

## Natural law perspective underlying the Republic of Türkiye Türkiye Cumhuriyeti'nin temelindeki doğal hukuk perspektifi

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**ABSTRACT:** Republic of Türkiye was founded during the years, starting with the Allied Powers' occupation by the end of World War War in 1918-1919 and until declaration of the republic in October 29, 1923. Mustafa Kemal Atatürk, the first president and leader of the liberation war preceding it, mentioned in one of his speeches that the struggle for an independent Turkish Republic was initiated with the motto "There is 'right' in the world, and the right is superior to might, for sure". This motto implies that the struggle against the occupying powers and the monarchy under their control, wouldn't be only a military campaign for obtaining actual dominance through physical fight, but also a legal struggle based on universally accepted principles of the law. One can see recognition of the Republic of Türkiye is based on the struggle's legal victories gained in Lausanne, in support of the world-wide accepted legal principles, in addition to its actual dominance over the lands. These legal victories include recognition of the new republic as a result of execution of Turks' self-determination rights under Wilson's points and the new republic's economically and politically equal status as a reflection of the natural rights of every people under republican/nationalist viewpoint that stems from the French Revolution. This study, leaving aside the military achievements, handles the legal and political achievements obtained by the Turkish republic in 1923 under natural law doctrine between 1919 and 1923, all of which form a part of the fundamentals of Republic of Türkiye. These include Turkish nations' right to be represented under General Will theory, people's right to form a new government and maintenance of the rights inherited from the monarchy under Pacta Sund Servanda principle.

**Keywords:** Republic, Natural law, Natural rights, Self-determination, Hugo Grotius

**ÖZ:** Türkiye Cumhuriyeti, Birinci Dünya Savaşı'nın bitiminin ardından, 1918-1919 yıllarında Müttefik Devletler'in işgaline karşı başlayarak, 29 Ekim 1923 tarihinde cumhuriyetin ilanına kadar geçen süreçte kuruldu. İlk cumhurbaşkanı ve Kurtuluş Savaşı'nın önderliğini yapmış olan Mustafa Kemal Atatürk, konuşmalarından birinde bağımsız bir Türk Cumhuriyeti için mücadelenin "Elbet alemde bir hak vardır ve hak kuvvetin üstündedir" şeklindeki söylemini şiar edinerek başlamış olduğunu ifade etmiştir. Bu söylem, işgalci güçlere ve onların kontrolü altında bulunan monarşiye karşı mücadelenin sadece fiziksel bir savaşla gerçek egemenliği elde etme girişimi olmayacağını, aynı zamanda evrensel ölçekte kabul görmüş hukuk ilkelerine dayalı bir hukuki mücadele de olacağını ima etmektedir. Türkiye Cumhuriyeti'nin tanınmasının, topraklar üzerindeki fiili egemenliğine ek olarak dünya çapında kabul görmüş hukuk ilkelerinin desteğinde Lozan'daki kazanılmış olan hukuk zaferlerine dayandığı görülebilir. Bu hukuk zaferleri arasında Türk halkının Wilson prensiplerinden doğan kendi kaderini tayin etme hakkını kullanmasının sonucu olarak yeni cumhuriyetin tanınması, Fransız Devrimi'nden kaynaklanan cumhuriyetçi/milliyetçi bakış açısına göre her milletin sahip olduğu doğal haklarının bir yansıması olarak yeni cumhuriyetin gerek ekonomik açıdan gerekse siyasi açıdan eşit statüye sahip olması vardır. Bu çalışma, askeri başarıları konu kapsamı dışında tutarak 1919 yılından 1923 yılına kadar Türkiye Cumhuriyeti'nin doğal hukuk doktrini çerçevesinde elde etmiş olduğu hukuki ve siyasi başarıları ele almaktadır, ki bu başarılar Türkiye Cumhuriyeti'nin temellerinin bir kısmını teşkil etmektedir. Türkiye Cumhuriyeti'nin temelini oluşturan bu unsurlar içinde, Türk milletinin Genel İrade teorisi gereğince temsil edilme hakkı, doğal haklarını koruma amacıyla yeni bir devlet kurma hakkı, Ahde Vefa ilkesinin gereklerine uygun olarak, monarşiden miras kalmış olan hakların muhafaza edilmesi de vardır.

**Anahtar Kelimeler:** Cumhuriyet, Doğal hukuk, Doğal haklar, Kendi kaderini tayin hakkı, Hugo Grotius

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## GENİŞLETİLMİŞ ÖZET

### Literatür taraması

"Mustafa Kemal Atatürk'ün "Elbet alemde bir hak vardır ve hak kuvvetin üstündedir" ifadesi, literatür taraması çalışmasının temel odak noktasını oluşturmaktadır. Bu ifadenin, Atatürk'ün dünya görüşündeki evrenselliği ve adalet anlayışını temsil ettiği düşünülmektedir. Bu sözünün tarihsel bağlamını ve söylendiği konuşmanın tarihini belirlemek, aynı zamanda o dönemin siyasi ve sosyal gelişmelerini anlamak açısından hayati bir önem taşımaktadır. Bu kritik dönem, Türkiye'nin uluslararası sahnede yeniden şekillendiği ve kendi varlığını tanımladığı bir süreci ifade eder. Ayrıca, söz konusu ifadenin içeriğinin ne anlama geldiğini daha iyi anlayabilmek amacıyla, Mustafa Kemal'in ifadesinde geçen "hak" kelimesi ile aynı terimin Müdafaa-i Hukuk Cemiyetleri'nin isminde yer almasının arka planını aydınlatmak üzere arşiv kaynakları incelenmiştir. Bu inceleme, Türk ulusal hareketinin, halkın haklarını savunma amacıyla nasıl örgütlendiğini de gözler önüne seriyor. Bu bağlamda, dönemin şartları içinde "hak" kelimesinin özellikle Wilson prensiplerinin 12. maddesiyle örtüştüğü, bu ilkenin de Türk çoğunluğunun yaşadığı bölgelerin yönetiminin yerli Türklere bırakılması gerektiği yönünde olduğu anlaşılmıştır. Wilson prensipleri, o dönemin uluslararası ilişkilerinde önemli bir rol oynamıştır ve birçok ülkenin kaderini etkilemiştir.

