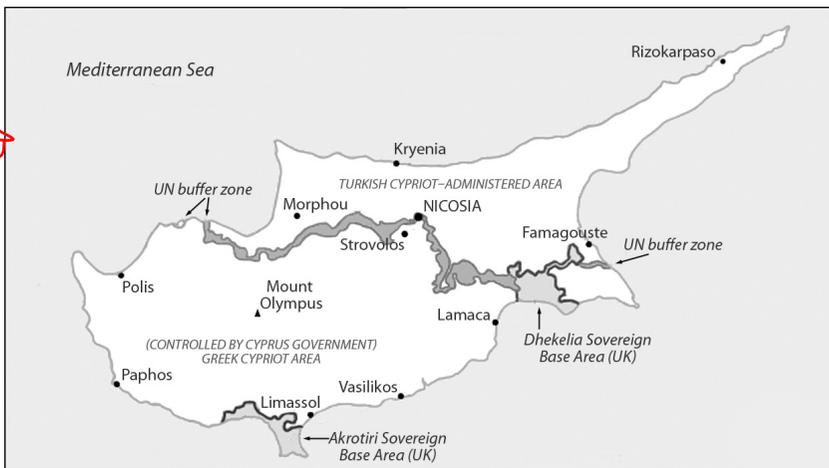




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Pls. refer to query on the first page of Chapter 1

Figure 10A: Top: Map of Cyprus. Modified from the U.S. Central Intelligence Agency World Factbook, 2008.



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Figure 10B: The offices of the Greek Cypriot Kyrenia Municipality, a municipality “in exile,” which occupy Turkish Cypriot property immediately outside the Ledra Palace checkpoint.

INSERT: Photo by Rebecca Bryant

Chapter 10

OF LEMONS AND LAWS: PROPERTY AND THE (TRANS)NATIONAL ORDER IN CYPRUS

REBECCA BRYANT

On April 23, 2003, to the surprise of much of the world, the militarized zone that divides the island of Cyprus opened. The ceasefire line that partitions the island had been impenetrable to most Cypriots since 1974, so international media heralded the opening of the checkpoints as a momentous event that echoed the fall of the Berlin Wall. As in the moment of that wall's collapse, cameras captured the rush of Cypriots across the border to visit homes unwillingly abandoned three decades earlier. It was a euphoric moment filled with the tears of return to lost homes and the laughter of reunions. Old friends were found and new ones made, and many Cypriots reveled in the simple freedom of being able to stroll in streets that had long been forbidden to them.

In this chapter, I explore the role played by property in this momentous event as well as in the period of disappointment that followed. For, contrary to many expectations, the years since the checkpoints' opening have not seen the island move any closer to reunification; indeed, the two communities have been pulled farther apart. Within a year after that historic moment, Greek Cypriots overwhelmingly rejected at referendum a UN plan to reunite the island, despite their Turkish compatriots' support for the plan.¹ Indeed, despite fears for their own security, Turkish Cypriots had sparked a popular revolution that toppled the border and brought their own leaders to the negotiating table. A week after that fateful referendum in 2004, the Greek Cypriot-controlled Republic of Cyprus joined the European Union (EU) as the only recognized government of the island, while the Turkish Republic of Northern Cyprus remains unrecognized by any country besides Turkey. In discussions and polls following the referendum, it became clear that one of the primary reasons that

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most Greek Cypriots rejected the plan was what has become known as the “property issue”: the issue of how properties abandoned during periods of conflict and expropriated, controlled, or redistributed by the respective governments of the island would be returned or compensated.

I explore here the ways in which, since the failure of the referendum, lawsuits over lost property have arisen in tandem with new forms of national identity in the island. In particular, I show how, in the period of open checkpoints, individual and state interests both converge and collide over the question of property, creating new imaginations of the relationship between property and territory. As studies of other conflict areas have shown, property is easily put to use in local imaginations of the national. Katherine Verdery has demonstrated how, in the post-Soviet transition period, immovable property was made into an inalienable possession, “an inalienable symbol of group identity, not only because of the modern association of states and territory, but also because of the connection between ancestors and soil.” In such a way, Verdery observes, “certain conceptions of property and property rights—let me call them ‘nationalizing’ conceptions—participate in political struggles” (Verdery 1998:300). Or, as Dan Rabinowitz remarks in his discussion of land sales in the Galilee, “[c]learly, real estate is construed as a *national* issue” (Rabinowitz 1994:833, emphasis in the original).

