

Policy Department External Policies

RELIGIOUS FREEDOM IN TURKEY: SITUATION OF RELIGIOUS MINORITIES

FOREIGN AFFAIRS

This briefing paper was requested by the European Parliament's Committee on Foreign Affairs.

It is published in the following language: English

Coordinating editor and author:

Burcu Gültekin-Punsmann

Co-authors:

Cengiz Günay, Riva Kastoryano, Kıvanç Ulusoy

Dr. Burcu Gültekin-Punsmann holds a PhD from the Institut d'Etudes Politiques de Paris. She is Research Fellow at the Center for European Studies at the *Middle East Technical University* in Ankara and the Turkey project manager of the *Caucasus Business and Development Network (CBDN)* project run by the London based international NGO *International Alert*. She has been working on Turkish-Armenian relations since 2001.

Dr. Cengiz Günay is a Research Fellow at the Austrian Institute for International Affairs in Vienna. His field of research focuses on democratization processes, socio-economic developments and the transformation of political movements in Turkey and Middle Eastern societies.

Prof. Riva Kastoryano is a research director at the CNRS (National Center for Scientific Research), and Professor at the Institut of Political Studies of Paris. Her work focuses on identity and minority issues and more specifically to their relations to states in France, Germany, the United States. She was a lecturer at Harvard University 1984-1987, and has been teaching at the Institute for Political Studies in Paris (Sciences-Po) since 1988 and at the New School for Social Research since 2005.

Dr. Kıvanç Ulusoy is currently a Research Fellow at the Center for European Studies of the Middle East Technical University, Ankara. He holds a PhD from the Bosphorus University. His areas of research include regime change and democratization, Turkish politics and Turkey-EU relations.

Standard Briefing made under the framework contract with the Trans European Policy Studies Association (TEPSA)

Responsible Official:

Georgios Ghiatis

Directorate-General for External Policies of the Union

Policy Department

BD4 06 M 45

rue Wiertz

B-1047 Brussels

E-mail: georgios.ghiatis@europarl.europa.eu

Publisher

European Parliament

Manuscript completed on 18 February 2008.

The briefing paper is available on the Internet at

<http://www.europarl.europa.eu/activities/committees/studies.do?language=EN>

If you are unable to download the information you require, please request a paper copy

by e-mail : xp-poldep@europarl.europa.eu

Brussels: European Parliament, 2008.

Any opinions expressed in this document are the sole responsibility of the author and do not necessarily represent the official position of the European Parliament.

© European Communities, 2008.

Reproduction and translation, except for commercial purposes, are authorised, provided the source is acknowledged and provided the publisher is given prior notice and supplied with a copy of the publication.

Executive Summary

In contemporary Turkey, the status of religious minorities has been stipulated in the Treaty of Lausanne signed on 24 July 1923. The Government interpreted the Lausanne Treaty as granting special legal minority status exclusively to these three groups, although the treaty text refers broadly to "non-Muslim minorities" without listing specific groups. The Treaty of Lausanne is a founding text of the Republic of Turkey since it is defining the fundamental rights of all linked to the state by the link of citizenship and puts forward the obligation for the Turkish State to protect the Non-Muslim communities.

According to the Government sources, 99 % of the population is Muslim, the majority of which is Sunni. The Christian and Jewish minorities are less than 1% of the population. In addition to the country's Sunni Muslim majority, academics estimated there are 15 to 20 million Alevis. The religious groups include approximately 65,000 Armenian Orthodox Christians, 23,000 Jews, and up to 4,000 Greek Orthodox Christians.

Despite laicism, the Turkish state has not been able to overcome the segregation of non-Muslim minorities and to integrate them into the nation as citizens with equal rights. While the Muslim Turks have been the "we", the non-Muslim minorities have been categorized as "the other".

The principle of reciprocity was most often applied in regard to foundations. Whereas members of religious minorities have been complaining about the limitations of the education of priests, the fact that deputy headmasters in minority schools have to be ethnic Turks, probably the most ardent question has been the issue of properties owned by foundations representing the economic basis for the survival of the communities.

The Justice Committee of the newly elected Parliament reapproved in January 2008 without amendment the draft Law on Foundations. This key piece of reform legislation, aiming at broadening religious freedoms in Turkey, was designed to enable the country's non-Muslim religious minorities to regain their property rights. The bill will permit minority religious foundations to reclaim dozens of valuable properties confiscated by the Turkish state over the past 32 years. However the final text of the law had seriously disappointed Turkey's minority communities, falling far short of EU expectations.

The situation of religious minorities can best be improved by strengthening an inclusive citizenship notion and ending discriminations. Indeed, non-Muslim minorities have no demand other than that of 'equal citizenship' which implies to end of forms of discriminations. The reform of a few articles of the Penal Code can contribute to fight against racism, exclusion and anti-semitism. Textbooks reform seems also important: school education and textbooks have conveyed the notion of a nation under the constant threat of partition and have raised alertness against internal and external foes.

The Alevi demands for recognition can be handled through the improvement of the state attitude and practices towards their religious demands.

Furthermore, a more nuanced and contextualized approach to the history of the Ottoman period is imperative to give back to both Muslim and non Muslim Turkish citizens a large share of their collective identities. Supporting the revival of Armenian, Greek and Jewish cultures, the strengthening of these endangered communities and acknowledging the various practice of Islam faith in Turkey would require the protection and restoration multicultural heritage.

