OLD AND NEW
ISLAM IN
GREECE

From Historical Minorities to
Immigrant Newcomers

Konstantinos Tsitselikis
Studies in International Minority and Group Rights

Old and New Islam in Greece

From Historical Minorities to Immigrant Newcomers

Konstantinos Tsitselikis

The legal and political habitus of Greece's Muslim population is discussed in a fascinating interdisciplinary historical overview of both indigenous minority and immigrant communities providing insights into the evolution and current state of minority and migration law. The book also speaks in a piercing fashion to the scholarly debate on communitarianism and liberalism, as Greece's *sui generis* legal tradition and embrace of community rights often runs contrary to the country's own liberal legal order and international human rights standards. How notions of ethnicity and citizenship have been challenged by recent Muslim immigration is further explored. The reader is therefore treated to a comprehensive analysis of minority rights pertaining to 'Old' and 'New' Islam in Greece within the European context.

Old and New Islam in Greece
Studies in International Minority and Group Rights

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VOLUME 5
Old and New Islam in Greece

From Historical Minorities to Immigrant Newcomers

By

Konstantinos Tsitselikis
For Meriç,
Zoi,
and Daniel
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ABBREVIATIONS

ABOPM  Archives of the Bulgarian occupation and propaganda in Macedonia (1941–1944) [ELIA, Thessaloniki]
AKK   Archive of Konstantinos Karamanlis
AAP   Archive of Alexandros Pallis [Ethniko Idryma Erevnon, Athens]
AAS   Archive of Athanasios Souliotis [Gennadeios Library, Athens]
AEV   Archive of Eleftherios Venizelos [Benakis Museum, Athens]
AEV-ELIA  Archive of Eleftherios Venizelos [ELIA, Athens]
AFD   Archive of Filippou Dragoumis [Gennadios Library, Athens]
AGGE  Archive of the Governorate General of Epirus [General Archive of the State, Ioannina]
AP    Areios Pagos [Supreme Court]
APK   Archive of Pavlos Kalligas [Museum of the Macedonian Struggle, Thessaloniki]
CCT   Coordination Council of Thrace
GAM   General Archives of Macedonia [Archives of the Governorate General of Macedonia, Thessaloniki]
ICCPR International Covenant on Civil and Political Rights
ECHR  European Convention of Human Rights
ECtHR European Court of Human Rights
EEN   Efimeris Ellinon Nomikon [Greek Lawyers’ Review]
EHM   Etaireia Ipeirotikon Meleton [Society for Epirus Studies, Ioannina]
EPATH Eidiki Pedagogiki Akadimia Thessalonikis [Special Pedagogical Academy]
FEK   Fyllo tis Efimeridos tis Kyverniseos [Official Gazette (of Greece)]
FO    Foreign Office
HAMFA Historical Archives of the Ministry for Foreign Affairs
ICCPR International Covenant of Civil and Political Rights
IDAA  Istanbul District Administration Archives [General Directorate of the Vakf, Istanbul]
LD    Legislative Decree
LoN   League of Nations
<table>
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<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>MFA</td>
<td>Ministry for Foreign Affairs</td>
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<tr>
<td>MSA</td>
<td>Directorate of Cults, Technical, Foreign and Minority Schools Archive [General Archives of the State, Kavala]</td>
</tr>
<tr>
<td>ND</td>
<td>Nea Dimokratia [New Democracy, political party]</td>
</tr>
<tr>
<td>OSCE</td>
<td>Organisation for the Security and Cooperation in Europe</td>
</tr>
<tr>
<td>PASOK</td>
<td>Panellinio Sosialistiko Kinima [Panhellenic Socialist Movement, political party]</td>
</tr>
<tr>
<td>PD</td>
<td>Presidential Decree</td>
</tr>
<tr>
<td>RD</td>
<td>Royal Decree</td>
</tr>
<tr>
<td>StE</td>
<td>Symvoulio tis Epikrateias [Council of State]</td>
</tr>
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</table>
NOTE ON THE USE OF NAMES

1. Place names are used in their Greek or Turkish version according to the textual and historical context. They are transliterated from the original source in their original form:
   Alexandroupoli(s) = Dedeağac, Didymoteiho = Dimetoka, Edessa = Vodena, Hania = Kanea, Imvros = Gökçeada, Iraklio = Kandia, Komotini = Gümülcine, Konstantinoupoli(s) = İstanbul = Constantinople, Pravi = Eleftheroupoli, Rethymno = Retimo/Resmo, Sarı Saban = Hrisoupoli, Soufli = Soflu, Tenedos = Bozcaada, Thessaloniki = Selanik, Veroia = Karaferye, Xanthi = Iskeçe, Rodos = Rhodes etc.

2. The orthography of Ottoman or Arabic terms or names is retained in the Turkish or Greek versions when used also as terminology in Greek, or transliterated to English or Greek, as follows:
   Mufti = Müftü = Moufti(s), mutawalli = mütevelli = mouteveli(s), Mehmet Ali = Mohamed Ali, Chams = Tsamides, Rum = Romios, Siri = Sırı, Qadi = Kadi = Kadis, waqf = vakif = vakoufi(on) = vakf, fetva = fatwa, medrese = madrasa, hanefi = hanafi etc.
   In the present study the terms ‘Moufti’, ‘vakf’, and ‘mouteveli’ will be used in this invented form.

3. The orthography of Turkish family names is retained in the Turkish version or in the form that has been officially used by the Greek authorities or the European Court of Human Rights: Sadik = Sadik, Meço = Metso, Faikoğlou = Faikoglou, Moustafa = Mustafa, etc.
<table>
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<tr>
<th>Term</th>
<th>Definition/Explanation</th>
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<tr>
<td>allogenis</td>
<td>A person of not Greek descent</td>
</tr>
<tr>
<td>Areios Pagos</td>
<td>High Court</td>
</tr>
<tr>
<td>Efeteio</td>
<td>Court of Appeals</td>
</tr>
<tr>
<td>dergiah</td>
<td>Shrine and prayer house of Bektashi or other sufi brotherhoods</td>
</tr>
<tr>
<td>imam</td>
<td>Muslim religious minister, leader of the prayer</td>
</tr>
<tr>
<td>Kadi</td>
<td>Ottoman judge</td>
</tr>
<tr>
<td>Ktimatologio</td>
<td>Land Registry</td>
</tr>
<tr>
<td>medrese</td>
<td>Seminary, Religious high school</td>
</tr>
<tr>
<td>mescit</td>
<td>Prayer house</td>
</tr>
<tr>
<td>millet</td>
<td>Ethno-religious community in the Ottoman Empire</td>
</tr>
<tr>
<td>Moufti</td>
<td>Religious leader, interpreter of Islamic law, judge</td>
</tr>
<tr>
<td>omogenis</td>
<td>A person of Greek descent</td>
</tr>
<tr>
<td>mouteveli</td>
<td>Manager of a vakf estate</td>
</tr>
<tr>
<td>prosontouhoi teachers</td>
<td>schoolteacher graduates from a teachers' school of Turkey</td>
</tr>
<tr>
<td>Protodikeio</td>
<td>First Instance Court</td>
</tr>
<tr>
<td>Rum = Romios</td>
<td>Greek-Orthodox, not Greek citizen</td>
</tr>
<tr>
<td>sharia</td>
<td>Islamic law</td>
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<tr>
<td>tekke</td>
<td>Shrine and prayer house of Bektashi or other sufi brotherhoods</td>
</tr>
<tr>
<td>tessaruf</td>
<td>Land exploitation or possessory rights</td>
</tr>
<tr>
<td>tsifliki = çiftlik</td>
<td>Large farm</td>
</tr>
<tr>
<td>vakf</td>
<td>Religious foundation of pious character, community property</td>
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FOREWORD

This book is based on a report drafted in 2001 consisting of a few pages that tackled heretofore unexplored legal issues regarding the Muslims of Greece. It has been enriched after years of research, reorganised, and reshaped, though it still speaks to a field of study that is fascinating and largely underexplored. Over the course of the research process, I have also published a number of articles tackling specific issues that are partly discussed in the present book.¹ In this respect, it aims at once to enhance analysis of the legal regulations concerning Greece’s Muslim minority and our understanding of the political management of ethnic and religious otherness, while placing these phenomena in historical context. To maintain a balance between these tasks was no easy feat.

Although the study can not address all the topics related to Muslims in Greece exhaustively, it attempts to discuss legal and political aspects from an interdisciplinary perspective. In so doing, it faces the challenge of unbalanced sources materials. On certain topics there is extensive academic production, such as on the Muslims of Thrace; on other topics, such as the migrant Muslims or the Muslims of Greece before the population exchange of 1923, only a few studies are available. Thus, I had to employ historical sources and conduct extensive research in archives. Meanwhile, extent research by both Greek and Turkish scholars, is often biased (infra, Section 1.iv). Typically, studies obscure the dynamics of cohabitation of Christians and Muslims in an a-historical and anachronistic way, often to enhance national and ideological positions. Although I do not pretend to undertake an in-depth historical analysis, I hope that the study will provide a launching pad for future historians to research this riveting and unexploited field.

In considering and examining the question of ‘Islam in Greece’ one encounters a variety of substantive, methodological, practical, and structural problems: How do law and ideology interact when it comes to minority issues?; Of what does the term ‘Muslim’ consist?; Should Muslim immigrants be treated by law as a group apart?; What are the legal, political, and pragmatic dimensions that constitute the minority phenomenon?; Is the criterion of citizenship sufficient to comprehend the way

Muslim identity is enacted in a Christian state? How is religion connected to linguistic, ethnic, and national affiliation? Historically, how did the Greek state establish a system of minority protection regarding Muslims? How is law interrelated to ideological stances and nationalism? How do Muslims perceive nationalism and, in a nation-state context, how do they claim rights? The introductory chapter deals with some of these questions and issues. Meanwhile, the main argument of the study is that a sui generis legal tradition has evolved regarding Islam in Greece, one which can run contrary to the country's own legal order and European and international human rights standards. The study explores the law, and seeks to explain how and why certain legal norms have developed, and how they have been implemented. It also provides a historical thread that links past and present and facilitates comprehension of the current state of affairs.

It is a very delicate task to focus on Muslims and consider them as a collective subject of law merely because of their religion, which often is understood in a negative light by agents of the state and according to the ideology of Greece's majority Orthodox population. Nevertheless, it is also important to rise to the challenge of engaging Islam in Greece (and Europe) as a distinct field of research, since it is a factor of minorization within the Greek and European legal orders.
ACKNOWLEDGEMENTS

The impetus for this book was Professor Haralambos Papastathis' exhortation to enlarge a study on the legal status of Greece's Muslims. At his instigation, I embarked on a path which proved to be enthralling, though laborious.

The help and moral support of my wife Meriç Öğüneş provided vital incentive for me to continue this work. I could not have managed this task without the help, advice, and corrections made by numerous friends and colleagues. I am grateful to Lambros Baltsiotis, Natalie Clayer, Dimitris Christopoulos, Andreas Takis, and Giorgos Mavrommatis for their essential comments and suggestions which substantially contributed to the final content of this book. I would like to thank also all those who helped me in gathering valuable and rare information: on Islam in the Balkans, Xavier Bougarel; on the minority of Thrace: Mehmet Emin Aga, İlhan Ahmet, Alexis Alexandris, Meço Cemali, Şerif Damatoğlu, Abdülhalim Dede, Evren Dede, Sebahetin Emino, Jeanne Hersant, Orhan Hacıbıram, Vasilis Hronopoulos, Sami Karabiyıklı, Sinan Kavaz, Antonis Liapis, Mina Mahairopoulou, Mustafa İmam, Savas Marangos, Simos Minaidis, Mustafa Mustafa, Sotiris Poupouzis, Emin Sinikoğlu, and Miranda Terzopoulou; on the Muslims of the Dodecanese: Pantelis Apostolos, Şükri Şerif Damatoğlu, Marianthi Georgalidou, Ahmet Öğüneş, Mehmet Yaren, and Ismail Çakır Salimoğlu; on the Muslim immigrants: Moavia Ahmet, Chadi Ayoubi, Yorgos Dedegikas, Naim Elghandour, Yanna Kourtovik, Manaa Mansour, Tomy Olatounde, Iordanis Psimmenos, Yorgos Spais, Nasos Theodoridis, and Sevasti Trubeta; on historical and legal material: Aris Abatzis, Tasos Anastasiadis, Giorgos Andoniou, Nikos Andriotis, Stratis Anagnostou, Vaso Biza, Theodoros Belitsos, Yannis Bonos, Philip Carabott, Bruce Clark, Alexandros Dagkas, Dimosthenis Doukas, Dimitris Gratsias, Leonidas Empeirikos, Claudia Gazzini, Stamatis Georgoulis, Yannis Glavinas, Dimitris Hormovitis, Tilemahos Filippidis, Dimitris Ierapetritis, Pashalis Kitromilidis, Paraskevas Konortas, Tasos Kostopoulos, Yannis Kolakis, Christina Koulouri, Giorgos Koutzakiotis, Argyris Mamarelis, Mark Mazower, İakovos Mihaïlidis, Haris Mylonas, Giorgos Niarhos, Haralambos Papastathis, Ioanna Paspala, Müfide Pekin, Areti Tounta-Fergadi, Eugenia Relaño Pastor, Mariana Tseggelidou, Despina Tsourka-Papastathi, Kostis Tsioumis, Iraklis Tsakopoulos, Mihalis Tsapogas, Lina Ventoura, and Elpida...
I am grateful to Nora Fisher Onar for her dedicated and laborious commitment and work for editing the English early draft of the manuscript, including her insightful comments on the content. I am thankful also to Kyriakos Argyropoulos who advised me on English legal terminology and to Dimitris Athiridis for his help on the illustrations.

Furthermore, I have to thank the most cooperative and helpful staff of the State General Archives (GAK) in Kavala, as well the staff of the GAK of Athens, Thessaloniki, Kozani, Drama, and Mytilini, the staff of the Historical Archives of the Ministry for Foreign Affairs in Athens, the staff of the archives of the Benaki Museum and ELIA (Athens and Thessaloniki), the libraries of the Institute for Balkan Studies of Thessaloniki, the Society for Macedonian Studies, the Harvard Law School and of Gennadius Library. I regret that I am unable to express gratitude to the director of the GAK of Ioannina who in fact hampered my research (in 2004).

Last but not least, I'm grateful to Kristin Henrard and Gudmundur Alfredsson for all their creative support in the publication process and to the staff at Brill Publishing for their faultless cooperation.
Religious identity historically played a key role in the consolidation of national ideology and legal structures that gave birth to what we know as the nation-state. Similarly, during revolutionary struggles for independence in the 19th century, people often proved more willing to die for their religion long before they have been prepared to do so for language. Linguistic, religious, and national affinities mean that there may be some common features among members of a minority and majority group, but such features are not monolithic or unchangeable. Minority groups’ perceptions of their identity evolve and majorities adjust the way they perceive minorities according to a variety of factors. Law-making regarding minorities is the product of a complicated process involving conflicting ideas, interests and claims all of which also revolve around national ideology. This means that relations of antagonism and hegemony are reflected in legal regulations which also have sources in multilateral or bilateral treaties and domestic law. In such a context, national ideology configures the framework in which law operates and the agents of the law are faced with a range of normative options which have consequences for the way minority groups are themselves constituted. In effect, a minority is never a homogeneous and monolithic social entity in time and space. There is always variation and evolution of the traits that render it recognisable as a group: “To speak about population groups as discrete and fixed categories using metaphors like ‘fruit salads, mosaics, chess-boards and billiard balls’ is highly problematic as there is significant internal diversity within these population groups which is usually muted”. That the law, with all its normative power, often ignores the simultaneous existence of multiple faces of the minority means that it also plays a role in shaping that identity, often on the basis of erroneous and political assumptions such as the

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often-encountered claim as to the non-existence of a minority or its subgroups. To guard against such blind spots, special minority rights (or ‘cultural rights’ as far as language and religion of minority groups is concerned)\(^4\) can be seen as a supplementary legal protection of the fundamental human rights of minority citizens.

The first official promulgation of respect for the religion of minority groups occurred with the Treaty of Westphalia (1648) when the principle *cuius regio, eius religio* was abandoned for good. Historically then, the rights of religious minorities are the first to have been subsumed under international legal protection, an outcome of the interstate settlement. At this juncture, there was no way of distinguishing, at least in legal terms, between a ‘religious minority’ and a group characterised by a range of other features.\(^5\) Groups may be ethnic, national, religious or linguistic minorities, or may combine more than one of those traits. Some international jurists, like A. Eide, suggest that a separate category of religious minority does not exist outside of a combination of ethnic or national consciousness, as identity cannot “be based solely on religious belief, since the person who holds these beliefs wants to be a part of the wider society”\(^6\) in which language, culture, or national affiliation create patterns of social solidarity. Indeed, it could be asserted that religion coexists and interacts with linguistic, national or ethnic characteristics, all of which are susceptible to changes in the course of time. Islam in Greece offers a good example of this claim.

Gradually, international law has placed ethno-religious pluralism under protection: as our societies are inherently pluralistic, a modern legal order should consider ethnic, religious and linguistic difference as an element of enrichment, not of division.\(^7\) However, in reality things are not so simple, especially when minorities’ legal status stems from an international treaty concluded with the group’s kin-state. In such contexts, minority protection – rather than serving as an additional form of legal protection for members of minorities – can become politicised in ways which place the beneficiaries of minority rights in a vulnerable position. This is the case with the Turkish/Muslim minority of Greece and mirrors the situation faced by the *Romioi*/Greeks of Turkey. As one commentator has put it, the

\(^4\)E. Stamatopoulou, 2008: 189, 199.


\(^6\)UN doc., E/CN.4/Sub.2/19923: 18.

\(^7\)Th. Hammarberg, 2008 para 42, with reference to Greece.
Political relations between Greece and Turkey seem to be an essential factor in these [minority] problems. [...] Each State is apparently in part responsible for the unsatisfactory status of the Muslims in Thrace, with Turkey considering them more as a political pawn and Greece not paying sufficient heed to the views of this community that has clearly been living marginally and has been the butt of long-standing intolerance.  

It is unanimously acknowledged that states are often reluctant to define the content of the term 'minority'. Thus, long discussions in international law-making bodies have yet to yield a commonly-accepted legal definition, due to political fears of territorial claims which might be made on the basis of kinship by another state, typically a neighbour. From the most traditional definition made by the Permanent Court of International Justice:

The community is a group of persons living in a given country or locality, having a race, religion language and traditions in a sentiment of solidarity, with a view to preserving their traditions, maintaining their form of worship, ensuring the instruction and upbringing of their children [...] The existence of communities is a question of fact; it is not a question of law.

To the most recent definitions drafted by the UN Rapporteur A. Eide, which includes non-citizens of the home-state:

A minority is a group of persons resident within a sovereign state which constitutes less than half of the population of the national society and whose members share common characteristics of an ethnic, religious or linguistic nature that distinguish them from the rest of the population). As these discrepant definitions reveal, the term 'minority' remains ambivalent and has not been unanimously or unequivocally accepted by countries around the world.

Nevertheless, a series of subjective and objective criteria may be used to label a community a minority. At one level, there is the collective will of the members of the minority to assert their difference vis-à-vis the majority. At another, there may be a common faith or other shared feature such as a common national sentiment. Yet, as noted above, overlapping religious, linguistic, and national affiliations may mean that there are also minorities within minorities. Very often, the national element has become of paramount importance superseding linguistic and/or religious criteria of belonging to a minority. Such a hierarchy with regard to the different

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9 PCIJ, Greco-Bulgarian Communities, B, Nos 17, 19, 21, 22 and UN Rapporteur A. Eide, UN doc. E/CN.4/Sub.2/1993/34 paragraph 29, respectively.
features of minority identity is also a function of the nature of national ideologies, especially when a minority finds itself enmeshed in the often turbulent relations between its country of citizenship and its kin-state. In some cases, language can play a key role and be more important than religion in the process of the consolidation of a national ideology among the members of a minority. As Mario Apostolov puts it,

Religious minorities may be classified in terms of their origin, existence of an ethnic element in their identity, dominant or non-dominant position in society, degree of tension or oppression by the regime, and the degree of the communal fragmentation.'0

Ethnic redefinition is also a function of relations with the kin-state insofar as a minority can serve as a potential vehicle of reproduction of its kin-state national discourse. Often, the nature of these claims is also determined by the minority elite. Last but not least, in some cases, the milieu in which a minority operates may be governed by a domestic legal order that is regulated, as in the case of the minority of Thrace, by the state.

1.1. MINORITY PROTECTION UNDER CONVENTIONAL INTERNATIONAL LAW

Until the mid-1990s, international minority protection was based on the normative content of Article 27 of the International Covenant on Civil and Political Rights or provisions prohibiting discrimination on the ground of ethnicity, religion or language (see also Article 14 of the ECHR). The International Convention against all Forms of Racial Discrimination, the International Convention on the Elimination of all Forms of Discrimination against Women, the Convention for the Rights of Children, and the UNESCO Convention Against Discrimination in Education also have established protection for members of minority groups against discriminatory policies and practices, especially when adequate jurisdictional or semi-jurisdictional control mechanisms are granted the power to examine specific cases. Furthermore, prohibition of genocide potentially protects minorities from extermination. In addition to multilateral instruments, minority protection is granted in various cases through bilateral agreements.11 Although not normative in character, texts, such as the

UN Declaration on the Rights of Persons Belonging to Minorities, a series of Concluding Documents of the CSCE (Vienna 1989, Copenhagen 1990, Geneva meeting of experts 1991), and reports adopted by the European Commission against racism and intolerance (ECRI, Council of Europe), as well as similar output from UN bodies have forged new ideas and enhanced a dialogue about minority protection. Such developments were linked to major international political changes, namely the fall of the Soviet Union. By the beginning of the 1990s, new bilateral agreements were concluded dealing with minority issues across Central and Eastern Europe. Perhaps the most important development was in the field of multilateral international law and took the form of the Framework-Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. These treaties oblige states to uphold minority protection a matter of collective European concern.

However, there is not a full-fledged system of judicial control. This means that in spite of the initiatives taken by the UN and the Council of Europe to initiate intergovernmental treaties – an endeavour that in a way is reminiscent of the efforts of the League of the Nations – states remain reluctant to examine core aspects of the minority question. One dimension that is often neglected is related to the very structures of their own statehood and legal order in which membership in a minority is often perceived as a challenge to citizen’s inherent equality. In this regard, affirmative action has been proposed and used as a tool in favour of minorities in order to contribute to the amelioration of de facto inequalities in the fields of language, religion, political participation, and social inclusion. In this context, international norms have played an important role in shaping and standardising relevant domestic law. However, arrangements regarding the legal status of a minority are unstable and subject to ‘exceptional’ relations of power which evolve between the state, the minority, the kin state, or other actors like international organizations.

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12 From the abundant bibliography on the subject, see R. Dvorkin 1986 or K. O'Donovan, 1985.

13 According to G. Agamben (2003) the ‘state of exception’ becomes a paradigm of ‘illegal law’ in which only the state has the power to impose and legitimise. Or, to put it in Schmittian terms, ‘the sovereign is the one who decides about the state of exception’, U.K. Preuss, 1999: 161. As D. Dimoulis (1997: 134) points out, any criticism directed at the notion of the national minority is meaningless if it is not related to a critical approach of the notion of sovereignty in a nation-state.
Religious freedom and prohibition of discrimination on the basis of religious basis are core principles of international law\textsuperscript{14} and constitute the legal framework for the protection of the religious character of minorities. According to the ECtHR,

The right not to be discriminated against in the enjoyment of the rights guaranteed under the Convention is also violated when States without an objective and reasonable justification fail to treat differently persons whose situation is significantly different.\textsuperscript{15}

One way of upholding this right is by establishing legal pluralism in multi-ethnic societies in order to accommodate differences and to prevent ethnic conflicts. In liberal law, pluralism goes along with equality of individuals. But legal pluralism presupposes the autonomy of the adjacent legal orders: legal pluralism consists of the acceptance of normative understandings which prevail and are produced within a community. In the case of a minority group, the state has the power and the jurisdiction to accept or override a separate minority legal system, in whole or in part.\textsuperscript{16} As such, the minority legal order is absolutely dependent on the state. Muslim minorities of the Balkans – at least in the inter-war period – represented one of the most revealing cases of how religion can be turned into a vehicle for the consolidation of a national identity through the ‘minoritization’ of a different religious group. Thus the principle \textit{cuius regio, eius religio}, which faded away as a result of the Enlightenment, seems to survive, albeit implicitly, in the political aspirations of both the majority and the minority in their bid to develop their respective national programmes.

Muslims in Greece were entrapped by the nation-building programmes of both Greece and Turkey, with the former playing the role of minority home-state and the latter of minority kin-state. Nationalisms spawn counter-nationalisms.\textsuperscript{17} And Greek and Turkish nationalisms have long competed with each other on the minority question. Both national ideologies fostered and were themselves fed by the inequalities and hegemonic relations exerted through citizenship and national kinship. Muslims and

\textsuperscript{14} According to part of the theory, religious freedom constitutes \textit{jus cogens}, F. Ermacora, 1983: 307.
\textsuperscript{15} ECtHR, \textit{Thlimmenos v. Greece}, No 34369/97, Judgment 6.4.2000, paragraph 44.
\textsuperscript{16} J. Vanderlinden, 1972: 19.
\textsuperscript{17} For a comparative study on Greek and Turkish nationalisms, see U. Özkirimli & S. Çetin, \& N. Korkut, 1. Mill. 
Christians were divided and governed, but also party to complex dynamics which gave rise to idiosyncrasies within both the majority and minority national projects. These relations have been determined by law, power, and ideology and shape the hierarchical relationship between minorities and majorities at the local and national levels. Indeed, both before and above all after the population exchange, the Muslims of Greece have been on the receiving end of law and policies pursued by Greece and Turkey.  

Ethnic community and identity are often associated with political struggles in various parts of the world. However, there is no necessary connection between ethnicity and conflict. National ideology plays a major role in creating social coherence on the basis of ethnic kinship. In the case of the majority this is reflected in the law. On the other hand, minorities who are in conflict with the majority often reject offers from the state. In this respect, being in a defensive position can create structures of cohesion within the minority, a unity which is often highly valued, and which can lead to receptivity to kin-state overtures, creating a situation where there is a triangular relationship between the state of citizenship, the minority, and the kin-state'.

1.2. LAW AND NATIONAL IDEOLOGY IN GREECE: FILTERING INTERNATIONAL COMMITMENTS

As Gellner has put it, “nationalism is essentially the general imposition of a higher culture on society, where previously lower cultures had taken up the lives of the majority, and in some cases the totality of the population”. When nationalists are confronted with the minority phenomenon they can often be racist because they tend to define ethnic groups as constant over time and dismiss the possibility of evolution and change. Yet, in reality, legal norms – among other phenomena – affect minority identity in dramatic ways. In the Greece case, as elsewhere, the state and the nation were envisaged as synonymous. Consequently, the Greek state had to deny the national character of its minorities and ethnicity was framed as

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18 Greek and Turkish policy can be conceptualised through the notion of 'governmentality' (as defined by Michel Foucault); for application of this concept in Thrace, see the detailed work of J. Hersant (2007) and the accurate article of F. Tsimbiridou (2009).

19 J. Hutchinson & A.D. Smith, 1996: 3.

20 E. Hobsbawm (1990: 175) quoting G. Simmel.

21 E. Gellner, 1983: 140.

a naturalised and monolithic characteristic manageable by law. This inherently insufficient vision characterises the whole framework of legal protection of minorities, not least for Greece's Muslims.

For Greeks, national ideology and Orthodoxy forged a direct link to membership in the Greek nation. This had two important consequences. First, this conception of nationhood denied the *de facto* ethnic heterogeneity of the Orthodox population. Second, Muslims could not be candidates for membership of the Greek nation. Thus, Muslims, by definition, were beyond the pale of assimilation or even integration, 'invisible' to Greek nationalism as long as they were loyal to the state. The Greek Orthodox Church has also played an integral role in the emergence of this vision of nation, such that a pre-modern 'imagined' community, namely ancient Hellas, has become confused with the modern nation. Greek nation-building unfolded hand-in-hand with the consolidation of the Greek state through the law. The view of Orthodoxy and Hellenic heritage as constitutive of nation is therefore also bound up in the legal order.

The upshot has been that minority protection in Greece is understood as providing a secure but isolated space for Muslims to enjoy minority status. This view that there is an irreducible divide between Christians and Muslims explains why Greek law and policies have never attempted to assimilate the Muslim population while non-Greek speaking Orthodox groups have been the target of aggressive assimilationism. Indeed, at the dusk of the Ottoman Empire, Muslim groups across the Balkans were incorporated into the new Christian states through institutional structures inherited from the pre-modern Ottoman *millet* system. This means that to this day, minority protection in Greece entails the coexistence of

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33 U. Brunnbauer, 2001: 40. As G. Mavrogordatos (2003b: 128) remarks, "During the War of Independence itself, religion was the only fixed line of demarcation between the warring sides, in full conformity with the pre-existing Ottoman system of religiously defined millets".


37 The Ottoman authorities granted religious communities, a certain institutional autonomy from the 15th to the 20th century, especially after the reforms of the 19th century. On the *millet* system, see K. Barkey, 2008. Barkey illustrates how 'difference and separation was a value pursued by the Ottoman state and the communities themselves' and how the Empire instituted boundaries of different degrees of permeability, while organizing communities around and across such classificatory systems (2008: 13 and 152). See also, B. Braude and B. Lewis, 1982; B. Braude, 1982; M. Ursinus, 1990; K. Karpat, 1982; U. Özkarımli & S. Sofos, 2008: 44–45 and S. Anagnostopoulou, 1988 (especially in the 'Introduction').
citizenship and a hybrid ‘neo-millet’ legal status. This ‘neo-millet’ status with regard to certain minority institutions forms an internal minority order which is partly recognised by the state. In this respect, national affiliation patterns are clear and religion constitutes a secondary factor of solidarity which is closely interrelated to national ideology. The long tradition of this kind of minority protection for Muslims in Greece dates to at least 1881 (and for Jews from 1913 to 1947). It has survived in various institutional forms as an inflexible remnant of the past; it has also served to ossify the positions of the conservative minority community and its kin-state, Turkey. In effect, the perception of dhimmi (the non-Muslims of monotheistic religions in the Empire who had certain rights and were tolerated but were second-class vis-à-vis their Muslim counterparts) has been reversed, such that Muslims nominally enjoy equality but can be restricted by the imposition of a ‘special status’.

As the Greek national ideology is intertwined with adherence to Orthodoxy, policies and legal regulations regarding minority religious otherness are filtered through the political prism of the Greek Church’s actual or potential reactions. As one commentator has put it, “the Greek case demonstrates that religious freedom cannot be achieved simply as a matter of conformity to constitutional and international norms, as long as the linkage among a particular national identity remains active and vital for the latter’s self-preservation, in the minds of those concerned”.

The way law regulates acquisition of citizenship reveals the ideological link between the nation and the state. For, although Rigas Feraios, founder of the Greek Enlightenment, proclaimed in his draft constitution of 1797 the absolute equality of ‘Christians and Turks’ under a common Greek citizenship, the first Greek constitutional instruments were drafted during the revolution of 1821 against the Ottoman Empire and professed the view that only Christian were to be citizens of Greece. Any other form of religious or ethnic otherness was not envisaged. Inclusion of ‘alien’ elements into Greek citizenship was gradually accepted under the burden of

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31 According to article 3 of the draft constitution of Rigas Feraios, a Greek citizen would be any inhabitant of the kingdom under the age of 21. Moreover, according to article 7, “Sovereign people are all the inhabitants of the kingdom with no exception: Greeks, Albanians, Vlachs, Armenians, Turks and any other race”. For the text see K. Mavrias & A. Pantelis, 1990: 8–14.
international obligations rather than in accordance with wilful im-
plementation of the political or philosophical principles of the Enlighten-
ment.

Legal regulations related to Muslim minorities aimed at ensuring a soft
transition from the old imperial to the new national state. However, a series
of question had to be solved. Should the minority be treated as community
and thus acquire group rights, or could the provision of full individual rights
sufficiently ensure minority protection? That is, should the law institu-
tionalise communitarianism or should equality between citizens prevail and
provide the basis of minority protection? In practice, the question was
answered as elements of the legacy of the millet system survived and merged
with modern minority protection frameworks. As such, provision of indi-
vidual rights overlapped with strong communitarian feelings to create a
paradoxical legal order which was nevertheless endorsed by international
law. This occurred through observation of international treaty obligations
which retained a series of the past rights and prerogatives for the Muslim
Greek citizens through minority legal protection. Under the watchful eye of
the Great Powers minority organizational structures regarding religion and
education were also put under protection (in 1830 and mostly in 1881). The
legal regime for the Muslim population of Greece was revised through the
Convention of Peace between Greece and Turkey which was concluded on
1/14 November 1913 in Athens. The Convention provided special rights for
the Muslims, namely, equality before the law, religious freedom, religious
autonomy and acknowledgement of their religious hierarchy. More detailed
provisions on minority protection came after the end of World War I and
the Greek-Turkish war (1919–1922). The Treaty of Sèvres on the protection
of minorities in Greece was signed in 1920, but it came into force at the
same time as the Treaty of Lausanne, which provided a special status for the
non-Muslim minorities in Turkey and the Muslim minority in Greece (arti-
cles 37–45) regarding education, religious freedom, pious foundations, etc.
Thus, the (Turkish-)Muslim minority in Greece has preserved its traditional
community institutions. However, after the 1960s, the minority gradually
encountered various internal and external challenges to these institutions
insasmuch as strong national (Turkish) feelings were increasingly coupled
with the traditional religious (Islamic) identity.

One of the main tasks of the present study is to discuss the relationship
between domestic and international law and to explore to what extent
ideological filters circumscribe the formation of legal norms; the situation
of Muslim minorities in Greece offers fertile ground for this discussion. By
examining the historical evolution of the relevant law, one can assert that
international commitments are screened and often distorted when
implemented in particular contexts. As this study will show, a historical perspective enables us to map continuity and discontinuity and allows us to draw conclusions on the evolution of legal norms, policies, jurisprudence and administrative practices applied to the Muslim communities in Greece. The study asserts that history weighs on and impedes the development of legal norms which attempt to accommodate minority difference. Often, international developments and norms were not sufficiently influential to play a key role in the Greek legal order, which in other fields has been quite receptive to endorsement of international norms. The study also explores the limits of liberal and communitarian approaches to the predicament of both the minority Muslims of Thrace and immigrant Muslims.

