

# FREEDOM OF RELIGION AND NON-MUSLIM MINORITIES IN TURKEY

*Freedom of religion has been a delicate issue since the founding of the Turkish Republic despite the principle of secularism stated in its constitution. After decades marked by assaults towards non-Muslims in Turkey and confiscation of their properties, several reform packages were adopted by the Turkish government in order better to secure their religious freedoms. This essay focuses on the motives behind and the limitations of the transformation of religious freedoms in Turkey over the last decade. The author argues that the incumbent AKP's religious friendly approach, while flexible, is ultimately grounded in Islamic superiority, and therefore remains limiting.*

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**F**reedom of religion has remained a delicate issue since the founding of the Turkish Republic, its delicacy being closely related to the state's conventional approach towards religion and its place in society. Turkey was built around the principle of secularism; yet, activities of religious groups and individuals have remained restricted not only in political but also in social and sometimes even in private spheres. Yet, the state continued to control religion through the Directorate of Religious Affairs (DRA), a bureaucratic organization situated under the Prime Minister's Office. This organization not only reflected state control over religion, but also, at the expense of contradicting the ideal of secularism, reinforced a version of Hanafi/Sunni Islam and excluded non-Muslim faiths and other denominations of Islam, which remained outside "state Islam."

Arguably this state-led policy towards religion has had its most negative effect on the non-Muslim minorities of Turkey. Despite guarantees made by the Treaty of Lausanne of 1923, religious minorities in general and non-Muslims in particular have encountered severe difficulties and extrajudicial practices with regard to the rights of religious minorities to manifest their belief in practice, worship, and teaching since the founding of the republic. Consequently, they have been subjected to a series of physical assaults and property confiscations, which resulted in their expulsion and emigration, eventually leading to a gradual decrease in their population.<sup>1</sup>

### ***Recasting the Parameters of Freedom of Religion in Turkey and Non-Muslim Minorities***

The approach towards religious minorities in Turkey only began to be questioned in the 1980s as a part of the political transformation process that developed in tandem with the country's opening up to the world. This period was marked by the introduction of various liberal policies and Turkey's application for European Union (EU) membership, which reached a turning point when Ankara officially gained EU candidate status at the Helsinki Summit in 1999.<sup>2</sup> As monitored by the progress reports issued by the European Commission, between 2001 and 2003 Turkey introduced three

1 Despite a common misconception widely embraced by Turkish authorities, recognized religious minorities in Turkey are not limited to Armenian Orthodox, Rum Orthodox, and Jews. See: Baskın Oran, *Türkiye'de Azınlıklar: Kavramlar, Lozan, İç Mevzuat, İçtihat Uygulama* [Minorities in Turkey: Concepts, Lausanne, Domestic Legislation, Jurisprudence and Implementation] (İstanbul: İletişim, 2004). According to a recent report, the non-Muslims living in Turkey today are composed of Armenian Orthodox Christians (60,000); Roman Catholics (25,000); Jews (22,000); Syriac Orthodox Christians (20,000); Russian Orthodox Christians (15,000); Baha'is (10,000); Yezidis (5,000), Jehovah's Witnesses (5,000); Protestants (7,000), Chaldean Christians (3,000); and Greek Orthodox Christians (2,500) ["Human Rights and Labor Bureau of Democracy, International Religious Freedom Report for 2013," *U.S. Department of State*, 2013] along with other small minority communities such as Armenian Catholics and Protestants, Bulgarian Orthodox, Melkit Catholics, Nasranis (Arab Christians), Nestorians, Syriac Catholics, and Maronite Christians, whose numbers cannot be estimated.

2 Kıvanç Ulusoy, "Turkey's Reform Effort Reconsidered: 1987–2004," *Democratization*, Vol.14, No.3 (2007), pp. 472-90.

reform packages enhancing human rights standards in light of the Copenhagen criteria for accession.

The transformation process continued when the Justice and Development Party (AKP), a party with roots building on Islamic identity, came to power in November 2002 and assured the continuation of the EU accession process.<sup>3</sup> Turkey's reform process indeed continued with the introduction of five more reform packages by the end of 2004. These reforms enabled the establishment of associations on the basis of race, ethnicity, religion, sect, region, or any other minority group;<sup>4</sup> the construction of sanctuaries other than mosques;<sup>5</sup> and aimed to address problems with regard to the board elections in Christian foundations.<sup>6</sup> These reforms were followed by new legislation, including the Law on Foundations in 2008 and its amendment in 2011, which paved the way for religious communities to re-acquire, register, and restore their properties.<sup>7</sup> Furthermore, new regulations were issued in order to handle the issues related to the private schools that belong to religious minorities.<sup>8</sup>

