public International Law*. 8th Ed. Oxford: Oxford University Press. Entire chapter 6 "Recognition of States and Governments".

*the Mesopotamian Kurds and the Turks of Asia Minor [sic] there is a centuries-old sense of closest political togetherness, based on the commonality of race, religion and culture. Contemporary Turkey is a nation-state of Kurds and Turks [sic].*⁷

One legal concept found throughout the text needs particular elaboration, namely Turkey's *Declaration of Cession*. Cession ought to be separated from secession, and indeed in literature of public international law falls within the category of modes of acquisition of state territory, whereas secession can be regarded as an entire category on its own.³ Under cession of state territory, the transfer of sovereignty over state territory by the owner-state to another state is understood.⁴ According to *Oppenheim's International Law*, a reference work of public international law, the only form in which a cession can be effected is an agreement normally in the form of a treaty between the ceding and the acquiring state; or indeed between several states including the ceding and the cessionary state.⁵ At a further note, Turkey's Declaration of Cession and Declaration of Cession spelled out in Article (art.) 16 of the Treaty of Lausanne, are not two separate legal documents, but used synonymously.⁶ Another essential aspect of cession is that it refers to part of a territory rather its entirety. Thus, by always relating to part of a state's territory, cession must be distinguished from incorporation, which refers to the whole of a state's territory becoming part of the territory of another state. In the case of cession, the territory concerned becomes integrated in the territory of an existing state, and is therefore different from secession, where part of the territory itself becomes an independent state.⁷

3 Cf. Thürer, D. & Burri, T. Secession. In: R. Wolfrum (ed). *The Max Planck Encyclopedia of Public International Law*, Vol. IX, 2012.

4 Cf. Jennings, R. & Watts (2008), A. *Oppenheim's International Law*, 9th Ed. Oxford: Oxford University Press. At 679.

5 *Ibid.*, at 670 et seq.

6 Art. 16 Treaty of Lausanne: Turkey hereby renounces all rights and title whatsoever over or respecting the territories situated outside the frontiers laid down in the present Treaty and the islands other than those over which her sovereignty is recognised by the said Treaty, the future of these territories and islands being settled or to be settled by the parties concerned. The provisions of the present Article do not prejudice any special arrangement arising from the neighbourly relations which have been or may be concluded between Turkey and any limitrophe countries.

7 Cf. Dörr, O. Cession. In: Rüdiger Wolfrum (ed). *The Max Planck Encyclopedia of Public International Law*, Online edition, available at: <http://opil.ouplaw.com/abstract/10.1093/law:epil/9780199231690/law-9780199231690-e1377?rskey=zchGAH&result=1&prd=EPIL>.

*Translation of the original manuscript:***The English-Turkish Conflict of Mosul**

The reorganisation of Mesopotamia under state and international law, initiated by the Allied Powers immediately after its military victory over Turkey, has taken place in two closely-linked historical courses. Yet the course of events are to be sharply distinguished from each other under the scrutiny of international law.

On the one hand, the facts need to be regarded that in terms of international law it resulted in the establishment of an independent Arab Kingdom under an English protectorate and auspices of the League of Nations. On the other hand, the »Mosul Question« conducted before the Council of the League of Nations, in the stricter sense is the battle over territorial sovereignty between England and Turkey over Mosul, the northern part of the Mesopotamian lowlands particularly valuable because of its oil sources.

While the doctrines of international law on the genesis of the Mesopotamian Kingdom pertain to questions on the creation of new states in general, in particular to problems of mandates in international law, the main issue the Mosul case fostered lies within the problem of procedure for a peaceful arbitration of territorial disputes.

The Formation of the State of Iraq

The genesis of the Arab Kingdom of Iraq began with the military conquest of the country by Anglo-Indian troops during the war. The first measures taken by the occupying army indicate that the occupation of Mesopotamia was at first intended to be a purely military action, and that in accordance with the principles of the laws of land warfare in no way should affect the national affiliation of the occupied territory. Also, the occupation of the main part of Mosul Province with the city of Mosul following cessation of belligerency took place on the basis of military considerations. That is, on the basis of art. 7 of the Armistice of Mudros of October 30, 1918,⁸ which gave the Allies the right "to occupy any strategic point in the event of a situation which threatened the security of the Allies" and art. 16, which committed the Turks "to surrender all

⁸ Text Materials concerning the Peace Negotiations. Part XII. Die 8 Treaties of Sèvres. Berlin 1921.

garrisons ... in Mesopotamia to the nearest allied commander". The administrative organisation with its system of military governors and political officers had a military character. The fact that this administration was already subordinated to a civilian commissar in July 1917 and was brought into direct contact with the London central government is indeed an interesting symptom of the preparatory change in its character,⁹ but in no way violates the principles of international laws of land warfare. Only the extent of the administrative powers to be exercised by the occupying authorities is subject to certain restrictions under international law,¹⁰ yet not to their organisation and procedure. The occupier may give his administrative organisation military or civilian character, or he may have it re-sorted by a military or civilian central office. Also, most of the English occupation activities in the field of welfare, education, land cultivation, and in the field of finance remained within the framework of the international administrative duties of the occupier.

However, the replacement of an existing Turkish criminal law and criminal procedure in 1918 already in the conquered parts of Mesopotamia by a law created by the Occupation Authority could not be justified by a need for urgency within the meaning of art. 43 Laws and Customs of War on Land, even though such was attempted by the English civilian commissioner.¹¹ On the contrary, this measure indicated that England, by exploiting her military power without any regard to the legal situation of the area, was seeking to bring about a reorganisation of Mesopotamia under state and international law.

The Supreme Council Decision at the San Remo Conference of April 25, 1920,¹² which, pursuant to art. 22 of the Covenant of the League of Nations conferred the »Mandate over Mesopotamia« to England, was the first attempt to legalise English annexation policy. After the so-called Secret Agreement on the Distribution of the Turkish Territories concluded by the Entente powers during the war, which provided for the territorial annexations and the creation of spheres of interest for the Allies in the event of a victory over Turkey, England was to receive the provinces of Basra and Baghdad, meaning the so-called Arabic Iraq with exclusion of the Mosul Province (Upper Mesopotamia) as an annexation zone.¹³ However, the mandate encompassed

9 Review of the Civil Administration of Mesopotamia, Cmd. 161, 1920. p. 74.

10 Art. 43–51, Laws and Customs of War on Land.

11 Review p. 95.

12 Toynbee, p. 100.

13 Constantinople Agreement of March 18, 1915 between England, France, and Russia (Temperley, Vol. VI, pp. 4–9; Loder, p. 23). [Secret] London Pact [Treaty of London] of April 26, 1915 between England, France, Russia, and Italy (Text: Temperley v, p. 384.); Sykes Picot Agreement of May 16, 1916 between England, France, and Russia (Division of Turkey

the entire Mesopotamian territory subjugated to the sphere of influence of the occupying English army, that is, the three *Vilayets* of Baghdad, Basra, and Mosul extending until its northern administrative boundary. The Council Decision contains a disposition of the main powers of the Allies over parts of the Turkish Empire. However, did the Supreme Council possess general power of disposition over these territories and, in particular, the jurisdiction to make this decision in the form of a mandate award? Both questions relate to whether or not Turkey's territorial sovereignty has been transferred through valid legal titles to those powers represented in the Council.

Possible legal titles for the transfer of territorial sovereignty could be cession or annexation. The peace negotiations of the Allied Powers with Turkey, which amongst others, consisted of the cession of Mesopotamia to the Allies, were at the time of the Council Decision in progress, but not yet concluded; hence it lacked a legally valid Declaration of Cession of Turkey. On the contrary, art. 1 of the so-called »National Pact«, passed on January 28, 1920 by the Chamber of Deputies in Constantinople under the influence of its national majority, expressly upheld Turkey's claim of sovereignty over Allied occupied territory with Ottoman populations.¹⁴ It was not until August 1920 that the Peace Treaty of Sèvres was signed with Turkey, whose art. 27 and 94 provided for the cession of Mesopotamia to the Allies, but in effect not ratified by any of the contracting parties, and hence not the case of Turkey waiving contractually her territorial sovereignty over Mesopotamia.

Nor has Turkey lost its territorial sovereignty by annexation on the basis of a *debellatio*.

Apart from the fact that under the influence of President Wilson the Peace Conference endeavoured to rule out occupations and annexations in the reorganisation of the world, it would hardly be compatible with the demand for the effectiveness of an annexation that the entirety of the Allied Powers would claim the territory conquered and occupied by England.¹⁵ But even if a

into annexation zones and spheres of interest. Excerpt of agreement: Temperley VI, p. 16; Text of Letters confirming the Sykes-Picot-Agreement of May 1916: Loder, p. 161; Agreement of Saint-Jean-de-Maurienne of April 17, 1917 (Participation of Italy on the Sykes-Picot-Agreement: Temperley VI, pp. 18–22).

14 Text: Temperley VI, p. 605 *et seq*; Cmd. 1814 (1923), p. 370. Also *cf.* Kohn, *Geschichte der nationalen Bewegung im Orient [History of the National Movement in the Orient]* (Berlin 1928), p. 199; Toynbee, p. 46, 272, 490 *et seq*.

15 *Cf.* the negotiations between England and France over the French-Turkish Angora Agreement of October 20, 1921 (Correspondence between His Majesty's Government and the French Government Respecting the Angora Agreement of October 20, 1921, Cmd. 1570, Turkey Nr. [1922]). France had renounced in this agreement parts of the Syrian Mandate territory in favor of Turkey. To the English objection that the conquered Turkish territories

conquest for the benefit of third parties was possible and permissible, and the Supreme Council Decision constituted a declaration of annexation on behalf of the Allied Powers, it lacked the indispensable condition of *debellatio* for legal effectiveness. One of the requirements of *debellatio* is the total annihilation of the enemy's resistance, which excludes a change in the existing position of power created by the defeat. At the time of the Council Decision on Mesopotamia, there was merely a truce between Turkey and the Allies. The outcome of the peace negotiations was still uncertain. Already at that time, the national movement in Angora had taken power over the state. On April 23, 1920, the »Grand National Assembly« convened in Angora, which henceforth represented the Turkish state internally and externally.¹⁶

The »National Pact« of January 1920 had made it clear that Turkey would oppose any territorial cession by force of arms. The refusal of ratification of the Treaty of Sèvres by the Angora government led to the resumption of hostilities. The English position in Mesopotamia was repeatedly successfully attacked by Turkish armies [sic], and the English were even forced to evacuate Sulaymaniyah, a landscape to the east of the Mosul Province.¹⁷ Thus, at the time of the Council Decision, the power relationship between Turkey and the Allies was lacking the degree of stability necessary required for the legal validity of an annexation declaration. Awarding the mandate over Mesopotamia to England therefore did not affect the continued existence of Turkish territorial sovereignty over those provinces.

At the same time, this resulted in the formal lack of jurisdiction of the Supreme Council awarding mandates. The question of controversy in the literature, whether over the distribution of mandates by the Supreme Council alone or in conjunction with the organs of the League of Nations, is compatible with the sovereignty of the League of Nations on the mandate territories

were jointly owned by allied forces (p. 5), France counters, that the abandonment of these territories by France, which are French conquests, would suffice for the rest of the powers and that France alone is entitled to the interests of the Syrian Mandate (p. 12, 13).

- 16 Kohn, *Ibid* [sic], p. 199 *et seq.* On task, function, and assembly of the National Assembly *cf.*: Kemal-Pacha, *Die Neue Türkei* [*The New Turkey*] (Speech held in Angora from October 15 to 20, 1927 before representatives and delegates of the Republican Peoples' Party). Leipzig 1928. Volume: I *Der Weg zur Freiheit* [*The Path towards Freedom*], p. 400, 409. Volume II: *Die nationale Revolution* [*The national Revolution*], pp. 5–7.
- 17 Iraq. Report on Iraq Administration. (Colonial No. 4), 1924, p. 3, 26 – Report by His Britannic Majesty's Government on the Administration of Iraq for the Period April 1923–December 1924 (Reports of Mandatory Powers. Soc. d. Nations. Genève 1925. C 452 (c); M. 166 (c) 1925, p. 6.

as apparently required by art. 22 of the Covenant of the League of Nations, and therefore requires no decision here.¹⁸

Accordingly, the principles established by the Council of the League of Nations in response to a report of Hymans in August 1920,¹⁹ the jurisdiction of the Supreme Council as the principal organ of the Allied and Associated major powers to distribute mandates, rests on the assumption that the mandates were first ceded to the major powers who, as a result, have as legal successors to determine the future political fate of these territories. In any case, the precondition of a cession does not apply to the Turkish territories. Even in the view of the Council of the League of Nations, the Supreme Council lacked formal jurisdiction over a mandate decision.

Although Turkish territorial sovereignty over Mesopotamia persisted under this legal situation and had to be respected by the occupying English army under Laws and Customs of War on Land, England initiated and carried out a detachment movement among the population of Mesopotamia, eventually leading to the establishment of an Arab state on Mesopotamian territory dependent on England. During the attempt to obtain approval by the Council of the League of Nations, England's draft treaty on the mandates, which in December 1920 resulted in failure,²⁰ England recalled, not least under the pressure of bloody insurrections, her promise to the Arab tribes given during the war to establish an independent Arab Kingdom as a reward for military aid.²¹ On July 20, 1920, an English proclamation was published, auguring the population of Mesopotamia the establishment of an independent state.²² After a violent crackdown of a Kurdish rebellion, the fulfilment of this promise began in October 1920 under the energetic leadership of British High Commissioner Sir Percy Cox. Consisting of notables from the three provinces of Baghdad, Basra and Mosul, a Provisional Council of State was convened under the presidency of a native Najib of Baghdad and a provisional government of eight appointed ministers and British advisers. The local administration was based on the

18 Cf. composition and critique of the views at Gsell-Trümpi, *Zur rechtlichen Natur der Völkerbundmandate* [*The legal status of Mandates of the League of Nations*] (Glarus 1928), p. 56 *et seq.* Cf. also Schücking-Wehberg, *Satzung des Völkerbundes* [*The Covenant of the League of Nations*] (2nd Ed. 1924) p. 699 *et seq.*; Schneider, *Das völkerrechtliche Mandat* [*The Mandate under International Law*] (Stuttgart 1926), p. 46 *et seq.*

19 Société des nations, *Journal Officiel*, 1920 I p. 336.

20 Temperley VI, p. 609. Text of the draft: Cmd. 1176 (1921). A new draft treaty dating August 1921 suffered the same fate (Cmd. 1500). Cf. over this development: Iraq. Papers Relating to the Application to Iraq of the Principles of Article 22 of the Covenant 1925. Cmd. 2317.