John Locke'un teorik çerçevesinde ulusların bağımsızlık mücadelelerinin meşruiyetini anlamak amacıyla, Amerika Birleşik Devletleri'nin anayasal felsefesi ve uluslararası liberalizme dair temel doktrinler titizlikle incelenmiştir. Bu incelemenin amacı, Amerika'nın kuruluş felsefesindeki evrensel değerlerin, modern Türkiye'nin kuruluşuna olan etkisini ortaya koymaktır. Bunun yanı sıra, John Locke'un teorisine benzer şekilde sosyal sözleşme teorisinden yola çıkan ancak farklı temellendirmelere ve sonuçlara ulaşan Jean-Jacques Rousseau'nun Genel İrade Teorisi de ayrıntılı bir şekilde ele alınmıştır. Rousseau'nun teorisi, bireyin ve toplumun arasındaki denge üzerine önemli perspektifler sunar.

Bu çerçevede, doğal hukuk temelindeki bu öğretilerin hukuki uygulamada nasıl yer bulduğunu anlamak adına Hugo Grotius'un katkıları da ayrıntılı bir şekilde incelenmiştir. Grotius, modern uluslararası hukukun babası olarak kabul edilir ve bu alanda yaptığı katkılar sayesinde uluslararası ilişkilerin normatif çerçevesinin şekillenmesinde önemli bir role sahiptir. Bununla birlikte, askeri çatışmaların sona ermesinin ardından Türkiye'nin temsili açısından özellikle Ankara'daki Büyük Millet Meclisi'nin İstanbul'daki monarşinin yerine tanınmasının ve Lozan Antlaşması görüşmelerine katılmasının önemi vurgulanmıştır. Bu tanıma, Türkiye'nin uluslararası sahada yeni bir aktör olarak kabul edilmesi ve egemenliğinin tanınması anlamına gelmektedir. Bu diplomasi tanınması, aynı zamanda Sevr Antlaşması'nı geçersiz kıldığı bir işareti olarak da değerlendirilmiştir. Sevr, Osmanlı İmparatorluğu'nun son demlerinde imzalanan bir antlaşmaydı ve Lozan'la yerini buldu. Bu sebeple, Lozan Antlaşması'na dair kaynaklarda detaylı bir araştırma yapılmıştır.

### Yöntem

Woodrow Wilson'un prensiplerini, Platon zamanındaki "Hak mı güçten üstündür, güç mü haktan üstündür" tartışmasını, Hugo Grotius'un doğal hukukçu yaklaşımını, John Locke'un direnme hakkı teorisini ve Jean Jacques Rousseau'nun genel irade teorisini Türkiye Cumhuriyeti'nin kuruluşundaki temel değerlerle birlikte ele alan sınırlı kaynak olmakla birlikte hepsine göz atılmıştır. Cumhuriyetin kurucu belgeleri olan Amasya Tamimi'nden, Sivas Kongresi Bildirisi'nden ve Türkiye Büyük Millet Meclisi tutanaklarından yararlanılmış, konuyla ilgili alıntılar yapılmıştır. Ancak bu kaynaklarla yetinilmemiş ve bu haklara değinen Türkçe kaynaklarla birlikte bu konuları derinlemesine ele alan İngilizce kaynaklardan yararlanılmıştır. Özellikle söz konusu doktrinlerin doğal hukukla olan bağlantısını ve bunların Türkiye Cumhuriyeti'nin kuruluş felsefesine etkilerini temellendirebilmek için konu hakkında açıklamalar yapan kaynaklara atıf yapılmaya öncelik verilmiştir.

### Bulgular ve tartışma

Hak mı gücün üzerindedir güç mü hakkın üzerindedir tartışması Platon'un devlet kitabında yer almakla birlikte Platon bu tartışmayı iki karakter aracılığıyla yapmıştır ve aslında taraflardan hiçbirini haklı çıkarmadığı, tartışmayı ortada bıraktığı görülmüştür. Bu tarafsızlık, Platon'un felsefi yaklaşımının ve düşünme biçiminin bir yansıması sayılabilir. Kitabındaki Sokrates karakterinin ilham kaynağının hocası

Sokrates olduğundan kuşku yoktur ancak diyalogda Sokrates'e izafe edilen sözleri gerçek Sokrates söylemiş gibi kabul etmek doğru olmayacağı gibi Thrasymakhos'a izafe edilen sözlerin ve hatta görüşlerin de gerçekten Thrasymakhos'a ait olduğunu kesin surette söylemek mümkün değildir. Bu durum, antik dönemde yazarların kendi fikirlerini tanınmış karakterler aracılığıyla dile getirme eğilimine bir örnek olmakla birlikte Platon'un kendi görüşlerini diyaloglarda hocası Sokrates'in ağzından ifade ettiği bilindiği için Platon'un bu tartışmada hak güçten üstündür görüşünü savunduğu sonucuna varılmıştır. Nitekim bu sonuç, Platon'un adalet ve ahlak anlayışının temelini oluşturmuştur.

Wilson prensipleriyle ilgili, makale konusu dışında kalan konuları ele alan bazı kaynaklardan anlaşıldığı kadarıyla o zamanki Amerika Birleşik Devletleri başkanı olan Woodrow Wilson'ın söz konusu prensipleri ileri sürmekteki amacının, Avrupa tipi kolonici emperyalizm yerine uluslararası liberalizmi getirmek olduğu ve bunun sadece Türklerle ilgili değil, Avrupa tipi sömürgecilikten mağdur olan tüm halklar için öngörülmüş olduğu fakat Birinci Dünya Savaşı'nın galibi olan Avrupa devletlerinin bu ilkeleri kendiliklerinden uygulamakta gönülsüz davranmış oldukları anlaşılmıştır. Bu durum, savaş sonrası siyasi ve ekonomik dengelerin karmaşıklığına işaret etse de konu bütünlüğüne dağıtmamak için bu ayrıntılara girilmemiştir. Zira ana konuya odaklanmak, okuyucunun konunun özüne daha kolay ulaşmasını sağlar.

Liberalizmin genel düşünce yapısını anlatan eserlerde John Locke'un direnme hakkı teorisiyle Woodrow Wilson'un kendi kaderini tayin etme hakkı doktrini arasındaki bağlantıyı bulmak zor olmamıştır çünkü her iki otorite de bireyin özgürlüğünü ve devletin halk rızasına dayalı meşruiyetini ön planda tutmuştur. Benzer şekilde Rousseau'nun sosyal sözleşmecî görüşünün de John Locke'unkiyle benzerlikleri olduğu ancak yönetim biçimi olarak cumhuriyeti temellendirmek konusunda Rousseau'nun genel irade teorisinin, 1923'te Türkiye'de geçerli olan kuvvetler birliği rejimi olan meclis hükümeti sistemini çok daha iyi temellendirdiği görülmüştür, ki 1923 yılının Türkiye Büyük Millet Meclisi bu yönüyle Amerika Birleşik Devletleri'nden çok Fransız Devrimi'nin kurucu meclisine benzemektedir.