In Cyprus, as well, in ways that I explain below, property has clearly been construed as such. As in the cases examined by Verdery and Rabinowitz, what is at stake here are questions of historical right and historical wrong: what was taken from whom, when, and for what reasons. And as in the case of Israel/Palestine, the Cypriot conflict remains ongoing, a history that is still unfinished. As a result, even the action of seeking reparations for one’s lost property is a form of everyday political action; one that requires the actor to make distinct political choices. But these are choices that are also taking place in a new, relatively unfamiliar, and transnationalized legal and political landscape. The result has been the transformation of mechanisms of justice into weapons of “lawfare”—a term coined during the “war on terror” to refer to the continuation of conflict by judicial means.

I will first examine the ways in which property has historically been entangled with contests over the fate of the island as a territory and how the loss and gain of property have left lasting marks in the economics and politics of the present. I will then discuss the legal terrain of property politics since the opening of the checkpoints, showing how the quest for reparations is inseparable from the ongoing political conflict. Finally, I will describe how the quest for reparations takes place within and helps define a new political terrain and new forms of political subjectivity. For even as Cypriots engage in the same old battles, they do so in new ways,

and it is those new forms of engagement, I claim, that have helped reshape the ways in which many Cypriots perceive themselves as political subjects since the checkpoints' opening.

“NATIONAL” PROPERTY

Cyprus has become a textbook example of an intransigent conflict, one that has been in a stalemate since the division of the island in 1974. That division began in the 1950s, when Greek Cypriots rebelled against British colonial rule with the intention of uniting the island with Greece. Turkish Cypriots objected and called for division of the island, leading ultimately to what neither community had wanted: the island's independence based in an unwieldy power-sharing arrangement. The new republic soon collapsed into intercommunal violence, and more than 60% of the Turkish population retreated to enclaves, where they remained for the next ten years. In 1974, a coup sponsored by the junta government in Greece led to Turkey's military intervention and ultimately to the division of the island and ethnic homogenization of its two parts. Within a few years, the breakaway state in the north declared itself the Turkish Republic of Northern Cyprus—a state that today remains unrecognized by any country other than Turkey. The militarized zone that divides the island was, until 2003, closed to Cypriots, who had to obtain special permissions to cross to the “other side.”

For decades, the role of property in this story was obscured by attention to the international dimensions of the problem. Over the past few years, I have conducted research on Lapithos, a formerly mixed town in northern Cyprus that in many ways represents a microcosm of the conflict. There it became clear that the problem of property that arose so clearly after the opening of the checkpoints had long been central to the conflict itself.

I had certainly known that at least since the turn of the 20th century, the fate of Cyprus as a territory has been in question.² And for at least fifty years, the Cyprus conflict has proceeded as a dispute over territory: Greek Cypriots in the 1950s wanted the island to be annexed to Greece; the Turkish Cypriot minority responded by calling for division of the island. Greek Cypriot nationalist rhetoric claimed that Cyprus was “naturally” an Aegean island and should follow the fate of the Dodecanese islands, which were united with Greece after World War II. A similar Turkish Cypriot rhetoric claimed that Cyprus was geologically a continuation of Turkish Anatolia. After the division of the island in 1974, Greek Cypriot rhetoric calls the state in the north a “pirate state” that exists on “occupied territory.” The now Greek Cypriot Republic of Cyprus claims sovereignty over the north and blocks any legal, political, or economic moves that

might provide even implied recognition of that state's legitimacy. Meanwhile, the self-proclaimed Turkish Republic of Northern Cyprus long ago produced maps in which the southern half of the island was a blank.

But what became increasingly clear during my discussions with Turks and Greeks from Lapithos was that starting in the 1950s, this territorial rhetoric took the local form of a property issue.³ One older man from the town told me of an incident from his childhood when a wealthy old woman offered his father a sum of money for land that he owned in one of the upper neighborhoods. When his father refused, the woman sent members of EOKA, the Greek Cypriot guerilla organization then fighting the British, to beat up the boy. "They were trying to buy up Turkish land," he told me, "but we refused." This refusal was considered a patriotic act.

Turkish Cypriots originally from the town aver that their Greek Cypriot neighbors had long tried to acquire their property as an incentive for them to leave the island. In the period of independence after 1960, the same Turkish Cypriots whom I had interviewed fled Lapithos during a period of intercommunal fighting and lived for a decade in enclaves several miles from their homes. When Turkish Cypriots fled Lapithos in early 1964, neighbors they had known all their lives looted and plundered their homes. One woman who was already married at the time told me, in a theme I heard repeated often: "When we returned to our homes, not even a needle was left. ... When we returned, we didn't find anything—they took the roof, the windows, the doors." The problem of property, then, is the intimate side of the Cyprus conflict, the part of its history that describes friendships betrayed, social ties broken, and communities uprooted.