21 Loder, *ibid.* pp. 19–23.

22 Text of the proclamation: Loder, Loder, *ibid.* p. 91.

existing Turkish institutions staffed with Arab officials, assisted by British advisors. As carrier of state authority, a constitutionally restricted king, who was soon found in the person of the exiled King Faisal of Syria, expelled by the French, was elected head of state by the Provisional Council of State. A referendum held in his favour in the three Mesopotamian provinces confirmed the election by a majority of 96 %. On August 23, 1921 Faisal was officially proclaimed King of the State of Iraq, as Mesopotamia was henceforth called. His sovereignty powers were initially unrestricted constitutionally, although the election of a representative body of the people was expressly promised.

The first measures of the new state authority were in the realm of administrative organisation. The provincial administration was staffed with civil servants from the indigenous population. The British military administration »automatically« received the character of a civilian organisation with advisory powers.²³

The next and at the same time constitutionally most important act of the State of Iraq authority embodied in the person of the king was the decree of the Election Law of March 4, 1922 for a Constituent National Assembly.²⁴ This is the first time that the territorial and personal jurisdiction of the State of Iraq authority was circumscribed. The State of Iraq includes all Mesopotamian provinces of Turkey with Mosul, Sulaymaniyah etc. (section 1). Eligible to vote are all Iraqis, *i.e.* all males over 21 years of age who are Turkish subjects by descent and reside in the territory of the State of Iraq at the time the law is promulgated (section 18). With the granting of the right to vote, that is, the most important power to participate in the state decision-making, the core of a new, Iraqi citizenship excluding the previous Turkish citizenship was created. Although the implementation of the election, which due to political illiteracy and the constant fluctuation of the Mesopotamian population encountered considerable difficulties and had to be temporarily interrupted, England considered the organisation of the State of Iraq to such an extent that the international legal status of the new state entity could also be determined. On October 22, 1922, England entered into a so-called »Treaty of Alliance« with the State of Iraq, which, as its name implies, included the recognition by England of the State of Iraq as an international contracting party, yet on the other had established a far-fetched protectorate of England over the State of Iraq.²⁵ The entire state is under the »advice and assistance« of an English High Commissioner (art. 1). More specifically, the treaty contains normative provisions for the

23 Report on Iraq Administration (Colonial Nr. 4), p. 66.

24 "Electoral Law", Appendix 1, p. 171.

25 Cmd. 1757 (1922). Soc. de Nations, Recueil des Traités 35, p. 13.

constitutional document of the State of Iraq (constitutional system, cultural rights, equality of all citizens). The employment of foreign nationals as civil servants without English consent was prohibited. The international representation of the State of Iraq was formally bestowed to the rights of the king; however, the general advisory powers of the English High Commissioner and the king's obligation to seek English approval for the representative of a foreign state prior to issuing the *exequatur* also resulted in essential restrictions on Iraqi sovereignty in favour of the English protectorate. The state territory could not be ceded without the consent of the English High Commissioner or placed under any other form of foreign control. The contractual period of validity was set at 20 years. If before the end of the treaty the State of Iraq should be admitted to the League of Nations – what England promises to convey – the treaty terminates following approval. The protectorate relationship was established in 1924 by four supplementary treaties pertaining to the employment and powers of English civil servants, specifying in detail the status of the English forces in Iraq, regulations governing the strength and armament of the Iraqi army, constitution of the courts and proceedings of the courts, and the financial obligations of the State of Iraq.²⁶ Even if these agreements left little room for the sovereignty rights of the State of Iraq, the circle of duty of this young state entity vis-à-vis England had been pulled even further.

The expansion of the State of Iraq was prolonged on the basis of the Treaty of Alliance. The administrative organisation received its legal basis in the »Administrative Inspectorate Regulations« of January 1923,²⁷ which demarcated the rights and responsibilities of English advisers and inspectors from the Iraqi civil servants. In the words of the English administrative report, this marked a remarkable step forward in the organisation of the State of Iraq.²⁸ The next measure was the conclusion of the elections to the Constituent National Assembly, to concur in January 1923²⁹ and ratify the Treaty of Alliance, and to pass a constitution with a supplementary electoral law. Due to political turmoil and technical difficulties and the implementation of the election, the Assembly concurred only until March 27, 1924.³⁰ After lengthy negotiations, which were ended by an ultimate threat by England, on

26 British Officials Agreement of March 25, 1924 (Soc. des Nations, Rec. d. Traités 35, 36); Military Agreement of March 25, 1924 (*ibid.*, p. 104); Judicial Agreement of March 25, 1924 (*ibid.*, p. 132); Financial Agreement of March 25, 1924 (*ibid.*, p. 146).

27 Report on Iraq Administration (Colonial No. 4), p. 187.

28 Report on Iraq Administration (Colonial No. 4), p. 66. Cf. also Report on the Administration of Iraq. (April 1923–December 1924); Soc. d. Nations 1925 C 452 (c) M 166 (c) 1925 VI p. 5.

29 Report Soc. d. Nat. 1925, p. 5.

30 Report Soc. d. Nat. 1925, p. 13.

June 11, 1924 the Treaty of Alliance was adopted by the Constituent National Assembly.³¹ Following July 10, 1924 when the Constitution,³² and August 2, 1924 when a new Electoral Law, was adopted, the National Assembly was dissolved. The organisation of the State of Iraq was completed in all essential respects. Almost at the same time, on August 6, 1924, the Treaty of Lausanne entered into force, ending belligerency between Turkey and the Allies, and Turkey formally proclaiming cession of the provinces of Baghdad and Basra (art. 16 in conjunction with art. 3).³³ For Mosul, art. 3 sec. 2 had special provisions. The political fate of this province was to be decided in a special procedure. If the English and Turkish governments failed to reach an amicable settlement on this issue within 9 months of signing the treaty, the dispute was to be referred to the Council of the League of Nations. The situation of Mosul under international law, or as the treaty read, was such that the border between Turkey and Iraq, remained unresolved.

With the passing of the Iraq Nationality Law of October 9, 1924, the internal development of the State of Iraq reached its provisional conclusion.³⁴ Art. 3 of the law provided that all persons who were Turkish subjects on August 6, 1924 and ordinarily resident in Iraq, that is to say the three Mesopotamian provinces, by law lose Turkish citizenship and acquire Iraqi citizenship on the same day. A waiver in favour of Turkey was provided (art. 4).

The law is based on the legal position that all inhabitants of Iraq until August 6, 1924, *i.e.*, the day of the entry into force of the Treaty of Lausanne and thus the Turkish Declaration of Cession, remained Turkish citizens. This view seems in no way to take account of the fact that in the meantime in Mesopotamia a new state entity was born. It leads to the seemingly untenable conclusion that the king of Iraq, appointed by a referendum by the Iraqi population, had been governing Turks for many years and that the constitution of the State of Iraq was decided by Turkish citizens and applied to Turkish subjects – a constitution that expressly declared Iraq a free, sovereign and independent state and gave the people a special Iraqi nationality. However, it is questionable whether the State of Iraq authority that emerged under English protection since 1920 is really the supreme, exclusive force in Mesopotamia. Only under this condition, since a *debellatio* by England was out of the

31 Report Soc. d. Nat. 1925, p. 14.

32 Text: Journal Officiel. Soc. d. Nations 1924, p. 1759.

33 Martens, N. R., Série 3, Tome 13, p. 342: Day of the first protocol resignation of the instrument of ratification.

34 Report by His Britannic Majesty's Government to the Council of the League of Nations on the Administration of Iraq for 1935, 1926 (Colonial No. 21), p. 162.

question, could territorial sovereignty over Mesopotamia pass to the new state and change the citizenship of the Mesopotamian population.

Against attempts by the predecessor state to assert its claim of power over the Mesopotamian Self-Determination movement, the latter was protected by the occupying English army. Also, her legal status was completed at the latest in July 1924, that is, with the adoption of the constitution. Even the absolute kingdom existing before this time, might have been a sufficiently concrete form of rule for the peoples of Mesopotamia. In any case, she relied on an administrative organisation and enacted laws such as the important Electoral Law on the Constituent National Assembly. Therefore, even if the State of Iraq authority had been legally organised, it was bound to the will of a foreign power in its creation and continued existence. The English occupation authority had given her impulse and opportunity of development. Her effectiveness existed only vis-à-vis the state authority of the predecessor state, not against the occupying English army. The English ultimatum, through which the ratification of the Treaty of Alliance was enforced, contained the hidden threat that in the event of a refusal it would regard the State of Iraq to be no longer in existence. However, this constant dependence on a foreign will excluded the absolute character of the State of Iraq authority. The area was only so long and to the extent Iraqi territory, and the population subject to State of Iraq authority, as permitted by England. Mesopotamia was in fact under the guardianship of England. The State of Iraq had neither original nor derived ownership of its territory. She had neither conquered it, nor ceded it. Under international law Mesopotamia's possibility of existence, and with that, the State of Iraq authority, depended in other words on the development of the Anglo-Turkish power game. As it later turns out, during the establishment of the State of Iraq, England had assumed the premature conclusion of a complete *debellatio* of Turkey. In the Peace of Lausanne [sic], enforced by Turkey's newly awakened resistance, Turkey expressly waived only a part of Mesopotamia, while the fate of Mosul was to be decided in a special procedure. Therein lay the recognition of England that until the entry into force of the Declaration of Cession, Mesopotamia remained under the *de jure* power of Turkey. From this legal position, the Iraqi Nationality Law of October 1924 drew the right conclusion by recognising the Turkish citizenship of all residents of Iraq until August 6, 1924.

The establishment of a new state authority on Mesopotamian soil was therefore nothing less than a power of disposition of England chosen over allegedly conquered territory. Mesopotamia was not annexed but raised by the establishment of an independent state authority to the ranks of a new state. Since this type of disposition, as the annexation affected the legal situation of

the conquered territory and its inhabitants, it could only be effective under international law if England had the power of disposal over the conquered territory. As already mentioned above, Mesopotamia was neither formally ceded until August 6, 1924, nor was the *debellatio* of Turkey and thus the conquest of Mesopotamia effectively completed under international law. Turkey's *de jure* territorial sovereignty over Mesopotamia continued until the Declaration of Cession of the Peace Treaty. Next to her was the *de facto* state authority of the Iraqi Kingdom. This peculiar legal situation reflects the fact that even before the *debellatio* of Turkey was completed, England sought to transform the military occupation into an annexation veiled by the establishment of the State of Iraq, and later recognised the continuing Turkish territorial sovereignty through Turkish victories. It was only after the Turkish Declaration of Cession that the State of Iraq authority was able to emerge effectively under international law.

This view is supported by the League of Nations Resolution on the Iraqi Mandate of 27 September 1924.³⁵ With explicit reference to the cession article of the Peace Treaty of Lausanne, the agreement to the Anglo-Iraqi Treaty of Alliance was granted, thereby expressing the recognition of the State of Iraq. It was only after the Turkish Declaration of Cession that England's disposition over Mesopotamia, that is, the establishment of a new state in the conquered territory, became effective under international law. For the rest, the mandate decision regulated England's obligations to the League of Nations. Amendments to the Treaty of Alliance require approval of the Council of the League of Nations; the development of the State of Iraq is to be reported annually; England must pledge to all members of the League of Nations, as they formally join the Council Decision, to fulfil the Treaty of Alliance with the State of Iraq.

From the further history of the development of the State of Iraq it is to be emphasised that by treaty between England and Iraq of January 13, 1926³⁶ – in accordance with the Decision of the Council of the League of Nations over the Mosul region – the Treaty of Alliance was extended to 25 years. The English-Turkish Treaty of June 5, 1926³⁷ cedes the Mosul province from Turkey to the State of Iraq, and at the same time Turkey recognised it as an independent state. In the treaty of December 14, 1927,³⁸ concluded between England and Iraq »on the foot of complete equality«, England expressly recognised the

35 Journal officiel 1924, p. 1346.

36 Cmd. 2662 (1926); Treaty Series 10 (1926).

37 Cmd. 2679 Soc. d. Nat., Recueil des Traités 64, p. 380.

38 Cmd. 2998; Times, December 21, 1927.

State of Iraq as »an independent sovereign state«. The most pressing provisions of the supplementary agreements on the financial obligations of the state and its military institutions are modified in favour of the State of Iraq.

The Mosul Conflict

While the status of the State of Iraq in the southern part of Mesopotamia, *i.e.*, the provinces of Baghdad and Basra, was clarified after the Turkish Declaration of Cession of the Treaty of Lausanne, the political fate of Mosul remained uncertain. According to art. 16 of the Treaty of Lausanne, Turkey had renounced all areas beyond the border as laid down in the treaty. Such a borderline had not been drawn between Turkey and the State of Iraq. Already in the preliminary negotiations of the Lausanne Peace Conference Turkey's obstinate resistance to any voluntary renunciation of the valuable Mosul Province had come to light.³⁹ In order not to jeopardise the peace framework as a whole, a solution of the dispute in the context of the general settlement had to be abandoned for the time being and the attempt of a separate treatment had to be made. According to art. 3 sec. 2 of the treaty, the border between Turkey and Iraq should be determined by a friendly agreement with Turkey, to be concluded within 9 months between Turkey and Great Britain [sic].