1.3. METHODOLOGICAL ISSUES

Without losing sight of the enormous heterogeneity among Muslims who are Greek and non-Greek citizens, this study deals with all Muslims from the perspective of law (international treaties and domestic norms), national ideology, policies, and practices. The situation of both indigenous and immigrant Muslims are examined in the present study as they share common expectations vis-à-vis rule of law and democratic accommodation of their ethnic, religious, or linguistic traits. The legal approach is supplemented with insights from other disciplines, namely, social and political in order to provide the reader with a variety of viewpoints. A good amount of social and historical data also derives from historical archives. The examination of the legal position of Muslims in the Greek state commences with the foundation of the latter in 1830 and ends in 2009. Emphasis is given to the historical pathways which Greek law and Greece's international obligations have followed during this period of 180 years. Following the thread of the formation of the relevant law, the study points to a series of specific characteristics regarding the relationship between law and national ideology as far as a minority group is concerned. Having evaluated the past, the study explains the ways the law at present regulates the status of Islam in Greece. While no book can claim to be exhaustive or explore all dimensions of the subject matter, over the course of the research process, I have sought to closely monitor the evolution of legal norms and any available materials with a view to consolidate analysis, not least because any discussion on this subject in Greece engenders fierce polemics. The overarching goal is to open up spaces to ask new questions and launch new fields of research.
One of the first difficulties in dealing with the historical dimension of
the institutional structures of the Muslim minority communities in Greece
from the establishment of Greece (1830/1831) up to the population
exchange (1923) is limited, sporadic and fragmented bibliography.32
Research in accessible historical archives was necessary at least for defin­
ing the field and understanding who are the beneficiaries of legal regu­lations. That said, I faced significant difficulties in gathering bibliographical
materials due to silence or self-censorship in the academic research which
has often been politically biased and ethnocentric. This is especially true
for the period after the population exchange as historians and lawyers
have often cropped from the picture any subject related to Muslims in
Greece, as if they were absent. Most of the archival material used in the
study I have viewed myself. In exceptional cases, it is cited through a sec­
dary source. What the gaps I uncovered make clear is that this task
requires a more thorough and systematic effort by historians than that
achieved by the present book.

In addition to the archival material, all relevant old and new biblio­
graphical materials were studied exhaustively. Special attention was paid
to new PhD theses and similar studies, even prior to their publication, as
such cutting-edge research offers new arguments and access to new bibl­
liographical material from often difficult to access sources.33 A series of
interviews was also used to clarify issues related to the application of law
in the field. Finally, relevant cases brought before the Greek courts and the
European Court of Human Rights are studied and presented. The ‘Muslim
case law’ falling under the scope of the study reveals a variety of fields of
controversy between the state and Muslim individuals. These cases also
reveal the perceptions and assumptions which guide Greek judges as they
apply and interpret the law in force, often through a strong ideological
filter. That said, a number of cases have been lodged by the minority in
strategic pursuit of collective claims. This is particularly so regarding the
cases brought before the court of Strasbourg. This volume accordingly
comment upon such cases as they illustrate a series of discrepancies
between European human rights standards and the Greek legal order as it
is interpreted by the Greek judiciary. In addition, they contribute to the

32 The most substantial works regarding this period are: P. Konortas, 1980; S. Katsikas,
33 See per instance Demetriou, 2002; Mavrommati; 2007a; Papanikolaou, 2007;
general discussion regarding the position of Islam and accommodation of Islamic law in Europe.

The research was conducted following the basic thematics in both ‘Old’ and ‘New’ Islam with reference to features like community life, religion, associations, education, foundations, etc. However, in a series of domains, like the case of Muslim foundations, there is no correspondence between the two groups. One of the main fields warranting further exploration is the extent to which the minority protection granted to ‘Old Islam’ has been extended to ‘New Islam’ and in what ways this may have replicated the problematic and paradoxical nature of the minority protection order. To put it another way, one might ask whether minority rights could perhaps be better accommodated through simply ensuring that fundamental human rights are enjoyed equally by all.

The text and its structure evolved over time. Often new questions demanding answers arose due to new findings and legal developments (such as the act of 2008 on Muslim foundations). At such junctures, the research took on new orientations. By the same token, lack of sources meant the scope of certain topics had to be reduced (such as the case of the legal character of the Muslim communities before 1922). The questions addressed were interrelated to the main thread of the study: the multifaceted patterns of evolution of Greek law regarding the most important minority religion in Greece, Islam, both in its historical form and its new profile as it is shaped by immigrants.

1.4. SEMANTIC AND QUALITATIVE UNCERTAINTIES

To some extent, uncertainty and semantic confusion surround the terms used in legal texts or in the sources regarding terminology. For there is no legal definition of the terms ‘Muslim’, ‘Ottoman’, or ‘Turk’. In the Balkans, even today, the term ‘Turk’ means ‘Muslim’ and ‘Muslim’ often indicates ‘Turk’.34 In some cases, ‘Ottoman’ has been seen as synonymous with ‘Mohamedan’ with regard to Muslims of Greek citizenship. On the other hand, self-identification as ‘Muslim’ on the part of Balkan Muslim communities takes on a meaning markedly different from that intended by their foes and by those who see them as a sectarian remnant of the Ottoman age who pose an intractable problem for the successor states.35

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The use of the term 'Turkish' in legal texts describes mostly the communities and their schools: The RD of 1882 refers to 'Turkish and Jewish schools' (in Thessalia), while Act 1242b/1919, like many others, refers to the 'Ottoman schools' of Macedonia and only exceptionally in Thrace in the pre-War period. According to the official terminology of the Cretan parliament during the period of the Autonomy, the Muslims were officially labeled as 'Ottomans' and 'Muslims', and rarely as 'Turks'. In still other cases, 'Ottoman' means 'Muslim Greek citizen' (Act 2672/1900 on 'the military service of the Ottomans'). After the Second World War, official documents, especially in the domain of education, used the terms 'Muslim' and 'Turk' conceived under the burden of bilateral policies on reciprocal minorities in Greece and Turkey. Quite often these documents used the term 'minority' in order to avoid the use of 'Turkish' or 'Muslim' (infra, Section 13.2.). Indeed, in the period before 1830, a Greek legislator could not comprehend the idea that Muslims could be Greek citizens, and therefore in documents from this period there is confusion in use of such terms. Broadly, the Muslim religion is attributed with all the negative traits that Greeks ascribe to the Ottoman Turks, as in tropes associated with the 'Turkish occupation' or 'yoke'. Such negative perceptions of the historical experience are reproduced – often in fanciful ways – through the official and symbolic systems, all of which has helped in the formation and cohesion of the nation state. In this context, law plays its own pragmatic role, as it regulates everyday behaviour, evaluates symbols, and imposes ideology in ways which reflect hegemonic understandings. So-called 'scientific' research also employs monolithic categories regarding national affiliation in order to promote their authors' view of the national interest. This gives rise to a phenomenon in which Greek scholars are interested in 'Muslim groups' other than Turks and Turkish scholars only in 'Turks'. For science possesses not only symbolic power but, as Bourdieu might remark, political power which enables it to create new realities. Thus social scientific representations have had an impact on the way the states and societies in question, as well as the minority, view and experience the situation. Bibliographical materials in this vein written by


Greek and Turkish scholars have long been and continue to comply with national ideologies.\footnote{Among many other works see T. Cin, 2003; A. Varvitsiotis, 2007; Hidiroglou, 1990; Z. Mekos, 2001; T. Ataöv, 1991; S. Balic, 1985.}

Possessing the power to name enables one to create a category and preferential conditions which engender and endorse selective legal effects. As Madianou illustrates, ‘both majorities and minorities use essentialist categories, as much as the media and the official discourse do’. For the fact that a social category is ontologically empty does not mean that it cannot exert an implacable political force.\footnote{M. Madianou, 2005: 525, quoting T. Eagleton, 1990: 24.} Use of one or another labels to describe a minority, seen (or unseen) by law, creates political configurations and forms ideologies (supra, on place naming). By the same token, minorities’ insistence on one or another label has political and legal consequences.

But while both international and domestic law see Muslim minorities as united, homogenised entities within national states and therefore overlooks differences within these communities, we need to use a dynamic approach, taking into consideration the historical context in which the terms ‘Turk’ and ‘Muslim’ are used in legal texts. It seems that before the exchange of population and the application of the modern legal status regarding minorities, preference for the one (Muslim) or the other (Turk) term had little importance for the Greek officials, who could comfortably use both in the same document: “…confrontations in Crete and Mytilini among Christians and Turks or among Muslims themselves” or “[t]he spontaneous offer of houses by the Turks of Thessalia to the refugees, as well as the hospitality of the Muslims of Macedonia to the refugees sheltered in the region.”\footnote{Telegram of 20.10.1922, Politis to MFA, AEV, F. 30/October 1922, doc. 3017. In another interesting case, the Greek authorities refer to the Chams of Epirus as ‘Muslims’ or ‘Turks’, Sub-Governorate of Filiates to the Governorate General of Epirus, AP 3976, report of 21.12.1919 and Sub-Governorate of Filiates to the Governorate General of Epirus, AP 3183, report of 21.12.1919, both in AGGE, F.111, 2, 1920. Population census of 1920, Provisional results, HAMFA, F. 6.7 and Telegram of 8.10.1922 from Politis to E. Venizelos, AEV, F.30/October 1922, respectively. The former refers to ‘Muslims’ and the latter to ‘Turks’.} In some cases, the term ‘Turk’ is used with regard to a national identity. But very often the same term ‘Turk/Turkish’ describes Muslims as a religious community alien to the dominant Christian culture. In this case, the appellation ‘Turk’ has a connotation of the enemy. This is evident in all Balkan countries. The evolution of the content of the terms ‘Turk’ and ‘Muslim’ is closely linked to the consolidation of Turkey’s
national character under Kemalism from the 1920s: The formation of the new national identity among the citizens of Turkey which entailed an elision from ‘Muslims’ to ‘Turks’ drastically influenced the self-identification of the Muslim minorities in the Balkans. Inasmuch as Turkish nationalism was established in Turkey, gradually, Turkish-speaking people elsewhere redefined themselves or created their collective identity as Turkish, based on common bonds of culture, language, religion, and national affiliation. This process is not in evidence, however, during the first decades of the 20th century, and this ambivalent situation is reflected in the way that Muslims were perceived: Kallergis, speaking about the Convention of Athens before the Greek Parliament, for example, refers to the ‘Greeks of Turkey’ and the “Turks of Greece” and the lawyer, Giohalas, in his memorandum to the Greek Parliament refers in 1914 to the ‘Christians’ and ‘Turks’ of Parga in a reverse fashion to that in which today one could refer to ‘Greeks’ and ‘Muslims’ of Thrace.

None of this complexity detracts of course from the resonance of the categories in Greek and Turkish nationalist representations. However just after the population exchange, Venizelos refers to the ‘Turks of Thrace’ with a rather national connotation. Afterwards, in the 1930s and then definitively in the 1950s the terms became politicised.

The official definition and concomitant legal regulation of the ethnic or national affiliation of Greece’s Muslims shaped both Muslim self-understandings and their relations in and the reactions of the kin-state. Perceptions of the Muslims also shifted with changes in internal policies as well as in foreign relations, though formal citizenship coupled with absence of assimilation has been the name of the game. With the exclusion of the Muslims in legal and political terms from the nation-building process, their initially predominant religious identity evolved, by the 1960s, into a millet-like mentality in which Muslimness became associated with Turkishness. This was reinforced by the prevailing orientalistic stance according to which the Muslim/Turks are by nature different, so they can keep their oriental internal structures – a view that informed Greek ideological, political, and legal perceptions of how the minority

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43 G. Giohalas, [1914?]: 3 and 13.
should be organised. At the same time, as Islam could not become an alternative national consciousness in a setting were Greekness was hegemonic, the vast majority of Muslims in Greece adopted a Turkish national ideology as their predominant identity feature. This orientalist view is also projected onto immigrant Muslims who, like any immigrant, are seen as ‘foreigners’ who are offered hospitality under conditions unilaterally determined by the hosting party.\textsuperscript{47}

Another field of ambivalence during the evaluation of research data regards quantitative futures. The enduring controversy over the size of the Muslim minorities who are to be the beneficiaries of the minority legal order is notable for its intensely political character. For the census serves as a crucial mechanism for the self-definition of members of any existing ‘community’ or ‘community under construction’.\textsuperscript{48} As Dudley Kirk observed several decades ago,

\begin{quote}
Census figures on ethnic composition are inevitably weighted in favour of the dominant nationality. Questions are customarily phrased so as to favour the dominant group and in their replies many doubtful borderline persons of double language or mixed nationality find it convenient to identify themselves with the dominant element. The political and economic advantage of belonging to the majority group undoubtedly results in an exaggeration of the percentage of that element in the reported censuses distribution, entirely aside from the manipulations of the central statistical office.\textsuperscript{49}
\end{quote}

As such, figures describing the Muslim population must be recognized as containing many errors and falsification as they reflect the aspirations of their compilers. Since the beginning the 20th century, ethnological maps and censuses depicting the ethnic and religious affiliation of the Ottoman European lands were produced by states that coveted those territories. The war of statistics was used by the states in order to propagate their own viewpoint. After the settlement of the borders of Greece, first in 1913 and then in 1923, the statistics regarding the Muslims in Greece correlate with their minoritization as well as with evolving relations with Turkey at the political and legal level. As Kitromelides and Alexandris note, at the Paris Conference of 1919, it was a common practice to produce statistical data that enhanced the demographic presence of one or the other ethnic elements. This practice was followed by the representatives of both Greece

\textsuperscript{47} E. Papataxiarhis, 2006: 2.
and the Ottoman government.\textsuperscript{50} Therefore, all quantitative data are presented with reservations and a caveat regarding the size of the Muslim presence.

As far as the immigrant Muslims are concerned, limited details of the Muslim presence relates not simply to poor data but to the fact that the Muslim population may be defined in very different ways. It could be that Muslim identity presumes the profession and practice of the faith of Islam or a much looser attachment to a cultural national element. As Marc Brown rightly puts it, ‘religion may be viewed as an artefact or cultural identity as measured by an individual place of origins which, again depending on the data, might be ascertained through country of birth, nationality or ethnicity’.\textsuperscript{51}

\textbf{1.5. Target Groups}

In European legal traditions, the law distinguishes between minorities and migrants as two groups subject to different regulations. However, cultural, political, and socio-economic changes that are taking place in Europe due to long-term migration may affect this impermeable view of the law. Since the early 1990s, Greece has been experiencing a situation in which cultural boundaries between the two phenomena are gradually fading away. The Law in many cases is unable to distinguish between where a minority begins to exist and where an immigrant group ends. For example, residence in the host country over two or more generations through acquisition of citizenship would result in the attribution of minority characteristics to groups which formerly would have been called ‘immigrants’.

Moreover, immigrants and historical minorities often share a distinction from other groups in society in terms of ethnic and national origin, culture, religion, or language.\textsuperscript{52} The convergence of the two phenomena under a new unified legal framework requires that religious and linguistic specificities need to be reconsidered under the new circumstances, setting aside traditional categories, such as citizenship, and focusing on factors of social participation. Thus, immigrants and historical or traditional minorities should be viewed within the scope of social inclusion at the

\textsuperscript{50} P. Kitromelidis & A. Alexandris, 1984–85: 29.
\textsuperscript{51} M. Brown, 1997: 1.
\textsuperscript{52} Council of Europe, 2000: 27.
same time as one takes into account the preservation of their religious, linguistic, or national affinities. Both groups are often seen by the majority or the state officials through similar ideological percepts. A reconsideration of the two categories of minority Muslims and their classification based on similar legal paradigms related to ‘minority’ issues highlights the need to re-theorise and re-think the process of minoritization and its ideological justification as well as undermine the dramatization of so-called cultural and ‘ethnic difference’. At the same time, it must be remembered that traditional or historical minorities have the possibility to share a common political, legal, and symbolic area with the national majority where they can socialize through common citizenship. Immigrants, however, in fact do not.

To avoid dogmatic perceptions regarding the definition of ‘minority’, I endorse the position of United Nations’ Committee of Human Rights, according to which ‘the terms indicate that the individuals designated to be protected need not be citizens of the State party’. Thus, in addition to the traditional view that minority members have to be citizens of the state, this approach broadens the normative field to fit to the realities of the minority phenomenon, which in fact is closely related to migration, mobility, and the fluidity of ethnic, linguistic, and religious categories in our societies. Minority elites, the minority and majority national ideologies, and kin-state policies create a field of a dynamic complexity that the law attempts to regulate or ignore.

Thus, the Muslims of Greece consist of those who are Greek citizens on the basis of a ‘historical settlement’ (Old Islam) and those who are of alien citizenship – immigrants or their descendents (New Islam). The two groups are quite distinct, and consequently they are examined for the purpose of the present study separately. Greece is perhaps the only European Union member state where Islam is equally represented in these two forms. In the present study, I attempt to understand both the commonalities and the differences between the two groups which the law fails to capture. That said, the focus in on ‘Old Islam’ as the religious alterity of immigrant Muslims does not constitute the main field of applicability of law regarding the vulnerable position of immigrants within the Greek legal system.

55 CCPR General Comment 23, paragraph 5.1, 5th session, 8.4.1994.
56 Mainly in Bulgaria and in Romania, there are Muslim citizens as well. However, in comparison to Greece they have far smaller immigrant Muslim populations and a very limited special legal framework regarding their ‘old’ Islam due to their communist pasts.
Greek law regulates the coexistence of the two ‘Islams’ rather unequally. The basic idea of the legal framework with regard to Islam is founded in Greece on the formal criterion of citizenship and the legacy of the Treaty of Lausanne. Under this perspective, the legal status being adopted to deal with a certain religious affiliation is moved by conservative and controversial intent – that of recognising as a minority population only the Muslims of Thrace and restricting as much as possible minority rights regarding Muslims outside this geographical space. This attitude entails social, legal, and political entanglements that affect internal and external relations under public international and national law. After all, minority rights belong to the wider human rights family, and they have to be seen as a specific application of the rule of law. This is not easy to achieve. The history of human rights is made up of continuously reformulated claims, often articulated in the context of political antagonisms, which only occasionally entail the making of legal norms. Recognizing this Kymlicka proposes that we distinguish two kinds of claims. The first involves the claim of a group against its own members, aimed at protecting the group from internal dissent. The second is addressed to the larger society in order to protect the group from external decisions, regardless of their collective or individual character. This is the case in Thrace regarding Muslims/Turks but it is not the case with immigrants. However, in both instances, human/minority/migrant rights are under a constant process of ‘politicization’ implying that certain claims should be excluded from the agenda of both the government and/or the minority elites. Therefore, they are muted in the case that they challenge the power of the elites. Such processes which designate the context of group claims are usually defined by a fluidity and ambiguity that is not acknowledged by the agents themselves.

This fluidity is illustrated by discourses in the Greek parliament when the topic at hand is immigration. In 1993, for example, Islam was considered by the ruling majority as an alien element, ‘which could not integrate in the Greek society, due to the Islamic culture that is completely different and it is not merely a religion but a way of life’. Yet social realities changed rapidly and political perceptions did as well. Thirteen years later, the
Greek parliament voted in favour of the establishment of a mosque in Athens 'as the Greek society became supra-national'. However this statement proved a vacuous declaration, as mainstream beliefs still consider Islam to be an alien element in Greek society and the mosque, as we will see in this volume, has yet to be constructed.

1.6. THE STRUCTURE OF THE BOOK

The book is divided into four parts. All of them follow the main argument of the study and the historical axis that connects law on Islam in Greece from the foundation of the Greek state up to the present (2010).

The first part explores the weight of history as regards the formation and evolution of national law on minorities and Greece's relevant international obligations. The role of history is of key importance for understanding the present legal regulations and contextualising political actions. The legacy of Ottoman legal frames on one hand and the engagement of Enlightenment principles by the Greek state from its establishment in 1829/1830 gave rise to legal and political patterns that continue to mark the legal regulation and the political management of ethno-religious otherness. Special attention is dedicated to the Cretan Autonomous State that lasted only 13 years but constituted an institutional model for the legal protection of Muslim communities within a Christian State. The Cretan statesman Eleftherios Venizelos proved a key figure in this process. The historical overview of Greece's international commitments with regard to general issues and the clarification of the context in the next three chapters help us to place the driving questions behind this study in historical perspective.

The second part of the volume deals with the relationship between law and politics in the formation of Muslims' national identities. First, general human rights and special minority rights regarding Muslims in Greece are presented. Special attention is devoted to the Treaty of Lausanne, which has constituted the cornerstone of minority protection in Greece and the organization of Muslim communities as legal entities since 1924. Diversity within the community and ethnic engineering are also discussed as they are phenomena that are often not visible to the law, but which are, in effect, shaped by law-making and the judiciary. Political antagonisms

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between the minority's kin-state (Turkey) and the kin-states of immigrants with the Greek administration is also discussed. The factor of 'Europeanization' is considered separately as after the 1980s it played a key role in shaping the minority order following Greece's integration in the European process. Finally, acquisition and loss of citizenship reveal the ideological content that the legal bonds to the state (thus citizenship) constitute the pragmatic or imaginary threshold for participating in the overall community of citizens. The exceptional deprivation of citizenship and the division of citizens and non-citizens on the basis of ethnic descent is of key importance for understanding the following sections of the study.

The third part takes up the question of the individual rights of the Muslims the enjoyment of which is to a certain extent inherent in the process of minoritization and the feeling of belonging to the group. First, political rights are discussed, then I turn to the right to set up associations and, in broader perspective, the formation of minority civil society. Especially with regard to the minority of Thrace, this process has raised a series of issues that deal with the right to self-appellation. Then the right to expression and the role of media is explored, revealing interesting elements with regard to the expression of ideas and information within the community. Property rights are also considered in historical perspective, as they constitute an important factor that affects the well-being of the individuals belonging to the minority. The common denominator of these fields is the exceptional character that both sides - the members of Muslim minorities and the state - ascribe to the law, policies, and practices. In other words, the legal status of members of the minorities or immigrants is not considered through citizenship bonds but rather through ethnicity.

The fourth part of the book deals with millet-like institutional organizational structures that survived modernity as a residue of the Ottoman past. Religion and language are examined separately and in depth, as they constitute the core element of the minority community identity. For minority schools, the Moutfi offices, and Islamic pious foundations played, and continue to play, the role of the backbone of the Muslim communities. Meanwhile, the Treaty of Lausanne is still interpreted in a narrow fashion that allows the reproduction of an exclusive communitarianism. These three fields offer a window onto the forms of legal and political 'exceptionalism' which pertains to Muslims in Greece and which would be considered unacceptable if applied to the Christian majority. Perhaps the case par excellence of this phenomenon is the special jurisdiction that the Moutfis of Thrace wield over Muslims in the application of sharia
norms. This amounts to a parallel legal system within the state. Due to the abundance of data and the plethora of institutional history, part IV of the study deals only with the most pertinent cases.

The conclusion reflects upon the most important issues that the study examines, namely, the discrepancies between a liberal legal system belonging to the European legal order of human rights and a parallel system of institutional communitarianism. Both, liberalism and communitarianism in Greece are characterised, moreover, by tensions as a result of inflexible practices on the part of the law, the judiciary, the state (and kin-state), and the minority elite. The study of the legal position of Islam in Greece also illustrates the discomfort that the liberal law-maker and the judiciary feel when compelled to deal with an ‘alien’ culture and religion; the book therefore addresses tensions pertaining to multiculturalism. Lastly, a series of appendices (legal texts, maps and statistical figures) offer the reader the opportunity to place the data presented and analysis of the book in context.
PART I

THE LEGACY: NATIONAL LAW AND INTERNATIONAL COMMITMENTS UNDER THE WEIGHT OF HISTORY
INTRODUCTION TO PART I

There is no doubt that the presence of Islam in the Balkans today is historically linked to Ottoman suzerainty. The introduction of new institutions by the modernising Ottoman state during the 19th century and the processes which they unleashed in frontier societies led to very different results in different parts of the Empire. They also led to the wave of national revolutions across the Balkans from the early 19th century onwards, giving birth to a series of nation-states which had inherited a number of Ottoman institutions regarding their Muslim communities. Under the new conditions, the relationship between Christianity and Islam was reversed, rendering the believers in the latter a minority within the newly established Christian states.

Religious coexistence had been deeply rooted in what is today Greece. Since the institutional formation of the Greek State (1830–31), Greek Orthodoxy has been the predominant religion of the country. Hence, Catholics, Jews, and Muslims became minorities under legal protection. The security of Muslims’ persons and property was set as an obligation for Greece under the guarantee of the Great Powers. This agreement was concluded within the framework of the negotiations that gave birth to the Greek Kingdom in 1830.

Following the annexation of Thessalia (1881), Crete and the New Lands (1913) and Thrace (1920), Islam gradually became the most important minority religion in Greece until the exchange of population between Greece and Turkey (1923). Violent expulsion, volunteer migration, and population exchange drastically affected demography and the economy, as well as the political and social relations of the broader Balkans at times of aggressive nationalism. In this context, the presence of Islam in Greece was considerably diminished. That said, the Muslim population increased slightly after the annexation of Dodecanese (1947) — the last time that Greece’s territorial status changed.

A special section is dedicated to the case of the Cretan Autonomous State that lasted a few years before it joined the Greek Kingdom. The case of Crete reveals very interesting patterns of accommodation of Muslim community institutions through the provision of specific rights; it also brings into focus elements relevant to contemporary debates.
The Muslim presence in the Balkans\textsuperscript{1} dates at least to the settlement in the region of the first Ottomans before the fall of Byzantium and, of course, after the establishment of the Ottoman Empire in the region.\textsuperscript{2} Most of Greece's Muslims had origins in groups which arrived with the Ottomans (like the Yuruks), in the indigenous Christian population who converted to Islam (Grecophones, Albanophones, Vlahophones or Slavophones), and in peoples who immigrated to the area in later periods. Migration and Islamization took place through both coercion and voluntary processes.\textsuperscript{3} With the transition from the Byzantine to the Ottoman Empire, a vast area connecting Europe, Asia, and Africa was opened to migration and governed by a common legal system. However, this unified region was spliced into impermeable pieces due to the struggles for national independence launched since the beginning of the 19th century. The consolidation of national states by the beginning of the 20th century found Muslim communities scattered all over the Balkans forming minorities within Christian national states, with the exception of Albania and Bosnia. All of these Muslim minorities “were seen as undesirable relics from the Ottoman past”\textsuperscript{4} and their situation was “conditioned to an important extent by the socio-ethnic structure and the religious identity engendered by the millet system”.\textsuperscript{5} According to the mainstream national discourse of the Christian nation states of the Balkans, the Muslim presence was mostly a matter of unwanted migration and forced conversion of Christians and thus an alien element to the area. Such discourse also suggests that majorities are groups with ancient and continuous roots in the region who are entitled to historical rights and political powers over the land.

\textsuperscript{2} For the history of Islam during the Ottoman Empire in what is Greece today, see First Encyclopedia of Islam, 1913–1936, vol. V, E.J. Brills, Leiden 1987: 566. That said, Islam was present in what is today Greece since the Arab conquest of Crete in the 9th century.
\textsuperscript{4} H. Poulton, 1997b: 13.
\textsuperscript{5} K. Karpat, 1982: 141.
However, Muslim communities in many cases remained an integral part of the modern Balkans. The national era entailed a series of socio-economic, political, legal, and symbolic changes for Muslim populations. These changes emanated from the new political ideology, nationalism, and modernization. Thus, nation-states conducted administrative and organizational changes in accordance with political programmes developed within the framework of binding international treaties. Often domestic law implements these obligations through hegemonic interpretations. As Cowan and Brown observe,

Typically minorities are named using national categories, and the sometimes odd equivalences this sets up are rarely queried. Equally the wide spectrum of responses to the hegemonic national norm within such ‘minority’ groups in a single country, which may range from comfortable accommodation to outright resistance, receives little theoretical consideration.6

By the beginning of the 20th century, Muslim elites were on the way to embracing national identities through religion and Ottoman ideology.7 The structure of Ottoman Islamic communities as a distinct millet allowed for the embedding of national ideas which evolved into Turkish nationalism or (as in Bosnia) into other distinct forms of nationalism. As Eleftherios Venizelos stressed as early as 1906 with regard to the Cretan Muslims and the Greek Orthodox majority: “...we have been nationally separated on the basis of the national consciousness which has been formed among the Muslims, as a result of their religion”.8

The establishment of national states in the Balkans and the diffusion of nationalism among the various religious and linguistic groups, particularly during the wars of 1912–1923, resulted in serious inter-communal rivalries. The dissolution of the Ottoman Empire transformed the dominant Muslim groups into non-dominant groups within the new national states of the Balkans and the criteria for the protection of the Muslims in the emerging states was set under the auspices of the Great Powers. The Protocols of London of 1830 signed by France, Great Britain, and Russia, set forth, as a condition for Greek independence, the guarantee of the personal security and property rights of Muslims. The same criterion was applied at the Berlin Congress of 1878 in the recognition of new Christian states. The classification of a cohesive ‘Muslim’ group from a

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7 S. Anagnostopoulou, 1998. See also S. Katsikas, 2009b.
legal perspective was inherited by the new nation-states which emerged in the Balkans, namely Serbia, Bulgaria, Romania, and Greece. The Greek revolution was the first successful national movement, and it established a pattern that was followed by similar national revolts on the part of other nations based on the belief that the ‘Christian nations’ had ‘awakened’ and thrown off the ‘Ottoman yoke’. In the new ideological, political, and institutional context, Muslims became a minority subjected to differentiated legal treatment well before the establishment of the minority protection system by the League of Nations.

Patterns of acquisition of national identity by the Muslims were related to their economic and social positions. Landowners, farmers, workers, petit-bourgeois, and merchants as well as Muslim bourgeois elites played different roles in the collective process of constructing national identity among what theretofore had been pre-national communities. The formation of national consciousness, and thus the transformation of millet into nation(s), is intimately associated with the emergence of other forms of engagement – political or societal. For the Muslim workers, the terms of incorporation and integration into Greek realities after 1881 or 1913 were hampered by the fact that ethnicity and social class were often interlinked. In this respect, self-perceptions of class often had ethnic and civic dimensions, just as the national and political position of such cadres had a societal connotation. Thus, the radicalization of the working class after 1913 (Muslims, Jews and Greeks) to a certain extent strengthened the self-identification of the ethno-religious groups as minorities and further created a space for the emergence of distinct national identities. This process was violently halted by the population exchange. In Thrace, however, where Muslims remained, it proceeded under different conditions and Turkish nationalism emanating from next door exerted a steady ideological influence. That is to say, for the Muslim minority community in Thrace, which found itself subject to pressure on the part of both the Greek majority and the kin-state, Turkey, the acquisition of a national identity overwhelmed any sense of solidarity bonds related to a social class.

Nationalism undermined and ultimately obliterated the balance of the extant multi-ethic structures of local societies. Ethnicity and religion were closely linked in the phase of ‘national awakening’ and nation- and state-building processes in Greece reflected elements of the Ottoman millet system (itself being transformed by the Tanzimat reforms). This was
evident in the treatment of Muslims as well as Jews, as respected religious groups but also as isolated political entities. In effect, the new state fostered the notion of a national Greek identity as continuity of the Ottoman concept of *millet*, which already envisaged the separation of Christians from Muslims in legal terms.¹¹

Pre-modern cultural diversity, which may be understood as forms of hybridism and syncretism, began to fade once the region became exposed to European notions of ethno-national purity.¹² *Millets* were seen as ‘nationalities’ especially in the context of intensive diplomatic negotiations regarding the future of the former Ottoman lands. This meant that in time the term ‘minority’ began to acquire the meaning formerly attributed to *millet*. This also entailed a process of the transformation of perceptions within the Muslim communities in which members began to envisage themselves as minorities. This was certainly the case in Thrace after 1923 when the Muslims became a ‘minority’.¹³ As Todorova remarks,¹⁴

Ironically, Balkan nationalism, which irrevocably destroyed the imagined community of Orthodox Christianity managed to preserve a frozen, unchangeable, and stultifyingly uniform image of the Muslim community, and consistently dealt with it in *millet* terms.

Nor was the *millet* a liberal community, for it did not recognize any principle of individual freedom of conscience beyond the scope of the group. Meanwhile, the modern constitutional state, in this case dominated by the Greeks, emerged as one of the most important institutions for regulating the position of the minority, reserving the right to make and enforce the law.

### 2.1. 1830–1912: The First ‘Short Century’ for Greece...

Islam had a limited and dispersed presence within the Greek Kingdom for the first 50 years of the state’s existence. In 1881, a major territorial extension took place with the annexation of Thessalia and part of Epirus (Arta) and continued until the Balkan Wars (1912–1913), when the Ottoman

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¹² P. Haslinger, 2003: 15.
¹³ In the terminology of the day, the self-appellation ‘ekalliyyet’ (to be less) was gradually replaced by the modern term ‘azînîk’ (minority).
¹⁴ M. Todorova, 1996: 68
Empire withdrew from its Balkan possessions in Roumeli. In managing these territorial acquisitions, Greece recognised special minority rights and institutional autonomy for the Muslim communities. Crete too, under the protection of the Powers, gained political autonomy from the Empire. During this interim period, the status of the Cretan state offered a sophisticated legal framework to the Muslim community of the island until union with the Greek Kingdom in 1913.