Return to the town became impossible; at the same time, though, offers to buy Turkish land continued through mediators while Turkish Cypriots lived in enclaves. One woman who was married during that period told me that several Greek Cypriot neighbors offered quite a lot of money to her father for his land near the sea, and that the children had wanted him to sell so that they could leave the island. But he refused, saying that Turkish property would one day be worth even more. "If the Greeks had just been more patient," this woman told me, "all the Turks would have sold their land and left the island." Instead, 1974 brought a coup, Turkish military intervention, and the division of the island. As a result of that division, Greek Cypriots fled their homes in the north or were expelled to the south and the properties that they abandoned were distributed to Turkish Cypriots originally from the north and **from** others who arrived from the south.

The occupation and redistribution of property belonging to members of the other community has created a complex economic and political tangle that also shapes the political and economic landscape today. For when Turkish Cypriots returned to their villages in 1974, they settled in the

should this read
'to' instead of
'from'?

homes from which Greek Cypriots had fled, their own houses unlivable. Greek Cypriot property was distributed to these returning Turks, as well as to Turkish Cypriots moving from the south of the island, and later to Turks who came from Turkey. In turn, some of the approximately 150,000 Greek Cypriots who fled or were exchanged to the south have settled in former Turkish Cypriot homes. Other Turkish Cypriot properties have been expropriated for government use, and some former Turkish villages have been flooded by dams. The Larnaca international airport, for instance, is on Turkish Cypriot land. This tangle only became more complicated when Turkish Cypriots began, in the late 1990s, to sell the Greek properties that they occupied to foreigners. Hence, any settlement in the island would have to untangle this property knot through return of property or compensation.

For thirty years, the property problem had been kept alive in the Greek Cypriot south through the political promise of return and the refusal of the government to issue title deeds to refugees, either for the Turkish land where they had settled or for the prefabricated housing that they were given in the late 1970s and where many still live today. The problem was kept alive in the north because of the knowledge, especially in certain border towns, that the property where Turks now live might eventually be returned to the Greek owners in the event of a political settlement. Property was the primary subject of discussion after the opening of the checkpoints, when Cypriots returned to their villages to find that the homes to which they had dreamt of returning could no longer in any sense be considered their own. And the sense of uncertainty about property has, of course, intensified average Cypriots' anxieties about the shape of a political solution.⁴

For three decades, Greek Cypriot politicians emphasized that regaining one's property was a human rights issue inextricably linked to resolving the Cyprus problem and returning to one's village. This was construed as a simple matter of forcing the international community to expel Turkish troops from the island. Hence, before the opening of the checkpoints, a series of lawsuits had been brought by Greek Cypriots against Turkey in the European Court of Human Rights. One of the most interesting results of the opening of the checkpoints and the failure of the reunification plan was that legal attempts to regain property became both more personalized and differently politicized. As Cypriots began to sue each other over lost property and to use whatever legal mechanisms were at their disposal to regain or gain compensation for that property, unity around the "national issue" was fragmented.

At the same time, individuals' actions have also made apparent certain contradictions inherent in the imaginations of possible political solutions on either side of the ceasefire line, showing ever more clearly that,

even as Cypriots were rethinking and reinventing the meaning of the open checkpoints, they were also reinventing themselves as national subjects. Until the division of the island in 1974, the primary forms of national subjectivity in the island were Turkish and Greek, directly linked to the histories and national aspirations of the “motherlands.” The multi-communal Republic of Cyprus was a state that no one wanted, leading former president Glafcos Clerides to famously quip that the Cypriot flag is the best in the world because it’s the only one that no one would die for. Although that may remain true, certainly after the checkpoints opened many Greek Cypriots discovered a loyalty to the state that since 1963 has been in Greek Cypriot hands. So, the property issue has also played a central role in the reemergence of divisive nationalisms in the island, although now they are nationalisms that are also local.

Shift 'since 1963' after 'hands' to read: that has been in Greek Cypriot hands since 1963.

OF LEMONS AND LAWS

Immediately after the referendum, a friend told me something that was very prescient but that I didn’t believe at the time. She said: “The Cyprus problem is really all about property. Now everyone’s going to start suing each other. You just wait and see.” Only a few months later, her prediction came true. And it came true in the most unexpected way, in the form of an acquaintance, a friend of friends, a quiet, earnest architect by the name of Meletis Apostolides, a refugee from Lapithos. The house from which Meletis’s family fled is in a lower neighborhood of the town as the land flattens out toward the sea. This is the fertile land where few people lived but where many had orchards. The house itself was relatively new in 1974, a square, flat-roofed structure that now boasts aluminum shutters. It’s on a wide stretch of busy road, what was once the main road from Kyrenia to the west, before the road near the sea was built. The house is now shared by two Turkish Cypriot brothers, one married who lives on the ground floor and the other still unmarried, who lives in a half-basement.