Content

1. Historical outlook on minority issues in Turkey

2. The Armenian Community in Turkey

3. The Jewish Community in Turkey

4. Greek Orthodox Community in Turkey

5. Other groups not included in the official definition of minority

5.1. The Alevis in Turkey

5.2. The Protestants in Turkey

5.3. The Syriacs in Turkey

6. A step ahead: the issue of the reform of the law governing foundations

7. Further recommendations

7.1. Strengthening an inclusive citizenship notion and ending discriminations

7.2. Penal Code Reform to fight against racism, exclusion and anti-semitism

7.3. Textbooks reform

7.4. Clergy of Turkish citizens

7.5. Handling of the Alevi demands for recognition

7.6. Remembering common identity and fostering multiculturalism

1. Historical outlook on minority issues in Turkey

In Turkish state tradition and terminology the term minority as such, has been indivisibly linked with the notion of non-Muslim religious minorities. Since the conquest of Byzantium by Sultan Mehmet II, “the Conqueror”, the Ottoman society and administration was organized around the “millet” system, establishing a system of communities based on religious congregation as much as a social and administrative framework. Whereas non-Muslims were organized according to their religious affiliations in *millets*, the Muslims in the Empire belonged to the *umma*, the community of Muslims.

The millet system lasted until the Tanzimat Reforms in 1839 which introduced common Ottoman citizenship, the secularization of public education and most important, legal equality before the law. However, non-Muslim communities remained by and large segregated from Muslim society. The so called capitulations, grants made to foreign Christian nations conferring rights and privileges in favor of their subjects trading in the Empire, but also in favour of some non-Muslim communities under the protection of a respective European nation, strengthened the economic situation of non-Muslim merchants. In economic terms, this groups was the most likely to form a bourgeoisie in the Empire.

In contemporary Turkey, the status of religious minorities has been stipulated in the Treaty of Lausanne (signed July 24, 1923). The Government interpreted the 1923 Lausanne Treaty as granting special legal minority status exclusively to three specific groups, although the treaty text refers broadly to "non-Muslim minorities" without listing specific groups. However, this recognition does not extend to the religious leadership organs; for example, the Ecumenical (Greek Orthodox) and Armenian Patriarchates continue to seek legal recognition of their status, the absence of which prevents them from having the right to own and transfer property and train religious clergy. Although the Turkish constitution of 1982 does not mention the minority rights of religious minorities at any point, they have made their way into the national jurisdiction through article 90(5) which has regulated liability to international treaties.

According to the Government sources, 99 % of the population is Muslim, the majority of which is Sunni. The Christian and Jewish minorities are less than 1% of the population. In addition to the country's Sunni Muslim majority, academics estimated there are 15 to 20 million Alevis. While exact membership figures are not available-only during 1927-1965 population census registered the mother tongue and religion- these religious groups include approximately 65,000 Armenian Orthodox Christians, 23,000 Jews, and up to 4,000 Greek Orthodox Christians.

A separate government agency, the General Directorate for Foundations (GDF), regulates activities of non-Muslim religious groups and their affiliated churches, monasteries, synagogues, and related religious property. The GDF recognizes 161 "minority foundations," including Greek Orthodox foundations with approximately 61 sites, Armenian Orthodox foundations with approximately 50 sites, and Jewish foundations with 20 sites, as well as Syriac Christian, Chaldean, Bulgarian Orthodox, Georgian, and Maronite foundations. The GDF also regulates Muslim charitable religious foundations, including schools, hospitals, and orphanages.

The prevention of discrimination and the protection of minorities of “race, language and religion”, as a part of the international system elaborated by the League of Nations, was only applied to non-Muslims (*gayrimüslim*). Whereas the Treaty of

Lausanne explicitly mentions non-Muslims, the Turkish Republic continued the Ottoman millet tradition and refused to extend minority rights, such as the right to run own schools and to teach in the own mother tongue to other non-Muslim minorities as the Catholics or *Suryanis* (Assyrians) not to mention to non-Sunni Muslim minorities as the Alevis or to non-Turkish ethnic minorities as the Kurds or Laz. The only minorities acknowledged by the state and granted special rights are; the Greeks, the Armenians and the Jews.

Capital Tax – Varlık vergisi: The capital tax, introduced by the Saraçoğlu government in 1942, at the height of World War II as a one-time payment, displays how the Turkish state has gradually adopted an understanding which has defined membership to the Turkish nation through ethnic Turkish identity. The official terminology declared that the capital tax was introduced in times of war in order to tax speculative earnings and in order to reduce the amount of money, available in the market. As a matter of fact this targeted the commerce and trade in Istanbul which was dominated by representatives of religious minorities. The tax rates to be paid by non-Muslims were frequently 5-10 times higher than what Muslim citizens had to pay. Those who were unable to pay were interned in labour camps where they were used for menial jobs. Observers note that this policy aimed at abolishing the non-Muslim merchant bourgeoisie and replacing it with a more “reliable” ethnic Turkish one. The policies of suspicion and exclusion did not target a particular ethnic or religious minority but have been rather the expression of the regime’s fear for the unity of the Turkish state.

Minorities taken hostage: Despite laicism, the Turkish state has not been able to overcome the segregation of non-Muslim minorities and to integrate them into the nation as citizens with equal rights. While the Muslim Turks have been the “we”, the non-Muslim minorities have been categorized as “the other”. As they have been rather perceived as “domestic foreigners”, their situation has been strongly linked with Turkey’s foreign relations. The Turkish state has adopted the principle of reciprocity vis-à-vis its minorities. The situation of the Greek and Armenian minorities deteriorated parallel to the emergence of the issue of Cyprus, Turkey’s deteriorating foreign relations with Greece and the attacks on Turkish diplomats committed by the Armenian ASALA terrorist group.