### Sonuç

Türkiye'nin bir cumhuriyet olarak kurulmasında askeri ve siyasi bir mücadele olduğu muhakkak olmakla birlikte söz konusu sürecin çok ciddi bir düşünsel arkaplanı olduğu, söz konusu mücadelenin dünyadaki hukuk felsefesi tartışmalarıyla ve o güne kadar kabul görmüş olan hukuk ilkeleriyle neredeyse bire bir örtüşmesinden anlaşılmaktadır. Cumhuriyetin kurucuları sadece içinde buldukları zamanın gereklerini yerine getirme kaygısıyla hareket etmeyen, dünyadaki devlet felsefelerinin ve uluslararası hukuk ilkelerinin ardında yatan düşünceleri özümseyerek cumhuriyeti sağlam temellerle kurmuş ve bu sayede yüz yıl sonrasına kadar başarıyla taşıyabilmiş kişilerdir. Bu çalışma, cumhuriyetin kuruluşundaki bu vizyonu ortaya koymak içindir.

## Introduction

Mustafa Kemal Atatürk, leader of the national resistance and first president of the Republic of Türkiye (Howard, 2016) made a remark, dated March 16, 1920, suggesting that Turkish nationalist resistance movement to have been equipped with “*all principles considered sacred by the civilization and humanity of the 20<sup>th</sup> century and all the drives to defend our freedom, land and nation*” (Tiftikçi, 1999). This declaration is noteworthy as it shows that the founding philosophy of the republic of Türkiye is not only based on a military struggle and actual control of the land, but also some certain ‘rights’ that may be considered, by common sense of the humanity, as superior to ‘might’ of the countries that had won the World War I. He referred to these rights as ‘sacred rights’ of the nation not with reference to a religious or nationalistic perspective, but a reference to the common sense of the humanity, as it is clearly put in rest of the statement (Tiftikçi, 1999).

Though these ‘sacred rights’ that he referred to were probably not limited to the rights under Wilson’s Points, it is apposite to also note that even the mentioned rights under Wilson’s points were not observed by supranational documents, neither were recognized by any of allies of the United States of America in World War I. They were just ‘points’ that had been made for construction of a maintainable world peace. Nonetheless, while colonized populations embraced Wilson's principles, the colonial powers themselves often hesitated to grant independence to their colonies. This hesitance also extended to recognizing the self-determination rights of the Turkish people, a recognition that ultimately transpired following the Turkish victory in the Liberation War (Heater, 1994). Furthermore, the remaining "sacred rights" referred to should be construed not as affirmative and vested entitlements but rather as national rights viewed as intrinsic and inherent in the context of humanity.

In this context, Atatürk’s saying “*There is a right in the world and right is superior to might, for sure*” dated December 28, 1919 (Tiftikçi, 1999) can be interpreted as a reference to the very old jurisprudential debate, from the times of Plato and manifestly denies the maxim “*Might makes right*”. Likewise, declaration of Sivas Conference saying that sultanate has to owe obedience to the national will, can be interpreted as a reference to the nations’ natural right to resistance or the superiority of general will of the people over government. Also, the fact that Ottoman powers of sultanate and caliphate were legally supplanted by Turkish Grand National Assembly can be backed by the Grotian view that a government that fails to protect the fundamental rights, can be replaced by its citizens. And the last but not the least important point, in this context, was made by Woodrow Wilson suggesting that nations should have the right to determine their destiny, which was referred to manifestly so many times during Turkish liberation war, by various levels of the national resistance. All these implicit and explicit references and parallelisms relate to natural law perspective and natural rights of the nations. As the natural law perspective and the natural rights that stem from certain perspectives of natural law constitute a sound philosophical basis for basic human rights (Uslu, 2011), these references deserve a closer insight to the foundations of the Turkish republic as well as the fundamental rights that ought to be recognized by common sense of the humanity by the beginning of the 20<sup>th</sup> century.

## Platonic controversy as to whether might makes right

The longstanding debate in jurisprudence regarding the concept of 'might makes right' is one of the oldest (Frank, 2016). This debate becomes pertinent in legal cases where the applicable positive law, being in advantage of the governing body, contradicts widely accepted societal moral values. In such instances, the immorality of the applicable positive law is criticized for seemingly safeguarding the interests of those in positions of authority. Where the authority adopts legal norms with the concern of protecting its own interests rather than maintaining the justice, i.e. moral expectations of the society or humanity, the negative stance it faces against the legitimacy of its policy, is referred to as natural law perspective. As a result of the transformation in Western intellectual world during modernity, the 20<sup>st</sup> century witnessed almost a complete negligence of the natural law against legal positivism (Radbruch, 1945) as a result of overwhelming popularity of legal positivism (Çağıl, 1948). Nevertheless, this stance of ‘right’ was adopted by the founders of the Republic of Türkiye against the ‘might’ of the victors of World War I. This study is an attempt to illustrate how a state can become a champion of natural law on the international stage, contrasting with mighty states’ insistence on ignoring the inherent rights of the nations under the natural law perspective.

Throughout history, the maxim "Might makes right" has sparked significant philosophical debates that have called into question the very foundations of jurisprudence, ethics and political philosophy. It is possible to trace the beginnings of this argument back to Thrasymachus of Chalkedon, a fifth-century BCE Hellenic philosopher whose ideas laid the foundation for a debate that would last throughout history (Kılıç, 2022). Thrasymachus, a character inspired from a prominent philosopher of the same name (Lycos, 1987) in Plato's "Republic," provided a difficult alternative to the commonly accepted ethical standards of his time. He asserted bluntly that justice corresponds with the interests of the stronger, thus strength is superior to being right according to moral consideration of any case. From his point of view, the ruling class determines the concept of justice, using their power to protect their own interests (Kutluay, 2023). Thrasymachus' position was a striking break from traditional concepts of justice and morality, sparking a discussion that would reverberate throughout history.

In reaction to Thrasymachus, Socrates (also as a fictional character created by Plato, inspired from this real-life teacher, for the sake of handling the matter in dialectical method) argued with the concept of justice in Plato's book, "Republic". He rejected the notion that might equals right, instead proposing a vision of justice based on an ideal state ruled by philosopher-kings. Plato (through words he attributes to Socrates) claimed that justice originates from the harmony of the three soul components—reason, spirit, and appetite—and that rulers should prioritize the collective good over personal interests.

