A COMPARATIVE STUDY OF RELIGION-STATE RELATIONS IN GREECE AND TURKEY: THE IDENTITY CARDS CONTROVERSY

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TÜRKİYE VE YUNANİSTAN'DA DİN-DEVLET İLİŞKİLERİ
KARŞILAŞTIRMASI: KİMLİK KARTI TARTIŞMASI

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ÖZET

Din ve devlet arasındaki ilişkiler, bu iki alanın sınırlarının net bir şekilde çizilmesiyle ilgili zorluklar nedeniyle siyasi yaşamı derinden etkilemektedir. Modernite, bu alanların birbirinden ayrılması konusunun ön planda olduğu dönem olarak bilinmektedir. Bu dönemde süreç içerisinde laikleştirme teorisini ve bu teorinin alternatif modellerini şekillendiren farklı fikirler ortaya çıkmıştır. Modernite altında biçimlenen ulus-devlet kavramı çerçevesinde söz konusu laikleştirme teorileri ile laisizm ve laisite gibi farklı modeller, ulus-devletlerin kendi sınırları içinde yer alan vatandaşlarını etkileyen din-devlet ilişkilerini daha iyi anlayabilmek için birer kategori olarak kullanılmaya başlanmıştır. Bu nedenle, söz konusu modeller modern birer kurum olarak vatandaşların devletler tarafından nasıl şekillendirildiklerini ve ne türlü davranış biçimlerine maruz kaldıklarını yansıtmaktadır.

Bu çalışma, modern çağda din, devlet ve vatandaş arasındaki farklı ilişki biçimlerinin nasıl geliştiğini anlamaya yönelik bir girişim olmakla birlikte Türk ve Yunan ulus devletlerinin farklı deneyimlerinin bir kıyaslaması etrafında şekillenmekte ve modernleşme projelerinin merkezinde AB'nin temel kurum olarak yer aldığı ülkelerin mevcut konumlarını anlamamızı mümkün kılmaktadır. Bu çerçevede konunun halihazırda gündemde olan tüm boyutlarına değinmektense, çalışmanın odak noktasını Türkiye'de ve Yunanistan'da kimlik kartlarındaki din hanesinin kaldırılması ya da farklı bir hale getirilmesine yönelik olarak 2000 ve 2004 yıllarındaki girişimler üzerine ortaya çıkan kimlik kartı tartışmaları oluşturmaktadır. Yunanistan'da kilisenin itirazlarına *rağmen* din hanesinin kimlik kartlarından tamamen kaldırılması, Türkiye'de ise din beyanının kişinin tercihine bırakılması ile sonuçlanan bu girişimler, söz konusu ulus-devletlerin şekillenmesinde vatandaşlık algısının oluşmasına paralel olarak gelişen din-devlet ilişkilerinin inşa edilmesi süreci bağlamında değerlendirilmektedir.

ABSTRACT

The current era of modernity has been preoccupied with the relationship between religion and state, and with defining and establishing the boundaries between the two spheres. Over the last decades, different ideas have emerged shaping theories of secularization and paving the road for alternative models of state-religion interaction. Under the context of nation-states, which was itself shaped by modernity, models of secularization such as laicism, laicite, etc., came to be used as frameworks through which to understand how the states perceive their relationship with their citizens' religious beliefs and practices. Therefore, those models reflect how citizens, as a modern entity, are shaped and treated by the nation-state.

This study analyzes the evolution of various relationships between religion, state and citizenship in the modern era, based on a comparison of the Turkish and Greek nation-states, two states which have placed EU membership at the center of their repective modernization projects. Rather than dealing with all dimensions of religion-state relations, this study focuses on identity card discussions, which emerged following Turkish and Greek attempts to refigure or remove the religion section on the identity cards in 2000 and 2004 respectively. In Greece, the individual's religious affiliation was totally removed from ID cards *against* the Church's strong opposition, while in Turkey, declaring one's religious affiliation on ID cards was made optional. The subtexts of these different courses of action are explored vis-à-vis the two states' experiences during the process of constructing the religion-state relationship, which coincides with the construction of citizenship perception in the formation of those nation-states.

ACKNOWLEDGEMENTS

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ABBREVIATIONS

EU…………………………………………European Union

ECHR………………………………………....European Court of Human Rights

TEU…………………………………………...Treaty of the European Union

EAHR………………………………………... European Act of Human Rights

ECFR………………………………………… European Charter of Fundamental Rights

DRA………………………………………..Directorate of Religious Affairs (Turkey)

DP……………………………………………. Democrat Party (Turkey)

PASOK…………………………………… Panhellenic Socialist Movement (Greece)

ND……………………………………………New Democracy (Greece)

ECRI………………………………………… European Commission Against Racism and
         Intolerance

DPT……………………………………………....State Planning Organization (Turkey)

MERNİS…………………………………….....Central Population Administration System
         (Turkey)

DSP……………………………………….............Democratic Leftist Party (Turkey)

ANAP...……………………………………..Motherland Party (Turkey)

MHP……………………………………………...Nationalist Movement Party (Turkey)

ISAM…………………………………………. Islamic Research Center (Turkey)

1. INTRODUCTION

Currently, the most controversial debates in the political arena are related to the relationship between religion and state. Any attempt to review the theoretical base of religion-state relations requires taking into consideration the studies on modernity, which establish the basic framework of religion-state relations, assuming a positive relationship between modernity and the decline of religiosity (Köse, 2002). For this reason, this study will commence with a review of the secularization theory.

Theories of secularization are founded on the notion that religion and state are separated and perceived as different spheres, and that over time, religion will lose its importance (Casanova, 2001). However, this premise has proven incorrect, as religion has remained an important parameter of society and politics. The process of change in the positioning of religion within society was accelerated by patterns of migration (Madeley, 2003a:23), which forced countries to reconsider the multicultural and religiously diverse societies under their authority. The divergent demands of these diverse populations shape the patterns of religion-state relations in their respective nation-states.

The question of how states define problems that arise from the changing population structure under their jurisdiction (Soysal, 1994) gains in importance at how states perceive religion in their societies. Is it possible to consider the problems arising from the states' attempt to define the new structure of their population as related to minorities, where minorities have different demands based on, for example, their culture and religion? If we recognize the state's tendency to create new citizenship policies in an effort to prevent its population from becoming increasingly multicultural, viewing the issue as a minority problem and catering for the demands of minority groups would

appear to be insufficient, since those groups are constantly increasing in number. According to this study, the basic problem is not minorities, rather, it is related to the citizens in general; in other words, the problem is whether or not the citizens of a country are treated equally by the state. Among the several characteristics of a state that are affected by the new multicultural world order, such as its migration policies and democratic consolidation, this study will focus solely on the religion-state relationship.

In today's world, religion-state relations have evolved since their original emergence as a consequence of the decline in nation-state's religious legitimization. The concept of secularism has since come to be used interchangeably with concepts such as secularization, laicite, laicism, etc. This study aims to clarify those terms in order to explain the origins of religion-state relations as we perceive and apply them today.

The European Union (EU) as an institution is the major trigger of secularization in the sense that it imposes legal constraints on its member states, for those that have a 'problematic' relationship in terms of religion-state relations. It is also a debatable whether or not EU member states constitute a unitary pattern regarding religion-state relations. In contrast to what is generally believed, it is possible to talk about a common European pattern of religion-state relations, although different tendencies in terms of the relationship between religion and politics can be seen (Ferrari, 1995).

Turkey, a nation with intentions of joining the EU, and Greece, a current EU member, can both be regarded as countries trying to reform their political systems under pressure from the EU. Both countries have experienced challenges in terms of redefining religion-state relations. Although Turkey was established with laicism ideals, parts of Turkish society paradoxically maintain anti-laic tendencies. On the other hand, Greece, already a member of EU, insists on not abolishing anti-laic entities in politics.

One must turn to history to understand these two states' problems related to religion-state relations. Therefore, historical elements of the religion-state relationships in Turkey and Greece will be addressed in the second chapter. The basic institutions that developed as a result of these processes will be investigated as well.

Besides discussing the current legislative positions of state and religion, i.e. laws, institutions, and rights in Greece and Turkey, this study also deals with the cases that are problematic in terms of religion-state relations, such as unenforced laws and illegal practices. To this end, the study makes an extensive use of court records, individual cases, as well as practices.

There are many aspects of the debate on the relationship between religion and state. However, if one is to be singled out, the Identity Card (ID card) issue can be deemed a reflection of this relationship on both sides of the Aegean. In this study, I will examine the ID card controversy, which has been on the Greek political agenda since 1999, and has more recently become a topic of discussion in Turkish politics as well. This will help us to understand the behavior of both nations, by taking their respective histories and the common determinant of European Union into consideration. The third chapter will address the problems in Greece and Turkey arising from religion-state relations and materialize in the shape of the ID card controversy. ,

The final chapter will deal with these two cases within the framework of the general features of state-religion relations in the respective countries. Such an approach has the merit of making possible a comparison of the status of these countries in this respect. As will be seen, such a conceptual positioning of religion-state relations in Turkey and Greece not only diverges from common European practices and norms, but

is also largely left out from the mainstream theoretical debate regarding religion-state relationship.

2. CONCEPTUAL ANALYSIS AND THEORETICAL FRAMEWORK

This chapter will define religion-state relations and establish the relationship between various concepts such as nationalism, citizenship and secularism as a foundation for establishing a theoretical framework through which to examine the religion-state relations in Greece and Turkey. Among those concepts, secularism, of which several variations such as such as 'laïcité', 'secularization' and 'laicism' are taken into consideration, constitutes the basic concept that enables us to understand why religion-state relations is perceived and used as a category to analyse contemporary states.

Religion-state relations, as a concept, are reshaped through the emergence of the following modern concepts: nationalism and citizenship. Religion-state relationship in this chapter, therefore, is presented as a concept that cannot be considered independently from the other elements such as history and state formation process, and therefore should be understood in concert with concepts. Only then is it possible to understand the discussions over the religion section of ID cards in Greece and Turkey. In order to establish the linkages, however, the religion-state relationship should first be defined as a concept.

2.1. Religion-State Relationship

The relationship between religion and state is a long-standing element in politics (Aydın, 2008:11); however, it has only begun to be used as a category of analysis since the emergence of nation-states as the sole governing authority within a designated territory. Perhaps for this reason a number of scholars have argued that the theory that secularization is always correlated with modernization does not hold in practice (Berger, 2002; Martin, 2002). They have also challenged the assumption that nation-states have

ceased to be legitimized by religion and religion's importance in politics would gradually diminish.

This is the time that coincides with the development of the idea of separation of religion and state in politics. In order to understand what is meant by the separation of religion and state, and to differentiate between existing models, one has to examine the process from the emergence of secularization theories.

Once one attempts to define secularization, one soon encounters variants of the concept, such as 'secular', 'secularism', 'secularization', 'laïcité' and 'laicism'. Although related to each other, each emphasize different aspects of the larger concept. Confusions in discussing the subject arise due to improper usage of these varients.

Encyclopedic definitions are not helpful in differentiating between those concepts either. Kılıçbay, who writes on the conflict surrounding laïcité, claims that the definition of the concept changes from region to region in accordance with whether is the term deveoped in that area or was borrowed from another language. For instance, encyclopedias published in countries that try to adopt this concept define it as the "separation of religious and state affairs" (Kılıcbay, 1995:14; Hayat Ansiklopedisi, 1963:2147; AnaBritannica, 1994:187; Meydan-Larousse,1990:776-777). On the other hand, publications in their original languages define secularism as the "decline in piety in the society" (Kılıçbay, 1995:14; The Encyclopedia Americana, 1977:510; Encyclopedia Britannica, 1973:594; Encyclopedia Britannica, 1982:19). Thus, the definition of those concepts can only be clarified by returning to the concepts' origins and reviewing the process that gave them meanings in the first place.

To begin with, secularization is a theory, the roots of which are found in the Enlightenment, as a result of Renaissance, which makes one consider it a 'modern'

concept (Michel, 1994:105). Its usage originates in England in the 1660's, though it was during the 1700's that the term was used to define a societal shift in which religious traditions seemed to be under attack from modernity (Stark, 1999:249). This idea of modernity is assumed to have caused the decline of religion through what Rodney Stark, Sociologist of Religion, christens the process of secularization. Stark further mentions this concept as having become a theory in the meantime and as predictive of the decline of religion in modern societies (Stark, 1999:251). As Casanova, one of the top scholars of the sociology of religion, defines:

> Secularization refers to the transfer of persons, things, meanings, etc., from ecclesiastical or religious to civil or lay use. In its broadest sense, often postulated as a universal developmental process secularization refers to the progressive decline of religious beliefs practices and institutions (Casanova, 2001:13786)

The basic explanation of a society's tendency to secularize was first brought forward by Comte, who stressed that the 'science of sociology will replace religion' (Gray, 2002:69). However, the theory of secularization saw its heyday in the 20th century, especially the 1960's, when its basic 'prophecies' (Stark, 1999:251) were delineated. In the meantime, secularization theories tried to explain this process by decrease in individual religiosity by the advance of science in the modern era (Berger, 2002:13).

At least in the beginning, this theory of secularization by two organizing frameworks (rationalization and social differentiation) was based on the idea of division of labor in various parts of the societies. This has implied the decreasing impact of religion in society, including various meanings such as decreasing impact of religion in the society level, worldism, shifting from sacred to non-sacred sphere (Martin, 2007:8). This is also considered the first of three mainstream secularization paradigms: the 'old paradigm', headed by Peter Berger, Bryan Wilson, Steve Bruce and Karel Dobbelaere. Major theorists of the 'new paradigm' include Rodney Stark, William Bainbridge,

Laurane Ionnaccone, Robert Finke and Grace Davie, who stress rational choice theory and the impossibility of religion's decline. Finally, the third paradigm is the 'eclectic paradigm', touted by Mark Chaves, David Yamane, Jose Casanova and lately by Steve Bruce, who aimed to address the defects of the first two paradigms (Özay, 2007:38-39).

This process cannot be seen as independent of modernity, which is also known as the time when religion lost its meaning in society (Berger,1980:33). During modernization theory was building, John Gray, who is known for his critiques of humanism, explains the emergence of the theory with positivism in Britain as begining with John Stuart Mill, who was influenced by French Positivist thinker Auguste Comte. He highlights the effects of positivism as follows: "positivism…they aimed to found a new religion - religion of humanity as they called it - in which the human species would be worshipped as the Supreme Being." For him, this power is found in science, which can provide a "better world than any that existed before" (Gray, 2002:69-71).

On the other hand, critiques of the secularization theory and the idea that religion and modernity are not necessarily conflictual concepts have gained in popularity day by day. *The Economist* magazine, which published a special issue on religion in November 2007, addressed this issue:

> …the idea that religion has reemerged in public life is to some extent an illusion. It never really went away- certainly not to the extent that French Politicians and American College professors imagined (The Economist, 2007:13).

For some sociologists of religion, such as David Martin and Rodney Stark, it was not only the fact that religion seemed to be back in world politics, but also that the theory itself did not explain the reemergence of religion Although the decline of religion was perceived to be inevitable, Stark calls the assumptions of secularization theory 'prophecies' (Stark, 1999:251), among which a primary 'prophecy' is the link between

science and secularization. He criticizes this on the grounds that scientists continue to adhere to a particular religion and that increased scientific progress is not leading to a decline in the influence of the religion (Stark, 1999:253). Moreover, the irreversibility of secularization does not seem realistic when 'events in Eastern Europe' where the role of religion in politics is apparent and religion's return to politics is taken into consideration (ibid).

In the face of these critiques, the secularization theory came to be replaced by other concepts, such as the 'saecular' [1], which emphasizes the separation of religion and the state without the decline of religion. Within this framework, Haynes, author of the book *Religion in Global Politics*, identifies five dimensions of secularization as constitutional, political, institutional, agenda and ideological secularization (Haynes, 1998:3). Accordingly, the term 'saecular' encompasses only two dimensions of the secularization theory; constitutional and political secularization. Stark also believes that secularization theory is really concerned with the decrease in the degree of piety in the society (Stark, 1999:252), not the separation of church and state, making it important to differentiate conceptually between secularization and saecular. Although these two terms are related to each other, 'saecular' implies the state-religion relations while 'secularization' refers to the process of religion's decline following the introduction of science, rationalization and social differentiation in the modern era (Alpay, 2002:345; Özay, 2007:113; Karakaş, 2007:7).

At this point, it should be mentioned that this thesis is concerned neither with the decline of religiosity, i.e. secularization, nor the policies that aim to secularize societies,

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[1] According to Kılıçbay, secularism refers to a policy that aims to secularize society. Therefore, the right term would be saecular -a word derived from saeculum, meaning century- meaning 'to belong to the century' (Kılıçbay, 1995:16)

i.e. secularism. Rather, this paper is concerned with the behavior of the state towards religion, and the construction of the relationship between the two. Looking at the relationship between the state and religion in different countries, it is possible to identify various concepts that are visible in the world today. However, in order to understand them more fully, first it is important to discover the roots of the terms that came to the agenda with the construction of the formula of religion-state relations. Focusing on religion-state relationships, 'saecular' and 'laïcité' are the two concepts that tend to be used interchangeably, which escalates the problematic nature of the debate on this issue. However, the terms do embody certain distintions. Saecular means "of the world" (Davison, 2003:334) and implies the part of the society that is not bound to religious orders (Taylor, 1998:32). Laïcité, on the other hand, has it roots in the Greek word 'laikos'[2] and implies the group that is governed (Kılıçbay, 1995:14).

Secondly, the term saecular is rooted in Christianity and commonly demonstrated with a saying from the bible: "Give to God what is God's and to Caesar what belongs to Caesar". Hence, the Anglo-Saxon tradition is based mostly on the Christian concept that has a negative relation with religion. (Davison, 2003:334). Therefore, as mentioned by Şahin Alpay, the Anglo-Saxon tradition has a clear division between religion and the state, where not only is the state indifferent towards believers and non-believers, but both authorities are aware of not intervening in the freedom of the other as well.[3]

Laïcité, on the other hand, has its origins in the French Revolution and can be defined, at least in theory, as "the divorce of religion and politics" (Davison, 2003:342).

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2 In French, lai meaning 'of the people', refering to the same concept (Davison, 2003:334)
3 Alpay, Şahin "Alaturka laikliğin çıkmazı" http://www.zaman.com.tr/?bl=yazarlar and alt= and hn=11606(28.10.2003) Accessed on 07.04.2008

However, likely to imply the strict "institutional separation" of political authority, laïcité includes the process of purifying the state of all religious subjects. Therefore, rather than being indifferent to all religions, laïcité represents a "positive" attitude, pushing for the removal of all religious elements from politics. In other words, it is possible to call laicism as 'positive secularism' or 'militant secularism', through which religion is strictly confined to the private sphere in a way wherein destroying the influence of religion emerges as the foremost concern, as implied by the secularization thesis (Alpay, 2002:344-346).

To sum up, the essence of secularization theory foresees religion receding in society and religious elements disappearing from the state authority. Today, secularization theory is criticized for creating a deadlock in policies that states apply to their citizens which is triggered by the conceptual and practical conflicts of modernity, and consequently results in a strict version of the secularization theory and ignores the demands of the society.

To recap, these critiques gained momentum with the changes in the demographic features of states, especially those occurring through migration. Therefore with changes in the way nationalism and citizenship are understood, secularization theory ended up being replaced by the relationship between religion and state. In order to understand this change today, one must examine modernization paradigm as one of the very special steps in the history that introduced some key concepts such as nationalism, secularization and citizenship and how those concepts have been evolved and have been affected by each other in the meantime.

2.2. Modernization Paradigm, Nationalism and Citizenship

In order to understand the nation-state's process of shaping citizenship policies and its influence on religion-state relations, one needs to define the concepts of nationalism and citizenship clearly within the modernization paradigm.

Nationalism came into being after the French Revolution in 1789, in the era when modernization project was in process and shaping the world. Enlightenment thinking and French nationalism together emphasized centralization and formation of the nation-state, based on the presumption that territories overlap with the identity of the nation (Üstel, 1999:16).

Nationalism is a broad and complex concept that's difficult to explain fully. The basic division between the theories of nationalism lies on the debate over its historical origins: is nationalism an old concept or not. On one hand, there is the view of "nationalism as novelty", as emphasized by Eric Hobsbawm, which sees nationalism as a new concept rather than old (Hobsbawm, 1990). Although a certain sense of nationality was already in hand, the concept of nationalism did not appear in the world scene until 1789. According to Benedict Anderson, it is a "cultural artifact" (Anderson, 1999) that emerged after French Revolution.

On the other hand, there is another approach which emphasizes the ethnic conception of nation, mentioning the properties of genealogy, common ethnic core, popular mobilization, vernacular languages, customs and traditions (Smith, 1990:13). In order to create this ethnic group – what Smith calls a 'core ethnie' - a collective proper name, a myth of common ancestry, shared historical memories, common culture, and a sense of solidarity are necessary (Smith, 1990:21). This debate of whether nations are a

new or old phenemona continues today and, as we will see, it is important for the way citizenship is concieved by nation-states today.