2. The Armenian Community in Turkey

The Armenians were present in Istanbul before the Sultan Mehmet II conquered the city. Interactions between Byzance and Armenia had developed during the 4th century after the adoption by the later of Christianity. Mehmet II called to the Armenian bishop of Bursa: an Armenian patriarchate was established in the Ottoman capital in 1461, endowed with same prerogative than the Orthodox patriarchate of Fener. Its authority had extended in the XIX century to all Armenians in the Empire, and to other Armenian patriarchates, namely the patriarchate of Jerusalem.

At the foundation of the Republic of Turkey in 1923, there were approximately 300 000 Armenians in Turkey, 130 000 in Istanbul and 170 000 in Anatolia¹. According to the estimates of the Armenian patriarchate, the Armenian population of Turkey is 60 000-65 000. Consequently, the Armenian community is the largest non-Muslim community

¹ Hrant Dink, “Türkiye Ermenilerinin Nüfus Hali”, *Tarih ve Toplum*, octobre 2000, n° 202, p. 31.

in Turkey. According to some estimates, the Armenian population of Turkey reaches 300 000 with those who changed their names and converted to Islam in Anatolia². The patriarchate stresses the existence of communities of believers in Sivas, Malatya, Mersin, Ankara, Sason, Ordu, Yozgat, Elazığ, Bitlis, Amasya, Adana with whom it has regular contacts. Six churches are said to be active: the Surp Krikor Lusaroviç church in Kayseri, the Surp Giragos church in Diyarbakır, one church in Derik (in the region of Mardin), three in the region of Iskenderun.

As during the Ottoman period, the Patriarchate is the interlocutor of the Turkish government in all issues of particular interest for the community. However, relations between state authorities and the patriarchate have been turbulent until the 1960's as shown by the impossibility to elect a patriarch between 1927-1951.

Emigration to Europe and the United States was particularly important from 1955 to 1980. Despite all, no Armenian community of the Diaspora is as active and dynamic as the Armenian community of Istanbul with its 34 apostolic churches, 18 schools, 8 foundations (2 orphanages), 17 associations (2 sport clubs), 2 hospitals. Three major newspapers are published in the Armenian community: *Jamanak*, *Marmara* and *Agos*. *Jamanak*, established in 1908 by the family Koçunyan, is the oldest daily newspaper in Turkey still being published. *Marmara*, founded in 1940, is supervised by a prominent intellectual Robert Haddeler. *Agos*, founded in 2000, is published in Turkish with the aim to bridge the community with the Turkish society as a whole. Hrant Dink was the founder and editor in chief of *Agos*. Etyen Mahçupyan is the current editor in chief.

The number of students attending Armenian schools is 3 700. It was however 4 500 ten years ago. The government tightened regulations after 1980: only children, whose fathers are Armenians, are allowed to attend Armenian schools. The decrease of the quality of the teaching because of a lack of finances – the schools rely on the Community support – is pushing away best students.

3. The Jewish Community in Turkey

The Jewish community of Turkey numbers at present some twenty thousand people and almost the entirety living in Istanbul. The remaining few are located in a handful of urban centers--most of them in Izmir and Ankara. This represents a small remnant of a group that once numbered well over one hundred thousand and has been reduced largely by voluntary emigration; to Europe and Latin America at the beginning of the Turkish Republic and to Israel after the 1950s.

The community is officially represented by the Chief Rabbinate (*Hahambaşılık*), located in Istanbul. At the head is the Chief Rabbi, working with religious and lay councils. The Chief Rabbinate administers those aspects of civil life that have a religious character: marriage, circumcision, divorce...

As for the religious institutions, these are governed by the law of the *yakıf* are at present 18 synagogues in Istanbul grouped under nine *yakıf*, located in old as well new quarters of Jewish residence. The oldest, for example, is in Balat, and in *Kuzguncuk*, where very few families remain but mobilize for the maintenance of these almost unused

² Etyen Mahçupyan "Türkler ve Ermeniler: İletişimsiz Birliktelik" (Togetherness without communication), *Foreign Policy*, Istanbul, Bilgi University, January-February 2001, p. 43.

places, because once abandoned, they revert to the State (law of Vakıf of 1935). Nor is the community free to replace them with other institutions located in or near the centers of Jewish residence: since new *Vakıf* cannot be created, there have been no new foundations since 1950 the exception of the Jewish School that moved from Galata (traditional quarter) to Ulus (a residential modern neighbourhood in Istanbul) which was created according to the civil code that allows communities to fulfil their communal needs such as creating a school.

The Jewish community presents a relatively undifferentiated character to the rest of Turkish society. This aspect related to a larger process of “modernization” affecting Jews and non-Jews alike have come to constitute an index of Jewish emancipation; that is integration in the larger society, Turkish is now the dominant language for the generation of the Republic at home as well as outside. There are very few people left who speak Ladino (Judeo-Spanish) as their everyday tongue, and probably none who speak nothing else. This process of linguistic assimilation, accompanied by much more intensive social mixing of children with those of other religions, in private as well as public schools, has opened the community to outside influences and frequentations, and increasing intermarriages (Jewish-Muslim). The very secularization of the community, its increasing adherence to national values along with its neglect or ignorance of Jewish practice and observance, has emptied the identity of spiritual content and reduced it to a bond of congeniality and reactive self-affirmation.

Nevertheless, an analysis of the Turkish Jewish experience has shown similar periods of stress and emergency, with a comparable polarization of reactions as in Europe even though Turkey remained neutral to the WWII: The expulsion of Jewish residents of Edirne (Adrianople) and Thrace in 1934; the Varlık vergisi, a head tax on wealth that was instituted in 1942 and levied at rates up to ten times as high for non-Muslims as for Muslims and the Anti-Greek riots in 1955 made some Jewish victims. To this day, the Jews of Turkey prefer to negotiate rather than demand or protest. This “political discretion” differentiates the Jewish community from the Greek and Armenian communities and it is justified by national historical events that kept them “safe” in Turkey.