Plato's follower, Aristotle, broadened the discussion by looking at ethics through the lens of virtue ethics. He criticized Thrasymachus' position, claiming that ethics are founded on rationality and morality rather than power superiority (Knoll, 2021). The importance of cultivating moral character, achieving eudaimonia, or flourishing, as the ultimate goal of human existence was emphasized by Aristotle's virtue ethics. His approach would be followed by the champions of natural law theory in the centuries to come, whether with secular or religious arguments.

The "might makes right" debate raged on throughout the Middle Ages and into the modern era, presenting itself in a variety of philosophical and political situations. The notion of divine right originated in the Middle Ages, stating that monarchs draw their authority directly from God. This idea strengthened the link between power and legitimacy, repeating the adage "might makes right" (Mullins, 2023).

The search for an alternative to might, as a criterion superior to the rights and a ground for establishing inherent rights, led to development of social contract theories. The rise of social contract theories occurred throughout the Enlightenment period (Çağıl, 1948). Thinkers such as John Locke and Jean-Jacques Rousseau argued for a system in which political power is derived from the agreement of the governed. Their views questioned the long-held belief that authority naturally validates itself, shifting the emphasis to individual rights and community consent. In the context of global politics, human rights, and international law, the dispute over "might makes right" continues to this day. The use of military force, economic domination, and geopolitical influence frequently raises questions about the ethical implications of power dynamics. Realpolitik supporters argue that governments must prioritize their interests in a world dominated by power battles, echoing Thrasymachus' position. This is expressed with the saying "Might makes right".

Proponents of human rights and international cooperation, on the other hand, highlight the importance of moral values in directing state behavior. Entities such as the United Nations work to construct a rules-based global order that limits power abuses and protects the rights and dignity of all people. The "might makes right" debate, sparked by Thrasymachus' controversial ideas, has spanned philosophical history, affecting political thinking, ethics, and government. While the debate has developed over millennia, the central question remains: Does power automatically justify itself, or is there a deeper ethical underpinning for authority? The legacy of Thrasymachus remains as nations navigate sophisticated power dynamics in an interconnected globe, compelling us to struggle with the delicate interaction between might and right (Lupel, 2019).

In this context, Atatürk's statement "*There is a right in the world and right is superior to might, for sure*" can be interpreted as a reference to his republican ideals, not only based on his anticipation of a victory in the liberation war, but also on his faith in the international community, to recognize the national will of Turks to determine their own destiny. Though the winning states of the World War I were reluctant to recognize the Turks' rights under universal principles of law and were preferring to deal with the powerless sultanate as the only authority representing Turks, the public opinion in those states, as well as the international community could still help Turkish liberation movement to be recognized, though only after the liberation movement could prove itself as a new subject of the international relations. In fact, Time news magazine's cover for March 24, 1923 saying "Where is a Turk his own master" using Mustafa Kemal's photograph implies that Turkish liberation movement could meet positive approach from the intellectuals and the public opinion of the United States of America, provided that Turks demand to determine no other nation's, but only their own destiny. Also, international recognition of the Turkish republic in 1923 under Lausanne Peace Treaty, as an outcome of the struggle, can be taken as a verification of the challenge of the right against might. For the liberation war, such an approach, would be equivalent to being subject to a common sense (of the international community), rather than the greed of the world-war-winning countries that try to govern the Turkish lands according to their own individual interests. That, being quite analogic to Plato's "might doesn't make right" suggestion, showed that the recognition of rights is not only dependent on might, but also a common intellectual sense.

### **Recognition of international law doctrine of Hugo Grotius - right makes might**

#### ***In general***

Hugo Grotius' theory of universal law, serving as the jurisprudential foundation for these assertions, profoundly influenced several pivotal principles. Grotius' emphasis on existence of international law based on international morality contributed to the emergence of the self-determination concept, affirming the entitlement of communities to determine their governance. Moreover, Grotius supported the legitimate right of citizens to oppose or supplant governments that fail to safeguard their fundamental rights, a concept echoed by John Locke (Brincat, 2009).

One aspect of the Turkish republic can be taken as a concrete case for this abstract opinion of Grotius. The law for abolition of the caliphate, adopted by Turkish Grand National Assembly in 1924, as a complementary legislative act for establishment of the republic, contains the following provision: "*The caliph has been dethroned. The office of caliphate is abolished as it is foundationally inherent in the notional and conceptual scope of the government and the republic*" (Jäschke, 1973). This carefully chosen wording implies that a national grand assembly and an office of caliphate cannot co-exist as their power would coincide. Establishing the fact that the caliphate was unable to safeguard the fundamental rights of its 'subject', this law legitimately supplants its governmental powers to the parliament.

Grotius' ideas extended into international relations, influencing the principle of *Pacta Sunt Servanda* (Brett, 2002), asserting that agreements must be upheld, and contributing to the principle of reciprocity (Brett, 2002) in diplomatic interactions between states. Collectively, Grotius' theory laid the groundwork for modern international law, human rights, and the guiding principles governing state conduct and relationships. This article further delves into these matters to offer a comprehensive understanding of their implications and historical context.

In the realm of international relations and law, the doctrine of Hugo Grotius stands as a significant milestone in the evolution of principles that govern the conduct of nations, according to which the fundamental rules of international law are based on common morality of the nations and not on compulsion (Forde, 1998). Hugo Grotius, a 17<sup>th</sup>-century Dutch jurist and philosopher, laid the groundwork for the concept that certain universal laws and principles exist above and beyond the sovereignty of individual states. This recognition of universally applicable norms became a cornerstone in shaping international relations and influencing the subsequent development of principles such as Natural Law, *Pacta Sunt Servanda*, and Reciprocity.

### ***Natural law above all states***

Central to Grotius' doctrine was the notion of Natural Law, a set of ethical principles derived from reason and inherent in the nature of humanity. Grotius believed that Natural Law transcended the authority of individual states and served as a common framework for governing human interactions (Brett, 2002). This idea challenged the prevailing belief that states were solely guided by their own interests and showed that there was an underlying moral code applicable to all nations. As mentioned above, international recognition of Republic of Türkiye was not only result of a military struggle. The international support received by Turkish nationalists, supported by points made by Wilson, as well as certain intellectual authorities and public opinions of the states was a reflection of Grotius' theory that there is a moral code underlying the positive law applicable to the nations.

### ***Pacta sunt servanda principle***

Grotius' doctrine also contributed to the development and acceptance of the *pacta sunt servanda* principle, which asserts that agreements and treaties must be upheld and honored by parties involved (Sharp, 1941). This principle emphasizes the importance of maintaining commitments and respecting the obligations established through agreements. Grotius' recognition of universal laws played a pivotal role in fostering a sense of moral duty among nations to abide by the terms of treaties, even when it might not be solely in their immediate self-interest (Carty, 2018).