Some states preferred civic citizenship, viewing the nation as a group of people united by common ocation regardless of their ethnicity and religion, and who by that shared characteristic of location, are subject to shared laws and awarded shared legal rights. Other states, meanwhile, preferred the ethnic conception of citizenship, which scholars from Renan (1896) to Geertz (1973) have associated with a 'primordial' or essentialistic view of the nation. One can say that the civic nation is composed of a group of people who are living on a common territory under a state, and not united by language, ethnicity or religion, but by a common constitution and legal system and administration, therefore sharing common rights and responsibilities of citizenship. In ethnic nationalism, on the other hand, nations are primordial and natural groups willing to transform these primordial groups into citizens living under a common state. According to the latter theory, the ethnic group existed before citizenship and today only members of the ethnic group can be citizens[4].

In accord with the citizenship concept that appeared during French Revolution, the nation-state bases its citizenship on the equality principle regardless of an individual's ethnic, cultural and religious identity (Üstel, 1999:31). This understanding of citizenship, known as 'common citizenship', has been criticized as a tool used by the dominant culture to repress minority populations. Ironically, however, critics of this view perceive minority rights to be an obstacle to the integration of the society (Kymlicka and Norman, 2000: 41).

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4 The website of 'Nationalism Project Home'
http://www.nationalismproject.org/articles/nikolas/intro.htm (acessed on 28.01.2009)

Today, as populations are increasingly mobile, these different approaches of citizenship have once more come under discussion. This does not mean that there were not migratory flows of populations before, but rather that there has been an increase in the magnitude and structure of the migrations. After the abolishment of serfdom in the world, the movement of people increased, but was limited by the borders of nation-states, which required political membership (Soysal, 1994:14-17). With the more interconnected understanding of nation-states the way is opened to multiculturalism and 'multiplicity of membership' (Ibid:163). The new structure of those populations included sub-communities of people with different cultural and religious affiliations. While some states still try to preserve their homogenized nation, others try to modify their citizenship policies to better reflect the changing dynamics of societies.

However, this understanding still resulted in the emergence of a debate between group rights in citizenship, which appeared in the form of as minority rights, and common citizenship. The idea of general 'human rights' rather than specific minority rights, which came to the agenda only after the Second World War (Ewing, 2000:2), is currently discussed as a compromise (Soysal, 1994:164).

In sum, nationalism, citizenship and secularism are concepts that have emerged under the modernization paradigm and should be understood in relation to each other. The idea of citizenship emerged after the establishment of territorially-defined nation-states, and thus nationalism and citizenship affect religion-state relationship, as changes in the understanding of citizenship affect how a state perceives its citizens. In this way, the extent to which the citizens' demands could be met came to influence the religion-state relations. The next section will go deeper into the relations between religion and state, making use of the concepts previously defined.

2.3. Understanding Religion-State Relations Today

Taking into account all the changes within the modern era and the problems that appeared in societies, besides the conceptual critiques to the theory, both the theory of secularization and the idea of the separation of religion and state should be reviewed in order to provide the best solution for societies trying to establish religion-state separation.

Charles Taylor, one of the leading scholars on religion-state relations, mentions two approaches: a common ground strategy that allows all religions to 'peacefully coexist', and one that sequesters religions in the private sphere, creating an 'independent political ethic' (Taylor, 1998:33). Neither is suitable for today's world, since the former lacks a separation of religious institutions and state and the latter does not sufficiently address the formulation of a 'common independent ethic' (Taylor, 1998:33). The possibility remains that the common independent ethic may not to be 'common'. What Taylor suggests is a new saecular approach based on John Rawls' idea of 'overlapping consensus', which requires all members of a society to build a real independent ethic (Taylor, 1998:38). Although it will be difficult to establish the commonalities, overlapping consensus seems to be the only way to achieve an acceptable 'common independent ethic' within a diverse society.

The basic solution, which European states have recently attempted to apply was, as suggested by Rawls in his *A Theory of Justice*, the 'neutral state', which does not intervene in citizens' beliefs and does not impose its own values on them (Madeley, 2003b:5-6). This is, in other words, a state neutral towards all religions. However, this was not sufficient to end the debate, since the neutrality of the state would push all

religions into the private sphere and ignore people's demands for their religion to be equally concerned with social, moral and political spheres (Haynes, 1998:2).

Today, with the changing dynamics of the populations, it is clear that neutrality is not sufficient for plural societies (Torfs, 1996:4). Taking Taylor's suggestion of overlapping consensus, states should work on new "social and legal arrangements" which regulate religion-state relations in their societies (Torfs, 1996:4).

2.4. Conclusion

To sum up this review of the key concepts and theories in the literature, most often the religion-state relations are difficult to understand as concepts like 'secularization', 'secularism', 'laicism' and 'laïcité' are used interchangeably. The way these concepts are perceived affects the construction of the relationship between religious institutions and state. Conceptual confusion can only be solved by reviewing the process from the rise of the theory of secularization and its replacement with the idea of religion-state relations in tandem with the decline of the theory. By doing that the difference becomes relatively clear: Religion-state relations do not imply that the religion recedes in the society, as secularization predicts, but rather they stress the seperation the spheres of religion and politics.

State's understanding of nationalism forms another element that affects religion-state relations by influencing citizenship policies of a state, defining it either as civic or ethnic, which ultimately determines the characteristics of the population. The difficulty in understanding and constructing religion-state relations deepened with the changes in demographic features and citizenship policies, both of which, as previously mentioned, are brought about by migration trends and force states to reconsider the existing forms of religion-state relations. To that end, one of the dominant ideas, as Torfs has

mentioned, has been the application of religion-state relations on today's pluralistic understanding of citizenship in order to overcome the rivalry and to shift towards cooperation (Torfs, 1996:8). Among several ways of achieving this, including neutrality and peaceful coexistence, the idea of overlapping consensus is deemed to be offering the greatest prospects, as Taylor stressed, "whether we like it or not" (Taylor, 1998:53).

3. BACKGROUND

At this point, I will provide the background for religion-state relations in Greece and Turkey, on which the discussion of the ID cards controversy will be based. In the previous chapter's theoretical discussion of religion-state relations and how they were shaped in the course of time, it was also possible to see how the Western framework has been established.

Both Greece and Turkey have been recently criticized due to their 'problematic' relationship between religion and politics in reports issued by EU-related institutions (ECRI, 2005; ECRI, 2000). While the influence of religion in politics is questioned in Greece, the existence of anti-laic entities in political sphere, such as attitudes towards Alevis and non-muslims, is at the center of the critiques in an ostensibly laic Turkey. Religion-state relations and an unfavorable environment for the citizens who do not belong to the majority faith constitute the common denominators for the Greek and Turkish cases.

In order to define religion-state relations in those countries as 'problematic', one should have an ideal type, which initially seems difficult, particularly with regards to the ongoing discussions in the field of religion-state relations. Considering the fact that religion-state relations in both Turkey and Greece have recently become and continue to be an issue of debate in terms of fulfilling EU demands. Remembering that regulations with regard to ID cards in both countries are among those demands, one should question whether the EU constitutes an ideal type and whether it should have the right to influence its members with respect to this issue.

Contrary to popular belief, this study argues that the EU has common patterns with regards to religion-state relations and it can influence its members towards

imposing regulations through related institutions. However, by taking only the Western framework and developments in the West into account, it is not possible to understand the religion-state relations completely in Greece and Turkey. Rather, one must discuss the place of religion under the Ottoman Empire and the process of nationalism (as different from West), which led to the collapse of the Empire .

Therefore, before moving on to religion-state traditions in Greece and Turkey, the study will first deal with the current application of the religion-state relations in the EU, after which the case in the Ottoman Empire and the idea of nationalism will be examined.

3.1. Religion-State Relations in the European Union

Since the formation of nation-states, there have been different practices of religion-state relations. These practices were not static; they have evolved during the last decades and affected citizenship policies and the formation of national identities.

Religion-state relations in the EU cannot be understood without analyzing how the state formation process shapes them, and examining the policy of states towards its citizens concerning religious issues. What is fundamental to understanding current religion-state relations in Europe is the basic division of paradigms in European history, which began in 1054 A.D. with the separation of Byzantium from Rome. This division seemingly came to an end in the 1990's (Madeley, 2003a: 25). The religious institution in Byzantium, the church, was organized under state authority, while in the West the Pope was both a religious and political authority (Madeley, 2003a:40). As Madeley suggests, in the West there was also the tendency on the part of state to control religion until the 19th century, either by suppressing religious authorities or splintering them into warring factions (Madeley, 2003a:47). However, in both cases, the existing religion-state relations debate reached its zenith in the 1990's.

In fact, the state's links with religious institutions began to diminish with the birth of the nation-states, starting approximately with the Peace of Westphalia in 1648. Although this led to the emergence of the secularization theory (Haynes, 1998:63) and the attempts to suppress all existing religions (Madeley, 2003a:47), today, along with the shift to multicultural societies, religion is becoming increasingly more visible in the public sphere, and religious toleration for all groups has came to the agenda (Madeley,2003a:47).

Since then, many EU member states that had had difficulties constructing their religion-state relations experienced a process of change in terms of their policies towards religion. As a result of this process, scholars of religion-state relations argue, EU member states have come to behave through a common pattern and by constructing certain criteria for its member states the EU as an institution has played and is still playing an important role in the process of change in the policies towards religion. Therefore, the subsequent sections of this chapter will review these claims: first, whether the EU member states have a common pattern in religion-state relations and second, whether the EU has had a role in constructing this common pattern.

3.1.1. Religion-State Relations in EU Member States – Searching for a Common Pattern

Each country in the EU has its own type of religion-state relations, which at the first glance makes it difficult to identify a common pattern. However, many scholars studying religion-state relations have claimed that a common pattern among EU member states does exist (Torfs, 1996; Ferrari, 1995). In order to understand this debate, one should examine the existing religion-related regulations and practices of a representative sample of EU member countries.

Looking at the constitutional arrangements of religion-state relations in the EU member states, one can identify different models. King Henry VIII established the Church of England, for instance, as independent from the Vatican (Catto and Davie, 2008:152), which it still is today. In France, the first stage in the process of defining religion-state relations was the proclamation of *the Declaration of Man and Citizen*, which guarantees all citizens freedom of belief and diminishes the status of the ecclesiastical class. This strict separation of religion and politics was moderated with

the Concordat of 1801, signed between Pope Pius VII and Napoleon Bonaparte, and resulted in the separation of responsibilities of church and the state. The law of 1905 also helped to diminish the anti-clerical nature of the French system (Torfs, 1996:2).

The Catholic Church has also heavily influenced Spain. From time to time, the Spanish state attempted to exert control over the Church and was influenced by the anti-clerical nature of the French Revolution, which led to strict separationalist acts. However, those who wanted to ignore Catholicism in society caused a societal polarization, which ended only after the civil war in 1939. Thereafter the Spanish state achieved a concordat in 1953, which regulated the relationship between the church and the state (Moran, 1995:1-2). Belgium was also influenced by the French Revolution and enforced the Concordat between Napoleon and Pope Pius VII (Torfs, 1996:2). Finally, the separation of the church and the state in the Netherlands, as a country that experienced French domination between 1810 and 1813, predated other European states regarding religion-state relations (Bijstervels, 2008:135).

Coming to the current day, we see that with the changing characteristics of societies, European states feel it necessary to reevaluate their understanding of the relationship between religion and politics and enact new laws that would cater to the demands of international and supranational institutions. Those regulations varied according to their understanding of religion's relationship with the state and the history of their interaction.

In Austria, for instance, there are regulations concerning the religion-state relationship both in the Fundamental Citizenship Law of 1867 and the Federal Constitution of 1920. Although the Constitution does not provide a definition of laïcité, Article 15 of the Fundamental Citizenship Law guarantees religious equality and freedom together with a decision of the Constitutional Court in 1932, which states that it

is against laïcité to have an established church, and constitutionally promotes religious equality, freedom and the separation of religious institutions and politics. Accordingly, the balance between religion and the state in Austria can be seen by looking at the state's policies towards citizens in a number of spheres. First of all, although the state supports religious groups as social elements in the society, it is important for the state to preserve its objectivity. Although the Austrian state does not recognize a particular religion, the door is left open to legally recognize different religious groups. Secondly, despite the fact that religious services in Austria are provided by a state-run institution and the state provides tax reliefs for all religious institutions, those individuals providing these services are not employed by the state; rather, their salary is paid by individual religious communities. Finally, concerning religious education, in Austria students are allowed to choose 'ethic' courses instead of the 'religion' course (Potz, 2008:81-88).

In Belgium's 1831 Constitution, Articles 19, 20, 21 and 181 specify that religious institutions and the state are to be "mutually independent" (Torfs, 1996:5; Torfs, 2008:98). Furthermore, Article 24 of the Constitution guarantees freedom and neutrality in education. Belgium seems to have found a balance between religion and a secular state: although there is a superiority of Catholicism as a religion, religious groups are recognized by the state as long as they are not against the law. Moreover, it is also possible for people working for religious institutions to participate actively in politics. The state provides financial support for the religious groups in their activities and retirement payments of the individuals providing religious services are perceived as financing the institutions that benefit the society. Finally, religious education remains available, although there are alternative courses provided for students who refuse to attend religion classes. (Torfs, 2008:99-105).

French legislation includes laws to protect the freedom of individual religiosity and laïcité. The Constitution of 1946, Article 1 of the Constitution of 1958 and the Law of Separation of 1905 define the separation of religion and state. Contrary to popular assumption, religion and the state in France are not particularly hostile. First of all, religious communities in France are recognized by the state, and their members can participate in active politics. However, there is no public institution that is related to religious matters. Secondly, the French state can provide financial aid to some of the activities of religious communities, under the condition that the neutrality of the state towards the various religious communities is maintained. Finally, it is up to individuals to take responcibility for their children's religious education (Messner, 2008:113-128).

Spain included religious freedom for all individuals and groups in the Constitution of 1978, a structure which was further strengthened by Articles 5 through 8 of the Religious Liberty Law of 1980, which was prepared in conformity with international agreements (Moran, 1995:2-3; Martinez-Torron, 2008:183). According to those agreements, religious institutions and the state may come together in many arenas. Evidence of this collaboration can be seen in contracts between religious institutions and the state, signed by the General Directorate of Religious Affairs under the Ministry of Justice. The state also provides tax reliefs to religious groups. Furthermore, religious education is provided not only in Catholic domination, but also in other religions if demanded, and according to Article 16/2 of the Constitution, people cannot be forced to declare their religious affiliation (Martinez-Torron, 2008:184-203).

England does not have a written constitution, yet it has an established Church of England, which embodies the peaceful relationship between religious institutions and the state. The state finances all religious institutions and employs religious personnel under its authority. Moreover, the state not only guarantees equality and freedom of

religion but also refrains from introducing restrictions of the education system and allows religious schools to provide public education (Catto and Davie, 2008:155-158).

Finally, in the Netherlands, Articles 1, 3, 6 and 120 of the amended Constitution of 1983, ensures freedom of religion and belief. The state does not promote one faith, but neither does it deny support for religious institutions. Although there is not a public department concerned with religious services, every ministry takes the demands of religious institutions into consideration and establishes a separate department under its jurisdiction if needed (Bijsterveld, 2008:137-142).

These are just a few examples of constitutional arrangements and state policies towards citizens indicating how religion-state relations were established in EU member states. The main question here is whether it is possible to talk about a unique European model in the relationship between religion and politics. Different practices of states, such as the national church in England, the concordat in Spain, and separation in France may lead one to conclude that a common European religion-state relations pattern does not exist. However, two arguments need to be mentioned here before arriving at such a conclusion.

First, the argument that there is a common behavior towards religion-state relations in Europe is that those models of separation, concordat and national church are not implemented in their original form (Ferrari, 1995:3). The countries examined in this paper all provide tax reliefs for religious communities if they are involved in activities which are perceived to serve the society's interest. That said, not all of these communities are recognized as religious in nature, although their foundations and communal organizations may possess legal personalities. Furthermore, concerning religious education, students are not forced to take religion courses, and have the option of demanding that courses on their own religion to be offered. This is why today in

many European states the tri-partition (separation, concordat or national church) has been abandoned in favor of a cooperation model (Torfs, 1996:9).

Secondly, according to Silvio Ferrari, one of the scholars who supports the existence of a common European pattern, the main common behavior among the European states is the "spirit of cooperation" prioritized, despite the fact that states have different models of religion-state relations (Ferrari, 1995:3). According to the idea of operating under a spirit of cooperation, states behave objectively towards all religious subjects. They all have religious freedom and rights; there are different spheres of religious and non-religious groups where all of them enjoy an equal treatment; and borders of responsibilities are respected both by the state and by religious institutions. Apart from those common patterns, all European states have enacted laws considering religious freedom and religion-state relations in a way that prevents desciriminatory attitudes and discrimination towards citizens who belong to a different faith (Ferrari, 2008:25).

As a result, despite the different models adopted by EU member states, it is possible to talk about a common pattern, a point, also emphasized by Silvio Ferrari and Rik Torfs (Ferrari, 2008; Torfs, 2008). The existence of tri-partition does not prevent the "spirit of cooperation" between religious institutions and the state, at least in those EU member states discussed in this study.

One question, however, remains unanswered: does the EU as an institution play a role in influencing members' attitudes vis-à-vis religion-state relations? The following part is an attempt to answer that question.

3.1.2. Regulations of EU and Their Effectiveness

It is debatable whether the EU has the ability to regulate the relations between religion and politics of its member states. On one hand, some scholars cite the insufficiency of regulations; on the other hand, the norms set by EU-related institutions provide not only the hope that the EU will enact laws under its authority in the near future, but also limit and channel the decisions of the EU through religion-state relations by creating a normative environment.

The EU is criticized on the grounds that there have been no attempts to regulate relations between religion and the politics of its member states and, more importantly, that this is not one of the EU's aims in the first place. From this view point, the EU is an institution that emerged as an economic cooperative (Coal and Steel Community), and did not include regulations concerning religion and politics until the Amsterdam Treaty of 1997, which addressed the need for preventing religion-based discrimination (Bijsterveld, 2008:146). Moreover, it is criticized that the body has a languishing attitude to enact laws and leaves this responsibility totally to the European Court of Human Rights (ECHR) (Ferrari, 2008:23). Finally, according to the critiques based on the preamble of European Constitution, that Christianity is considered to be fundamental among the member states also constitutes an obstacle for states to preserve their neutrality towards all religions (Robbers, 2008:71).

In order to interpret the EU Law concerning religion and politics, one should not ignore neither the European Court of Human Rights, nor the common pattern in the member states (Ferrari, 2008:18). Articles 6 and 13 of the Treaty of European Union (TEU) emphasize the importance of the European Act of Human Rights (EAHR). Although the institution is not directly responsible for regulating religion and politics,

and respecting the local laws of the states, Article 6 refers to the common pattern of members to provide freedom of religion (Robbers, 2008:70) and provides various mechanisms for solving problems concerning religious freedom (Ferrari, 2008:22).

As a secondary source of EU Law, the European Charter of Fundamental Rights (ECFR) and the European Convention of Human Rights include regulations concerning religious freedom and belief. Article 10 of ECFR, which explicitly prohibits any type of discrimination (Robbers, 2008:72), is among those regulations. Article 9 of ECHR, like Article 10 of ECFR, guarantees the freedom of thought, conscious and religion, reads as follows:

> Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.
>
> Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or the protection of the rights and freedoms of others. [5]

Finally, as the third point made by those who believe European member states show a common attitude, every state enacts several laws in their constitutions that guarantee the freedom of religion (Ferrari, 2008:20). Together with EU regulations, these local applications gain importance.

As things stand, individual experiences of the member states are crucial to understanding the extent to which the EU has influence over its members concerning the relations between religion and the state. Although in Belgium and Austria there there have not been noteworthy revisions taking place, in other cases member states have felt it necessary to enact or change laws to be in accordance with EU regulations.

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5 See Appendix I to read the texts of the mentioned articles of EU and related institutions in their entirety.

For instance, England's Human Rights Law enacted in 1998 was enforced with the influence of the European Convention on Human Rights (Catto and Davie, 2008:169). The Netherlands has not revised its Constitution in terms of religion-state relations because it is necessary for the EU; rather, the revision held in the Netherlands was through the changes in the EU (Bijsterveld, 2008:147). A Catholic priest in Germany, who had problems in receiving his retirement payments because of his missionary acts, was able to receive his rights through EU intervention (Robbers, 2008:73). Besides those, every citizen of every EU member state has the right to bring accusations of unjust treatments that he or she faces to the European Court of Human Rights.

3.1.3. Conclusion

Religion-state relations in the EU can only be understood by looking to the traditions applied in Europe in the past, and reviewing why religion in politics is more visible in the West than it is in the East. This distinction started to become less clear in the 1990's when the reappearance of religion in the political sphere undermined/called into question the secularization theory. Many European states felt the need to enact new laws to provide the demands of their societies. Although those states can be distinct from each other with the different models that they represent, by the help of those new laws European states created an environment within which religion and state can cooperate, which lead us to the idea that EU has a common pattern.

To conclude with the result of a recent study by the research center ISAM (Islamic Research Center) in Istanbul on religion-state relations in EU member states, despite different observable attitudes among EU member states, it can not be denied that the EU has an important place vis-à-vis national laws that concern religious arrangements (Torfs, 1996:10) and improving existing process of standardization

among EU member states (Potz, 2008:95). This is what Ferrari calls the 'spirit of cooperation' (Ferrari, 1995).

3.2. Religion and Politics in Greece and Turkey

This section will provide a general background and summary of current religion-state relations in Greece and Turkey, and present the controversial aspects of these relations in order situate the discussion of the ID card controversy.