2.1.1. After the Revolution

Before the launching of the Greek revolution in 1821, the Muslims represented one-tenth of the population, or some 80,000 people, in what was to become the Greek state in 1830. During the Greek revolution and especially after the naval battle of Navarino of 1827, many of the Muslim inhabitants were treated as an enemy population; the vast majority of those who survived followed the withdrawing Ottoman army and administration. According to the Resolution No 6 of 12.4.1826 adopted by the Third National Assembly “the Turks should not have any property or dwelling in Greece”. Yet, as slavery was prohibited by the first constitutional drafts, Muslims who remained could not be enslaved by the Greek administration and would eventually become citizens of the future state. This was the first challenge for Greeks to apply Enlightenment democratic principles pertaining to ethno-religious otherness, i.e., towards those whose identities were not thought to constitute the newly sovereign nation. In reality, of course, no legal means could efficiently protect those who were seen as the ‘enemy’ in a period of upheaval. It is estimated than no more than

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15 G. Karipsiadis, 2000: 156–7. Greece also annexed the Ionian islands in 1864. There were no Muslim populace in the islands.
16 McGrew, 1985: 235. In the Peloponnese, there were 40,000 Muslims before the revolution (A. Gerolymatos, 2002: 167). Almost none survived the atrocities committed during the rebellions, D. Lithoxoou, 2005: 17.
17 The following excerpt written by Jeremy Bentham in 1823, English traveller and scholar, is revealing of the ambiance of the first years after the revolution: “In relation to this part of the population [the Maliomedans], what is the most eligible course that can be taken: the government being supposed established in the hands of the Christian part? To put them all to death surely can not be in contemplation: as little to export them all by force. In some number or other, absolute and relative, relative in relation to that of the Christians, they will continue in the territory of the state”, Ph. Schofield, 1990: 254. See also J. McCarthy, 1996: 10–12.
18 G. Karipsiadis, 2000: 175. According to a resolution adopted by the First National Assembly (1822) all state and private Turkish property, except of those in Evia island, were expropriated in favour of the Greek state, F. Strong, Greece as a Kingdom, London 1842, cited by G. Nakos, 1969: 478.
11,500 Muslims remained in Greece in 1828\(^9\) and probably far less after the final establishment of the Greek state in 1830, acquiring Greek citizenship (\textit{infra}, Section 9.1.).

In the aftermath of the Greek Revolution against the Ottoman Empire, the Protocols signed in London in 1829, 1830, 1831 and 1832\(^20\) and the Convention of Constantinople (1832) reflected the will of the Great Powers to safeguard the position of the Muslims living in the nascent Greek state. For the first time, and via the Protocol of 22.3.1929, the Great Powers (France, Russia and England) provided the right of reciprocal optional migration for the Muslims of Greece and the Christians of the Ottoman Empire as well as granted amnesty to those who committed war crimes. This meant that those Muslims who had remained in Greece acquired Greek citizenship and became subject to a rudimentary regime of protection. For those who converted to Christianity (\textit{Neo fotistoi}) special provisions were made regarding property rights.\(^21\) Greece undertook the obligation to consider as equal all its citizens regardless of creed, and to grant to them equal access to public posts, prerogatives, and offices. France and Britain were the guarantors of these provisions. Specifically, the Protocols of 3.2.1830 and 16.6.1830 declared that Muslims desirous of continuing to inhabit the territories and islands allotted to Greece were entitled to full security in their person and properties.

Nevertheless, lands owned by the Sultan and to some extent estates owned by individuals were expropriated and became ‘Greek National Plots’, comprising about half of all Greek soil. Negotiations between the Greek authorities, the Great Powers, and the Ottoman Empire over this issue reflect the ideological stance of the emergent national state according to which all Muslims were thought to constitute an alien element and who were, therefore, not welcome in the new regime.\(^22\) The Ambassadors of the Powers, however, declared that the question of Muslim migration should be settled reciprocally by bilateral agreement.\(^23\) The Governor of Greece, Kapodistrias, explained the content of the protocol to the Greek Senate:\(^24\)

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\(^{21}\) G. Nakos, 1969: 499.
\(^{22}\) On the protocols of 3.2.1830 and 16.6.1830 regarding the issue whether to grant the Greek citizenship to the remaining Muslims inhabitants of Greece, see G. Karipsiadis, 2000: 52.
\(^{23}\) \textbf{Geniki Efimeris tis Ellados}, 27.8.1830: 283.
\(^{24}\) \textbf{Geniki Efimeris tis Ellados}, No 32/E, 26.4.1830: 126. The Greek Governor reported to the Ambassadors of the Powers that ‘The Muslims residing in Greece not only enjoy absolute personal safety but they enjoy part of their real properties, which has been granted to them by the government’. Governor of Greece, 4–16 Apr 1830. \textit{Ibid.}
Those Muslims who opt to stay in Greece shall enjoy personal and property safety. [...] All residents of the new State shall be admitted as civil servants or ministries deemed as equal for all religious, social and political relations, with no distinction of dogma.

Then, the Governor called potential buyers to purchase Turkish plots in Evia and Athens,\(^{25}\) to facilitate the departure of those who wanted to leave. Despite the vivid negative reactions expressed by the senators,\(^{26}\) further measures (e.g., right to indemnity, article 2) were granted to those Muslims who were willing to migrate to the Ottoman territories by the Convention of Constantinople of 9.7.1832. A few months later, the King of Greece, Otto, reaffirmed the religious freedom of all Greek citizens emphasising that those indigenous Muslims who remained in Greece should enjoy full respect by the state authorities as Greek citizens regardless of their religion (Act of 10/22 February 1833, Gazette, 1833, No 2). Moreover, the local Nomarchs (Prefects, appointed Governors) were to be responsible for securing freedom of religion from any act of fanaticism (order 3, article 12, Gazette, 1833, No 17). Little information is available regarding the implementation of these regulations, so no comprehensive conclusion on the legal position of the Muslims can be drawn regarding that very first period of Greek governance.

As Greek citizenship was granted on the basis of religion until 1835,\(^{27}\) a local Greek Orthodox was considered to be Greek par excellence. Foreigners who fought for Greek independence were also granted Greek citizenship. In 1836, a last chance was given to those who wanted to migrate from Greece to the Ottoman Empire and vice-versa.\(^{28}\) After all, the idea that the newborn state is of Greek national character was clearly expressed by the very early constitutional texts.\(^{29}\) This was the first attempt to homogenise the new Greek State and was pursued by gathering together

\(^{25}\) Geniki Efimeris tis Elladas, 20.8.1830: 274.

\(^{26}\) The Senators considered “inadmissible the regulations of the protocol of 3.2.1830 on the Muslims as they render null and void the struggle of the Nation as the remaining Turks are granted rights and own estates previously plundered from the Greeks”, Act of the Governor 67, Senate of Greece, letter to the Governor, Geniki Efimeris tis Elladas, No 32/ E, 10.5.1830: 145.

\(^{27}\) Legal provisions of the mainland Eastern Greece (Nomiki Diataxi Anatolikis Hersou Ellados), 15.11.1821, Section A, Political Constitution of Greece (Politiko Syntagma tis Ellados), 1.5.1827 and Act 15/27.5.1835 on the Greek citizenship (Gazette, No 20), G. Karipsiadi, 2000: 239–245.

\(^{28}\) Protocol of London, 18/30.1.1836 and Declaration of 1.1.1837 (FEK 1), for the text see G. Karipsiadi, 2000: 495.

CHAPTER TWO

the Greek Orthodox population and getting rid of the ‘Turk’. While those few Muslims who stayed acquired Greek citizenship, those who opted to abandon Greece were obliged to liquidate their landed property.

Prior to 1881, the only compact Muslim community lived in Halkida (Evia), and it remained there until the late 19th century, after which there is no reference to the community in the historical record except that they stayed on as Greek citizens, but faced problems with regard to preserving their real estate holdings. In roughly the same period (1833), Evia faced the arrival en masse of Christian refugees from the island of Samos. In an interesting incident, the Muslims asked for exemption from the obligation to house the refugees, but the Greek administration denied this request invoking the principle of equality for all Greek citizens to share burdens and rights the same way. Tiny Muslim communities might have been settled in other places in Central Greece (Sterea Ellada) working on the Sultan’s remaining landed property or in Athens. Following this first period during which Muslims were not treated as a distinct group, a further series of legal regulations regarding Muslim communities was adopted with the annexation of Thessalia by Greece in 1881.

2.1.2. The Convention of Constantinople (1881)

Following the annexation of Thessalia and Arta, the Convention of Constantinople was applicable for 40,000 Muslims (mostly of Turkish-speaking Koniari and fewer Albanian-speaking Bektashi) who obtained Greek citizenship and whose rights were placed under the regulations of the convention. They were mostly settled in urban centres such as Larissa.

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30 According to the population census of 1861, there were 385 non-Christians in Evia and 552 across Greece. However, figures from this population census were not reliable, see Y. Bafounis, 1991: section K. Otherwise, there are no statistics about Muslims in Evia except those of 1828 when the Greek administration had to answer questions set by the Ambassadors of the Powers: at that time, there were 6,730 Turks and 156,775 Christians, Arheia Ethnikis Paligeneseias, 1973: 244. Evia was placed under Greek administration only after March 1833 and the transition took place without armed confrontation. According to the first governor of the island, G. Psyllas, the Muslim community had not fled (G. Psyllas, 1974: 204). The governor had to resolve various problems regarding Muslims’ property rights, exploitation of woods and settlement of Greek refugees in Muslim houses. The Muslims were eager to keep their former Ottoman court (mahkeme), but this was not possible as the Greek courts had mandatory jurisdiction over Greek citizens (G. Psyllas, 1974: 237). See as well P. Konortas, 1980: 25 and E. Vogli, 2007: 196.

31 E. Vogli, 2007: 198, for citation of relevant archive material.

32 A list of the villages inhabited by Koniari is quoted by V. Prontzas 1992: 413–14.
(10,800), Trikala (3,000), Volos (1,400), and Karditsa (2,835). The Convention of Constantinople was signed in 1881 and inaugurated for Greece a period of coherent and detailed international obligations regarding her Muslim communities. The Treaty declared that Muslims along with all other ‘Greek citizens by birth’ (ekgenetis Ellines polites) shall enjoy equal civil and political rights (article 3). Within a period of three years, the Muslims of the annexed territories were given the right to choose between Greek and Ottoman citizenship (article 13 of the Treaty). The deadline was then extended until the year 1889. Should Muslims choose to take Ottoman citizenship, they were required to leave Greece. To avoid this difficult choice, some former Ottoman subjects managed to acquire Austrian or other foreign citizenship. The ‘Ottomans’ (e.g., Muslims of Greek citizenship) were granted full religious freedom (article 8) and the Greek state had to respect the existing internal structures of the non-Christian religious communities (i.e., Muslims and Jews). The Greek government assured European diplomats before the Greek takeover of the region that the Muslim population of Thessalia should feel “neither fear nor apprehension with regard to their future and condition which would be seriously respected and attended to by the New Government”.

The Greek administration acknowledged as head of the Muslim communities the local Mouftis who, together with the Muslim elites, managed vakf properties, schools, and other institutions of pious character. The local Muslim elites consisted of the religious hierarchy and wealthy members of the community who owned significant properties or were able to pay high taxes or possessed at least a middle school diploma (Mekatib-i Rüşhidiye). These criteria were set by law 1706 (A’YΣΤ’) of 1889 regarding the composition of the Management Committee for the vakf. Schools and places of worship remained under the control of the Muslim communities headed by the Moufti. A part of the land remained under the ownership of the Ottoman Sultan and constituted a significant income (article 5).

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36 A. Vamvetsos, 1917: 50.
However, the special status of minority schools and the establishment of five Moufti offices (infra, Section 16.2.) were not sufficient to create a sense of security for the Muslims, who gradually fled Greece. Despite Greece’s defeat by the Ottoman army in 1897, Thessalia remained under Greek sovereignty. Under the terms of the Treaty of Peace signed between the two countries on 22.11.1897, the Muslims of Thessalia had the right to choose between migrating to the Ottoman Empire and remaining in Greece. All rights guaranteed since 1881 were reaffirmed (article 7), and those who had already opted for Ottoman citizenship regained the right to stay in Thessalia.

The number of Muslims in Thessalia decreased gradually after 1882 and more rapidly after the war of 1897. This population decrease was a result of social and economic factors coupled with the insecurity that minority status entailed, as legal protection was not sufficient to prevent migration. According to the population census of 1907, only 2,795 Muslims remained in Thessalia out of 3,516 across Greece. Another 27,371 Ottoman nationals — both Christian and Muslim — resided in different areas of Greece.

2.2. AND THE CRETAN AUTONOMOUS STATE

In Crete, Christian insurrection against Ottoman power (the revolution of 1889, riots of 1894, and inter-ethnic clashes of 1896–98) led to the intervention of French, English, Italian, and Russian troops, definitively settling the Cretan question. The Powers authorised a regime of autonomy for the island under Ottoman suzerainty. The short-lived autonomous Cretan State (Kritiki Politeia, 1898–1913) was put under the military guarantee of the Powers and the theoretical suzerainty of the Sultan continued despite the fact that the administration was primarily Greco-Cretan. In 1896, there were 80,000 Muslims living in Crete (26 percent of the population). Most of them were descendants of Islamised Orthodox Christians (and in some rare cases Catholics), Ottoman employees and traders, slaves or workers from Africa (Ethiopia, Sudan, or Libya).

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42 J.-S. Dutkowski, 1953.
The legal status of the Muslim community in the Cretan State was one of the most elaborate ever applied by a Christian Greek administration. Eleftherios Venizelos, minister of justice in Crete during this period, likely played a key role in the drafting of the legal framework regarding the Muslim population of the island. As the minutes of the Parliament illustrate, Venizelos worked for the creation of ‘absolute equality of the Christians and Muslims’ and sometimes, it seems, ‘in favor of the Muslim minority’. Even when the Muslim deputies were against his political party, he promoted ‘the legal interests of the Muslims’, believing that this would be in favour of the (Greek) ‘national interests’. This legal status has to be considered in the framework of the Treaty of Berlin (1878) and the Convention of Halepa (1878). According to the latter, the autonomous Cretan state was established adopting a balanced treatment of Christians and Muslims. One-third of its parliament would be constituted by Muslim deputies and two-thirds by Greek-Orthodox deputies.

In that context, the Greek Orthodox became the dominant political power economically, politically, and institutionally. In this context, Greek was proclaimed the official language of the state (article 5 of the Constitution of 1899). This did not represent a problem in and of itself insofar as Greek was the mother tongue of the vast majority of the Muslims. The Christian Orthodox creed, however, was proclaimed as ‘the prevailing religion’ (article 2, 1907 Constitution) after extensive discussions over the appropriate scope of such a provision. In time, the view that ‘a common mother for all should be the State and not a certain


46 In effect, application of the millet system varied depending on population proportions. Christians and Muslims were represented by quota at the Parliament or the local authority councils, special community courts adjudicated cases regarding personal status, and proper schools offered services to Christians and Muslims. On the separation of power among Christians and Muslims under the Halepa agreement see E. Prevelakis, 1963: 163–182.

47 During the drafting of the Constitution, the Muslim representatives proposed to have the Turkish (Ottoman) language as an additional language for the promulgation of laws and circulars for the first eight years. Venizelos answered that there would not be any need for this, as very few Muslims used Turkish, E Talos 1995: 155.

48 K. Fournarakis, 1929: 5.

49 For the Constitutions of 1899 and 1907 of the Cretan State, see E.1 Talos 1995: 214, 292.
religion’ receded. In due course, the autonomous state moved towards union with the independent Greek Kingdom triggering Muslim reactions.

Despite the favourable legal situation, political tensions and renewed violent inter-ethnic clashes led Muslims to gradually flee the island, especially as the Autonomy became increasingly oriented towards political union with the independent Greek State. This was finally achieved in 1913. In 1900, there were 33,496 Muslims in Crete, representing 11 percent of the total population. Most lived in the main cities of the island. The Cretan government attempted to reverse this migration flow without success. In 1911, the population had been reduced to 27,852, and the Muslims went from being a majority to becoming a minority in the cities of Irakleio and Rethymno. A significant number of the migrants went to the Ottoman islands of Rodos and Kos, joining the local Muslim communities.

In September 1908, the Parliament of Crete declared that the Constitution of Greece was to be considered the constitution of the Autonomy. This act of unilateral union was not accepted by the Great Powers, or even Greece, until 1912. The enjoyment of special rights for Muslims who became Greek citizens nevertheless continued until the population exchange of 1923. The legal framework, in which such rights were enjoyed and which is presented briefly below, was based upon the principle of the millet system. It contributed to the consolidation of the legal and political paradigm for the treatment of Muslims in Greece after 1913 when Crete became a part of the Kingdom of Greece.

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51 In 1910, the Assembly of Crete called upon Muslim deputies to take an oath to the Greek King, which they refused to do. After intervention by the Powers, the Assembly admitted the Muslim deputies without oath, N. Andriotis, 2007: 152.
53 By 1899, 40,000 to 48,000 Muslims fled Crete. M. Peponakis, 2001: 134. From 1900 until 1909, 3,091 further Muslims migrated off the island, Gazette of Crete, B 23, 9.3.1912.
55 For the Ottoman population census see M. Peponakis, 1994: 50–100. In Irakeio, there were 13,431 Muslims, in Rethymno 11,735, and in Lassithi 1,488 Muslims, see G. Djinguiz, 1909: 99. E. Kolodny, 1974: 222–213. See detailed population tables in M. Perakis, 2005.
56 According to the speech of the Prince George, High Commissioner of Crete, Gazette 1901, Session of 19.5.1901.
2.2.1. Muslim Community Structures

The notion of religious community or *millet* determined the legal and political position of Crete's Muslims as well their internal institutional establishment and structures. The main features of the legal arrangements were the vakf – the community pious foundations, community schools, and the religious authorities, namely the *Mouftis* and *Kadis* who applied family and inheritance law derived from *sharia*. Proportional representation for the Muslim communities in the parliament constituted a further feature of the community's legal status. The Muslim minority of the island furthermore enjoyed, at least at the formal level, religious freedom (articles 7, 10 and 11 of 1899 Constitution and article 2 paragraph 2 and 3, 1907 Constitution) and educational rights, community autonomy and special jurisdiction on personal status.

The economic importance of the vakf for the Muslim community of the island put the vakf issue at the centre of the conflict before and after the Haleppa agreement, a problem inherited by the Autonomous State. The Muslim community was granted special autonomous status within the framework of freedom of religion through Act 276/1890. In such a context, the Islamic religious foundations were granted legal personality similar to the status that vakf enjoyed under Ottoman law. According to article 16, Act 145/1900, the foundations included the mosques and the convents of religious brotherhoods (*tekke*), buildings for religious or educational use, the seminaries (*medrese*) and the libraries, the water reserves (*sebilhane*), the fountains, and the cemeteries.

The *Kadi* was *ex officio* the president of the Council of the Deans of the Muslim community. Among his competences was the moral education of Muslim children especially with regard to their public behaviour. The Councils were also assigned responsibility for the moral supervision of children under custody. It is worth noting that Crete's Muslim Councils were retained after the incorporation into Greece's institutions in 1913.

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60 Article 118, Act 145. This competence was abolished in 1901 as 'morality was up to the government and not up to the Muslim community', Gazette of the Cretan State, D 1901: 1223.

61 Amended article 77 of Act 434/1901, Gazette of the Cretan State, D 1903, Session of 18.6.1903, 642.

62 RD of 20.9.1913, FEK A 197.
As a direct result of retaining the *millet* system in Crete, the *Sharia Courts*\(^{63}\) operated according to articles 92 and 93 of the Constitution of 1899 and article 106 of the Constitution of 1907. In effect, they exercised *rationae persone* jurisdiction over the Muslims of Crete. Act 145/1900\(^{64}\) established three Sharia Courts in Hania, Rethymno, and Irakleio. According to the Act 434/1901\(^{65}\) of the Cretan Autonomy, a fourth Sharia Court was established in Ierapetra.

In each court, a *Kadi* was the judge and a *Moufti* the legal advisor responsible for interpreting Koranic law. The Kadi had to be accredited by the *Sheikh-ul-Islam* (Chief of the Ottoman Muslim religious hierarchy) as Sharia Judge (*Ierodikis*). In his absence, the Moufti could undertake his duties. Both were appointed by the High Commissioner of Crete (first King George of Greece and later Alexander Zaimis) and received their salaries from the state.\(^{66}\) Since 1903, and in conformity with the law on religious institutions (on Christians, Muslims and Jews), the Kadis and the Mouftis were paid by the community income. Only in case of shortage of resources, would the state contribute to the relevant allowances.\(^{67}\)

The Sharia Courts had jurisdiction on matters referred by articles 92 of the Constitution of 1899 and 105 of the Constitution of 1907 namely, marriage and related matters such as divorce and alimony, minors’ emancipation and inheritance. The civil Court of Appeal was competent to discuss any appeal against the Sharia Courts’ judgments concerning cases of inheritance dealing with the management of a vakf. The 1907 Constitution expanded the right to appeal before a civil court on issues concerning Islamic alimony (article 105). In addition to the jurisdiction of the Sharia Court, the Moufti were competent to give opinion (*fetva*) to anyone seeking the legal interpretation of religious law. Act 434/1901 set additional rules to the Koranic Law taken into consideration by the Muslim judge with regard, for example, to cases of inheritance and special requirements when dealing with minors’ rights (article 81–109).\(^{68}\)

According to article 105 *infra* of the 1907 Constitution, the execution of the Kadi’s judgments was a duty of the civil courts. The language of the

\(^{63}\) On the *Mouftis* and the *Kadis* see G. Djinguiz, 1909: 100–101.

\(^{64}\) ST.3 *Talos* 1996: 430.


\(^{66}\) According to article 11, Act 434/1901, ST.3 *Talos* 1996: 1114.

\(^{67}\) Gazette of the Cretan State, D 1903, Session of 18.6.1903, 779.

\(^{68}\) ST.2 *Talos* 1996: 1110.
Sharia Courts could be Ottoman Turkish but all judgments and other official acts had to be translated into Greek in order to have legal effect.

The general principle on the prohibition of discrimination on the ground of gender was applied to public and judicial services: Muslim women had the right (or were obliged) to engage in legal action before a court without their husbands’ permission.69

Muslims’ language rights were mainly implemented in the field of education despite the fact that the majority of Crete’s Muslims were Greek-speaking. According to the general education law, the Cretan Autonomy provided Muslims the right to have special education in religion and linguistic matters. This special status was governed by articles 207–222, 229 and 238 of Act No 82 on the organization of the public education adopted in 30.9.1899.70 In Hania, Rethymno, Ierapetra, and Irakleio, special elementary public schools were established for Muslim pupils (boys and girls separated). In 1899 there were 21 Muslim schools with 2,308 pupils, and in 1910 there were 19 schools with 1,917 pupils.71 According to Decree No 36 of 14.12.1910,72 the supervision of Muslim educational institutions was the responsibility of the High Directorate of Education. To this end, 15 Christian teachers served in Muslim schools and had 29 Muslim colleagues.73

The textbooks for Turkish language and religion in some cases were drafted by Cretan Muslim teachers and utilised following approval by the state authorities.74 In the Muslim schools, the principal was a Muslim teacher, and the official holidays were set according to the Islamic calendar. To teach a distinct curriculum in Turkish seems to be a measure taken in order to serve a newly emergent and distinct identity on the basis of language, even if Greek was the language spoken by the Muslim Cretans. The establishment of Turkish language schooling had begun in the mid-19th century75 and burgeoning linguistic differences contributed to ideological separation between Christians and Muslims. This was eased by the fact that the Counsellor of Education of the Cretan State was Muslim.76

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69 Decree 209 of 9.9.1900, Cretan Gazette 51 A.
72 ST.4 Talos 1996: 1820.
74 Decree 112 of 30.9.1901, Cretan Gazette 78 A.
76 In 1908, the Counsellor of Education, Nesim Farfourakis, was accused of favouring the Muslim schools to the detriment of Christian ones. On the ‘scandal’, see A. Hourdakis, 2002: 195–199.
Before 1899, there was a division of civil servant posts for Muslims and for Christians in the public sector. For even though Cretan Muslims were predominately Greek speaking, they were unlikely to be familiar with the official *katharevousa*, a form of Greek used by the administration and officials and which Greek Orthodox students learned only in their Greek-language high schools. As such, many Greek-speaking Muslims who had attended Turkish language institutions of secondary education may have had difficulty delivering public services in Greek. Therefore, Muslim public officials were allowed to use the Turkish language, while Greek officials used Greek and there were few points of contact between the two groups. According to article 108 of the Constitution of 1899, Muslims could be appointed as civil servants regardless of whether they satisfied language or educational qualifications for the first eight years of the Autonomy. In 1906, this period was prolonged for ten further years for those who were not graduates from universities taught in Greek. This measure was adopted on the basis that there had not been enough time for Muslim students to graduate from institutions taught in the Greek language. Indeed, only 15 Muslim pupils attended a Greek high school in Irakleion, most of whom went on to enrol in the University in Athens. A few Cretan Muslims studied in France as well.

The language issue acquired resonance for the two communities, and for the Muslim minority it helped to reinforce an (Ottoman) Turkish identity. For language is no mere tool for communication but a vehicle for fostering – and polarising – ethnic and ideological constructions. By emphasising the Turkish language, the Muslim community was able to create an identity distinct from that of the Greek majority.

The political participation of the Muslim-Cretans at the time of the foundation of the Autonomy was guaranteed by the Powers and Prince George of Greece. The committee which was subsequently established to draft the constitution was comprised of 16 members – 12 Christians and 4 Muslims. Loyal to the *millet*-like system, the Muslims voters constituted a separate voters’ college. The first five-member government included a

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77 Proceedings of the 2d Constitutive Assembly of the Cretans, Gazette of the Cretan State, D 1912, Session of 25.11.1906: 774.
78 D. Christopoulos, 2002: 81. According to A.-F. Christidis (1999: xxxi), “The vital clue in this investigation [about the historicity of multilingualism and multinationalism in the European Union] is the value aspect of language – the ideological/symbolic loads it carries that leads to identification or differentiation, consensus or rift”.
79 LD No 1 of 4.1.1910 on elections, abrogated articles 1 and 2 of Act 625. On the separated electorate for the Muslims, see Decree No 2, Decree 29 of 7.3.1907, articles 11 and 14 of Decree 31/1906 on the election of deputies. For the relevant legal texts see ST 1996: 1741; ST 1996: 1745; ST 1996: 1747; F 1 Talos 1996: 222.
Muslim minister. Moreover, out of 188 deputies, there were 50 Muslim members of the first Cretan Parliament.\textsuperscript{80} The Muslim candidates were elected in specific areas determined by law (article 3 and 4 of the Decree on the first Cretan Parliament of 29.1.1899). Each deputy had to gather at least 5,000 votes (article 51 of the 1899 Constitution and article 61 of the 1907 Constitution). This resulted in the election of 114 Christians and 16 Muslims deputies. Of the latter, six came from Hania, six from Irakleio and four from Rethymno. The quota with regard to political representation changed in 1909 when the parliament decided to decrease by half the number of seats held by each community. New deputies were sworn in according to their religious convictions, that is, on the Bible or the Koran (article 58 Constitution of 1907).\textsuperscript{81}

Meanwhile, in this period, Greco-Cretan nationalist sentiment rose and the goal of union with Greece was increasingly trumpeted, eliciting the disapproval of the Muslim deputies\textsuperscript{82} as well as of the representatives of the Great Powers. In September 1908, the Cretan Parliament declared itself the 'Parliament of the Greeks in Crete'. In this political and ideological context, Muslim participation in parliament and in high offices decreased considerably.\textsuperscript{83}

\textbf{2.2.2. Cretan Muslims: Between Millet and Minority Protection}

Ethnic clashes between Muslim and Christian Cretans created a pattern in which the Cretan Autonomous State was gradually consolidated as a predominantly Christian entity. In 1889 and 1896-7, atrocities committed against the Muslim Cretans\textsuperscript{84} pushed them to move from rural areas to the cities, lose their plots and houses, or emigrate. The security of the Muslims became a source of concern for the Powers which retained military forces

\textsuperscript{80} M. Djinguiz, 1909: 99–103.
\textsuperscript{81} However, as Crete was eager to join Greece the law was not always respected – to the detriment of Muslims. In one case, Muslim deputies were not allowed to take an Islamic oath as this was not acceptable to the Cretan Parliament. See the declaration sent by the representatives of the Great Powers in 27.5.1910, E.1 Talos 1995: 105.
\textsuperscript{82} 'Union declarations' were submitted to the parliament of the Cretans in April 1905, in June 1906, in July 1907, and in May 1908.
\textsuperscript{83} According to the Second Constitutive Parliament of the Cretans, "the decrease of the number of the Muslim Counsellors to three made not possible anymore the Muslim element to be represented in the higher instances (...) The two judges of the court of Appeal are still in office. On the contrary, the customs officers have been de-commissioned from office for reasons regarding the service". Memorandum to the Great Powers, September 1906, Minutes of the B Constitutive Parliament of the Cretans, Gazette, v. 4, Hania 1912: 8–10.
\textsuperscript{84} T. Kostopoulos, 2007: 189–211.
on the island, namely for guaranteeing peace and security. Thus, the fragile balance between Christians and Muslims was guaranteed by the Great Powers, who attempted to secure the Muslim presence in the island.\textsuperscript{85} The established authorities of Crete also sought to secure peaceful coexistence despite the rise of violent inter-ethnic clashes.\textsuperscript{86}

Christian and Muslim Cretans alienated one another, creating separated institutions and fostering antagonistic ideological stances on the basis of a sort of Creto-Greek nationalism which was opposed to an emergent Creto-Muslim-Ottoman ethnic ideology. Institutional division based on community organizational structures prepared the ground for segregation along national lines. Nevertheless, bodies like the League of Christian-Muslim Women of Crete represented an exemplary case of mixed association and social activity within a professional context (the organization aimed at the promotion and distribution of weaving and other forms of women's handicrafts). The League placed particular importance on the rehabilitation of excluded and poor women from both communities and sought to secure them jobs. Christian and Muslim women were equally represented at the first administrative council of the League. The question of how to accommodate religious and ethnic difference was often debated in the Cretan Parliament:\textsuperscript{87}

While the Greek nation envisages to foster and incorporate in it populations of non-Greek descent (\textit{allogeneis}), it should not have narrow ideas regarding the bestowal of offices and the relations among the citizens; [...] It has to ignore the injustice and the inequity of the past; [...] It has not only to recognize the equity among all the citizens constituting the free state but to recognize, if needed, prerogatives in those races with whom it has to live with.

According to another deputy,\textsuperscript{88}

The 10-year term [during which the Muslims were expected to acquire language proficiency] would be sufficient to have perfect Muslim lawyers. But it is for the Cretan State to take care of the Muslim element through incorporating them into public offices.

However, a proposal towards this end did not pass, with 69 negative votes against 47 positive. Within the framework of the mindset and

\textsuperscript{85} See, for instance, the declaration made in 6.6.1910 by the Great Powers encouraging the Cretan Administration to respect Muslims' rights, E.1 \textit{Talos} 1995: 104.

\textsuperscript{86} P. Konortas, 1980: 47.

\textsuperscript{87} Speech of K. Foumis, Proceedings of the Second Constitutive Assembly of the Cretans, Gazette of the Cretan State, D 1912, Session of 25.11.1906: 782.

\textsuperscript{88} Speech of H. Kaloeidas, \textit{ibid.}
institutional legacy of the *millet* system, Cretan Muslims were perceived as a community whose participation in the administration should be determined by quota. Special measures were accordingly taken which nowadays might be called ‘positive discrimination’. Such moves were intended to facilitate integration and enhance the welfare of both the minority and the majority. Debates over positive action tended to be over the scope or limits of such measures and the fear was that they might eventually compromise the constitutional principle of equality. In the meantime, as noted, Muslims held public posts as civil servants, police officers, and, less frequently, judges.\(^89\)

In the same period, there was a search for common standards to govern state-citizen relations based on principles akin to the Greek national ideology. Thus the Muslims found themselves more in the position of a being a national minority group rather than a *millet*. The following example is evocative. After long discussions, the Cretan Assembly adopted the proposal to abolish soldiers’ cap visors especially for Muslim soldiers. Eleftherios Venizelos, a fervent supporter of upgrading Muslims’ institutional status, voted against this proposal because he believed that by adopting this measure the Assembly “would widen instead of fill the breach between Christians and Muslims, which is national rather than religious”.\(^90\) As Greek Christians gradually began to envisage joining the Greek Kingdom through symbolic recognition of national ties to the ‘mother country’, the Muslim communities reacted and contemplated their alternative ‘mother nation’ or ‘mother state’, namely Turkishness and the Empire. Indicatively, 16 Muslim deputies complained vigorously about a Declaration made by the plenary of the Cretan Assembly which stated that they body’s works would be undertaken ‘in the name of the King of Greece’.\(^91\) The transformation of a *millet* into a nation, a process which unfolded in response to both internal dynamics and outside pressures, was well underway.

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\(^{89}\) Vetzih Hatzidakis, for instance, complained about being fired from his post as Director of the Public Social Fund (*Koinofeles Tameio*) after having served as judge at the First Instance Court of Irakleio, AEV, F. 100/1914.

\(^{90}\) Amendment of article 1, Decree 95/8.6.1907, Minutes of the Cretan Parliament, Session of 2.10.1907, Hania 1911, 73, 8–27, 64–75.

CHAPTER THREE

1913-1922: A DECADE OF ETHNO-RELIGIOUS CO-EXISTENCE

Following the Balkan Wars, the Treaty of Bucharest awarded the Greek State Epirus, the East Aegean islands, Crete and Macedonia, the so-called ‘New Lands’ (Nees Hores). Through the annexation of the New Lands, Greece increased its landmass and population significantly. Muslim populations, the majority of which resided in the region of Macedonia, found themselves by 1912 in the theatre of a war between Greece, the Ottoman Empire and Bulgaria. Perceived as kin of the defeated Ottoman authorities, local Muslims paid a terrible toll in blood and death. At the same time, in Western Thrace the Bulgarian administration swept away the short-lived autonomous ‘Republic of Thrace’ established in 1913. By 1918, the inter-allied army took over the administration of the region (of both West and East Thrace); in 1920, it passed on to the Greek authorities.

3.1. NATIONALIZATION/ETHNICIZATION OF LAND AND PEOPLE AND MINORITY PROTECTION AT THE BEGINNING OF THE 20TH CENTURY

As a result of the Balkan Wars of 1912–13, Greece, Serbia, and Bulgaria obtained important territorial gains to the detriment of the Empire. ‘Every Greek war is waged for the recovery of a national frontier’ and Greece increased its area and population by 68 percent. As such, an important number of non-Greek speaking or non-Greek Orthodox peoples became Greek citizens, coming to constitute a significant minority presence. According to official estimates, in 1912 more than 560,000 Muslims inhabited Northern Greece, making up 39 percent of the local

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1 For an overview of military confrontations between Greece, the Ottoman Empire, and Bulgaria see A. Gerolymatos, 2002.
2 On stillborn attempts to establish an independent state in Western Thrace, see, K. Featherstone and others, 2010: 30. See also Hr. Karamatsiou, 2009.
population. The initial response to the new situation on the part of mainstream policy makers in Greece was not assimilation but the preservation of regulated coexistence under the condition of loyalty to the Greek state:

After 1913 the national ideal is not any more the creation of a purely Hellenic Greece but the establishment of a large Hellenic state in which many foreign elements would coexist with the Hellenic one, keeping unnaturally their particular national consciousness under the sovereignty of the Hellenic element and using as their connecting link the Greek language, the official language of the state.