Behind the establishment of Turkish republic, there are two problems regarding the *pacta sunt servanda* principle. The first is the fact that then Entente Powers failed to observe the terms of Mudros Ceasefire Treaty. There were Turkish lands occupied by Entente Powers after execution of Mudros Ceasefire Treaty and Turkish Parliament, adopting the so-called National Oath (Misak-ı Milli) declared that those acts of occupation were in violation of Mudros Ceasefire Treaty and called for abandonment of them (Arslan, 2017). The outbreak of the entire Liberation War, spanning across various fronts, can be attributed to the conflict that originated from the Entente Powers' non-compliance with the provisions of the Mudros Ceasefire Treaty. In the absence of a higher authority to adjudicate this breach, the only prevailing determinant was the collective moral judgment. Furthermore, in conjunction with the concept of *pacta sunt servanda*, a significant aspect is the Turkish parliament's consistent avoidance of ratifying the Sevres Treaty, a requisite legal step for the treaty to hold binding authority over the Turkish state, despite its initial signing by specific Ottoman officials (Doğru, 2013). It is imperative to acknowledge that the Turkish War of Liberation had a dual objective. It not only aimed to combat the occupying states that had violated the Mudros Ceasefire Treaty by encroaching upon Turkish territories but also sought to safeguard the Turkish parliament as a constitutional entity. The significance of this objective lay in preventing the automatic transfer of its powers to the sultanate, which was poised to endorse the treaty. Therefore, the actions of the founders of the Republic of Türkiye extended beyond achieving a military victory over the occupying forces; they also strived to circumvent the automatic legal ratification of the Sevres Treaty. This multifaceted approach underscores their steadfast commitment to the principle of *pacta sunt servanda*, despite the evident breaches by the Entente Powers.

### ***Reciprocity principle***

The principle of reciprocity, which posits that states treat each other in the same manner they are treated, gained prominence with Grotius' doctrine (Brett, 2002). He argued that adherence to this principle fosters a sense of fairness and mutual benefit in international interactions. The recognition of universal laws, as advocated by Grotius, lent legitimacy to the idea that nations should engage with each other on a basis of mutual respect and equitable treatment.

The doctrine of Hugo Grotius continues to reverberate in modern international law and relations. The concept of universally applicable norms, such as Natural Law, has influenced the development of international human rights laws and the establishment of institutions like the United Nations (Higgins, 1985). The principles of Pacta Sunt Servanda and reciprocity remain integral to the functioning of international diplomacy and treaty negotiations.

As for foundation of the Republic of Türkiye, Lausanne Peace Treaty contains provisions that require reciprocity. It is article 45 providing as follows: "*rights conferred by the provisions of the present*

*Section on the non-Moslem minorities of Türkiye will be similarly conferred by Greece on the Moslem minority in her territory". Under section III of the treaty, these rights include right to life, liberty, religion, civil and political rights. This provision allowed Türkiye and Greece to treat their own minorities as the other treats to her own minority. Therefore, where either Türkiye or Greece took measure in violation of the minority in her land, the other country would be, under the treaty, entitled to take an equivalent measure to the same effect to the minority in her land (Yağcıoğlu, 2010). In connection with these clauses, Türkiye and Greece agreed to exchange populations reciprocally, according to which ethnic Turks moved to Türkiye while ethnic Roman Orthodox Christians removed to Greece (Turna, 2013). This exchange agreement was also reciprocal though it excluded certain territories such as Western Thracia and Istanbul.*

It is worth noting that this was a very limited reciprocal provision. The reciprocity to which Grotius alludes can be discerned in the underlying ethos of the treaty. This essence entails the expectation that the newly established Republic of Türkiye would conclude its liberation war and acknowledge internationally recognized borders. In return, European states, as signatories to the treaty, would accord the Republic of Türkiye the status of an equal sovereign state, akin to their European counterparts. This, in turn, would entail the removal of economic and legal capitulations. Such a gesture was predicated on the belief that the Republic of Türkiye's adoption of continental legal norms would ensure equitable and impartial treatment of all communities, both Muslim and non-Muslim, within its jurisdiction (Bozkurt, 1991).

### **Locke's theory of natural right to overthrow a corrupted government – right to resistance**

#### ***In general***

John Locke's social contract theory, centering on the role of governments in safeguarding citizens' natural rights, offers insights into Türkiye's transition from monarchy to republic. The Ottoman Empire's monarchical rule encountered challenges in upholding individual liberties, prompting a call for change. This situation aligns with Locke's contention that if a government fails to protect natural rights, citizens possess the right to establish a new one (Morton, 1991).

The concept of natural rights has long been a cornerstone of political philosophy, shaping debates on the relationship between individuals and the state. Within the realm of libertarian thought, the notion of a natural right to establish a new state holds a distinctive place. The roots of natural rights philosophy can be traced back to Enlightenment thinkers like John Locke, whose ideas were essentially influenced by liberal theories of Hugo Grotius (Tuck, 1979) and have profoundly influenced modern political thought. Locke's assertion that individuals possess inherent rights to life, liberty, and property laid the groundwork for the concept of natural rights. From a libertarian viewpoint, these rights are not granted by the state but are inherent to human nature (Iverson, 2004).

Libertarianism, as a political philosophy, places a premium on individual autonomy and minimal state intervention. From this perspective, the right to resistance takes center stage. The right to resistance encompasses the natural right of individuals to make choices about their own lives, free from external coercion. It makes it legitimate to revolt against a totalitarian government to protect their freedoms (Gökalp, 1968a). This extends beyond personal choices to the establishment of new political entities, such as states.

Within the libertarian framework, the natural right to establish a new state is grounded in several key arguments (Grant, 1991). First, libertarians emphasize the primacy of individual consent. The social contract, according to this perspective, is valid only when entered into voluntarily by individuals. If a group of people collectively decides to form a new state based on shared values and principles, this decision is an exercise of their natural right to self-determination.

Second, the principle of non-aggression is pivotal (Grant, 1991). Libertarians advocate for a society where interactions are based on voluntary cooperation rather than force. Establishing a new state peacefully, through consensus and negotiation, aligns with the non-aggression principle. This approach stands in stark contrast to historical instances of state formation through conquest and coercion.