The first time I spoke to Meletis it was in the presence of one of his childhood friends, and the two had speculated on Lapithiotes’ attachment to the place. “Have you ever seen a place so beautiful?” his friend asked. I had to admit that I hadn’t. “It’s the combination of mountain and sea,” Meletis added. I commented that the dramatic steepness of the mountain as it falls to the sea was also one explanation that some people had given me for the history of madness in the town. They laughed and agreed that it was possible. “And it’s the light,” Meletis remarked in his quiet way. “The clarity of the light. I only realized it much later, when I was in London. The skies were so gray there, and I had to carry a compass to find my way.”

He had gone to London to go to a university and had planned to return to the town after graduating but was never able to do so, because

his family was displaced. Before the war, they had grown lemons in their orchards, exporting them abroad. His mother's health suffered as a result of the invasion, and he talks about how she refused to buy lemons afterward. "We are a family that's exported millions of lemons, why should we go and pay for lemons now?" she would say. Meletis participated in some of the bicomunal workshops and so had Turkish Cypriot friends who would sometimes bring him lemons from Lapithos. He would give them to his mother. "She would never eat them," he says, "She just wanted to keep them. She wanted them there, to see, to touch, to smell. In her old age, each time she would see me, she would ask 'When are we going back to Lapithos?'"⁵

When Meletis returned to Lapithos after the checkpoints opened, he found that an English couple had bought part of his land from a relative of the Turkish Cypriot who lives in his house now. The couple then built a villa in what used to be his orchard. The English woman, Linda Orams, would later tell me, "He thinks we chopped down the orchard, but that's just not true. We bought the villa half-finished, and the trees were already gone. In fact, we were disappointed that there weren't more trees, and we began planting."

The villa is larger than Meletis's own house, and it partially blocks the view from the back patio to the sea. But the patio itself is small, really only a landing with steps leading into the garden. Clearly, the orientation of the house was not to the sea but to the road, and to the orchards that surrounded it. The low stone wall that surrounds the new villa is only about 30 ft from the back door of Meletis's house. And in comparison to the arched terraces, the marble walkways, and the swimming pool of the Orams's villa, Meletis's house seems a bit shabby and worn. And the peculiar location of the villa, almost abutting Meletis's house in the middle of open fields, is a reminder of the haste with which so many villas have been constructed and sold, or half-constructed and half-abandoned, in the past few years. All over the north, the jaws of bulldozers have begun gulping the land and tearing up trees as a development boom has seeped across the landscape.

For more than two decades, Turkish Cypriots had no titles to the Greek properties where they lived, so selling them was not an option. But by 1996, a hopelessness about solving the Cyprus problem had set in, and the government decided to issue title deeds. Although it took a few years for it to gain momentum, certainly by the turn of the millennium cookie-cutter vacation villas were springing up all over the north, dozens pressed together into complexes with little attention to the lack of electricity and water to support them. The British and Germans gobbled them up, eager to make a relatively cheap investment in a retirement home or something that they hoped later to sell for more. At the same time that they've devastated the landscape, these new developments have created an incredible

legal tangle. Before this, the essential problem had been that of Turkish Cypriots and Turkish settlers living in former Greek Cypriot property, with a smaller number of Greek Cypriots living in Turkish Cypriot property left in the south. Now, not only are foreigners being issued unrecognized titles to land in an unrecognized state, but Greek Cypriots are finding their dreams of return cluttered with bulldozers and bungalow complexes.

“I thought about it for several months,” Meletis told me. “But I just couldn’t let them get away with it.” He means that he couldn’t let the English couple get away with a breach of what he considered to be just international conventions. So he sued.

The fact that he was able to sue at all is a reflection of the incredible legal and political tangle into which the Cyprus problem has become knotted since the opening of the checkpoints, and since the republic’s entry into the EU. As remarked above, prior to this, cases had been brought against Turkey in the EU Court of Human Rights. In particular, a Greek Cypriot woman, Titina Loizidou, had already won a monumental case against Turkey in the EU court, and other Greek Cypriots had signed on for more such cases. Around the time of the checkpoints’ opening, there were 1,400 suits awaiting judgment in the EU court.