However, in keeping with the zeitgeist of the era, the underlying impulse of the nation-state builders was first to acquire as much as possible of what constituted the (imagined) 'national territory' and then to 'ethnicise' it. Population exchanges or transfers accordingly took place under legal provisions which sought to minimize minority presence. Greece, Bulgaria, and Turkey all undertook initiatives along these lines. Such population exchanges – which took place in the 1920s between Bulgaria and Greece on the one hand, and Greece and Turkey on the other – had an enormous impact on the fate of their respective minorities. The last case of population exchange along these lines in the Balkans was the transfer governed by the Convention between Romania and Turkey signed on September 4th 1936 in Bucharest which aimed at facilitating the ‘voluntary’ migration of the Turkish and Muslim population of Dobroucha to Turkey.

Greek nationalism understands the Greek state to be a continuous yet clearly defined territorial space which encompasses all or part of the Greek nation. Thus, a specific area where a rival nationalism is in evidence – such

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4 For figures on the Muslims of Macedonia in 1912, see J. Dalègre, 2002: 206 and D. Pentzopoulos, 2003: 137-138: the main concentration of Muslims was in Hrysoupolis (Sari Saban) (98 percent of the total local population), Drama (79 percent), Kavala (60 percent) and Langadas (60 percent) with fewer in Katerini (18 percent), Elassona (12 percent) and Halkidiki (6 percent). According to Sotiriadis (1918: 16), before 1912 there were 189,690 Muslims out of 355,655 inhabitants of Eastern Macedonia, whereas in 1915 there were 145,857 Muslims out of 384,655 inhabitants. According to A. Pallis (1925b: 13) “in 1912 the Turkish population of Old Greece and New Lands according to a series of statistics was about 523,000 (Macedonia: 472,000, Crete: 28,000, Epirus: 8,000, Aegean islands: 9,000, Old Greece with Elassona: 6,000)”.

5 A. Pallis, 1933.


as Thrace where the Turkish-Muslim community expresses an alternative identity – raises the question of exclusivity of possession. This, ironically, can give rise to a situation where a defensive nation-state fuels the emergence of the very minority nationalist sentiment it fears. Appadurai, for one, points to the tendency of states to treat networks of different levels and types of cultural density as ‘minorities’ (or ‘majorities’). In this context, the state obstructs the crystallization of neighbourhood-based local ethnic identities. In its preoccupation with control, classification, and surveillance of its subjects, the nation-state may instead create, revitalise or fracture “ethnic identities that were previously fluid, negotiable, or nascent”. Thus, nationalism and ethnicity feed one other,

As nationalists construct ethnic categories that in turn drive others to construct counter-ethnicities, and then in times of political crisis these others demand counter-states based on new found counter-nationalisms. [...] It may be the time to rethink mono-patriotism [...] and to allow the material problems we face [...] to define those social groups and ideas for which we would be willing to live, and die.8

At a more symbolic level, ethnicization of territory is reflected in the assignment of toponyms which negate the existence, past or present, in the area in question of communities deemed antagonist to the majority. The nationalization of place names in Greece was accordingly highly political. It was effectuated by uprooting old names and bestowing apparently Greek terms in their stead, a process that amounted to a ‘new vision of territorial appropriation’9 which turned ‘geographic terms’ into ‘political mottos’.10 For Greece, as elsewhere in the Balkans, this entailed symbolical effacement of Ottoman place names,11 which sought to prove continuity

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8 A. Appadurai, 1996: 162.
10 P. Lekkas, 2001: 219. See also a comparison on Greek and Turkish policies on name changes through ‘policies of rendering minorities voiceless’, U. Özkirimli & S. Sofos, 2008: 178.
11 S. Katsikas, 1999: 18. On place naming in Thrace see the accurate article of M. Kokolakis, 2000: 197–204. Yet, in 1909, a committee of experts was appointed by the king (FEK 125) in order to cleanse Greece of Turkish and other place names of foreign origin (S. Katsikas, 2009a, note 57). See also the PDs of 31.8.1926 and 28.12.1926, on the change of names of several communes and group of houses (respectively FEK A 346 1926 and FEK A 7 1927), RD 20.9.1955 (FEK A 287) and PD 1123/1977, on changing place names in Rodopi (FEK A 363). One of the most massive changes of place names took place during the Greek Administration of Thrace (Western and Eastern part) in 1921, Civil Governorate of Thrace, Directorate of Interior Affairs, Decisions for the name change [of the prefectures of Thrace], Annex to the FEK, B 4, 18.9.1921. GAK of Athens, Collection Stamoulis, K85.c, 8, doc 084.
with a glorious – albeit ‘imagined’ – national pre-Ottoman history. Since 1909, for example, the Greek Minister of Interior placed major importance on re-labelling a series of place names which ‘imply wrongly [that] the national composition of the population of the villages’ is of ‘foreign descent’. To this day, Greek law, takes a harsh position towards place names deemed of ‘non Greek origin’, going so far as to penalize the use of the old Turkish, Albanian, or Slavic names by public or local authorities, associations, or individuals.

In the context of the population exchange conducted between Greece and Turkey on the basis of religion (i.e., the exchange of Greek Muslims for Greek-Orthodox Anatolians), there were groups of Muslims without clear ethnic or national affiliation whose primary identity was pre-national and religious. This led, for example, to the exemption of Albanian-speaking Muslims (infra, Section 4.1.2.) from the population exchange who were assigned an Albanian rather than a Turkish national identity. In general, one could remark that the cultural and religious identity of the Muslims of the southern Balkans was based on affinities at least as strong their subscription to any national ideology, not least Turkish nationalism. This was true both in 1908 (after the Young Turk revolution) and definitely after 1922/3 (with the establishment of the Turkish Republic). To a lesser extent, the same was true with regard to the Albanian nationalist sentiment of some Muslims in Greece after 1913, when Albania was established as an independent state. The creation of nation-states across south-eastern Europe and the diffusion of ethnic nationalism among the racial and religious groups during episodes like the Balkan Wars resulted in inter-communal rivalries. Thus, adherence to a certain national idea was a choice determined by a complex matrix of political, economic, and

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12 One of the most revealing cases regards the change of the name of Ghioumoultzina/ Gümülçine to Komotini: The Ottoman version of the name was very close to the old original Byzantine name Koumoutzina, but the more hellenised Komotini has prevailed. Report by the Committee on the place names in Greece to the Ministry of the Interior, 2.11.1921, AP 417, State General Archives of Athens, Collection Stamoulis, K85.c, 8, doc 085. On the management of city space as a field of antagonism between Greeks and Turks and the symbolic power of the usage of buildings and plots once owned by the Muslim or Jewish communities by the majority, see V. Koutsoukos, 2004.

13 Report ‘on forming a committee for the study of the toponyms of Greece and the ascertainment of their historical justifications’ of 6.5.1909 and RD 31.5.1909 (FEK A 125). For the genealogy of the place name changes through legal norms, see D. Lithoxoou, 2005: 57–65.

14 PD of 17.9.1926 (FEK A 287) and LD 1260/1972 (FEKA 194). For a case regarding Muslim teachers who used the abolished names in Turkish, infra Section 7.4.5.

15 For more on the Turkish nation-building process and how aspects of the historical past have been created on the basis of ‘ethnicist nationalism’ see C. Kevder, 2005.
societal conditions and factors. De-Ottomanization of the Muslims in what became Greek territory after the Balkan Wars was also furthered by the Turkish nationalist orientation of the Committee of Union and Progress (CUP) which overthrew the sultan in 1908 to establish the Young Turk regime. In a process that lasted just four years, the CUP launched the first attempt to 'nationalise' the Muslims of Greece. The inverse of this process, namely the 'milletization' of the very same population was then undertaken by Greece, amounting to a contradictory and in some cases complementary pattern which determined the political and legal status of the Thracian Muslims/Turks through to the beginning of the 21st century.

The impact of Greece and Turkey on Greece's Muslims is evident in how patterns of ethnic affiliation emerged in the context of bilateral antagonisms. As Ulf Brunnbauer points out, the case of the Turks in Greece illustrates how the ethnic identification of a minority with a kin-state is perceived as a threat by the nation-states that are home to this particular minority. Muslim identities were a primary target of national identity policies in Greece (as in Bulgaria), which sought to eradicate ambivalent and multiple as well as rival ethnic identities. Law played a crucial role as a tool for ethnic engineering in the name of minority protection; very often, moreover, legal initiatives were undertaken in a reciprocal fashion. Thus, 'minoritophobia' was perpetuated as a collective ideological defence mechanism. Perhaps for these reasons there is a lack of a culture of dialogue between the Greek authorities and the minority even though there is a pressing need to revisit and reform legal arrangements.

Nationalism undermined and obliterated the delicate balance of pre-existing multiethnic structures which had ensured symbiosis – if not necessarily harmony – between ethnicities. It also entailed an active effort to forget previous co-existence in the 'national lands' through the construct

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16 During the turbulent period of the occupation by Axis forces in Epirus (1941-45) the Muslim Chams expressed Albanian national sentiment and sought the establishment of an Albanian authority. Albanian nationalism was served not only by those who today would be defined as Albanians. The situation in Epirus was more fluid in 1917 when Italian forces administrated the area and Muslims’ conditions were eased and they were allowed to express Albanian national sentiments.


19 On several occasions, the European Commission against Racism and Intolerance recommended that Greece open a dialogue to solve legal and political problems regarding minority education, the minority foundations, and the Moufti, ECRI, 2009, paras 63, 121, 125.
of an unbroken national history reaching back to a mythical past linked to today's geography. Such ideological formulations attempted to include all Muslims who had no place within the national Christian States of the Southern Balkans, namely in Greece. On the other hand, Greek national ideologies viewed Muslims as an alien element vis-à-vis the national integration process. Special legal treatment was nevertheless granted in compliance with international obligations. The gradual extension of Greek territory placed Muslims in Greece under minority status until 1923 and the radical solution of mutual minority expulsion. Hence, the Muslim minority became part of a political balance of bilateral relations its welfare safeguarded by a delicate legal status. Moreover, the arrival in Greece after the 1990s of hundreds of thousands of Muslim immigrants seeking political asylum or economic prosperity has created a ‘new minority’ issue under completely different conditions and legal considerations than those which have governed relations with the traditional or old Muslim population. If migration has strengthened growth indicators in the Greek economy, Greek society and the Greek authorities have not responded positively to the new multicultural tableau, but envisage a threat to national identity. One reason for this is because immigration has lead to the reshuffling and rebalancing of several social factors, and the redefinition of social positions, roles, and status.

3.2. THE GREEK STATE AND THE MUSLIMS: FIRST CONTACT, FIRST REACTION

A few years before the withdrawal of the Empire from its Balkan concessions, Venizelos, Greece’s future emblematic leader and an important figure regarding Greek policies on minorities, upheld exceptional ideas for his time. He expressed the view before the Cretan Parliament that:

Greece’s Muslims should be the link between Greece and the Muslims of other countries as the latter are going to be detached from the Ottoman Empire. Greece should envisage gaining the confidence of the Balkans’ Muslims by providing political prerogatives. [...] The Greek Kingdom is going to expand toward the North by incorporating massively new Muslim populations. [...] In this respect, Greece is going to become, inter alia, a Muslim power, like Russia or England. Greece, because of its historical past

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20 These remarks are valid for both Greek and Turkish nationalism: Kitromelidis & A. Alexandris, 1984–85: 10; C. Keyder, 2005: 6; E. Skopetea, 1988: 25.
21 ECRI, 2000, paragraph 30.
and its affiliation with the Muslims, is going to become one day a Muslim power where the Muslims would live satisfied.\textsuperscript{23}

The vision underlying this statement, which foresaw the territorial expansion of Greece, would only be implemented in a very rudimentary fashion though Greece did indeed acquire a sizeable Muslim population. His inclusive understanding of Hellenism\textsuperscript{24} was nevertheless endorsed by a number of other officials who argued – albeit in rather Orientalistic terms – that ‘Muslims gradually would become civilised and understand themselves to be an indispensable part of the Greek nation’.\textsuperscript{25} But the challenges to establishing solid legal and political ground for ethnic cohabitation proved insurmountable at the very moment of the rise of violent nationalisms. Venizelos, after all, went on to become an important agent of the irredentist Megali Idea at the beginning of the 20th century.

The arrival of the Greek army and the establishment of the Greek administration in the New Lands was not welcomed with enthusiasm by the Muslim inhabitants many of whom migrated to the Ottoman Empire. Their loss was great, as they faced harassment and looting at the hands of Greek troops or Christian inhabitants taking ‘revenge’ for oppressive policies on the part of the Ottomans in the past;\textsuperscript{26} this meant that a large number of Muslims fled the territory, not only during the war but during the first years of the Greek administration. Those among the Muslim elite who decided to stay at their administrative positions remained active members of broader society and economic life.\textsuperscript{27} In the aftermath of the war, the new Greek authorities respected the institutional arrangements based on self-organization of Muslim communities although there was less autonomy for educational and religious matters. Act \textsuperscript{DPAD} (4134) of 1.3.1913 preserved intact all the previous legal rules except those which contradicted the Greek ordre


\textsuperscript{24} Venizelos argued that “Hellenism should not identify with the idea of Orthodoxy”, and that “Hellenism which serves its interests should be so broad and so irrelevant to religious dogmas”, quoted by N. Andriotis, 2007: 157.

\textsuperscript{25} See H. Mylonas, 2008, referring to Iliakis, Venizelist governor of Western Macedonia in 1917.


\textsuperscript{27} The Muslims after 1912 lost their administrative power and positions, but they kept participating actively in the social and economic life of the town [Edessa/Vodena], as traders or lawyers, P. Potiropoulos, 1995. For a detailed overview of the social stratification and societal position of the Muslims of Greece before the population exchange, see Y. Glavinas, 2009: 516.
Later on, act 147/1914 extended the Greek legal system into the New Lands allowing for special protection for the Muslims. Greek law, however, governed matters of public concern. The Ottoman court system was completely abolished, and the Greek judge replaced the Ottoman judge (Kadi).

As far as the communal domain was concerned, the Greek government recognised the local Mouftis as head of the Muslim communities and as judge for family and inheritance cases, following the legal pattern since 1881 for the Muslims of Thessalia. According to the order 587 /26.11.1912 issued by the representative of the government in Macedonia, pre-existing local authorities should be respected by the Greek administration as much as possible. Thus, in many cases the existing local government remained in office as was the case with the Muslim mayors of Thessaloniki, Kaylaria (Ptolemaida), and Ioannina. Despite the aforementioned special legal regulations and relevant declarations, however, Muslims continued to migrate in a steady stream towards the Ottoman; in so doing, they joined many other Muslims from all over the Balkans. Maltreatment was widespread against Muslims all over the New Lands. The main complaints regarded discriminatory practices applied by the Greek authorities.

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28 St. Seferiadis, 1925: 350. K. Polihroniadis, (1913: 102) discusses the the question whether to promote ethnic cleansing or to respect ethnic diversity in the New Lands, taking into account the establishment of the principle of equality before the law vis-à-vis the preservation of economic advantages.

29 In some cases the Kadi remained in office for an interim period, G. Kalantzis, 2002: 253.

30 According to Ottoman sources, there were 122,665 Muslims refugees from the New Lands settled in the Empire, while according to Greek sources about 86,000 Muslims fled Macedonia alone. For these data see T. Kostopoulos, 2007: 64. According to other Greek sources, a total of 243,804 Muslims fled Greek Macedonia in early 1914 alone, Statistique du mouvement de l’émigration musulmane de la Macédoine durant les 17 premiers mois, AEV, F.10.1914/doc 173. In Epirus, at least 2,300 Turks fled the country, AGGE, doc. of 21.11.1920, AP 864, Governor General of Epirus to the Minister of the Interior, F.111, II 1920. According to a telegram of 28.6.1916 to the Greek MFA, a significant number of Albanian Muslims fled Koritsa and Kastoria, AEV, F. 13/1916, doc 138. It is worth noting that the United States was a common destination for the Muslims of Epirus. Similar incidents were reported in Crete; see A. N. Adiyeke & N. Adiyeke, 2011: 29. According to a telegram to the Prime Minister of 28.3.1914, signed by the Prefect of Thessaloniki, ‘today 3,409 Muslims left Greek and Serb areas...’, AEV, F. 98/1913–14. More than 100,000 Muslim refugees from Bulgaria and Serbia were sent to Turkey through northern Greek ports (Thessaloniki and Kavala) and 24,000 from Greek Macedonia, see M. Mazower, 2004: 337.

31 As the Kilkis deputy governor reported to Prefect of Thessaloniki, ‘The refugees were a real plague for the Muslim population’, 14.12.1914, GAM, F.14 and I. Glavinas, 2005: 162. Taking advantage of the atrocities committed by the Greek army and locals against the Muslim villagers of Macedonia, Turkish propaganda promoted emigration among the Muslims towards the Empire, which, in turn, triggered the political reaction of the Greek government, S. Pelagidis, 1997: 114–129.
issues related to military service, delayed restitution of requisitioned estates, lack of support for those Muslims who remained homeless because of the Balkan Wars, delay of reopening the schools, and the fact that prisoners of war who were Muslims of Greek citizenship had not been liberated.\(^3\) Very soon, history would squash any chance for establishing a *modus vivendi* for peaceful coexistence in the area. As various complaints about harassment accumulated, Muslims were *de facto* deprived of any recourse against physical molestation by soldiers and civilians, and the seizure of their goods and property. Muslims were encouraged to emigrate as informal expropriation of houses was conducted in places of settlement of Greek refugees coming from Asia Minor, who were victims of attacks committed by local Turks at home.\(^3\) The arrival of the refugees in Macedonia and Lesvos swelled the need for dwellings and the Greek authorities and army accordingly occupied Muslim schools, mosques, and other community property.\(^3\) The Ottoman diplomatic services complained about “the atrocities against

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\(^3\) Memorandum of the Muslim deputies of the Greek Parliament to the Greek government, [1919], signed by Hudsamedin Said (deputy of Drama), Kimaledim Halil (deputy of Drama) and Hasan Mehmet Ali (deputy of Thessaloniki), AEV-ELIA, F.9.3. Several occupied Muslim estates were not restituted to their owners – at least until April 1919 – when the Governor of Macedonia proposed the restitution of the occupied Muslim properties in order to establish good relations with Turkey. At the same time, a committee of Muslim deputies from Macedonia and Thrace paid a visit in Thrace and Asia Minor in order to propagate the Greek positions (Diomidis to Venizelos, Telegram of 9,4.1919, AP 2764, AEV-ELIA, F.9.3). For an overview of the situation see T. Kostopoulos, 2007: 68.

\(^3\) Complaints of the Muslims of Macedonia and the refugee flow towards Turkey in ‘Peyam’, 1914. According to Themistoklis Sofoulis, Governor General of Macedonia, the Greek government should block the passage of the foreign Muslim refugees through Greece as they were fuelling propaganda in their new settlements among the Turkish populations of Asia Minor to the detriment of the Greeks of that area, Sofoulis, AP 28491, MFA, Thessaloniki, 9.6.1914, AEV-ELIA, F.9.3. On several cases of harassment see Y. Glavinas, 2009: 56.

\(^3\) For example, the Governor General of Macedonia asked for approval for the requisition of Mevlihane *tekke* and the Muslim school Israhane in Thessaloniki, Telegram to the President of the Ministerial Council, Thessaloniki, 2.6.1914, AEV-ELIA, F.9.3. For a detailed correspondence between the Moufti of Thessaloniki, the Muslim community authorities of Langada and Yanitsa, the Moufti of Kavala, the Greek authorities, and the Greek Prime Minister, see AEV-ELIA, F.7.5 (1914 and 1915). The Muslim communities complained of excessive requisition of community estates by the Greek army and maltreatment of Muslim inhabitants. Venizelos himself paid special attention to the issue, constantly calling on the local authorities and the army to refrain from any mistreatment of the Muslims and to fully respect their rights. According to the British Consul of Thessaloniki, “The petty vexations to which the Moslems are subjected by their Christian neighbors in the country districts and the misery brought on by the war are the most powerful factors in deciding the Moslems to leave the Turkey-in-Europe”, F. Elliot, No 18, 21.3.1913, British Embassy of Athens, in B. Destani. vol. 2. 2002: 80. For more documents see *ibid.* vol. 2. 2002: 404 onwards.
the Turks, occupation of their properties, the impunity of the perpetra tors, occupation of schools and mosques [and] harassment against those who opted for the Ottoman citizenship", giving an international character to the situation.\textsuperscript{35} To soften the bad impressions such practices made on the Powers, the Greek authorities attempted to gather favourable reports from inside the Muslim communities.\textsuperscript{36} But by 1914 a vicious circle was in swing, the victims of which were the Muslims of Greece and the Greek Orthodox of Asia Minor. This fuelled emigration on both sides of the Aegean to the perceived 'mother country'.\textsuperscript{37} In Greece, preventing Muslims from fleeing became a major foreign policy consideration and was described by some as a matter of 'national interest'\textsuperscript{38} or necessary to 'avert an economical disaster'.\textsuperscript{39}

During this first period of turmoil, Greece and Turkey attempted to exchange their populations. The Ottoman government proposed a population exchange which would affect the Greek-Orthodox of Thrace and Smyrna in return for the migration of the Muslims of Macedonia. The Greek government agreed on the grounds that a compulsory exchange would be out of question.\textsuperscript{40} The Ottoman government concurred with the Greek proposals and confirmed that:

\begin{itemize}
  \item \textsuperscript{35} Ottoman Consul General of Thessaloniki, Memorandum to the Governor General of Macedonia, 25.9.1914, HAMFA, F. 1914, A/19d.
  \item \textsuperscript{36} Letter by the Moufti and President of the Muslim community of Demir Hisar to the Sub-Governor of Sidirokastro (18.9.1914), Letter to the Governorate General of Macedonia, to thank the Greek government for 'the restitution of equality before the law', Moufti of Kastoria, Takri Abdulah, (7.7.1914). Similar letters of thanks were sent by the Moufti of Florina Mehmet (7.7.1914), the President of the Muslim community of Serres (10.7.1914), the \textit{baba} of the \textit{tekke} of Tzouma Kiazim Fiza (20.4.1914), the Moufti of Tenedos Ese Iz Mehmet (27.5.1914), all in: HAMFA, F. 1914, A/19d. Moreover, in many cases the local Muslim communities condemned the atrocities committed against the Greeks by Turkish nationalist forces in Asia Minor. The Moufti of Mytilini, for example expressed his sorrow at the persecutions on behalf of the Turkish community, telegram of the Governor of Mytilini to the Prime Minister, 24.5.1914, AEV, F.99.
  \item \textsuperscript{37} For a detailed presentation of ethnic cleansing practices on the part of both Greeks and Turks see T. Kostopoulos, 2007.
  \item \textsuperscript{38} Telegram 17.10.1914, Sofoulis, Governor General of Macedonia to the Prime Minister, 27.6.1914, HAMFA, F. 1914, B/150. As a late measure in view to 'normalize' the position of Muslims can be seen the amnesty granted in 1920 especially to Muslims for crimes committed during the period after the Balkan Wars, Act 2180/1920 (FEK Au 116).
  \item \textsuperscript{39} Correspondence between MFA and the Greek consulate in Smyrni, 27.6.1914, HAMFA, F. 1914, A/19d.
\end{itemize}
The accord with regard to the conditions for an exchange of the Greek-speaking populations of Thrace and of the Smyrna vilayet on the one hand, and of Muslim populations of Greek Macedonia and Epirus on the other, which would spontaneously manifest their desire to emigrate, as well as to the evaluation and exchange of the properties reciprocally abandoned by the populations which have already emigrated (5.7.1914).

The negotiations failed, as the Empire joined Germany in the First World War. The Greek administration, meanwhile, expanded to Western and then to the Eastern Thrace where the local Muslim majority was governed by Greek policies which sought to ensure that future annexation of the region would be permanent.

If the suffering Muslims of Epirus and Western Macedonia welcomed the Greek troops in 1912–13 with reticence in order to avoid further harassment, a few years later, many Muslims of Eastern Macedonia and Thrace welcomed incoming Greeks more cordially after having experienced a rather rough Bulgarian administration. However, the enthusiastic welcome given to the “liberating Greek army” and the support for Greek claims to the Powers with regard to the demarcation of the borders of a ‘Great Greece’, should be assessed in light of the fluidity of the conditions which compelled the leaders of Muslim communities to seek a better future for themselves during a period of high uncertainty and instability. In many cases, the local Muslim elite was very ambivalent about cooperating or declaring loyalty to anyone – the Greeks or the Bulgarians or remained passively or actively in favour of a restitution of the previous order, namely the return of the Ottomans.

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42 For instance, the Moufti of Komotini welcomed the settlement of the Greek army on Thrace and mentioned the atrocities committed by the Bulgarian army against the Muslim communities, G. Kalantzis, 2002: 194–198. On other occasions, the local Muslim elite cooperated with the Bulgarian authorities of Eastern Macedonia (1916–1918), I. Glavinas, 2005: 163. Thousands of Muslims as well as Greeks suffered and perished during the famine or due to the deportation measures that the occupation authorities used as a suppressive measure, T. Kostopoulos, 2007: 285–295.

43 Telegrams of 27 February 1921, and 1 March 1921, reporting that the local Mouftis of Irakleia [in Arkadianoupoli], of Eleftheres [in Babaeski], (Cemal bey) and Anaktorio (Haci Abdurahman) signed memoranda in favour of the Greek positions for the demarcation of the frontiers, HAMFA, 1921, F. 32.5. By letter to the President of the Government and the Governorate of Eastern Macedonia (Drama), Hamdi Hotza, Moufti of Demir-Issar [Sidirokastro] declares the sympathy of his Muslim community to the Greeks of Aidin (in Turkey) who were victims of persecution by the Turks, HAMFA, 1919, A5/10b, Sub-Governorate of Sidirokastron, AP. 2536, 5 July 1919.
CHAPTER THREE

Venizelos himself pursued delicate diplomacy and befriended the Muslim elite of Eastern Macedonia and Thrace as part and parcel of a game with Bulgaria over who could establish strong links to the local populations in order to bolster political claims to the region at the Paris Peace Conference of 1919. A series of memoranda supporting the Greek positions were signed by Muslims from these areas, and even from within Bulgaria. Ismail Hakki, a former representative of the Muslims at the Bulgarian parliament, became a leading proponent of Greek policies. However, at the local level, sentiments were very often the inverse of those envisaged, much to the disappointment of Venizelos. "The blindness of the Greek administration", he lamented, "had been incurable since it systematically did its best to undermine the Greek national claims"; he went on to plead for "the necessary orders to be issued in order to restrain the local authorities from harassing the Muslims".

By article 1 of Act 2492/1920 (FEK A 206) Western and Eastern Thrace were annexed to the Greek state and all inhabitants granted Greek citizenship en masse (article 2). The general regime of legal protection regarding Greece's Muslims was extended to the region, and, therefore, the Mouftis of Thrace were granted special jurisdiction (article 11). Law on the vakf and Muslim schooling was also applied. A special 'Department for the Religious Communities' was founded to deal with all relevant questions. Muslims were represented in the local administration and in the parliamentary elections of 1920. Out of Thrace's 52 seats, 20 deputies represented the Muslims of Western Thrace.

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44 For the diplomatic correspondence (a series of documents from HAMFA) on the activities of Ismail Hakki and other Muslims and the orientation of the Greek and Bulgarian propaganda in the historical context of 1919–1921 see I. Glavinas, 2005: 166–170. The claims and counter-claims were of instrumental use in foreign policy and also served personal ambitions. As Glavinas notes, "Ismail Hakki having as a weapon the suggestions of Venizelos for autonomy prepared a convention in Komotini where delegates from Bulgarian Thrace would participate and they would ask for the annexation of their territories to Greece. However, Venizelos, who was certain about the decision of the Conference regarding Thrace, did not approve Hakki's actions, which were directing the Muslim populations against the Bulgarians, and he asked the Greek authorities not to encourage the movements of the Pomaks of Bulgarian Thrace towards annexation by Greece or their thoughts on revolting" (ibid.: 167).


46 There were 24 Mouftis in Thrace and 157 primary Muslim schools in Eastern Thrace, D. Svolopoulos, 1922: 41.
and Eastern Thrace. Quite often Cretan Muslims who were trusted by Venizelos were appointed as high officers or Mouftis in the local administration in order to ensure the loyalty of the local Muslims to the state authorities: By 1913 the Greek administration did appoint some Muslims to high positions, such as Ali Nayip Zade[s], a Cretan Muslim and personal friend of Venizelos who was appointed Prefect of Drama (including Kavala) in 1913, high officer of the Greek Administration of Smyrni in 1919, then Prefect of Adrianoupolis and in 1923 Prefect of Lasithi (in Crete).

The Greek Governorate of (Western and Eastern) Thrace was based in Adrianoupolis (Edirne) and operated from July 1920 until October 1922. The Greek High Commissioner for Thrace in his declaration of 13.7.1920 ensured the Muslim inhabitants of Thrace that religious and educational freedom will be respected and that religious and historical monuments will be restored. In the same spirit, the President of the Greek Parliament declared a few days later,

In the shade of the Greek flag they will stay together Greeks, Muslims and Jews [...] free citizens with equal duties. In addition to absolute respect for their religious beliefs, Greece is offering to the Muslims freedom, which they have never before known and justice of which they have never before dreamt, as well as brings to them the goods of civilisation and humanism.

The Greek administration of the Smyrnsa/Izmir sector (1919–1922) preserved the pre-existing Ottoman arrangements regarding the organizational structures of the Muslim communities. The ‘Directorate for the Muslim Services’ supervised the Mouftis and the Sharia Courts, as well as the Management Committees for the vakf and the Schooling Committees. Furthermore, according to Act 2493/1919 (FEK 206 A) on the administration of Smyrni and its territory, the High Commissioner for the Greek Administration was authorised to establish a Muslim Theological School (article 3), which never operated.

47 Western Thrace was under Greek military control for a period of two months in the summer of 1913. This period is not taken into consideration.
48 K. Geragas, 1925: 19.
CHAPTER THREE

3.3. THE CONVENTION OF ATHENS (1913)

The legal regime regarding the Muslim population of Greece was set up again by the Convention of Peace between Greece and Turkey, which was concluded on the first of November 1913, in Athens. A few weeks later Bulgaria signed a similar Treaty with the Ottoman Empire. According to the Greco-Turkish arrangements, all former Ottoman subjects and inhabitants of Greece were entitled to Greek citizenship and retained the right to opt for Ottoman citizenship within three years (article 4). Article 11 of the Convention provided Muslims with equality before the law, religious freedom, religious autonomy, and acknowledgement of their institutions, communities, and hierarchy. It is not known to what extent Muslims opted for Ottoman citizenship (infra, Section 9.1.). It seems that local Muslim leaders played a key role in shaping Muslims’ decision – certainly more than the policies of the Greek or Ottoman governments.

One of the most important provisions of the Treaty is article 13 of Protocol No 3, which guarantees the legal personality of the Muslim communities. Furthermore, the treaty secured freedom for Islamic worship and established a spiritual link between the Greek Muslim community and the leading Islamic clergy of Istanbul. During this period, the settlement of ownership of the properties of those Muslims who intended to leave Greece or had done so became a major legal and political issue (infra, Section 14.1.). More detailed provisions on minority protection

51 Recueil de Martens, s.3, t.8: 93. It was ratified by Greece by Act 4223 (ΔΣΕΙΓ’), FEK A 229. For the discussion between Eleftherios Venizelos and the opposition on the ratification of the treaty by the Greek Parliament see, Proceedings of the Greek Parliament, Session 4, 11.11.1913, 22–32. The political parties of the opposition accused Venizelos of being submissive vis-à-vis the Turkish position during the negotiations over the Treaty.


53 I. Georgiadis, 1941: 102 and D. Nikolopoulos, 1927: 68–69. Several problems were encountered by the Greek officials who implemented this provision. A series of questions sent to the government is revealing: Should all inhabitants of the New Lands be beneficiaries of the citizenship option? Should the transfer of residence be a sine qua non condition for the preservation of the Ottoman citizenship? The transfer of residence has to be within three years? HAMFA, Archives of Thessaloniki, Provisional Government of Thessaloniki, Prefecture of Thessaloniki, AP. 2320, 7.3.1917, letter to the MFA.

54 According to a report of the MFA, in 1919 – and only in Edessa and Karatzova – Muslims continued to opt for Ottoman citizenship and therefore moved to Turkey, encouraged by the local Moufti and deputy, HAMFA, A/5 10 1919, doc. AP 8219, Kavala 20.8.1919.

came after the end of the World War I and the Greek-Turkish war (1919–1922).

The Convention of Athens was applied widely, from the New Lands and Epirus to Crete. The legal validity of the treaty is still debated as important issues like the legal personality of the Muslim minorities, the vakf, and the Moufti, were not regulated stricto sensu by posterior legal instruments, such as the Treaty of Sèvres and the Treaty of Lausanne. That said, the Greek government invokes today the legal invalidity of the Convention of Athens whereas the Turkish government invokes its legal validity. Both governments use political arguments rather than seeking to clarify the status of the law.

It is worth noting that in 1980 and 2000 Areios Pagos - the Supreme Court - believed it was obliged to take into consideration the Convention of Athens of 1913, the Treaty for the Protection of Minorities in Greece (Sèvres, 1920), and the Treaty of Peace (Lausanne, 1923). Although the Council of State upholds that the Convention has been abrogated by the Treaty of Lausanne, the Areios Pagos argues that the Convention of Athens is still in force. It is worth noting that other Greek courts too have said that the Convention of Athens with regard to private law disputes is still valid.