One of the critical elements of the libertarian perspective on the natural right to establish a new state is the emphasis on consent. Consent is regarded as the cornerstone of political legitimacy. A group of individuals can come together and form a new state by mutually agreeing to the terms of their association. Likewise, individuals within an existing state have the right to secede if they no longer consent to the state's authority. This principle places individuals at the heart of the political process, ensuring that governance remains rooted in the will of the governed (Çağlı, 1948).

In the modern world, the natural right to establish a new state under a libertarian framework has several implications. It challenges the prevailing notion of state sovereignty as an unquestionable and immutable concept. Instead, it underscores the idea that the legitimacy of a state is contingent on the consent of its citizens. Moreover, this perspective has relevance in contexts where subjugated groups seek to assert their autonomy and establish new political entities. Movements advocating for self-determination and statehood, particularly among indigenous peoples, can find theoretical grounding in the libertarian natural rights framework. This presents an alternative lens through which such struggles can be understood and evaluated.

While the libertarian perspective on the natural right to establish a new state offers a compelling framework, it is not without challenges and critiques. Skeptics may argue that such a perspective can lead to fragmentation and instability, as it potentially opens the door to the proliferation of small, competing political entities. Additionally, questions about the practical implementation of the right to establish a new state, particularly in densely populated regions, remain subjects of debate.

The libertarian perspective on the natural right to establish a new state underscores the principle of individual autonomy and self-determination (Grant, 1991). It situates the power to form political entities firmly in the hands of individuals, emphasizing consent and peaceful cooperation. This perspective challenges conventional notions of statehood and sovereignty, offering an alternative lens through which to view political organization and legitimacy. As societies continue to grapple with questions of governance and self-determination, the libertarian framework provides a thought-provoking contribution to the ongoing discourse on the rights of individuals and their relationship with the state.

Amid the Ottoman Empire's decline and mounting internal pressures, Mustafa Kemal Atatürk's leadership took the opportunity of the chaos, culminating in the establishment of the Republic of Türkiye in 1923. This transition exemplifies Locke's theory in practice, illustrating how individuals striving to protect their rights can supplant an ineffective government with one that better upholds individual liberties and garners the populace's consent (Turna, 2013). As its title suggests, the Liberation War, which concluded with the overthrow of Ottoman monarchy and the establishment of a republic, conforms to the principles of John Locke's social contract theory. One of the points made in Sivas Conference's Declaration (the 8<sup>th</sup> point) is as follows *"In this historical epoch, in which the nations determine their own destiny, our central government [sultanate] has to owe obedience to the national will. It is because, it has been, so far, established by the past actions and their outcomes that any stance or resolutions that may be adopted by a governmental body that fail to be based on the national will, would not be acceptable by the nation itself nor has been or will be acknowledged by any authority of the external world"* (Pehlivanlı, 1998).

Claiming to take over the sovereignty on Turkish lands from the Ottoman government, Sivas Conference declaration expressly alleges that actions and resolutions of sultanate had ceased to be effective nationally or internationally in any sense and, therefore, the only realistic representative of the nation could be the members of the parliament to be delegated based on the conference. It also implies that such a delegation would be a better protector of the fundamental rights of the nation, than the sultanate (Turna, 2013). These fundamental rights are right to freedom, right to life and right to property.

### ***Right to freedom***

The concept of the natural right to establish a new state within the framework of libertarian thought is intrinsically intertwined with the broader notion of individual freedom. At the heart of the libertarian perspective lies the belief in personal autonomy, minimal state intervention, and the fundamental right

to live one's life unburdened by external coercion. The right to freedom serves as a crucial sub-title within the context of the natural right to form a new state, underscoring the foundational principles upon which this perspective is built (Zuckert, 1994).

Libertarianism, as a philosophy, places the individual at the forefront of its ethical considerations. The right to freedom is an inherent aspect of human nature, not granted by any governing authority, but rather acknowledged as an essential birthright. This perspective harkens back to Enlightenment thinkers like John Locke, who posited that individuals possess inalienable rights to life, liberty, and property (Smith, 2013). These rights are not mere concessions from a government, but inherent attributes that no entity should infringe upon.

Within the libertarian perspective on the natural right to establish a new state, the right to freedom gains prominence in the context of self-determination (Grant, 1991). Individuals have the liberty to determine the course of their own lives, free from external interference. This principle extends beyond personal choices to encompass the formation of new political entities. The ability to collectively decide to establish a new state reflects the exercise of individual freedom on a broader scale.

The right to freedom also encompasses the crucial notion of consent. Libertarian theory emphasizes voluntary interactions and associations, where individuals engage in relationships and agreements willingly. In the context of establishing a new state, this notion is particularly relevant. A group of people coming together to form a new political entity does so through mutual consent. This process aligns with the libertarian emphasis on non-coercion and voluntary cooperation.

A fundamental tenet of libertarianism is the principle of non-aggression (Parvini, 2020). This principle asserts that interactions between individuals should be based on peaceful cooperation rather than force. In the context of forming a new state, this principle underscores the importance of peaceful negotiation and consensus. This stands in stark contrast to historical instances where state formation occurred through conquest and the imposition of authority, which runs counter to the libertarian ideals of freedom and non-aggression.

The right to freedom within the natural right to establish a new state carries implications for the nature of governance within that state. Libertarian thought envisions a minimal state that respects individual autonomy and refrains from undue interference in personal affairs (Harris, 1998). In a new state formed under these principles, the government's role would be limited to safeguarding individual rights and maintaining an environment conducive to freedom and prosperity.

Critics of the libertarian perspective on the right to freedom within the context of forming a new state often raise concerns about potential societal fragmentation and the absence of overarching regulations. Skeptics argue that a proliferation of small, competing political entities might result in inefficiency and instability. Additionally, questions arise about how issues requiring collective action, such as environmental protection or public infrastructure, would be addressed in such a system.

The right to freedom stands as a cornerstone within the natural right to establish a new state under the libertarian perspective. Rooted in the belief in individual autonomy, voluntary association, and the non-aggression principle, this perspective places the power to form political entities in the hands of consenting individuals. The right to freedom, inherent in the philosophy of libertarianism, shapes not only the process of state formation but also the nature of governance within the envisioned new state. As debates on the role of government and the rights of individuals continue to evolve, the libertarian perspective offers a distinctive lens through which to explore the complex interplay between freedom, governance, and the establishment of new political entities.

As one of the points made in Amasya Circular, Mustafa Kemal announced “*The independence of the nation will be saved by the determination and solidarity of the nation*” refers to the people’s right to replace a government that fails to protect the people’s freedom and independence (Ata, 2008). At the time this circular was declared, the sultanate had agreed to disband all the armies in the country, which

would render Turkish people extremely vulnerable against the invading armies. Inferring the people's right to take over the power from the government for self defence, is one of the appearances of the people's right to freedom.