Sec. 2 further elaborates: »In the event of no agreement being reached between the two governments within the time mentioned, the dispute shall be referred to the Council of the League of Nations. The Turkish and British governments reciprocally undertake that, pending the decision to be reached on the subject of the frontier, no military or other movement shall take place which might modify in any way the present state of the territories of which the final fate will depend upon that decision.«

After the attempt of both governments to establish the disputed borderline at a conference in Constantinople in June 1924 had failed due to Turkish obstinacy and new territorial claims of England,⁴⁰ the dispute was presented in August 1924 at the request of the English government to the Council of the League of Nations.⁴¹ The questions of international law which have emerged in the course of the procedures, insofar as they have general significance beyond

39 Exchange of notes between Lord Curzon and Ismet Pasha November–December 1922. Cmd. 1814, p. 337 *et seq.*

40 Cf. the negotiation minutes of the Constantinople Conference, Turkish Redbook Nr. 137–141 Publ. Cour. Perm. d. Just. Série C, Nr. 10, p. 166 *et seq.*

41 Journal Officiel, 1924, p. 1465.

the Mosul case, concern the object, legal nature and effect of the Council Decision, the material basis of the Council Decision, and its implementation.

Object of the Procedure

The procedure before the Council of the League of Nations had been initiated by a unilateral request by England. The English plenipotentiary's attempt to establish a common Anglo-Turkish formula as the basis for invoking the Council of the League of Nations at the Constantinople Conference after fruitlessly ending the direct border negotiations failed due to the objection of the Turkish chief negotiator that the conference lacked jurisdiction.⁴² The dispute therefore came in the English version of the request as »Frontière de l'Iraque art. 3 (2) du traité signé à Lausanne le 24 Juillet 1924« on the agenda of the September session of the Council of the League of Nations. The unclear nature of the dispute in the Treaty of Lausanne and the lack of a jointly agreed formula led to a fundamental disagreement between England and Turkey over the subject of the procedures. According to the English view,⁴³ the Council of the League of Nations had merely the task of determining the course of the northern borderline of the Iraqi state, which at that time was designated only by a military demarcation line. It was tacitly assumed that the Mosul Province was already ceded as a geographical⁴⁴ entity in the Treaty of Lausanne and constituted an integral part of the State of Iraq. In contrast, the Turkish government⁴⁵ denied having ceded the Mosul Province in any statement. She referred to the preliminary negotiations between Lord Curzon and Ismet Pasha in Lausanne, which dealt with the political fate of the Mosul region as a definite geographical entity. The result of these negotiations was art. 3 sec. 2 of the Treaty of Lausanne, which excluded the dispute from the general peace settlement as it had become during the negotiations.

Based on the treaty wording neither one's thesis can be justified. The description of the dispute as a border issue between Turkey and Iraq is so general that it covers both views. For the purpose of art. 3 sec. 2, it is necessary,

42 Cf. Protocol of June 5, 1924 (Publ. Cour. Perm. d. Just *ibid.*, p. 173 *et seq.*).

43 Memorandum of the English Government of August 14, 1924. Soc. d. N., Journal Officiel 1924, p. 1566, Declaration of Lord Parmoors during the session of the Council of the League of Nations of September 20, 1924, Journal Officiel 1924, p. 1318.

44 Turkish Memorandum of September 5, 1924, Journal Officiel 1924, p. 1575, declaration of the Turkish representative Fethi Bey during the September 20, 1924 session. J. O. 1924, p. 1320 and during the session of September 25, 1924. J. O. 24, p. 1338.

45 See *supra* 32.

as has happened on the Turkish side, to go back to the motives of this special regulation. They arise clearly from the private exchange of notes between Lord Curzon and Ismet Pasha at the time of the Lausanne Peace Conference. In these negotiations, the political fate of the entire Mosul Province was contested. It was clear from the arguments of the two conflicting parties, that based on ethnographic, historical, economic, and strategic considerations, it was not the single borderline in northern Iraq that was in dispute but the possession of the whole province of Mosul with its rich oil wells scattered over the long stretches of Upper Mesopotamia. The ethnographic argument was based on the entire population of this province. In terms of economic considerations, the allocation of the whole territory to one state or the other has been referred. In the English view, the possession of all of Mosul was a vital necessity for the State of Iraq. It was precisely the extension of the dispute over the Mosul region as an economic, ethnographic, and territorial unit that made a common understanding between England and Turkey difficult, and finally impossible. Simple border adjustment [sic] issues would probably have been agreed upon soon. But because the »Mosul Question« in this form threatened to become an obstacle to the general peace agreement, it had, at the concurring wish of the party [sic], been detached from the agenda of the peace conference and reserved for a special regulation. Moreover, the Turkish draft treaty was given the identical legal status, which later became the final treaty text.⁴⁶ Turkey proposed to set the »border with Iraq« through a friendly settlement of the parties. Following the previous Turkish statement, it was clear that a waiver by Turkey of the Mosul region could not be included in this version. As the drafting history of art. 3 sec. 2 proves, the political fate of the Mosul Province as a geographical and economic unit was subject to the peace negotiations and with that also subject to the Decision of the League of Nations. At the Constantinople Conference both parties followed this interpretation accordingly. The Council of the League of Nations, too, has practically joined the Turkish view, declaring that it is its task to determine the border it regarded good. That was because the Council's freedom of resolution was not even limited by a Turkish Declaration of Cession, if it had been made at all.⁴⁷

46 Publications Cour Perm. Just. C. Nr. 10, p. 158.

47 Brantings Report in the session of September 30, 1926 Journal Officiel, p. 1358.

Legal Nature and Effect of the Council Decision

A similar disagreement, linked to the ambiguity of the Treaty of Lausanne text and the lack of a joint request to the Council of the League of Nations, arose over the legal nature of the procedures and the effect of the Council Decision. According to the English view, the Council had arbitral functions. The parties were to be bound by the decision of the Council of the League of Nations from the outset. Turkey considered the task of the Council to be a simple conciliation within the meaning of art. 15 of the Covenant of the League of Nations. Accordingly, the Council had only proposals to resolve a dispute, the adoption of which was reserved for the parties. Turkey justified her view by stating that cession of territories, which might be required by Council Decision, required the consent of the state concerned.⁴⁸

Although the Turkish representative in later negotiations stated that he was willing to accept the Council Decision in advance, as did England,⁴⁹ the Council of the League of Nations decided on September 19, 1925, to settle the dispute with an Advisory Opinion from the Permanent Court of International Justice determining the jurisdiction of the Council on the basis of the Treaty of Lausanne.⁵⁰ In its Advisory Opinion of November 21, 1925, the Court concluded from the intention of the parties expressed in the Treaty of Lausanne and from its concurring statement that the Council Decision was to be presumed in advance, that the Council should exercise its functions as an arbitrator, and that the parties were bound by its decision.⁵¹

This view should correspond to the legal situation. The wording of the treaty gives no immediate indication. It is true that the French text of the Treaty uses the words »litige« to indicate dispute, and »decision« for the Decision of the Council of the League of Nations. The English text reads in the same place of »dispute« and »decision«. However, in this context it is impossible to draw any conclusion as to the legal nature of the procedure from the choice of such

48 Cf. the declarations of Lord Parmoors and Fethi Bey before the Council of the League of Nations' session of September 20, 1924 (Journ. Off. 1924, p. 1318 *et seq.*) and of September 25, 1924 (Journ. Off. *ibid.*, p. 1337 *et seq.*).

49 Cf. the declarations of the Rapporteur Branting during the Council of the League of Nations' session of September 30, 1924 (Journ. Off. 1924, p. 1358). Council Decision of September 30, 1924, stating that the parties agree on this point, Journal Officiel 1924, p. 1360.

50 Journal Officiel 1925, p. 1382 (1377).

51 Publ. Cour Perm. Just. Int. Série B. Avis Consultatif Nr. 12 (*cf.* especially p. 19, 28).

general procedural and judgmental phrases. The purpose of the special regulation is crucial. As the Hague Court [sic] has held in convincing and substantive evidence of the preliminary negotiations and the terms of the Treaty of Lausanne, the will of the parties was directed towards bringing about an irrevocable final decision over the border dispute. The invocation of the Council of the League of Nations was, according to the object of the treaty, the last resort for the peaceful settlement of the dispute, and in effect meant the final solution to the question, for the appeal to arms after the conclusion of the Lausanne Peace [sic] was no longer a legal resort of settling a question that formed an integral part of the peace treaty. The Turkish representative himself recognised the binding force of the Council Decision at the conclusion of the 30th council session. His explanation, however, consisted of no more than an interpretation of the treaty text. The decisive declaration was made by the Turkish side with the signing and ratification of the Treaty of Lausanne, art. 3 of which obliged Turkey, if direct negotiations with England were to remain fruitless, to submit the dispute to the Council of the League of Nations. There is no doubt that, in the event of a favourable decision, Turkey would have upheld the binding force of the Council Decision by all means. Their opposition to this interpretation of the treaty began only at the moment when the victory of the English thesis became more and more probable.

But if the will of the party was aimed at obtaining a final decision binding both parties, then the task of the Council was not limited to a simple »recommendation« or »mediation«, but to act as an arbitrator. Although the Covenant of the League of Nations does not provide for such a jurisdiction for the Council – the Council's dispute resolution mechanisms are recommendations and mediations – the parties were not prevented by mutual agreement from issuing jurisdiction to the Council of the League of Nations, as any other entity or individual arbitrator, for a particular dispute.⁵²

With the determination of the borderline between Turkey and Iraq within the meaning of art. 3 sec. 2 of the Treaty of Lausanne, the Council Decision on this point had to supplement the incomplete Turkish Declaration of Cession of Art. 16. With its legal effectiveness, the territorial sovereignty of Turkey over the Turkish territories awarded to the State of Iraq ceased to exist. A special Declaration of Cession of Turkey for these territories after the arbitration was pronounced was neither required, nor admissible.

52 Cour. Perm. de Just. Int. Avis Consultatif Nr. 12, p. 27.

Investigation and Voting Procedure of the Council of the League of Nations

The arbitral task of the Council determined its procedure and at the same time the basis for its decision. Whilst recommendations or mediations without binding force may be politically expedient for the parties, the arbitration, in which the arbitration awards both parties are obliged to undertake, must be conducted in a manner which ensures impartial truth-finding and is based on objective principles of decision-making. In the absence of specific provisions in the Covenant of the League of Nations on the procedure to be applied in the ruling, the Council had a free hand in choosing its method of investigation. Turkey demanded a referendum on the Mosul population as the most equitable means of resolving the territorial dispute. England considered that conducting a referendum was inappropriate for technical reasons, for the politically illiterate population could not gauge the extent of their decision. The means of referendum are not suitable for territorial disputes at all, since the large number of alternatives cannot formulate a simple question suitable for a mass vote.⁵³ England therefore demanded that a commission of inquiry be set up to investigate the problem independently and submit proposals of decisions to the Council of the League of Nations. The Council decided the procedural issue in favour of the English proposal. A tripartite commission of inquiry, who had no direct interest in the dispute, was commissioned to collect and review all available material and to recommend to the Council the most appropriate solution.

The Commission could use all available evidence, conduct investigations on the spot, and hear the parties. For the rest, it had to regulate its own procedure.⁵⁴ From January 27 to March 18, 1925, the Commission visited the Mosul region and, while energetically maintaining its full independence from English interference attempts, undertook in-depth research into the country's ethnographic, economic, political and military situation. Its members heard witnesses from the population, travelled the area in all directions – in some cases even flew over it – and negotiated with the central governments of the parties and the local authorities. It would be difficult to criticise the Commission for having favoured one of the two parties by the nature of its action. It was much more concerned with objective truth-finding. The results of their investigation are set out in a detailed report submitted to the Council

53 Lord Curzon's declaration during the Lausanne Conference Cmd. 1814, p. 361.

54 Council Decision of September 30, 1924, *Journal Officiel* 1924, p. 1360.

on July 16, 1925, which became the basis of the Council Decision.⁵⁵ As the procedure progressed, another disagreement arose among the parties over the voting mode of the Council of the League Nations voting procedure, and the parties' participation in the vote. For the Council Decision, was the majority principle applicable or was it decided unanimously? Because of its purely legal nature, this question – together with the legal nature of the Council Decision discussed above – was submitted to the Hague Court for an Advisory Opinion.⁵⁶ According to the English view, the Council had to decide by majority vote. From the arbitration character of the procedure and a number of practical arbitration cases, and according to the prejudice methods of English jurisprudence, it was held that arbitration awards had to be made by majority vote. This procedure had also to apply to the present case, since the Council had jurisdiction, not by virtue of a special provision of the pact, but by agreement of the parties. The provisions of the pact, which in principle demanded unanimity of the Council Decision, were not to be applicable.⁵⁷ Turkey confined herself to emphasising to the Council of the League of Nations the necessity of Turkish approval of any change in its legal status in the Mosul region.⁵⁸ In its Advisory Opinion of November 21, 1925, the Hague Court decided the applicability of the unanimity principle. The representatives of the parties could vote, but their votes were not included in the unanimity rule pursuant to art. 15 sec. 6 of the Covenant of the League of Nations.⁵⁹ The Court's ruling was based on the consideration that the organisation and procedure of the Council of the League of Nations, irrespective of whether the Council fulfilled a statutory function or, as in this case, a task entrusted to it by party agreement. The principle of unanimity would correspond to the legal status of the Council as the representative body of an association of independent states that could not be bound by majority vote. Exceptions were only admissible as expressly stipulated by statute or by special agreement.

However, it is questionable whether art. 3 sec. 2 of the Treaty of Lausanne contains such a special party agreement. It is precisely this arbitration task, which here was delegated to the Council outside its legal jurisdiction that changes its character insofar as the states represented in the Council are to

55 Journal Officiel 1925 Document C, 400, M. 147 1925 VII.

56 Council Decision of September 1925. Journ. Off. 1925, p. 1382 (1377).

57 English Memorandum of October 20, 1925 (Publ. Cour. Perm. Just. Int. Série C, Nr. 10, p. 198 *et seq.* Plead of the English representative before the Court on October 26, 1925 (*ibid.* p. 18 *et seq.*).