In another case adjudicated by the Greek courts on the legality of the appointment of the Moufti by the Greek state, and the alleged violation of the relevant provisions of the Convention of Athens, the Council of State applied the international law on treaties (according to the Treaty of Vienna, 1969) in an erroneous and absolute fashion. Greece's high administrative court attempted to apply the rules on termination of treaties, invoking the conclusion of a new agreement and the application of the clausula rebus sic standibus regarding the fundamental change of circumstances. The court did not consider the possibility that a new norm of customary law could have formed, which would partly amend the content of the treaty. In short, the Treaty of Lausanne did not replace the Convention of Athens but it was less specific in the legal framework it
provided for the protection for the Muslims of Greece. Yet the fact that the Treaty of Lausanne does not explicitly regulate certain fields of protection does not mean that it had abrogated them (such as the vakf). The argument that circumstances had changed after the war of 1918–1922 should not be valid with regard to the protection of minorities. Indeed, the Greek Minister for Foreign Affairs clearly declared the applicability of the Convention of Athens regarding the Moufti and the personal status of the Muslims as ‘Private law is not abolished because of the war and because the Lausanne Treaty or other conventional regulations (on the Moufti) alters the content of these provisions.’ Rather, Lausanne could be thought of as having amended the Convention of Athens as far as the institution of the Arch-Moufti is concerned as it had been dependent on the functioning of the Sheikh-ul-Islam, the head of Ottoman Islam, which had been abolished in Turkey since the 1920s. For one reason or another, the reasons why the provisions of the Convention of Athens were altered must be checked carefully, combining an understanding of the legal grounds for the termination of a treaty with the modern relevant international law which itself should be informed by new local or international custom.

3.4. TERRITORIAL APPLICABILITY OF THE STATUS OF PROTECTION

According to official data, in 1913 the Convention of Athens was applicable for the more than 560,000 Muslims who inhabited Northern Greece – some 39 percent of the local population. Hence, an important number of Muslims became Greek citizens and constituted a minority population. In 1920, the status of more than 700,000 Muslims was governed by Greek law, as Greek citizens or as subjects under Greek administration; they represented 13.9 percent of Greece's total population. In the New Lands and Thrace they included 476,034 or 450,683 officially registered Muslims/Turks. For different reasons a few Muslims managed to

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60 Ministry for Foreign Affairs, Minister to Department B, Political, Athens 12.6.1925, HAMFA, F. 1927/93.3. This opinion was held also by the Greek courts; see Protodikeio Rethymnou (57/1920), Themis 1920, 155, Protodikeio Grevenon (1/1918), Themis 1918: 14.
61 K. Tsitselikis, 2002b: 106.
63 Population census of 1920, Provisory results, HAMFA, F. 6.7 and Telegram of 8.10.1922 from Politis to E. Venizelos, AEV, F.30/October 1922, respectively. The former refers to ‘Muslims’ and the latter to ‘Turks’.
acquire foreign citizenship. Still others migrated abroad. Combining the most accurate estimations, the Convention and the relevant legal framework were applicable to the following groups of Muslims in each region:

- 55,000 Muslims living in Epirus who were divided between Albanian-speaking, Greek-speaking, and Roma populations. Turkish was also used but in limited fashion. Parts of Southern Albania today (Northern Epirus and Koryfts/Korcë) were under temporary Greek military administration in 1913–1914 and 1916 where Greek law on Muslims was also applicable. According to the population census of 1920, the Muslims of Epirus were composed of 26,100 individuals or 5,187 families. It is worth noting that until the mid-1920s, the Greek-Albanian frontier was not legally delimited and Greek rule in Epirus was in some cases interrupted (e.g., the Italian and French occupation of 1917).

- 406,173 Muslims inhabited Macedonia in 1914; they spoke Turkish and Bulgarian as many were Pomaks settled mostly in the Kavala, Serres, and Drama regions. They also included speakers of Albanian, Greek, Roma dialects, and Judoespagnol which was spoken by Dönne or Ma'amin –

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64 According to statistics used by the Greek MFA there were 33,360 Albanian-speaking, 14,292 Greek-speaking, and 3,610 Muslim Roma, Population statistical table. The vilayet of Ioannina–Epirus (in Greek), AEV, F.8.1913. According to T. Evaggelidis (1913: 189, 221, 194, and 201) there were 18,000 Muslims in Filipades, 3,000 in Filipia, 5,000 in Ioannina, and less than 2,000 in Preveza. According to L. Balsiotis (2002: 277), there were no more than 50,000 Albanian-speaking people in Western Epirus, a figure based on a thorough survey of the Albanian language in Greece.


67 According to Bulgarian sources, quoted by P. Papadimitriou, 2003: 141, some 3,400 Pomaks from Kastoria, 22,000 from Meglena, 2,500 from Petritsi, 3,500 from Kavala and 10,000 from Drama fled Greece under the terms of the population exchange of 1923.

68 Unidentifiable numbers of Albanian speaking Muslims were scattered in Macedonia. Most sought exemption from the population exchange, infra, Section 2.3.1.i. In light of instability in Southern Albania from 1912 to 1920, it appears that many Albanian Muslims followed Greek Orthodox refugees to Greek soil. According to the photo archives of Edessa: 'Coming from Premeti, Fatme, wife of Seyfudi Abdul and her sons, Abdul, Feidulah, and her daughter Hatzitze are settled here in Edessa, since six years ago,' Photo Arch., No. 342/9.2.1921, Munic. Edessa/O.4), and 'Tzafer Mahmut Bey from Koritsa residing in Edessa since five years ago with his family, his wife Ulviye, his sons Halim and Emver and her servant Liule, is a decent and honest citizen,' Phot. Arch., No. 1639/17.7.1919, Munic. Edessa/O.2), quoted by P. Potiropoulos, 1995.

69 Greek-speaking Muslims (Valaades) along the Aliakmonas River valley. For more on this community see Y. Glavinas, 2001–02. Just before the population exchange there were 20,000 Greek-speaking Muslim Valaades, M. Kalinderis, 1977: 322 and Ath.-M.Tsetlaka, 2011: 178.
Jewish converts to Islam settled in Thessaloniki. Still other Muslims included the Vlach population of Notia in the Paiko mountain region. According to the population census of 1920, 316,300 Muslims were registered in Macedonia. Thessaloniki, in particular, served as the metropolitan centre for Greece's Muslims until 1923 with more than 50,000 Muslim inhabitants.

- In Western Thrace in 1919, there were 81,328 Greeks and 229,398 Muslims. However, the Muslim presence in the area appears to have decreased drastically by 1920. An unknown number of repatriated Muslims who arrived at the end of the Bulgarian occupation must also be taken into account.

- In the Eastern Aegean Sea islands, some 18,000 Muslims were settled in Lesvos. In 1913, the Muslim communities of Hios and Limnos numbered about 1,000 and 2,000 respectively. However, the majority of the Muslim community of Hios fled the island in 1914 after inter-ethnic confrontations in Asia Minor.

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70 In Thessaloniki, the Jews converted to Islam numbered around 18,700 in 1914, R. Darques, 2000: 63. According to the census of 1900, they amounted to 6,000 souls, but the figure is most likely an underestimate, cited by N. Stavroulakis, 1993.

71 T. Kostopoulos, 2002: 79. A. Pallis (1929: 13) estimates that 472,000 Muslims were inhabitants of Macedonia in 1912. In 1918, more than 110,000 Muslims fled Greek Macedonia, A. Pallis, 1925a: 14. On the Muslim population before 1912 and in 1919 regarding the districts of Serres and Drama see General Staff of the Greek Army, 1919: 2.

72 A. Pallis, Remarques sur les tableaux statistiques presentes a la mission americaine par le Comite grec de la Thrace en date du 1er Août 1919, F. A, AAP.

73 According the inter-allied administration of Thrace, 22,000 Muslims left Thrace for Turkey, cited by P. Papadimitriou, 2003: 127. According to the census taken by the allied authorities in Thrace, the Muslim population of Western Thrace was 86,793 (Turks 73,220, Pomaks 11,739 and Roma 1,834) cited in A. Alexandris, 1992: 124. According to Turkish sources, the Turks of Western Thrace were as many as 191,699, A. N. Adiyeke, 2002: 25. A. Kettani (1980: 154) refers to 129,120 Muslims (67.4 percent of total population) in Western Thrace in 1922.


75 According to the Governorate General of the Aegean Islands (1913, Annex: b) there were 18,172 Muslims in the island (6,856 in Mytilini, 10,604 in Molyvos and 712 in Plomari) just before the establishment of the Greek administration in 1912.

76 For the population distribution of Turks in the Aegean islands from 1887 to 1922 see E. Kolodny, 1974, vol. III, Annex F4. According to the Anatoliki Eteria Diafimiseon, 1915: 1791, there were 3,000 Turks in Limnos. According to T. Evaggelidis, there were 20,000 Muslims in Lesvos, 2,000 in Limnos (1913: 313, and 330 respectively). For more thorough statistical data see Y. Glavinas, 2009: 38.

77 'There are only 150 Muslims left in Hios and they are afraid for their lives', Prefect of Hios to the Governor General of the islands of the Aegean, 15.9.1914, HAMFA, F. 1914, A/19d. On the population statistics see Y. Glavinas, 2009: 38.
There were 33,000 Cretan Muslims. The special status enjoyed by the Muslims under the Cretan Autonomy was retained and incorporated to some extent into the Greek legal order.

Reportedly, a small number of Muslims were dwelling in the Cyclades or the Ionian islands (Lefkada island), maybe temporarily as internal migrants. Very limited information is available on them.

Alien Muslims: According to the national population census of 1920, 33,319 Turkish/Ottoman citizens and 5,605 Albanian citizens inhabited Greece. It is not known, however, how many among them were Christians (or Jewish) rather than Muslim.

During the war and the advance of the Greek army in Asia Minor and Thrace, large swathes of territory came under Greek administration and were governed by Greek law. The Muslims of the following territories were designated a minority according to the relevant Greek law only for a short period of time. By 1923, and the final settlement of the Greco-Turkish frontiers, these territories were placed under Turkish sovereignty.

The majority of the population of Eastern Thrace was Muslim. Their number fluctuated in accordance with the change in the political status of the region and the military operations undertaken by the allied army, the Greeks, and the Turks. The estimated population varies according to the source. In 1918, there would have been some 114,810 Muslims and 44,686 Greeks, while in 1920 – after a period of intensive refugee settlement and political fluidity, there were around 300,000 Muslims. As A. Pallis notes, in 1920, Eastern Thrace received some 132,500 Muslims refugees from Greece.

The Aegean island of Tenedos (Bozcaada) was under Greek (and British) administration from October 1912 until September 1923. The island was annexed by Greece together with Eastern Thrace (Act 2492/1920). According to figures that Venizelos presented at the Lausanne Peace
Conference, the island’s population comprised 5,420 Greeks and 1,200 Turks.83

The sector of Smyrni (Izmir)-Ayvalik was under Greek military administration from May 1919 until the Greek defeat and retreat in the late summer of 1922. There are no reliable figures on the Muslim/Turkish inhabitants of the area under Greek administration, the frontiers of which varied according to military operations. A great number of Muslim losses and refugees who fled the area have to be taken into account when one considers statistics of this period which reflect dramatic changes from the pre-war demography of the area.84 According to American estimates, 375,000 Greeks and 325,000 Muslims85 inhabited the Greek sector, while Greek sources refer to 306,500 Turks and 562,000 Greeks.

The end of the Greco-Turkish war marked the fate and the status of the minorities in both countries. ‘Politically correct’ declarations and the pre-existing minority protection regime were ineffectual and when the border settlement was finalised three years later the Muslims of Eastern Thrace, Izmir, and Tenedos (Bozcaada) became a part of the majority in Muslim Turkey. The foundation of the Turkish Republic and the inauguration of a new era in Greek-Turkish relations irreversibly transformed the position of the Muslims in Greece and the Greek Orthodox population in Turkey.

83 Lausanne Conference on Near East affairs. Records of proceedings and draft terms of Peace, 1922–23: 97. According to Greek Bureau of Foreign Information, there were 1,500 Turks on Tenedos, Statistics of the population of Thrace and Asia Minor, Hamtons ltd, London [undated], table XIV. At the time of the Lausanne Conference there were 5,500 Greeks and 450 Turks in Tenedos, Memorandum of 14.5.1923 signed by the representatives of the islands at, A.P. 173/3781, AEV, F. 38/March 1923.

84 According to Greek sources, before the war there were 299,000 Turks, 550,000 Greeks, and 92,000 of other nationality; see A. Pallis, 1933: 18–19 or 306,508 Turks and 562,316 Greeks and 91,235 others, Statistique ethnologique de la région attribuée à la Grèce en Asie Mineur, AEV, F. 27/1920 April–December. For the same period, but according to American data, there were 500,000 Greeks, 470,000 Turks, and 92,000 of other nationality, D. Dakin, 1972: 226. See also J. McCarthy, 1996: 292–304.

At the end of the Greek-Turkish war of 1919–1922, the Lausanne Conference established a new era for the two neighbours. The adoption of measures – sanctioned by international law – to effect ethnic cleansing was part of a bid to achieve a homogenous nation-state in keeping with the contemporary ideal. This was accomplished through a mandatory exchange of populations.1

The idea of the exchange had been negotiated in 1914 between the Greek and the Ottoman governments and was proposed again by Venizelos at the Paris Conference of 1919. The Greek Prime Minister noted in his memorandum that 900,000 or more Greeks would remain under Turkish rule if Greek territorial claims were satisfied. As such, he suggested that the 1,000,000 Turks who would become Greek citizens should be voluntarily exchanged for the Greeks.2 The terms of negotiation changed radically after the defeat of the Greek army in 1922 and the collapse of the Megali Idea. Greece sought internal political stability by condemning to death the perpetrators of the ‘Asia Minor disaster’; it also sought to settle hundred of thousands of refugees. On the other side of the Aegean, Turkey, reeling from the consecutive wars, sought to ensure that the defunct Treaty of Sèvres be consigned to the scrapbook of history, and imposed a new political order replacing Ottoman structures; it too sought to assimilate countless refugees.

The Greco-Turkish population exchange has to be conceptualised in the following terms. The Convention of Lausanne which ratified the compulsory exchange was part and parcel of the formation of nation-states in the wake of the collapse of the great pre-modern empires. In effect,

For Greece, the population exchange resulted in an ongoing process of long-term economic, political, cultural, and social adjustment and assimilation through sheer weigh of numbers it profoundly altered the Greek state and indeed all aspects of the society.3

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4.1. THE CONVENTION OF LAUSANNE (JANUARY 1923)

At the Conference of Lausanne, Greece, Turkey, and the Powers sought a viable settlement for the establishment of a new Turkey and her relations with Greece. Dr. Nansen, a statesman appointed by the Assembly of the League of Nations, played a key role in brokering the conditions of the population exchange. Territory and population were again at stake, this time at the negotiating table. As in Paris, both Greece and Turkey invoked ethno-nationalistic arguments to claim the loyalty of people and land in both states. This was evident in the skewed statistical data presented by both Greece and Turkey which sought to enhance or diminish the demographic presence of one or the other ethnic group in order to maximise national goals. The population exchange was imposed by the law, unlike the previous attempt of 1914. It marked the first time in history that the international community countenanced the forcible uprooting — and the distress and hardship — of hundreds of thousands, the latest in the inexorable flow of refugees. From a legal perspective, the parties were faced with four decisions. First, they had to decide whether the treaty should be based on the principle of compulsory or voluntary emigration. Second, they had to determine the area of its application. And, third, they had to identify which populations would be exempted from the population exchange. Finally, they had to specify the competences and nature of the mixed committee which would supervise the exchange.

The Turkish government proposed a compulsory rather than voluntary exchange in return for acquiescence to Greek insistence on the exemption from the exchange of the Greek-Orthodox population of Istanbul. Venizelos assented, though he stated that he did not ‘wish to oblige the Turkish population to leave Greece’; ‘but’, he concluded, ‘pragmatic considerations regarding the needs of the refugees already settled in Greece made the exchange sensible’. Such refugees urgently needed dwellings, work, and plots of land, which would be available if the Muslims/Turks left. Nevertheless, it seems that at the beginning of the negotiations a compulsory exchange was not likely. When the Allies proposed the compulsory exchange, the Turkish delegate Dr. Nur appeared pleasantly

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5 The application of the convention should be carried out by the ‘Committee on the implementation of the population exchange’ (RD of 29-9/11.1923, FEK A 278) which, in effect, was replaced by the ‘General Directorate of the Population Exchange’ (LD of 2/3.5.1924, FEK A 98), see A. Tsouloufis, 1989: 43–44.
The Convention of Lausanne was signed under the auspices of the League of Nations. It stipulated a mandatory population exchange on grounds of religion based on the situation in the field in January 1922. Greece’s Muslims and Turkey’s Greek Orthodox would leave their respective homes, and face a de jure prohibition on returns (article 1 paragraph 2 of the Convention) which was included at the behest of the Turkish delegation:

As from 1st May 1923, there shall take place a compulsory exchange of Turkish nationals of the Greek Orthodox religion established in Turkish territory, and of the Greek Orthodox religion established in Turkish territory, and of the Moslem religion established in Greek territory. These persons shall not return to live in Turkey or Greece respectively without the authorisation of the Turkish Government or of the Greek Government respectively.

The bilateral Convention was signed six months prior to the conclusion of the final settlement on division of population and territory between the two states. The uprooting process and the finalization of legal arrangements took until 1930 and certain aspects were not settled until even later, exacerbating the problems and suffering of the exchanged populations. The victims of the exchange were meant to receive compensation but for the most part their claims were ignored.

As a direct effect of article 1 of the convention, about 388,000 Muslims of Greece had to abandon their home country and to move to Turkey: 329,098 came from Macedonia, 5,910 from Thessalia and Elassona, 1,153 from Epirus, and 23,021 from Crete. Another 9,184 came from the Eastern

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7 Cited by B. Oran, 2003: 111.
8 In his report sent to the Greek government on 17.11.1922, Venizelos said ‘For the reactions [that the compulsory population exchange will provoke] I’m ready to undertake publicly the paternity of the idea and defend the measure’, AEV 1922, doc 3435. On the paternity of the idea of the exchange, see O. Yıldırım, 2002: 73 and the quoted bibliography.
9 Ratified by the LD of 25/28.8.1923 (FEK A 237).
10 As such, conversions which took place after that date were not taken into consideration, Commission Mixte pour l’échange des populations grecques et turques, Décision XXX: 78, AAP, F. 8.
12 5,000 exchangeable Muslims left from Hania, 3,500 from Rethymno, 11,500 form Irakleio, and 3,000 from Lasithi. For further figures regarding the exchangeable estates in Crete see K. Fournarakis, 1929: 45.
Aegean islands and 19,800 from other areas. By the middle of 1925, 192,000 Greek-Orthodox and 355,000 Muslims had been mutually exchanged and settled respectively in Turkey and Greece. Another 125,000 Muslims were covered by the Convention as they fled Greece between 1913 and 1923. About 848,000 Greeks had fled Anatolia following the withdrawal of the Greek army, while 122,000 Muslims had left Greece as early as 1915. In 1923, tens of thousand Muslims from Yugoslavia who heard news that the Turkish government was distributing free land to all immigrants rushed to the port of Thessaloniki. It was estimated that there were more Yugoslav Muslim emigrants in Thessaloniki than Greek Muslims. Furthermore, 15,000 Muslims had left Greece in 1921–2 by their own means to settle in Turkey. According to a report, drafted in May 1923 by the Governorate General of Thessaloniki, there were 195,785 Muslims still settled in Macedonia. This meant that more than 150,000 had already fled. Those who were covered by the Convention were automatically awarded citizenship of the new state of residence and lost their past citizenship. Even those who had left Greece or Turkey before the population exchange, but not earlier than the 18.10.1912, were also covered by the Convention provisions on the population exchange and consequently they were acknowledged as having the citizenship of the new country of residence. Any case of dual citizenship was excluded.

In effect, the Convention of Lausanne rendered de jure what in many respects was already a de facto reality for tens of thousand Greece’s Muslim

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13 According to Annuaire du Monde Musulmane 1/1923: 238 (cited by A. Popovic, 1986: 149) 3,000 Muslims left from Thessalia, 25,000 from Crete, 325,000 from Macedonia and a few thousands from the Aegean islands. According to Pentzopoulos (2003: 129) 6,000 Muslims departed from Thessalia during the population exchange, 23,500 from Crete, 7,000 from Lesvos. About 1,900 Muslims had left from Limnos by boats in 1924, personal interview with Ruhi Iyigii, Foça, 20.04.2005. For the settlement of the Turkish emigrants in Turkey see S. Ladas, 1932: 711–715.

14 It is estimated that about 115,000 Muslims left Greece in 1914, see A. Pallis, 1925b: 318. According to the statistic of the Mixed Committee, the Muslims transferred from Greece were: through the sub-Commission of Thessaloniki 109,577, of Rethymno 8,142, Drama 76,047, of Kavala 45,527, of Kozani 26,623, of Kaylar 39,780, of Kozani and Kaylar 34,653 of Epirus 2,989, in total 355,635 (41,634 in 1923, 275,138 in 1924 and 959 in 1925) see M. Belli, 1940: 20–21.


16 M. Belli, 1940: 23.


refugees and more than a million Greek-Orthodox who had been subjected to violence and fled Asia Minor and Eastern Thrace for Greece—often encountering serious problems upon their arrival. Thus, the forcible exodus of Greece’s Muslims was seen as a way to meet the needs of the arriving Christian refugees. As Venizelos stressed,

The Lausanne Convention is not really a convention for the exchange of Greek and Moslem populations and properties, but rather a convention for the departure of the Moslem population from Greece, because the Greeks were driven out from Turkey.

During the implementation of the Convention, departing Muslims including high-ranking Muslim personalities who till then had enjoyed considerable prestige were regarded with suspicion by ethnic Greek citizens as well as by Greek officials. Kemaledin Bey, for example, a deputy of Thessaloniki and publisher of the newspaper Selabet was exiled. Both the mayor Osman Said, and Ahmet Efendi, the former Moufti who had been drummed out of the service in January 1923, were accused of spying in favor of the Kemalists and arrested. There are reports that Muslims who owned firearms despite their prohibition were executed. These acts triggered general unrest among the Muslims of Greece and Turkey resulted in a series of complaints.

In many cases, Muslims complained about the mandatory character of the exchange and requested to stay or to be granted enough time to sell

22 ‘Atlantis’ (newspaper), N. York, 18.3.1929, quoted by M. M. Belli, 1940: 6
24 Committee of Turks from Macedonia requested to be exempted from the exchange, Telegram of 22.10.1922, K. Simopoulos to E. Venizelos, AEV, F.30/October 1922. Evocative of the desperation of the situation is the fact that Greeks who had arrived as refugees/exchangees according to the Convention of Lausanne, joined the Muslim communities’ petition not to be submitted to the exchange, see ‘Committee of the people of Pravi’, Telegram to the Greek MFA and certain foreigner ambassadors, 12.2.1923, HAMFA 1923 A/5 VI(1), cited by O. Yıldırım, 2002: 137. A. Dagkas (1993) refers to series of telegrams sent to the Great Powers by the Muslim communities of Yanitsa, Demir Hisar, and Langada, among others.
CHAPTER FOUR

Many religious or political leaders of the Muslim communities who had good relations with the Greek authorities tried in vain to change their situation.

The exchange and subsequent liquidation of property included both those who had left their homes during the period between the beginning of the Balkan Wars and the date of signature of the Convention and those who remained in situ. The figures cited thus far, in their own silent way, testify to the cost in blood and pain brought about by nationalist confrontation, war, and the forcible expulsion of populations from their homelands.

Once the exchange was seen as inevitable, certain Muslim Community Councils attempted to participate in the process of the organization of the exchange, often acting as a mediator between the Greek, Turkish, and Mixed Commission authorities. Attempts to clarify property rights caused serious problems during the implementation of the Treaty and subsequent agreements. This topic is examined separately (infra, Section 14.1).

4.1.2. Exceptions

For political reasons envisaged by both sides, article 2 of the Convention of Lausanne exempted from the exchange the 'Muslims of Western Thrace' which became Greek territory, and the 'Greek-Orthodox of Constantinople'. According to article 14 of the Treaty of Lausanne (July 1923), the Greek-Orthodox population of the Aegean islands Imvros (Gökçeada), and Tenedos (Bozcaada) were also exempt. Ismet Pasha probably wanted the Turks/Muslims of Western Thrace to be excluded from the exchange to create a symmetry in terms of the Greek Orthodox population in Istanbul, which was also permitted to remain. The population was exempted, according to article 2b, as ‘Moslems’ and not as ‘Turks’ as religion was considered more

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26 “In the regions of Kaylar, Anaselitsa and Grevena, the Turkish population did not wait for the signature of the convention and depopulated their settlements in January, having sold whatever they owned”, Military Governorate of Macedonia to the General Staff, 21.1.1923. HAMFA 1923 A/2(7) cited by O. Yıldırım, 2002: 136.
27 These included the Mufîti and the representatives of the local community that expressed content with the religious and ethnic freedom in Greece and that they were happy with the Greek government, Letter to the governor of Langada, January 1923, HAMFA 1923 A/5 VI(II), cited by O. Yıldırım, 2002: 137.
28 The head of the Muslim Community of Hania went to Athens to negotiate the terms of the exchange and “defend the rights of the Muslim population, giving explanations as for the properties owned by the Muslims”, A. N. Adiyeke, 2002: 75. Similar concerns were expressed by the Drama Muslim Community, IDAA, book 197, decision 48, 23.4.1924, cited by A. N. Adiyeke, 2002: 75.
important than ethnicity. Until 1930, the Muslims of Thrace were granted provisional *établi* certificate\(^{30}\) in order to clear land ownership disputes.\(^{31}\) It was only after 1930, when a final Greek-Turkish agreement was signed that the final certificates of *établi* were granted. The exemptions from the exchange were at stake on the negotiation table: the Greeks of Istanbul, Turks of Thrace, the Ecumenical Patriarchate, the Turkish-speaking Orthodox of Kappadokia, Albanians, and others became chips in a hard bargain.\(^{32}\)

The exemption of the Muslim population of Thrace from the exchange resulted in their minoritization within the Greek State under new political and legal prospects. The minority in Thrace were in any case clearly at odds with what was happening politically and socially in post-Ottoman Turkey. They were, after all, ‘an overwhelmingly agricultural community concentrated on the cultivation of their estates and generally shied away from the secular revolution which was taking place, at that time, in Turkey’.\(^{33}\)

The Greek government first sought to exclude the Muslim Roma of Macedonia, but eventually decided to exempt Muslim individuals who had made important contributions to Greek interests.\(^{34}\) During the implementation of the exchange many attempts to obtain exemptions failed, like the plea of Muslim tobacco farmers of Drama on the basis of their economic utility for Greece.\(^{35}\) In a rather unusual case, a group of tobacco experts, all Muslims from Thessaloniki who worked for a Belgian and

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\(^{30}\) The determination of the ‘établis – Greek Orthodox in Constantinople, according to the Lausanne treaties was implemented in a very restrictive fashion by Turkey. After a reaction from Greece, the International Court of Hague determined the term ‘établi’, Permanent Court of International Justice, Series B, #10, Advisor Opinion of 21.2.1925. See relevant decision of AP, 465/1936, Δ’ΕΕΝ1937: 218 and K. Koufa & C. Svolopoulos, 1992: 293.

\(^{31}\) Governorate General of Thrace, Order to the Prefect of Evros and the authorities of Xanthi and Rodopi, 28.8.1930, EVA, F. 107/1930.


\(^{33}\) A. Alexandris, 1992: 135.

\(^{34}\) M. M. Belli, 1940: 24. Ministerial Council, Acts and decisions regarding exemptions from the population exchange, HAMFA, F. 1924/KTE/AP/16, related to individual cases of Muslims who had offered good offices to the Greek state in 1912–1922. According to the justification of the decision, the exempted Muslims included a ‘secret agent’, a ‘policeman who triggered the hate of his own coreligionists’, a ‘fighter with the Greek army in Asia Minor, the ‘Mayor of Serres for 16 years [Mehmet Akil Bey]’, a ‘clerk of the French embassy’, a ‘protector of Christians’, and a ‘confidant of Venizelos’, ‘irreplaceable for his work skills’.

\(^{35}\) Proposal by Protopapas, former deputy of Drama, Letter to MFA, N.York 13.3.1924, HAMFA F. 1924/LoN/AP/16. In the same file, many many more individual cases claiming exemption are presented. Worth noting is the case of the Moufti of Kavala, Abdulah Hilmi, who asked the Greek authorities to help him escape with his family, sell his real estate, and return later (telegraph to the Prime Minister Kafantaris, 18.2.1924, same file). It seems that the same person had applied to the Turkish authorities to undertake a governmental religious post. Although he was classified as ‘pro-Greek’ his claim was dismissed as ‘Kemalist’.
Dutch company respectively, managed to postpone their departure by virtue of ‘being irreplaceable’ for their companies. The latter made clear that if these experts could not be exempted from the population exchange they would remove their assets and leave Greece. Despite a proposal made to the government by the General Governor of Thessaloniki which would have given the employees the right to stay in Greece albeit at the price of their real estate, the Minister of Agriculture granted the employees the right to stay in Greece until only mid 1925; as holders of Turkish citizenship they would subsequently have the right to visit Greece any time it would be necessary for their work.\textsuperscript{36}

After long negotiations, the Mixed Commission decided on 14.03.1924 to also exempt Muslims of Albanian origin residing in Greece following a proposal to this effect from Tirana. Already, in 19.1.1923 the representative of Greece, Kaklamanos, had declared that the Albanians of Epirus were to be excluded, since “si ils sont des coreligionnaires des Turcs, ils n’en sont nullement les compatriots”. The Turkish representative, Riza Nur Bey, also recognized that Albanians should be exempted from the exchange and withdrew his proposal for the exchange of ‘Greek citizens of Turkish Muslim religion’. The Albanian government also stated that it was clear that Albanians were not liable to exchange and asked for a special committee to be set up in Epirus.\textsuperscript{37} In April 1924, the Commission did so, sending a special delegation to Epirus and Macedonia in order to collect the necessary data this decision. The delegation had been created in compliance with the Treaty of Sèvres for the protection of minorities in Greece. After the one-month expedition, the sub-Committee concluded that ‘each case has to be examined individually’ as ‘it would not be possible to establish a general and immutable criterion’ as ‘language often loses its importance’, ‘the very conception of a mother language often ceased to exist’, and national consciousness becomes ‘one of the main factors which may be taken into consideration’.\textsuperscript{38} The delegation considered that

The vast majority of the Moslem Greek nationals inhabiting Epirus and Macedonia state without hesitation that they are of Turkish origin and

\textsuperscript{36} General Governor of Thessaloniki to the Prefect of Thessaloniki, Thessaloniki 11.6.1924, and decision by the Minister of Agriculture, Athens 6.11.1924, File regarding ‘New Thracian’ and ‘Fournaro’ companies, Al. Svolos archive, Personal archive of M. Mazower.


\textsuperscript{38} General report of the delegation of the mixed commission entrusted with the investi-
consequently desire to be included in the exchange. Consequently, there are only very limited minorities in various localities who say that they are of Albanian origin and therefore desire to be exempted from compulsory exchange.\textsuperscript{39}

Such exceptions enabled more than 30,000 Muslims who proved their Albanian origin to remain in their Greek homes. They were settled mostly in Epirus (Chamouria), as well in Macedonia and Thessalia. According to the instructions of the Ministry for Foreign Affairs of Greece to the implementation officers:

As Muslims of Albanian origin should be considered those who were born in what is Albania in present as well as those born in Greece but whose the father was born in what is Albania in present and their children not having Turkish consciousness...\textsuperscript{40}

The Albanian government argued that all Muslims of Chamouria be classified as of Albanian origin, as ‘they are autochthonous’. For the rest of Greece, it was asserted, the language criterion should be applied.\textsuperscript{41} Albania further accused the Greek authorities of intimidating Muslims into emigration and pressuring them not to claim their alleged Albanian origin.\textsuperscript{42} The Greek delegation replied that “national consciousness constitutes one of the main factors which should be taken into consideration” whereas “language should be regarded also as an important factor”. After all, “the exemption agreed should be accorded only to persons who are of Albanian origin and who wish to be considered as such”.\textsuperscript{43} According to the fact-finding sub-committee,

\textsuperscript{39} Official Journal, February 1925, Annex 717b: 241. For more details on the work of the Committee through the eyes of the Italian diplomacy, see S. Gandolfi, 1999: 159-164. Eminent scholars argue that Muslims of Greece, with the exception of Albanian Chams, had a sense of Turkish consciousness. See S. Ladas, 1932: 381 and S. Seferiadis, 1925: 402.

\textsuperscript{40} Acts of Exchange Sub-Commission of Preveza, 24 November 1923, HAMFA, F. 1923/KTE/11.3 and 1923/KTE/66.


\textsuperscript{42} The Albanian government pointed to the fact that numerous high ranking Muslims of Chamouria who claimed to desire to be included in the exchange only did so due to policies of intimidation or falsification of documents, Letter dated August 11th from the Albanian delegation, League of Nations, Official Journal, February 1925, Annex 717a: 236, 238-240. The Greek government replied to the Albanian allegations that the Chams were completely free to choose to leave Greece or to stay on as Greek citizens, see E. Manta, 2008: 53 and Letter from the Greek Charge d’Affairs in Switzerland to the Secretary-General, dated December 5th, 1924, League of Nations, Official Journal, February 1925, Annex 717b: 241.

\textsuperscript{43} Letter from the Greek Chargé d’Affairs in Switzerland to the Secretary-General, dated December 5th, 1924, League of Nations, Official Journal, February 1925, Annex 717b: 236
Place of origin had to be the main consideration serving as proof of origin; language also should be regarded as a basic factor; last, national consciousness, when clearly manifested should constitute a factor of the highest importance.\(^{44}\)

Obviously, in the exchange procedures ‘religion was treated merely as a substitute for nationality. Otherwise, the very idea of an exchange of purely religious minorities between Greece and Turkey would have been patently absurd’.\(^{45}\) Thus, Greece applied a criterion for exemption which reflected elements of the nascent national consciousness of Albanian-speaking Muslims even though nine out of ten of the Muslims of Epirus were willing to migrate to Turkey.\(^{46}\) The Greek policy triggered strong reactions from Albania and new discussions in the League of Nations about the right of people to declare themselves as ‘Albanian’ or ‘Turk’.\(^{47}\) Albania attempted to attract to her nascent state this group of potential Albanians. At the same time, Albania considered the possibility of a mutual exchange of population between Greece and Albania to eliminate their reciprocal minorities, although this idea had been excluded from the Lausanne negotiations.\(^{48}\) However, thousands of Albanian-speaking Muslims from Epirus and Western Macedonia moved gradually towards Albania before and after the population exchange.\(^{49}\) The process transpired in a climate of intense political animosity and often violence, as attested to by the murder of the pro-exchange head of the community of Varfani, Husein Roustan.\(^{50}\)

In effect, Greece was seeking to reduce the population of those who would have the right to remain in Greece,\(^{51}\) whereas Albania, backed by


\(^{45}\) G. Mavrogordatos, 2003b: 129.