### ***Right to life***

Within the broader framework of the natural right to establish a new state from a libertarian perspective, the right to life occupies a pivotal role as an essential and foundational principle. Rooted in the philosophy of individual autonomy and minimal state intervention, the right to life underscores the inherent value of human existence and serves as a guiding principle in the formation of new political entities (Singh, 2017).

Central to libertarian thought is the recognition of individual autonomy. The right to life, as an inherent aspect of human nature, is a testament to the inherent worth of each individual. Libertarianism rejects the notion that government or any external authority has the prerogative to dictate the value or purpose of an individual's life. Instead, the philosophy upholds the idea that each person possesses the right to pursue their own path, free from coercive interference.

In the context of the natural right to establish a new state, the right to life assumes a crucial role in shaping the principles of governance. Libertarian theory posits that the primary function of government is to safeguard individual rights, including the right to life. The formation of a new state under this perspective would prioritize the protection of individual existence, ensuring that the government's role is limited to preventing aggression and securing the conditions for peaceful coexistence. This would be possible only by execution of a peace treaty that would be legitimate and effective, unlike Mudros Ceasefire Treaty.

### ***Right to property***

In the context of the broader natural right to establish a new state within the framework of libertarian thought, the right to property emerges as a fundamental tenet that plays a pivotal role. Rooted in the philosophy of individual autonomy and limited government intervention, the right to property underscores the intrinsic value of personal ownership and serves as a guiding principle in the formation of new political entities (Dagan, 2017).

At the core of libertarianism lies the principle of individual autonomy. The right to property is an extension of this autonomy, recognizing that individuals possess the inherent right to own and control the fruits of their labor and their acquired possessions. Libertarianism opposes the idea that government or any external authority can arbitrarily infringe upon an individual's right to possess, use, and dispose of property.

Within the natural right to establish a new state from a libertarian perspective, the right to property takes on a profound significance in shaping the principles of governance. Libertarian theory asserts that the primary role of government is to protect individual rights, including the right to property. In the creation of a new state grounded in this perspective, the protection of property rights becomes a fundamental duty, ensuring that the government's functions are confined to safeguarding these rights from aggression or infringement (Çağıl, 1948)

The right to property serves as a central pillar within the natural right to establish a new state under the libertarian perspective (Dworetz, 1994). Rooted in the philosophy of individual autonomy, non-aggression, and voluntary exchange, this perspective envisions a state that prioritizes the protection of property rights. The right to property not only guides the principles of governance within the newly formed state but also resonates with contemporary discussions on economic autonomy and self-determination. As societies grapple with complex questions of governance and statehood, the libertarian perspective offers a distinct lens through which to explore the intersection of individual autonomy, property rights, and the establishment of new political entities. The inclusion of economic capitulations and property rights of minority groups within the Lausanne Treaty underscores the pressing necessity for delineating and clarifying fundamental property rights for all individuals, regardless of their religious

affiliation, who are subject to the jurisdiction of the Turkish state. This exigency ultimately found resolution within the nascent Turkish republic, characterized by a secular framework, which, in accordance with the aforementioned principles of reciprocity, addressed these matters (Otaç, 2004).

### **Rousseau's general will theory – governmental legitimacy based on national will**

According to Rousseau's notion of the General Will, legitimate governmental authority derives from the collective wishes and common good of the people, enabling democratic decision-making (Schwartzberg, 2008). Natural law theory contends that there are intrinsic moral principles that transcend human rules. Connecting these, the General Will can be viewed as a collective accord trying to align with universal moral principles such as natural law, where good governance is anchored in both the people's common will and fundamental moral truths. This interplay between collective will and moral standards may have affected the transition to a more democratic and just regime in the context of the Ottoman monarchy's replacement by the Parliament of Republic of Türkiye in 1923 (de Dijn, 2018). The emphasis in this movement switched from a single ruler's interests to the collective good of Turkish society.

The formation of the Turkish Parliament mirrored popular sovereignty, in which political authority is derived from the people. Decisions were made by a collaborative process involving elected representatives, similar to Rousseau's General Will, coinciding with the idea of deliberate decision-making for the greater good. This was also reflected by the fact that the newspaper published by the nationalist in Anatolia was titled *İrade-i Milliye* (Howard, 2016) which means 'National Will' and sounds quite close to the term 'General Will'. It is a natural result of the fact that nationalists deemed the Grand National Assembly as the voice of the national general will. This was the outcome of long debate between Turkish intellectuals for generations as to how their government could be modernized and saved (Kasalak, 2009). In light of all such evidence, it can be said that the move attempted to serve the interests of the entire nation, which echoes Rousseau's emphasis on the well-being of the community over individual concerns (Bertram, 2004).

Though the national resistance apparently started in 1919 and the republic was officially declared in 1923, following a series of military victories, it is quite clear that Turkish Grand National Assembly's coming into office by April 23, 1920, declaring itself fully equipped with all executive and legislative powers, being an assembly government system as Rousseau leaned towards (Güneş, 1997), was the implicit beginning of the republic (Yetkin, 2003), though minority of the parliament members had different objectives.

### **Self-determination right under Wilson's points**

President Woodrow Wilson of the United States was a prominent advocate for self-determination during the post-war negotiations, seeking to promote democratic ideals and the rights of national groups to govern themselves. This principle found resonance in various parts of the world, including the Ottoman Empire, which was undergoing a period of upheaval and transformation. Though content of Sevres, which anticipated division of Anatolia to minority ethnicities, was based on Wilson's the very same points (Gökalp, 1968c), the final interpretation of his points was shaped by the military, political and legal struggle of the Republic of Türkiye.

Woodrow Wilson's principles, particularly his emphasis on self-determination and the rights of peoples in 5<sup>th</sup> and 12<sup>th</sup> points among the 14 points he made, had profound ramifications in shaping the global order post-World War I, including the impact on European colonial territories (Lynch, 2002). Wilson's principle of self-determination was proposed as an international law doctrine (Lynch, 2002) applicable to nations worldwide, asserting the right of nations to determine their own political status and governance. This principle resonated deeply with colonized populations in Asia, Africa, and the Middle East, as they sought liberation from European colonial dominance and viewed Wilson's ideas as validating their pursuit of independence.

Wilson's principles also galvanized nationalist movements in Anatolia, exemplified by the Turkish nationalist movement named *Müdafaa-i Hukuk Cemiyeti*, i.e. Society For Defending the Rights (Zeybek, 2009a) as well as *Wilson Prensipleri Cemiyeti*, i.e. Society For Wilson Points (Zeybek, 2009b).