In Greece, an EU member state since 1981, the Greek Orthodox Church is at the center of the debates on religion-state relations. The role of the church in Greece is criticized both internally, by political parties, and externally by the EU, with reference to the norms of the related institutions of EU such as European Court of Human Rights. On the other hand, the Church has staunch defenders as well, groups which base their arguments on the importance of the Church vis-à-vis the Greek state formation. Starting with the Church's place in the Greek political system, controversial aspects of religion-state relations in Greece, such as laws and their enforcement, will be discussed in the subsequent sections.

Similarly, Turkey, as a state where laïcité is considered the main pillar, is trying to cope with critiques of its religion-state relations. The Directorate of Religious Affairs' placement under the state authority is at the center of the debate, since it is regarded to be in conflict with the laïcité principle. Laws and their enforcement for the Turkish case are also seen as conflictual points. The importance of these controversies is magnified in the face of ongoing discussions regarding Turkey's EU accession.

In order to discuss religion-state relations in Greece and Turkey and their controversial aspects, first of all we have to turn our attention to the process of the evolution of religion-state relations in Greece and Turkey, starting with the Ottoman past, the emergence of the Kingdom of Greece and the formation of the Turkish

Republic. To this discussion will be added an analysis of the role of religion in nationalism outside of the West.

3.2.1. The Ottoman Empire and the Idea of Nationalism

Before the fall of Constantinople, although there was a common way of life, there was no common sense of ethnic identity; people living under the Byzantine rule identified themselves primarily as Christians or Romans (Stavrakakis, 2003:165). A sense of nationhood appeared only following the French Enlightenment, after which it began to spread, first in the West and then inevitably towards the East, finally causing multiethnic structures like the Ottoman Empire to collapse.

While in the West, the church was the only political authority, the East experienced a strong state tradition; during the Byzantine era, the Church and the State operated in distinctive spheres, particularly compared to what they would become in the Ottoman era. Although it was not always easy to preserve the distance and manage the conflicts of responsibility, they functioned harmoniously under Byzantine authority (Stavrakakis, 2003:164).

Sultan Mehmet II, after capturing the city of Constantinople, left the Patriarchate (the Church of Constantinople and central church of the Eastern Roman Empire) intact. With the Sultan declaring himself as the protector of the Orthodox religion, and considering the Islamic state structure the blurry border between religion and politics, religion totally entered into the domination of the state (Stavrakakis, 2003:164; Tsoukalas, 1999:10).

Ottoman law grouped all non-Muslim subjects under Romioi *millet*[6], therefore dividing the population of the Empire in terms of religious, rather than ethnic, identity (Stavrakakis, 2003:164). According to the *millet* system, (Özkırımlı and Sofos, 2008:44), those 'protected' religious groups, - Orthodox Christians, Jews and Armanians - were second class subjects lumped together under the *dhimmi* status, but they nevertheless served as local representatives of the state (Zürcher, 2005:10). This system also established an environment for non-Muslims to preserve their identity by allowing the different religious communities to exert authority over their own internal religious and educational affairs (Özkırımlı and Sofos, 2008:45). As each of these religious communities was represented by its *milletbaşı* (head of the *millet*, Ethnarch), all the Christian subjects of the Empire were represented by the Patriarchate. However, this turned the Patriarch into a political unit that was representing a relatively autonomous religious population within the Empire (Runciman, 1968:165).

Although Turkish domination divided Ottoman population into distinctive spheres, it cannot be perceived as 'slavery' as far as the non-Muslim subjects were considered, since Ottomans regarded Greeks as the "people of the book" (*ehl-i kitap*) and at least treated them with tolerance (Ware, 1997:1-5). Although under Ottoman rule many churches were destroyed and eventually rebuilt as mosques (Frazee, 1965:1), and Greeks were seen as inferior within the Ottoman society (Ware, 1997:1-5) and not treated equally, they were not living in bad conditions either; thus, they 'preferred the Ottoman Turban to the Papal tiara' (Tsoukalas, 1999:10). The Phanariot period, for instance, was the golden age for Christians in the Ottoman Empire and after the early 18th century they could rise to prestigious positions in administration (Roudometof,

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[6] In Ottoman Empire the religious communities were called as *millet*

1998:18). Although it was prophesied that Christians would recapture the city's government (Roudometof, 1998:18), neither the Patriarchate nor the Romioi community had a nationalist sense of identity (Stavrakakis, 2003:164).

The Patriarchate, assigned a saecular duty as well as its religious one as representative of all Balkans people in Ottoman Empire, did not favor nationalism either. In fact, as the highest church in the Balkans, the Church of Constantinople resisted to the authority of the Catholic Church in the West for centuries. Therefore, the Patriarchate actually favored Ottoman rule, which allowed it political authority in addition to its traditional religious role (Tsoukalas, 1999:10).

The idea of nationalism began to influence the Empire with the Serbian Revolution of 1804, after which it spread to all Balkan communities. However the nationalism that was experienced in the peninsula contained different characters compared to the Western European version (Todorova, 2005:144). There is a huge body of literature on how language and religion became the main features of Balkan nationalism (Todorova, 1997b:135). What distinguishes Balkan nationalism from Western nationalism is the role of religion. Although religion was not the main feature of Balkan nationalism in the beginning, the two have since been integrated (Todorova, 1997b:135; Kitromilides, 1994:185).

Further supporting the assumption that religion is a feature of Balkan nationalism is the Ottoman legacy and the *millet* system (Kitromilides, 1994:178). Although until the 18th century nationalism did not exist in this region, the Church preserved the identities of these communities in terms of common language, shared memories, etc. not only against Islam but also against Catholicism and Protestantism during the Thirty Years War (Arnakis, 1963:133). However, the *millet* system, which at

the same time separated non-Muslims from mainstream Ottoman society, also caused the ideas of French Revolution to spread rapidly among these subjects (Özkırımlı and Safos, 2008:45).

As nationalism spread from West to the East, Orthodox religion and the churches played an important role in the formation of new independent states in the region (Kitromilides, 1994:150-151; Tsoukalas, 1999:10). It was the Orthodox Church that gave the 'nationalists' the support for establishing their national states. The only way for the new states to be independent was to establish 'national' churches and to secede from the Patriarchate of Constantinople (Kitromilides, 1994:178-185). As Serbia, Romania, and Bulgaria established their independence through the nationalization of their churches (Arnakis, 1963:135-140), Greece established a seperate Church of Greece in 1850 and the Ottoman Empire was eventually replaced by the Republic of Turkey in 1923.

3.2.2. Greece

As in all transitional periods, the Greek case contains two different thoughts related to the difficulty of in harmony with other communities; one thought favored the old idea of 'Ottomanism', while the other demanded an independent nation-state (Zakythinos, 1976:191). At the end, in 1821, it was clear that the latter group's ambition proved to be stronger.

The first reaction of the Church of Constantinople, the highest authority among all Balkan Orthodox Churches, was to reject the waves of nationalism in fear of losing its authority and privileges under the *millet* system (Tsoukalas, 1999:10). However, it could not prevent nationalism's impact on the Romioi population, whose background of national consciousness was shaped by the *millet* system (Ware, 1997:1-5). Therefore, it

is possible to talk about Orthodox prelates that joined the Greek Revolution as 'Greeks' (Koliopoulos-Veremis, 2002:143), and although it was not only Orthodox religion itself that was the rebels' distinctive element, Orthodox religion (and thus the Orthodox Church) was perceived as the 'preserver of the Greek race' (Zakythinos, 1976:50) in the Ottoman era, saving the 'Greek' culture and language to be used as tools for spreading the idea of nationalism. Those people, by desiring to establish a new Greek state and rebelling against the Empire in 1821, finally became the key cultural base of Greek identity.

3.2.2.1. Attitude of Political Parties towards Religion-State Relations

As a result of the rebellion and the consequent separation from the Ottoman State, the new Greek state was established as the Kingdom of Greece, under the authority of Britain, France and Russia. Beginning with the first Constitution in 1822, the Orthodox Church established itself as a part of Greek identity, and in 1833 the declared its independence from the Ecumenical Patriarchate of Constantinople.

The question during the foundation was whether to define Greek identity with Hellenism or the Byzantine Orthodox tradition (Molokotos-Liederman, 2003:292). In this debate, modernizers who supported the independence of the Greek Orthodox Church from the Patriarchate in Constantinople aimed to secure its sovereignty by creating a state-church in opposition to the Patriarchate. On the other hand, traditionalists were in favor of the continuation of Byzantine Orthodox tradition and its relationship with the Ecumenical Patriarchate (Clogg, 1997:47-100; Sherrard, 1973:183-199).

After gaining independence, the new nation had to finalize the separation from the Patriarchate in order to break the relations with its Ottoman past. The first attempt to

that end was the establishment of the autocephalous Church of Greece in 1833, which was not recognized by the Patriarch on grounds of preventing harm to the ecumenical status of the patriarchate, which places patriarchal systems at the center of Orthodox churches (Macar and Gokaçtı, 2005:20). Although contradicting the Greek tradition, this created a church administered under the state (Clogg, 1997:69), and relations with the Patriarchate were frozen until 1850, when the Patriarchate recognized the Church of Greece in 'Synodal Tome' (Miller, 1930:274). They accepted Byzantium as the common cultural inheritance (Yildırım, 2005:75). However, the Patriarchate's demand that the Greek Church be organized independently from the Greek State was denied by arguing that Greek Church is a part of the Greek state. Therefore, the Church of Greece was organized under the Ministry of Education and Religious Affairs, and the King became the head of the Church until Greece became a democracy (Koliopoulos-Veremis, 2002:141-142). As a result, bishops and priests were appointed and paid by the state, and their appointment was dependent on their political views (Koliopoulos-Veremis, 2002:149).

The Church's organization under the state continued until the latter was overthrown by the military in the 1960's. After the collapse of military regime in 1974, under the leadership of New Democracy (Right Wing Party), the Church of Greece became an established church and the Orthodox religion became "the creed of the majority" (Koliopoulos-Veremis, 2002:150). Koliopoulos and Veremis explain the role of Church of Greece in forming the Greek State as follows:

> protecting the true faith against both Muslim and Latin temporal princes in the centuries of foreign rule, preserved Greek identity and kept the Greek nation from being assimilated by the nations of its foreign rulers (2002:143).

Change came in 1981 only when PASOK, the socialist party headed by Andreas Papandreou, came into power and formed a socialist government which insisted on full

separation of church and state 'only in administrative matters, not its ties with the nation'. Yet it was a radical change, considering the political background of the Church (Koliopoulos- Veremis, 2002:150).

Despite those changes, religion-state relations in Greece are still subject to criticism. Entities in the Greek legal system and applications of those in real life, beside those changes in the political thought, are important when trying to understand the current relationship between religion and politics. These will be addressed in the following section.

3.2.2.2. Legal Framework

Laws and institutions concerning religion and politics in contemporary Greece are under heavy criticism. Those critiques are worth considering, given the EU's regulations on the subject. The related laws in the Constitution of 1975 and the very existence of the Ministry of National Education and Religious Affairs are among the most criticized issues.

The department in charge of religious affairs in Greece is under state control. Considering the relevant clauses in the Constitution, one can see that the very fact that it is a public office under the Ministry of National Education and Religious Affairs (Molokotos-Liederman, 2003:293) demonstrates more than the state's recognition of religion. Article 16 of the current Constitution supports the idea of "transmission of the spiritual faith along with education" (Molokotos-Liederman, 2003:308). Moreover, it also promotes the development of a national and religious consciousness, and the cultivation of free and responsible citizens (Article 16 of the Constitution of 1975). The Ministry of National Education and Religious Affairs therefore aims to fulfill the demands of those articles in the Constitution.

Some issues concerning parliamentary practices require attention, including the oath that the President of the Republic and the parliamentarians take before entering into office. Those oaths, according to Articles 33 and 59 of the Constitution of 1975, contain religious references such as "I swear in the name of the Holy, Consubstantial, and Indivisible Trinity" (Article 33, 59 of the Constitution of 1975). Furthermore, Article 3 of the 1975 Constitution together with the Article 18 constitutes the basic legal arrangements that secure the legitimacy of the Church within the state. It reflects the relation with Ecumenical Patriarchate and also grants legal privileges to the Church (Molokotos-Liederman, 2003:293).

Article 3 of the Constitution establishes that "the prevailing religion in Greece is that of the Eastern Orthodox Church of Christ" as "indissolubly united in doctrine with the Great Church of Constantinople." The article goes further to state that "the religious status prevailing in certain parts of the state is not contrary to the provisions of the foregoing paragraph".

Privileges given to the Church are also important in positioning it within the religion-state relations. The exemption from taxation, provision of inalienable lands of the monasteries (Miller, 1930:279) and their approval by Article 18 is a reflection of the linkage between church and state (Article 18 of the Constitution of 1975). Indisputably, the existence of both articles is paradoxical in the sense that they secure the position of the Church with an anti-laic interpretation. Article 2 of the 1975 Constitution, which addresses the protection of the human dignity, is also worth considering in order to show that Articles 3 and 18 are against the principle of equality within the Greek constitution:

> (1) Respect for and protection of human dignity constitute the primary obligation of the State. (2) Greece, following the generally accepted rules of international law, seeks consolidation of peace and justice and fostering of friendly relations among Peoples and States (Article 2 of the Constitution of 1975).

In addition to all the critiques, the EU stresses the anti-saecular side of these laws. Accordingly, the existence of Articles 3 and 18 is against the International Covenant on Civil and Political Rights (Articles 18- 27) and Article 14 of ECHR (Kyriazopoulos, 2001:514-518). Although the existence of Articles 3 and 18 is not necessarily against EU law, by also considering EU law superior to domestic law, the possibility to favoring one creed to the suppression of others is enough to criticize these laws in the Greek Constitution.

Article 72, moreover, can be seen as a continuation of the "state-law rule" of earlier constitutions (Papatatsis, 2008:276), in terms of being supportive of Article 3. The first paragraph of this article reads:

> The plenum shall discuss and vote upon the Regulations of Parliament and draft bills and private members bills relating to the election of deputies, matters specified in Articles 3, 13, 27, 28, and 36 (Article 72 of the Constitution of 1975).

With regards to Article 3, there are scholars who argue that the recognition of a prevailing religion does not contradict freedom of religion (Kyriazopoulos, 2001:520). As Alivizatos points out, in Europe there are many references to the traditional religion in state ceremonies (Alivizatos, 1999:26).

However, in order to judge the Greek position objectively, one must not ignore the tendency for change these anti-saecular entities have shown through history. Konidaris compares the current Constitution with the previous one: according to the Constitution of 1952, the King had to be a member of the Church (Article 47, 50-52) and had to solemnly swear before the Parliament and the Holy Synod of the Church of

Greece to protect the prevailing religion of the Greeks (Article 43). Considering the 1952 Constitution, it is possible to say that there has not been much change in 1975 Constitution, since the head of the state still swears before the parliament 'to protect the prevailing religion' (Konidaris, 2003:226). The inapplicability of Article 110 of the 1975 Constitution can also be used to explain Greece's aversion to change. Despite Article 110, which states the possibility of revising Article 3, looking at the practical conditions in Greece, one can see that it would not be easily done.

It should be admitted that the Church's status has decreased in the last revision of the constitution. For instance, self-administrative rights of the Church were transformed into guidelines in 1975. However, as Alivizatos stresses, before reaching a conclusion one should consider the practices and discourses (Alivizatos, 1999).

3.2.2.3. Practices

An investigation of how religion-state relations are reflected in practice will help us to evaluate whether the laws that aim to decrease discriminatory acts are enforced and sufficient. In this way, they will shed light on religion-state relations in Greece today.

First of all, the negative reaction of the Greek Church to the socialist government's attempt to change the constitutional separation of state and church is a common characteristic of Greek political system and clarifies why "none of the regimes and political parties ever cause to break church-state ties" (Mavrogordatos, 2003:126). Electoral considerations, particularly the politicians' focus on vote maximization,were always in the minds of those who wanted to change the existing position of the Church (Molokotos-Liederman, 2003:294). Scholars mention the close ties between politicians and Church members:

the reforms cemented the political role of Church; the close relationship between bishops and political leaders drew the Church into the turbulent political history of Greece. (Molokotos-Liederman, 2003:293)

Rotonda is another case that should be mentioned in order to understand the general atmosphere in Greece regarding religion and politics. Although it now houses relics of every kind, Rotonda is a place that was used by Romans as the mausoleum of Galerius (305 A.D.), by the Muslims as a mosque (1591 A.D.) and by the Christians (4th-6th century and 1912 A.D.) as a church (Steward, 1998:4). That the site is a point of conflict between the church and the state results from the fact that the Church is using the symbolism of Rotonda to mobilize the people against the state. The Church obtained permission from the Ministry of Culture to display icons during the Christmas holiday in Rotonda, which the Ministry had reopened as a museum in 1962. However, the Church continued to use Rotonda after its permission had expired. As a result, when the state closed the doors of the museum on a Sunday morning, police were unable to prevent a series of demonstrations and violence initiated by people led by the Church. This event, which Steward analyses in an article entitled "Who owns Rotonda?" (Steward, 1998) implied the power of the Church over the state, and showed how difficult it is in Greece to prevent the Church from intervening in state affairs.

Education is also subject to criticism in terms of religion-state relations. According to the Law 1566/85, weekly religious instruction, church attendance and the exercise of Orthodox interpretation of the Christianity are obstacles to the freedom of religion in Greece, particularly with the increasing usage of icons in the government buildings (Molokotos-Liederman, 2003:293).

The discourses of the late Archbishop Christodoulos, who passed away on 28 January 2008, are also worth examining in order to see how religion is entangled in the

national character and how religion is politicized. Compared with the other archbishops, the era of Christodoulos is considered the most politicized era of the Church of Greece (Koliopoulos-Veremis, 2002:151). Without any exaggeration, he can be said to have declared war on all government actions that attempt to diminish the role of the Orthodox Church (The Independent, 30.01.2008:A36):

> Contemporary Greek modernizers are characterized by living apart from the people…Our clergy is part of the people, working for the people, coming from the people (Stavrakakis, 2002:28)

Examining Christodoulos' discourse displays the Church's place in the political culture in Greece and shows the Church's distrust of the government in guaranteeing the Greek tradition (Stavrakakis, 2002:28).

3.2.2.3.1. Minorities

The attitude of the Greek state towards minorities is also an indication of religious freedom that demonstrates the state policy towards citizens. Although Article 13 stands in the Constitution to protect the minorities and to provide them with the freedom of belief, there are enough practical problems faced by minorities to discuss as a separate chapter. However, since the main focus here is not the rights of the minorities but the 'problematic' nature of religion-state relations in Greece, conflictual sides of the Greek politics in terms of minorities will be indicated.

Firstly, remembering that Greece ratified the European Convention of Human Rights in 1963 (Pollis, 1987:598), one should keep in mind that Greek legislation must not be in conflict with the articles of this convention. Articles 5, 6, 9 and 14 of the convention are ones that have to be mentioned while discussing minorities and practical difficulties they experience in Greece. And the articles of current Greek Constitution seem in conflict with those articles of the convention. The main problem

seems to be the status of the Greek Orthodox Church, which does not create an equal environment for minorities.

First of all, until recently, the Old Calendarist Movement in Greece, which separated from the Orthodox Christians by adhering to the usage of the Old Calendar rather than the Gregorian, was not accepted as a 'known' religion in Greece and had practical obstacles, for instance difficulty building their own church, because procedure required that they get permission from the Ministry of Education and Religious Affairs as well as from the Orthodox Church of Greece. The Orthodox Church supports this, arguing for the integrity of the established Church of Greece (Mavrogordatos, 2003:125), which is indicative of the idea of 'national church'. The issue could only be solved by the intervention of the Council of State (Supreme Court in Greece), which provided the Old Calendar Church a 'simple planning permission' (Stavros, 1995:10).

Secondly, Catholics experience many difficulties, because they too are not recognized as having a 'known religion' in Greece; the only recognized religions apart from Orthodox Christianity are Islam, Judaism and Evangelism (not all Protestants). In November 1994, the Latin Archbishop of Athens summarized to the Ministry of National Education and Religious Affairs, saying that Catholics face discriminative attitudes in the army, in workplaces, and in schools (Frazee, 2002:41). Moreover, in many cases brought to the European Court of Human Rights, Greece was accused of violating the Convention. For instance, after the the walls of Catholic Church were demolished, the local court dismissed the case that was filed by the Catholic Church of Virgin Mary in Crete in 1994. This decision of the local courts was found to be against Article 6 (which gives the Church the right to access to a court) and Article 14 (which

gives the minorities the right to be protected from any discriminative act of the majority) by the European Court of Human Rights (Stavros, 1999:10).

Jehovah's Witnesses, without exaggeration, suffer more discrimination than other unrecognized minorities. Until recently, their marriages were not recognized by the government (Stavros, 1999:10) and partial treatment against them in the army found by the court in Strasburg, a violation of Article 5, which ensures personal liberty and security (Stavros, 1999:9).

Although, unlike the Jehovah's Witnesses, Evangelical Christianity is a recognized religion, its followers still face many difficulties. The main obstacle they face is the issue of proselytism, which is forbidden by law (Article 13.2), not only for Orthodox believers, but also for other denominations. The application of the law, however, is left to the decision of the courts (Iatrides, 2002:58). Evangelicals are also aggrieved due to the procedure for obtaining permission from the Ministry and the Orthodox Church to build any church, since in many cases the Church rejects the request and the request must then be taken to the Council of State (Iatrides, 2002:59).