But the opening of the checkpoints changed the legal frameworks. Meletis decided to sue in the court of his own country, which claims sovereignty over the north. And now that the Republic of Cyprus is an EU member, Meletis knew that the decisions of the republic’s courts would have to be enforced by the EU. Moreover, because of the open checkpoints Meletis’s lawyer was able to cross to Lapithos and watch as a bailiff issued the summons to the British couple in person. Not surprisingly, when the case came to court in the south, Meletis won, and the judgment demanded that the villa be demolished and compensation paid. The case has now been remanded to Britain, where Meletis hopes to seize the couple’s properties in England. A new twist was added to the case when Cherie Booth, the wife of former prime minister Tony Blair, announced that she would represent the English couple.

Meletis told me that his motivation in bringing the suit was to prevent the destruction of Greek Cypriot land. “How can there be a solution if nothing’s left for Greeks to return to?” he asked. But when one sets a precedent, it’s hard to control what will happen afterward. At the end of April 2005, the first lawsuit against a Turkish Cypriot for use of Greek Cypriot property was brought against a restaurateur in Famagusta, using information obtained when he applied for an identity card in the south. Indeed, much evidence began to emerge that the government in the south was tacitly supporting, if not encouraging, such suits. Such suits piled up very quickly, and it was soon estimated that several hundred lawsuits to be brought by Greek Cypriots against their Turkish compatriots

were lined up in the republic's courts. This was, of course, a divisive step that created much ill will. Even though the opening of the checkpoints was peaceful, I heard many Turkish Cypriots say that if a bailiff appeared at their door with a summons, they wouldn't go out without a fight.

Soon, some Turkish Cypriots began again to raise the issue of *vakif* lands, or lands that had belonged to religious endowments before they were expropriated and redistributed in the British period. The most disputed territory in the island, the decaying seaside town of Varosia, was always said by former Turkish Cypriot president Rauf Denktaş to be built on *vakif* land. Others began to sue for their own land in the south that was expropriated by the Republic of Cyprus in the post-1974 period. In the largest suit for compensation so far, Hüseyin Helvacıoğlu produced title deeds saying that a large portion of the international airport in Larnaka was built on his land, and he asked compensation of £100 million. When the suit was announced, journalists had a field day.

"I thank Hüseyin Helvacıoğlu," wrote one:

And I hold him forth as a hero who is protecting the honor and dignity of the Cypriot Turk. ... [W]hether you like it or not, the Cypriot Turk owns this land. Both in the south and in the north the richest lands belonged to the Cypriot Turks. In the English period, the Turks' inherited lands were given to the Greeks; and later they were seized by the Republic of Cyprus. And you see after 1974 the Larnaka Airport was built. Without asking anybody, without paying compensation, completely illegally.⁶

And, just to complicate matters further, in February 2006 one Arif Mustafa, from Episkopi in the south, finally had enforced a suit that he had won almost a year before in the courts of the south for restitution of his property. That property was then occupied by Greek Cypriots, who had to be rehoused by the republic. This, of course, caused immediate panic among Greek Cypriot refugees, because estimates indicate that there are about 5,500 potential cases exactly like Mustafa's. In addition, there are another 8,000 possible cases where housing for Greek Cypriots was built on Turkish Cypriot land, and another 3,500 cases of former Turkish Cypriot businesses being used by Greek Cypriots.

In an interview with the Turkish Cypriot newspaper *Kıbrıs*, Arif Mustafa argued that the courts in the south were forced to rule in his favor or risk being sent themselves to the EU human rights court. "Because," he said, "on the one hand you're against invasion, and on the other hand you're an invader. How can that be? The Greeks say, 'Turkey occupied the north,' but then they occupied my land in the south. If I can't enter my property, that means they've occupied it. How can a state that's entered the EU do something like that?"

Arif Mustafa claims, moreover, that it's the refugees who are going to solve the Cyprus problem, simultaneously using the law to fight against the state and to support certain state interests:

I wrote a petition to the government to get my house back, and eight months later the housing director called me and said, "Did you write a petition to get your house back?" "Yes," I said. "In that case, show me the house," he said. After that he told me that the house wouldn't be given to me. We argued. I said to him, "Whatever conditions you say your refugees came here under, we went to the north under the same conditions. You were afraid of the Turkish army, but the forces of the Greek coup and Makarios chased us from our land," I said.⁷

Within only a few months of the referendum, it had become quite common for Cypriots to remark that the Cyprus problem "is really all about property." Echoing Arif Mustafa, another friend told me, "If we solve the property issue, the Cyprus problem is finished." Having spent so many years thinking of the Cyprus problem as a more abstract issue of rights, claims, and ideologies, it was strange suddenly to hear my friend's remark echoed everywhere I went. Many Turkish Cypriots were afraid of the lawsuits, but many Cypriots, both Greek and Turkish, seemed to believe that property was the key to "finishing" the Cyprus problem, whether they liked that solution or not. With the escalation of the suits, many Turkish Cypriots hoped that once their Greek neighbors were compensated for their properties they would have no more claims on the north. Many Greek Cypriots, on the other hand, feared exactly the same consequence.