\(^{48}\) E. Manta, 2008: 29.


\(^{50}\) L. Baltiobis, 2009b: 246, referring to letter of 8.4.1925 from General Directorate of Epirus to MFA, HAMFA, 1925, G/68.

\(^{51}\) During the first weeks of the application of the population exchange, Greece asked the special permission of the Council before transporting to Turkey some 1,500 Albanian-speaking Muslims from Parga (Epirus), as not being of Albanian origin. League of Nations, Official Journal, November 1924. (Part II): 1655. See also relevant documents in E. Destani, vol. 4, 2003: 489.
Italy, attempted to do the opposite. Turkey was more or less neutral in this confrontation. Propaganda and direct or indirect intimidation was carried out by both states which forged their national ideologies through the legal procedure of exemption. The upshot was that Albanians were able to remain a minority in Greece while the rest of the Muslims associated with a Turkish identity and had to migrate. The Chams remained uncertain of their fate for about three years, faced with the perspective of migrating to Turkey, to Albania or staying in Greece, and without receiving persuasive guarantees for property ownership anywhere. Finally, in February 1926, the dictator Theodoros Pangalos reaffirmed the exemption. On March 15, 1926 the Minister for Foreign Affairs Roufos declared that ‘the Mixed Committee in Epirus should dissolve as the population exchange is deemed completed’ and all Muslims of Albanian origin have the right to stay in Epirus, although 3,000 Albanians had been left for Turkey. Ultimately the Greek representative announced to the Council of the League of Nations that the Greek government wished to abolish the special Sub Committee on Epirus and that even 800 people deemed of non-Albanian origin and therefore exchangeable would have the right to remain in their homes and claim full rights as Greek citizens. Thus, the issue of proving ethnic origin was abandoned for those 800 Muslims – a rare exception of the exchange process.

Half of the Muslims of Epirus abandoned Epirus, before or during the exchange; the rest remained settled on the basis of Albanian origin. This invariably meant many Muslims sought to claim Albanian origin, true or false, in order to avoid being exchanged. It seems that declaring ‘Albanian origin’ was a convenient pretext for wealthy non Albanian-speaking Muslims to remain. In other cases, Albanian Muslims were forced to migrate without consideration of their ethnic origin. Disputes over the

56 It is recorded that the Muslim real estate owners were exempted from the population exchange as ‘of Albanian origin’. To conclude their contracts they asked for a Turkish-speaking interpreter, Contract PA/430/1.6.1933, Mortgage Bureau of Thessaloniki. Similar, see 111/453/2.12.1939.
57 Complaints were lodged to the League of Nations by the Committee of Albanian Muslim landowners of Macedonia, AEV, F.36/March 1923, Greek delegation, LoN, Geneva, 10.3.1923.
determination of Albanian origin continued until the late 1930s. Last, according to decision 31 of the Mixed Committee, a special exemption was also given to widows with minor children.

The mechanism via which exchange was avoided served as a major factor in the ethnicization of the remaining Muslims as Albanians came to constitute a distinct group based on language, religion, and attributions by others. In their own ways, Albania, Italy, Turkey, and Greece each played a key role in the building of an Albanian national consciousness among the Chams and other non-exchangeable Muslims. Nevertheless, in 1941, a pro-Turkish Muslim community remained despite the pro-Albanian nationalist feelings of the majority of the Albanian-speaking people of Epirus. Direct and indirect measures and policies were applied by the Greek authorities to encourage the emigration to Turkey of such elements until the late 1920s. As late as 1939, Albanian Muslim communities were in contact with the diplomatic authorities of Turkey in Athens in order to obtain a migration permit to Turkey. These attempts did not bear fruit as Turkey had already adopted a law forbidding immigration from Thesprotia (Chamouria). Attempts at reverse migration also failed, namely the attempt to return on the part of people who had been already exchanged.

For the ‘Muslims of Albanian origin’ Greece opted to uphold the unilateral obligations of the Treaty of Sèvres rather than the Treaty of Lausanne as the latter was based on bilateral relations with Turkey. So, the Muslims ‘of Albanian origin’ were deemed to be under the protection framework of the Treaty of Sèvres on minorities in Greece, under the supervision of the League of Nations since 1924. The official appellation by the League of Nations of the Chams was ‘Muslims of Albanian origin’. Temporarily Greece also used the term ‘Albanian minority’:

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57 By decisions issued by the Minister of the Interior ratifying relevant opinions of the Council of Citizenship there was a final settlement of the recognition of the Albanian origin and therefore of the exemption for the population exchange of several people of Greek or Albanian citizenship (decisions 48750, 48751, 48755, 49328, 49329, all of 1938, FEK C 122). On the Muslims of Western Macedonia claiming their Albanian identity, see S. Pelagidis, 1994: 62.


59 For a comprehensive analysis of the relation between ethnicity and politics in the ‘unmixing’, see G. Kretsi, 2002b.

60 Report on foreign propaganda, General Staff of the Army, AP 66140/7/42 to MFA, 28.2.1939, HAMFA, 1939, A/4/9b. In the mid-1930s, the Albanian government complained to the League of Nation (LoN) that Greek propaganda incited the Chams to migrate to Turkey, in E. Destani, vol. 5, 2003: 584–585.

The Greek government, which fully recognises that it is both a duty and a necessity to remedy the existing state of affairs, will take immediate steps to relieve the congestion in Epirus and the other provinces, and the Albanian minority may be sure of receiving absolutely impartial treatment from the Greek authorities.

The Greek representative Dendramis defined more clearly the Albanian minority of Greece in 1926 as follows:

La minorité albanaise en Grèce est composée de Musulmans d’Épire et de Macédoine que la Commission Mixte a déclaré non-échangeables en vertu de leur origine albanaise.

By the 1930s, in the context of new Greek-Albanian diplomatic antagonism, Greece refused again the national appellation of the minority as Albanian.63 Turkey, on similar grounds, exempted from the exchange the Orthodox Arabs of Kilikia and other Orthodox groups, which had no kinship with Greece.64

4.1.3. A Final Appraisal

The Convention of Lausanne officially applied ethnic cleansing — understood as policies to drive out ethnic groups in an attempt to establish homogeneous areas. Such polices were of questionable lawfulness65 as there was a subtext of racialism in the criterion of religion.66 After all, the Convention de facto legitimised the effects of national antagonisms and wars that lasted from 1912 to 1922 and led to the massive uprooting mainly of Greek Orthodox of Asia Minor (1914, 1922) and to a lesser extent of the Muslims of Greece (1913). Forced exchange of population constituted an infringement of fundamental human rights under contemporary
international law but also under the legal framework in which it was con­ceived. Realpolitik arguments were used at Lausanne to undermine funda­mental principles of human rights. The latter were perceived as an obstacle to consensus among the parties, and the final agreement constitutes one of the cruelest expressions of state power over the individual of a century replete with such moments. Contemporaries were well aware of this. According to a professor Tenekides (1924),

The compulsory exchange constitutes the most serious infringement of the individual freedom and the right to property, as well as a sad retrogression of international law. It leads us to savage and primitive perceptions of war, as the defeat results in the destruction of the population, whose goods are looted by the winner and the population itself is forced to exile or slavery. Similarly, Professor Seferiades (1928) supported the view that of all the treaties endorsing the compulsory population exchange violated respect for human dignity, breached extent international law on minority protection and consequently the Statute of the League of Nations: “Thus, any treaty which attempts to violate the positive international law, the universal ethical rules and the fundamental human rights should be recognized as void because of its illegal content”. After all, populations cannot be regarded as cattle whose ownership one transmits arbitrarily. The population exchange represented a radical solution to the minority question which both preceded and succeeded military confrontations, inter-ethnic clashes, and the rewriting of borders. It aimed at the ethnic homogeniza­tion of the state in the service of the national project in order to create conditions deemed necessary for national security. The expulsion of minorities was tantamount to an explicit confession that in the modern era multicultural societies may prove unable to tolerate ethnic diversity and under certain circumstances may become the site of violent practices. Over the long course of European history, expulsion and forced transfer of populations for the purpose of achieving ethnic homogeneity has been practiced on many occasions. It was never, however, organized on the basis of legal rules within the framework of international law. The practice of forced population expulsion on the basis of religious or ethnic affiliation

68 C. Tenekides, 1924: 86. N. Politis, 1940: 83.
70 P. Fauchille, 1925: 566.
was seen again among Croats, Bosnians, and Serbs in the Balkans in 1990s, drastically affecting the futures of those populations.

4.2. THE NEW LEGAL REGIME UNDER THE SÈVRES AND LAUSANNE TREATIES (JULY 1923)

The Lausanne Conference ended with the adoption of the Treaty\(^72\) which is the founding legal instrument of the Republic of Turkey. It establishes Turkey’s borders, imposes international obligations, and grants minority protection.

The Treaty also created commitments for Greece on minority rights and put into force the parts of the Treaty of Sèvres relevant to minorities. The legal content and nature of the commitments of the Treaty of Lausanne as they pertain to the Greek government will be examined in detail in Section 5.2. In the remainder of this section, the general features of the minority protection framework and its application will be discussed. During the interwar period, the Treaty of Lausanne in concert with the Treaty of Sèvres doubtlessly constituted the cornerstone of the minority protection regime Greece applied vis-à-vis its Muslim population under the auspices of the League of Nations. To this day, the spirit of Lausanne persists. No contracting party has attempted to amend its content, not least because it establishes in no uncertain terms Turkey’s frontiers. Thus, minority protection provisions survived the general trend to abolish interwar minority treaties.\(^73\)

The general legal framework on minority protection in Greece was established by the Treaty of Sèvres.\(^74\) The Treaty was signed in 1920 in the context of the broader territorial settlement of the defeated Ottoman Empire which, given the successful Turkish nationalist resistance, was never realized. In the end, the Treaty entered into force according to Protocol XVI of the Treaty of Lausanne signed by Greece and the Allies (France, Great Britain, Italy, and Japan). It set forth the general framework of minority rights and relevant obligations of the Greek State for all former Ottoman subjects who possessed Greek citizenship (article 4)\(^75\) — rights

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which obtained for minorities in territories acquired by Greece after 1913 (article 3). In particular, the Treaty stipulated the preservation of Muslim family law and customs (article 14). Moreover, Greece undertook to provide selective educational rights to non-Greek speaking populations (article 9).\textsuperscript{76} Regarding the Muslims in particular, the Greek government was obliged to subsidise foundations, charity establishments, and schools. The entire minority protection regime was established under the auspices and supervision of the League of Nations. It is doubtful whether the Treaty continues to have legal force nowadays, as, in addition to legal arguments that it is null and void (\textit{supra}, Section 3.3.1), there is no party which seeks the Treaty’s implementation. The Treaty was considered extinct in light of the establishment of the United Nations international human rights protection system. Nonetheless, arguments which claim that world historic events could annul international commitments (\textit{clausula rebus sic stantibus}) are not convincing.\textsuperscript{77} After all, the Treaty of Lausanne expressly brought into force the Treaty of Sèvres and consequently the latter could be considered as a part of the broader legal framework on minority protection.\textsuperscript{78}

4.3. TERRITORIAL APPLICABILITY OF THE STATUS OF PROTECTION (1924–1946)

By 1925, and due to the population exchange with Turkey, Muslims did not represent more than 2 percent of Greek citizens. According to 1928 and 1940 population censuses, there were 126,000 and 141,090 Muslims in Greece – both citizens and aliens – concentrated in Thrace and Epirus respectively.\textsuperscript{79} Their presence contributed to Greece’s linguistic and cultural diversity. Nonetheless, by the end of the Italian, German, and Bulgarian military occupations, the population of the Muslim minorities has been altered due to two major events: the forced exodus of the Chams of Epirus and the annexation of the Dodecanese islands.

Meanwhile, the impact of the population exchanges on the ethnographic composition of Western Thrace was quite profound. According

\textsuperscript{76} K. Tsitselikis, 1996: 283 and 324.
\textsuperscript{78} In 1952, the General Directorate on Aliens (Report on Muslims living in Greece, AP 421/2/20/4, July 1952, MSA F.95,b) refers to the Treaty of Sèvres as in force along with the Treaty of Lausanne, regarding the minority of Thrace.
\textsuperscript{79} Greek Office of Information, 1949: 10.
to sources dating from before the population exchange with Turkey, the Greek Orthodox in Thrace did not exceed 17 percent of the population, whereas after the exchange they represented 62.1 percent of the local population.80 If in 1923 there were 95,407 Muslims in Thrace, in 1925, there were 93,269 Muslims of Greek citizenship and 181 alien Muslims81 out of 300,000 inhabitants. In 1927, the figure was reduced to 92,899.82 The settlement of Greek refugees from Eastern Thrace in Muslim villages and the overwhelming presence of the Greek army on the west bank of the Evros river exerted a continuous pressure on the local Muslims many of whom fled to Turkey between 1922 and 1928 without receiving permission from either side. On the issue, a Thessaloniki paper wrote in 1929: "The Turks left from Evros mainly in 1922–23 due to the big number of refugees and the measures of security imposed by the army", even when negotiations were going on in Lausanne.83 Again, a Mixed Committee visited Edirne to investigate complaints from maltreated Muslim peasant refugees from Thrace.84 Turkey complained to the Mixed Committee on the population exchange but the Greek government was unable to prevent the outflow85 and simply observed the exodus of local Muslims from this strategically important area.86 It seems that the rumours about the

82 For these data from reports of the Greek administration see Y. Bonos, 2008.
83 'Eleftheros Laos' (Free people), newspaper of Thessaloniki 18.8.1929, HAMFA, F. 1929/B 37.
84 N. Yannios, founding member of the Greek Socialist Party called for stopping the bloodshed against the Turks of Thrace and quoted the report of the Mixed Committee on the atrocities committed in 1927 and 1928, 'Sosialistiki zoi' (Socialist life), 6/March 1929, reprint in 'Skrip', 18.n.2007.
85 K. Stylianopoulos, 1929a: 27.
86 Reportedly, 5,000 Muslims fled the area since the beginning of the 1920s. Muslims from Kavyli and Abyrohori villages were voluntarily exchanged with the Greeks of the Vysa and Sidirohori villages from Eastern Thrace who remained despite the evacuation of the whole area. Greek Consulate in Istanbul, Note to the Greek Representation to the Mixed Committee, 9.10.1928 HAMFA, 1927–28/93.2b. Another relevant note, the Governor General of Thrace reports that about 1,000 landless Muslims had fled their villages (Tyhio, Pyrolithos, Lykofi, Antheia, Imanlar, Soufl, Provatas, Kitrinopetra, Fylakto, Virini), Note to the Greek Representation to the Mixed Committee, 23.11.1928, HAMFA, 1929/B 37. Last, according to another report, Muslims fled from villages by the Evros river (Amfia, Ferres, Lykofi, Kitrinopetra, Koila, Simenli), as they did not expect to be granted the établi certificate, Memorandum by the Committee for the settlement of the refugees to the Ministry of Agriculture, AP 266, Komotini 21.8.1928, HAMFA, F. 1927/93.2a. According to A. Chousein (2005: 55) 38,556 Muslims fled the area of Evros from 1923 until 1939.
eventual abolishment of the exemption and the extent of the population exchange on the Muslims of Thrace facilitated their flight towards Turkey.

The decreasing number of Muslims in the mid- and late 1920s was due to harassment, forced cohabitation with Christian refugees, expropriation, and redistribution of properties as well as political factors that engendered legal or, more typically, illegal migration to Turkey. Among the migrants were a few hundred Muslims who opted for Turkish citizenship. Tellingly, in 1930, there were 110,000 Muslims in Thrace. By 1934, the Mixed Committee for the Settlement of Refugees issued 106,000 certificates to Muslim établis in Thrace and on the eve of Greece’s entry into World War II, estimates of the Muslim population were as high as 112,535 or 31.2 percent of the local population.

The Bulgarian occupation of Thrace from April 1941 until September 1944 and the application of assimilationist measures towards the Muslims (targeting mostly the Pomaks) engendered further and major migration towards Turkey, mainly to Istanbul where reception facilities for refugees were set up. Yet, an unknown number of Muslims from Bulgaria were also settled in Thrace to encourage the Bulgarization of the Muslims. After the end of the war (1944), these Muslims migrated to Turkey following a bilateral agreement. The Civil War (1946–1949) affected the minority of Thrace such that 10 to 15,000 thousand Muslims fled to Turkey: the armed conflict was seen by the minority as an alien affair and any active role could only bring more trouble and negatively affect living conditions and minority status. Migration was also due to economic insecurity rather than political pressure.

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87 K. Stylianopoulos, 1930a: 14. S.A. Tchemalovich (1933: 206) estimates the number at 143,000. The same author refers to the migration flow to Turkey. On the migration flight towards Turkey in the years 1920–1960 see S. Akgören, 1999b: 60 and for the period 1926–1928 see Y. Bonos, 2008.
89 According to Bulgarian statistics, during the occupation there were 73,462 Turks in May 1941, 72,085 in July 1941, 70,279 in 1942 and 69,145 in 1943. The Pomaks were registered as of Bulgarian ethnicity: 24,338 in 1942 and 27,552 in 1943. As for the emigration flow, it is reckoned that 32,483 Muslims, mostly from Xanthi, fled Greek Thrace by September 1941, all data quoted by X. Kotzageorgi-Zymari: 155 and 189. Some 2,000 Muslims returned to Greece in the context of a bilateral Turkish-Bulgarian agreement, though they were settled in the German controlled area of Evros. According to A. Chousein (2005: 64), 10,000 Turks/Muslims migrated during the occupation.
on the part of Greece or Turkey. Another facet, especially in early 1948, was involuntary recruitment by communist forces (Demokratikos Stratos, Democrat Army) and the hardship caused by the Civil War which resulted in emigration from the mountainous areas towards safer places or Turkey.

A further 23,000 Muslims of Albanian origin were exempted from the exchange and settled mainly in Epirus (infra, Section 4.1.2.). According to official reports there were 22,000 Muslim Albanian Chams in Epirus in 1930 while the population census of 1928 registered 17,000 Muslim Albanian-speakers. According to a report of 1932 by the MFA, Albanian-speaking Muslims numbered about 19,000. All in all, it is very difficult task to obtain accurate statistical data on a population subject to political pressures which resulted in continuous emigration. A complex chain of antagonisms over land and population had a traumatic impact which undermined the cohabitation of Christians and Muslims in Epirus. Finally, collaboration with the Italian and German occupation forces and the crimes committed by groups of Chams against the Christians of the area resulted in massive counter measures taken by the right wing guerrilla forces EDES (Ethnikos Dimokratikos Ellinikos Syndesmos, National Democrat Greek League) of General Zervas in 1944 and 1945. Military operations led to the permanent expulsion of all Chams and caused great loss of life and property resulting in a permanent bilateral issue between Greece and Albania. Of the 18,600 Muslims who in

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93 K. Featherstone and others note that more than 3,000 Muslims returned to Greece by mid 1948 (2010: 271). See also the first book regarding the position of the minority during the Civil War written by members of the minority, R. Ali & T. Huseyinoğlu, 2009.
94 K. Stylianopoulos, 1930b: 12. According to A. Papaevgeniou, (1946: 45-6) there were 19,646 Muslims in Epirus (7.4 percent of the local population).
95 For detailed data according to the HAMFA, (1935/A/21/1 and 1935/A/4/9 see E. Manta, 2008: 20. On the Cretan Muslims who skipped the exchange by decisions of the Council of the Ministers, see L. Tzedaki-Apostolaki, 2001: 149.
96 After the period of uncertainty induced by the population exchange, a number of Chams fled in the early 1930s to Albania and Turkey as a result of land expropriation, L. Baltsiotis, 2009a.
97 For a thorough examination of this relationship, see L. Baltsiotis, 2009a.
98 MFA, Reports on the Muslim Chams of Thesprotia, AFD, F.73.3/doc. 106 and 107. 178 Chams were sentenced to death and another 370 to life imprisonment by a special War Court, mostly by default. The special Court of Ioannina on collaborationists sentenced to death in absentia around 1,950 Chams (Report of the public prosecutor D. Kiousopoulos, HAMFA, 1945/63.4). See I. Skoulidas, 2008.
99 See also infra, Section 14.3.
100 On 19 March 1946, the Prime Minister of Albania Enver Hoxha protested strongly to the Greek government and brought the question before the UN, A survey of National Minorities in Foreign Countries, Department of State, Intelligence Research Report, Office of Intelligence Coordination and Liaison, [US delegation to the ECOSOC, UN], 2.1.1947: 147.
1940\textsuperscript{101} lived in Thesprotia there were only 207 left in 1946.\textsuperscript{102} A failed attempt to instigate a population exchange between the Greek minority of Albania and the displaced Chams in Albania may have been the last discussion in the United Nations of the problem.\textsuperscript{103} Meanwhile, small Muslim communities of alleged Albanian origin resided in Macedonia, mostly in Thessaloniki.\textsuperscript{104} According to Papaevgeniou, (1946, p. 45-6) there were 829 Muslims in Eastern Macedonia and 1,278 in Central and Western Macedonia.

Last but not least, in order to escape being exchanged, many Muslims kept or acquired foreign citizenship (e.g., Albanian, Serbian, Italian, Spanish,\textsuperscript{105} French or Turkish). Very little information is available on them.\textsuperscript{106} An undetermined number of Circassians and other anti-Kemalists who fled Turkey also found refuge in Greece, but were deported by 1930.\textsuperscript{107} Reportedly, in 1937 there were 47 such persons in Thessaloniki and 250 Circassians in the vicinity of Thessaloniki, with another 30 in the area of Kavala and Drama\textsuperscript{108} and an unknown number in Thrace.

\textsuperscript{101} Refer to V. Krapsitis, 1985: 170-72 for detailed breakdown of the Cham population per village. In total, they represented the 27 percent of the local population. According to the, non-reliable census of 1940, the Chams were 16,661, Archives of Municipality of Paramythia, published by M. Tritos, 2003: 61. For statistics from Greek or Albanian sources, see L. Baltsiotis, 2002: 278–280.

\textsuperscript{102} Telegram of 1.9.1946, MFA, AFD, F.64.2/doc. 23. According to the same source some 300 stateless Circassians were dwelling Greece.

\textsuperscript{103} UN Yearbook, 1946–47: 372 (“to recommend to the governments concerned that they study the practicability of concluding agreements for the voluntary transfer of minorities”) and G. Kretsi, 2002a: 185.

\textsuperscript{104} I. Mihailidis, 1996. In Greek Macedonia in 1925, only 3,000 Muslims of Albanian origin remained according to the Refugee Settlement Commission, Ethnographical Map of Greek Macedonia, League of Nations, Geneva 1926, AFD, F.11.8. According to the census of 1940, (fragmented data) 77 Muslims were registered in Pieria, 154 in Imathia, 68 in Edessa, 2 in Kilkis, 78 in Yanitsa, 12 in Eordaia, 138 in Kastoria, 294 in Florina, 431 in Thessaloniki, and 79 in Preveza, Ministry of Economy, General Directorate on Statistics, document to the Governorate General of Macedonia, Directorate of cults and minority schools. 28.7.1943, F. m.b, MSA

\textsuperscript{105} The Muslim Ma'amín/Dönnes of Thessaloniki were eager to acquire Spanish citizenship, General Military Staff, Bureau II, July 1923, Information sheet on propaganda: 5, Aggelos Anninos archives, F.2.3 (1923), ELIA Thessaloniki.

\textsuperscript{106} For more on the Muslims of Thessaloniki after the population exchange see E. Hekimoglou, 1996: 381. According to G. Gavriilidis (1931: 97), there were 500 Turkish nationals in Macedonia. In Crete, there remained 565 Turkish nationals and a considerable number of Italian citizens, N. Andriotis & T. Izbek, 2005, notes 56-57. Infra, Section 10.

\textsuperscript{107} S.A. Tchemalovich (1932: 206) refers to a few thousands of Circassians who fled to Greece. See infra, Section 6.3.2. on the Moufti Office of the Circassians in Thessaloniki.

\textsuperscript{108} Telegram of 14.10.1937, Thessaloniki, Kyrimis to MFA, HAMFA, F. 1937/58.3.
PART II

STATUS: ETHNIC REALITIES UNDER NORMATIVE NEGOTIATION
INTRODUCTION TO PART II

The processes via which law and politics interact are not always visible. In the field of inter-state politics, this seems to be especially true when minority identities are at stake. Greek engagement of 'Old' Islam falls under this rubric: it must be seen as a result of politics or as a guide to political behaviour in pursuit of the national interest. The Treaty of Lausanne set forth a series of rights for the Muslims of Greece which are still in force despite having been delineated in the context of the geopolitical situation marked by the establishment of the Turkish state after the end of the war of 1919–1922. Thus, Muslim communities had long a legal personality that is a relic from the Ottoman past and hardly reconcilable with a division between the public and the private spheres. On the other hand, in both Greece and Turkey, minority ethnic identities are formed through long process of interactions with ideologies promoted and sponsored by the state – processes often invisible to law. Furthermore, in the 1980s, a third parameter entered the picture: A series of European institutions, such as the European Union and Council of Europe, which undertook the role of homogenising the European legal order, in turn, affecting state records on human and minority rights.

In addition to the Turkish/Muslim population of Greek citizenship, which constitutes a minority under the traditional legal regime, we must also take into consideration 'New' Islam – a recent phenomenon that is the result of significant immigration flows since the late 1980s. Such flows have been due to the collapse of communist regimes, political instability in the Kurdish areas of the Middle East, and the upgraded position of Greece as the nearest European Union country in the region. Muslims of both categories, i.e., those who belong to minority or immigrant communities, are beneficaries of fundamental human rights, rights emanating from citizenship and the recognition of minority status under the terms of the Treaty of Lausanne (only for 'Old' Muslims). However, the scope for positive action in Greek law for the attainment of rights in the religious and educational domains is very limited. In this context, citizenship constitutes a major normative and societal criterion for inclusion in social and political life. Norms on acquisition and deprivation of citizenship thus play a key role in the applicability and enjoyment of a series of individual and special minority rights.
Beyond the Treaty of Lausanne which constitutes the cornerstone of the minority protection regime, only a few provisions of international law relevant to minority rights are in force within the Greek legal order: Article 27 of the International Covenant of Civil and Political Rights (ICCPR, 1966, ratified by Greece in 1997, FEK A 25) not having, however, any practical implementation as far as Muslims are concerned. Other provisions of the ICCPR as well as other international instruments, such as the Convention against all forms of discrimination (1965, ratified in 1970, FEK A 77) or the Convention on children's rights (1989, ratified in 1992, FEK A 192) have a thematic applicability for some issues regarding the Muslims in Greece. The European Convention on Human Rights (ECHR) has also been invoked in many cases regarding Muslims through the case law of the Court of Strasbourg (*infra, Appendix 5.*). Nevertheless, as Greece has not ratified the Framework Convention on National Minorities (signed however in 1997)* and the European Charter on Minority or Regional Languages of the Council of Europe, it has remained outside the dynamics which today constitute a multilateral system of surveillance of states' minority commitments.

5.1. FREEDOM OF RELIGION: GENERAL ASPECTS OF APPLICABILITY FOR MUSLIMS

The legal parameters, which regulate freedom of religion in Greece, are closely connected with the status of religious minorities and the position of the powerful Greek Orthodox Church in the Greek legal order.* The general legal framework dealing with the clause of non-discrimination is set by article 5 paragraph 2 of the Greek Constitution as well as by article 14

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1 K. Tsitselikis, 2008b.

2 According to a report of the MFA, eventual ratification of the Convention framework would impose an unwanted change of policy towards the minority of Thrace as many of measures currently in place contradict the spirit and the letter of the convention, APF 115.100/AS 548, A2/DDS, Section of minority affairs, MFA, Athens 11.8.1998, published by 'Eleftherotypia', 11.6.2006.

3 Report of the UN Special Rapporteur on Religious Intolerance in Greece, UN A/51/542Add.1/7.11.1996.
of the ECHR⁴ and article 24 paragraph 1 and 26 of ICCPR. These provisions prohibit the state to undertake any discriminatory act on grounds of religion. Furthermore, article 27 of the ICCPR⁵ and article 30 of the Convention on the Rights of the Child⁶ provide a certain further legal protection for persons belonging to religious minorities. Act 3304/2005 (FEK A 16) forbids discrimination, inter alia, on the grounds of religion and ethnic origin and religion, but so far no cases have been examined by the courts or implementation bodies (e.g., the Greek Ombudsman. The following issues pertain directly or indirectly to the way the principle of religious freedom is enacted vis-à-vis Greece’s Muslims. In some cases, revisiting the historical roots of today’s legal regulations will facilitate our understanding of the nature of the contemporary regime.

According to article 3 of the Constitution of 1975 ‘The prevailing religion in Greece is that of the Christian Eastern Orthodox Church’.⁷ The predominance of the Greek Orthodox Church affects the content of freedom of religion as safeguarded by article 13⁸ of the Greek constitution which protects the freedom of worship of all religions so long as they are deemed as ‘known’, that is, insofar as they are religions whose doctrines and rituals are accessible to anybody, as opposed to sects of secret initiation.⁹

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⁴ First, ratified by Greece first in 1953 and then in 1974 (FEK A, 256), Article 14 reads: “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”.

⁵ Article 27 reads: “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 practice their own religion, or to use their own language”.

⁶ Article 30 reads: “In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her culture, to profess and practice his or her own religion, or to use his or her own language”.


⁸ Article 13 of the Constitution reads:

1. Freedom of conscience in religious matters is inviolable. The enjoyment of personal and political rights shall not depend on an individual’s religious beliefs.
2. There shall be freedom to practice any known religion; individuals shall be free to perform their rites of worship without hindrance and under protection of law. The performance of rites of worship must not prejudice public order or public morals. Proselytising is prohibited.
3. The ministers of all known religions shall be subject to the same supervision by the State and to the same obligations to it as those of the dominant religion.
4. No one may be exempted from discharging his obligations to the State or refuse to comply with the law because of his religious beliefs.

However, there is a contradiction between article 13 paragraph 1 and article 33 paragraph 2 of the constitution which illustrates the ideological borders of religious freedom. According to the latter, the President of the Greek Republic must be sworn in accordance with Greek-Orthodox rites and no alternative is possible; this, in effect, excludes any non-Orthodox from becoming President of the Republic. Furthermore, the President must be have a father or mother of ‘Greek origin’, the latter being a very ambiguous term when subjected to legal scrutiny. Meanwhile, Muslim members of parliament may be sworn in according to Islamic rules. Thus, any Muslim who has the duty or the right to swear before public authorities (like public servants, as well in the judicial procedures)\textsuperscript{10} can do so using the Koran.

Act 1363/1938 (FEK A 305), as amended by Act 1672/1939 (article 5, FEK A 123), requires a permit from the Ministry of Religion and Foreign Affairs for the entry into Greece of a minister of any religion or denomination or leader of a cult who is not a Greek citizen with the exception of the ministers of the Greek Orthodox Church. Those who enter without a permit are subject to deportation. Such laws could be implemented regarding Muslims immigrants but in practice this has not yet transpired. A special residency permit can be issued for alien religious ministers for one year. However, the Greek Orthodox Church has considerable power to block this process as the permit issuing authority relies upon a local Bishop to certify, ‘that the (applying) religious servant is going to fulfil exclusively his religious duties’ (article 39 par. 1, Act 3386/2005, FEK A 212).

School students of other faiths or sects than Greek-Orthodoxy are not obliged to follow the religious education component of first and secondary education curricula which espouses a strict Greek-Orthodox orientation. According to article 6 paragraph 1 of Act 4862/1931, ‘the teaching of the Greek-Orthodox religion subject to pupils of other dogma or religion is forbidden in public and private schools’.\textsuperscript{11} By 2008, any pupils who desire to opt out from Greek-Orthodox religious course are no obliged to justify their choice. However, school administration showed strong resistance to allow pupils of Greek-Orthodox ‘origin’ to enjoy this regulation. Moreover, non-Orthodox pupils must attend but are not permitted to participate in the morning Greek-Orthodox prayer with which every school day begins (PD 201/1998, FEK A 210, article 13, para 10). In one case in 2002,

\textsuperscript{10} Article 408 (paragraph 2) and article 423 paragraph 3 of the Civil Procedure and article 220 paragraph 1 of the Penal Procedure Code, S. Minaidis, 1990: 229 and 235 respectively.
the Muslim students of the elementary school of Platani (on Kos island) were obliged to stay in class during the Greek-Orthodox religion subject. After a petition filed by the parents and the mediation by the Greek Ombudsman the issue was solved and the students were excused from the religion subject.\textsuperscript{12}

Exemption from military service which is obligatory for all male Greek citizens,\textsuperscript{13} was guaranteed until 2005 for all religious ministers of 'known religions' and consequently for Muslim clerics too. The Moufti, the hoca, the imam and the muezin were exempted from the military service (the exemption applied to two Muslim ministers per mosque).\textsuperscript{14} By Act 3421/2005 (FEK A 302), article 13 para. 6, this exception was removed for all.