Jews do not experience discrimination more than other religious communities. The main problem faced by Jews and Muslims alike is the prevailing character of Orthodox Christianity (Bowman, 2002). Islam is a 'known' religion in Greece, and the rights of Muslims are based on the bilateral treaty of Lausanne signed with Turkey, which prevents the application of international standards in terms of dealing with discrimination against the minorities (Tsitselikis, 2004:430). This dual law system requires revision because it prevents minorities' entegration into the legal system of Greece and it serves to the continuation of discrimination.

To conclude, minorities in Greece seem to be victimized by the existing structure of religion-state relations in Greece. Although Article 13 in the current Constitution is supposed to protect freedom of religion, an unfavorable environment is created for minority religious communities due to the lack of enforcement combined with other laws that open the way for discrimination.

3.2.3. Turkey

Religion in the Ottoman Empire was the defining element of the *millet* system, where it maintained an important place both in public and private spheres. Under the *millet* system, religion was a tool for controlling the society and it had a significance statue in the judiciary hierarchy (Çakır and Bozan, 2005:45-46). Religion-state relations in Turkey cannot be understood without taking the Ottoman era and the developments during the collapse of the Ottoman Empire into consideration.

The institution in charge of religious affairs in the Ottoman Empire was the *Şeyhülislam*, who was both the head of the religious affairs, and in charge of the ministries of justice, education and vaqifs. Gaining importance from 16th century until today, he was appointed by the Sultan or the Grand-Vizier. To balance the relation between religion and state it was necessary for the *Şeyhülislam* to approve the Sultan who ascended the throne. The Ottoman state provided all the means and independence for *Şeyhülislam* to organize religious affairs (Bardakoğlu, 2004:368).

With the rise of nationalism and the declaration of independence by communities in the Ottoman Empire, such as Serbians and Greeks, the Ottoman Empire embarked upon an inevitable process, which resulted in the emergence of the Turkish Republic in 1923. As the *millet* system weakened, the Ottoman Empire began to impliment a number of reforms known collectively as the Tanzimat, and alternative

voices for the governance of the Empire made themselves known. Although the two alternative groups, Islamist Reformists and Westernists, both intended to modernize the Empire, the latter did not believe that local tradition and Western modernity could coexist (Toprak in Barıştıran, 2004).

After the collapse of the Ottoman Empire, as it will be explained in the next section, the Turkish Republic created a homogenized Turkish nation out of this heritage by establishing saecular changes in the modernization process. This was the process that put an end to the Reformists-Westernizers debate. Through a laic model resembling that of the Third Republic in France, the Turkish state created its own version, through which it attempted to regulate religion. Şahin Alpay calls this approach "Alaturca Laisizm" (2003). With state intervention, Islam was established as one of the main characteristics of the nation and the Directorate of Religious Affairs (DRA) was the basic institution that served to ensure state control over religion.

3.2.3.1. Attitude of Political Parties towards Religion-State Relations

Developments regarding the Directorate of Religious Affairs, which can be regarded as the institution that replaced *Şeriye ve Evkaf*, may illuminate the religion-state relations in Turkey. This process originated from the decline of the status of *Şeyhulislam* in the Ottoman Empire, which had been weakened in the 19th century by the modernization attempts and in 1920 lost control over education to *Şeriye ve Evkaf* (Çakır and Bozan, 2005:47). Although it was different in legal and administrative structures, the institution represented the historical continuity in state-religion relations by being an institutional body on religion (Bardakoğlu, 2004:368). This continuity can be explained as the preservation of the Ottoman tradition, which implied the coexistence of Westernization and religion in the society (Kara, 2003:178-179).

The laws enacted on 3 March 1924 (Tevhidi Tedrisad - Unification of National Education)[7] which aboloished *Şeriye ve Evkaf* should not be perceived as the end of this continuation. The Presidency of Religious Affairs (*Diyanet İşleri Reisliği*) that replaced *Şeriye ve Evkaf* in the following decades was not different: although the Ottoman Empire preserved religion and gave it a more functional place comparing with Turkish Republic, in fact, it would not be an exaggeration to say that the relationship between political authority and religion remained unchanged in terms of the mechanisms of appointment, recall and finance.

There are also scholars who reject this idea of similarity by stressing the laic character of the Republic and the religious character of Ottoman Empire (Çakır and Bozan, 2005:46). However, first of all it has to be mentioned that it was not the 1924 Constitution but the 1928 Constitution that removed the religious reference in the Republic. Moreover, the fact that as of 8 June 1931, the DRA's activities were limited by the state shows the relation of political authority vis-à-vis the religious institution. While in the past DRA was also in charge of the management of the praying places, with the changes it was only allowed to manage the praying activities (Tarhanlı, 1995:10). This process ended with the attachment of Laicism principle to the founding characteristics of the Republic in 1937, the abolishment of the calls to prayer in Arabic and restriction of this through the Turkish Penal Code in 1941 (Çakır and Bozan, 2005:49-54).

The concept of laicism was included in the Turkish Constitution for the first time in 1937 and became one of the pillars of the Republic in the Constitutions of 1961 and 1982. Mustafa Kemal Atatürk, the founder of the Republic, viewed the separation of

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[7] See Appendix III to read the texts of the mentioned Law in their entirety.

religion and politics as a prequisite to opening doors to Western values and made laicism one of the central tenets of his program of modernization (Weiker, 1981:125).

As a part of the laicism policy, Atatürk launched a major campaign against the Islamic institutional and culturalist basis of the society. This attempt to disestablish Islam as the state religion would prepare the political climate for the introduction of laicism in the Turkish Constitution (Turan, 1991:31-34).

The multi-party era continued with an intensifying discussion of laicism and religion, which led to restrictions on Islamic practices and changes in DRA regulations in 1950 (Çakır and Bozan, 2005:57-58). Although in the Democrat Party (DP) period most of the restrictions on religion that were applied before 1950 were abolished, this did not significantly change the status of DRA.

With the ammendments in 1965, the Constitution attributed three duties to DRA: managing the worship and moral affairs of Islam, managing the mosques and religious education. Finally, the Constitution of 1982 attributed the duty of promoting national solidarity and unity to DRA and gave it a place in the third part of the Constitution that defines the duties and responsibilities of the executive (Çakır and Bozan, 2005:65).

3.2.3.2.   Legal Parameters

From the early days of the Republic of Turkey, there has been a tremendous effort to remove religious clauses from the Constitution, and from 1928 onwards the state gave up defining itself through religion. While in the Constitution of 1982, laïcité was defined as "no interference whatsoever by sacred religious feelings in state affairs" (Preamble of the Constitution of 1982), Article 2 further emphasized this by stating that "The Republic of Turkey is a democratic, saecular and social state governed by the rule of law" (Constitution of 1982). Moreover, Article 24 of the Constitution, which

guarantees freedom of religion, widened the compulsory religious education in 1982 (Article 24 of the Constitution of 1982). The Turkish legal system, nevertheless, does not recognize religion as a legitimizing element of the Republic.

The main critique of religion-state relations in Turkey is the place of DRA, which is represented under the state authority. The basic indication of this situation is the example of the Law of Political Parties. DRA, which is also a subject of discussion in terms of Turkish understanding of laïcité, has both a substantial budget and nearly 80,000 employees under state control (Yılmaz, 2005:390), cannot be removed according to the Article 89 of the Law of Political Parties and Article 136 of the Constitution of 1982.

DRA is often said to be a partly civil institution organized under state and it is not in conflict with the idea of division of the responsibilities of religious and state authority (Bardakoğlu, 2004:369). The current president of the DRA mentions this as:

> The position of the *Diyanet* within the state organization is not in contradiction with secularism, according to the following principles that are upheld in Turkey: (a) religions should not be dominant or effective agents in state affairs; (b) the provision of unrestricted freedom for the religious beliefs of individuals and religious liberty are under constitutional protection; (c) the prevention of the misuse and exploitation of religion is essential for the protection of the public interest; (d) the state has authority to ensure the provision of religious rights and freedoms as the protector of public order and rights. (ibid)

The historical and legal development shows evidence of the close relationship between state and DRA and state control over religion. It is debatable whether this constitutes a clear challenge to laïcité, taking into account the practices in Europe and the contemporary theoretical debate on religion-state relations (see pages 11-36 of this paper). However, it is also necessary to examine the social practices concerning DRA in order to clarify its position in the Turkish system.

3.2.3.3. Practices

Taking how religion-state relations are reflected in practice into account, one can have difficulty in finding that there exists a real separation between religion and state in Turkey. With regard to the laws, it is not difficult to see a laic state. On the other hand, the practices of religion-state relations in Turkey are worth examining to see the 'questionable' side of the relationship between the two.

To start with, DRA's actions can be seen in terms of the debate over whether it is used by the state or not. The directives (*Fetva*) delivered by DRA in the Friday sermons reflect the state control over religion. To give an example, *fetvas* have been used for economic issues, such as discouraging the usage of US dollars (Yılmaz, 2005:391). It is possible to explain those practices of the DRA as aiming to impose political and economic policies of the state – a function which is in keeping with Article 136 of the Constitution, which places the DRA's activities clearly within the framework of the republican principle of laïcité. Indeed, there are some scholars who interpret the article as a message of the state that says the DRA may act in the interest of the state (Turan in Köktaş, 1997:201; Tarhanlı, 1995:48). For example, the DRA can be seen to be "promoting national unity" (Yılmaz in Olgun, 2005:343) – a core value of the post-1982 regime. Also testifying to the tendency of the state to use the DRA as a tool for protecting laïcité in Turkey is the attention paid to parliamentary debates over the DRA's budget (Atlı, 2008:25).

It is also important to emphasize DRA's role in education. The opening of *Imam Hatip* schools by the government and their organization under DRA shows state control of religion through education (Smith, 2005:313). Introducing compulsory religious courses under the control of DRA can be seen as further evidence of this

control.Secondly, political, social and economic ties between political and religious authorities reflect the practices through religion-state relations in Turkey. In 1967 President Cevdet Sunay visited the DRA, an act which has since become a state tradition and is very important in manifesting the position of DRA in Turkey (Çakır and Bozan, 2005:65). It is also interesting to note that most of the DRA directors have been former politicians, a fact which seems to be very important for DRA's relations with the state. To cite a few examples of high-ranking DRA officials, Sait Yazıcıoğlu was a member of the parliament from AKP, and Tayyar Altıkulaç was a member of the parliament from both AKP and DYP (Kara, 2003:193).

3.2.3.3.1. Minorities

The most controversial aspect of the religion-state relations in Turkey is the case of minorities, and it is with this in mind that I will now address the DRA's attitude towards freedom of religion. Being close-minded to alternatives (Olgun, 2005:343) and representing only mainstream Islam (Smith, 2005:313), DRA has been criticized by a United Nations reporter. This critique explains the state position in this discussion clearly:

> A potential problem arises here, to the extent that nationalism is interpreted in the form of a militant policy of Turkification based on a restrictive concept of ethnic unity. Were nationalism of this kind to become official ideology it could be prejudicial to minority, non-Muslim communities, and even to Muslims themselves, if the banner of ethnic unity were associated with quasi-official status for the Hanafi conception of Islam and if the notion were thereby promoted that Turkish citizenship is exclusively for those who are ethnic Turks and who are Muslim, specifically of the Hanafi rite, by religion (Smith, 2005:313)

Minorities in Turkey can be grouped into two categories: Non-Muslims and Muslims. The legal status of non-Muslim minorities is determined by Articles 37 through 45 of the founding treaty of Lausanne, a document which protects the rights of the minorities in Turkey. Treaty of Lausanne only referred to non-Muslim communities as minorities.

Later state practices and discourse have come to confine this reference of Lausanne to three specific non-Muslim communities: Jews, Armenians, and the Greek Orthodox. The rights of smaller groups such as Assyrians and Chaldeans started to be upheld only after beginning the EU reform process in 2003 (Oran, 2004:36).

However, what is central to the discussion today is the sheer fact that the clauses of the above mentioned document is generally not applied (Oran, 2004:53). The main problem for non-Muslim minorities in Turkey was the abolishment of theology schools in late 1960's and early 1970's, which threatens the future of those communities, due to the fact that whereas regulations are implying that any Turkish citizen is allowed to become a theologian, there are simply no schools left where minorities possessing Turkish citizenship can obtain theological education. Moreover, the education of the children in minority communities is also among the problems mentioned in many minority reports regarding Turkey. In order to be admitted to a minority school, the Ministry of Education investigates first whether the childeren's denomination is passing from the father (Oehring, 2002:29). The monitoring of principals in minority schools has a further adverse effect on minority education. Lastly, there is no legal protection for non-recognized minorities (Smith, 2005:311).

Alevis are not recognized by the Turkish state as minorities, and are instead viewed within the majority for being Muslims. This creates problems concerning the individuals who identify themselves as Alevis and prevents them from enjoying the same rights to worship as other citizens. One of the numerous examples given in the Missio report is about a history teacher at a secondary school in Ankara who discriminated Alevi pupils in the classroom on the grounds that they do not have a lawful religion (Oehring, 2002:13).

Today, Alevis are demanding a new legal system that would put a stop to Sunni domination. Aykan Erdemir, an academician who works on Alevis, summarizes the demands of Alevis as follows: a) Abolishment of *Diyanet;* b) An end to the domination of Sunni Islam in religious education; c) Equalization of the status of places of worship; d) Removal of the religion section in ID cards[8] (Erdemir, 2007).

Far more interesting among those critiques is the one purporting that DRA is only representing one Islamic sect: Hanefi Islam. The debate regarding the opening a department under DRA concerning Alevis is still discussed and they are included in the reports of the Alevi Associations at the present time (Cumhuriyet, 13-14.12.1996:A19). However, the parliamentary debate on the 2008 budget touches on the on-going problems, since the relevant part of these talks concluded with the argument that Alevi belief is not a different interpretation of Islam (Atlı, 2008:26).

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[8] http://www.milliyet.com.tr/2007/12/03/siyaset/axsiy02.html. Accessed on 23.12.2008.

Comparing the Status of Religion-State Relations in Greece and Turkey in the light of the European Pattern

Up to this point of the study, the main aim was to provide a background of Greece and Turkey's religion-state relations, incorporating a theoretical review and discussion of EU standards. Turkey and Greece, both being very young nation-states, have a common point in the sense that they are both attempting to reformulate their relationship between religion and state parallel to their European aspirations. An examination of the European model shows that despite constituting different models of religion-state relations, European states follow a common pattern, called by some the "Spirit of Cooperation" (Ferrari, 1995; Torfs, 1996). Furthermore, the EU constitutes a control mechanism for the related institutions, despite the lack of sufficient regulations in its body.

Are the relations between religion and politics in Greece and Turkey compatible with the European pattern and EU regulations? Ever since its foundation, the Greek state placed the Church in the center of politics by perceiving it as the main source of the Greek national identity. This situation, which only recently came under scrutiny, diverges from the European pattern. The position of the Church of Greece is at the center of the political debate, in the sense that with its superiority in the legal system the Church not only constitutse a threat to religion-state relations, but also creates an unfavorable environment for religious minorities.

Turkey can be criticized in many aspects as well, one of which, as discussed, is the DRA.. Although the young Republic mainly focused on the rejection of religion, DRA as a state institution appears to be merely a tool in the hands of the state to control the society with respect to religious issues. This system of religion-state relations in

Turkey is not only insufficient, but it is also the source of unfavorable conditions experienced by the minorities in the country.

To conclude, the structure of religion-state relations in Greece and Turkey presents obstacles to adherence to EU norms. Although Greece is already a member of the EU, the status of the Greek Church has come under criticism from the EU. As Turkey seeks EU membership, state control over religion through the DRA is similarly criticized. However, before reaching a conclusion, the next section will focus on the recent debate with regards to religion-state relations: the Identity Card Controversy.

4. THE RELIGION SECTION ON IDENTITY CARDS

The identity card (ID card) is a document that includes the necessary information for a state to recognize its citizens. In most countries, citizens over a certain age are expected to carry this document.[9] On that document, race, ethnicity, religion and gender categories may be included as well as family information and a photograph. Recently, the categorization on ID cards has been criticized on the grounds that it forces citizens into a 'governmentally-defined'[10] group.

Indication of race, gender or religion is widely seen as a discriminative element. The religion section is in the center of discussion today, because it represents the state's linkage with religion and also because it is said to be 'fixing or reifying group identities and takes the power to define group identity away from individuals'[11], therefore encouraging discriminative policies towards minority groups. Today, a religion section no longer exists on state documents in the EU countries: a state is expected to not define itself with elements such as race, sex or religion.

Greece and Turkey are two countries that until recently had mandatory declaration of religion on ID cards. In Greece the section has already been removed, whereas in Turkey, declaring one's religious affiliation is optional. In both Greece and Turkey discussions regarding the ID cards' religion section clearly reflect the status of the relationship between religion and state. The ID card controversy that will be discussed in this chapter is therefore an event that reflects the different poles in both states, and will provide the background needed to discuss conflicts between those poles in terms of religion-state relations.

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[9] http://www.preventgenocide.org/prevent/removing-facilitating-factors/IDcards.
[10] ibid
[11] ibid

4.1. ID Card Controversy in Greece

Discussions regarding the removal of religious affiliation from ID cards in Greece began in 1997 with a statement of Hellenic Data Protection Authority which stressed the necessity of removing the religion section from the police identity cards in accordance with the new legislation under which the Authority was established. However, although the government supported this action, it was not welcomed by the other actors in Greek politics. In addition to the politicians who were against change, the Church of Greece actively opposed the move. Discussions that affected Greek politics intensively in 2000 and 2001 continued with reference to the place of Orthodox Christian religion in Greek identity and politics, encouraging us to think about the relationship between the church and state in Greece.

It was not the first time that the Greek government introduced changes regarding the statement of religious affiliation on ID cards, which was made mandatory with the Law 127 in 1969 (Fokas, 2007:77). The first attempt to change mandatory declaration of religion and other sensitive data was initiated by the socialist government that enacted the Law 1599 in 1986. According to this law, declaration of religious affiliation was optional. Although the New Democracy (ND) supported this legislation, the bill was withdrawn by the ND with the law 1988 in the year 1991 (Molokotos-Liederman, 2003:296; Alivizatos, 1999:32). However, it is possible to see the continuation of the law in 1969 (Fokas, 2007:77).

The changes[12] that took place in the current decade should not be considered without acknowledging a parallel with the EU reform process and without taking into account that from 1981 onwards the Council of Europe was focusing on "protecting

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12 See Appendix IV for examples of old and new ID cards.

individuals from automated processing data" as a part of the European Convention[13] and taking concrete steps, such as the European Parliament's issuance of a directive (95/46/EC)[14] towards the protection of individuals concerning the processing of personal data.

Although Greece ratified the European Convention, under the EU guidance with the Law 1988 in 1992, the socialist government did not initiate an attempt to remove the religion section on ID cards, instead implementing a "wait and see" policy (Molokotos-Liederman, 2003:296). Despite the fact that the European Parliament 'urged' the Greek government on January 21 and April 22 in 1993[15], the Greek Parliament adopted the new law on 6 April 1993, where preparations for optional declaration were withdrawn and citizens were once again obliged to declare religious affiliation on ID cards. The Ministry of Interior explained that this law has "no legal force" and was adapted just to satisfy the demands of the Greek Orthodox Church. The Ministry further defended optional declaration as necessary in the cases of inheritance and funerals (UN General Assembly, 7 Nov. 1996)[16].

These developments were in conflict with the resolution of the European Parliament, which prioritizes religious freedom. Therefore, in this resolution the European Parliament:

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13 Available from the website of Privacy in Research Ethics and Law: -Check your formatting here. Everything is a different size. Sorry, word won't let me insert a comment in footnotes.http://www.privreal.org/content/dp/greece.php. Accessed on 10.04.2008

14 Directive is available from EU's official website: http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc and lg=EN and numdoc=31995L0046 and model=guichett. Accessed on 09.04.2008

15 http://www.preventgenocide.org/prevent/removing-facilitating-factors/IDcards. Accessed on 09.04.2008

16 Available from UN's offical website: http://www.un.org/documents/ga/docs/51/plenary/a51-542add1.htm. Accessed on 09.04.2008

1. Calls on the Greek Government to amend the Current legal provisions once and for all to abolish any mention, even optional, of religion on new Greek identity cards and not to bow to pressure from the Orthodox hierarchy;

2. Considers that the role which religion has played or still plays in any society however important it may be and without value judgments, in no way justifies the requirement to mention religion on an identity card (UN Gen. Assembly 7 November 1996).

The full adaptation of the directive (95/46/EC)[17] into the Greek system could only have taken place with the law instated in 1997, which aims to "establish the terms and conditions under which the processing of personal data is to be carried out so as to protect the fundamental rights and freedoms of natural persons and in particular their right to privacy" (Article 1, Law 2472/1997)[18]. This law prohibits the dissemination of sensitive data, such as fingerprints, marital status, nationality and religion.

The modification that opened the way for discussions was the establishment of Hellenic Data Protection Authority with Law 2472/1997. This was enacted in the Parliament which took account of EU directives on this question. The purpose, in the words of the Minister of Internal Affairs, was to 'protect[…] private information from state access' (Athens News, 2000, A03). With regards to this law, sensitive data is defined as:

> Referring to racial or ethnic origin, political opinions, religious or philosophical beliefs, membership to a society, association or trade union, health, social welfare and sexual life as well as criminal changes and convictions (Article 2, Law 2472/1997).

Under these circumstances, religious affiliation is defined as sensitive data, and can not be collected and processed unless the individual gives explicit consent (Article 7, Law 2472/1997).