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In addition to these legal arrangements, a change in the state's approach towards non-Muslim minorities was noticeable; the changes did not remain only at the ideational level. To start with, a dialogue process was initiated between representatives of Christian communities and government authorities. This had positive effects on issues related to the manifestation of religion or belief in teaching, practice, worship, and observance, and resulted in growing support for the AKP among non-Muslim citizens.<sup>9</sup>

It is true that the AKP government adopted a relatively positive attitude towards non-Muslims compared with previous governments, but the transformation

3 “6 güvence” [6 guarantees], *Hürriyet*, 4 November 2002. All translations from Turkish sources belong to the author.

4 “Law on Associations,” *Official Gazette*, No. 25649, 23 November 2004.

5 “Zoning Law,” *Official Gazette*, No.25192, 7 August 2003.

6 “Regulation of the Methods and Principles of the Boards of Non-Muslim Religious Foundations,” *Official Gazette*, No.25585, 16 September 2004.

7 “Law on Foundations,” *Official Gazette*, No.26800, 27 February 2008; *Official Gazette*, No.28038, 27 August 2011.

8 “Law on Private Schools,” *Official Gazette*, No.26434, 14 February 2007.

9 The support of Armenian and Greek Orthodox communities has been greater by comparison than that of the Jewish community. See: Ali Soner, “The Justice and Development Party's policies towards non-Muslim minorities in Turkey,” *Journal of Balkan and Near Eastern Studies*, Vol.12, No.1 (2010), p. 25.

“The AKP government has adopted a relatively positive attitude towards non-Muslims compared with previous governments, but the transformation process still has limitations.”

process still has limitations.<sup>10</sup> To date, the non-Muslim communities of Turkey remain deprived of legal personality, and the issue of board elections for foundations, which had been suspended by governmental decree, is still waiting for a solution.<sup>11</sup> Moreover, shortcomings in private school regulations, the existence of a religion section on national identity cards, and the frequent undermining of judicial procedures in the investigations and hearing of cases related to killings of Christian citizens are just a few examples of the ongoing restrictive attitude towards the freedom of religion in Turkey.

Despite the extreme numerical subordination of non-Muslim minorities within Turkey’s population, the relatively positive yet limited nature of the transformation process has drawn the interest of academics. This essay suggests that external and internal factors both enabling and limiting the transformation process are at work.

### *Turkey’s “Golden Age” of Europeanization*

The period between the Helsinki Summit in 1999 and the European Council’s decision to begin accession negotiations with Turkey in 2005 is stigmatized by the “prospect of eventual membership.”<sup>12</sup> Following a preparation phase from 1999 to 2002, an intensive process of formal rule adaptation took place with the guidance of the EU progress reports.<sup>13</sup> In this “golden age period from 2002 to 2005,”<sup>14</sup> the conditionality principle was in effect, and the government concentrated on reforming “Turkish political and legal structures including non-Muslim minorities”<sup>15</sup> and engaging with sub-national forces at the European level.<sup>16</sup>

10 Ramazan Kılınc, “Democratic Consolidation and Minorities in Turkey,” *Turkish Review*, Vol.2, No.2 (2012), pp. 96-101; Soner (2010), pp. 23-40; Vahram Ter-Matevosyan, “The Armenian Community and the AK Party: Finding Trust under the Crescent,” *Insight Turkey*, Vol.12, No.4 (2010), pp. 93-111.

11 “Sırada ne var [What is Next],” *Radikal*, 12 June 2004.

12 Saime Özçürümez and Nazlı Şenses, “Europeanization and Turkey: Studying Irregular Migration Policy,” *Journal of Balkan and Near Eastern Studies*, Vol.13 No.2 (2011), pp. 233-48.

13 Gözde Yılmaz, “It Is Pull-and-Push that Matters for External Europeanization! Explaining Minority Policy Change in Turkey,” *Mediterranean Politics*, (2013).

14 Ziya Öniş, “Turkey-EU relations: Beyond the Current Stalemate,” *Insight Turkey*, Vol.10, No.4 (2008), p. 32.

15 Soner (2010), pp. 23-40; Ahmet İçduygu and Ali Soner, “Turkish Minority Rights Regime: Between Difference and Equality,” *Middle Eastern Studies*, Vol.42, No.3 (2006), pp. 447-68; Kıvanç Ulusoy, “The European Impact on State-Religion Relations in Turkey: Political Islam, Alevi and Non-Muslim Minorities,” *Australian Journal of Political Science*, Vol.46, No.3 (2011), pp. 407-23; Kerem Karaosmanoğlu, “Reimagining Minorities in Turkey: Before and After the AKP,” *Insight Turkey*, Vol.12, No.2 (2010), pp. 193-212.