It must be noted that the latter one was not considered a fully patriotic movement in the eyes of the nationalists, as they were ready for Sevres interpretation of the Wilsonian principles (Zurcher, 2020), which will be explained below. The movement aimed to establish a new nation-state in the form of a republic, free from foreign occupation and influence, including the reach of a monarchy under the control of occupying powers in Istanbul, whose authority was denied as the first resolution adopted by the Turkish Grand National Assembly (Işıқтаç, 2013). The Turkish nationalists were resolute in safeguarding their right to self-determination, resisting attempts to partition Anatolia among various foreign powers (Philliou, 2021).

Under the Wilsonian principle of self-determination, the legitimacy of the Turkish liberation movement was bolstered. The notion that peoples had the right to choose their own form of government and political allegiances aligned with the aspirations of the Turkish nationalists. The concept also resonated with the broader international community, which was increasingly supportive of the rights of ethnic and national groups to establish their own sovereign states.

The Treaty of Sèvres in 1920 had marked an initial attempt by the Allied Powers to redraw the borders of the Ottoman Empire, including the potential division of Anatolia among various powers (Helmreich, 1974). However, this treaty was met with vehement opposition by the Turkish nationalist movement, leading to the escalation of the Turkish War of Liberation. As a result, the Turkish War of Liberation, led by figures like Mustafa Kemal Atatürk, sought to assert the rights and sovereignty of the Turkish people against foreign occupation and imperial ambitions. As the Ottoman Empire crumbled after its defeat in World War I, various regions inhabited by ethnically diverse populations sought to define their political futures. The Anatolian heartland emerged as a focal point for the Turkish nationalist movement, driven by the vision of creating a new nation-state based on Turkish identity. Considering the fact that the organization established country-wide to support Turkish nationalist resistance was called "Müdafaa-i Hukuk Cemiyeti", i.e. Society For Defending The Rights, it is quite possible to infer that the society refers to the self-determination right of the Turks under Wilson principles (Philliou, 2021).

The eventual outcome of the war and the subsequent negotiations at the Treaty of Lausanne in 1923 saw the recognition of the new Republic of Türkiye as a sovereign state (Ertan, 2011). The principles of self-determination and the emerging norms of international law were key factors that underpinned this recognition. The matters under discussion encompassed several critical points. These encompassed a substantial alteration of borders, reverting them almost to the configuration existing at the time of the Mudros Ceasefire Treaty's signing, the rejection of the Sevres Treaty's validity, the elimination of longstanding capitulation arrangements imposed upon the Turkish state, a mutual exchange of populations between Greece and Türkiye, the assurance of reciprocally reasonable rights for minority communities in both Türkiye and Greece, and various other matters pertaining to Türkiye's quest for independence on terms equal to those enjoyed by other signatory nations of the treaty. The Turkish nationalist movement successfully argued that the establishment of a new state was not only a matter of national identity but also a fulfillment of the right to self-determination as advocated by Wilsonian principles and recognized by the international community.

It is important to note that while the right to self-determination provided a moral and legal framework for the establishment of Türkiye, the process was complex and often intertwined with diplomatic negotiations, power struggles, and the realities of post-war geopolitics. The application of self-determination was not always consistent across different regions, leading to both successes and challenges in the quest for national sovereignty.

In conclusion, the right to self-determination as articulated under Wilsonian principles played a vital role in legitimizing the establishment of modern Türkiye following the Turkish War of Liberation. The idea that nations have the inherent right to determine their own political destinies resonated with the aspirations of the Turkish nationalist movement and contributed to the international recognition of the Republic of Türkiye as a sovereign state.

## Conclusion

The Turkish War of Liberation's motto, "Right surpasses Might," is based on the age-old jurisprudential conflict between "might makes right" and "right makes right." This conundrum has its roots in Plato's day, when he proposed that the triumph of power does not imply moral virtue because justice springs from upright ethical foundations. As a result, the Turkish nationalist movement, led by Mustafa Kemal Atatürk, might be seen as having a focus on natural law (Mumcu, 1985) rather than an unwavering pursuit of military victory and the forced imposition of privileges.

Hugo Grotius' understanding of international law is consistent with these claims. According to Grotius, rather than coming from a supreme legal authority, international law is a result of nations' shared moral sensibilities. This idea gave rise to fundamental concepts in modern public international law, such as *Pacta Sunt Servanda* and reciprocity. The Lausanne Treaty was implicitly based on this stance on legitimacy and Grotius' liberal treatment of national decisions, which recognized the autonomy, economic parity, and political equality of the newly established Turkish republic (Gökalp, 1968b), albeit only after extensive deliberation.

Similar principles from Grotius' theories can be seen in John Locke's liberal theory. According to Locke's idea of the social compact, nations have the right to rebel against a government that disregards the inalienable rights of its people, including liberties, the right to life, and the right to their property. During the Turkish War of Liberation, Locke's theory—which holds that a nation has the power and duty to topple an oppressive government and establish a new polity—came to pass. Turkish nationalists opposed the monarchy in Istanbul and cast doubt on its legitimacy while they fought foreign forces on Turkish land. With a focus on a government that is primarily controlled by the populace, Locke's theory of resistance is consistent with Jean-Jacques Rousseau's doctrine of free will. It is possible to view Türkiye's conversion from a monarchy to a republic as an incarnation of Rousseau's idea of free will that is restrained by a representative democratic framework—a practical adaptation to the preexisting conditions.

As a last example of a libertarian viewpoint, one can consider Woodrow Wilson's ideas on the right of nations to self-determination. This idea gave the Republic of Türkiye the confidence to argue that, in its war for independence, its claim to "rightness" outweighed the "might" of the World War I winners. The Republic represented the Turkish people legally and was justified in overthrowing the monarchy on the grounds of resistance and replacing it with a parliamentary one on the grounds of the doctrine of general will. Wilson's principles, which supported the right to self-determination as promoted by society for the protection of rights, served as the Republic's "rightness" justification.

Ultimately, when we scrutinize the matter closely, the natural law perspective stands out as the most robust foundation for articulating moral, political, and legal principles in support of those who strive for their freedom (Uslu, 2011). The architects of the Republic of Türkiye exhibited intellectual acumen by drawing upon and adhering to these principles when establishing the foundations of the new Turkish republic.

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### **Ethical approval**

This study is among the studies that do not require ethics committee approval due to not fall within the scope of research that requires one-to-one data.

### **Conflict of interest**

There is no potential conflict of interest in this study.