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[17] http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc_and_lg=EN_and_numdoc=31995L0046_and_model=guichett. Accessed on 09.04.2008
[18] Unofficial English translation of the law is accessible online. Accessed on 09.04.2008 : http://www.privireal.org/content/dp/greece.php.

The political environment was also conduscive to the heated discussions between the government and their opposition on church-state relations. Arguments and protests about a book that presented the sexuality of Jesus escalated the political tension between politicians and clergymen (AP, 10.03.2000). Three months after this event, the government brought up the issue of removing religious icons from government buildings (Hadoulis, 09.06.2000:A02). Later, PASOK began to include church-state relations on the agenda, and criticized the Church for exceeding its bounds with regards to politics (Athens News, 09.05.2000:A01).

Discussions related to the ID card issue intensified in the years of 2000 and 2001. Over the three years that followed the issue's first introduction to the agenda, no major events other than occasional protests occurred. However, from the year 2000 on, with the government exhibiting a firmer stance on the enforcement of the law on data protection, PASOK faced a strong opposition and resistance.

After the elections in April 2000, PASOK gained power as its leader Costas Smitis was re-elected Prime Minister (it was PASOK's third time in power) and a PASOK deputy Michalis Stathopoulos became the Minister of Justice. New Democracy Party was the opposition in the Parliament. Greek politics was polarized once again, with those favoring the removal of religious affiliation from the ID cards on one side and those strongly opposed it on the other. The latter camp was led by conservatives and the Church of Greece, while the socialist government, trying to implement EU regulations, constituted the former. Besides the polarization created by these two groups, the media, society, politicians and individuals were divided, regardless their political view, into supporters of the government's action and the opposition.

In this atmosphere, the government started to signal the need to enforce the law enacted in 1997. Keeping the religion section in the ID cards was declared unconstitutional by the chariman of the Data Protection Authority, Constantine Dafermos. Dafermos' statements such as "citizens should not even be asked about their religious beliefs" (Wilson, 13.05.2000:A02) and "Europe only laughs at our ID cards that include religion" (Fokas, 2007:80) explain the reasons behind the government's rejection of the Church's offer to make the declaration of religious affiliation optional (Athens News, 16.05.2000).

However, the government's attempt to remove religious affiliation from ID cards became the reason behind negative reactions from the Church of Greece and other clergy, conservatives, and some of the politicians opposed to the government's action.

Although the government maintained its stability by rejecting the referendum offers of Archbishop Christodoulos (Athens News, 16.05.2000:A01) and sought instead to distance itself from the Church, short meetings between the Church and ministries continued to take place. Having carried the issue to the Parliament on 24 May 2000 and supported the declaration of the Data Protection Authority with regard to the religion section on ID cards (Fokas, 2007:78), PASOK tried to explain that application of the law does not necessarily clash with the Church, stressing that the change only implies the application of the law. Costas Simitis assured the opposition that he would have a dialogue with the Church (Athens News, 27.05 2000:A03), and Foreign Minister Giorgios Papandreou asked for a parliamentary commission to be established on the subject and invited church representatives to become involved. The church representatives were, however, not in favor of this (Athens News, 26.05.2000; Fokas, 2007:81).

This 'moderate' atmosphere changed after a meeting of the Church of Greece with its 78 metropolitan bishops (Athens News, 26.05.2000:A01). As a result of the meeting, church representatives called Greek people to protest the government's attempt to remove the religion section on ID cards and demand a referendum on the optional declaration of religious affiliation, which was held in Thessaloniki on 14 June and in Athens on 21 June 2000 (Athens News, 07.06.2000:A03). After this declaration, we see the government, particularly Prime Minister Simits and the government spokesman Reppas, adopting a harsher attitude and closing the doors to compromises offered by the church representatives:

> We will not get caught up in an unjustifiable conflict, especially over an issue which is under the exclusive jurisdiction of the state and no one else (Reppas) (Athens News, 07.06.2000:A03).

> The new situation in the Church of Greece bears great dangers for the country…the role that Christodoulos and hardcore clerics around him aspire to play is not spiritual (Parliament speaker Apostolos Kaklamanis) (Athens News 15.06.2000:A03).

A few days before the rally on 14 June 2000, the theological school in Thessaloniki closed its doors in protest of the government's stance, stressing that religion was a "lasting and a modern element of Greece's national identity and Hellenism" (Athens News, 09.06.2000:A05).

Although many people attended the rallies in Thessaloniki and Athens, the government maintained its position and the Church was forced to resort to alternative ways to affect the government's determination to apply the new legislation. Therefore, at the end of the June, in order to increase the pressure on the government, the Church of Greece declared that it is going to start a petition campaign (Athens News, 25.06.2000:A01). Despite the pressures created by the petition, which accumulated two million signatories by the end of the year, the government insisted that removal of the

religion section on ID cards is the 'exclusive task of the state'[19] and issued the law effective as of 24 July 2000. However, the Church continued to protest the government by postponing the deadline for petition to 25 March 2001 (Athens News, 14.03.2001:A04), a day religiously and politically important for Greeks, as it coincides with both the annunciation of Virgin Mary and the Day of Independence from the Ottoman Empire. By the end of January the number of signatories had reached 2.5 million (Athens News, 28.01.2001:A04).

The discussions did not come to an end despite the government's decision to issue new ID cards and its determination to turn a deaf ear against the petition. Archbishop Christodoulos announced that they may issue their own ID cards for the members of the Church (Athens News, 06.03.2001:A02). Although the Church used this statement as a bluff (it took the statement back later) the government was rigid. As government spokesman Reppas stressed:

> Whether the church will issue IDs for its members is it own internal affair. Nonetheless, the church should handle the issue in such a way as to make it clear that such a move does not turn the church into a simple association (Athens News, 06.03. 2001:A02).

In the meantime, after a group of theology professors demanded the statement of religious affiliation on ID cards not to be removed (Fokas, 2007:80), the Council of State[20] (Συμβούλιο της Επικρατείας), the highest administrative court in the country, decided on 27 August 2001 that this practice was not constitutional and emphasized that Article 13 of the Constitution, either voluntarily or compulsory, "does not give

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[19] Available from the official website of the Hellenic Republic National Commission for Human Rights: http://www.nchr.gr/category.php?category_id=84. Accessed on 11.04.2008
[20] There is no constitutional court in Greece. Council of State is the highest impotence legal institution.
[22] Decision no 2218/2001 http://www.forum18.org/Archive.php?article_id=321. Accessed on 11.04.2008.

citizens the right to demand that religious affiliation be included in state identity cards"[22].

To return to the petitions, the Council of State decided "this freedom (provided in Article 13) gives citizens the right to veto an action rather than demand its application". In response, the Church of Greece announced that deadline of the petition was extended (Athens News, 06.07.2000:A14). By the end of August 2001, the number of signatories had risen to 3,008,901; however, the decision to extend the deadline simultaneously led to questions regarding the validity of the petition (Kathimerini, 01.09.2001).

Having failed to arrange a meeting with the Prime Minister, the Church of Greece did not give up and had the chance to discuss the petition issue with the President of the Republic, Costas Stephanopoulos, an ex-conservative politician. However, the results of the meeting did not leave the supporters of the Church optimistic. Stephanopoulos' answer was reflected in the newspapers as:

> The President explained that the manners whereby popular sovereignty is expressed, which include the conduct of plebiscites and the relevant procedures, are stipulated by the Constitution of the laws of the country, the presidency says in a statement…there are no grounds for a referendum on the identity card question, that everyone is obliged to comply with current legislation and that the signatures, which were not collected according to any legal procedures, cannot overrule the provisions of the Constitution (Kathimerini, 01.09.2001).

Although the meeting between Christodoulos and the Minister of Education Petros Efthymiou at the end of the year increased the hopes of a meeting between the Church and the Prime Minister (Athens News, 21.12.2001), Christodoulos did not have a chance to discuss the issue with the Prime Minister until 2004, when New Democracy, headed by Costas Karamanlis, came to power (Kathimerini, 26.03.2004).

Compared with the poll held during the rallies, it is striking to see the change of the public opinion in the new nationwide survey organized by the company Metron Analysis. According to the survey published in the beginning of September 2001 regarding the ID card issue, although 52.1% of Greeks agreed with the President's statement stressing that the Church does not have the authority to call for a referendum, 50.1% of Greeks were still demanding compulsory declaration of religious affiliation on ID cards and 23.4% of them were in favor of non-compulsory declaration of religious affiliation on ID cards (Kathimerini, 06.09.2001).

Almost two years after the new ID cards were instated both sides still maintained their positions, with the Church warning the government that the issue would cost them votes in the upcoming election (Kathimerini, 26.03.2002). Nevertheless, the European Court of Human Rights (ECHR) rejected the Church's appeal on the issue of ID cards (Kathimerini, 23.12.2002). As a result of this rejection, the Church gave up the fight until a more "fitting time" (Kathimerini, 26.03.2004);; however, on the debate over ID cards lay the ground for the new discussions about religion-state relations in Greece, which will be dealt with after taking a closer look at the main actors who took part in the issue.

4.1.1. PASOK's Justifications for the Removal of Religion on Identity Cards and Other Supporters

Supporters of the government's reform attempt on ID cards during the discussions were mostly the members of PASOK and representatives of minority communities. One of the supporters' major arguments was that if the majority of the society belongs to the Orthodox Christian faith, there is no need for an individual to declare his or her religious affiliation. Moreover, they argued that the attempt of the

government to remove the religion section on ID cards did not aim to change the religion, rather it was just a necessary attempt to release an official document (Molokotos-Liederman, 2003:301).

Taking PASOK's socialist tendencies into account, which induce it to wish to diminish the privileges of the Church, it should be easier to understand its firmness on the ID card issue. Although the socialist government was already intending to redefine the church-state relations in Greece (Payne, 2003:261), the government's main concern was to fulfill the demands of the EU. Keeping in mind that the issue was discussed in the Parliament in terms of the relations with EU (Fokas, 2007:81), Stavrakakis perceives it as a European-oriented act:

> There is no doubt that prime minister's firm position, which surprised many, reflected his personal views and, at the same time, could enhance the left-wing profile of his government that had been unable to escape the policy limitations set by market globalization on, more or less, all European center-to-left governments (Stavrakakis, 2003:154).

Although discussions in European states regarding their religion-state relationship continue even today, under the guidance of legal developments in the EU, the Greek government introduced the Hellenic Data Authority on November 1997 with Law 2473/1997. This Law calls for… However, the European Commission against Racism and Intolerance (ECRI) repeated its call to remove the religion section from the police identity cards, which had remained unchanged until the 2000:

> In this respect, the reference made on Greek identity cards to a person's religious affiliation is a highly sensitive issue. While it is in principle no longer obligatory to state one's religion on these identity cards, given that this issue has already given rise to much controversy it would seem most desirable that any reference to religion is removed from identity cards (ECRI, 1997:9).

> In its first report ECRI suggested that any reference to religion be removed from identity cards… ECHR understands, however that the new identity cards, which are to be issued by the Ministry of the Interior will contain a specific reference to religion. ECRI therefore reiterates its call for the removal of this reference (ECRI, 2000:12).

The delay in implementing the law, which originally passed in the parliament in 1997, until early 2000 raised critiques from the press, based on other state documents concerning human rights practices, which also perceive the EU as the impulsive force behind the government to modernize Greece:

> The government took no action to implement or repeal a 1991 law mandating that citizens declare their religion on new, standardized identity cards based on EU standards, which could be used for internal EU travel. Current identity cards contain a space for religion that may be left blank (Athens News, 02.06.2000:A03)[23].

Finally, in a press release published in July 2007, the Ministry of Justice released a statement in support of the government's policy, saying that neither compulsory nor optional recording of the holder's religion on ID cards is compatible with international agreements, particularly EU regulations and directives.[24] Therefore, the EU and its related institutions became the basic structure behind the socialist government that carried the issue into the agenda against the Church of Greece. The Church took every opportunity to prevent this reform and finally appealed once again to the ECHR, where it was rejected once again (Kathimerini, 23.12.2002).

According to PASOK and its supporters, keeping the religion section on the ID cards is against religious freedom and represents an obstacle to choosing religious belief and is totally against the values of a democratic state (Molokotos-Liederman, 2003:302-303). From the beginning, the government approached the issue from the perspective of democratic freedom and human rights, which is understandable regarding the party's left wing profile. A visible difference in the discourse used by PASOK during the early months of the discussions demonstrates the intention of the socialist government not to create this radical change against such a very fundamental institution. In fact, as will be

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[23] Also available at the website of US Department of State:
http://www.state.gov/g/drl/rls/hrrpt/1999/332.htm .Accessed on 10.04.2008
[24] http://www.nchr.gr/category.php?category_id=84. Accessed on 11.04.2008

explained later, electoral concerns made it very difficult for them to maintain their position.

First, the government tried to maintain a distance from the Church while at the same time making efforts to keep Greek politics balanced. To that end, they tried using a discourse that differentiated the ID card issue from the existing position of the Church in Greek politics (Athens News, 09.05.2000:A01). However, the change in the discourse appeared in early June. Expecting the Church to insist on protesting the implementation of the law, the government started to criticize the Church for being involved in politics. As the government's spokesman Reppas states:

> We have no political disagreement with the church. This specific measure cannot be the field for a political dispute or the exchange of political arguments. The church has its role, which is distinct from that of the state and it carries out its duties in that framework. The state cannot be the church's interlocutor on issues that do not involve the church and involve only the state (Athens News, 02.06.2000:A03).

This point of view was also adopted by the supporters of the ID card reform, who were stressing that Greeks are represented by an elected government (Molokotos-Liederman, 2003:303). Therefore, the Church's demands for a referendum and the rallies it organized in Thessaloniki and Athens were perceived to be outside its bounds. As the Prime Minister shared the same view, he accused the Church of "confusing identity cards with national identity":

> No one can deny that the data that will be included in police identity cards is the exclusive responsibility of the state. In addition, no one can seriously maintain that not listing religious affiliation offends in the least the faith of Greek Orthodox Christians. The confusion of police IDs with our identity as Greeks, our traditions, our history and the special role of the Greek Orthodox Church creates, intentionally or unintentionally, the grounds for the current tension (Athens News, 18.06.2000:A03)

The state's position was also unfazed when the Church threatened to start another petition. In a press release, the Ministry of Justice stressed that the law does not limit

the individual freedom[25]. Minister of Justice Stathopoulos mentioned human rights and stated "However many signatures are collected, the human rights of even one in 10 million Greeks cannot be abolished" (Athens News, 23.06.2000:A03).

Over the next two years of continued discussions, the Church of Greece carried the issue first to the Council of State and then to ECHR, but these attempts did not change the government's sense of maintaining a justified position. The awaited meeting between the Prime Minister and the Archbishop that took place in the year 2004 was a disappointment for the supporters of the Church on the issue.

4.1.2. The Church of Greece and Other Opposition to ID Cards

Apart from the Church, which has been portrayed as the primary source of opposition, the government's attempt to do away with the declaration of religious affiliation on identity cards also received a negative reaction from many politicians and clergyman in Greece. Some parts of the Greek society were not ready for the demands of the EU and in 1997 they organized an anti-Schengen campaign. During those protests, people showed that they perceive the EU as a threat to their Hellenic history and values (Athens News, 01.04.1997, A01). The polls show that in those three years there were no major changes in the opinion of Greeks on the ID card issue. According to a poll conducted by MRB after the rally held in Thessaloniki from 6-16 June 2000, 50.2% were opposed to the removal of the religion section from the ID cards, 11.2% were "probably opposed" and 10% favored the government's position (Athens News, 30.06.2000, A03).

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[25] Ministry of Justice in its press release on 14 July 2000. Available at http://www.nchr.gr. Accessed on 11.04.2008

Politicians were also divided, since for some of them such a change required taking political risk regarding the role of the Church in Greek politics. The former Minister of Culture, Evangelos Venizelos, saw the events as "an ill-timed and improperly organized confrontation over weighty issues" (Athens News, 11.05.2000). It was possible to see politicians, even the deputies from PASOK, criticizing their own parties. Stelios Papathemelis, one of the members of PASOK, states:

> Like the French Bourbon kings, I am afraid these people haven't learned anything…the Church in its 2000 year history has never backed down and it has never been defeated (Kathimerini, 18.07.2000).

New Democracy was the largest centre-right party and the opposition, and took a position against the government and EU:

> The issue is about to what extend we will protect our religious, societal and national traditions. The issue is whether we are surrendered or not without any resistance to Europe (Athens News, 26 May 2000).

Most of ND's ministers, and even the party leader, Costas Karamanlis, supported the rallies and the petition (Stavrakakis, 2002:32). As Stavrakakis mentions, although this may be perceived as normal regarding such parties in Europe supporting churches, "due to the absence of a serious religious cleavage in the Greek political system, this was a move of considerable importance in Greek politics" (Stavrakakis, 2002:49). The Greek Communist Party on the other hand, criticized the government by stressing that the real 'threat' is not the religion section on ID cards, but the fact that the policy is being directed by the EU (Athens News, 26.05.2000).

In the center of the opposition to the removal of religious affiliation from ID cards was the Church of Greece and its leader at the time, Archbishop Christodoulos, who had criticized the 1997 legislation before he was elected (Alivizatos, 1999:24). The Church's discourse regarding the religion-state relationship will be examined later in

detail. For the time being, only the Church's justifications for opposing the government's attempt and the reasons behind the actions taken will be discussed.

The Church, as part of the opposition to the ID card issue, supported those showed they were in favor of its veto to the government through protests in the streets. As a response to the government's calls for compromise, Church representatives posited the importance of public opinion, which represented a majority of Orthodox Christians (Athens News, 09.05.2000:A01; AP, 15.05.2000). As Christodoulos put it, "only one factor exists and this is the people that cannot and should not be ignored" (Eleftherotyria in Stavrakakis, 2003:154).

The Church's initial reaction reflected its intentions to stop the government, which it sees as a move of a socialist administration trying to "strip the nation of its religious identity" (Athens News, 26.05.2000:A01). The Church also accused the state of creating a dictatorship (Athens News, 26.05.2000:A01). Furthermore, Bishop of Alexandroupolis declared Justice Minister Stathopoulos as the "enemy of the Church" (Athens News, 26.05.2000:A01). The Church blamed the European Union as well, accusing it of trying to destroy the spirits of Greeks (Athens News, 30.05.2000:A01).

The Church's first offer of compromise was to make declaration of religious affiliation voluntarily (Athens News, 27.05.2000:A03). When the government rejected this proposal, the Church directed people to the streets in order to protest government's action perceived as 'efforts to make Greece a non-religious country' (Athens News, 07.06.2000:A02). However, the government again maintained its determination on the issue despite the high attendance at rallies in Thessaloniki and Athens. After that, the Church used Article 13 to oppose the government, which stated that "individuals have the right to freely express their religious beliefs' (Athens News, 29.06.2000:A03) and

organized people to sign a petition to demand a referendum based on Article 44 of the Constitution.

It was Christodoulos who perceived the government's attempt to remove religion from ID cards as offensive to the faith of the Greeks (Athens News 22.06.2000:A03). Although since the issue came to the agenda, it was explained that the removal of religious affiliation has nothing to do with the decline of religion in the society, Christodoulos insisted on using such a discourse to blame Europeans who, according to him, wanted to decrease the importance of Orthodox religion. Referring to the bar codes on the new ID cards, he said:

> First we are Greeks and then we are Europeans…a Greece cut off from Orthodoxy has no future…Greece will remain what it was…they closed the door. They insulted us…we accepted the humiliation with humility, with patience…but this humiliation, finally was aimed against you, God's people, because in the end we represent you…this might even change our flag because it has the cross on it…issue is not about identity cards but about faith…that identity cards will also carry bar codes hiding the number 666 the so called number of the Anti Christ…tomorrow they will enter your homes and see what you do and what you say (Kathimerini, 15.06.2000).

Christodoulos' discourse against government's attempt and Europe was getting tougher day by day, until he was accusing the modernizers of "building walls among people" (Kathimerini, 04.07.2000).

The Church's next attempt to do prevent the attempt of the Government of removing religion section on ID Cards was to claim to 'issue its own identity cards' which the government did not pay attention. The Church did not insist on this issue as well (Athens News, 06.03.2001:A02).

Besides the notion of the importance of religion for the Greek identity, the most striking argument put forth by the Church was that the government's position conflicted with the demands and wishes of the people. Christodoulos, at that point

criticized Smitis for being "stubborn', although most of the people were against the government (Athens News, 24.08.2001:A09). In the meantime, meetings held between the Church and state ministries did not have any effect on the discourse of Christodoulos. From 1997 to 2004, it is possible to see statements by Church officials based on the argument that new ID card policy is in conflict with Greek identity (Kathimerini, 26.03.2002).

Despite this resistence, after the rejection of the Church's application first by the Council of State then by ECHR, the Church started to lose its authority on the issue. This decline can be seen in the continuing debates on the ID cards issue where the Ministry of Education felt the need to explain that the removal of religion from ID cards did not intend to alter church-state relations in Greece. Epiphanios, the Church's spokesman, later apologized for his reaction to the Ministry officer for having said "We are Greeks and not Danes or Swedes to be acting like wimps" (Kathimerini, 28.02.2004).

The Church's opposition to the removal of religion from ID cards started to fade three years after the application of the law. However, the Archbishop, in a meeting with Prime Minister Simitis years later, still declared his opposition, mentioning the possibility of bringing this issue onto the agenda 'when the time is right (Kathimerini, 26.03.2004).