Meanwhile, the observance of Sunday as the day of rest in the private and public sector has come to be accepted by all Greek citizens regardless their religion. Back in 1914, however, when it was imposed as the common day of rest through RD 5.4.1914, municipal authorities were able to make arrangements in accordance with the preferences of local Muslims for whom the holy day was Friday. The \textit{de facto} though inconsistent application of Friday as the non-working day for the Muslims of the New Lands was ended by January 1925 according to Act 3103/1924 (FEK A 165), and applied by PD of 7.8.1924 (FEK A 191) especially regarding the city of Xanthi. Today, Islamic holidays are respected in the public sector as far minority education is concerned. Minority schools must follow both the Christian and the Islamic holiday schedule (infra, Section 15.4.1.). In the private sector too, Muslims are free to celebrate Islamic feasts, although they are obliged to respect Christian holidays as well.\textsuperscript{15} Islamic religious days are also officially respected in minority schools and in some cases for Muslim students attending Greek public schools. This is likewise the case – although the practice is unofficial – for Muslim pupils of Rodos and Kos islands. In Thrace, only a very limited number of minority schools respect Friday as a day of rest.

\begin{itemize}
\item \textsuperscript{12} L. Baltsiotis 2008b: 182.
\item \textsuperscript{13} Article 4 paragraph 6 of the Greek Constitution and article 6 paragraph 1.c, Act 1763/1988 (FEK A 57) on the military service. See S. Minaidis, 1990: 337–38.
\item \textsuperscript{14} The exemption concerned five religious ministers per mosque in the Mid War, see relevant PDs of 1927 and 1930, in FEK A 134/1927 and FEK A 65/1930, respectively. It seems that the exemption also concerned the serving sheikh and galife in the tekkes, see: Table of the appointed Muslim religious servants in Epirus [1918], AGGE, F.59, III, 1918 3/3.
\item \textsuperscript{15} S. Minaidis, 1990: 212.
\end{itemize}
Greek legislation requires a special permit for the establishment of places of worship. The procedure concerns any religion or dogma except the Greek Orthodox Church. The legal regime which has been preserved since the 1930s has provided for a series of norms incompatible with today’s human rights and international standards. Mandatory Act 1363/1938 (as amended by Mandatory Act 1672/1939 and RD of 20.5/2.6.1939), for example, demanded that the local Orthodox bishop give the government his opinion on the establishment of a place of worship of another religion. Thus, the Greek-Orthodox Church had the power to control the foundation of places of worship of other dogmas and cults.\(^\text{16}\) This situation raised political and legal questions on the constitutionality of the aforementioned provisions and underscored the institutional inequality between different faiths. In time, the application of the provision faded as jurisprudence adopted a more flexible stance. In one relevant case, the Council of State stated that the opinion of the Greek-Orthodox Church would be considered as a recommendation but that it would not bind the Minister of Education and Culture. In case of a discrepancy between the Church and government's position, the Minister had only to justify his decision. Moreover, if the relevant governmental act is not in compliance with the law it can be revised by the Council of State.\(^\text{17}\) In one relevant case, the ECtHR found a violation of article 9 of the ECHR and stated,

The system of issuing a license by the Minister is in accordance with article 9 of the ECHR, only in the context that its purpose is to secure the control by the Minister of the existence of the formal preconditions required by the Mandatory Law.\(^\text{18}\)

Finally, in 2006, the law (article 27, Act 3467/2006, FEK A 128) abolished the regulations at stake. Hence, to establish a mosque, a petition submitted to the Minister of National Education and Cults is needed as well as the approval of the City Planning Office. As only the Orthodox mass is held within Greek army military camps, non-Greek Orthodox military staff are not obliged to attend. However, in the early 1920s, an imam (per regiment) was available for the religious needs of the Muslim soldiers serving in the Greek army.\(^\text{19}\)


\(^{19}\) LD of 2.7/22.9.1919 and Act 2441/1920 (article 12 and 18), Kodix Themidos 1920: 638 and FEK A 161, respectively. See APK, I. Iliakis, Report to the Ministry for Defense, of 10.1.1918: 38.
According to the Greek civil law both civil and religious wedding ceremonies are permitted. They are both legally binding, though religious rites must not infringe upon the *ordre public.*20 Weddings celebrated by the Moufti of Thrace have legal effect but no religious servant is authorised to effectuate Islamic weddings beyond Thrace, Rodos, and Kos. This topic will be discussed further below (*infra*, Section 16.1.2.).

In terms of the relevant Greek law, a Muslim can justifiably be absent from working hours in the case that they wish to fulfil their religious duties. According to the circular 33559/8.12.2003 of the Ministry of Employment and Social Protection on application of migration Act 2910/2001, an immigrant worker's absence from work for religious purposes is also justified. That said, such exemptions are very rarely observed in practice, if at all.

Regarding the participation of Muslims in broader activities of the state, army conscription is one particularly loaded field where ideology and power intersect with longstanding habits of treating Muslims as a *millet* subject to special measures. Moreover, since Muslims were deemed to have a kin relationship with Greece's prime military adversary, Turkey, Greek Muslims have been faced with an awkward prospect. Namely, they had to figure out how to reconcile the apparently opposed yet equally legitimate aims of protecting general public security and safeguarding the personal safety of Muslim Greek citizens.21 For, as Greek citizens, they should share all concerns and burdens related to national defence, namely military service. At the same time, as potentially sympathizers, or even worse, agents of Turkish interests, it was felt that they should be excluded from serving in the Greek army. In this context, Muslims too were reluctant to participate in the army under possibly prejudicial circumstances.

Controversial regulations were subsequently adopted on the question of recruiting Muslims. During the period in which Muslims had to opt for Greek or Ottoman citizenship, they were exempted from any military obligation and from any form of military taxation (Act 387(ΛΠΖ') 1882 and article 14, Act 4213/1913).

By Decree 1550/191722 adopted by the provisional government in Thessaloniki, a special recruitment committee for Muslims was established

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20 The civil wedding ceremony was introduced by Act 1250/1982 as new Civil Code article 1367.
22 Provisional government of Thessaloniki, Archives of the Greek Parliament, FEK special series A 40 1917.
and Muslims were called for duty, although they were not to serve in armed positions. This situation continued, more or less, until the late 1990s. In some cases, quite sophisticated proposals in favour of segregation were put forth. For example, Iliakis, the governor of Western Macedonia, was eager to apply policies similar to those employed by colonial powers. In 1917, he proposed to create Muslim battalions complete with their own flag, fez, and imam, though officers would be Greek soldiers who spoke fluent Turkish. Another option was for Muslims to pay an exemption fee (antisikoma) so as to not serve in the army (Decree 2117/1917, FEK of provisional government of Thessaloniki).

Acts 2400/1920 (FEK A 154) and 2728/1921 (FEK A 173) on the provisional exemption from military service of Muslims (and Jews) provided for a pay-off amount relative to their income, as long as the Greek military expedition would last in Asia Minor. Certain categories of Muslim conscripts were exempted from conscription with no pay-off. This regulation is reminiscent of the special tax (bedel-i-askeri) collected through till 1908 by the Ottoman authorities from the dhimmis (‘peoples of the Book’, i.e., the non-Muslim millets) in return for their exemption from military service. After the Greco-Turkish war, the Greek administration also considered a proposal for the reciprocal exemption from military service of the Turks of Western Thrace and the Greeks of the vilayet of Istanbul. This measure did not pass, and in Thrace, after the war, Muslims were recruited albeit only for assignment to construction of public works. However, due to high population concentration in many areas of Northern Greece, Muslims were recruited to fill the ranks of soldiers or even officers of the Greek army. In 1925, for example, the recruiting office of Thessaloniki reported that the

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23 Decrees of the Provisional government of Thessaloniki, Archives of the Greek Parliament, FEK special series A, Na 29, 46, 65, and 100 all of 1917, regarding the Muslims of Kaylar, Veroia, Nigrita, Vodena and Katerini, respectively.
25 According to the photographic archives of Edessa, “Kadri Hasan resident of Edessa, registered at the registry book for males, under No 86, born in 1889. We issue the present certificate for antisikoma [remittance] in order to be released from military obligations”, 19.8.1919, Photography Archive of the Municipality of Edessa, No 1986, 0.2), quoted by P. Potiropoulos, 1995. It seems that recruitment was applied on those who could not afford the pay off or to any Muslim in Epirus: According to a report by the Governor General of Epirus ‘recruitment of Muslims and Jews is normally conducted’, HAMFA, A, Political 1918 A/5/II 3, Voreiopirotiko, AP 250.
26 Gontikas, Minister of Military affairs, letter to MFA, 11.5.1925, HAMFA 1925/5/68 ap 2.
27 The Muslim deputies complained about this ‘special treatment’, Memorandum of 25.10.1928, signed by Thrace’s Muslim deputies, AEV, F. 225/1928, doc. 52. In Epirus the Albanian Chams were also complaining for being used as manpower for public works, K. Stylianopoulos, 1930b:10.
departure of the Muslims due to the population exchange, and the fact that refugees from Turkey had yet to acquire Greek citizenship meant there was a significant lack of recruits especially in the Kozani and Serres areas.28

By 1936, military service was increased for all and Muslims were again subject to the new uniform regulations. Thus Muslims participated in the Greek-Italian war of 1940–41.29 After that war and the Italian military occupation, Muslims were again exempted from military service, in exchange for a remittance, from 1948 to 1960. This was due to the reluctance of the army during the Greek Civil War to admit Muslims in operations against communist rebels, among whom were to be found Muslim combatants.30 From 1961 onwards, however, males of ‘Muslim descent’ had again to fulfil their military service obligations31 with the exception of those from the Dodecanese islands.32 Then, following the Turkish invasion of Cyprus (1974) Greece’s Muslims were prevented from bearing firearms and assigned to auxiliary tasks within the context of their military service. Since the 1990s, such forms of ‘special’ treatment have been gradually fazed out. By 1996, Muslims had the opportunity to become conscript officers, although this opportunity was reserved only for Muslims those of Pomak descent and thus presumably pro-Greek sentiment. A rare case of discrimination on grounds of descent nevertheless survived until recently through administrative practice established by the General Staff and in violation of the relevant law. According to this procedure, only candidates of ‘Greek descent’ can apply to take the entry exams of the national school of army officers.33 In 2010, the Minister of Defence removed from the statute of the School of Officers the ‘Greek descent’ requirement for candidates, without however abrogating RD 312/1968. In the parliament, the ultra right wing LAOS asserted that this move opened the door for Muslims to become officers.34 In another case of discrimination by law, Act 2304/95 stipulates that naturalised Greek citizens of ‘non-Greek descent’ can not be appointed judges to military courts.

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28 Third Corps, Thessaloniki, 16.4.1925, report to the General Governorate of Thessaloniki, GAM, F. 089/108.

29 K. Featherstone and others, 2011: 67 and 71.


32 “We don’t call the Turks of the Dodecanese to recruit, albeit they are Greek citizens”, E. Zannis, Proceedings of the Greek Parliament, Session 65, 10.3.1963: 700.


5.2. The Muslims as a Minority: The Treaty of Lausanne (1923)

In effect, the Muslim communities were ‘minoritised’ within the Greek nation state on the basis of the aforementioned treaties of 1881, 1913, 1920, and 1923. These communities (cemaat), which had been part of the dominant millet of the Ottoman Empire (millet-i hâkime), found their legal status reversed in a new set of institutional arrangements which belied emerging realities on the ground and preserved old patterns. In any case, the institutionalization of the minority collective personality vis-à-vis the Greek state as well internal tensions among minority sub groups (modernists v. ‘old-Muslims’) enhanced sui generis ethnicization patterns in which law played a key role.

Despite the disputed legal validity of the Convention of Athens and the Treaty of Sèvres, and their applicability in Thrace, articles 37–45 of the Treaty of Lausanne came to constitute the cornerstone of the legal regime which regulates the status of the Muslims of Greek citizenship. The rights stipulated by the Treaty are granted to the ‘Muslim minority’ of Greece and to the ‘non-Muslim minorities’ of Turkey. The Greek translation transposes the term ‘minority’ into its plural (‘Muslim minorities’) creating confusion in the application and interpretation of the Treaty – perhaps a naïve mistake of 1923, which has established an enduring framework for misunderstandings. The rights of the minority and the concomitant obligations of the state are as follows:

- Equality without any discrimination (article 38 paragraph 1)
- Freedom to exercise civil and political rights (article 39 paragraph 3)
- Right to enjoy matters of personal and family character according to the traditions of the minority (article 42 paragraph 1)
- Non-performance of acts contrary to Muslims’ religious beliefs or customs (article 43 paragraph 1)
- The state shall not impose restrictions to the religion, the media, private use, or public meetings (article 39 paragraph 4)
- Right to found private educational, pious, and religious institutions with free use of the minority language (article 40)
- The state is obliged to support public minority schools and permit pious and religious institutions (article 41)
- The Greek language can be taught as a language subject in the public minority schools (article 41 paragraph 1)
- Members of the minority possess the right to use their own language in oral proceedings in courts (article 39 paragraph 5)
- Freedom of worship (article 38 paragraph 2)
- The government is obliged to provide support to any religious foundation (article 42 paragraph 3)

As Christos Rozakis points out, in the post-World War II period, the application of the provisions of the Lausanne Treaty and treatment of the minority more broadly fluctuated in response to the ebb and flow of Greek-Turkish relations. Indicatively, in 1996, a few years after the programmatic declaration of equality before the law of Muslims as Greek citizens, a UN Special Rapporteur commenting on the application of the Treaty of Lausanne found that:

A static, unsatisfactory and prejudicial situation, especially in the religious sphere. The Muslim community in Thrace is beset with serious tensions and restrictions regarding the appointment of muftis, administration of waqfs and religious teachers. Priority should be given to satisfying the legitimate religious needs of the Muslims of Thrace, calming the present religious tensions and finding a way to defuse the situation that is acceptable to both the Greek authorities and the representatives of the Thracian Muslims. [...] The Special Rapporteur also emphasizes that the status of the Muslims of Thrace [...] should not be subordinated to considerations concerning Turkey, and strongly urges the parties involved to comply with their international undertakings, especially the Treaty of Lausanne.36

Both Greece and Turkey have interpreted the Treaty of Lausanne insisting upon labels through instrumentalization of minority rights. As already said, Greece and Turkey see the minority only as ‘Muslim’ or ‘Turkish’ in character (supra, Section 1.iv, and infra, Sections 7.1.1, 7.1.3, 8.3, 11.3, 13.2, 15.6, and 17.3.2).

5.2.1. Ratione Loci Implementation

Despite the abrogation of the minority protection system created by the League of Nations after the end of World War II37 and the foundation of the United Nations, the minority provisions of the Treaty of Lausanne remained in force. According to the common though legally rather

36 A. Amor, 1996, paragraph 154 and 140.
37 According to a memorandum of the Secretariat General of the UN (UN doc, Etude sur la valeur juridique des engagements en matière des minorités, 7.4.1950, E/CN.4/367, Annexe, 27.3.1951) the minority protection system of the League of Nations has to be considered abrogated. Only two minority agreements remain valid: The Treaty of Lausanne of 1923 and the Agreement concluded in 1921 between Finland and Sweden regarding the Åland Islands.
unconvincing view, the rights granted to Greek Muslims have to be applied solely in the territory of Thrace and not elsewhere in the country. Yet, the Convention of Athens (1913, article II) – the precursor of the Treaty of Lausanne – provided explicitly for protection of Muslims across all of Greek territory. In case of disagreement on the implementation or the interpretation of the Treaty, article 44 attributes authority to the International Court of The Hague. The latter could be applied to any dispute without the need for ad hoc agreement between Greece and Turkey. The sound guarantee offered by the Treaty was never used by Greece and Turkey despite the mutual complaints that each has voiced regarding violation of minority protection provisions.

The question of whether there are territorial limits to the minority protection regime has to be considered with regard to four cases:

- The first regards the Muslims of Albanian origin who were exempted – extra-conventionally – from the exchange of population of 1923, and who lived mostly in Epirus (the Chams) until their forced exodus in late 1944 or until they scattered across Macedonia (The Treaty of Sèvres is applicable.)
- The second regards the annexation of Dodecanese in 1947 which entailed the incorporation of a new Muslim population. (No minority status is applicable.)
- The third case concerns the migration of Thracian Muslims for economic reasons to other areas such as Thessaloniki and, above all, Athens. (No minority status is applicable.)
- The last group is the Muslims of Thrace, the incontestable minority whose status has to date been governed by the Treaty of Lausanne.

The special status regarding Muslims of Thrace was not extended to the Dodecanese after 1947 when Greece annexed the islands. According to the dominant opinion, the Greek civil code was applied on all Muslims of the new territory without exception. Consequently, the law on jurisdiction of the Moufti did not regulate the personal status of the Muslims of Rodos.

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38 According to article 37 of its Statute, the International Court of Justice has jurisdiction to deal with any legal dispute founded on a legal instrument with reference to the League of Nations and to the Permanent Court of International Justice.
40 Infra, Section 6.4.1. See relevant decision AP 63/1954, Themis 1954: 241, and A. Skordas, 1997: 173 arguing in favour of the non-applicability of the Treaty of Lausanne in the islands. Contra, Ch. Frangistas, 1963, paragraph 45 and K. Tsitselikis, 2001: 586. Krispis (1952: 165) was likely the first Greek scholar to declare that minority protection, as set forth by the Treaty of Lausanne, should be applicable in all Greek territory, the Dodecanese included.
and Kos (infra, Section 16.3.1.ii). Although the Muslims of the islands did not have the right to open minority schools, the Turkish language was taught in four schools in Kos and Rodos until early 1970s (infra, Section 17.5.). The non-extension of the minority protection regime into the Dodecanese islands ignored and ignores public international law principles regarding implementation of international obligations already undertaken by the Greek government in annexed territories. Furthermore, the attribution of minority rights in a limited geographical area ignores the right of the members of the minority of Thrace to move out of this area. Under the condition that they constitute 'a considerable proportion' (according to article 41 of the Treaty, regarding minority schools) of the residents of a region, they should enjoy religious and linguistic rights anywhere in the country.

Since 1923, the minority provisions of the Treaty have to be implemented only in the area of Thrace, from the Nestos River to the Turkish border. Thus, the legal protection of minorities, which was elaborated before 1923 (e.g., Act 2345/1920 on the Mouftis), was activated and implemented in Thrace by a LD of 26 October-10 November 1923. Muslims of Albanian origin (residing in Epirus and Macedonia) would not be subject to the same legal status. On 19 June 1930, Greece and Turkey signed an agreement on the final settlement of all issues arising from the Treaty of Lausanne and the Athens Agreement in relation to the exchange of population.41 As article 14.1 stipulates: 'Greece recognises as established [établi] all Muslims of Greek citizenship who are currently present in the area of Western Thrace'. This regulation involves the final settlement of the property issue of the Muslims of Thrace and their subordination to the regime of the Treaty of Lausanne. The move to limit minority legal protection to Thrace was based upon political and ideological reasoning: the Greek State considered Islam to be an incompatible component and attempted to avoid and limit Turkey's influence as much as possible, legally and politically.

5.2.2. Ratione Personae Implementation

To attribute rights on behalf of a minority group granted on the basis of religion reflects the millet-like understanding of 'minorities' of the Lausanne Treaty in 1923 despite the fact that the Muslims of the area did not belonging to a single nation. Today, the attribution of minority rights on the basis of religion raises another and quite delicate problem regarding

41 Greece ratified the agreement by the Act 4793/1930 (FEK A 226).
the protection of personal data. Namely, if one makes religious conviction grounds for the enjoyment of human or minority rights, implementation of the law requires that one reveal one's religious beliefs to the authorities, in turn making oneself vulnerable to discriminatory attitudes by the state and society. Thus, the attribution/claim of minority rights on the basis of religious beliefs in order to enjoy rights regarding other aspects of the minority identity, namely language, my be quite problematic.

With the end of the Civil War in 1949, a Greece which continued to suffer from political instability, stepped up her efforts at economic reconstruction. The minority question was not on the agenda, nor a part of public discourse. In this context, the last census which asked respondents to identify their religious affiliation was that of 1951. According to these data, there were 111,990 Muslim Greek citizens across Greece and about 104,000 Turks/Muslims in Thrace. However several types of emigration flows affected the size of the population. In the early 1950s, for example, there was a trend regarding Circassians and other religious Muslims towards migration to Arab countries. Emigration flow towards Turkey also continued in the 1950s. Especially in the 1954–1961 period, a significant number of Muslims fled Thrace to Turkey when the latter activated the agreement of 1930 on the free movement and settlement of the nationals of the two states due to the Menderes government’s positive view of such migration. It seems that from 1951 to 1957 alone, about 12,000 to 22,000 Turks/Muslims migrated from Thrace to Turkey. Another important flow was engendered...
by the Turkish invasion in Cyprus in 1974, when more that 20,000 Muslim Turks fled Thrace.\textsuperscript{46} The abrogation of visa requirements for the Greek nationals in 1988 in the framework of the bilateral rapprochement of Davos also eased free movement to Turkey.

According to classified reports, the minority of Thrace was 94,599 in 1961 (47.58 percent of the local population), 101,380 in 1966 (49.43 percent), and 106,897 in 1969 (or 52.49 percent). These statistical data always incited a fear among the Greek authorities, and consequently the mainstream Christian population, that the Turks/Muslims will one day outnumber the Greeks.\textsuperscript{47}

Today, about 85,000 members of the minority live permanently in Thrace, compromising less than 35 percent of the total population of Western Thrace.\textsuperscript{48} At least 15,000 Muslims, mostly Gypsies and Pomak have been settled in Athens, Thessaloniki and anywhere where they have been able to find employment. In a few cases in the 1980s, members of the elite of the minority were encouraged by the Greek authorities to take a job in Athens. Meanwhile, those of lower social class who had difficulties progressing economically or socially were settled in poor areas in Athens (or elsewhere) reproducing existing material inequalities. Such cadres have embraced their minority identity\textsuperscript{49} without enjoying minority rights (e.g., with regard to religion, education) as they are not entitled to minority status so long as they reside outside of Thrace.

In addition to the aforementioned figures, a quite important part of the minority has migrated to Turkey (about 65,000),\textsuperscript{50} Germany (about 25,000)\textsuperscript{51} or elsewhere, for political or economical reasons. Quite interestingly, the statistics cited by all relevant parties are quite similar and somewhat exaggerated as this has suited the purposes of both Greek and Turkish political agendas regarding the minority group and sub-groups. That said, Turkey considers the Muslim minority a homogenous Turkish

\textsuperscript{46} A. Chousein, 2005: 76 and S. Akgönül, 1999.


\textsuperscript{48} For the settlement of Christian population in the area see J. Dalègre, 1997: 95–116. In the 1980s and the 1990s, more than 7,000 Christian immigrants of Greek origin (\textit{palinnostountes}) settled in Thrace, G. Notaras, 1995: 55.

\textsuperscript{49} M. Madianou (2005) illustrates the boundaries and role of identity formed by the media in the case of the members of the minority of Thrace living in Athens.

\textsuperscript{50} "D'après le recensement de 2000, 6,023 citoyens grecs vivaient en Turquie (...), et 59,219 personnes se déclaraient nées en Grèce", I. Hersant, 2007: 199.

national minority while Greece trends to divide it in three ethnic sub-groups, claiming that ethnic Turks do not exceed 50 percent of the population.\textsuperscript{54} Both sources use statistics skewed by political bias and ignore the fact that ethnic, linguistic, or cultural identities coexist in parallel or concomitantly among Muslims in Thrace, among whom the Turkish national consciousness is of overwhelming importance (infra, Section 7.1).

Due to the annexation of the Dodecanese islands in the aftermath of World War II and in light of article 19 of the Treaty of Paris (1947), less than 9,000 Muslims\textsuperscript{53} became Greek citizens. The reason for this was that a few hundred Muslims retained the Turkish citizenship they had acquired during the Italian administration and which replaced their former Ottoman citizenship. Others lost the right to acquire the Greek citizenship. Those Muslims who did acquire Greek citizenship were not considered a minority covered by the Treaty of Lausanne. In fact, a special status was given to the vakf of these Muslims and to the public schools attended by Muslims, a status which continued until 1971. A short-lived Commissioner was appointed by the Greek administration\textsuperscript{54} for the Muslim community of Rodos. Meanwhile, emigration towards Turkey diminished the Muslim population of Rodos and Kos. This occurred from the first years after the annexation of the Dodecanese, with heightened migration in 1954,\textsuperscript{55} in 1964–65, and in 1972–1974, periods when tensions in Greek-Turkish bilateral relations had a negative impact on their respective minorities. More than 10,000 Muslims fled during these periods of tension, although the Turkish authorities did not promote migration, preferring instead that an

\textsuperscript{54} According to a report, the Turks of Xanthi and Rodopi represented 58 percent of the minority, while the Pomaks the 35 percent, CCT, Report by the President to the Prime Minister, Athens 4.11.1966, MSA, F.10.

\textsuperscript{53} In 1912, “there were 7,960 Turks in Rodos and 4,000 in Kos” according to the Greek Bureau of Foreign Information, \textit{Statistics of the population of Thrace and Asia Minor}, Hamtons ltd, London [undated], table XIV. According to the Italian Governor in January of that year there were around 10,000 Turks in the Dodecanese and a year latter according to the Turkish MFA there were no more than 3,000 Turks in Rodos and 2,000 in Kos (\textit{Minorities in Greece}, The Royal Institute of International Affairs, Foreign Research and Press Service, Oxford, 29.9.1942, F0/371/3321). Th. Chrysanthopoulos as well (1950: 224) reports that just after the war there were about 5,000 Muslims on the islands. According to the National Service on Statistics, the Muslim population of Dodecanese was 4,750 in 1951, (\textit{National population census 1951}, Athens: 240). Last, according to the daily ‘Makedonia’, 4 & 5 August 1966, there were 3,000 ‘Muslim Greek citizens of Turkish origin’ in Rodos, 1,200 in Kos and 400 in other islands.

\textsuperscript{54} L. Divani, 1997: 37.

\textsuperscript{55} See reports about migration towards Turkey due to mistreatment, \textit{Oriente Moderno}, 1954/34: 482.
enduring Muslim presence on the islands lead to the fostering of a ‘Turkish national consciousness’. Muslims/Turks of the Dodecanese islands Rodos and Kos, are not more than 5,000 in total – 3,500 in Rodos and 1,500 in Kos. Some – around 25 percent – are descendents of migrant Muslims from Crete and therefore Greek-speaking. Turkish is nevertheless in common use and religious affiliation or consciousness is relatively low. Larger communities from the islands live along Turkey’s nearby coasts, often keeping strong relations with their families and friends who stayed in Greece.

In total, the Muslims of Greek citizenship residing in Greece nowadays number less than 15,000. To sum up the Treaty of Lausanne is applicable only in the region of Thrace.

Defining who is the recipient of minority rights according to the Treaty becomes even more complex when religious, ‘racial’ or ethnic identity are perceived to be fungible. For example, in a case adjudicated by the High Administrative Court (StE), the ruling was based on consideration of the biological ‘origin’ of the plaintiff. In the case, the court ruled that a provision regarding quotas for third-level education were relevant only for Muslims descended from those exempted from the population exchange of 1923, e.g., the Muslims inhabitants of Western Thrace after 1923. Yet, it is difficult to identify the ethnic or national affiliation of populations who were distinguished by their religion in the framework of a multi-ethnic empire governed under the criterion of millet and who were then subsumed into a nation-state in which law treats ethno-religious diversity from an idiosyncratic minority perspective consolidated during the interwar period which has persisted to this day. Thus, while the question of the national affiliation of the Muslims in Greece and their cultural diversity has been on the agenda since the drafting of the Convention on the population exchange in 1923, Greek domestic law and the relevant international law does not take into account the Muslims’ self-identification, which in many cases was ambiguous due to shifts between religion and national consciousness.

56 According to Turkish diplomatic documents of 1947, see E. Macar, 2006: 40.
57 They had fled Crete in two waves - in 1897-8, and again in 1903-4: Konortas, 1980: 56. In 1925, 10,000 Muslims inhabited the islands, according to M. Nicolas, 1976: 61.
59 StE 290/2002, <www.dsa.gr> database. In the end, the applicant - the son of a woman of Greek descent who had converted to Islam and a Jordanian immigrant, was not considered to be a member of the Muslim minority although he resided in Thrace, as he was not descended from the minority of Thrace.
Since ethnicity is in many respects a question of self-definition, official Greek denial of ethnic belonging at one and the same time as religious affiliation is attributed with an ethnic dimension, serves to compound and solidify a collective sense of being the ‘other’ among the members of the minority.\(^6^0\) This could explain why Greek policy since the early 1990s turned from absolute denial of any ethnic character of the minority to an emphasis on internal ethno-linguistic divisions within the minority. Ambivalence is also rooted in the fact that the term ‘self-determination’ is simply not well defined. As the Organisation of Security and Cooperation in Europe (OSCE) High Commissioner on National Minorities has stated,

There seems to be confusion about the relationship between the Treaty of Lausanne (1923) and the Copenhagen Document (1990). The Treaty of Lausanne (article 45) deals with the rights of ‘Muslim minority’ in Greece. But that does not mean that the Copenhagen Document has no relevance for persons belonging to the Muslim minority in Greece. Within the wider religious group, there are smaller groups with an ethnic or linguistic identity of their own, such as Turks, Roma and Pomaks to which the provisions of the Copenhagen Document apply.\(^6^1\)

Thus, domestic Greek law as well as relevant international commitments attribute special rights to Muslims in a ‘corporate’ fashion.\(^6^2\) On one hand, this tendency in legal practice spurred homogenization within minority institutions which ignored differences within the group and enhanced the dominant national consciousness within the minority, namely the Turkish. On the other, it raised potentially problematic questions about the rights of other groups within the minority. As the ECtHR has stressed,

> Although individual interests must on occasion be subordinated to those of a group, democracy does not simply mean that the views of a majority must always prevail: a balance must be achieved which ensures the fair and proper treatment of minorities and avoids any abuse of a dominant position.\(^6^3\)

### 5.2.3. Reciprocity: A Century of Misunderstandings

A last and highly controversial point with regard to the minority provisions between Greece and Turkey set forth in the Treaty of Lausanne is the notion of reciprocity. Very often, both states invoke the other state’s violations to cover their own poor implementation of the Treaty. Thus, the

\(^{60}\) Ad. Pollis, 1992: 190.
\(^{63}\) ECtHR, Young, James and Webster v UK, A 44, 1981, paragraph 63.
shrinking of the Greek-Orthodox minority in Turkey from 120,000 in 1924 to some 3,500 nowadays led to Greek counter-measures which, in turn, fuelled discriminative policies in Turkey. In both countries, concern shown towards their kin minorities abroad is realised through unilateral legislative measures and practices in favour of their kin (omogeneis/soydaş). Most important for our discussion, are negative practices and laws against the minority which each state 'hosts'.

The reciprocity argument set forth by the governments is invalid for three main reasons. First, the Treaty itself does not recognise any legal reciprocity in the legal obligations of the two countries. According to article 45 of the Treaty, Greece assumes 'similar' legal commitments as foreseen for Turkey. Thus, it creates parallel obligations, not inter-dependent to each other. Second, according to the international law on treaties, human rights – and consequently the minority rights of a country's citizens – are not subject to reciprocity as they constitute objective fundamental principles not subject to bilateral restrictions. Third, only aliens could be subject to reciprocity and never citizens of the state in question. Reciprocity can be implemented on technicalities regarding implementation such as exchange of experts, the curriculum of the minority schools, organization of the vakfs' management etc. But it cannot be relevant to the legal content of the minority's rights per se. Nevertheless, for decades negative reciprocity was applied by Greece and Turkey on all the most important minority issues such as the selection of the Mouftis, the management of the vakf, and minority education (infra, Sections 15 and 17).

5.2.3.1. A Short Guide to Negative Practices

The interdependence of the droit de regard (right to supervision) on their mutual minorities by Greece and Turkey engendered a series of problematic situations which did not comply with the substance of the 'minority protection' regime prescribed by the Treaty of Lausanne and other relevant legal instruments.

The vicious circle of negative reciprocity begun as soon as the legal protection regime was established. It was from the outset politicised and reflected both the inability of Greece and Turkey to manage their rivalry through normal channels, and their tendency to attribute a monolithic

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64 Yet in 1914, the Greek authorities examined the possibility that the Dönme of Thessaloniki could be subject to reprisals 'for reducing the commercial prosecutions that the Greeks suffer in Turkey', MFA, General Directorate of Political affairs, Doc. to the General Governorate of Macedonia. Athens 14.5.1914. GAM F. 000/21.
relationship between nation and state. As Oran puts it, 'in neither country does the concept of nation in practice allow for multicultural communities'.

Reciprocity in its negative form can be seen as a form of reprisal which targets members of the two minorities who are not considered citizens but rather hostages – a conditions which 'Unfortunately... is true for both Turkey and Greece'.

The question of whether legal reciprocity could be applied at normative level to the obligations regarding reciprocal treatment of minorities by Greece vis-à-vis Turkey has to be considered under modern international law (Treaty of Vienna, 1969, on the law of the treaties, article 60.5) which is clear on the prevalence of human (and therefore minority) rights over any clauses of reciprocity. Human rights embody objective values stemming from democracy and rule of law, which can not be subject to bilateral restrictions. Furthermore, the European Court of Human Rights in a case regarding the property rights of a Greek in Turkey, ruled that

La Cour rappelle qu’à la différence des traités internationaux de type classique, la Convention déborde de la simple réciprocité entre États contractants. Au-delà d’un réseau d’engagements synallagmatiques bilatéraux, elle crée des obligations objectives qui, aux termes de son préambule, bénéficient d’une «garantie collective». En concluant la Convention, les États Contractants n’ont pas voulu se concéder des droits et obligations réciproques utiles à la poursuite de leurs intérêts nationaux respectifs, mais réaliser les objectifs et idéaux du Conseil de l’Europe et instaurer un ordre public communautaire des libres démocraties d’Europe afin de sauvegarder leur patrimoine commun de traditions politiques, d'idéaux, de liberté et de prééminence du droit.

Consequently, article 45 of the Treaty of Lausanne must not be interpreted as referring to the substance of the rights of the respective minorities but merely prescribing the mutual obligations of both states to protect the rights of their respective minorities. To elucidate this point, it is useful to go back to the first years of the implementation of the Treaty of Lausanne. A few years after the establishment of the new status quo, the Greek authorities sought to counter balance Turkish policies which were detrimental to the Romioi of Istanbul. During this first period, Greek pursued no concrete policies towards the minority of Thrace but was highly cognizant of the potential of using reciprocity as a weapon in the context of

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65 B. Oran, 2002, Section 'Conclusions'.
66 B. Oran, 2002, Section 'Preface-concepts'.
67 Apostolidi et autres c. Turquie, 45628/99, 27.3.2007, paragraph 71.
unfolding relations with Turkey. As one commentator put it, "[W]e have to be careful that the rights granted to the minority of Thrace would not be wider than those attributed to the Greeks of Istanbul". In the same period, the Greeks of Istanbul were very concerned about the ramifications of such reciprocal logic for their well-being. The legal arguments they developed in response have purchase to this day:

"Au cas même où dans un acte international, deux parmi plusieurs États contractants se sont engagés de respecter les statuts des minorités vivant sur leurs territoires respectifs, ce double engagement n’est point bilatéral. Il s’agit simplement de deux engagements parallèles, tous les deux valables envers la Société de Nations. [...] L’idée que par ce que ces engagements sont assumés parallèlement dans le même acte international, la Grèce et la Turquie auraient le droit d’annuler les statuts de leurs minorités respectives et de se tenir mutuellement quittes de leurs engagements à cet égard, constituerait une hérésie certaine par rapport au droit des minorités, propre à renverser l’économie générale de ce droit tel qu’il fut établi après la Guerre."