16 Ulusoy (2011).

Despite a lack of behavioral adaptation and the persistence of a limited understanding of freedom of religion concerning the rights of non-Muslims at the practical level, the AKP's attempts to elude itself from the conventional approach towards religion by referring to the EU norms and values within this framework was remarkable at this stage. Reform packages reflecting these norms were deemed a possible way for dealing with the dissatisfaction stemming from conventional policies on religion's role in society. Indeed, Abdullah Gül, Deputy Chairman of the AKP at the time, explicitly underlined the government's aim "to provide Turkey with high standards of democracy and freedoms" following the EU Reform Monitoring meeting in 2004.<sup>17</sup> The importance of human rights and the key role of the EU harmonization process were also emphasized in the party program: "Standards in the area of human rights contained in the international agreements to which Turkey is a party, especially in the Universal Declaration on Human Rights, European Convention on Human Rights, Paris Charter and Helsinki Final Act shall be put into force."<sup>18</sup>

### *One Step Forward, Two Steps Back...*

Since the commencement of accession negotiations in October 2005, there has been a decrease in the credibility of EU conditionality. This is mainly due to new conditions that were related to the Copenhagen criteria – Turkey's decision not to implement the Additional Protocol of the Ankara Agreement for Cyprus after its entry to the EU, which resulted in the suspension of some negotiation chapters – and the transformation of the intra-European debate from Turkey's full membership to a possible privileged membership in the EU.<sup>19</sup> The consequent decline in the support for EU membership in Turkish public opinion was also noticed in this period.<sup>20</sup>

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As a result of these trends, there has been a visible slowdown in formal rule adaptation after 2005. Except for the new regulation allowing one to declare one's own religion on identity cards in 2006, and the new Law on Private Schools easing restrictions towards minority schools in 2007, the government made no other substantive efforts regarding the issues related to the existence of religious minorities until the murders of Hrant Dink and Christian missionaries in 2007.

17 “Gül: AB'ye hiçbir bahane bırakmayacağız” [Gül: We will not leave any excuse to the EU], *Radikal*, 24 May 2004.

18 AKP Party Program, 2002.

19 Yılmaz (2013).

20 *Eurobarometer* (2008).

Despite the influence of the European Court of Human Rights over the restitution of *Fener Boys High School* in 2007 and *Yedikule Surp Pirgiç Armenian Hospital* in 2008, the impact of the EU remained insufficient for the solution of issues related to religious freedoms as well. The issues of legal personality for religious communities, religious teaching, training of the clergy, discrimination, and hate speech towards Christians could not be resolved despite repeated calls by the European Commission in its progress reports.

While this process of formal rule adaptation faded over time, a debate over the meaning and scope of freedom of religion began to take its place. Responding to the criticisms of the EU regarding the lack of a legal framework for religious freedoms in Turkey, Mehmet Ali Şahin – the state minister responsible for the foundations at the time – interpreted the freedom of religion definition of the European Convention on Human Rights as implying “one’s belief in religion, meeting the requirements of that religion, moreover, spreading it to the others,” and declared his support for the re-opening of the *Heybeliada (Halki) Seminary*, the Greek Orthodox theology school, which was closed down by the Turkish state in 1971.<sup>21</sup> In the same speech, however, Şahin reacted to criticisms against the difficulties faced in the restitution of properties belonging to non-Muslims by stating: “Equating freedom of religion only with the restitution of properties makes me uncomfortable.” Another state minister at the time blamed the Greek Orthodox minority community for demanding privileges, whereas Muslims were unable to open private theology schools.<sup>22</sup>

The AKP’s attitude towards Christian minorities shifted after a series of murders of Christians in Turkey in 2007. AKP politicians began to meet more frequently with representatives of non-Muslim minorities and signaled an increasing sympathy for their demands.<sup>23</sup> Within this framework, then-Prime Minister (now President) Recep Tayyip Erdoğan issued a circular urging the authorities to “make minorities feel that they are the part of Turkish society.”<sup>24</sup> Moreover, President Abdullah Gül underlined the existence of religious minorities in Turkey and presented himself as the “president of all of citizens regardless of their religious belonging.”<sup>25</sup> A close reading of statements by National Education Minister Hüseyin Çelik highlights this shift in discourse: “With the Republic, we have other-ized non-Muslims, Kurds, Alevi, and religious people... In 1946, when the vote of the peasants became valuable, they

21 “AB’nin Akıllı Mülkte” [The EU is Focused on Property], *Radikal*, 25 June 2005.