58 Tevfik Rushdy Bey's declaration during the Council of the League of Nations' session of September 19, 1925. Journ. Off. 1925, p. 1379 *et seq.*

59 Avis Consultatif Nr. 12, p. 28 *et seq.*

decide, not as representatives of their national interests, but as impartial arbitrators, on a dispute over which their state existence is in no way touched. Yet, this eliminates the main reason for the application of the unanimity principle. On the contrary, it must be concluded that if, by special treaty, the jurisdiction of the Council as arbitrator can be established outside the covenant, the special principle of majority applicable to the nature of arbitration must also be applied.

The Decision-Making Principles

As has already been stated, the arbitration role of the Council of the League of Nations created the necessity to base the Council Decisions on objective principles. But is there a substantive realm of law that provides universally valid decision-making principles for disputes of this kind? Since the time of the authoritative regulation of the European territorial statutes by the powers of the Congress of Vienna until the outbreak of the World War [sic], contains a wealth of examples that show how territorial claims of old or newly emerged states were peacefully settled by discretionary interventions by the European Concert. Through this state practice, there is an unmistakable move towards a new legal order in the acquisition and loss of territory, which is no longer based solely on historical or legitimately acquired legal titles, but which considers territorial disputes as a complex of facts composed of the most diverse elements. Economic, geographical, and national elements – to name only the most important ones – are intended, according to their relative value, to help determine the political fate of disputed territories. Corresponding to its nature as an order based on objective standards, this legal idea comes into its own applicability wherever a will superordinate to the individual state, be it in the form of an organised state association or an *ad hoc* state union, limits its struggle for power. A modern example of this kind of dispute resolution is the Mosul Conflict, which compelled the appointed Council of the League of Nations Council and the parties to seek a settlement of the dispute on the basis of objective justice.

This tendency was shown in the negotiations between the parties already. England and Turkey are trying to justify their claims over the disputed area through historical, ethnographic, geographical, economic, strategic and political considerations. The arguments are the same in all negotiations since the Lausanne Conference, repeated in writing and orally before the Lausanne Territorial Commission, at the Constantinople Conference, and before the Council of the League of Nations.

The English thesis is composed of the following reasons:⁶⁰

i) Ethnographic aspects:

The Mosul region is inhabited mainly by Kurds and Arabs. The Turks, who live in Mesopotamia, form a vanishing minority (1/12 of the total population) and are not race-related with the Anatolian Turks, proving their language and moral differences [sic]. The Turkish origin of numerous place names is explained by the centuries-old Turkish rule. The Greek designation of many Turkish cities gives the Turks no reason to return these cities to Greece. The non-Turkish majority of the population has a right to state existence, which is realised in the State of Iraq for parts of the Mesopotamian population. Ethnographic considerations therefore call for the incorporation of the Mosul region into the Iraqi state.

ii) Political aspects:

The majority of the population wants to separate from Turkey and to join the State of Iraq. This commitment has been unambiguously expressed in the referendum organised for the royal election of Faisal, in which the majority of the population of the Mosul region participated. The Mesopotamian Kurds lack any feeling of belonging to the Anatolian tribesmen living under Turkish rule. They tend towards the Arabic State of Iraq. The Turkish administration in Mesopotamia has had difficulties with the Kurdish population throughout its existence and has seldom been able to exercise effective control over these areas. The Kurds prefer a regime that guarantees them freedom of political development. Moreover, the allocation of the Mosul region to the State of Iraq is a vital necessity for it. In the interest of a lasting peace, the special situation of the State of Iraq has to be taken into account.

iii) Historical aspects:

During the centuries-long foreign domination by Turkey over Mesopotamia, she has not comprehended to merge the foreign national population with the Turkish. The failure of Turkish rule justifies the permanent separation of the territory from Turkey. Relying on long-standing historical ties, no territory can

60 Memorandum of the English Government of December 14, 1922 Cmd. 1814 p. 363; La Question de Mossoul de la Signature d'Armistice de Moudros (October 30, 1928) au 1er Mars 1925. Constantinople 1925 (Turkish Redbook) 79; English rebuttal of December 26, 1922 Cmd. 1814, p. 381; Redbook p. 93; Lord Curzons speech before the Territorial Commission of the Lausanne Conference on January 23, 1923, Cmd. 1814, p. 352, p. 393; Declaration of the English representative Sir Percy Cox at the Constantinople Conference, Turkish Redbook Nr. 138, 139, 140, 141; English memorandum of August 14, 1924, Journal Officiel 1924, p. 1566; Speech of Lord Parmoor before the Council of the League of Nations of September 20, 1924, Journal Officiel 1924, p. 1318; Amery's speech before the Council of the League of Nations of September 3, 1925 Journal Officiel 1925, p. 297 and on September 4, 1925 Journal Officiel 1925, p. 1328.

be reclaimed that has been separated from the old state by warlike events. Moreover, the Turkish government treated the Mosul region for a long time as part of the Baghdad Province, proving that it constitutes also administratively one of the southern provinces of Mesopotamia an entity.

iv) Economic aspects:

The import and export trade of the Mosul region tends to head south, downstream. There is only insignificant direct trade between Turkey and the Mosul region. On the other hand, Baghdad is dependent on the grain supply from the Mosul region. Similarly, the economic interests of neighbouring states (Syria, Persia) require state unity between Mosul and southern Mesopotamia. Traffic considerations also speak in favour of the creation of this political unity. The city of Mosul has secure connections with the cities in the south of Mesopotamia at all seasons, while in the winter it is completely cut-off from Anatolian Turkey.

v) Strategic aspects:

If Turkey possesses the Mosul region, it can at any time, by blocking the wheat supply to Baghdad, cause a famine in the capital of the State of Iraq. The Arab capital of Baghdad is only 70 miles from the Turkish border. The Mosul region as a location for a Turkish army corps means a permanent threat to the State of Iraq and other neighbouring states. The weak range of hills in the south of the Mosul region does not pose a serious obstacle to a Turkish invasion, and the independence of the Arab Kingdom cannot be sustained in such a difficult external situation. Conversely, the northern border of the Mosul region, with its high, inaccessible and difficult to pass mountains, forms a natural and easily monitored strategic border for the State of Iraq. The possession of the Mosul region is meaningless for the defence of Turkey, as the State of Iraq does not pose a threat, which is not the case in the reverse case. Incidentally, the hard-to-cross northern border offers every state the advantage of security against enemy invasions. Even if, for ethnographic, economic or other aspects, a different solution to the question of territorial question appeared justified, the strategic aspects would have to be the decisive factor for the annexation of the Mosul region to the Iraqi state.

vi) Legal aspects:

England has conquered the Mosul region and does not need to return it voluntarily [sic]. Moreover, by accepting the mandate for the whole of Mesopotamia, England is bound to the Council of the League of Nations and, by concluding the Treaty of Alliance with the Iraqi State, it is obliged to maintain the existing state. The Turkish National Pact, which maintains Turkey's sovereignty over these areas and demands a free referendum on its future political fate, cannot change this legal situation.

In contrast, Turkey argued the following thesis:⁶¹

vii) Ethnographic aspects:

The English population statistics on Mosul are wrong. The vast majority of the Mosul population consists of Turks and Kurds (85%). The Kurds are race-related to the Turks; both are of Turanian descent. Also, from the point of view of religion and custom, both tribes form solid national unity [sic]. The low prevalence of the Turkish language in the Mosul region is no proof against the strength of the Turkish element, as most Turks because of their trade relations with Kurds and Arabs use their language. The Turkish origin of many place names proves the Turkish character of the country. The population of the Mosul region therefore has in its majority the same population elements as the Turkish-Kurdish nation state [sic].

viii) Political aspects:

The will of the population demands the annexation of the Mosul region to Turkey. The small minority that has declared itself in favour of joining the State of Iraq before the Commission of Inquiry of the Council of the League of Nations must submit to the majority's will. A referendum in the Mosul region will undoubtedly express this political will. Between the Mesopotamian Kurds and the Turks of Asia Minor [sic] there is a centuries-old sense of closest political togetherness, based on the commonality of race, religion and culture. Contemporary Turkey is a nation-state of Kurds and Turks [sic]. The nationality principle gives the Mesopotamian Turks and Kurds a right to join this state. The Arab part of Mesopotamia with its different language and civilisation only begins at the southern border of the Mosul region. Local revolts in Mesopotamia against British rule prove the aversion of the Mosul population to the Iraqi State. The separation of Mosul from Turkey must become a source of ongoing disputes. In the interest of peacekeeping, therefore, the maintenance of Turkish territorial sovereignty is required.

ix) Religious aspects:

The majority of Mosul's people profess the same religion as the majority of the Turkish population, and therefore stand in contrast to the rest of the population of Iraq. For this reason, the Mosul population must remain united with Turkey.

61 Turkish memorandum of December 23, 1922, Cmd. 1814 p. 362; Turkish Redbook p. 86, Ismet Pasha's letter of December 29, 1922, Cmd. 1814 p. 387; Redbook p. 98, Ismet Pasha's speech before the Territorial Commission of the Lausanne Conference on January 23, 1923, Cmd. 1814 p. 337, 395, Redbook Nr. 138–141; Turkish memo of September 5, 1924, Journal Officiel 1924 p. 1574. Document C 494, 1924, p. 1318; Tevfik Rushdy Bey's speech before the Council of the League of Nations on September 3, 1925, Journal Officiel 1925, p. 1317 *et seq.*

x) Historical aspects:

For 1100 years, the Mosul Province is Turkish property [sic]. This long political affiliation of the territory with Turkey justifies and demands the maintenance of state unity. The administrative organisational consolidation of Mosul with Baghdad was only short-lived.

xi) Geopolitical aspects:

Mosul is not part of Arabic Iraq, but geographically forms part of Upper Mesopotamia. Mosul and southern Iraq are climatically diverse landscapes while conversely, the Mosul region has the same climatic conditions and geological formations as Anatolia. To the south, Mosul is closed by the hills of *Djebel Hamrin* against Arab Iraq. The political boundary must adapt to this natural geographical boundary.

xii) Economic aspects

The main trade relations of Mosul lead to South Anatolia. Conversely, Anatolia's export of goods goes to the Mosul region. The economic importance of the city of Mosul lies in its capacity as a transport hub for all trade routes between Anatolia, Syria, Iraq and Persia. Due to the Baghdad Railway, Mosul is most closely associated with Anatolia and the ports of the Mediterranean Sea. That Baghdad is economically dependent on the Mosul region is not denied. But if one wanted to proceed according to the principle of assigning to a country all the territories which are necessary for its economy, then all existing state boundaries would have to be redrawn. This alone leads to the inapplicability of this principle.

xiii) Military aspects:

Southern Anatolia is dependent on the transport routes, which lead via Mosul. For the safety of southern Turkey, therefore, the possession of Mosul is indispensable. It is not an argument that if Turkey maintained its rule, the main city of the State of Iraq Mosul, would be 70 miles away from the Turkish border. Other capitals (Constantinople) as well are close to the border. The Persian border runs at the same distance from Baghdad, so that the Iraqi capital is equally threatened by this side. Moreover, the presence of a foreign administration in the Mosul region means constant pressure on Turkey, which must be dealt with by considerable military means and as a result constitutes a constant endangerment of peace. The best military protection are borders that meet the just national demands.

xiv) Legal aspects:

Turkey has never renounced Mosul. Nor has it recognised the mandate system. Nor can England invoke the right of conquest as the military situation has changed since the refusal to ratify the Treaty of Sèvres in favour of Turkey. Moreover, by declarations by the Allies during the war, a right of conquest

without the explicit consent of the population as title to the territorial acquisition has been rejected. The population of the Mosul region has a right to self-determination. Unless a referendum complies with this right, the Mosul region forms an integral part of the Turkish territory.

In both theses, the fundamental equality of the chain of arguments is remarkable. Both parties agreed that all aspects were essential to the outcome of the dispute.⁶² Different are only the facts that underlie the individual arguments and the conclusions that both parties draw from these facts for the political fate of Mosul and their relative value for the final solution.⁶³ Both parties agreed on the outstanding importance that had to be given to the will of the population. There was also unanimity about the importance of economic moments. England also paid tribute to the strategic aspects, while Turkey emphasised the ethnographic aspects.

The Council of the League of Nations had therefore first to decide whether it should take over the argumentation method used by the parties for its own inquiry procedure. If so, then its further task was to objectively determine the

62 Turkish memorandum, Journal Officiel 1924, p. 1576; Lord Curzons speech Cmd. 1814, p. 361: "Ismet Passha has based his case upon quite a number of considerations. Economic, strategic and otherwise – about which it is impossible for ignorant people to vote, but which clearly ought to be carefully sifted and examined in order that it may be known where the truth lies"; Declaration of Lord Parmoor before the Council of the League of Nations of September 25, 1924, Journal Officiel 1924, p. 1338: «Quand on sera arrivé à une définition de la question et quand nous aurons une interprétation de cet article du Traité de Lausanne, le Conseil sera complètement libre de rectifier la frontière actuelle de la façon qu'il jugera équitable, après avoir examiné en détail les conditions locales, géographiques, ethniques, administratives, politiques ou stratégiques ainsi que les intérêts et aspirations des populations intéressées.»