This concern of “safety” translated as “peaceful coexistence” had been publicized in 1992 with the celebration of the 500th anniversary of the expulsion of the Jews from Spain and their welcome into the Ottoman Empire in 1492. The Quincentennial Foundation created for this event organized all kinds of cultural events and succeeded to mobilize the Jews as well as “Friends of Turkey” abroad. The Jews need improvements of their Vakıf, they want to insure good relationships between Turkey and Israel felt as a token for their “security” in Turkey, and the Turkish state wants Jewish support in matters of foreign policy, especially as regards the United States and Turkish national interests represented in the Congress.

4. Greek Orthodox Community in Turkey

An additional protocol to the Treaty of Lausanne stipulated the so called exchange of populations between Greece and Turkey. According to this agreement between the two states around 1.5 and 2.2 Million Rum (Greeks living in Asia Minor) and around 350.000 and 500.000 Turks were expelled from their homes and resettled. Only Greeks living in Istanbul, Bozcaada (Tenedos) ve Gökceada (Imroz) and Turks living in Western Thrace

and on the Dodecanese islands were exempt from the agreement. It is however interesting that adherence to the Greek or the Turkish nationality was defined according to people's religious affiliations. Thus also the Turkish speaking but Greek- orthodox community of the Karamanlı was also considered as ethnically Greek and was resettled in Greece.

A look on the numbers of the remaining non-Muslim communities tells a lot about the situation of religious minorities in Turkey. Particularly, the decrease in numbers of the once more than 100.000 people counting Greek community was linked to the bad bilateral relations between Greece and Turkey.

The exodus of Turkey's remaining Rum community started with the incidents of September 6-7 in 1955. Then a furious mob, incited by rumours that Atatürk's house of birth in Salonica was bombed initiated a pogrom against the Greek population of Istanbul. Several people were killed, churches, cemeteries, shops and properties of Greeks but also of members of other non-Muslim communities destroyed. The pogrom and the state's reluctance to interfere left a deep and enduring trauma among minorities and further lowered their trust in the Turkish state.

In 1964, as a reaction to incidents between Greeks and Turks in Cyprus, the Turkish government annulled the residence permits of Greek citizens married to Turkish Greeks. As a consequence around 30.000 Greek-Turkish citizens left the country. The Greek community of Istanbul decreased from around 80.000 in the mid-1950s to around 2000 mostly elderly people today.

The Greek Church and its highest authority the patriarchate of Constantinople have also been affected from the state's suspicious stance. The Turkish state does not acknowledge the patriarchate as a legal entity. One of the currently most discussed issues in this context is probably the Halki priest seminar which was closed in 1971. Turkish officials have made it clear that they are following the principle of reciprocity, which means that the situation of the Greek minority has been made dependent from that of the situation of the Muslim minority in Greece.

The question of the Ecumenical character of the Greek Orthodox Patriarchate

Whereas the Greek Orthodox Patriarchate claims its ecumenical character, a ranking as the primus inter pares among the Orthodox Churches, the Turkish state has refused to acknowledge the patriarch's spiritual leadership of the world wide Orthodoxy, but merely regards him as the head of the Greek Orthodox minority in Turkey.

State authorities have often argued that any recognition of the ecumenical nature of the patriarchate might result in the establishment of an entity with legal international status which would then set the patriarch in a position comparable to that of a head of state.

Any special status has been denied by Turkish authorities as they have seen it conflicting with the principle of secularism and as a backdoor for pro-Greek agitation and therefore as a threat to national security. Turkish nationalists have seen the patriarchate's insistence on its ecumenical character as a proof for its political orientation.

It was also the fear that the patriarchate might not confine itself to mere religious questions but would also act as a political body which had driven the Turkish delegation in Lausanne (1923) to ask for the patriarchate's removal. Whereas the treaty does not include any explicit mention of the status of the patriarchate, it is a point of reference for advocates and opponents of its ecumenical title.

On June 26, 2007, the Turkish Supreme Court of Appeals (*Yargıtay*) ruled (2007/5603) in the question of the ecumenical character of the patriarchate that the Phanar Greek Patriarchate (*Fener Rum Patrikhanesi*) was merely the representative of the church of the Greek minority in Turkey, that it was granted the right to remain in Turkey and that it was subject to Turkish law. The ruling stipulated that any special rights or privileges granted to a minority but denied to its own citizens would violate the constitutional principle of equality. Referring to the Treaty of Lausanne, the court declared that as there was no explicit mention of the patriarchate, there was also no legal ground for the claim for the title of an ecumenical patriarchate.

It is the state's denial of the patriarchate's cultural and spiritual importance and influence and its religious jurisdiction much beyond Turkey's borders which risks, in the light of a dwindling Greek Turkish minority, the survival of the institution. Considering the low numbers of Greek Turkish citizens remaining in the country, it will be increasingly difficult to meet the requirements stipulated in the decrees issued in 1923 and in 1970 laying down that not only the patriarch has to be a Turkish citizen, but also those who elect him and that they have to be carrying out ecclesiastical duties within Turkey.

It has been the Turkish interpretation of secularism which does not provide the opportunity of legal personality for religious institutions. The Turkish state's denial of a legal personality of the patriarchate results in the non-recognition of its ownership rights. Ownership has to be registered in foundations. However, properties might be still dispossessed when they are not used for their original purpose. The patriarchate has no legal means to seek legal action against such infringements.