For Greek Cypriots, the escalation of the suits began to present individuals with an opportunity for justice that seemed to be at odds with the "justice" for which, as a community, they had worked for so long. Although the Greek Cypriot government tacitly encouraged individual suits or cases in the EU Court of Human Rights, the ambiguities of the situation became clear when the EU Court decided, in 2006, to allow a local remedy for the 1,400 cases on its docket. The Annan Plan that Greek Cypriots rejected would have provided a universal solution for the property issue, and, as a result of Turkey's support for the plan and Greek Cypriots' rejection of it, the EU Court offered Turkey the option of implementing a local solution to the property problem. By the end of 2006, the government in the north had set up a reparations commission, and cases began to trickle in, despite the republic's dire threats that application to the commission in the north constituted recognition of that government's legitimacy.

By June 2007, more than 180 Greek Cypriots had applied to the commission, and several cases had been decided—in some cases for compensation, in others for restitution. Although the applicants' names were to

be kept confidential, they were leaked to the south, causing an uproar and accusations of treason in the Greek Cypriot parliament. Despite this or perhaps because of it, one month later there were more than 230 applicants. By the end of December 2007, that number had increased to more than 300.

Many of the applicants had never financially recovered from their 1974 losses; others wanted to make a political statement. But in all discussions, there was the hope or fear that if the property issue were resolved, the Cyprus problem would be “finished.” For many who declared the applicants traitors, what was at stake was not only their application to a commission in a state that they consider illegal. More importantly, just as refugee organizations had claimed that return to one’s village would be an impediment to “real” return, so a legal solution to the property problem was soon perceived as an impediment to a “real,” or a political, solution.

The republic, then, has encouraged certain types of suits and discouraged others. It has encouraged suits in the EU Court of Human Rights, where the respondent is Turkey, because the government in the north remains unrecognized and so can’t be brought to court. These suits are in the state’s interest, as any judgment against Turkey appears to confirm the republic’s claims that the real and only problem in Cyprus is the presence of the Turkish army. Suits taken to the reparations commission in the north, however, seem to provide tacit recognition of that government’s existence, so they seem to work against state interests.

But do they? When the names of the Greek Cypriots using the reparations commission were leaked, commentators claimed that solving the cases in this way only lays the groundwork for permanent division by reinforcing the status quo. But what it also reinforced was a growing sense that reunification or federation were not possibilities in which it was worth investing. Rather, lawsuits have played an important role in changing Cypriots’ perceptions of political possibilities, making it possible for one of the less likely candidates in the current campaign president, eccentric EU representative Marios Matsakis, to declare that recognition of the north and partition of the island is a possibility that Greek Cypriots should seriously consider. Although Matsakis had broken a taboo in raising the possibility of partition, he also echoed the belief of many people that peace should not be purchased at any cost.

Indeed, partition is now in the wind, and it has become harder and harder to find Cypriots who are disturbed by that option. President Tassos Papadopoulos of the Republic of Cyprus had, in fact, paved the way for this possibility when in 2004 he expressed his vehement opposition to the federal solution of the UN reunification plan by saying that he had taken charge of an internationally recognized state and would not hand back a “community.” After forty years at the helm of the republic, it seems that it was hard for many Greek Cypriots to imagine having *only* equality with

their Turkish Cypriot neighbors. Many people discovered in this process that they had developed a loyalty to the state that no one had wanted.

And although Turkish Cypriots had rebelled against the intransigence of their long-time leaders and their refusal to negotiate with the south, the opening of the checkpoints that followed that rebellion led to an increasing sense, across the political spectrum, that they had to protect what they had in hand. That sense was only exacerbated by Greek Cypriots' rejection of a federal state. As one Turkish Cypriot researcher recently phrased it, "Because of Turkey we began to feel ourselves to be Cypriots. But now because of the Greeks, we've become Turks again." Although Turkish Cypriots had revolted against the Turkey's military and political presence in the island, many also discovered after the referendum that perhaps a federal state might not be the most desirable possibility.

may we replace with 'Turkish'?

Before the referendum, it was quite common for Cypriots on both sides of the barbed wire to blame the lack of solution on their political leaders. What the emergence of lawsuits has shown, however, is that political will can never be divorced from constructions of political subjectivity. The lawsuits have put the politics of partition on the table as a politics of the people, even against the taboos of the state. But in doing so, they only made clear that nationalist loyalties in Cyprus were not dead but had been politically reconfigured.