63 Cf. Amery's statements before the Council of the League of Nations' session of September 4, 1925, Jour. Off. 1925, p. 1330: »L'exposé turc va jusqu' à dire, à propos des considérations topographico-géographiques, historiques, stratégiques, et économiques, que, d'après le rapport, elles sont pour la plupart en faveur de la Turquie. Or, pour le moment, l'exposé turc écarte ces arguments et suggère qu'ils ne devraient, en aucune manière, influencer sur la décision du Conseil, en déclarant que de telles considérations n'ont jamais déterminé, dans l'histoire, le transfert d'un territoire d'une souveraineté à une autre. Je ne voudrais pas infliger au Conseil une dissertation historique, mais je tiens tout au moins à émettre l'avis que toutes ces considérations, à des degrés divers, ont été soigneusement pesées et ont joué un rôle important dans le derniers règlements des frontières de l'Europe, et je me permettrai de suggérer, comme le fait Commission elle-même, qu'elles devraient entrer en ligne de compte dans le présente disussion. Le seul cas où des considérations de cette sorte pourraient être tenues comme n'exerçant pas une influence très déterminante, est celui où elles seraient en opposition avec l'expression éclatante, ardente, indiscutable, d'un sentiment national, en vue d'une solution fondée sur des motifs d'ordre national et ethnique, en une circonstance où une frontière nationale et ethnique pourrait ne pas coïncider avec une frontière économique et géographique mieux appropriée.»

factual content of each argument, to appreciate the individual importance of each argument to Mosul's political fate, and finally to determine the relative value of each argument to the final solution. The Council of the League of Nations has left the Commission of Inquiry completely free rein on these questions. The Commission has in principle followed the line of arguments. Their report has become the basis of the Council Decision in every respect. This proves that the reasoning used here leads to objective points of view that can be used for the arbitration of territorial disputes. The Commission of Inquiry initially clarified the thesis of each opposing argument based on the facts, and then determined for each group of arguments their probable influence on the fate of the country. That led to different solutions. If one argued solely on ethnographic arguments, then one came to the demand of an independent Kurdish State, since the Kurds account for 5/8 of the total population. From a purely economic point of view, the disputed area had to be annexed to the State of Iraq. The historical consideration provided the proof that Mosul belonged to different states. Geographical reasons had to lead to the conclusion that the country had to be regarded as an indivisible unity. From a legal point of view, the Mosul region was part of Turkey, according to the Commission.

In order to come to a final solution, the individual arguments had to be weighed in their relative value against each other. The result of this examination was that the will of the population, along with the economic and geographical considerations, had to be the main emphasis because only on the basis of these aspects could a uniform solution be found. The population had, as stated by testimonies, under certain conditions – if granted cultural autonomy to the Kurds and the extension of the mandate – favourably expressed annexation to the Iraqi State. The economic reasons led to the same solution, and from the geographical point of view the area had to remain undivided. The Commission's report allowed for two more options: If the special wishes of the Kurdish people for cultural autonomy could not be met and the English mandate could not be extended, the area should fall to Turkey. If, however, the Council of the League of Nations considered the division of the area to be appropriate, for ethnographic reasons for example, then the Lesser *Zab*, which was necessary for the irrigation of Arab Iraq, should form the borderline. The Council of the League of Nations, having taken into account all the points made by the Commission, has granted the Mosul region to the State of Iraq under the precedent condition that the Treaty of Alliance between England and Iraq be extended to 25 years, and that the Kurds be given certain autonomous rights.⁶⁴ The will of the population and the economic and geographical aspects, have

64 Decision of December 16, 1925, *Journal Officiel* 1925, p. 106.

therefore, in line with the proposal of the Commission, been decisive. After England extended the Treaty of Alliance with Iraq to 25 years on January 13, 1926,⁶⁵ and made binding statements concerning Kurdish autonomy, by its power of the Council Decision of March 11, 1926,⁶⁶ determined the precedent condition and thus the legal validity of the Mosul decision. At this stage, as stated above, in accordance with art. 16 in conjunction with art. 3 sec. 2 of the Treaty of Lausanne Turkish territorial sovereignty over Mosul had expired.

Implementation of the Council Decision

This legal status was not recognised by Turkey. Even before the Council Decision was issued, the Turkish representative stated in a letter dated December 16, 1925⁶⁷ that a change of territorial sovereignty over Mosul could not occur without the express consent of Turkey. A special justification for this was not provided. An attempt to justify it with the Declaration of Cession of art. 16 in conjunction with art. 3 sec. 2 of the Treaty of Lausanne was also not made. The refusal of Turkey was therefore a clear violation of its contractual obligation.

Was the Council of the League of Nations authorised to use sanctions to break the Turkish resistance? The sanctioning powers of the League under art. 16 of the Covenant of the League of Nations can only be directed against members of the League. They are therefore inapplicable to Turkey, which is not a member state. In order to justify a compulsory power of the League of Nations against Turkey, the procedure according to art. 17 of the Covenant of the League of Nations would have first needed to be applied, in which the non-member is required to submit to the obligations incumbent upon the League members to settle the dispute. The agreement of the Councils jurisdictions under art. 3 sec. 2 of the Treaty of Lausanne offered no substitute for this procedure. The Council should only act as an arbitrator outside its statutory powers. The special dispute settlement procedure of the League of Nations was not initiated, and the Council Decision was not an executable title.

The implementation of the Council Decision therefore depended on the willingness of the parties to communicate. The Council confined itself to an urgent recommendation to the parties to settle the dispute by means of a friendly agreement.⁶⁸ This was done by the Treaty of June 5, 1926 between

65 Cmd. 2662 (1926); Treaty Series 10, 1926.

66 Journal Officiel 1926, p. 502.

67 Journal Officiel 1926, p. 187.

68 Journal Officiel 1925, p. 193.

England and the Iraqi State on the one hand and Turkey on the other.⁶⁹ Turkey recognised Iraq as an independent state and the so-called “Brussels Line”, *i.e.*, the line established⁷⁰ by the Council of the League of Nations in October 1924 determining the military *status quo* as a final and inviolable state border. Moreover, the provisions of the Treaty on the Switching of Citizenship prove that the Turkish legal view has penetrated from the necessity of an explicit Declaration of Cession, for art. 4 of the Treaty stipulates that the inhabitants of Mosul, “ceded to Iraq by the present Treaty”, have remained Turkish citizens until the entry into force of the Treaty.

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Obituary



In Memoriam: Faleh Abdul Jabar (1946–2018)

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Abstract

This obituary sketches life and work of the prominent Iraqi social scientist Faleh Abdul Jabar with a focus on his relevance for Kurdish studies. The article briefly discusses his major publications and his continuing dialogue with Marxist social theory.

Keywords

Faleh Abdul Jabar – obituary – Iraq

Ji bo bîreweriya Faleh Abdul Cebar (1946–2018)

Ev yadname wêneyê jîyan û xebata zanyarê Iraqî yê navdar Faleh Abdul Cebar dikêşe, bi taybetî berê xwe dide ser girîngiya wî bo lêkolînên kurdî. Gotar bi kurtî behsa berhemên wî yên sereke û diyaloga wî ya berdewam ligel teoriya civakî ya marksîst dîke.

Le yadawerî da: Felaḥ ‘Ebdul Cebar (1946–2018)

Em pirsenameye wêney jiyân û berhemî twêjerî komellayetîy diyarî ‘Eraqî Felaḥ ‘Ebdul Cebar dekêşêt legell terkîzkirdine ser peywendîy ew be dîrasey kurdîyewe. Babeteke be kurtî giftugo le ser billawkirawe serekîyekanî dekat we dayelogî berdewamî ew legell tiyorî komellayetî marksîstî.

Introduction

The sudden but not entirely unexpected death of Faleh Abdul Jabar in Beirut, on February 26, 2018, deprived Iraq of one of its most prominent intellectuals, and the academic world of a leading scholar of contemporary Iraqi society. Although he had been having health problems, Faleh continued with his academic work, media appearances, and political activism until the end.

Born into a poor Shi‘ite family, Faleh grew up in the Bab al-Shaykh quarter in Central Baghdad. Like so many highly educated Iraqis of his generation, he joined the Iraqi Communist Party. Looking back on his student years, he once told me how he and other communist students would discuss Hegel’s philosophy of right as a way of showing off their intellectual brilliance. In his more self-critical moments, he would proclaim that he and many of his generation had wasted their lives on communism; that view, however, did not discourage him from continuing to use Marxist-inspired concepts and approaches in his analyses. Initially sympathising with the Palestinian cause, Faleh subsequently worked for the Iraqi Communist Party, and left for the mountains in 1980. More than many other Middle Eastern intellectuals, however, Faleh always showed a pronounced political sympathy for Kurdish aspirations, and an active and enduring intellectual interest in matters Kurdish.

In private, he was a wonderful host, with a great sense of humor and a seemingly unlimited supply of popular Iraqi jokes. In public, both as a scholar and as a politically engaged intellectual, he was invariably critical but generous. For example, he roundly criticised Edward Said for ignoring the ‘horrible reality of Iraqi totalitarianism,’ and for his publicly expressed skepticism concerning the cruelty of Saddam Hussein’s Baathist regime (and specifically concerning Iraq’s responsibility for the 1988 chemical attack on Halabja); but he praised Said for joining a call for Saddam Hussein to step down in the runup to the 2003 war against Iraq.¹

1 See ‘We Arabs and the West,’ *Open Democracy*, September 29, 2003; available on <https://www.opendemocracy.net/node/1510> (accessed August 13, 2018). For Said’s comments casting

Eventually, Faleh would become a social scientist of Iraq of almost the same standing as precursors like Hanna Batatu and Ali al-Wardi, but he always remained an activist as much as he was an academic. Although he did not shy away from meeting with government officials and policy makers, he always saw his research as ultimately standing at the service of the people. Accordingly, he continued to maintain close contacts with politicians, policymakers and protesters alike, both in Iraq and abroad. For a number of years, he was loosely affiliated with Birkbeck College in London; after the 2003 war, he got to set up his own research institute in Beirut, the Iraq Institute for Strategic Studies. Based in this center, he would publish numerous original Arabic-language works and translations and hold seminars for students from Iraq. Few scholars have been as active, and as successful, in training a new generation of social scientists living and working in Iraq, including the Kurdistan Region. The translations he published have made some of the classics of social theory available to an Arabic-speaking public. Undoubtedly, his crowning achievement in this respect, published just a few months before his death, was a completely new Arabic translation of Marx's *Capital*, based on a careful study not only of the published German original text but also the manuscript variants.

Some of the most important of Faleh's own writings are available in Arabic only, or have not yet been published. When I last met him, he told me he had recently finished a study on the actual effects of the land reforms in early republican Iraq, which he hoped to publish someday. His published research has focused on Iraq, and in particular on Iraq's Shi'ites; his 2003 *The Shi'ites of Iraq* is a classic, exploring the origins, ideologies, and recruitment patterns of the country's various Shi'ite groups. In other works, he has also explored questions of a more general character, like tribalism and the state, the demise of Marxism as a major political and intellectual factor in the Middle East, and patterns of urban protest.

Of particular importance to Kurdish scholars is a 2006 edited volume on the Kurds and the state. More recently, he acquired funding for an ambitious multi-volume, multi-author book project on the future of the Kurds in the Middle East. At the time of writing, the first, introductory volume in this series has not been published, being scheduled for publication in early 2019; subsequent volumes, a series of country-by-country case studies, should follow soon afterwards. This final research project initiated by Faleh, entitled 'Governing

doubt on Saddam's use of chemical weapons, see Barbara Harlow, 'The Intellectuals and the War: An Interview with Edward Said,' *Middle East Report* 171 (Summer 1991). The passage was tacitly deleted from the reprint of this interview, in Gauri Viswanathan (ed.), *Power, Politics and Culture: Interviews with Edward Said* (Bloomsbury 2005); it doesn't feature in the digital version of the interview, either; cf. <https://www.merip.org/mer/mer171/intellecuals-war> (accessed August 13, 2018).

the Kurds in the Middle East,' sets out to explore, on the one hand, the general issue of governing diversity, and on the other, the problem of political representation. Hence, the series aims at exploring the different strategies of the Kurds and in particular their leaders, in their quest for self-representation. In his introduction to the first (theoretical) volume, Faleh traces the failure of the unitary nation state as a way of governing diversity: "Political analysis or historiography usually links these new trends to the defeat of the Ba'ath regime in the 1991 war ... or the arrest of the historical leader of the PKK, Abdullah Öcalan." Since the 1990s, the tactics of rural guerrilla warfare have largely been replaced by urban protest, and by civilian politics both at the national and at the regional level. Faleh, however, tries to go beyond the usual political explanations of this shift, which, he writes, "has to do with profound socio-economic, cultural and demographic change, which weakened the very pillars of the old wisdom of peasant-backed, mountain-harbored guerrilla fighting. And this has not in the least been analyzed."

Crucially, that is, this project explores the enormous social changes underlying recent political developments in the region – a topic that has, indeed, remained sorely underinvestigated. Once published, Faleh's last research project should and will encourage further study of aspects of Kurdish society and culture that have for too long been neglected. There can be no more fitting memorial to his contribution to the study both of Iraq and of the Kurds.

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Book Reviews



Thomas Schmidinger, *Rojava: Revolution, War and the Future of Syria's Kurds*,
London: Pluto Press, 2018, 298 pp., (ISBN: 9780745337722).

Foreign and native academics, journalists, and activists alike (in some cases a combination of all three) are scrambling from home and abroad to fill not just a gap, but a chasm, in the literature on *Rojava* (Western/Syrian Kurdistan). Thomas Schmidinger's *Rojava: Revolution, War and the Future of Syria's Kurds* from as current as this year, is a welcome addition to the growing field within Kurdish studies of examining this existing revolutionary praxis. This being the fourth German, second Turkish, and first English edition (updated between 2017–2018) of Schmidinger's, the book is a reflection of how the current situation in *Rojava* is changing moment to moment with significant socio-economic implications for not only the people of the new Democratic Federation of Northern Syria but the entire region itself. Within this existing gap of academic literature, Schmidinger's take on *Rojava*, through his more than decade-long research and fieldwork, is essential to understanding the region's internal and external dynamics. This account just begins to cover the impressive empirical research and literature review of the book – though it only seems to be restricted to the *Rojava* revolution since 2011 within the context of the “Syrian Kurds” and their history dating from the late Ottoman Empire until the Syrian Civil War. This latter point will be further developed later on in this review.