5. Other groups not included in the official definition of minority

5.1. The Alevi in Turkey

Concealing their belief, characterized as heterodoxy, under the Ottoman persecution of Shi'ism, the Alevi transmitted their belief system through esoteric knowledge, secret rituals and local kinship. Welcoming the foundation of Republic in Turkey because of its secular character, Alevi continued to live mainly in Anatolia around the cities in the banks of Kizilirmak, and kept their belief system, based on reverence for Ali (Mohammed's cousin and son-in-law), the recognition of the trinity consisting of Allah-Mohammed and Ali, and performance of religious ceremony, 'cem', led by *dede*- member of hereditary priestly caste- through ritual dances called *semah*, reading poems and singing in places of worship called 'cemevi' (cem houses) in a hidden way until recent times. This explains why early sociological investigations regarded Alevism as a system of belief generally suited to rural life, or a way of organizing daily life in an isolated location.

This situation radically changed in the 1960s with the rapid urbanization in Turkey. The Alevi started to live in poor neighborhoods of the major cities. New networks replaced the old ones formulated around *dede*. The associations proliferated and the party linkages particularly towards the Left appeared. Family, tribal and common regional origin ties were rearticulated in an urban setting through associational liege. After the political experience of 1960s and 1970s, the 1980s and 1990s saw a rediscovery of Alevism as an identity based political ideology and the proliferation of Alevi

organizational activities through associations such as Hacı Bektaşî Veli Kültür ve Tanıtma Dernekleri, Pir Sultan Abdal Kültür Dernekleri, Cem Vakfı, Alevi Bektaşî Eğitim Kültür Vakfı etc.. Periodicals, cultural festivals, lodges and associations proliferated in all parts of Turkey in this period. Nowadays almost 70 % of Alevi population lives in urban areas and realistic estimate shows that the Alevis constitute around 20% of Turkey's population.

The end of the Cold War and the weakening of Leftist politics, the rise of political Islam, and the Kurdish uprising in the southeast Anatolia played crucial role in shaping the current Alevi identity politics. The state approached the Alevis to contain the Kurdish problem and political Islam as the Alevis's are considered as the loyal, secular and modern section of Turkish society. The context of identity politics created an incentive for the proliferation of Alevi activities and the concealment of Alevi identity lessened compared to old days. However, the Alevis became victims of two major incidents in Sivas in 1993, and in the Gazi neighbourhood of İstanbul in 1995, which also contributed extensively the reinvention of Alevi identity politics in the last two decades.³

In addition to the rise of identity politics in the domestic sphere, the emergence and the expansion of Alevi organizations beyond the boundaries of Turkey created a significant pressure on Turkey's policies towards Alevis. The migration to Europe led to an expansion of the Alevi networks beyond Turkey. Since 1960s, Turkish migrants developed active enclaves and associations mainly in Germany with strong ties to Turkey. By the late 1980s, the Alevi associations in other European countries also flourished and the political opportunity structures that the European integration process created a new context for the reinvigoration of Alevi movement with the cultural agents extending beyond Turkey. Finally, Turkey's struggle to join the EU made the Alevi movement much stronger with ties in Europe.

The Alevis keep a position in current political debates in Turkey with a clear support for secularism as an integral part of their political stand and identity. Strongly opposing wearing of turban in universities and the separation of boys and girls in the schools, the Alevis defend liberal position of women in Alevi community and perceive any rise of Sunni Islamism that would make the uncovered women's attendance to public spaces difficult as threat secular character of the state. Most Alevis claim that as a secular state Turkey should treat all religions equally and should not directly support one particular religion (the Sunnis) as it currently does through the Directorate General for Religious Affairs.

³ On July 1993 in Sivas a mob, emerging from various mosques after Friday prayers set fire to a hotel hosting attendees of an Alevi cultural festival to commemorate Pir Sultan Abdal, the great Alevi poet-rebel of the 16th century. The mob, chanting Islamic slogans, set fire to the hotel, killing 37 people. On 12 March 1995 in İstanbul three gunmen in a taxicab randomly shot at coffee houses in Gazi- a poor neighbourhood populated by Alevis and killed two people. The demonstrations of Alevis in Gazi and other Alevi neighbourhoods in İstanbul, Ankara and Izmir to protest the killings in Gazi were harshly suppressed by the police shooting 20 people to dead.

5.2. The Protestants in Turkey

Another Christian community is the Protestants. This emergent group is mainly the result of conversions of Muslim individuals, but also of some of the members of the Assyrians orthodox community. The movement has amplified after the 1970s with the work of missionaries active throughout the country. Obviously this community does not rely on the definition of “Lausanne minority” even though they define themselves as a religious minority. They are concerned by law on Vakif in the sense that they demand worship as Protestant churches. Their claim finds an echo on a local level as a result of negotiations. The first Church has been constructed and opened to worship in Maltepe a suburb of Istanbul in the fall of 2006. The community is connected to other Christian groups and community and shape the worship within different time divisions. The language of the worship is Turkish, so is the language of the community. The conversion of the Muslims creates some reactions of rejection, lack of toleration, exclusion and discrimination. One case led to a crime in Malatya last year. Therefore their claims are based mainly on the fight against discrimination mainly in the work place and in the army and equal citizenship rights.