4.1.3. ID Card Controversy in Terms of Minorities

Minority communities in Greece, especially the Catholics and Jews[26], did not welcome the opposition from the Church of Greece, who stated that they would prefer a more laic practice in a country dominated by the Orthodox Christian religion (Athens

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[26] It is not possible to find any comment by the representatives of the Muslim minority of Greece.

News, 22.06.2000:A03). According to a report of the UN Economic and Social Council, '[the Jewish minority] seems to escape discrimination, but like the other minorities they do not favor the indication of religion on identity cards.'[27]

As discussed before, Article 13 of the Constitution stands as a protector of religious freedom in Greece. However, it was also an argument used by the Church of Greece to support their own position on ID cards, claiming that the act of the government is an obstacle against the 'right to freely express their religious convictions' (Athens News, 27.06.2000:A03). On the other hand, it is also a fact that, as Nicos Alivizatos expresses, in a religiously homogeneous country indicating religious affiliation on ID cards or any other official document "may be reasonably expected to hurt those who do not share the overwhelming majority's religious beliefs" (Alivizatos, 1999:32).

Considering possible reasons for wanting religious affiliation to be declared on ID cards, one can see that this could be discriminatory. However, there have been two different explanations of how the religion section on ID cards is used as a category of analysis. According to the first of these, mandatory declaration of religious affiliation was introduced by the Metaxas dictatorship in order to identify communists (Fokas, 2007:76). When it was frist enacted in 1969, declaration of religious affiliation was mandatory, though it became optional in 1986 for a short period, before once more becoming mandatory in 1991 (Fokas, 2007:77).

The second explanation assumes that the practice began during the Nazi occupation in 1941 in order to distinguish Jews from other citizens (Stavrakakis,

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27 UN report of the special rapporteur (economic and social council) 30.12.1996. Paragraph 50 available at http://daccessdds.un.org/doc/UNDOC/GEN/G97/100/15/PDF/G9710015.pdf?OpenElement. Accessed on 11.04.2008

2003:168). It is necessary to remember that many Jews at that time were saved from Nazi prosecution by having their religion registered as Hellenic Orthodox, and several Greek officers helped them with this[28]. The Jewish Museum in Athens has a collection of original documents which provide strong evidence in this matter. As those documents show, the Bishop of Thessaloniki (Gennadios), the Bishop of Volos (Ioakim), and several other bishops helped Greek Jews by both protecting their places of worship and protesting against the Nazi regime. Moreover, in the memorandum issued on 23 March 1943 by Archbishop of Athens Damaskinos asked the government to intervene with the authorities of the occupying forces to stop the persecution of Jews. He also reminded the government about the related clauses of the capitulation treaty signed in 1941 stating that "the Occupation Authorities undertake to protect the honor and property of all Greek citizens making no distinctions whatsoever" (The Jewish Museum of Greece, 2002)[29].

This memorandum, and a second one issued on 24 March 1943 (The Jewish Museum of Greece, 2002), had no effect in terms of stopping the persecutions; however, the Archbishop of Athens continued to cooperate with the Chief of Police of Athens, Angelos Evert, to issue fake ID cards for Jews that stated "Orthodox" in the religion section.[30]

Considering those explanations, it seems that the religion section on ID cards was in place before the Nazi occupation, probably initiated during the Metaxas regime, and was used to protect the Greek Jews at the time of Nazi occupation. This application, which in both cases preserved its discriminative nature, became mandatory with Law

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28 http://daccessdds.un.org/doc/UNDOC/GEN/G97/100/15/PDF/G9710015.pdf?OpenElement.. Accessed on 11.04.2008
[29] The original memorandum can be found in Appendix IV.
[30] Samples of those ID cards can be found in Appendix IV.

87/1945 (Molokotos-Liederman, 2003:296) and continued to be in conflict with the Church's defense of the religion section. The first to criticize the existing laws was the European Parliament, which did so with a resolution issued in 1993:

> Whereas the compulsory mention of religion on identity documents violates the fundamental freedoms of the individual as set out in the Universal Declaration of Human Rights and the European Convention on Human Rights.[31]

The Ministry of Justice was pointing to the danger of discrimination caused by declaration of religious affiliation, either compulsory or optional, saying that it "would give rise to an unjustified restriction on religious freedom." [32]

When ECHR was stressing the problems of non-Orthodox minorities in Greece (Kathimerini, 28.06.2000), ECRI was addressing these problems it its reports:

> This would hopefully have the effect of limiting over or convert discrimination against members of non-orthodox religions who may in some cases considered as less 'Greek' than Orthodox ethnic Greeks (ECRI first report on Greece, 1997:9).

Demonstrations related to the ID card issue witnessed people chanting slogans such as "Christodoulos will lead us", "Greece is Orthodoxy" and even "Jews Out", which reflects the situation of minorities as Greek citizens (Athens News, 22.06.2000:A03).

The Jewish community had to make an explanation after the accusations brought forward by Christodoulos, such as: "Do you know who is behind the Identity Card issue? The Jews… And we have proof of this for the first time" (Athens News, 22.06.2000:A03). The Jewish community in return stated that they were against the declaration of religion on ID cards, however they had not contributed to the decision making process (Athens News, 22.06.200:A03). The Archbishop's remarks provoked

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[31] http://daccessdds.un.org/doc/UNDOC/GEN/N96/314/39/PDF/N9631439.pdf?OpenElement. Accessed on 11.04.2008

[32] Ministry of Justice in its press release on 14 July 2000 Available at http://www.nchr.gr. Accessed on 11.04.2008

attacks on Jewish property and on the streets of Athens and Thessaloniki people shouted neo-Nazi slogans and destroyed gravestones in the Jewish cemetery.

The Jews have always emphasized that they favor the removal of religion from the ID cards, and in fact, they are not the only minority to make this demand. The lack of reaction from other minority communities does not necessarily mean that they approved the existence of religion section on ID cards. Other minorities, and especially the Catholics, were also uncomfortable with having their religious affiliation stated on official documents.[33]

Archbishop Christodoulos emphasized the importance of Orthodox Christianity in Greek identity, and in this respect equaited the removal of religion section with reducing the importance of Orthodox Christianity, disregarding the non-Orthodox citizens of Greece. This behavior was criticized by Constantine Dafermos, the head of the newly formed public institution in charge of data protection. He says, "There are fears that this would isolate the members of minority groups. The Church, however, argues that Christian Orthodoxy and Greek identity are one" (Kathimerini, 18.07.2000).

Among all arguments advanced by Jewish and Catholic communities for not supporting the Church's protests against government (Athens News, 22.06.2000:A03) the most remarkable one was that the Church of Greece prompted the signatories of the petiton to put an "XO" sign (the initials of the Greek word Χριστιαωός Ορθόδοξος) next to their names, implying that the person was Christian Orthodox. This act of the Church was perceived as further religious discrimination and its legality was questioned by state ministries (Athens News, 10.11.2000:A03).

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[33] International Helsinki Federation for Human Rights: http://www.ihf-hr.org Accessed on 11.04.2008

4.1.4. Discussions on Religion-State Relations

The ID card discussions that overburdened Greek politics for nearly three years have an important place within the context of religion-state relations in Greece. Although it was not the first time that religion-state relations were criticized, the ID card debate can be seen as a turning point in the state's relations with the Church. As Stavrakakis also stresses, "it was the identity cards issue that led to a radicalization of the Archbishop's discourse and to the necessity to address the people directly"(Stavrakakis, 2002:37). For this reason, politicization of the Church's discourse and its implications in terms of religion-state relations will be examined here.

Before the reform, Greece was "the only EU nation that required citizens to declare their religious beliefs and one of the few with state identity cards" (Associated Press, 15.05.2000). The government's success in enacting the law and its firmness in enforcing it despite the Church's political power proved to be a turning point in Greek politics. Christodoulos' comparison of the leadership qualities of Simitis with those of Papandreou shows us what the case was before:

> The late Andreas Papandreou was a political leader. In 1981 he proposed making civil marriages compulsory but when he saw the reaction of the church and the people he stepped back (Athens News, 24.08.2001:A09).

This comment of Archbishop Christodoulos was a clear interference to politics, which triggered a harsh reaction by the government. The government spokesman responded as follows:

> The government represents the people who elect them…the archbishop cannot and must not imagine that he can replace constitutional rule and popular sovereignty (Athens News, 24.08.2001:A09).

However, the leader of the Church did not agree. Christodoulos stressed that laws are not authoritative when people do not athere to them (Stavrakakis, 2002:39). From the beginning of the discussions, the Church's representatives put clearly that they are in favor of a "show of force" (Athens News, 26.05.2000:A01) against the government, and presented themselves as a major opponent against the government's attempts to remove religion from ID cards. Furthermore, they accused the government of intending to reduce the importance of Orthodox Christinaity within the Greek nation and of having dictatorial tendencies; they also labelled some of the politicians 'enemies of the Church' (Athens News, 26.05.2000:A01). This attitude increased the tension in the society (Athens News, 18.06.2000:A03). One of Christodoulos' speeches included the following statement:

> They want to make Greece publicly pretend to be atheistic so that it will be recognized as progressive, to appear as if it is denying history and traditions which are Greek Orthodox. Yes, our tradition passes through Orthodoxy both in terms of ethnicity and language (Athens News, 15.06.2000:A03).

Although government representatives took every opportunity to explain that the reform was only intended to protect personal information that could be used to discriminate against minority religions, Christodoulos did not change his stance, insisting instead on perceiving the issue as the government's attempt to diminish Orthodox Christianity. In another series of accusations, he said:

> You are acting in vain. The people of God will not follow…from the interwar period you have strived rabidly to raze the foundations of our spiritual life and you cannot manage to do so. Now you thought that your time had come that you would use the sword of power to accomplish your plans. You are deceived and will remain alone (Athens News, 15.06.2000:A03).

While some of the Church representatives characterized the attempt of the government as 'insulting' (Athens News, 11.06.2000:A03), others appeared to have forgotten that it is a process of influencing government policy and described the crisis between church and states as a state of 'war' (Athens News, 14.06.2000:A04).

An examination of newspapers articles published at the time allows us to find discourses where the line between the church and the state seems blurred. For instance, Church representatives can be seen blaming the government for being "bound by laws which conflict with sacred regulations" (Athens News, 11.05.2000:A01). More strikingly, Christodoulos expressed his displeasure with the Prime Minister's stressing the 'gentlemen's agreement' between the Church and the government (New York Times, 01.06.2000).

Christodoulos' justification of the position of the Church of Greece by implying that he had supported previous Prime Ministers gives us some clues regarding how powerful the Church has been in Greek politics:

> Until now we have been with the state on all issues with each of us playing distinct roles. But this does not mean that the Church is the servant of Caesar (Athens News, 22.06.2000:A03).

At this point, he takes a step further and defines the role of the Church in Greek politics as 'both the guardian of Greek national identity and a key defender of European unity' (Athens News, 30.06.2000:A3). The discourse of the Church, which threatens to "taking other measures" against the government unless it holds a referendum (Athens News, 02.09.2000:A02), apparently shows that the Church had crossed the line.

Here, in the case of ID cards, the government as an executive organ of the state applies a reform concerning removal of religion section on ID cards by implementing the law regarding protection of personal data. It is understandable in a democratic and religiously pluralistic society that people and intermediary groups protest the legislation issued by the government. As Christodoulos claimed in one of his interviews, there are also determined paths provided for influencing certain state authorities (Hellenic News Agency, 15.06.2000). On the other hand, what is discussed here is the point that

although the Church and other groups have the right to protest the new law, the discourses of Archbishop Christodoulos and other church representatives were so intense that they were perceived as an obstacle to a reform launched at the incentive of the EU. The Church representatives make one think about the existing relations between the church and the state.

The Archbishop thus had a tendency to represent himself as God's representative, acting on behalf of the people in a country were "religion and people are so close". By thus claiming to be authorized by God to speak on behalf of Greek people - and by expecting their support for such claims – he seems to be acting in a clearly political way (Stavrakakis, 2002:38-39).

The Church's influence on the division within PASOK in the reform debate also shows the problematic relationship between the church and the state. Stavrakakis explains this well in his article:

> On the other hand, many PASOK politicians and supporters remained skeptical and even wary of the so called "political cost" that such a decision would entail in the view of the influence of the Church on certain sectors of population (Stavrakakis, 2003:154).

One of Simitis' parliamentarians emphasized this "political cost" clearly by saying that "it would not be wise for any politician to contest an election where he would compete against the Archbishop" (Fokas, 2007:83)

One of the members of the European Parliament also confirm the impact of the Church of Greece in Greek politics and stressed that it is better for a politician not to comment even on issues that are indirectly related to the church (Fokas, 2007:81-82). The increase in the votes of extreme right wing party (LA.OS) from 3% to 14% in the elections in Athens and Thessaloniki held after the controversy was over has been

interpreted by many as the support of the Church of Greece for LA.OS. (Chrysoloras, 2004: 46).

The fact that the petition circulated in August 2001 was signed by a total of 3,008,901 Greek citizens was also striking because according to the polls, PASOK continued to enjoy a 60% support among the Greek people (Stavrakakis, 2003:155). The behavior of the Church of Greece should be easy to understand when the legal and historical position of the Church is considered. To end the discussion on religion-state relations in Greece in terms of ID cards one should quote Koliopoulos and Veremis:

> The identity card issue made the Church confront its predicament: either to carry its champagne against the government to its ultimate conclusion – separation of church and state– or to back off and lose face. Its representatives will probably fallow the more prudent course as they have always done in the past (Koliopoulos and Veremis, 2002:151).

4.1.5. Conclusion

PASOK's attempt to remove the religion section from ID cards in the 2000's, though in compliance with the EU orientation of the country, created controversy within Greek society. The Church of Greece was the main opposition to the removal of religious affiliation from ID cards. Although the religion section on ID cards was ultimately removed, a discourse analysis of both the supporters of and the opposition to this change leads us to a deeper understanding of the problematic relationship between religion and state, where the Church interferes in a political decision and creates a negative environment in terms of religious freedom, which in turn creates a possible threat to individuals especially the ones belongs to the minority communities as far as religion-state relations are concerned.

4.2. ID Card Debate in Turkey

The removal of the religion section on ID cards topped the agenda in Turkey during the summer of 2000, the same year it did in Greece. In fact, there was already a plan in progress to refashion identity cards with regards to international standards, which had begun on 5 May 1972 with Law 1587 under the MERNİS project (Central Population Administration System). This project, organized by the State Planning Organization (DPT), was placed under the authority of Middle East Technical University, which worked on the project until 1996 when a special commitee was provided for this project. Although it did not bring about major changes, the MERNİS project came to Parliament's agenda again in 2000.[34] This time, it highlighted the removal of religion section on ID cards. This can be seen as the starting point of the ID card discussions in Turkey.

These discussions, however, have rarely been mentioned in the Turkish press. Following the slow pace of certain laws in that sense, one can understand the state policy towards religion clearly, and this also provides us with evidence of the relationship between religion and state in the period in question. However, before concluding that it is the policy of the governments in power, it is important to discuss the history of developments regarding the ID card issue, such as when the religion section was introduced and what kind of adaptations were implimented until the discussions returned to the agenda.

The first ID cards were issued in 1889, during the Ottoman period,[35] although there is no evidence indicating whether they included the religion section or not. After

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[34]TBMM Tutanak Dergisi 15 Mart 2003 available at http://www.tbmm.gov.tr/tutanak. Accessed on 11.04.2008
[35] They were named as "kafa kağıdı" (literally "head paper") since they mostly cotained incorrect information . See: http://www.nvi.gov.tr/Hakkimizda/Tarih.html. Accessed on 11.04.2008.

the arrangements in 1905 with the first general census, all the geneologies were updated such that they included religious affiliation as well. However, due to the lack of evidence it is not possible to acertain whether the religion was included in the documents that people were obliged to carry on their person. The turning point came with the "Sicilli Nüfus Kanunu (Population Law)" in 1914 and the subsequent regulation called "Sicilli Nüfus İdarelerinin Teşkilatı İle Memurların Vezaifini Mübeyyin Nizamname"(Population regulation) issued on 2 April 1915.[36] According to Article 3 of the Law of 1914:

> The population registry will be issued with the names and the titles of men and women, stating the religion of the Muslims and the religion as well as the sect of the non-Muslims and to which community they belong, and the name of their father and birth place.[37]

This regulation introducing religion section on ID cards continued to be used after the establishment of the Republic of Turkey. The Turkish Civil Code was adopted in 1926 and this law could only be reformed with Law 1587, issued in 1972, which also introduced the MERNİS project. In fact, this law abolished the "Sicilli Nüfus Kanunu" and its regulations with Article 64, but the latter continues to be the legal background for the religion section in Article 43.

During the first years of the current decade, the Ministry of Internal Affairs proposed that new ID cards be issued as a part of MERNİS, which revived discussions of the subject. The cabinet decided to begin the implementation of MERNİS project within five years time (Hürriyet, 04.08.2000). The draft of the reform, which was submitted to the Cabinet on 3 August 2000, included the controversial removal of religion section on ID cards (Radikal, 04.08.2000). The Cabinet therefore offered to

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[36] See: 1979/4 decision of constitution court and also the web site of Directorate of Population and Citizenship Affairs : http://www.nvi.gov.tr/Hakkimizda/Tarih,Gen_Mud_Tarihce.html?pageindex=0. Accessed on 11.04.2008

[37] All the translations from the Turkish documents belong to the author.

settle a commission for this draft as a result of the opposite views in the Cabinet that was composed of DSP (Democratic Left Party), ANAP (Motherland Party) and MHP (Nationalist Movement Party), three parties of which is the first is left-leaning and the others are center-right and right-leaning respectively. The commission, headed by Sadettin Tantan (ANAP – Minister of Internal Affairs) consisted of Enis Öksüz (MHP - Minister of Transportation) and Yaşar Okuyan (ANAP - Minister of Labor and Social Security), commenced its work on the draft in May (Milliyet, 05.08.2000).

Although the MERNİS commission started to investigate which changes were to be included in the new ID cards, there has been no significant progress, especially on the discussion over whether to remove the religion section. This does not mean that the project has failed: there have been many changes applied in terms of adapting the ID cards to international standards. However, concrete steps with regard to the issue of religion on ID cards were only possible after 2003 when some articles of the Population Law have been amended.[38] (Law 1587/1972)[39]. However, there were still no changes regarding the religion section[40], which was preserved in Article 43[41].

In the meantime, with the effect of EU reform process, General Director of Population and Citizenship Affairs Cengiz Aydoğdu announced that there would be changes to lift the necessity to prove one's religious affiliation (Radikal, 06.01.2004). Nevertheless, it was still ambiguous whether or not the religious section would totally be abolished or would be made optional.

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[38] Official Gazette 20.03.2003. Accessed on 11.04.2008
39 Official Gazette 16.05.1972 no:14189 also available from:
http://www.hukuki.net/kanun/1587.15.text.asp. Accessed on 11.04.2008
[40] Example of the current ID card can be seen in the Appendix V
[41] Articles that are partially changed are 16,23,52 and the ones that are totally changed are 43,53,57,58.
see: http://www.tbmm.gov.tr/tutanak/donem22/yil1/bas/b047m.htm p32 .Accessed on 11.04.2008

Today, despite the promises of MERNİS, Turkish citizens' ID cards still include the religion section, although it is not mandatory. Article 35 of the new population law (Law 5490/2006, introduced on 25 April 2006)[42] clearly states: "demands in the family trees related to the religious affiliation records are to be changed, left empty or deleted at the written statement of the individual."

The difficulties currently faced with regards to the enforcement of the new law seem to be the reason behind the critiques, which include ECRI's reports strongly criticizing the continued existence of the religion section on ID cards. These critiques are mainly backed by minority associations, who point to the necessity of removing the religion section from ID cards. Before further examining the current state of discussions, it is necessary to focus on the government's justifications for introducing this reform, and the arguments of the opposition.

4.2.1. Supporters of Changes in ID Card Policy

The reform that accelerated the implementation of the MERNİS project was pioneered by the Ministry of Internal Affairs of the 57th Turkish Government; it was a three-party coalition between DSP, ANA, and MHP. Although it is known that the discussions about the declaration of religious affiliation started in the perviously mentioned Cabinet meeting, the reform pact was received favorably only by the ministers of ANAP and DSP.

The first draft submitted to the Cabinet included the removal of the religion section, which was justified by referring to the countries that already have the reform in place. As the Minister of Internal Affairs stated:

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42 Official gazette 29.04.2006 no:26153 also available from http://www.tuik.gov.tr/jsp/duyuru/adnks/dosya/kanun/nufus_kanunu.pdf. Accessed on 11.04.2008

> The view of our ministry is not to keep religion, marital status and blood group in the ID cards. This information does not exist anymore in the ID cards in the world, especially in USA and Europe (Hürriyet, 04.08.2000).

However, no other news appeared in the press that could be considered a continuation of the government policy on the issue. The legislation issued in 2003 included major reforms in the Population Law (Law 1587/1972), which was also evidence that the religion section was left outside the scope of the changes made.

The role of the EU in accelerating the reform package, which had been on the agenda since 1972, should not be neglected. During the three year period after the Population Law was revised in 2003, the pressure exerted by the EU was effective in this respect, which eventually got the reform placed prominently on the agenda. While the EU reform process gained momentum in 2004, declarations made by related authorities signaled of a coming change with regard to the religion section on ID cards. The ECRI report was one of the more effective criticisms that forced the AKP government to revise the Population Law. According to the report published on 15 February 2005:

> There is still room for improvement in the matter of religious freedom, in particular as regards removing the reference to religion on identity cards and abolishing compulsory religious education in schools (ECRI, 2005:6).

