

FROM THE MARGINS TO THE CENTER OF SOCIAL LIFE: NON-MUSLIM MINORITIES IN MODERN TURKEY

The differentiation between the ruling Muslim segment of Ottoman society and the non-Muslim communities marked the de facto social and political –albeit not economic– marginalization of the latter in the Empire. This marginalization continued in the Republican era, as the modernization and secularization of Turkish society did not keep the state’s promises for a multicultural social establishment in every part of life. However, during the last decade, this trend has begun to change. This article aims to unpack the process of de-marginalization of non-Muslim minorities in Turkey and their return to the foreground of social life in the context of a booming modern Turkish society. The author points to the importance of the new constitution process and the adoption of the articles of European Convention on Human Rights in this regard.

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Minority studies constitute a relatively new field of academic research worldwide. Not only does this field deal with the history, culture, and folklore of minorities in a society, but also with the social role that minorities play in the context of modernity and globalization. For the most part, however, the case of state-recognized non-Muslim minorities in Turkey remains *terra incognita* today.¹ This analysis aims to relate the process of de-marginalization of non-Muslim minorities in Turkey and their return to the foreground of social life in the context of the booming modern Turkish society.

In order to address the issue of de-marginalization of non-Muslim minorities in Turkey today, it is necessary to compare their contemporary status to that of the past, both in the late era of the Ottoman Empire and throughout the history of the Turkish Republic. This comparative analysis is essential as it interprets aspects of the worldview and behavior amongst the members of these communities, as well as those of the Turkish state.

Non-Muslim Minorities in the Ottoman Period

The relationship between the Ottoman state and the non-Muslim monotheistic communities (*rayas*) of Greek Christian Orthodox, Armenian, Assyro-Chaldean Churches, and Jews was based on the Islamic concept of the Peoples of the Book (*ahl al-kitab*) or Protected Peoples (*dhimmi*) in an Islamic state, which was a classical component of the history of Islam.² Regardless of various differences in regard to the specific theological school of Islamic thought, the Hanafi School –the one acknowledged within the Ottoman Empire– accepts that the concept of Protected Peoples refers to every non-Muslim residing in the Islamic state, except Idolaters and Pagans. Hence the Christians of every denomination formed the nucleus of the Protected Peoples in the Ottoman Empire.

According to this concept, Peoples of the Book who acknowledge Islamic rule in their land can live in full safety and security regarding their lives (men, their wives, and children, as well as any other family male and female relation) and property. As a token of accepting Islamic rule, *Dhimmi* adults (mainly men and in some cases women) were levied with the *jizya* tax.

In fact, the aforementioned differentiation between the ruling Muslim segment of Ottoman society and non-Muslim communities marked the *de facto* social and

1 Samim Akgönül, *The Minority Concept in the Turkish Context, Practices and Perceptions in Turkey, Greece and France* (Leiden: Brill, 2013).

2 Koran: 2:62; 3:64; 3:113; 3:199; 19:24; 22:17; 29:46; 109:6.

Hadith: Sahih Bukhari: 2:24:559; Sahih Muslim: 32, 6328; Al-Muwatta: 17, 17.24.44.

political –albeit not economic– marginalization of the latter in the Empire. The concept of the protection of property and lives of non-Muslims was often, and sometimes systematically, disrupted by certain measures such as those regarding the *devşirme* population.³ The marginalization of non-Muslims continued until the late-Ottoman times.

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The institution of *vakıf*, although derived from the Islamic tradition, adapted to the social standards of the time to cover the needs of non-Muslim communities for social benefits to their members. For non-Muslims, charitable foundations are the main pillar of their religious structure. Covering the full spectrum of aspects of community life –such as education, real estate, worship, care, charity, social life, and welfare– *vakıfs* have been vital for every community. In addition, the *vakıf* represents a valuable set of values and traditions handed down from generation to generation. Christian and Jewish foundations, like the Muslim ones, developed in the late 19th century under the patronage of the Ministry Responsible for Foundations of Empire, which after the founding of the Turkish Republic was renamed Directorate General for Foundations.⁴

The period of reforms (*Tanzimat*) marked the end of discrimination against the non-Muslim subjects of the Sultan, and constituted a period of modernization of Ottoman society influenced by Western social and political principles. The incorporation of non-Muslims to the active social life of the Ottoman Empire was a breakthrough in the history of Islamic societies. Yet it would last for less than a century, ending, along with the fall of the political establishment of Empire as a whole, in 1923.

The Turkish Republic

The modernization and secularization of Turkish society did not conform to the promise of a multicultural social establishment in every part of life in the Republic of Turkey.⁵ Contrary to the expectation of non-Muslims for a bright future without

3 Matrakci Nasuh, “Janissary Recruitment in the Balkans.” *Süleymanname, Topkapı Sarayı Müzesi, Ms Hazine 1517*, (1588).

4 The DGF, together with the Directorate of Religious Affairs, remains directly connected with the Office of the Prime Minister.