This book is by far one of – if not – the most current authentic and nuanced work out there on *Rojava* today. It ranges from intricate and empirical detail for chapters on the vast ethnic, religious, and linguistic communities of the people of *Rojava*, including Alevis, Christians, Êzîdîs, Jews, and Muslims from the ethnic Arabs, Armenians, Assyrians, and Kurds, and their shared and conflicting histories in the region. The author even goes as far as to include the Kurds in Damascus/Aleppo and the historical and geographical role they've played in the region along with the recent annexation of Efrîn (Afrin) by Turkey and their jihadist counterparts earlier this year (chapter 16). To date, I have yet to

see anyone even acknowledge in their academic work the former, and certainly not the latter. Particularly heartening is the attention Schmidinger brings from the onset of the book to the ongoing debate and political implications within the discourse of the movement as well as its practice. In the initial chapters, he highlights how just merely distinguishing between *Rojava*, the Democratic Federation of Northern Syria, and Syrian Kurdistan is taking a political stance, though, ultimately he acknowledges that his insistence on using the latter is purely geographical and nothing else. Despite his not openly acknowledging the colonial context, he does make a point of using the politically correct names in mostly Kurmanji (the main dialect of Kurdish) when he is talking about *Bakur* (North/Turkish Kurdistan) and the proper spelling of *Efrîn* (Afrin). Though these may seem insignificant, the political implications that he is able to recognize in doing this throughout the book, speaks to the extent of his nuanced and critical analysis of the region despite being an outsider. He actually leads the reader through a historical and current account of the exhaustive lists of political Kurdish parties in Syria (including an impressive diagram in the beginning). His empirical analysis and insight into the internal coalitions within the existing Kurdish political parties of the past and present aside from the PYD, Democratic Union Party (YPG, *People's Protection Unit*/YPJ, *Women's Protection Unit*) is an area that studies of *Rojava* do not often consider as more partisan interpretations of the revolution.

Schmidinger brings to the table one of the most nuanced and impressive historical and present-day accounts of *Rojava*, drawing on interviews with leaders from different parties, civil society activists, artists, fighters, and religious leaders. He claims to be criticising Western radicals' tendency towards romanticised and exoticised problematic imaginaries of the revolution of *Rojava*. However, in a concerted effort to remain critical and unbiased towards any particular party he actually ends up paying a disservice to the history of radical feminism in *Bakur* that reaches across international borders and has shaped the revolution in *Rojava* and beyond to this day. The extensive tradition of socialist feminism in the *Rojava* revolution that stems from *Bakur* is for the most part overlooked throughout his book. *Rojava* is discussed in a vacuum, as opposed to a seeing it as a continuum of feminism and socialism from Northern (*Bakur*) to Western (*Rojava*) Kurdistan. Aside from one reference in chapter 17 to "the importance of feminism" in relation to autonomous women's councils and a few interviews directly translated from Kurdish women in the newly added section, "Voices of *Rojava*," there are few references to radical feminism and its role in *Rojava*, let alone in *Bakur*.

Many scholars refer to the 1980s Diyarbakır prison as the birthplace of Kurdish women's resistance in Turkey. Kurdish women resisted Turkish state

violence that was targeting them as well as the men in their families. Many prominent Kurdish women leaders such as Sakine Cansız (one of the founders of the PKK, *Kurdistan Workers' Party*), Gültan Kışanak and Leyla Zana and many others were subjected to torture and imprisonment by the Turkish military junta, which led to countless Kurdish women becoming politicised due to their horrific lived experiences. This revolutionary tradition, practice, and ideology stemming from oppression along race, class, and gender lines is reflected today in the women's armed forces of YPJ of *Rojava* and the YPS (*Women's Civil Protection Units*) of the previous autonomous neighbourhoods of Cizre, Nusaybin, and Sur in Amed (Diyarbakır in Turkey). This illustrates how self-defence (*asayîş*) is a crucial revolutionary factor of the society that stems from these roots of radical Kurdish feminism.

Not only does Schmidinger omit the revolutionary history of Kurdish feminism in the social movement – whether intentionally or not – but he in fact, for the most part, also overlooks the history of the PKK and its formidable role in shaping the *Rojava* revolution in general. This is crucial to understanding why eventually a praxis of the currently imprisoned revolutionary leader of the movement, Abdullah Öcalan's "democratic confederalism," emerged decades later in *Rojava* in 2011 in the midst of the Syrian Civil War. What many people– Schmidinger included – fail to realise is that this recent experiment in radical democracy in *Rojava* is a direct result of a decades-long historical feminist struggle of the Kurdish social movement against the Turkish state and patriarchy ranging from initially Marxist-Leninism to this recent interpretation of Murray Bookchin's feminist anarchism. However, he very rarely speaks of the PKK aside from referencing them and alluding in chapter 10 to how a more extensive analysis of their "checkered history" would be too ambitious a project for this book. Be that as it may, not taking into account the significant role that Abdullah Öcalan and his revolutionary feminist ideology historically has played, is also detrimental to Schmidinger's extensive account of what he understands as the *Rojava* revolution. In his chapter entitled the "Kurdish Para-state," he pays homage to *Rojava's* "social contract" and even outlines one of its most distinguishing factors, which is the emphasis on how *Rojava* as a political project is not only for Kurds but for all the many religious and ethnic minorities in the region. Yet he does not acknowledge the leftist feminist historical tradition behind that existing social contract and only considers its religious and ethnic pluralism. There is no mention of some of the most prominent radical feminist aspects of the contract in opposition to the patriarchal structures of the region and the larger capitalist system (chapter 17).

There is no mention of the present-day historical Kurdish feminist and socialist continuities across Turkish and Syrian borders regarding the united political

phenomenon of the co-chair principle, gendered armed civil protection units and autonomous grassroots neighbourhoods and municipalities attempting to create varied practices of Öcalan's democratic confederalism. Recently – from 2015 to 2016 – these latter autonomous neighbourhoods in *Bakur* were so systematically crushed by the Turkish state that very little remains of them. To this day those Kurdish cities and Kurds in general, are still feeling every aspect of the effects of Turkey's continued socio-economic oppression on their language, culture, and very existence. Moreover, in spite of the existence of international borders between *Bakur* and *Rojava*, the Turkey has boldly renewed its colonial practices from Nusaybin in 2016 to the most recent annexation of Efrîn. Lastly, there is the horrific shared practice of sexualised state violence against female guerrilla fighters, previously Ekin Van (Kevser Eltürk) in *Muş* and more recently Baran Kobanê (Amina Omar) in *Rojava*, who fell victim to the Turkish state brutality of necropolitics. By omitting such blatant patterns of oppression and solidarity across Kurdish feminism and socialism within these regions of Kurdistan, Schmidinger despite his more than impressive empirical and social fieldwork and research, fails to comprehend the complete picture of what the *Rojava* revolution really encompasses.

It is true that recent literature on *Rojava* and the Kurdish social movement has a tendency to generalise, romanticise, and exoticise Kurdish women; nonetheless, essentially completely excluding the histories of Kurdish feminism and socialism against a backdrop of colonial patriarchal relations does a disservice to the author's overall critical analysis, aside from his intention of avoiding the imaginary and fantasy of the movement. Perhaps precisely because he is a [white/non-Kurdish] European man he chooses not to engage with Kurdish feminism as he doesn't see himself represented and reflected in that social movement – a respectable stance should that be the case. However, at the same time by ignoring the tradition he ends up silencing Kurdish women's voices, removing their agency and reinforcing their oppressed colonial histories. It is not entirely clear whether or not what I (and I imagine many others in the field) would consider a significant omission is intentional on the part of Schmidinger or he was steered in that direction unknowingly or unwillingly. Perhaps the PYD in their understandable concerted effort to avoid any official political affiliation with the PKK in the interest of maintaining their Western allies and arms support, play a factor. I would like to emphasise that this is all just pure speculation on my part in terms of Schmidinger's motivations behind this.

Overall though this is an extraordinary empirical historic and journalistic account of the Kurds in Syria but it doesn't really go far beyond that in terms of analysis of some of the dominant traditions of feminism and socialism that

exist in the Kurdish movement overall. This project brings into consideration the overall existing debate in the fields of anthropology and sociology regarding maintaining a “critical distance”. I believe it is precisely that distance as a white European man from the language, culture, and understanding of the Kurdish social movement that has perhaps caused Schmidinger to overlook such essential aspects as Kurdish radical feminism across colonial state boundaries of the movement. Any understanding of *Rojava* must take into account the interrelated oppression faced by Kurdish women through their direct lived experiences in each of their respective colonial states, that predisposes them to a political consciousness evident in many women of the region. Within the Kurdish feminist social movement there is a saying – one of the “political slogans” that Schmidinger refers to – “*Kurdê azad sinora nasnake*” (Free Kurds don’t recognise borders). We should at least try and avoid having borders reinforced for us in our sparse literature.

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Nazand Begikhani, Aisha K. Gill and Gill Hague, *Honour-Based Violence: Experiences and Counter-Strategies in Iraqi Kurdistan and the UK Kurdish Diaspora*, Farnham: Ashgate Publishing, 2015, 189 pp., (ISBN: 9781409421900).

Begikhani, Gill and Hague – each internationally-recognised scholars in violence against women – have in this volume produced an authoritative analysis of the causes, manifestations and consequences of honour-based violence (HBV) in Iraqi Kurdistan and the UK Kurdish Diaspora. Drawing on new empirical research comprising 166 semi-structured in-depth interviews with key professionals (government officials, health professionals, judiciary, police, women’s NGOs, media outlets, and victims/survivors) in the two regions, plus case studies of so-called “honour killings” and media content analysis, they have written a wide-ranging book addressing theory, policy and practice. The authors have been tenacious in overcoming considerable methodological challenges, including negotiating access to subjects to discuss socially taboo and criminalised practices, and (in Iraqi Kurdistan) doing so in the midst of terrorist attacks by the Islamic State during 2014. With intellectual rigour and an eye to the practice and policy implications, they have amply met their aims to “(i) assess the nature of HBV, including ‘honour’ killings in the Iraqi Kurdistan Region and the Kurdish Diaspora in the UK, and (ii) evaluate the impact of HBV on Kurdish women” (p. 13).

The authors address key contemporary debates about whether HBV should be seen as arising from culture, religion or gender inequalities. They rightly identify that “HBV has historically been defined as a category of cultural violence distinct from domestic violence and violence against women (VAW) more generally” (p. 30), but make a clear and compelling argument for situating HBV as one form of VAW. They address the thorny issue of women’s involvement in perpetrating HBV from a feminist perspective, drawing on patriarchal bargaining theory to show that the involvement of female family members in carrying out HBV is still commensurate with patriarchal systems of socialisation that define women’s identity, worth and status in relation to their role within the family. Thus, for many women, “acquiescing to such ideologies becomes the key to both self-worth and status in the community” (p. 31).

As well as advancing theory, the book introduces new empirical data to make a unique comparative analysis of the similarities and differences between women’s experiences of HBV in Iraqi Kurdistan and the UK Kurdish Diaspora, as well as practical recommendations about policy responses. Three unique points mark this book out from other recent works on HBV: Firstly, the focus on

Kurdish communities addresses a significant gap in UK scholarship, research and policy. Despite a number of high-profile Kurdish so-called “honour killings” in the UK over the past 15 years, most policy-making, victim accounts and empirical research have focused on South Asian communities’ experiences of HBV. There remains very little UK scholarship on HBV in Kurdish communities – and so this book is as relevant now, in 2018, as when published in 2015. Secondly, the international comparative analysis of these two regions brings a fresh perspective. It draws out the similarities between Iraqi Kurdistan and the UK Kurdish Diaspora (challenges faced, policy approaches, nature of violence); but also highlights differences unique to both contexts. Thirdly, the adoption of a feminist perspective strengthens the work by putting victim-survivors’ voices and stories at the centre of analysis, whilst contextualising them with the authors’ expert knowledge of history, politics, social and cultural attitudes in each of the research locations.

The authors address a broad range of perspectives and topics on HBV. These individual elements are all in themselves interesting, and consistently paint a picture of patriarchal cultural contexts driving HBV – but the breadth of issues addressed means the book loses some overarching narrative cohesion. Reviews of key theoretical debates are interspersed with geo-political, cultural and historical analyses of the Iraqi Kurdistan region, and new empirical research and policy analyses drawing on a range of data sources. Structurally, the chapters jump somewhat between the two countries, and the different analytical focuses.

The authors explain that each chapter has been constructed deliberately as “stand-alone pieces for ease of use by readers wishing to focus on a particular set of issues” (p. 21). They are perhaps right to suggest that it is better suited to be read as a collection of chapters, than as a unified whole. So doing will have the advantage also of widening the appeal of the book to a greater range of readers and interests.

Unexpected and fascinating were the findings about HBV via cyber abuse in Iraqi Kurdistan – women being shamed and dishonoured via the internet. The authors show how the internet has been a double-edged sword for women in Kurdistan: on the one hand, creating new spaces in which to break the silence around HBV and gender violence; on the other hand, feeding the circulation of rumour and gossip and reports of “dishonourable” behaviour. These findings about the use of new media as tools of both liberation and new channels for abuse are particularly pertinent for current debates in the UK and Western Europe about “sexting”, “revenge porn” and other abuses facilitated by social media.

This book will appeal to a wide range of readers, including: academics and scholars from a range of disciplines, including readers in Kurdish studies and culture; academics in sociology, anthropology, criminology, media studies; activists and NGOs in violence against women; national and international policy makers; criminal justice practitioners; and the interested lay reader. This is an interesting, and – despite the tough subject matter – uplifting read. The authors point to concrete actions which can be taken to build on the progress they already identify in both Iraqi Kurdistan and the UK Kurdish Diaspora. Let us take inspiration from their conclusion that “change is here to stay. There can be no turning back now” (p. 145).