When the bill was first issued, neither the government nor the opposition welcomed the report of the European Council; however, the government still began to work on the controversial laws. Although at the beginning of the discussions the government was proposing to remove the religion section completely, the draft that was announced after the ECRI report did not include the removal of the religion section, but rather supported optional declaration. CHP deputies and most of the AKP deputies declared their support for the draft at this stage, stressing the compatibility of its provisions with

EU norms (Milliyet, 26.02.2006). The law that was eventually passed by parliament on 25 April 2006 included the optional declaration of religious affiliation.

Examining the news articles on the draft of the reform submitted to the Cabinet (Hürriyet, 04.08.2000) and the relevant parliamentary records[43], one can conclude that there has been no major controversy over the issue in Turkey as compared with that of the Greek case. Yet the removal of the religion section supported by ANAP and DSP in 2000 somehow did not come to the agenda with the 2003 reform of the Population Law. The issue returned in 2006; this time, despite EU pressure, optional declaration was supported and signed into law by the AKP government.

4.2.2. Opposition for Removal of Religion on Identity Card

When the Ministry of Internal Affairs submitted the proposal to the Cabinet in 2000, MHP as a conservative righ-wing party was opposed to the idea of an ID card without the religion section. For that reason, the Cabinet established a commission to discuss what the new ID cards should include, and whether the religion section should be included (Radikal, 04.08.2000).

The then chairman of the conservative *Fazilet Partisi* (Virtue Party), Recai Kutan, was also opposed to the proposal, suggesting optional declaration of religious affiliation instead, a position he justified by stressing the benefits of preserving the religion section on ID cards as follows:

> Let us imagine that someone has died. The treatment of the dead is different for Muslims and Christians. I want my religious identity/affiliation to be stated very clearly. Nobody has the right to ignore this. However, if someone comes up and says that he does not want religion to be stated on his identity card or even if he says that he does not have a religion, that would be perfectly within his rights (Milliyet, 05.08.2000).

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[43] See: http://www.tbmm.gov.tr/tutanak 47th 91st and 93rd meeting. Accessed on 10.01.2009.

The other argument favoring inclusion of the religion section emphasized religious freedom. Some of the columnists in newspapers were also in favor of the optional declaration stressing that it is the indicator of religious freedom and should be kept for the people who want to declare their religious affiliation (Zaman, 17.02.2005).

After the commission was established, the government did not stand behind its original plan to remove the religion section and subsequently legislated a new Population Law that provided for the optional declaration of religious affiliation on ID cards, amove which concerned minority groups. An ANAP deputy, İbrahim Özdoğan, explained the justification for the optional declaration in the parliament:

> I am Muslim and my faith is among the most important determinants of my identity. My personal preference would be that there is a religion section on my ID cars, where 'Islam' would be written. My ID card should serve the purpose of defining my identity; this is what I prefer. However, there were some people who were unhappy with this or wanted to use this in order to initiate a quarrel. There were citizens who did not want "Islam" to appear in the religion section of their ID Cards and a great fuss was made out of this. There were pointless discussions that did not benefit our country whatsoever. Looking at the issue from this perspective, we believe that making the statement of religion on ID cards optional would be appropriate.[44]

Finally, MHP maintained its position by criticizing the government's decision to make declaration of religious affiliation on ID cards optional. Mehmet Şandır, the then vice-chairman of MHP's parliamentary group, pointed to the EU dimension of the reform issues and summarized the reasons for his party's opposition:

> We cannot accept anything that is demanded by the European Union. This is nothing but submissiveness. We must keep the values that hold the society together alive, even if it is only in appearance" (Haber7, 28.02.2006).

Opposition to the removal of religious affiliation on ID cards came therefore not only from groups that opposed EU intervention in the society but also from those who were in charge of this reform and who believed that Islam as a religion should be kept on ID cards in a society which has such an overwhelming Muslim majority.

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[44] See: http://www.tbmm.gov.tr/tutanak 91st meeting p.27. Accessed on 10.01.2009.

4.2.3. ID Card Controversy in Terms of Minorities

The existence of the religion section on ID cards has been criticized by several human rights organizations on grounds of discrimination. In the Turkish case, as in the Greek case, minority populations appear to have been most harmed .US reports, starting from the year 2001, criticized the problems related to the declaration of religious affiliation on ID cards in Turkey.[45] ECRI was also following the developments in Turkey regarding the issue and criticized the discriminative nature of the law:

> This practice may in certain circumstances invite intolerance and discrimination even when members of minority religions are not recognizable on the basis of their appearance (ECRI, 1999:prg 15).
>
> ECRI reiterates its call for the abolishment of this requirement as it may, in certain circumstances, invite intolerance and discrimination (ECRI, 2001:prg 10).
>
> Furthermore, it is not possible to indicate a person is an atheist (ECHR, 2005:prg 28).

Thus, the religion section on ID cards was deemed a hinderance to religious freedom and was brought before the Constitutional Court several times, both before and after the new legislation. However, in both cases[46], the court decided that the religion section was not against the Constitution. Articles of the Turkish Constitution thought to be "not in conflict"[47] with the existence of a religion section in ID cards are Articles 2 and 24, which stress the 'laic' nature of the state and imply that nobody can be compelled to declare his or her religion. Yet, according to the Constitutional Court, what is important was not whether religion is declared in an official document or not, but rather whether

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[45] US state reports 2001-2007: http://www.state.gov/gr Accessed on 10.01.2009
[46] One of them took place in 1995 and is known as 'bahai' decision. Both decisions are available at: http://www.anayasa.gov.tr/eskisite/KARARLAR/IPTALITIRAZ/K1979/K1979-44.htm http://www.anayasa.gov.tr/eskisite/KARARLAR/IPTALITIRAZ/K1995/K1995-16.htm. Accessed on 12.04.2008
[47] http://www.anayasa.gov.tr/eskisite/KARARLAR/IPTALITIRAZ/K1995/K1995-16.htm p. 9. Accessed on 10.01.2009

religion is abused or not. Although the court rejected the cases it is important to look at the appeals. For instance, in a case rejected by the Constitutional Court in 1995, then President Ahmet Necdet Sezer mentioned Article 15 of the Constitution, which reads "even in times of war, mobilization, martial law and state of emergency, no one can be compelled to reveal his or her religion"[48]. In the same case that was concluded with five votes dissenting out of 16, four dissenting opinions cited the conflict between the mentioned articles of Population Law and the Constitution.

The new Population Law that was enforced in 2006 was prepared as a response to the criticisms coming primarily from Europe and was supposed to legalize the optional declaration of religion on ID cards, although it still included obstacles to the citizen's ability to change what was written in the religion section or to leave it empty. For this reason, it did not satisfy the demands of minorities who favored the removal of the religion section from ID cards.

The new law's main problem is the arbitrariness of its enforcement. Although it's no longer required to obtain approval from the related religious community, differences in interpreting the existing law, which requires one to go to the court and officially demand that the religion on his or her ID card be removed, gives the state the power to reject the application. Article 35 of the law is clear in that sense:

> Unless there is a conclusive court order, no population record entries can be changed and no annotations that would change the meaning and contents of the entries can be added. However, if there are material mistakes that occurred when entries were made into family registers, these can be corrected in an appropriate way by the civil registration office in accordance with the relevant reference document (Law 5490/2006).

Although the second paragraph of Article 35 limits the first, and states that the religion section on ID cards can be changed upon the written demand of the individual, the the

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[48] http://www.anayasa.gov.tr/eskisite/KARARLAR/IPTALITIRAZ/K1995/K1995-16.htm p.14. Accessed on 10.01.2009

actual application of Law 5490/2006 mostly victimizes minorities. Examining the newspapers and official bulletins published by minority associations, Alevi minorities appear to be the most dismayed group[49]. Alevis are not recognized by the Turkish State and they had to declare their religion as Islam before the Population Law was legislated in 2006. However, they proceeded to stress their displeasure with the new law, insisting that to the section needs to be removed all together[50]. As the General Secretary of Alevi-Bektaşi Federation stresses, the new law still requires a declaration of religion (Vatan, 08.05.2006).

The Alevis' demand, which was rejected by the state on grounds that Alevis are recognized not as a separate religion but as a religious sect, is a response that can be seen as well in the past. There are examples of individuals who have indicated sects in the religion section of ID cards[51], and in fact there have been even cases when ID cards included an additional section for sects.[52]

Despite the fact that that it is not possible to see any collective demand from other religious minorities, such as the Christians and Jews, the arbitrary nature of the law's enforcement shows how meaningless it is to allow optional declaration of religion; it does not provide sufficient protection of religious freedom not only for minorities but also for other citizens.

It is possible to see a few cases of removing religion from the ID cards before the law was introduced in 2001. The application filed by Yüce Atahan, who demanded

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[49] Whether Alevi is the name of the religion or not is a matter of some debate; however, although it is perceived as a sect, we see that in IDs inform as late as the 1950s, there is also a sect section in ID cards which can be filled as 'orthodox' as a sect of Christianity. What does this have to do with Alevi????
[50] Available from http://www.alevifederasyonu.com/index.php?option=com_content and task=category and sectionid=8 and id=20 and Itemid=251.Accessed on 12.04.2008.
[51] See Appendix V for an example of ID filled with sect of Christianity
[52] See Appendix V for an example of ID including the section for sects

"Islam" be removed from his ID card, was approved by the court, although his demand to replace it with "Shaman" was rejected. This case shows that although in the Bahai decision the Constitutional Court announced that it is possible for a person to change his or her religion in the ID cards by applying to a court, and stressed that there is no such a thing as a known religion[53], courts may still decide arbitrarily.

The reports of the US Department of State also point to the fact that problems continued even after the new law was passed:

> However, it appeared that the Government may restrict applicants' choice of religion; members of the Bahai community said government officials had told them that, despite the new law, they would not be able to list their religion on the cards.[54]

The most recent developments regarding the issue support this situation. Sinan Işık, who wanted to replace "Islam" on his ID card with "Alevi", but was rejected by the court, which based its decision on DRA's practice of not recognizing the Alevi sect as an eligible religion, carried the case to the ECHR (Radikal, 29.09.2004; Ntvmsnbc.com, 06.02.2008). It is impossible to anticipate the decisions of the ECHR; however, one can clearly see that the discussions on ID cards today evolve around the demands of the minorities.

4.2.4. Discussions on Religion-State Relations

The debate over the attempt to remove religion section on ID cards can help us further understand religion-state relations in Turkey. It is difficult to find any explanation in the parliamentary records and newspapers on how the removal of religion section in the first reform package of MERNİS in 2000 was turned into optional declaration in the Population Law of 2006. Each time the Ministry of Internal Affairs

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[53] http://www.anayasa.gov.tr/eskisite/KARARLAR/IPTALITIRAZ/K1995/K1995-16.htm p.8 Accessed on 10.01.2009.
[54] http://www.hri.org. Accessed on 10.01.2009

offered a reform draft, either in 2000 when the package included the removal of the religion section or after the reform was legislated with the optional declaration of religious affiliation on ID cards in 2006, there has not been a satisfactory debate either in the Parliament or in the public opinion regarding the absence of discussions in the parliament and in the press and finally lack of new laws in order to change older situation. It is only possible to see the criticisms by the European Council,[55] as an actor which accelerated the reforms on ID cards towards the removal of religion section on ID cards, and the displeasure of minority associations even after the law was legislated.

Meanwhile, the arguments made by the ministers and parliamentarians can be categorized in three groups. According to the first argument, religious declaration during the funeral arrangements is not sufficient, therefore religion should be declared on ID cards. Secondly, some believe that there is no harm in stating religion on the ID cards since there is freedom of religion. Finally, it is argued by the opponents of the removal of religion on ID cards that it is the EU intends to damage Turkish identity by putting pressure on the government to make these reforms.

Considering the consequences for minorities, on the other hand, obstacles to applying the new law are indicating that there is a problem with respect to religion-state relations and the freedom of religion in a country that claims to be laic and tries to fulfill the demands of an organization to which it is a candidate for accession. The only strong supporter of the removal of religion section seems to be the minority groups, especially the Alevis and the representatives of Alevi associations, who continue to show their displeasure for the optional declaration of religious affiliation. Although the government

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[55] It is beneficial to mention in that point that the criticism is in fact coming from the European Council, however, since the decisions of European Council are regarded as European norms, here it is stressed as the criticisms from EU.

eased the way for optional declaration of religious affiliation by lifting the requirement of approval from the related religious institution, there are still obstacles for people who want to change their religious affiliation on their ID cards or leave it empty.

All in all, it is not possible to see many clashes of different ideas in the Turkish case, and it is also difficult to find intensive discussions, either in the press or in the Parliament, particularly compared to the Greek case. This relative silence should not be interpreted as a lack of opposition, but rather it should be regarded as a lack of a strong supporter base for the removal the religion section from the ID cards. This low level of discussion on the issue is evidence of the intention to preserve current status of religion-state relations.

4.2.5. Conclusion

The attempt to remove the religion section from Turkish citizens' ID cards, which proceeded in line with the regulations towards EU accession from early in 2000 and was finalized in 2006 with the optional declaration of religious affiliation, did not create significant conflict in Turkey. Even the governments that attempted to apply the reform within the context of the EU accession process failed to effectively support the proposal. However, the lack of the debate itself demonstrates the controversial aspects of Turkey's religion-state relations.

Although Turkey has claimed to be a laic state since the earliest days of its existence, a law draft that allows one to not declare his or her religious affiliation can still be criticized for being in conflict with the Turkish Constitution. Despite decisions of the Constitutional Court to reject the notion that the existence of a religion section on ID cards is in conflict with the articles of the current Constitution, arbitrary enforcement of the law creates unfavorable conditions, especially with respect to religious minorities.

Considering the dissenting opinions vis-à-vis the decisions of Constitutional Court, the current situation is tied to the upcoming/anticipated decision from the ECHR for the Işık case discussed above. This shows us that discussions regarding the removal of the religion section from the ID cards are likely to continue in the future.

5. CONCLUSIONS

Religion-state relations are in a state of reconstruction in most states today due to the changing structure of the populations under their jurisdiction and the need to solve the increasing problems that arise due to the states' failure to cater to the demands of their citizens. Demands concerning religious services are among those waiting for a solution.

Understanding the journey of the concept of religion-state relationships, from secularization to mutual independence of religious institutions and the state, is necessary in this reconstruction process. Therefore, above all, in order to construct the theoretical framework, this study focused on what seculatization means today and whether or not it is still an important determinant for the nation-states. According to that, many states are trying today to establish religion-state relations that are suitable for their own systems and are abandoning the idea that states are ought to reduce the importance of religion in the society and accepting the idea that religious authorities should have their own space.

This is one of the subjects that could lead to trouble for both Greece and Turkey within the context of the EU membership. Regarding the EU orientation of these states as their common denominator, this study was an attempt to compare the status of religion-state relations in those countries, placing them within the EU model.

Here, the very first question that comes to one's mind is whether EU member states have a common pattern of religion-state relations, and whether EU as an institution has regulations to promote this common pattern. Considering the different models that are applied throughout Europe, such as separation, concordat and national church, one may conclude that there is a lack of a common pattern in Europe. However,

despite these different models, there are also common characteristics of those countries which provide religious freedom, non-discrimination and an independent sphere for religious institutions. With the EU regulations, this trend seems to take the shape of a "spirit of cooperation" and gives us the sense that there is a common pattern.

The second question that requires an answer is whether Greece and Turkey are close to this common pattern. A thorough examination of this issue covering all of the parameters could fill a book, or even a series of books. However here in this study, specifying the subject with the recent event of the ID card controversy that both countries have experienced, one can still have strong indications of the status of religion-state relations in Greece and Turkey.

Although the Greek government ultimately removed the religion section from the ID cards, intensive discussions that took place during 2000 and 2001 reflect the impact of religion in Greek society and politics. Those discussions demonstrating the historical importance of the Church of Greece in state formation period make the politicians, who emphasize reforme of church-state relations, think twice and reconsider the political cost of entering the next elections without the Church's support.

Turkey, on the other hand, claims to be laic, both in the Constitution and in its discourses, yet it still retains the religion section on the citizens' ID cards. Despite the efforts to remove religion from all spheres, Islam still remains the main uniting element of the Turkish society. Since the political view of all parties is limited regarding the background of the religion-state relations in the country, it is not possible to talk about any determination on behalf of the government regarding the removal of religion from ID cards. Ohe should remain mindful that the religion section on ID cards has existed since 1914, is not totally abolished even today and was only brought to the agenda due to pressure from the EU. This attitude of the Turkish state, which also highlights the

minority problems, can be perceived as a result of the state's utilization of religion as a tool for controlling the society, which in turn makes us question the relations between state and religion.

What is striking at this point is that as countries aspiring to comply with EU norms, both Greece and Turkey have problems in constructing religion-state relations, yet they end up in two extremes. At the one hand, Greece, which throughout its history assigned the role of defending the values of nation to the Church of Greece, has today a church which is above the state. The Church of Greece legitimizes itself and its demands for the continuation of privileges in the Constitution by claiming to be the source of national unity (Molokotos-Liederman, 2003:292) and the main source of identity and unity within the Greek state (Koliopoulos and Veremis, 2002:143). These demands of the Church find their meaning in the Constitution and have negative impacts concerning the religion-state relationship, turning the religious authority into the biggest obstacle in front of the state.

In fact, the power of the Greek Church was not questioned since the purpose of the Greek State was to create a dependent church with the "myth" of the Church of State as the protector of the nation (Koliopoulos and Veremis, 2002:149). However, today the Church is perceived as being in conflict with the Greek State, which aims to fulfill the demands of the EU (Fokas, 2007:69), and this results in an image of Greece that still cannot keep in step with the Western values since religion is still the most important element.

On the other hand, Turkey has always tried to remove religion from the political sphere, yet in fact religion survived as the uniting element of the Republic and remained under the control of the state. From the foundation of Republic of Turkey onwards, laws

regarding religion-state relations were enacted one by one. Religion was not included in the Constitutions after 1928 was it was also not the reference point of the Republic. Moreover, those laws in the Constitution, which aimed to guarantee the individuals' freedom of religion as well, were attempts to separate religion and politics. However, regulations and practices have led us to a very different point, where, by being organized under state authority, religion is not actually separated from the state affairs, but is used for state interest.

The role of the DRA is among the critiques of religion-state relations in Turkey. The way that the DRA functions reflects the attempts to control religion through forming a Turkish national identity in a similar way to using army and schools (Yavuz, 2000:23). Therefore, the DRA can be understood as serving for re-politicizing Islam in order to support the nation building process (Smith, 2005:312). Despite the ongoing debate on the future of the DRA, whether it should become more representative, or abroagted, or become an autonomous institution, there is no change until today.

As a result, it should not be forgotten that the Turkish Republic, which rose from the ashes of an Empire where religion was the main characteristic used to define sub-populations/communities, aimed to eradicate the influence of religion. However, those state institutions, the DRA in particular, as well as the lack of sufficient mechanisms to protect the freedom of religion demonstrated that the control of the state over religion has not been eradicated. This is an issue, which, at the present day, makes religion-state relations subject to discussion in Turkey.

In both Greece and Turkey this issue created difficulties in terms of human rights and mainly affected the minorities who are always seen as being different from the majority. In both countries discrimination against 'other' religions are in effect. In Greece the 'prevailing' status of the Orthodox Christian Church negatively affects the

religious freedom of citizens, primarily minorities. In Turkey, concerning the unfavorable conditions of minorities and taking the international standards and the process of EU accession into account, it has to be said that the religion-state relationship needs to be reconstructed. Although these extreme statuses of religion-state relations and its human rights deficits can be based on the historical processes experienced ever since the foundation of the two countries, it is not difficult to conclude that both Greece and Turkey have still not established the common pattern of the 'spirit of cooperation', which is already in place for EU member countries.

In the light of the above discussion, one can conclude that what matters is not the model of the religion-state relations, i.e. whether it is separation or national church, etc; rather, it is the existence of the spirit of cooperation among all groups in the society and the ability to practice it. Regarding the recent issue of ID cards, neither of the extreme statuses of religion-state relations is helpful to create this "spirit of cooperation". Neither Greece nor Turkey seem to have adhered to this principle yet, they may achieve this position in the process of complying with EU standards.

Appendix I

Mentioned Articles of EU and Related Institutions

I) Amsterdam Treaty[56]

"Article 6a
Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may 25 take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation."

II) Treaty of EU[57]

Article 6
1. The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.
2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.
3. The Union shall respect the national identities of its Member States.
4. The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.

Article 13
1. The European Council shall define the principles of and general guidelines for the common foreign and security policy, including for matters with defence implications.
2. The European Council shall decide on common strategies to be implemented by the Union in areas where the Member States have important interests in common. Common strategies shall set out their objectives, duration and the means to be made available by the Union and the Member States.
3. The Council shall take the decisions necessary for defining and implementing the common foreign and security policy on the basis of the general guidelines defined by the European Council. The Council shall recommend common strategies to the European Council and shall implement them, in particular by adopting joint actions and common positions. The Council shall ensure the unity, consistency and effectiveness of action by the Union

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[56] http://www.eurotreaties.com/amsterdamtreaty.pdf. Accessed on 10.01.2009
[57]
http://www.dpt.gov.tr/abigm/abib/Antlasmalar/Consolidated%20Version%20of%20the%20EU%20Treaty%20(En).pdf. Accessed on 10.01.2009

III) European Convention on Human Rights[58]

Article 9

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or the protection of the rights and freedoms of others.