5 Ioannis N. Grigoriadis, “Turkish Political Culture and Minorities,” in *Nationalism, Society and Culture in post-Ottoman South-East Europe* (London: Oxford, 2004), p. 2.

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any social discrimination based on religion, it was now the time for nation and race to play a pivotal role in the logic of Turkey’s political system. Now, non-Muslim, non-Turk citizens, along with the Muslim Turks, had the same fate: social discrimination based on race.⁶

During the 20th century, when newly formed nation-states implemented policies of ethnic homogeneity, the General Directorate for Foundations was turned into a means for systematically fragmenting and weakening the *vakıf*. This directly resulted in the disruption of the traditional ties of members of minorities with their institutions and the gradual disintegration of community structures.

For Turkey’s non-Muslim communities, the new era of the Republic was a period of rapid and severe deterioration of their human rights. It was the same for the Muslim Turks themselves, who suffered under nationalist Turks. It was apparent that the Turkish secular nation-state could not tolerate religion as a political and social factor in political life. A period of eight decades meant a long process of decay for non-Muslim communities without having any security of basic human rights: life and property, free expression of mind and religious beliefs, and the like. Additionally, insecurity and discrimination reached a climax of persecution in the form of violent expulsions of non-Muslim communities’ members from Turkey, as they lost their property and lives in their motherland.

Turkey on the Path of Modernity

Today, economically booming Turkey is challenged to combine its economic prowess with social and political modernization. Over more than a decade, the Justice and Development Party (AKP) government has shaped this new Turkey in political and economic terms. A wind of change seems to blow in every field of life. Throughout this process, the status of non-Muslim communities has improved to an extent not witnessed since the time of *Tanzimat*. This improvement is manifested in basic issues related to human rights. No doubt, the *rayas* have grown hopeful again after decades.

⁶ Derya Bayir, *Minorities and Nationalism in Turkish Law* (London: Ashgate 2013), p. 5.

In this context, the concept of democracy is paramount. Democracy is founded on pluralism, tolerance, and diversity. In fact it draws its maximum power from these concepts. The communities of monotheistic religions living in Turkey today are pockets of pluralism, cultural diversity, social support, and therefore of democracy itself. Free expression favors not only the sender but also the recipient of the message. In doing so, it contributes to information, knowledge, and thus shaping his or her worldview.

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Hence, it is clear that a community that is based on the principles of mutual respect, freedom, and human rights –with democracy as the dominant force– is undivided.

Non-Muslim communities, thanks to their particular common spiritual characteristics, form a legacy of intellectual and social virtues for society. These communities, without abolishing their distinct identity, form an amalgam, a set – much like the body and its members. In these communities, each member has his own role and character befitting a pluralistic society. A society that does not highlight the presence and role of monotheistic communities resembles a crippled body whose members are either atrophied or dysfunctional with dire consequences for the society spiritually, socially, and economically.

Respect for Human Rights

The European Convention on Human Rights has played an important role in the development and awareness about human rights in Europe and beyond. It has become the symbol of freedom and respect of the civil rights of individuals and groups in a society. The case of respecting the civil rights of religious minorities is pivotal in this process everywhere, including Turkey.⁷

Turkey has always been one of the leaders of modernization of the Muslim world. It was the first Muslim country to adopt a constitution (1876). Since then, the Turkish Constitution has been amended repeatedly (in 1921, 1924, 1961, 1982, 1995, and 2010) in efforts to adjust the political life of the country to the needs of its society. Consisting of two parts, the Turkish Constitution frames and ensures a balanced

⁷ Nigar Karimova and Edward Deverell, “Minorities in Turkey,” *The Swedish Institute for International Affairs*, 2001, pp. 5-8.

relationship between the state and its citizens. In particular, the second part of the Constitution defines fundamental civil rights (Articles 17-28, 35) as globally accepted, i.e. the equality of citizens, freedom of expression, property, and inviolability of the domicile. Additionally, Article 24 sets the legal framework for freedom of religion and conscience.

However, what was prescribed theoretically in the Constitution about religious minorities was not observed by the judiciary and the state. This used to be actually a norm in Turkish politics, and is the reason why monotheistic religious minorities have been marginalized from the social and political life of Turkey in the last century.

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It was only a decade ago when the AKP government acknowledged these inconsistencies in the enforcement of law and gradually began to alter former practices by dispensing justice and returning a portion of the properties of members of monotheistic non-Muslim communities of the country. This is an important step toward a modern and vigorous Turkish society of the future.

Today, we are at the first step of restoring the basic civil rights of these communities, involving the right to property (ECHR, Protocol 1), religious expression (ECHR, Articles 9 and 10), liberty and security (Article 5), life (Article 2), and equal participation in the social developments in Turkey against discrimination (Article 14).

Turkey is a part of Europe, and the European integration of Turkey is a strategic goal of the government and society. The EU-Turkey agreement on free movement of Turkish citizens in the European Union, which is envisioned to be actualized in three years' time, is a milestone in bilateral relations, further encouraging the European orientation of Turkey.