22 “Ruhban Okuluna Bakan Tepkisi” [Minister’s Reaction Against the Theology School], *Radikal*, 27 June 2005.

23 “İlk Öğlen Yemeği” [First Lunch], *Taraf*, 16 August 2009.

24 “Başbakan: Azınlıklara Güçlük Çıkarmayın” [Prime Minister: Don’t Create Problems for Minorities], *Radikal*, 14 May 2010.

25 “Gül: Ben Hıristiyanların da Cumhurbaşkanıyım” [Gül: I am the president of Christians as well], *Radikal*, 19 October 2010.

were not the ‘other’ anymore but the problem of the others continued.”<sup>26</sup> He also stated that “non-Muslims in Turkey have suffered a lot. The Capital Tax was a disgrace. The closure of the theology school (*Halki*) was a shame. The 6-7 September events were an inhuman plot that humiliated Turkey in front of the world.”<sup>27</sup>

Despite this approachable attitude, however, the continuation of discriminatory statements not only created grounds for questioning the government’s sincerity towards non-Muslims, but also revealed the government’s perception of religious freedoms.<sup>28</sup>

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### ***Towards Freedom of Religion Under the Shadow of Islamic Values?***

What one can observe, especially after 2011, is an emphasis on Islamic values that overshadows the “equality” and “richness” discourse. This implies the real motive of the government behind the recasting of religious freedoms in Turkey. Instead of referring to religious freedom on the basis of equality and human rights, AKP aims to provide a different approach to freedom of religion – some refer to this as the “Ottoman Model.”<sup>29</sup>

In fact, since 2011, non-Muslims came to be described as “first class citizens”<sup>30</sup> and “equal citizens,”<sup>31</sup> the restitution of Christian properties became a matter of “rights,”<sup>32</sup> and non-Muslim minorities were encouraged to apply for public servant positions.<sup>33</sup> For the first time, the DRA performed a visit to the Ecumenical Patriarchate and showed its support for the reopening of the *Halki* Seminary by declaring that “every faith should train its own clergy.”<sup>34</sup> Moreover, the AKP’s emphasis in the draft constitution on the importance of citizenship instead of Turkishness

26 “Cumhuriyet’in Kötülükleri” [Downsides of the Republic], *Radikal*, 13 January 2010.

27 “AKP’nin Kestirilemezliği” [Unpredictability of the AKP], *Radikal*, 24 March 2010.

28 “Veedi Gönül İrkçi Gibi Konuştu” [Veedi Gönül Spoke Like a Racist], *Radikal*, 11 November 2008.

29 “AK Parti Azınlıklar Konusunda İki Adım İleri Bir Adım Geri Gitti” [The AKP Took Two Steps Forward, One Step Back for Minorities], *Agos*, 2 December 2013.

30 “Egemen Bağış’tan Paskalya Tebriği” [Greetings from Egemen Bağış for Easter], *Agos*, 10 April 2012.

31 “Gayrimüslimlere de 3 Çocuk Çağrısı” [Non-Muslims also called on to have three Children], *Radikal*, 14 February 2012.

32 “Arınç: Azınlık Vakıflarına Mallarını İade Etmek Hukukumuzun Gereğidir” [Arınç: Restitution of Non-Muslim Properties is a Matter of Law], *Agos*, 12 December 2012.

33 “Gayrimüslimlere Polis Olma Daveti” [Non-Muslims invited to become police], *Hürriyet*, 14 October 2013.

34 “Her İnanç Kendi Din Adamını Yetiştirebilmeli” [Every Faith Should Train Its Own Clergy], *Agos*, 5 July 2012.

“Non-Muslims are still waiting for the protection of a legal framework that will solve the issues related to their recognition, provide constitutional protection for religious freedom, and protect against all types of discrimination.”