Article 14

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

IV) European Charter of Fundamental Rights[59]

Article 10: Freedom of thought, conscience and religion

1. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.

2. The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right.

Article 21: Non-discrimination

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

2. Within the scope of application of the Treaty establishing the European Community and of the Treaty on European Union, and without prejudice to the special provisions of those Treaties, any discrimination on grounds of nationality shall be prohibited.

Article 22: Cultural, religious and linguistic diversity

The Union shall respect cultural, religious and linguistic diversity.

V) International Convention on Civil and Political Rights[60]

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[58] http://www.hri.org/docs/ECHR50.html. Accessed on 10.01.2009
[59] http://www.europarl.europa.eu/charter/pdf/text_en.pdf. Accessed on 10.01.2009

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall

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[60] http://www.unhchr.ch/html/menu3/b/a_ccpr.htm. Accessed on 10.01.2009

not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Article 23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24

1. Every child shall have, without any discrimination as to race, color, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other

members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

Appendix II

Mentioned Articles in the Greek Constitution

I) 1975 Greek Constitution[61]

Article 2 [Human Dignity]
(1) Respect for and protection of human dignity constitute the primary obligation of the State.
(2) Greece, following the generally accepted rules of international law, seeks consolidation of peace and justice and fostering of friendly relations among Peoples and States.

Article 3 [Relations of Church and State]
(1) The prevailing religion in Greece is that of the Eastern Orthodox Church of Christ. The Orthodox
Church of Greece acknowledging as its head Our Lord Jesus Christ is indissolubly united in doctrine with the Great Church of Constantinople and every other Church of Christ of the same doctrine. It observes steadfastly, as they do, the holy apostolic and synodical canons and the holy tradition. It is autocephalous, exercising its sovereign rights independently of any other church, and is administered by the Holy Synod of Bishops and the Parliament Holy Synod which emanates from the former and is constituted in accordance with the Constitutional Chart of the Church and the provisions of the Patriarchal Document of 29 June 1850 and the Synodal Deed of 4 September 1928.
(2) The religious status prevailing in certain parts of the State is not contrary to the provisions of the
aforegoing paragraph.
(3) The text of the Holy Scriptures shall be maintained unaltered. The official translation thereof into any other linguistic form, without the sanction of the Autocephalous Church of Greece and the Great Church of Christ in Constantinople, is prohibited.

Article 13 [Religion]
(1) The freedom of religious conscience is inviolable. The enjoyment of civil and individual rights does not depend on the religious conviction of each individual.
(2) Every known religion is free and the forms of worship thereof shall be practiced without any hindrance by the State and under protection of the law. The exercise of worship shall not contravene public order or offend morals. Proselytizing is prohibited.
(3) The ministers of all religions are subject to the same obligations towards the State and to the same state supervision as the ministers of the established religion.
(4) No person shall, by reason of his religious convictions, be exempt from discharging his obligations to the State, or refuse to comply with the laws.
(5) No oath shall be imposed without a law specifying the form thereof.

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[61] http://www.hri.org/docs/syntagma Accessed on 10.01.2009

Article 16 [Education]

(1) Art and science, research, and teaching are free and their development and promotion constitutes a state obligation. Academic freedom and the freedom to teach do not override the duty to obey the Constitution.

(2) Education constitutes a fundamental state objective and aims at the moral, intellectual, professional, and physical instruction of the Greeks, the development of national and religious consciousness, and the formation of free and responsible citizens.(3) The years of compulsory schooling may not be less than nine.

(4) All Greeks have the right to free education in the state schools at all levels. The State supports outstanding students and those needing support or special protection according to their needs.

(5) University level education is provided exclusively by institutions which are bodies corporate of public law and fully self-governed. The said institutions are under the supervision of the State and entitled to financial support. They operate on the basis of the laws relating to their organization. Merging or fragmentation of the university level institutions may take place despite any provision to the contrary, as the law determines. The professors of the university level institutions may not be dismissed before the expiry of the term of their employment, as laid down by law, save under the essential preconditions specified in Article 88 (4) and following the decision of a committee comprising a majority of high judicial functionaries, as the law provides.

(6) Professors of the university level education institutions are public functionaries. The rest of the teaching staff thereof also holds public office, under the preconditions laid down by the law. Matters relating to the status of all the aforementioned shall be determined by the Rules and Regulations of the respective institutions. A law shall determine the age limit for the professors of university level institutions, and until such law be issued, the professors already employed shall depart ipso jure upon expiry of the academic year in which they attain their sixty-seventh year.

(7) Vocational and any other special instruction is provided by the State through schools of higher status and for a period not exceeding three years, as is specially laid down by the law which also determines the rights pertaining to the occupation of those who graduate from such schools.

(8) A law shall determine the preconditions and the terms under which permits for the establishment and operation of private schools are issued and matters relating to the supervision exercised thereover and the professional status of the teaching staff thereof. The establishment of university level schools by private citizens is prohibited.

(9) Sport shall be under the protection of and shall be supervised at the highest level by the State. The State shall subsidize and control association of sports clubs of any kind, as the law provides. A law shall also determine the disposal of the subsidies provided, in accordance with the aims of the associations which shall receive the same.

Article 18 [Special Cases of Property, Requisition]

(1) Special laws shall determine questions relating to the ownership and disposal of mines, quarries, caves, archaeological treasures, mineral waters, freely-flowing and subterranean waters, and the subterranean natural resources in general.

(2) A law shall determine questions relating to the ownership, exploitation, and administration of shoals and large lakes and those relating in general to the disposition of the areas reclaimed through the draining thereof.

(3) Special laws shall regulate the questions relating to requisitioning for the need of the armed forces in case of war or mobilization in order to meet urgent social needs which may endanger public order or health.

(4) The reallocation of agricultural lands with a view to improving efficiency of their cultivation and measures with a view to avoiding excessive fragmentation or facilitating the regrouping of the fragmented small holdings shall be allowed and effected in accordance with the procedure specified by special law.

(5) In addition to the cases mentioned in the aforegoing paragraph, a law may provide for any further

restriction on the free use and exploitation of property which may be necessary due to special circumstances. The law shall specify the obligor and the procedure whereby the price of use and exploitation shall be paid to the person entitled thereto, which must correspond to the conditions prevailing in each instance. Any measures remain in force without just cause, the Council of State at the request of any person having a lawful interest therein shall decide on the lifting thereof, according to the category whereunder the case falls.

(6) The law may determine the terms under which abandoned land can be disposed of with a view to the utilization thereof for the benefit of the national economy and the restitution of landless persons. The same law shall determine the question relating to the partial or full indemnification payable to the owners thereof should they reappear within a reasonable time limit.

(7) A law may establish compulsory joint ownership of adjoining real estate properties in urban areas provided that the separate development of them or of some of them is not compatible with the development requirements which are or may in the future be in force in the district in question.

(8) The agricultural property of the Holy Monasteries of Stavropigiaka of Saint Anastasia, the Pharmakolytria in Chalkidiki, the Monastery of Vlatades in Thessaloniki, and the Monastery of John the Evangelist the Theologian in Patmos, shall be exempt from expropriation; the provision does not apply to agricultural property situated outside the area of the monastery. Likewise, the property of the Patriarchates of Alexandria, Antiochia, and Jerusalem and that of the Holy Monastery of Sinai which is situated in Greece shall be exempt from expropriation.

Article 33 [Installation]

(1) The elected President of the Republic shall assume his duties on the day following expiry of the term of the outgoing President, and in all other cases on the day following his election.

(2) The President of the Republic shall take the following oath before Parliament, and prior to his taking office:

"I swear in the name of the Holy, Consubstantial, and Indivisible Trinity to observe the Constitution and the laws, to provide for the faithful observance thereof, to defend the national independence and territorial integrity of the country, to protect the rights and liberties of Greeks and to serve the public interest and the progress of the Greek People."

(3) A law shall determine the allowance payable to the President of the Republic and the operation of the services to be established for the discharge of his duties.

Article 59 [Oath]

(1) Before entering upon their duties the deputies shall take the following oath in the House of Parliament in public session: "I swear in the name of the Holy, Consubstantial, and Indivisible Trinity to be loyal to the Motherland and the democratic form of government, obey the Constitution and the laws and discharge my duties conscientiously."

(2) Deputies of other religions or dogmas shall give the same oath in the manner of their own religion or dogma.

(3) Deputies who enter upon their duties during the recess of Parliament shall take the oath before a
Department thereof which is in session.

Article 72 [Competences]

(1) The plenum shall discuss and vote upon the Regulations of Parliament and draft bills and private members bills relating to the election of deputies, matters specified in Articles 3, 13, 27, 28, and 36 (1), matters relating to the exercise and protection of individual liberties, the operation of political parties, the granting of authorization to legislate under Article 43 (4), Ministerial responsibility, the state of siege, the salary of the President of the Republic, the authoritative interpretation of laws according to Article 77, and any other matter to come under the plenum by virtue of a special provision of the Constitution or for the regulation whereof a special majority is required. The plenum shall also vote on the budget and the Annual Report of the State and Parliament.

(2) The first reading, the article by article, and the final reading and the voting upon all the bills or private members' bills may be carried out by a Department of Parliament, in accordance with the provisions of Article 70.

(3) The Department which shall vote on a draft bill or a private members' bill shall also rule finally on its competence, and it may refer any dispute to the plenum, by a decision taken by the absolute majority of the total number of the members thereof. The decision of the plenum shall be binding upon the Departments.

(4) The Government may introduce bills of major importance to the plenum instead of the Departments, to be discussed and voted upon.

(5) The plenum may demand, following a decision taken by the absolute majority of the total number of the members thereof, that draft bills or private member's bills pending before a Department be discussed by it and voted upon in the stages of the first, article by article, and final reading.

Article 110 [Limits and Proceedings]

(1) The provisions of the Constitution, save those which determine the basis and the form of government as a Parliamentary Republic with a President as Head of State and those of Articles 2 (1), 4 (1), (4) and (7), 5 (1) and (3), 13 (1) and 26 shall be subject to revision.

(2) The need to revise the Constitution shall be ascertained by a decision of Parliament taken following a motion by at least fifty deputies, approved by a majority of three fifths of the total number of deputies in two votes separated from each other by at least one month. The same decision shall determine in detail the provisions to be revised.

(3) Once the revision has been decided upon by Parliament, the following Parliament in its first session shall, with an absolute majority of all the members thereof, decide on the provisions to be revised.

(4) If the proposal for the revision of the Constitution be approved by the majority of the total number of deputies but not by the majority of three fifths specified in Paragraph (2), the following Parliament in its first session may decide on the provisions to be revised by a majority of three fifths of the total number thereof.

(5) Every revised provision of the Constitution shall be published in the Government Gazette within ten days from the day it was approved by Parliament, and shall be put into effect by a special Parliamentary resolution.

Appendix III

Mentioned Articles in the Turkish Constitution

I)   Unification of National Education (*Tevhidi Tedrisat Kanunu*)[62]   [in Turkish]

Madde 1 - Türkiye dahilindeki bütün müessesatı ilmiye ve tedrisiye Maarif Vekaletine merbuttur.

Madde 2 - Şer'iye ve Evkaf Vekaleti veyahut hususi vakıflar tarafından idare olunan bilcümle medrese ve mektepler Maarif Vekaletine devir ve raptedilmiştir.

Madde 3 - Şer'iye ve Evkaf Vekaleti bütçesinde mekatip ve medarise tahsis olunan mebaliğ Maarif bütçesine nakledilecektir.

Madde 4 - Maarif Vekaleti yüksek diniyat mütehassısları yetiştirilmek üzere Darülfünunda bir İlahiyat Fakültesi tesis ve imamet ve hitabet gibi hidematı diniyenin ifası vazifesiyle mükellef memurların yetişmesi için de aynı mektepler küşat edecektir.

Madde 5 - Bu kanunun neşri tarihinden itibaren terbiye ve tedrisatı umumiye ile müştegil olup şimdiye kadar Müdafaai Milliyeye merbut olan askeri rüşti ve idadilerle Sıhhiye Vekaletine merbut olan darüleytamlar, bütçeleri ve heyeti talimiyeleri ileberaber Maarif Vekaletine raptolunmuştur. Mezkür rüşti ve idadilerde bulunan heyeti talimiyelerin ciheti irtibatları atiyen ait olduğu Vekaletler arasında tahvil ve tanzim edilecek ve o zamana kadar orduya mensup olan muallimler orduya nispetlerini muhafaza edecektir.

(Ek: 22/4/1341 - 637/1 md.) Mektebi Harbiyeden menşe teşkil eden askeri liseler bütçe ve kadrolariyle Müdafaai Milliye Vekaletine devrolunmuştur.

Madde 6 - İşbu kanun tarihi neşrinden muteberdir.

Madde 7 - İşbu kanunun icrayı ahkamına İcra Vekilleri Heyeti memurdur.

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[62]http://akcakent.meb.gov.tr/ilcemem/kanunyonetmelik/430%20SAYILI%20TEVH%C4%B0D%C4%B0%20TEDR%C4%B0SAT%20KANUNU.htm. Accessed on 10.01.2009.

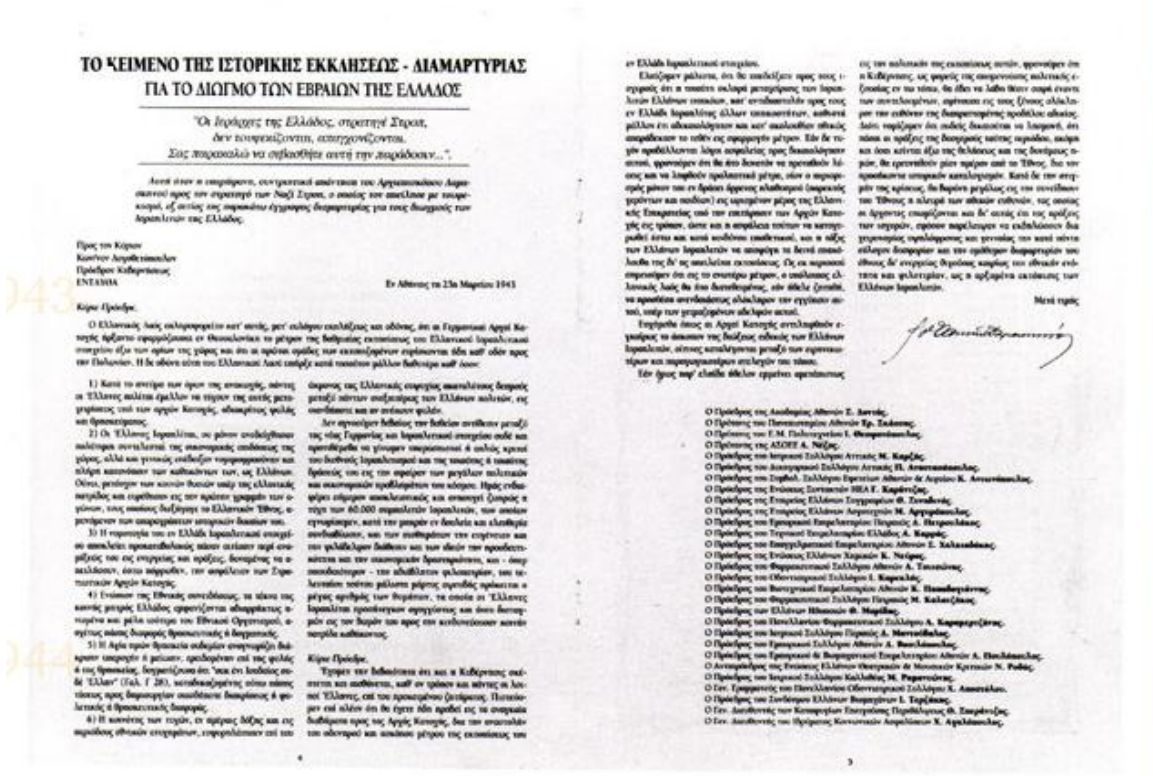## Appendix IV

Examples of ID Cards in Greece

Figure 1. Original Text of the Protest by Archbishop of Athens, Damaskinos (Source: DVD – Jewish Museum of Greece)

Figure 2. Fake ID Card of Jach Soussis, under the name of Dimitrios Georgopoulos and "Orthodox Christian" religion (Source: DVD – Jewish Museum of Greece)

Figure 3. The real and fake ID cards of Asser David
(Source: DVD – Jewish Museum of Greece)

Figure 4. An old ID card (back) including religious affiliation on the 16th row (ΘΡΗΣΚΕΥΜΑ).

Figure 5. A new ID card (back) without religious affiliation in the religion section.

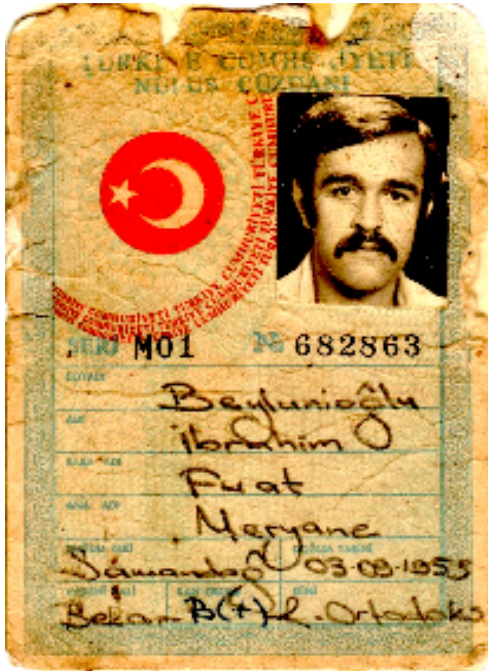# Appendix V

Examples of ID Cards in Turkey

Figure 1. ID card (front) including religious sect affiliation in the religion section
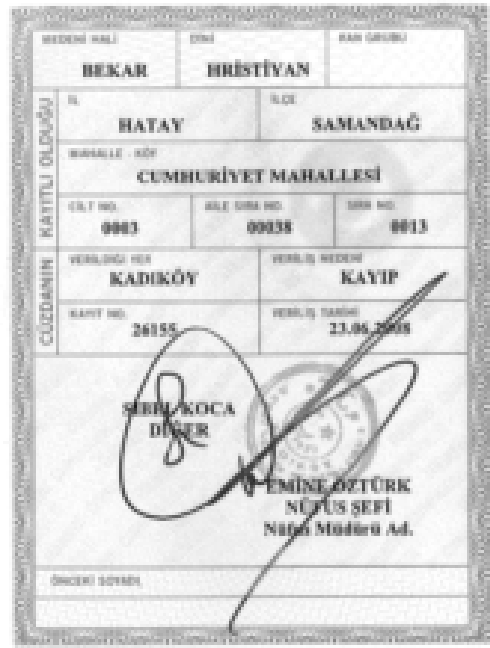

Figure 2. ID card (back) without religious sect affiliation in the religion section
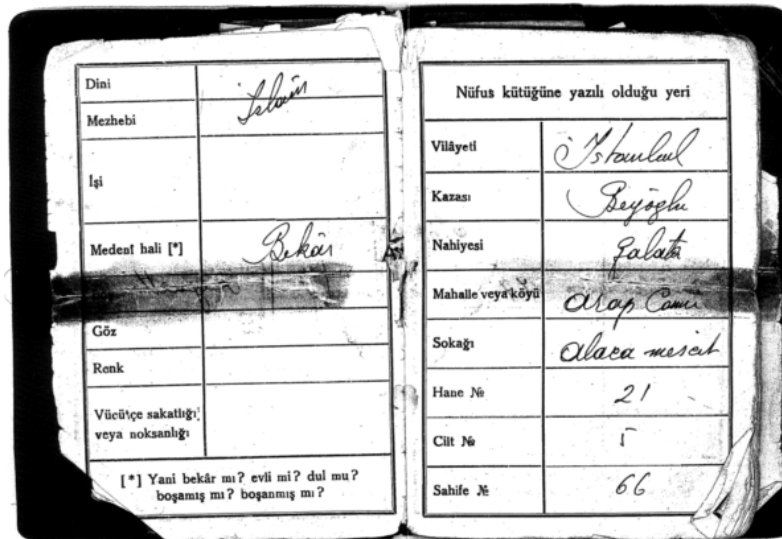

Figure 3. ID card including religious sect affiliation in the religion section

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2. <u>Newspapers</u>

a. Newspapers in Greece

Basing on the research on the newspapers English versions is available. These are issues of Athens News from 1997 to 2008, and Kathimerini from 2001 to 2008 (it was not possible to find the issues before 2001 in English). However some of the issues of Kathimerini before 2001 were available in Athens News' review issues. Also Athens News' review issues were useful to follow the developments on identity card issue in other Greek newspapers such as I Hora, Ta Nea and other press such as AP, Hellenic News Agency, New York Times

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http://www.hrwf.net/religiousfreedom/news/2000PDF/greece_2000.pdf)

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❖ *I Hora*

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   b. Newspapers in Turkey

In order to follow the discussions on ID card issue in Turkey, I examined newspapers and news websites (Radikal, Milliyet and Hürriyet, Sabah (2000-2008), and certain news from Zaman, Haber7, NTVMSNBC.com, Vatan and also parliament records, legislations and official websites of relevant institutions.

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