Reforms are being implemented in Turkey, but more reforms are needed during the process of drawing up of the new Turkish constitution. There is much progress to be made but the process has started. Specifically, more steps need to be taken to restore balance and justice regarding the civil rights of its communities. We encourage

initiatives disseminating the message of further improvement of civil rights in Turkey. We support actions taken in this direction that are based on mutual respect between the EU and the Turkish state and that are in full agreement with international legal norms on human rights and the national interests of Turkey. Monotheistic non-Muslim communities fully share and welcome these aspects of rapprochement between Turkey and the EU, further boosting their relationship.

The New Constitution

It is an established fact that the perception and enforcement of a nation-state culture affected the structure and operation of government agencies and bureaucracy adversely. There are two different approaches to diversity – that of the state and that of various layers of Turkish society. The constitution of 1982, which is still in effect, is a text that served the junta of the 1980 *coup*. The ruling AKP brought about many constitutional changes, culminating in those confirmed by the referendum of 2010. Nevertheless, the constitutional text still does not meet the requirements of a modern state that envisions being liberal and in line with EU principles.

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Turkey –after decades of adverse experiences– proclaims that it wants a constitution based on universal human values and liberal principles. Capitalizing on every opportunity to influence decision-makers, today, as members of minorities we seek egalitarianism through resolute assertion of equal treatment in our all levels as active political subjects.

Therefore, the main proposed topics for the new constitution are divided into the following basic principles (*temel değerler*): equal citizenship (*eşitlik*), multiculturalism (*çoğulculuk*), and freedoms (*özgürlükler*) and fundamental rights (*temel haklar*) such as the freedom of religion, freedom of conscience (*din ve vicdan özgürlüğü*), and the right to education (*eğitim hakkı*).

Equal citizenship: A democratic constitution that respects human rights should recognize the democratic principle of egalitarianism by treating minorities as equal citizens, not only at face value but in every aspect of social life.

Multiculturalism: As enshrined in international conventions on human rights, a democratic society must recognize multiculturalism as a common heritage and protect:

- **Freedom:** The freedoms enshrined in the constitution should be spelled out on the basis of human rights, as they are the most fundamental security guarantee for its citizens, while any caveat to these rights should only be made in exceptional circumstances.
- **Religious liberty and freedom of conscience:** The constitutional foundation of this freedom is a condition of institutional consolidation of minority citizens. Hence, the new constitution should adopt the European Convention on Human Rights' Article 9 on freedom of thought, conscience and religion, according to which minorities are not discriminated against based on their ethnic, religious, or linguistic diversity.
- **Right to education:** Non-Muslim communities' emphasis on education focuses on the right of families to educate their children in conformity with their religious, philosophical, and linguistic beliefs. Article 2, concerning the right to education of the First Additional Protocol to the ECHR, covers the full request.

The proposals for a new constitution, emphasize the need for cultural diversity and the need to respect the rights conferred by the Treaty of Lausanne. They should prohibit acts of hate speech, as well as stress the need for employment of managers from minorities in public services, state funding of minority schools and all places of worship, the reopening of the Theological School of Halki in the context of constitutional protection of religious freedom, the recognition of the legal personality of religious principles, and the approbation of citizenship as equal. Individual rights, such as the right to property and inheritance acceptance, and the right for non-Muslim communities to form and govern their institutions according to their needs are necessary.

The platform for achieving such a goal is the long-awaited adoption of a new constitution. The new constitution could ensure in practice –not just in theory– the equality of monotheistic communities. It is, indeed, an important moment in the modern history of Turkey. It is the wish and expectation of all non-Muslim communities that the adoption of the new constitution will enable them to enjoy their rights as equal citizens in a flourishing society.

It is the firm belief of the non-Muslim communities that a democratic society –drawing every aspect of spiritual inventory of its citizens, regardless of religion,

ideology and payments– will be politically and economically stronger and more dynamic. A society that offers expression, creativity, and work for its citizens highlights those very characteristics that guarantee safety and provide for further development. Otherwise, the dynamics of societies have expiration dates; they inevitably decline and decay. In contrast, ensuring multiculturalism, social harmony, creativity, and economic and personal development based on cultural harmony and respect for human rights will guarantee the integrity of Turkey’s society as well as peace inside and outside the country.⁸

The elimination of religious discrimination in the current era of globalization is a necessary precedent so that Turkey does not lose the pivotal role of mediator that is offered on the new geopolitical chessboard. Finally, leaving aside the theoretical issues of international politics, a new and dynamic role for the minority institutions would allow their members to take their places as full Turkish citizens in modern Turkish society, without the subtly negative designation as “minority.”

Trying very often to transcend themselves, the “*rayas*” want to leave behind the period of fatalism, of stagnation, futility, and arbitrariness. They wish to move toward the future with confidence and conscious responsibility of their obligations, acting as a lever to develop democratization and transparency so as to bequeath their heritage to future generations to the fullest extent possible.

⁸ Burcu Gültekin-Punsmann et al., “Religious freedom in Turkey: Situation of Religious Minorities,” *European Parliament, Policy Department External Policies*, February 2008, pp. 1-15.