5.3 Syriacs in Turkey

There are also some other non-Muslim minorities such as Syriacs who are not included to the criteria defined by the Treaty of Lausanne. First of all, because of the nationality criteria the Syriacs faces difficulties to work for certain churches. But, similar to the problems of other non-muslim minorities, the Syriacs are not permitted to establish schools and the election of the heads their churches is subject to strict conditions. Their clergy continue to have difficulties in visa matters and residence/work permits. They face serious pressures under the recent attacks against clergy and places of worship of non-Muslim religious Communities. However, their main problem is related with the property rights. The Syriacs suffered a lot under the quasi-civil war situation in the Southeast and emigrated to European countries in the past decades. In June 2001, Ecevit issued a circular, requesting “all public institutions and establishments show necessary care and sensitivity in letting our Assyriac citizens to freely use their Constitutional, legal and democratic rights” under the guarantee of the state. However, very few of them were able to return home and most of them lost their Turkish nationality. Syriacs who no longer have Turkish citizenship have not been able to register their properties in the Southeast. Complaints regarding the seizure of their uninhabited property by both citizens in the region and the land registry authorities have recently reached to a worrying level. Those who are able to return face harassment from the village guards and local populations.

6. A step ahead: the issue of the reform of the law governing foundations

The principle of reciprocity was most often applied in regard to foundations. Whereas members of religious minorities have been complaining about the limitations of the education of priests, the fact that deputy headmasters in minority schools have to be ethnic Turks, probably the most ardent question has been the issue of properties owned by foundations representing the economic basis for the survival of the communities.

During the Ottoman era, the rights and the radius of operation of non-Muslim communities and of their foundations were based on imperial edicts. After the Treaty of Lausanne, the Turkish Republic did not move towards determining the legal status of non-Muslim (*gayrimüslim*) foundations until the adoption of the law governing foundations in 1935. In 1936, a decree requested the listing of properties and estates owned by foundations.

In 1974 amid political tensions over Cyprus, the High Court of Appeals ruled that the minority foundations had no right to acquire properties beyond those listed in the 1936 declarations, and demanded the restitution of all properties which were not mentioned in these lists. In consequence the state either seized all properties acquired after 1936 or handed them over to their previous owners. The court's ruling launched a process, under which the state seized control of properties acquired after 1936. Minority religious groups, particularly the Greek and Armenian Orthodox communities, have lost numerous properties to the state.

The Law of Foundations on the agenda of the Parliament since 2004, had been passed on 9 November 2006 after months of fierce debate. However, President Sezer sent the bill back to Parliament for revision on November 29, the same day the European Commission recommended suspension of eight chapters of Turkey's negotiation talks to enter the European Union (EU). In his partial veto, Sezer declared that nine provisions of the law were incompatible with the Turkish constitution and the 1923 Lausanne Treaty⁴.

The Justice Committee of the newly elected Parliament reapproved without amendment the bill on January, 2008, the bill is expected to be discussed soon at the general assembly. This key piece of reform legislation, aiming at broadening religious freedoms in Turkey, was designed to enable the country's non-Muslim religious minorities to regain their property rights. The bill will permit minority religious foundations to reclaim dozens of valuable properties confiscated by the Turkish state over the past 32 years. The law enables minority foundations to reclaim some of the confiscated properties from the state within a set 18-month period – including those registered under the names of saints during Ottoman times, when they were established by imperial edict without a formal charter. However the law fails to address the issue of restitution, significant for a number of properties that have been re-sold to a third party after government expropriation. It also ignores certain properties such as cemeteries and minority school assets that are not under any foundation.

The issue of reciprocity: The new law ties religious minority rights to the “international principles of reciprocity, basic principle of international public law regulated interstate relations, which refers to benefits one nation grants in exchange for the same treatment from another nation. The misuse of this concept against Turkey's own citizens violates Article 10 of the Turkish constitution.

The Civil Code and the establishment of new community foundations: the law stipulates that community foundations will be henceforth established accordingly the Civil Code.

⁴ Tuesday December 12, 2006, International Herald Tribune, “Turkey: President vetoes minority foundations law”

However Article 104(4) of the Civil Code forbids “foundations aiming at supporting members of an ethnic group or community”.

The issue of the abrogation of the status of confiscated foundations and full restitution or properties: The law will not lead to the full restitution of proprieties expropriated from minority foundations since it doesn't explicitly abrogate the status of “confiscated” foundations by the General Directorate for Foundations on the ground that they were not able to fulfill their philanthropic mission. The misuse of a regulation initially set for old foundations established before the date of entry into force of the Civil Code adopted in 1926, led mainly to the confiscation of 24 foundations of the Greek community together with their proprieties. The Armenian holiday camp built in 1962 was also seized after 1979.

The issue of cemeteries: The new law doesn't say anything about the situation of cemeteries. The cemeteries being the property of the municipality and submitted to the law on municipalities can be destroyed and/or occupied any moment. Particularly, the Jewish community is actively claiming the property and the inclusion of the cemeteries in the status of Vakıf. Even though the European Union's requirements on minority rights have mobilized Jewish lawyers like all minority communities, their claim in the name of the Jewish community seem to be more limited than the other religious communities. One of the reasons is that they own less property than the Greek and Armenian communities. The Jewish community leaders have located some destroyed synagogues and claim the right for the property of the land.

International activities accordingly to the mission stated in the Charter: the law allows foundations to develop international cooperation, extend their activities to other countries, open representations abroad and become a member of institutions established abroad accordingly to the mission statement enshrined in their Charter. This excludes from international activities all the minority foundations established during the Ottoman period by imperial edict without a formal charter.

