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Between the Millet System and EU Values: The Sunni Muslim Turkish State and Non-Muslim Minorities

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The relationship between the state and non-Muslim communities[1] has been a sensitive issue since the founding of the Turkish Republic in 1923. Although the principle of secularism has been stated in the constitution, wherein the state was ostensibly required to distance itself from all religious beliefs equally, Islam had always played an important role in the formation of Turkish identity. The debates with regard to freedom of religion and conscience as well as the rights of religious minorities have become especially salient since the rise of the Justice and Development Party (AKP) to power.

In the early years of the Republic the reflection of the state-centric modernization project was imposed on non-Muslim communities within Turkey, through various cultural, economic and political practices. The impetus behind these policies were to create a homogeneous society in which being Sunni/Muslim was defined as the main marker of 'being Turkish.' The first implementation of this effort was realized through the population exchange between Greece and Turkey in 1923, which resulted in a massive decrease in the size of the *Rum*[2] Orthodox population.

Beginning with the 1923 Izmir Economic Congress, this "purification" policy also began to be implemented in the Turkish economy, where 'being a Turk' was set as the minimum criterion to act as a large scale enterprise in the market. However, the major cornerstone of the economic handover was the capital tax implemented in 1942 (Wealth Tax) that heavily fell on non-Muslims. Turkification policies, to the exclusion of non-Muslims, also included spatial arrangements. Of these, the 1934 Thrace Pogroms, considered to represent the first anti-Semitic action in the history of the Turkish Republic, stand as a primary and striking example.

Subsequently, the September 1955 Pogroms notably targeted the Istanbul *Rum* Community, as well as other non-Muslim communities. As a result of these Turkification policies, by the year 1955 the non-Muslims of Turkey dropped below 1% of the population at large. However, Turkification policies continued to take place in 1964. As a result of the unilateral annulment of the "Greek-Turkish Treaty of Commerce and Navigation" (1930) by Ankara, Rums who were then residing in Istanbul were deported to Greece. This resulted in the complete disappearance of the local *Rum* Orthodox population in Istanbul.

Apart from such Turkification policies, in the 1970s non-Muslims encountered numerous

extrajudicial practices which limited their civil and religious freedoms, especially following the 1974 Turkish military intervention in Cyprus. Provisions of the Law on Foundations, the Turkish Civil Code, and the Municipality Law restricted the property rights of Christian communities. In addition, the state has also interfered with the election procedures of both administrative authorities and religious bodies.

During the Motherland Party (ANAP) government of the 1980s, short-term enhancements of freedom of religion for religious minorities were implemented. The liberalization policies of the Turgut Özal Government (1983-1989) also had a positive impact on non-Muslim communities, such as the reintroduction of the board elections of the community foundations. This step allowed *Rum* citizens to reclaim the right to sell their properties, a right which had been restricted since 1964. Last but not least, the 2001 establishment of the Turkish Jewish Museum, following the 1989 formation of the "Quincentennial Foundation Museum" of Turkish Jews, can also be considered to have been a remarkable event. However, these did not lead to any substantive transformation.

When the AKP came to power in 2002, it continued the EU reform process initiated by the previous government subsequent to the 1999 Helsinki Summit. Declaring a strong commitment to international human right standards, the AKP passed five reform packages before 2004, which included certain changes with regard to non-Muslim minority communities. These reforms included the acquisition of non-Muslim foundation properties and gave them the opportunity to demand the return of confiscated properties. After the 2007 assassination of the Armenian intellectual Hrant Dink, the AKP's level of empathy with non-Muslims increased to a large extent, which caused acceleration of the reform packages passed in the parliament. The government's conciliatory approach to non-Muslims at the time was highly appreciated, when the Law on Foundations was reintroduced. This last item of legislation was vetoed by then-president Ahmet Necdet Sezer in 2006, despite the fact that Sezer was himself secular.