Before the opening of the Green Line, many activists and analysts still hoped for the development of a multicultural, civic nationalism in the island that would entail loyalty to a federal state. But at a recent conference on nationalism in Nicosia, a number of Cypriot scholars openly discussed the demise of Greek and Turkish nationalisms in the island and the emergence of Greek Cypriot and Turkish Cypriot nationalisms that express identification with the island while rejecting its cultural or political unity. Certainly, the communities are divided by the interests that those loyalties serve and by the ways in which the transnational legal and political possibilities created by Cyprus' EU entry have given new impetus to local longings.

insert 's' after apostrophe to read: Cyprus's EU entry

LAWFARE AND CYPRUS'S STATE OF EXCEPTION

"Lawfare" is a phenomenon that has intensified in the past decade, as a new regime of global governance has emerged that appears capable of taking national governments to task. The term originated during the war on terror to refer to the ways in which "terrorists" such as those imprisoned at Guantanamo may resort to international human rights law as a continuation of their alleged attempts to undermine American democracy. For some political scientists, a concern has emerged that international human rights may take precedence over democratically implemented local law. "These changes amount to a serious political and intellectual challenge

to democratic sovereignty vested in the liberal democratic nation-state,” one commentator warned (Fonte 2004).

The case of Cyprus, though, points to another possibility, one in which the continuation of conflict by legal means aims not at the undermining of sovereignty but at the resolution of a contest over sovereignty. For more than four decades, sovereignty in Cyprus has been plagued by what philosopher Giorgio Agamben calls a “state of exception,” or “the legal form of what cannot have legal form” (Agamben 2005:1). In Cyprus, this has appeared as the difference between legal form and political fact. The north declared itself a separate, sovereign state in 1983, but the Turkish Republic of Northern Cyprus has been recognized by no other state aside from Turkey. In the meantime, the Republic of Cyprus in the south is internationally recognized as the only legitimate government of the island. This means, on paper, that the republic has sovereignty over the north, as well, despite the fact that it has no control or jurisdiction over anything north of the ceasefire line. The republic labels the north an “occupied area” governed by a “pirate state”; in return, the Turkish Cypriot administration claims that the republic died with the demise of constitutional order in the 1960s.

All of the property suits engage in what I call a “politics of legitimation,” one that asks for rulings on claims of historical right. Lawsuits effectively attempt to legitimate a territorial claim through reducing it to a legal dispute over a property regime. Although property is presumably an alienable possession, in these suits it is invariably treated as an inalienable possession, what the Greek Cypriot minister of the interior recently called a “sacred and inviolable right.” However, the only way to turn property into an inalienable possession, or legally to make a claim of absolute right, is also to make a claim about territory, and therefore about history and politics. As Annette Weiner has noted, inalienable possessions fortify group identity and symbolize a mythical past (Weiner 1992). In the Cyprus case, respondents in the civil suits have remarked that those suits were treated like criminal cases and were really trials of history.

Putting history on trial is, in some sense, every wronged person’s dream, especially when the legal cards are stacked in one’s favor. But the effect here is that one asks transnational courts not only to recognize the legality of one’s existence, but to recognize that *only ones*’ self has a legal existence. Lawsuits such as Meletis’s or Arif’s effectively attempt to legitimate a territorial claim through reducing it to a legal dispute over a property regime. In this sense, then, the question of sovereignty reemerges and is decided in the legal space where territory maps *onto* property. And just as war is supposedly the means to which one resorts when diplomacy fails, “lawfare” may be the struggle to which one resorts when war also fails to reach a conclusion. This is, then, a struggle for the juridical equivalent of conquest.

Pls. check whether the apostrophe should appear before or after 's', i.e., should it read: ones' or one's?

should this read: 'onto' OR 'on to'?

Indeed, just as the demise of the nation-state is being loudly declared, Cyprus presents a case in which nation-state politics are reinscribed, even as Cypriots bring that politics to the level of individual action. And yet, even though the lawsuits represent a continuation of the conflict, no one seems to expect that they will result in something as clear-cut as a victory in battle. Rather, when people say that the Cyprus problem will be finished, they simply mean that it will end, that there will be nothing left to argue over. For with the opening of the checkpoints, the unfinished past had returned for many people in concrete ways, in the form of occupied houses, unkept fields, and demolished churches—and, for Turkish Cypriots, villages covered in concrete or left in ruin. The lawsuits appear to represent an opportunity to finish the matter, even without resolving the problems that lie at its essence. So when Arif Mustafa claimed that the refugees would “solve” the Cyprus problem with their lawsuits, or when many people told me that soon the problem would be finished, there was a sense that an unfinished history would draw to a conclusion, even if it would not be resolved.