7. Further recommendations

7.1. Strengthening an inclusive citizenship notion and ending discriminations

The principle of equality among all Turkish citizens regardless of particularities is guaranteed by the Article 66 of the Turkish Constitution. The Treaty of Lausanne is a founding text of the Republic of Turkey since it is defining the fundamental rights of all linked to the state by the link of citizenship and puts forward the obligation for the Turkish State to protect the Non-Muslim communities. Notwithstanding the spirit of the founding text of the Republic, the notion of Turkish citizenship was shaped according to the legal context which prevailed before the Tanzimat reforms of 1839. Although the new Republic defined itself as a secular state, Sunni Islam has been functional in the nation-building process as a uniting common cultural factor of the majority of Turkey's inhabitants. A person who is not a Muslim is usually referred to as a minority person or a Turkish citizen, but not a Turk. Turk designates an ethno religious characteristic of a political community. Internal instructions have prevented non-Muslims from posts in the bureaucracy and the army. The state also established a secret sub-commission assigned

with the task to control the non-Muslim minorities in regard to national security. Non-Muslim minorities have no demand other than that of ‘equal citizenship’⁵ which implies to end of forms of discriminations namely:

National ID, Passports: Religious affiliation is still listed on national identity cards, despite the Article 24 of the 1982 Constitution which provides that no one shall be compelled to reveal religious beliefs. In April 2006 Parliament adopted legislation allowing persons to leave the religion section of their identity cards blank or change the religious designation by written application. Non-Muslim minorities still hold national IDs and passports with a specific serial number.

Equal opportunities for positions in state institutions and armed forces: Non-Muslim citizens are viewed as foreigners and therefore considered unqualified to represent the state. In October 2004 the Government's Human Rights Consultation Board issued a report on minorities, stating that non-Muslims were effectively barred from careers in state institutions, such as the armed forces, the Ministry of Foreign Affairs, the National Police, and the National Intelligence Agency⁶.

7.2. Penal Code Reform to fight against racism, exclusion and anti-semitism

Reform of the Article 301 of the Penal Code: the notion of Turkishness must be replaced by the notion of Turkish citizens regardless of their religion or ethnicity. Proposals to replace it by the notion of Turkish nation will let the door open to confusions since the nation has been, in contradiction with the spirit of the Treaty of Lausanne, defined with reference to the Muslim Sunni faith.

Article in penal code for fighting against anti-Semitism: the Reform of the Article 216 against blasphemy does not mention the blasphemy against religion and belief. It leaves open the possibility to use a blasphematory language and anti-Semitic purposes. The EU can mobilize all the networks that are fighting against racism, exclusion and anti-semitism. The article 216 of the civil code refers to “hate speech, provocation and condensation with regard to religion, regional identity” that is considered as an offence and would endanger the public order. This danger would be even more important if the “hate speech” is channelled by the media (art.312). Some modifications have been brought to the law, mainly with regard to its “obvious character” and the targets of the hate speech, and brings some limitations to freedom of speech when it come to its use on The law establishes a hierarchy among offences if the target of a “hate speech” is the state and the government, (the art. 301) then the political class and the bureaucracy. Although, the real danger to the public order and public security occurs when individuals, groups and/or communities are the target of hate and provocation. The Jewish community has been suffering lately by this targeted hate speech and taken over by the media to spread anti-Semitic discourses. The claim is therefore to ad new clauses to protect the

⁵ 18 October 2006, Radikal, Patrik 2. Mesrob: Talebimiz eşit vatandaşlık

⁶ Professors Baskin Oran and Ibrahim Kaboglu faced criminal charges for their roles as principal authors of the report. An Ankara court acquitted them in May 2006. Members of minority religious communities confirmed the report's conclusions.

community by establishing limits to the freedom of speech, when this freedom leads to hate speech.

7.3. Textbooks reform

The semi-colonial status of the declining Ottoman Empire and the conditions from which the modern Turkish state emerged have stamped in a certain nationalist narrative which has supported extreme vigilance against the partition of the homeland. School education and textbooks have conveyed the notion of a nation under the constant threat of partition and have raised alertness against internal and external foes. Observers have called this the Sevres Syndrome named after the Treaty of Sevres which partitioned Anatolia among the allies. The reform of the textbooks can lead to overcoming the constant scepticism towards any kind of particularities perceived as endangering the homogeneity of the nation. The EU together with the Council of Europe can support such kind of initiatives taken by Turkey.

7.4. Clergy of Turkish citizens

Based on the treaty of Lausanne only Turkish citizens of a religious minority can go to the school of their own community. This is applied also to schools to form religious leaders. This question is now on the fore with the Monastery and its function to form Orthodox religious leader which according to the continuing of the Lausanne agreement should be Turkish citizen. So are the official representatives of non Muslim religious communities the Greek and Armenian Patriarche and the Chief Rabbi for the Jews, all elected by their respective communities, approved and authorized by the Council of Ministers. They are, however, independent in their internal affairs, and they officially represent their community in Turkey and abroad.

The closing down of the Halki priest seminar in 1971 has virtually stopped the education of young generation clergymen for the Greek community in Turkey. The Armenian seminar was closed down in 1974. The Turkish state could be encouraged to handle this pressing issue of the clergymen of the religious communities. The Armenian Patriarch proposed to open a theology department within the university structure.

7.5. Handling of the Alevi demands for recognition

The current demands of Alevis concentrate on the role and the function of the Directorate General for Religious Affairs. Alevis claim that the Directorate is a state institution financed by taxes collected from all citizens of the Republic but serving only the Sunnis and excluding the Alevis. Cem Vakfi, one of the major Alevi associations, formulated the Alevi demands of recognition by the state under three specific areas: the cem houses should be recognized as the places of worship; they should be supported by the state under the general budget; and the Directorate should allocate cadres to the Alevi community leaders-*dedes*. The state response through a recent court decision is based on the basic principle of secularism and republican tradition of citizenship based on the recognition of individual rights rather than communitarian understanding of distribution of rights and privileges with respect to specific religious groups. Revealed by the court decision, the state underlines that it keeps equal distance to all the religious communities,

and the Alevis are not religious minority in Turkey. The legitimate demands of the Alevis could be handled through the improvement of the state attitude and practices towards their religious demands rather than a major change in their status towards recognizing them as a religious minority.