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Mehmet Orhan, *Political Violence and Kurds in Turkey: Fragmentations, Mobilizations, Participations and Repertoires*, Oxon: Routledge, 2016, 294 pp., (ISBN: 978-1-317-42044-6) & H. Akin Ünver, *Turkey's Kurdish Question: Discourse and Politics since 1990*, Oxon: Routledge, 2015, 196 pp., (ISBN: 978-1-138-85856-5).

The Kurdish Question has been the most debilitating problem in Turkey since its foundation. For many scholars, the roots of this conflict were already present during the Ottoman Empire. Some define it as an ethnic conflict, which oversimplifies the matter and undermines other the complex factors such as class, religion, and political fragmentation. For others, it is a matter of the colonisation of Kurdistan since the Ottoman Empire was torn apart. Official Turkish discourse defines it as a problem of national security and terrorism that has been threatening Turkey's internal and external security for a long time. Each approach to this puzzle undermines the complexities of this long-lasting conflict, yet it remains the most important issue for Turkey's domestic and foreign policy for now and the foreseeable future. Since the foundation of the Turkish Republic, the state has formulated policies to put an end to this "problem," more often than not by using a security approach that has limited the number of ways to peacefully resolve the conflict. The Kurdish Question has always found its place at the top of the agenda for any and all governments that have come to power since the beginning of 1980s, in particular. The Kurdish Question has also been extremely visible in Turkey's relations with the international community. It has dominated the debates around Turkey's membership to the European Union and Turkey's tortuous and complex relations with the United States. Scholars have produced many books, articles, op-eds and journalistic pieces on these subjects, which approach these issues from a great number of perspectives. Especially during the last decade or so, a growing interest in Kurdish Studies has paved the way for the foundation of new journals solely focusing on these issues. Routledge's book series on Middle Eastern Politics also has been increasingly publishing on Turkey's Kurdish Question. In this article, I will review two of the recent books that came out of these series of academic research, which in my opinion are excellent contributions to the burgeoning literature.

Mehmet Orhan's *Political Violence and Kurds in Turkey: Fragmentations, Mobilizations, Participations and Repertoires* is one of the most interesting books I have recently read. The material is extremely original and reflects the author's passion for his subject. The book was based on the author's doctoral dissertation at EHESS de Paris. It focuses on political violence in the predominantly Kurdish area of Turkey with a particular interest in mobilisation

patterns and repertoires of political violence and action. The author starts by saying that although the Kurdish nationalist movements he analyses date back to earlier times, the radicalisation of these movements and their appearance as armed struggles really belongs to the twentieth century. Among many others, Orhan is interested in the following questions: “Why did the Kurdish movement result in the use of political violence?”, “Which are its agents?”, and “How are these actors and their actions formed?” (p. 2). He works to answer these questions by applying a theoretical framework drawn from theories of social movements and political violence. The introduction explains the rationale behind the book in great detail, helping the reader to understand his framing questions. The theoretical approach is carefully formulated, and it is very illuminating to read how he will apply these abstract approaches to the Kurdish case. He also explores the fieldwork experience by adopting a reflexive approach, which clarifies his positionality to the reader without leaving a question mark. He has conducted open-ended interviews with Kurdish militants and their families as well as tribe members who support the Kurdish cause. Orhan also focuses on the Kurdish organisations that are popular today along with those that are no longer in existence (e.g. Rizgari, Kawa, and *Têkoşîn*). He conducted fieldwork in Antep, Batman, Bingöl, Pazarcık, and Siverek between 2005 and 2011 and also included the Kurdish diaspora members in his study and travelled to Berlin, Hamburg, and Paris to conduct interviews with Kurdish activists there. He clearly explains why he has chosen these specific methods and these specific locations for his fieldwork. The fieldwork he has conducted has surely been tough as it is not easy to reach out to these people and ask questions about highly sensitive matters. Studying the Kurdish Question with each and every aspect that is attached to it has been highly arduous and often risky work in Turkey, and the author should be commended for successfully completing such an endeavour. At the same time, while the introductory is strong in the aforementioned ways, it is very long and continues to read like a doctoral thesis. The author places excessive emphasis on trying to explain every single step he has taken, and it sometimes does not flow as smoothly as should a book manuscript. Apart from this, the introduction does help the reader understand the various components involved in bringing this original research to fruition, and it creates interest for the following chapters.

The first chapter focuses on the emergence of the Kurdish political field and internal violence from the 1960s to the 1980s. This is a fantastic literature review, which also includes theoretical insights. After providing historical context starting from the 1940s, the author moves to explaining Eastism and

Revolutionary Eastern Cultural Hearths by giving quotes from his interviews, which makes the narrative much more intriguing. Another section focuses on “radical” movements such as Kawa and Rizgari, among others. The chapter explores the internal divisions, political struggles, and different perspectives of these movements regarding the use of violence. It is a brilliant endeavour that provides extremely original material derived from interviews and archival research. The second chapter examines the Kurdistan Workers’ Party (*Partiya Karkerên Kurdistanê*, PKK) and the use of political violence as a force for ethnic mobilisation. Again concentrating on the same localities, the author puts the actions of the PKK and theoretical frameworks together in order to unpack the phenomenon of political violence. The author adopts neutral language that does not criminalise any one group or glorify another. He is not shy in critically approaching these sensitive matters, which increases the academic rigour of this work.

The third chapter zooms in on the participation of individuals in violence. A great deal of books and articles have been written on this matter, but they have only brought simplistic explanations and non-intellectual analysis to the fore. Here, the reader is given a set of individual narratives, quotes, and original background conformation derived from archival material with solid theoretical analysis, which enables the reader to challenge the received “wisdom” on this matter. The author documents the reasoning behind joining an armed conflict, polarization between members of Kurdish society and the Turkish state, and how these decisions are made and offers rich context for the fourth chapter, where the author focuses on the repertoires of political violence. The Turkish-Kurdish armed conflict surely does solely consist of clashes between the Turkish Armed Forces and the PKK, but Orhan highlights other means of violence, such as political murders and bomb attacks, which together comprise the political violence committed by the PKK. This time, putting emphasis on the Kurdish *serhildans* (rebellions), he helps the reader understand the culture of self-sacrifice within the Kurdish movement that paved the way for self-immolations in the name of the Kurdish cause and PKK leader Öcalan. The conclusion then wraps up the whole discussion by clarifying the author’s contributions to the field. Orhan claims that “this [book] is above all a work destined to enrich empirical knowledge about the Kurdish conflict and political violence” (p. 225). I would agree with this remark and would even claim that this is a must-read book for anyone who wants to understand the Kurdish Question today. This book is an antidote to the numerous studies on the market that simply reinvent the wheel and repeat the already existing arguments without contributing with anything original to the debates. I recommend it

to students who are new to Kurdish Studies as well as to more seasoned academics for adding to their syllabi for courses on Turkish, Kurdish, or Middle Eastern politics.

The second book, *Turkey's Kurdish Question: Discourse and Politics since 1990*, is authored by H. Akin Ünver. The title has surely been selected for marketing purposes but does not do justice to the contents of the book. This volume is based on Ünver's doctoral dissertation completed at Essex University, but it has been reformulated such that it reads very well as a book manuscript. The book starts with a condensed introductory chapter. The author begins with an anecdote where he interviews a high-level foreign policy maker in 2012. The interviewee tells him that he should finish his book in a timely fashion because there might not be such a thing as the Kurdish Question soon. The author then continues with three other anecdotes from 2013, 1999, and 1915, where there were different political climates in Turkey and, accordingly, changing view of the Kurdish Question. Ünver uses irony – as he does throughout the book – to make his point: The Kurdish Question needs to be studied through a discursive approach as there are competing and mutually exclusive definitions of this conflict. If we cannot even agree on a definition, how are we to solve this conflict? Ünver reminds us that Turkey is deeply divided over this semantic debate therefore we need to “deconstruct and analyse the constitutive parts of this discursive construct” (p. 3). Throughout the book, Ünver attempts to locate the underlying causes of these different interpretations and constructions of the Kurdish Question. The originality of this book, though, lies not in its analysis on the Turkish official discourse – which is somewhat overdone – but in its comparative approach to the European Union's and United States' discourses on this issue in the 1990s. The author gathered data and conducted content analysis on debates within the Turkish Parliament, the European Parliament, and the U.S. Congress. He focuses solely on a period between 1990 and 1999, which begins with the Gulf War and ends with the arrest of the PKK leader Abdullah Öcalan. Looking at these accounts, Ünver attempts to come up with a map of the mind-set of politicians and decision-makers in those bodies. He argues that the Kurdish Question in Turkey was depicted variously as a human rights problem, a democratisation problem, a matter of excessive force, an ethnic-identity conflict, a conflict intensified by Turkish military or the PKK, a conflict created by dark foreign powers, lawlessness, lack of security or mismanagement or other problems with education, infrastructure, and the economy (pp. 9–10). He then explores the rationale behind American and European interventions in the Kurdish Question.

The first chapter analyses the debates of the European Parliament and the U.S. Congress from a human rights perspective. It provides a comprehensive

historical account of each discussion and a fascinating account of how many members of the European Parliament were following the Kurdish situation in Turkey quite closely and offered extremely detailed points in their analyses. Those were the times when Turkey had a more or less sincere goal of becoming a member of the European Union. Sometimes, as the author demonstrates, the Kurdish Question was used as a bargaining chip to thwart Turkey's membership aspirations. In the U.S. Congress, the discussions had a slightly different tone, and Ünver argues that Congress focused on applying more sticks than carrots (such as cuts in aid) against Turkish security practices than did the European Parliament (p. 37). Also, while EU parliamentarians recognised the security threats posed by the PKK, Congress rarely acknowledged such problems. The author's overall argument is that Congress was not as impressed by reforms in Turkey as EU parliamentarians were, and that it was "heavily influenced by the Greek and Armenian lobbyists" (ibid). He further posits that the statements made in Congress were "sloganized and sounded canned," which could be explained by the financial relationship between individual members of Congress and campaign donors (ibid). Interestingly enough, this argument parallels the Turkish state's official discourse with regards to the criticism it receives from the U.S. Congress. Ünver then provides a table of the European Parliament's national breakdown of discursive preferences with regards to what the author calls as non-state views on human rights, democratisation, excessive force, the Turkish military's role in politics, and PKK violence. The table shows that Germany and Greece were the most vocal critics of Turkey and the predominant topic was human rights and democratisation. With regards to Congress, the primary concern was about human rights followed by use of excessive force by the Turkish military.

In the second chapter, the author shifts to an analysis of the consciousness of state formation by focusing on territorial integrity and national security. He analyses the manifestations of these perspectives in political discourses of European and American executive institutions such as the European Parliament and the Congress and shows that at times Turkey's geostrategic importance and its right to act against terrorism are mentioned more frequently by these institutions. He finds that "in appeasing Turkish behaviour on the Kurdish Question, both European and American 'statists' highlighted Turkey's strategic importance as a NATO frontier, the role it played during the Cold War, as well as more recent, actual help of imposing no-fly zones after the Gulf War ended" (p. 93). The author argues that semantics matter and that different perspectives lead to different understandings of the Kurdish Question, which in the end influences their recommendations for a resolution to this conflict. The third chapter considers parliamentary discussions in the Grand

National Assembly of Turkey and analyses the discourses under the ten categories mentioned in the introduction. Each category is once more explained from a Turkish point of view with satisfactory details and a clever style. The conclusion wraps up the whole discussion and provides a solid recapitulation of the main arguments of the book. The author ends with a quote from Confucius: “If language is not correct, then what is said is not what is meant; if what is said is not what is meant, then what must be done remains undone” (p. 151). This book is one of its kind in terms of focusing on discourse in three different contexts and presenting its findings eloquently.

Both books reviewed here focus on different aspects of the Kurdish Question; one of them engages only Kurdish perspectives while the other one completely lacks the Kurdish voice and puts emphasis instead on outsider discourses on the conflict. Each deserves applause in the ways they constructed arguments, conducted fieldwork and gathered data, and presented them thus offering a great deal to the existing literature on the subject. Both should be read carefully in order to understand the intricacies of resolving the protracted conflict in Turkey and the complexities this process might entail.

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Veli Yadırgı, *The Political Economy of the Kurds of Turkey – From the Ottoman Empire to the Turkish Republic*, Cambridge: Cambridge University Press, 2017, pp. 334, (ISBN: 9781316848579).

Veli Yadırgı's debut monograph – *The Political Economy of the Kurds of Turkey: From the Ottoman Empire to the Turkish Republic* – is perhaps one of the more significant scholarly works on the Kurds to be published in recent years. It is significant not only because it is a work of economic history – a rarity in the field – but also due to its ambitious nature. Over the course of five chapters, Yadırgı constructs a sweeping historical narrative that takes the reader from the early sixteenth century to the 2010s. In doing so, he seeks to not only reframe the story of the Kurdish Question with greater reference to the economic history of Eastern and South-Eastern Anatolia (ESA), but also challenge received wisdom on the economic history of this region.

Central to Yadırgı's work is an attempt to demonstrate that the “question of the development in ESA and the Kurdish question of Turkey are inseparable and can be aptly comprehended only in relation to the political, social and economic history of the polities of which it has formed a part, namely the Ottoman Empire and the Turkish Republic” (pp. 57–58). In his review of the existing literature pertaining to the question of ESA underdevelopment and the emergence of the Kurdish Question, Yadırgı observes that “virtually all of the literature analyzing the linkages between economic development in ESA and the Kurdish question has been the hypothesis of regional underdevelopment” (p. 39). Indeed, Yadırgı emphasises the fact that scholars from across the political spectrum have tended to share a common assumption that the underdevelopment of the ESA constituted a historical constant; one that defined the relationship between not only the Republic of Turkey and the region but also its predecessor, the Ottoman Empire. It is this assumption that Yadırgı tackles over the course of the book.