However, despite such ostensibly 'progressive' reforms, the AKP's approach to freedom of religion in general, and the rights of non-Muslim communities in particular, was not fully compatible with the European Union's framework of human rights. Observing the overall process, one would likely confront references to the Ottoman Empire's 'tolerant' approach towards its non-Muslim minorities, such as the *Millet* System[3] wherein limited autonomy and tolerance was granted to non-Muslim communities, but under the overall superiority of Islam. The European Court of Human Rights decision on *Leyla Şahin*, in which the court found Turkey's ban on headscarfs to be compatible with the principle of religious freedom, is crucial to understanding this paradigmatic change. After this point, EU began to be perceived just as an alternative to the Ottoman model of tolerance towards diversity and co-existence.[4] Reviewing the process of transformation, it is fair to argue that 'human rights' and 'fraternity and diversity' discourses, which were incorporated by the government when targeting non-Muslim minorities, ultimately proved to be merely instruments to be used in dismantling certain aspects of the Kemalist project, of which AKP had been highly critical since its first days in power.

After 2011, it is possible to observe the continuation of the dialogue process between non-Muslim communities and state representatives. In the meantime, the Ottoman model began to supplant the EU model of freedom of religion. While a number of steps were taken to signal increasingly positive dialogue between non-Muslim communities and the government, including the first-ever state commemoration of the Struma disaster in 2014, the reopening of

the Edirne Synagogue in 2015, and the public celebration of the Hanukkah festival for the first time, most of the non-Muslim communities' problems still remain unresolved.[5]

First of all, reforms outlined in the EU harmonization packages remained limited and have been poorly observed in practice. In practice, non-Muslims could only recover 10-12 percent of their possessions that they legally demanded in this process. In point of fact, the 2008 Law on Foundations that facilitated board elections of community foundations was suspended by the Directorate General of Foundations (VGM) in January 2013, and a new regulation has yet to be approved. Another outstanding issue is the fact that minority-controlled foundations do not possess a legal personality distinct from their proprietors.

In addition to the above, minority educational institutions are faced with continuing problems. For example, the Greek Orthodox Seminary of Halki, shuttered by the state in 1971, remains unopened. Moreover, non-Muslim individuals seek a legal framework that would enable them to be formally recognized and constitutional protections to secure their religious freedoms.[6] The perceived need for such protections reached a peak point after 2011 when state elites began to give references to Islamic values and Turkey's Ottoman heritage. The government representatives began to describe "real descendants of the Turkish nation" and labelled non-Muslims as "traitors" and "exploiters."[7] The most notable example of this was then-Prime Minister Erdoğan's statement which referred to Islam as his absolute priority for the state. [8]

Another point that needs to be underlined is that Turkish Jews have been compelled to confront increasingly pervasive anti-Semitism during the last decade of AKP rule. According to the Survey on Social and Political Trends in Turkey conducted by Kadir Has University, 37% of the respondents stated they did not want to have a Jewish neighbor.[9] Moreover, according to the Istanbul-based Hrant Dink Foundation's Media Watch on Hate Speech Report, after Armenians Jews are the most frequently targeted ethnic group in Turkish media.[10] Rising anti-Semitism in Turkey is a dominant factor, if not the primary one, for the migration in recent years of Turkish Jews to Israel as well as to other countries. [11]

The Turkish state's policies towards non-Muslim minorities represent a continuity irrespective of the governments' ideological character. With the founding of the Republic, despite the ostensible aims of the secular state, minorities were defined according to their religious identity and accordingly felt excluded from the national one. They were merely tolerated as second-class citizens in the spirit of the Ottoman Millet system

The AKP's strong commitment to the international human rights and reform packages passed through the parliament were ground-breaking in their rupture of the homogeneity discourse. However, as their approach began to become more informed by the legacy of the Ottoman Millet system than by EU principles, the government could not actualize the expectations of non-Muslims in their day-to-day lives. This became especially true after 2011. In a country where political Islam and authoritarianism is on the rise, the social tensions inherent in the daily lives of Rums, Jews and Armenians are becoming increasingly acute, as they are stranded in the space between genuine citizenship and marginalization as unwanted minorities.