(*Türklük*),<sup>35</sup> “diversity as richness,” and “pluralism” against “monologism”<sup>36</sup> created hope among non-Muslims that was expressed in various platforms.<sup>37</sup>

In the absence of references to EU norms, the Turkish government seems to be reshaping this equality and richness discourse by putting the religious identity of the party and its constituents forward. Culture and Tourism Minister Ömer Çelik’s response to a question about the sincerity of the calls made to religious minorities subjected to forced immigration in the past to return to their

homeland Turkey, illustrates the thinking behind the government’s action. According to Çelik, the very fact that the call was made by the AKP is a guarantee for the minority members who want to return to Turkey that their rights will be safeguarded, because it is the constituency of the AKP itself who suffered most from the suppression of religious identity.<sup>38</sup> Moreover, the AKP politicians define themselves and their voter base as members of a “deep-rooted tradition” that is respectful of different religious convictions, and underline the “tolerance” shown towards various civilizations native to Anatolia, yet with different ethnic and religious backgrounds.<sup>39</sup>

This approach to non-Muslims is increasingly shaped through an emphasis, albeit implicit and indirect, on the superiority of Islam over other religions. Erdoğan has stressed that Muslim youth are the real descendants of the Turkish nation;<sup>40</sup> his “one religion” emphasis about the Turkish nation – although later declared to be a slip of the tongue – also drew reaction from Christians in Turkey.<sup>41</sup> Moreover, the insistence on turning the identically-named *Ayasofya* (Hagia Sophia) museums in Istanbul and Trabzon into mosques fed this perception. These structures were Christian sanctuaries for centuries; they were converted into mosques following the Ottoman conquest, and then eventually became museums during the republican era. The image of AKP as an “imaginary

35 “Yeni Anayasa’da Vatandaşlık Tanımı” [Definition of Citizenship in the New Constitution], *Agos*, 30 July 2012.

36 “Yeni Cumhuriyet’in Cesur Manifestosu” [Bold Manifesto of the New Republic], *Taraf*, 20 December 2009.

37 Laki Vingas, “From The Margins to the Center of Social Life: Non-Muslim Minorities in Modern Turkey,” *Turkish Policy Quarterly*, Vol.13, No.1 (Spring 2014).

38 “Bakan Ömer Çelik: Diasporayla Daha Çok Konuşmalıyız” [We Need to Talk to the Diaspora More], *Agos*, 25 April 2013.

39 “Başbakan’ın Paskalya Mesajı” [Easter Message from the Prime Minister], *Agos*, 1 April 2013.

40 “Türk Sağının AKP Hali” [The AKP Version of the Turkish Right], *Radikal*, 6 May 2012.

41 “Dil Sürçmesi Değil Cesur Adımlar Gerekliyor” [Bold Steps Are Needed, Not Slips of the Tongue], *Agos*, 10 May 2012.



Ottoman authority” prioritizing Islam over Christianity was further advanced with the reopening of the *Ayasofya* museum in Trabzon as a mosque in 2013.<sup>42</sup>

### **Conclusion**

At first glance, EU conditionality appears as an instrument for the recasting of non-Muslim rights in Turkey. There is certainly much truth in this idea. However, one should not disregard the domestic factors defining this crucial and fragile process. The reform process was initiated at a time when the domestic environment in Turkey was suitable enough for external factors pushing for democratic reforms to find an audience at home. Indeed, the AKP’s strategy to consolidate power<sup>43</sup> in order to overcome dissatisfaction against the conventional approach to religion has motivated the government towards “a religion-friendly public sphere” and resulted in greater leverage for the AKP against the EU reform process.<sup>44</sup> Along with the dissatisfaction of the past, the AKP’s distinctive understanding of the Turkish nation as a continuation of the Ottoman Empire seems to induce the government to take a more flexible stance against the non-Muslim citizens of the Republic than previous administrations have done.<sup>45</sup> For that matter, some religious minorities point to the AKP’s religiosity and conservative identity as a factor smoothing the relationship between non-Muslims and the government.

This religious friendly approach, however, is not necessarily sufficient to bring about complete religious freedom for Turkey’s non-Muslim minorities. Non-Muslims are still waiting for the protection of a legal framework that will solve the issues related to their recognition, provide constitutional protection for religious freedom, and protect against all types of discrimination. The AKP’s approach to freedom of religion under the shadow of Islamic values, however, appears to remain restrictive for non-Muslims and their religious freedoms. Therefore, although non-Muslims welcome all the government’s well-intentioned calls, they hope that these are more than simply tools of daily politics.

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42 “Hayali Osmanlı Otoritesinin Bitmeyen Ayasofya İnadı” [The Imaginary Ottoman Authority’s Insistence over Ayasofya], *Agos*, 16 December 2013.

43 Kılınç (2012).

44 Nukhet Ahu Sandal, “Public Theologies of Human Rights and Citizenship: The Case of Turkey’s Christians,” *Human Rights Quarterly*, Vol.35, pp. 631-50.

45 Jenny White, *Muslim Nationalism and the New Turks* (Princeton and Oxford: Princeton University Press, 2013).