7.6. Remembering common identity and fostering multiculturalism

A more nuanced and contextualized approach to the history of the Ottoman period is imperative to give back to both Muslim and non Muslim Turkish citizens a large share of their collective identities. Improving mutual knowledge and rediscovering a shared past would erode stereotypes. Literature and architecture act as powerful testimonies of the common past. For instance, the Armenian contribution to Ottoman art and architecture is as striking as it is hidden, while Turkish language literature in Armenian script would provide a fascinating field of historical investigation. Evidence of the latent interest in both communities to rediscover their shared past was the record number of visitors who attended the exhibition in Istanbul on the Armenians in the Ottoman Empire in the early 20th century. Supporting the revival of Armenian, Greek and Jewish cultures, the strengthening of these endangered communities and acknowledging the various practise of Islam faith in Turkey would require the protection and restoration multicultural heritage. The Ministry of Tourism and Culture's project launched in May 2005 to restore the Armenian Church of the Holy Cross on Akhtamar Island in Lake Van is a very positive step in this context⁷.

In this regard, the legislation reform of 2004 granting the right to national televisions and radios to broadcast in native languages, is an important step ahead. The State Radio and Television (TRT) has first started broadcasting in Kurdish, Arabic and Bosnian. Armenian has been more recently included into the list.

⁷ In March 2007 the Government held a ceremony to reopen the 10th century Armenian Holy Cross Church on Akdamar Island as a memorial museum after a long restoration process that it had funded. By the end of the reporting period, the Government was still considering a request by the Armenian Patriarchate in Istanbul to allow the placement of a cross on the building.

Bibliography

- Aktar, A. (2000) *Varlık Vergisi ve Türkleştirme Politikaları*, İletişim, İstanbul
- Bali, R. (2000) *Cumhuriyet Yıllarında Türkiye Yahudileri : Bir Türkleştirme Serüveni (1923-1945)*, İletişim yayınları, İstanbul
- Bebiroglu, M. *Türkiye Hukunda Azınlık Hakları*, <http://www.istanbulazinliklari.org>
- Braude, B.; Lewis, B. (1982) *Christians and Jews in the Ottoman Empire, The Functioning of a Plural Society*, Holmes and Meier, New York
- Bruinessen, M.V. (1996) 'Kurds, Turks and the Alevi revival in Turkey', *Middle East Report*, pp. 7-10.
- Çarkoğlu, A. (2005) 'Political Preferences of the Turkish Electorate: Reflections of an Alevi-Sunni Cleavage', *Turkish Studies*, Vol. 6, No. 2, pp. 273-292.
- Erman, T. and A. Erdemir (2005) 'Aleviler ve Topluma Eklemlenme Sorunsalı', Kaya, A. and Tarhanlı, T. (eds) *Türkiye'de Çoğunluk ve Azınlık Politikaları: AB Sürecinde Yurttaşlık Tartışmaları*, İstanbul: TESEV, pp. 127-144.
- Güneş Ayata, A. (1992) "The Turkish Alevis", *Innovation the European Journal of Social Sciences*, Vol. 5, No.3, pp. 109-114.
- Kastoryano, R. (1992) 'Intégration politique par l'extérieur. Les Juifs de Turquie', *Revue française de Sciences Politiques*
- Kastoryano, R. (1993) 'From Millet to community. The Jews of Istanbul', in Rodrigue, A. *Ottoman and Turkish Jewry*, Indiana U. Press
- Kurban, D. (2007) 'Vakıflar Kanunu Tasarısı Gayrimüslim Cemaat Vakıflarının Sorunları için Çözüm getirmiyor', *TESEV Demokratikleşme Programı, Anayasal Vatandaşlık ve Azınlık Hakları*, TESEV, İstanbul, www.tesev.org
- Kurban, D. (2004) 'Untravelling a Trade-Off: Reconciling Minority rights and Full citizenship in Turkey', in *European Yearbook of Minority Issues*, Vol.4, pp.341-371
- Kurban, D. (2007) 'A quest for Equality: Minorities in Turkey', in *Minority group right international*
- Levi, A. (1992) *Türkiye Cumhuriyeti'nde Yahudiler*, İletişim, İstanbul

Mahçupyan, E. (2004) 'Türkiye'de Gayrimüslim Cemaatlerin Sorunları ve Vatandaş Olamama Durumu Üzerine', *TESEV Demokratikleşme Programı, Anayasal Vatandaşlık ve Azınlık Hakları*, TESEV, İstanbul, www.tesev.org

Oran, B. (2007) *The Human rights advisory board, the minority rights and cultural rights working group report*

Oran, B. (2004) *Türkiye'de Azınlıklar, Kavramlar, Teori, Lozan, İç Mevzuat, İctihat, Uygulama*, İletişim, İstanbul

Poyraz, B. (2005) 'The Turkish State and Alevis: Changing Parameters of an Uneasy Relationship', *Middle Eastern Studies*, Vol. 41, No.4, pp. 503-516.

Rodrigue, A. (1990) *French Jews, Turkish Jews: The Alliance Israélite Universelle and the Politics of Jewish Schooling in Turkey, 1860-1925*, Bloomington

Şahin, Ş. (2005) "The Rise of Alevism as a Public Religion", *Current Sociology*, Vol. 53 No.3, pp. 465-485.

Tapper, R. (1993) *Islam in modern Turkey, Religion, Politics and Literature in a Secular State*, Tauris, London