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Notes

[1] The term "non-Muslim communities/minorities" refers to the *Rum* (Anatolian Greek Orthodox), Jewish and Armenian communities. The Treaty of Lausanne (1923) established the legal basis of religious minority rights (Articles 37–43), namely the Rum Orthodox, Jewish and Armenian communities, in Turkey (and is still technically in force today).

[2] The author acknowledges the interchangeable use of Rum, Greek, Hellen, Byzantine and Grec. Rum Orthodox is used here in differentiation with the Greek Orthodox (denoting those who belong to Greek nationality) to refer to those who stayed in the Ottoman Empire after 1821 and then automatically became, first, Ottoman subjects and then citizens of the Turkish Republic in 1923.

[3] The Millet System refers to a separate legal status in the Ottoman Empire that was granted to religious minorities to rule themselves according to their own religious laws. Muslims, Jews, Orthodox Christians, Armenians, Syriac Orthodox Christians and Roman Catholic Christians were acknowledged as separate "millets." For more details, see Karen Barey and George Gavrilis, "The Ottoman Millet System: Non-Territorial Autonomy and its Contemporary Legacy," *Ethnopolitics* 15, no. 1 (2015): 24-42; İlber Ortaylı, "Osmanlılarda Millet Sistemi" in TDV İslam Ansiklopedisi, Bekir Topaloğlu and et. al (Eds.), Vol.30 (Istanbul, TDV, 2005) pp.66-70

[4] Anna Maria Beylunioglu, (May 2017). "Recasting the Parameters of Freedom of Religion in Turkey: Non-Muslims and the AKP". In B. Başer, E. Öztürk (eds.), *Authoritarian Politics in Turkey: Elections, Resistance and the AKP*. IB Tauris.

[5] Özgür Kaymak and Anna Maria Beylunioglu. "Understanding Minority Perspectives Towards the Turkish State: The Case of *Rum* Orthodox, Jewish and Armenian Communities", *Understanding Ethnic and Religious Minorities in Turkey* (ed. Anja Zalta and Tahir Abbas), forthcoming in 2019.

[6] Anna Maria Beylunioğlu, (2015). "Freedom of Religion and Christians in Turkey" *Turkish Policy Quarterly*, 13(4),139-147.

[7] "Ders Kitaplarında Ermeniler Yine Hedef" [Armenians are Targeted in Textbooks Again],' Radikal, 25 September 2015); 'Din Kültürü ve Ahlak Bilgisi Ders Kitaplarında Ayrımcılık Sürüyor [Discrimination Continues in Religious Culture and Ethics Textbooks],' Radikal, 26 September 2015.

[8] "Erdoğan: Bizim Tek Derdimiz Var, İslam, İslam, İslam" [Erdogan: We Have Only One Concern, Islam, Islam, Islam],' Available at http://bianet.org/bianet/siyaset/166454-erdogan-bizim-tek-derdimiz-var-islam-islam-islam (Accessed 31 July 2015).

[9] Eli Haligua, "Toplumun %31,7'si Musevi komşu istemiyor" [%31,7 of the society do not want a Jewish neighbour]. February 2, 2018. Avlaremoz, http://www.avlaremoz.com/2018/02/02/toplumun-17si-musevi-komsu-istemiyor-2/, Accessed June 10, 2018.

[10] Hrant Dink Foundation. "Medyada Nefret Söylemi İzleme Raporu, Ocak-Nisan 2018" [The Hate Speech Monitoring Report in the Media, January-April 2018]. Accessed June 3 2018. https://hrantdink.org/attachments/article/1356/Medyada%20Nefret%20Söylemi%20İzleme%20Raporu%20Ocak-Nisan%202018.pdf.

[11] Following the *Mavi Marmara* incident in 2010, 155 Turkish Jews migrated to Israel. The average number of migrations between 2011 and 2016 was around 100 people. Following the failed coup attempt on July 15, 2016, the number of immigrants reached 248 people. According to the 2016-17 Jewish Agency for Israel Performance Report, 398 people made Aliyah from the Middle East and Turkey during that year. See: http://www.jewishagency.org/sites/default/files/Performance_Report_2016-17.pdf.