Indeed, it is this sense of an inability to resolve the past that makes a federal solution appear increasingly unlikely in a political environment in which the return to a unitary state or permanent partition now lead most polls as Cypriots’ favored modes of political solution. The first would legitimate Greek Cypriot claims to be the legitimate government of the island; the second is an expression of rising local nationalisms that were part and parcel of the checkpoints’ opening. Paradoxically, then, the opening of the ceasefire line in Cyprus has led to the development of new borders that may be longer lasting and more impenetrable than anyone had dreamed.

NOTES

1. For a more extensive discussion of the referendum and its effects, see Bryant (2004b).
2. For two of the better discussions of the relationship between territorial claims and rising nationalisms in the island, see Attalides (1979) and Kitromilides (1990). For my own discussion of this issue in the context of British colonial rule, see Bryant (2004a).
3. And according to some accounts territorial rhetoric may have done so earlier, though it is difficult to know to what extent later accounts of property acquisition were *ex post facto* nationalist interpretations. One particularly striking account comes from Orthodox Church historian Benedict Englezakis:

In the national sphere the contribution of the monasteries touches the very heart of the survival of Hellenism on this island. ... The wealth of the monasteries was the capital of the nation in its hour of need, their land was the chief counterweight to the Turkish landholding and its extension automatically implied the extension of Greek ownership and the containment of Islamification and Christian-Muslim syncretism. Around the

Pls. check whether a hyphen/en-dash is appropriate here.

monasteries and their *metochia* the material survival, at least, of the Christian population was secured and this was not a little thing. It was the most pressing need of the time. The capital itself was saved from Turkish encirclement and secured for Greek supremacy by the bright idea of Abbot Sophronios of Kykkos to buy in the 1880s all the Turkish farms of the villages of Agios Dometios, Engomi and Kantartzi. Until then the *metochion* did not exceed 300 *scalas* of land. Without that extension the fate of the Greek community would have been one of asphyxiation and decline. (Englezakis 1995:246–247)

4. My explanation here does not, of course, exhaust the uses of property in Cypriot politics. As I discuss in a book manuscript that I am currently finishing, *The Past in Pieces: Belonging in the New Cyprus*, Greek Cypriot refugee organizations have played a central role in maintaining remembrance of lost villages through insistence that refugees remember all that they lost. This has been expressed in the *Δεν Ξεχνω*, or “I Do Not Forget,” campaign that until recent years played a central role in refugee social and political life. Memory books such as *Ιμεροεσσα Λαπιθος: 3000 Χρονια* or *Ο Καραβας: Chronikon* (Civilized Lapithos: 3000 Years or Karavas: A Chronicle) for the areas of Cyprus where I worked, explicitly link the remembrance of lost lands to the recovery of lost territory. For an interesting early glimpse of what it meant to find those villages changed and occupied by others, see Kostas Tzortzis’s (2002) *Assia, Επιστροφη* (Assia, Return), which includes photographs of the village of Assia taken before the checkpoints opened as well as his commentary. For reflections on the importance of memory books in maintaining a politics of territory through remembrance of land and property, see Slyomovics (1998).

- Because of the ways in which property was lost and redistributed, as well as the status of memory in the post-1974 Turkish Cypriot community, Turkish Cypriot writings on the question are more concerned to show the extent of Turkish Cypriot holdings in the island. See especially Altan (2002), Fehmi (2003), and Sayin (2003). For the question of Turkish Cypriot forgetfulness of the past, see, for example, Bryant (2004a), Hadjipavlou-Trigeorgis (1998), and Sant Cassia (1998/9, 1999).
5. Sevgül Uludağ, “Yeraltı Notlar,” March 11, 2005. Available online at http://www.stwing.upenn.edu/~durduran/hamambocu/authors/svg/svg2_11_2005.html (accessed December 12, 2007).
6. İsmet Kotak, “Kıbrıs Türkü çulsuz çaputsuz değildi!” *Halkın Sesi* (Nicosia), June 6, 2005.
7. Interview with Arif Mustafa, “2 yıl sonra evinde,” *Kıbrıs Gazetesi* (Nicosia), February 19, 2006.

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may we insert comma after 'Engomi'?

may we insert comma to read: '3,000'?

CAROLE: Could you specifically have the authors check notes 4, 5, and 6 for Turkish accents?

CAROLE: There are 6 ref. entries using Turkish names. Could you have them double-checked by the authors for the accents? (The ref. entries are: Altan, Fehmi, Fokaidhis, Municipality of Lapithos, Sayin, and Tzortzis)

'Fokaidhis 2005' not cited within the chapter. Pls. advise.

The title is mentioned in Note 4, but not cited. Hope this is OK.

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