As already noted, *the Political Economy of the Kurds in Turkey* is organised into five chapters, the first of which is dedicated to defining the Kurds, providing comprehensive literature review, and outlining the theoretical perspectives that inform the work. On this last count, the influence of the Marxist tradition upon the author is evident. However, he rejects the crude economic determinism, adopting an approach that seeks to highlight the complex dialectical interplay between – to borrow the appropriate Marxian analogy – base and superstructure. In this respect, the work owes more to the tradition of scholars such as Eric Hobsbawm than the “orthodox” Marxists and “progressive”

Kemalists that had previously sought to tie the chronic underdevelopment of ESA to the fraught nature of the Kurdish Question.

The remainder of the work is organised chronologically. Chapter two examines the development of ESA between the establishment of Ottoman rule over the region in the early sixteenth century until the beginning of the nineteenth century (1514–1800). Chapter three continues the narrative into nineteenth, charting the social, political, and economic development of ESA in the final century of the Ottoman Empire's existence (1800–1914). Chapters four and chapter five cover the period of the Republic of Turkey's formation, consolidation, and development (1914–1980) and in the post-1980 era, the so-called the age of neoliberalism (1980–2010s) respectively.

It is perhaps first necessary to note that, in this impressive effort to reconstruct the history of economic development in ESA and its relationship to the Kurdish Question, Yadırgı utilises an impressive array of sources including British archival documents, Turkish government reports, as well as relevant secondary literature in both English and Turkish. However, perhaps his most significant contribution to the historiography of the Kurdish Question is his rejection of “a stationary understanding of economic (underdevelopment) in the predominantly Kurdish provinces of ESA” (p. 259). In its place, Yadırgı proposes a new periodisation of the region's economic history, one which is “no longer centred on a unilinear continuum of inadequate development” (p. 260). More precisely, through examining the history of ESA over an extended historical era (1514–2010s) a more complex picture is presented. Most strikingly, Yadırgı ably demonstrates that during the early modern period (1514–1800), far from being an economic backwater, Ottoman Kurdistan was a relatively developed region and an important source of revenue to the imperial treasury. Significantly, this economic golden age (at least when compared with later eras) occurred at a time in which the indigenous ruling classes enjoyed a significant degree of political autonomy.

It is only in the nineteenth century that ESA's relative economic position begins to deteriorate. Again, developments in the economic sphere are linked to development in the political realm; most notably Ottoman efforts to establish a more centralised mode of provincial administration and the destruction of the network of Kurdish principalities, institutions which had played a major role in regional life in the previous centuries. According to Yadırgı, the economic underdevelopment in the ESA that emerged in nineteenth century was further exacerbated by deliberate policies of *de-development* that sought to ensure Turkish control over the ESA following the collapse of the Ottoman Empire at the end of the First World War. Here Yadırgı highlights a substantial deficit in the historical record, namely a failure “to account comprehensively

for the deliberate economic and social extortions and destruction witnessed by the Kurds and other autochthonic peoples of ESA ..." (p. 266). In this sense, far from the Kurdish Question being an "outcome" of economic underdevelopment; the reverse becomes apparent.

Yadırgı completes his study by highlighting the ways in which the economic divergence between ESA and the rest of Turkey has only continued to deepen over the last four decades, despite periodic development projects such as the *Güneydoğu Anadolu Projesi* (GAP). He also places the ultimately unsuccessful efforts of Turkey's ruling Justice and Development Party (2002-) to resolve the Kurdish Question through various "democratization" initiatives within the context this ongoing (and ever worsening) economic disparity. His conclusion is that "the restructuring of the Turkish political and administrative system is an urgent and necessary step ..." (p. 276). However, he regards this as insufficient to resolve the Kurdish Question, which has been shaped not only by cultural and political repression but decades of policies that have de-developed the ESA region. Thus, Yadırgı calls upon policymakers to support "public-sector-led" development and, more precisely, policies directed at creating unionised jobs, encouraging education, promoting land reform, and ensuring a fairer use of revenues derived from natural resources (such as energy) produced in ESA.

Yadırgı's work is worthy of praise on numerous levels. In the broadest sense, it challenges the notion that the underdevelopment of ESA is a "natural" feature of regional life. More precisely, the author shows how this underdevelopment is the product of a set of specific policies dating from the nineteenth century onward and linked to the political and cultural subjugation of the Kurds as well as other indigenous population such as the Armenians and Yezidis.

Beyond this most fundamental contribution, there are aspects of the work that can constitute a jumping off point for further research. For instance, Yadırgı's assessment of early modern Ottoman Kurdistan relies primarily on published documents. Here there is an opportunity for Ottomanists to conduct further research to determine the validity of Yadırgı's findings on economic conditions in the region during this period. Equally, his work on economic (de)-development in Turkey's ESA during the Republican era can form the basis of a comparative study that examines the political economy of the Kurdish-inhabited regions of the other Ottoman successor states, Syria and Iraq. Yadırgı's research also raises interesting questions pertaining Kurdish regions of Iran, namely whether or not the economic history of "Iranian Kurdistan" mirrors that of ESA. However, perhaps the most controversial aspects of the book will be its policy implications. Yadırgı's willingness to draw clear and direct policy lessons from his research is commendable. He is

deeply critical of top-down development projects (such as the GAP) that not only ignore local actors but also serve to perpetuate ESA's underdevelopment. His solution, although couched in inoffensive academic language, is unmistakable in the social democratic tradition. The present reviewer certainly agrees with the general policy prescriptions outlined in Yadırgı's work. Nevertheless, these conclusions will no doubt raise criticism from those more inclined to neoliberal developmentalism.

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Burak Bilgehan Özpek, *The Peace Process between Turkey and the Kurds: Anatomy of a Failure*, London: Routledge, 2017, 80 pp., (ISBN: 9781138564107).

This work addresses the failure of the “Peace Process” (*Barış Süreci*) between the AKP (Justice and Development Party) government and the Kurdish actors, the PKK (Kurdistan Worker’s Party) and the HDP (Peoples’ Democratic Party). This process had reached its climax during 2013–2015. Özpek’s book developed out of a May 19, 2013 newspaper article titled “What a liberal asks for: De-conflicting or Peace?” (“*Bir liberal ne ister: çatışmasızlık mı barış mı?*”) when the peace process was in its heyday. His short piece in the newspaper *Taraf* criticised both sides for a lack of transparency. Consequentially, Özpek was blamed for being cynical about the intentions of the government, the PKK and the HDP.

The introductory chapter outlines the author’s work and focuses on Turkey’s Kurdish Question and its effect on foreign relations. He argues that throughout Turkey’s history, the Kurdish Question has been shaping its relations with its neighboring countries. This has been the case since the very first days of modern Turkey. For instance, Özpek argues that the motivation behind Turkey’s involvement in the Saadabad Pact (1937) was to “contain transnational and secessionist” Kurdish nationalism in Turkey, Iran and Iraq (p. 3). This treaty of friendly relations and cooperation was signed as a gesture of solidarity between Afghanistan and the three countries aforementioned and it was renewed for once in 1943. Özpek suggests the same dynamics were at stake in the 1950s. The Kurds were involved with the anti-monarchy campaign of 1958 in Iraq. Mustafa Barzani’s return from exile in the Soviet Union alarmed the Menderes government which was concerned about Turkey’s territorial integrity. The Kurdish Question substantially influenced Turkey’s relations with the US and the EU. It caused instability during the last three decades in relations with the US at several turning points, especially during the Gulf War of 1990–1991, and the US invasion of Iraq in 2003. The political and military elite of Turkey believed that the US-backed Kurdistan Regional Government (KRG) was responsible for the rise of insurgency among the Kurds in Turkey. The Kurdish Question also shaped Turkey’s relations with the EU, especially after the end of the Cold War. Amongst others, one of the EU’s conditions for Turkey’s EU accession bid was the settlement of the Kurdish Question by peaceful means.

In the first chapter, Özpek provides a historical background of the Kurdish Question and makes some important observations. He aptly states that throughout Turkey’s modern history, the Kurdish Question has been used as a political tool to maintain power and eliminate oppositional groups. In this

vein, the Kemalists during the early Republican period viewed the Sheikh Said Rebellion in 1925 as an opportunity to crush political opposition. Suppressing more than a dozen rebellions in the Kurdish regions of Turkey, the Kemalists implemented their policies of assimilation and nation-building. They established a specific *status quo* implemented in these regions. In the relative atmosphere of political liberalisation during the Democrat Party (DP, 1950–1961) however, several prominent Kurdish figures were elected as deputies to the parliament. The DP did not attempt to modify the official view of the Kemalist *status quo*, and considered the Kurdish Question nothing more than an election issue. The DP government tried to appease the Turkish Armed Forces (TSK) and avert the pressure on its administration by imprisoning Kurdish student organisations, which had protested against the state suppression of Kurdish political parties in Iraq. Following the new constitution revised after the 1961 *coup d'état*, public space was opened for civil society and political pluralism. This led to the establishment of Kurdish political organisations. Such civil liberties did not eradicate the Turkish establishment's approach to the Kurdish Question. Indeed, Turkey criminalised the Kurdish nationalist and cultural movements further. The TSK used this as a pretext to rationalise the 1971 intervention and the 1980 *coup d'état*. After the 1980 coup, the military intervened in politics as well as the Kurdish Question. Meanwhile, the PKK monopolised the Kurdish national liberation movement by initiating systematic anti-state violence. During this period the PKK imitated political vocabulary and symbols of Turkish nationalism. On the other hand, the political and military elites in Ankara instrumentalised the violent environment in order to legitimise their power. The PKK's strategy was to bring the government to the negotiation table. After the second half of the 1990s, the national security discourse dominated the political scene, pushing aside democratic and developmental objectives.

When the AKP came to power in 2002, Özpek states, polarisation began in Turkish politics between the “conservative globalism” camp, represented by the AKP, and the “defensive nationalism” camp, mostly comprising the Kemalist Republican People's Party (CHP), and the nationalist conservative Nationalist Movement Party (MHP). The TSK, as a guardian of secularism and nation-state principles, took the side of the defensive nationalist camp and remained skeptical of AKP's agenda. The AKP government used democratic reforms and a well-designed strategy of full EU membership in order to push the military out of politics. The government added the Kurdish Question to its agenda after 2007 when many high-ranking generals and retired officers were accused of planning to overthrow the government. After 2009, the AKP government initiated the peace process in two phases. The first phase, called “democratic

opening" (*demokratik açılım*), officially named "the national unity and brotherhood project" (*milli birlik ve kardeşlik projesi*), failed after the nationalist circles sharply criticised the government and claimed that it encouraged Kurdish secession. Following the 2011 parliamentary elections the government initiated "the peace process" (*barış süreci*) (also known as the "solution process" (*çözüm süreci*)) in January 2013. For the first time in Turkey's history, a government decided to settle the Kurdish Question through peaceful means.

The second chapter analyses the Kurdish Question from an international relations theories perspective, instead of presenting a full and detailed history of the process. This is where the author conceptualises the case of the Kurdish Question. First, he explains why the conflict between the Kurds and Turkey should be called an intra-state "civil war". Özpek conceives that the suppression of Kurdish identity and the environment of insecurity created by the state are to blame for the civil war. This theoretical framework is followed by the author's claim that the AKP government classified this conflict as a civil war, even though the author does not refer to any official statement on this point, and regards the PKK as the addressee of the Kurdish Question. Özpek proposes that a realistic approach on both sides to the peace initiative existed. He elucidates that according to the "strategic peace" approach, peace is as rational and strategic as war. Thus, the peace process in Turkey is seen as a contextual silence, which "is temporal and valid until the existent conditions change" (p. 31). Özpek finalises the chapter by suggesting that both sides, the AKP government and the PKK, "instrumentalized the peace process in order to maximize their interests" (p. 33). Related with this point the author highlights in the following chapters that the AKP government led by Recep Tayyip Erdoğan had a political leaning towards the instrumentalisation of the peace process, while the HDP under the leadership of Selahattin Demirtaş insisted on not using it for "political gain" or turning it into a "bargaining chip". Even though the peace process was declared void by Erdoğan, when 33 students calling for peace were killed by an attack on July 21, 2015 in Suruç and a day after two Turkish police officers were killed in Ceylanpınar, both the AKP and the PKK started and ended the peace process because their strategic interest "converged in January 2013 and diverged following the June, 7th elections in 2015" (p. 60).

The third and fourth chapters focus on the downfall of the peace process after the June 7, 2015 parliamentary elections. The AKP lost its previous majority in parliament and deemed HDP's success as the main reason for this. The ensuing violence pushed the AKP to take a militaristic and nationalistic stance. In conclusion, the author emphasises the importance of the AKP government's departure from the securitisation of the Kurdish Question. He argues the

pattern set in modern Turkish political history did not change in terms of the instrumentalisation of the issue. The author concludes that the peace process did not receive permanent support from the opposition parties and non-state actors because the AKP government and the PKK carried out negotiations alone, and did not inform the society much about the content.

Several limitations of the book require comments. It appears that the book does not provide much background on the initial years of the peace process, which took place between 2009 and 2013, as well as the aftermath of 2015 when the negotiations collapsed and the assault on the Kurdish cities started, especially in Sur, Yüksekova, Silopi, Cizre and İdil. Özpek also does not elaborate on the mission and report presented by the “Wise People Committee” (*Akil İnsanlar Heyeti*). This 63-member committee was comprised of high profile figures of academia, civil society, business associations, media and the arts. The Wise People Committee was not in the center of the peace process, however they received wide public support because they represented a civilian aspect in terms of the peace negotiations. This is part of the author’s wider omission of the reactions from civil society organisations, student organisations, and cultural organisations. The focus is mostly on political actors. The author therefore decides not to discuss content provided in newspapers, journals and TV programs reflecting these reactions. Instead, he engages on the scholarship produced on the Kurdish Question and ethnic conflicts around the world. Despite these shortcomings, the author presents a very concise, readable and analytical timeline of the peace process on the Kurdish Question in Turkey.

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