Such concerns did not prevent Stylianopoulos, the Inspector on Minority Issues (1929–1931), from compiling reports on practices and laws in Turkey to use in his own consideration on policies and law for the minority of Thrace: "[We should] prohibit the appellation Turk/Turkish regarding the minority of Thrace because Turkey does the same regarding the Greeks/Romioi". According to the inspector, the foundation of the friendship between the two countries should be related to the ‘loyalty’ of the minority to the home state, so to avoid having ‘a state within the state’. These statements reveal the perception of minorities as potential fifth columns at the dawn of the minority protection regime in 1930, a time when minorities preserved strong community or millet-like organizational structures. The inspector went on to conclude: "[A]s Turkey shows little concern for the minority of Thrace, there were no possibilities for us to gain a better status for the Greek minority in Turkey through the application of repres­sive measures in Thrace". Reciprocity was also perceived as a means to get rid of persons either Greece or Turkey found undesirable, such as the expulsion of papa-Eftym from Turkey and Sabri Efendi from Greece.

Interestingly, these sorts of reciprocal measures were sometimes perceived

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69 A. Dasios, 1927.
70 La commission exécutive plénipotentiaire chargée de la défense des Grecs expatriés de Constantinople, Memorandum, Athens 20.8.1925, AEV, F.45.1925.
71 K. Stylianopoulos, 1929b: 71.
72 Papa-Eftym was the self proclaimed Patriarch of the Turkish-Orthodox church in Turkey and Sabri Efendi the exiled Sheikh-ul-Islam from Turkey.
as justified, if somewhat excessive, by their victims. As Hamit Ihsan, a fugitive from Turkey who settled in Thrace expressed in a complaint to the Greek authorities: “The legitimate and logical counter measures applied to the Turkish inhabitants of W. Thrace are applied to me as well”.73

Just after World War II, A. Papaevgeniou, Inspector of Foreign and Minority Schools, justified on grounds of reciprocity measures which sought to establish government control of the minority community’s organizational apparatus.74 Such impulses gradually crystallised into a complex set of attitudes and practices which resulted in ever less compliance with the substance of legal norms of minority protection.

Thus, the principle of reciprocity came to be applied in a negative way and according to a politicised rather than legal logic; indeed, it become a function of bilateral relations. As a message from the Ministry of Education put it in the 1950s, Greek policy – like that of Turkey – ought “to observe all agreements with the Turkish government within the frame of reciprocity and to avoid new concessions unless they aim at serving the national interests or to abolish meaningless misunderstandings”.75 The Ministry of the Interior too affirmed the notion of ‘proportionate treatment’, declaring that “the treatment of the minority should be in accordance to the relevant treaties and in proportion to the treatment of the Greek minority by Turkey”.76 Furthermore, the Coordination Council of Thrace (CCT) (infra 8.2.) declared in 1962 that the application of a policy of reciprocity towards the minority of Thrace should be interrelated to what was happening in Turkey to the Romioi:77 “By the application of a policy of reciprocity, not of political pressure but of equalization, [...], both the Greeks of Istanbul will take advantage and the situation in Thrace will improve. [...] The principle of reciprocity must be applied with rationality and consistency”. The Council accordingly proposed a detailed series of measures dealing with matters like the vakf committees, citizenship deprivation, language of the signposts in minority schools, and financing of the minority schools.

73 Letter, 29.1.1929, Didymoteiho, HAMFA, F. 1929/B 37b.
74 A. Papaevgeniou, Note by the General Inspector of Foreign and Minority Schools on the memorandum No ch22/20.9.1945 of the Muslim Communities of Komotini, Xanthi and Didymoteiho, 28.9.1945, MSA, F. 95a.
76 Report on ‘the Muslims living in Greece’, Ministry of Interior, Directorate General on Aliens, July 1952, MSA F. 95B.
77 CCT, 26th session of 17.8.1962, MSA, F. 10.
The pervasive logic of negative reciprocity meant that it may not have been a coincidence that the establishment of the Greek 'Coordination Council of Thrace' in 1960 and its upgrading with increased powers in 1962 was mirrored by the establishment in Turkey of the notorious Turkish 'Secret Commission on Minorities' (Aznilk Tali Komisonu), by Order of the Prime Minister 28-4869, 7.11.1962. At the least, the pattern of seeking to control the minorities, through intelligence and interference in community affairs on the grounds that minority issues were situated in the gray sphere of national security was institutionalised in a parallel fashion in both countries.

The logic became heightened in 1964 when, in conjunction with the unilateral denouncement by Makarios of the constituent Treaty of Cyprus (4.4.1964), Turkey moved to expel massive numbers of Romioi (Greek Orthodox) residing in Istanbul who held Greek passports. The Greek authorities responded by describing the reciprocity policy applied henceforth as 'inadequate', and ushered in an era of 'counter measures' spearheaded by the Ministry for Foreign Affairs. In 1967, when the Greek junta took power applied the reciprocity criterion in an even harsher fashion with consequences mostly for minority education and the vakf question. Indeed, the Turkish invasion of Cyprus did not dramatically alter the policy of the Greek state after 1974, as administrative discrimination was again applied to the minority.

In parallel to the legal discourse, are arguments regarding the need to maintain 'numerical reciprocity' between the two minorities. As late as 1978, maintaining a numerical balance was thought by politicians to be a legal obligation of the Treaty of Lausanne. Measures were accordingly applied in both countries to preserve this 'balance', changes to which have been perceived as a national threat. According to reports, Muslims in Thrace in 1961 numbered 94,599 (47.58 percent of the local population) and in 1966 101,380 (or 49.43 percent of the local population). Such data raised fears among the Greek authorities and consequently in the mainstream Christian population that the Turks/Muslims one day will, one day, outnumber the Greeks. This led to the inevitable conclusion: "If it is not possible for the minority in Istanbul to increase, then the minority of Thrace

78 H. Iliadis, 2004: 35.
has to decrease”. In this context, the minority issue gradually became of major importance for the Greek authorities even going beyond the bilateral political game:

The issue of the minority in Thrace is for Greece unlike what it is for Turkey the minority in Istanbul. It is not a matter of politics but a matter of national security. [...] For 43 years we exercised policies in Thrace envisaging not the protection of the region of Thrace or even the promotion of the minority but the relief of the Hellenism of Istanbul and the Ecumenical Patriarchate. This policy has absolutely failed and while Hellenism of Istanbul walks towards its bitter end, with nobody to be able to help her, the Turkicism of Thrace is increasing' in terms of the size of the population, economic position, and rising chauvinism.

These arguments stem from the shrinkage in the number of Romioi in Turkey (from 120,000 in 1923 to 2,500 in 2005) and the relatively stable number of the Turks/Muslims of Thrace (around 100,000). This discrepancy fuelled nationalism and ideologically-oriented discourses aimed at the preservation/extinction of ‘our’/‘their’ race/nation. Yet, statistical data reveals that the number of Muslims in Thrace is simply not rising, and that Muslims' high birth rate is a myth. Consider that in 1995, the birth rate of Muslims and Christians was almost equal in Xanthi, while in Komotini the birth rate of Christians was much higher than Muslims.

The expulsion from Turkey of the former Ottoman religious clergy, who found refugee in Greece after 1922 due to the Greek-Turkish rapprochement and the Friendship Pact of 1930, serves as an early example of the decisive role of ‘reciprocity’ and the kin-home state relationship. For Greece too, dislodged members of the minority from strategic areas, as with the expulsion of the Turkish-Muslims of Evros just after the conclusion of the Treaty of Lausanne. Later, Greek Orthodox fled the islands of Imvros and Tenedos when the Turkish government abolished minority education in 1927, and, above all, after 1964 when excessive expropriation of property began. In response to the massive expulsion by Turkey of tens of thousands of Istanbul Romioi who possessed Greek citizenship in

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84 B. Oran, 2003: 102.
1964, Greece took measures against the Turkish citizens of Rodos and Kos\textsuperscript{85} and considered acting against the minority of Thrace.\textsuperscript{86} In 1966, both governments agreed to stop expulsions. However, the expulsion of the Istanbul Romioi in 1964 offered grounds for Greece to establish an enduring policy of administrative harassment\textsuperscript{87} of the minority of Thrace until the early 1990s. One strategy in this regard was to decrease minority land ownership in favour of Greeks.\textsuperscript{88} Citizenship deprivation targeting the Muslims/Turks of Thrace after 1964 was also employed as part of the power struggle between the two countries to the detriment of their own (minority) citizens (infra, Section 9.2.).

After 1964, the Greek administration considered adopting more radical methods, such as to expel the minority population from Greece and replace it with ethnic Greeks. As one official put it,

\begin{quote}
We have to imitate the Turks, when they expelled the Greeks from Imvros and Tenedos, by expropriating huge land for establishing an agrarian prison and other institutions. We have to do the same in Ariana and Fylira in order to settle there the Greek population.\textsuperscript{89}
\end{quote}

The most important fields where negative reciprocity was applied were education, vakf foundations, and, more generally, the right to live a sustainable and dignified life in one's place of origin as a citizen of the state. Thus, aspects of reciprocity infused everyday life. An interesting case in point – of 'light politics' – regard movies shown in minority language at movie theatres. In Thrace in 1970, only one Turkish movie per month was allowed to be screened.\textsuperscript{90} In 1974, the CCT decided in a staggeringly orientalistic fashion on "the absolute prohibition of Turkish movies in Thrace

\textsuperscript{85} 'Makedonia', 5.8.1966. In total, 400 Turks had been expelled from the Dodecanese, with no right to take their property with them, as was the case with the Greeks of Istanbul ('Makedonia', 7.8.1966). The Greek authorities de facto abrogated Decision 12730 of the Military Government of the Dodecanese, Gazete of the Military Governorate 96/1948, which regulated the stay and work permit for aliens in the islands.

\textsuperscript{86} 'Oppressive measures in Istanbul'; Report, General Inspectorate of Minority Schools report to MFA, Thessaloniki 14.7.1965, MSA F.2. In this report the General Inspector exposes his proposals as a list of eventual counter actions to measures adopted by the Turkish government, which had been drafted by the MFA. For the appointment of Turkish teachers as vice principals in each minority school (in Turkey) 'with the task to spy' the Inspector suggested, 'We are going to do the same, as long as the relevant infrastructure exists'.

\textsuperscript{87} CCT, 51th session of 27.3.1967, MSA, F. 11.

\textsuperscript{88} Hr. Iliadis, 2011, chapter 9.9.

\textsuperscript{89} CCT, 47th session of 6.7.1966, MSA, F. 11. On the 'colonization policy' see A. Papanikolaou, 2007: 127.

\textsuperscript{90} Bureau of Political Affairs, Session of 24.3.1972, MSA, F. 12.
as this was a matter dependent on reciprocity with Turkey. As a substitute, Indian or Egyptian movies could be allowed." National legal texts in both Greece and Turkey also explicitly adopted the clause of reciprocity. The Greek law on the vakf (Act 1991/1980) and education (Act 694/1977) mention that the implementation of the law is linked directly to reciprocity. However, in March 2007, the introductory report of the law on the taxation of the vakf (infra) denounced reciprocity. This may represent a turning point for the fate of the notorious clause, which nevertheless remains intact in a series of other legal texts. By contrast, Turkish law still embraces reciprocity. The amending law on the vakf (Act 4771/2002 and relative bylaw of 10.10.2002), explicitly mentions that its application is under the reservation of reciprocity. As recently as 24 November 2006, Turkey’s President Sezer vetoed the new act on the vakf (first submitted as Act 5555/2006, then passed as Act 5737/2008) on the grounds that it did not include the clause of reciprocity ‘as stated in the Treaty of Lausanne’. During Turkish parliament discussions on the issue of the minority of Thrace (9.1.2007), the majority upheld the principle of reciprocity as of key importance for Greek-Turkish relations. Interestingly, and in contrast to the usual stance of the minority itself, the president of the most important NGO for diaspora Turkish/Muslims of Greece – the European Federation of Turks of Western Thrace – made a firm declaration against the application of the principle of reciprocity on minority issues. This represents a rare case in which a minority body took a clear stance against the principle which members of the community often mistake as a source of protection against state arbitrariness.

5.2.3.2. Selective and Preventive Application of Reciprocity or Measures of Non-Application

Greece and Turkey exploited internal antagonism against the minority communities in two different areas. The first regards attitudes towards the minority rooted in religious or nationalist ideological stances (e.g., Islamist/conservative and modernist/Kemalist). The second draws on ambivalence related to the ethnic or linguistic affiliation of the minority, i.e., the question of whether the minority is in fact Turk, Pomak, or Roma. In both fields, Greece and Turkey sought to apply a range of policies.

91 Bureau of Political Affairs, Session of 23.2.1974, MSA, F. 12.
For example, Greece tended to define the minority in religious terms (except in the early 1930s and the 1950s), while Turkey considered it entirely Turkish. Meanwhile, repressive measures were applied by Greece selectively against modernist Turks/Muslims, while conservative religious Muslims were often beneficiaries of positive discrimination measures. Such measures fluctuated in accordance with Greco-Turkish relations.

In a few cases, the adoption of discriminatory measures against the minority in one country was not applied reciprocally, but rather exploited through different political channels. For instance, sometimes the Greek authorities avoided enacting repressive ‘reciprocal’ measures in order to deprive Turkey of a rationale for applying counter measures against the Greek minority. For example, after the massive intimidation of the Greeks (and other minorities) in Turkey in 1955 and the expulsions of 1964, Greek authorities chose not to take similar counter measures against the minority in Thrace as an attempt to show the international community that Greece could remain level-headed. In so doing, Greece also hoped to demonstrate that it was an honest broker in Cyprus and that the non-Greek population would be secure under Greek administration. Other cases in which Greece and Turkey refrained from responding in kind include Greece’s non-response to Turkey’s unilateral abolition of minority religious courts in 1925, Greek practices of citizenship deprivation (1964–1998), or the imposition of onerous special taxes on minorities in Turkey (1942/3).

Another area where reciprocity has been applied in an ambivalent fashion is the selection, appointment, and status of the religious leaders of the two minorities and their respective competences. This may be because the status of religious leadership in the two countries is incomparable. After all, the Mouftis of Thrace are not equivalent to the Patriarch in terms of political and symbolic importance. As such, the failure to appoint an Arch-Moufti in Athens as provided by the Convention of Athens and the related act of 1920 did not result in retaliation from Turkey. Turkey’s unsuccessful attempt to establish a Turkish Orthodox Patriarchate and

94 MFA, letter to the Greek Embassy in Ankara, 4.9.1965, MSA, F. 2.
95 The CCT (Session 23d of 26.5.1962, MSA F. 10) allocated allowances for those Muslims who desired to do *haj* (pilgrimage) in Mecca and special aid for the Pomak villages for buildings such as health and agricultural centres.
96 Directorate of Political Affairs to the MFA, Statistical data regarding the education of the W. Thrace Muslim minority, Komotini 29.11.1963, MSA, F.2.
97 R. Meinardus, 2002: 89.
the denial of the legal personality of the Greek Orthodox Patriarchate of Istanbul likewise cannot be seen as counter-measures aimed at impacting the status of the Mouftis of Thrace.

Ultimately, the habit of reciprocity and in particular the fate of minority association has been bound up in developments regarding the Cyprus issue. For instance, the Greek Union of Istanbul, which was formed in 1933 and whose membership was restricted to Greek citizens of the minority community of Istanbul, was shut down in 1958 with the emergence of the Cyprus issue.99 Similarly, in the early 1980s and in response to tensions over Cyprus, Greek authorities closed down associations set up in Thrace some fifty years earlier whose appellations included the word ‘Turkish’.

5.2.3.3. An Appraisal of Reciprocity

The measures and counter measures targeting the minorities in Greece and Turkey do seem to follow certain legal and political patterns. Beyond measures that were explicitly taken as a response to the other country’s acts, there is a complex body of decisions which are informed by the logic of negative reciprocity. Such measures, which sought to satisfy local or national political aims, have taken many forms. They may have been preventive in scope but resulted in adoption of a like measure by the other country; they might have had no initial connection to minority policies but nevertheless triggered a series of reciprocal measures; they might have been temporarily enacted and then rescinded in order to push the other side to do the same; some measures were announced but never applied reciprocally; still others were legally adopted and then forgotten; and still others were roundly applied in a reciprocal fashion.

All these actions have been, and still are to a certain extent, applied within the framework of the reciprocity syndrome, a tool of repression which emanates not only from the ‘minority question’ but from the wider Greco-Turkish conflict of interests. Measures targeting the minorities in Greece and Turkey were undertaken, explicitly or tacitly, by the pertinent political and administrative bodies. Such measures can be understood as disaggregating the notion of reciprocity in terms of quality, time, qualitative symmetry, and quantitative symmetry.100 These categories are not sharp but they can help us understand the different strands of reciprocal thinking which underlined policy patterns. For example, the demand for union

99 A. Alexandris, 2003: 118.
100 K. Tsitselikis, 2008: 98.
with Greece (*Enosis*) raised by the Greek-Cypriots in the early 1950s, and the pogrom this inspired against the Greeks of Istanbul (1955) are cases in point. Other developments which have fed the reciprocity syndrome include the unilateral denunciation by President Makarios of the constituent treaty of Cyprus, the atrocities committed against Turkish-Cypriots by Greeks in Cyprus (1964), the Turkish invasion of Cyprus (1974) and the proclamation of the *Turkish Republic of Northern Cyprus* (1983). Such milestones determined Greek and Turkish policies towards their own minorities, rendering the communities ‘collateral’ victims of the Cyprus crisis. The closing down of the minority schools in Imvros and Tenedos (1964) and the Greek-Orthodox Seminary of Halki (Heybeli Ada) in Istanbul (1971), as well as the shutting down of schools for the Muslims of Rodos and Kos (1972) can also be seen as part of a chain reaction of mutually repressive measures. After all, throughout the 20th century and in the beginning of the 21st, reciprocity provided an easy way for nation-states like Greece and Turkey to avoid the crucial question of how to accommodate pluralism and avoid questioning the excesses of the fervent nationalism upon which both had built their antagonistic national identities.

At the end of the day, reciprocity reflects a state of mind as much as a policy. It emanates from a psychological reflex – to do to the enemy what the enemy has done to you. It is a form of revenge. In this respect, it is goes beyond clear-cut political or legal explanations. This, in turn, means that it can infuse and distort legal frameworks, rendering their provisions for minority protection null and void.

Support for reciprocity seems to be on the decline in Greece, especially after the denunciation by the introductory report of the law on the taxation of the vakf in 2007 (*infra*, Section 15.2.5.). State officials evoke the reciprocity principle less and less. However, the argument regarding the unbalanced numbers of the two minorities remains widely spread and presented as evidence that the Turkish state has applied harsher methods.

The upshot was that minorities had to rely on the flawed idea of reciprocity perceived and applied as a means of retaliation. The European integration process for Greece and eventually for Turkey – as well as each
country's endorsement of a series of international legal instruments regarding human and minority rights – may eventually lead to the disconnection of the 'minority issue' from its bilateral dimension and place it under multilateral supervision. This would release the Turkish/Muslim minority of Thrace and the Romioi of Turkey from the burden of negative reciprocity from which they have so long suffered and perhaps lead to the permanent de-legitimization of the concept. The steps that lately Greece, and to a far lesser extent Turkey, have made at a normative level towards denouncing (or at least refraining from applying) reciprocity, together with the relevant case law of the Court of Strasbourg (supra, Apostolidi case, Section 5.2.3.1.) and the documents passed by the Council of Europe's Parliamentary Assembly could contribute to the abovementioned goals.

In this unprecedented case, that an international body examined the conditions of the Lausanne minorities in Greece and Turkey and called on both countries to cease interpreting article 45 of the Treaty in negative terms vis-à-vis their respective minorities. The argument was that:

The recurrent invoking by these two states of the principle of reciprocity as a basis for refusing to implement the rights guaranteed to the minorities concerned by the Treaty of Lausanne is anachronistic and could jeopardise each country's national cohesion.'

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103 Parliamentary Assembly, Council of Europe, Doc 11904, 6.5.2009; Parliamentary Assembly, Council of Europe, Resolution 1625/2008.
THE MUSLIM MINORITY AS A LEGAL ENTITY: AN OTTOMAN LEGACY

In the Ottoman Empire the Muslims were organised as a community headed by a Council (Cemaati Islamiye Encumenleri). The body was institutionalised in the mid-19th century when Mithat Pasha granted the Muslim communities in Ottoman Roumeli (Ottoman possessions in the Balkans) a status similar to those of Christians’ Councils (dimogeron-teies). This became one of the most important examples of millet self-organization at the local level. The Young Turks’ Ottoman Constitution of 1908 consolidated the institution. According to article 3 of the Constitution, the community councils of each millet acquired responsibilities regarding the administration of community affairs and property. This arrangement put an end to the traditional structures of the millet system as under the direct control of the religious clergy and instead aided the formation of nationalistic corporate ideologies based on the political self-management by the people and not by the clergy. Thus, in the late Ottoman period, the various religious communities (Orthodox, Jewish etc.) were recognised as legal entities in every administrative centre of the Empire.

This scheme was inherited from Ottoman times by the Greek state as far as the Muslims and the Jews were concerned. When the Greek administration was established, first in Thessalia in 1881 and then in the New Lands in 1913, the religious communities were retained and to some extent were subjected to a special legal status. The Muslim Community Councils in Greece succeeded their Ottoman predecessor accommodated religious structures into secular cemmat (community) ones, and undertook the task of acting as both an arbitrator in matters concerning communal affairs and a bridge between the Muslims and the Greek state. The Muslim Council gradually became a minority institution within the Greek legal order, retaining structural elements of its former local administrative character. Thus, in 1914, in the eyes of the Ottoman ambassador in Athens, the position of the Muslim communities in the New Lands seemed to lack

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3 K. Tsitselikis, 2008.
in institutional autonomy (at least when compared to the legal status of the Greek Orthodox millet in the Empire). However, the legal position of the Muslims (as well of the Jews) of Greece demonstrates how the term ‘community’ is understood from different, often contradictory, viewpoints, touching upon the demarcation of the public/private spheres.

6.1. Community Structures

The Convention of Constantinople set the legal foundation for the establishment of the Muslim Community Councils (1881, article 8) and safeguarded the domestic affairs of the community from any interference by the state. The Convention of Athens affirmed the same principles (1913, article 11 para 3) with regard to the internal hierarchy of the community, property management, and the position of the Moufti. More directly, it granted legal personality to the ‘Muslim Communities’ (Protocol No 3 to the Treaty, article 13). The Treaty of Sèvres (1920/1923) and the Treaty of Lausanne (1923) further granted special rights concerning self-organization of the Muslim communities in specific areas such as education and the vakf. Only one act, which primarily regulated the status of the Moufti, dealt with the Muslim Community organization (2345/1920). Ironically, it came too late for the majority of Greece’s Muslims, just three years before the population exchange. Nonetheless, this law constituted the basic legal text underpinning the status of the minority of Thrace until 1991.

The Muslim communities were self-organised and autonomous as far as their internal affairs were concerned. The Councils of the Muslim communities administrated the pious foundations, mosques, cemeteries, orphanages, schools, charity, and social activities of the community as well as managed its property, paid taxes, drafted the budget, and controlled

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5 The Muslim Councils had also the authority to manage and sell the individual property of the orphan minors, Community Council of Hania, IDAA, book 1288, decision 839, 1918, decision 828, 1912, see A. N. Adiyeke, 2002: 69. Also A. N. Adiyeke & N. Adiyeke, 2011: 30.
6 On social solidarity actions in favour of the poor, blind, invalid or ill members of the community; scholarships; special attention paid in favour of the orphans and the organization of the festivities related to Ramadan; and legal aid, especially to those who had been arrested as war criminals in 1920–22, etc., see A. N. Adiyeke, 2002: 57–59. Special aid was granted to those who intended to migrate within Greece or to Turkey before the population exchange. As regards the latter, the Muslim Communities organised the movement of people and goods in coordination with the Mixed Committee as well as with the Greek and Turkish authorities.
revenues and expenditures. The members of the Committee were not paid unless the Committee decided to do so on behalf of the Chairman. Often they hired employees, lawyers, secretariat staff, translators, and servants. Also, on certain occasions, a Greek legal advisor was hired by the Moufti’s office.

The Moufti and the Management Committee for the Vakf were the most important expressions of the right to self-management, which the aforementioned international treaties and the relevant domestic legal norms governed. Until the population exchange, the Muslim Council administrated the Muslim/Turkish schools, giving them a significant social role within the Muslim communities, balancing different approaches for education and religion. It is worth noting that the members of the Councils were selected from the wealthy and educated. The number of members in the Councils were determined by the size of the community, and chaired by the president. Often the Moufti undertook the role of the head or the representative of the community (infra, Section 16.1.i.). For instance, the Moufti of Thessaloniki headed the 10-member committee of the Muslim community of Thessaloniki, Langada, Kilks, and Halkidiki and chaired the management of the vakf.

The imams and the Muslim elders of each neighbourhood, all males, possessed the right to vote to elect the members of the Council. The Council was divided into boards, one responsible for internal administrative affairs and the other for the schools and the vakfs. After being elected by the Muslim communities, the members of the Council were appointed by the Greek government. In theory, the Muslim communities would decide their internal affairs through representative bodies established

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9 The Karaferye (Veria) Muslim community appointed Aristotelis Efendi, a Greek, as its lawyer (IDAA, Book 1152, decision 153, 1914 cited by A. N. Adiyake, 2002: 55) and Gavriil Filippidis was legal advisor of the Moufti of Thessaloniki (Suleyman Osman Sirri, Recommendation letter for Gavriil Filippidis, Thessaloniki 19.8.1924, personal archive of Tilemahos Filippidis).
10 Archives of the Muslim Community Council of Drama, IDAA, Book 726, decision 1, 1923. Hania IDDA, Book 642, decision 65, 1920, Karaferye (Veria), IDAA, Book 197, decision 20, 4.1.1923 cited by A. N. Adiyake, 2002: 53–55. Y. Glavinas (2009: 533) report that according to a draft statute of the Community of Thessaloniki of 1913, the latter was organised into two bodies, the Main Committee and the Administrative Committee.
12 By Decree 142/1916 the Muslim Council of Hania (Crete) was appointed, Provisional government of Thessaloniki, Archives of the Greek Parliament, FEK special series B 21, 1916 and FEK special series B 1916.
according to Greek law. Thus, the Greek government was supposed to ensure the autonomy and legitimacy of the communities. However, the line between autonomy and state interference was not politically clear or legally visible.

From 1913 to 1920, when the Greek law regarding the Mouftis and the community Councils became finalized, the Muslim communities were considered to be legal entities of religious character set under the supervision of the state according to the Convention of Athens. They functioned in parallel with the existing communes and municipalities as entities of public law. It seems that there was no uniform situation with regard to the institutional status of the Muslim Councils. In practice, the Greek authorities appointed the members of the Councils according to the will of the communities. In 1913, for example, the Governor General of Epirus created committees regarding Muslim affairs with the participation of the local Moufti and Muslim notables for the supervision of the religious servants in the mosques and the Muslim cemeteries. The Governor appointed the Moufti of Ioannina as president of a committee for the management of the community orphanage; he also established a committee for the study of the question of the vakf. In 1915, following a request of the Moufti of Ioannina to the Greek authorities to appoint three members of the community to vacant seats on the local Muslim council, the Minister of the Interior Affairs replied that “the Community should indicate the appropriate persons, until the law regulates in details the relevant procedure, as happened in Kavala and elsewhere in Greece.” In some cases the Greek administration appointed the members of the councils directly. This went beyond the mandate of the law on election, but could be circumvented by adopting new laws as was the case in Crete. Here, according to the Act 2344/1920, the Prefect had the right to appoint the members of the Muslim Councils until elections were held. Such irregularities and the fluidity of the organizational structures of the communities caused accusations by Ottoman newspapers, as late as 1919, that the Muslims of Greece were not free to choose their administrative boards.

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13 Introductory report to draft law on the spiritual leaders of the Muslim communities and the administration of their community property and the vakf estates, 1916, MFA, Bureau of the Minister [1916?], HAMFA, 1914/B150.
14 Respectively: AGGE, F.17, decision 2908, F.7, decision 1309, F.21, and F. 20, Decision 3573.
15 Letter by the Moufti of Ioannina, 18.3.1915 to the Governor General of Epirus. Letter of the Minister of the Interior, 28.5.1916, AGGE, F.184, II, 1922 B/7a and report by the Prefect to the Minister of Education and Cult, AP 292 Ioannina, 8.5.1917, AGGE, F.184, II, 1922 B/7a.
16 LA’ Themis’ 1920: 938.
17 High Commission of Greece in Constantinople. Report of 27.4.1920, to the MFA.
In cases where a community was divided in support for a Moufti, the Greek authorities played a decisive role in resolving the question. A revealing example has to do with the Moufti of Ioannina, who was accused by a significant part of the Muslim community of usurping power in 1917.\(^8\) The state authorities reviewed the protest but ultimately found on the basis of political interest rather than out of consideration for justice:

Maybe the activities of the Moufti are lucrative, but his opponents are acting for their own personal interests. As the Moufti is aligned with the Greek administration and always is managing the relevant community issues being loyal. On the contrary, those who accused the Moufti are fanatic against Greece, hardly bearing the Greek administration and they do not appeal before it unless they do not exhaust other means.\(^9\)

They went on to argue that, “the Moufti was always meriting our confidence, giving us any information of political interest, while his opponents exhaust insult and sycophancies against the Moufti and any other actions before addressing the Turkish government”.\(^{10}\) Similar cases of inter-community division were evident in a dispute about the Moufti of the Circassians of Thessaloniki in the late 1940s (infra, Section 16.3.2.) and, in a different context, a dispute over the legality of the Mouftis of Xanthi and Komotini (infra, Section 16.5.1.) in the 1990s.

Intra-community disputes have often revealed self-imposed constraints when it comes to discussing the role of the community in public, a legacy of the millet division of the public/community spheres. For example, in 1916, the Muslim Council of Aradosivai (a predominantly Muslim village in Elassona, central Greece) reacted against the Christian community’s plan to establish its own church and cemetery, arguing that the whole commune was under the council’s exclusive authority. The local police objected that “the plots at stake belong to the commune and not only to the Muslim community”,\(^{21}\) and that the ‘commune’ is correlated to a public sphere for all inhabitants of the villages regardless of their religious or community affiliation. This case reflects two different perceptions of land rights, one as connected to community affiliations based on the millet, the

\(^8\) Memorandum of 130 Muslims of Ioannina to the Governor General of Epirus, 25.5.1920, AGGE, F.184, II, 1922 B/7a.

\(^9\) Document by the Prefect of Ioannina to the Minister of Education and Cults, 21.9.1916, AGGE, F.184, II, 1922 B/7a.

\(^{10}\) Document by the Prefect of Ioannina to the Minister of Interior, AP 7070 [1916], AGGE, F.184, II, 1922 B/7a.

\(^{21}\) Correspondence of the Minister of Education and the Cults with MFA, Feb. 1916-
other as a modernist understanding of public law, according to which a commune or village is a legal entity of public law in which all inhabitants participate. The Muslim council of Aradosivai, seeking to extend its rights over a common space, upheld the first perspective. The fact that late Ottoman era structures – with both their millet and their modernistic logics – were inherited is evident in the fact that after the population exchange, the representative structures of the Muslims of Epirus and Western Thrace were transplanted from the Community Councils to the vakf committees and local municipality councils.

During the first mandate of the Greek Governorate of Thrace (1920-1922), the Muslim communities that had been established under the Young Turk Constitution were not recognised by the Greek administration as public but rather as private entities. A first step in transplanting the old system into the Greek legal order included a move by the Governorate General of Thrace (decision 29982/1920) to establish bodies like the Orphan Councils – one for every Moufti Office – which replaced the old Ottoman institution of the Orphan Fund. The local Moufti was assigned the role of president, and two members of the Municipality Council, a member of the Magistrate’s Court, and an officer of the taxation office made up the Councils’ members. In some cases, the Councils merged with the old vakf committees (evkaf ve cemaat komisyonları). This resulted in the gradual dispersion of older bodies like the scattered Councils of Seniors (ihtiyar meclisi), which had been active in rural areas and which eventually lost their importance. After 1923, moreover, the Greek administration began to pay Mouftis’ salaries. The Muslim Community Councils operated under this ambiguous legal status until the Second World War. The president of the Council supervised, if not directly managed, the funds of the vakf committees, the minority schools, and the Moufti offices. He also played a key role in the contests between modernist-Kemalist and

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22 K. Stylianopoulos, 1930a: 15. During the short-lived Italian administration of Epirus in 1916-’17, the Administrative Council for the city of Ioannina was established on the concept of millet: three Christians, two Muslims and one Jew participated in the Council, Prefect of Ioannina letter to the MFA, Thessaloniki 7.7.1917, doc. AP 4474, HAMFA F. A/5X(I) F.B 1916–17 (I thank L. Baltsiotis for the quotation).


24 According to K. Stylianopoulos, 1929a: 10, in Thrace, there were serious problems regarding the management of the property for the orphans.

25 As implied by the case of the President of the Muslim Council of Xanthi in 1931, K. Stylianopoulos, 1931: 10.
Islamist factions which divided the community in this period. Since such a mediating role went hand in hand with the development of patron-client relationships, local officials of the community could profit from their positions and privilege one camp over the other. Thus, it was not rare for apparent ideological or political conflicts dividing the minority to be rooted in and/or fuelled by cost-benefit calculations on the part of local officials and their followers.

The uncertainties regarding the legal status of the Councils stoked internal ideological divisions, personal aspirations, political alliances, and numerous petty plots. Evocatively, in 1928 in Komotini, Kemalists sought to intimidate the Moufti after he appointed to the vakf committee members approved by the Greek authorities. The Kemalists also complained to the Greek authorities that the Moufti of the town refused to “solemnise the marriages of those who are wearing a hat, denie[d] access to the mosque, and call[ed] them illiterate and infidels”. In Xanthi, a group of notables similarly complained to the Greek authorities that the Moufti and the President of the Community Council were not competent and that they had been appointed without any consultation of the community. The catalogue of such complaints and accusations is very long and illustrates that the local Muslim communities were ideologically diverse.

While the Community Councils were supposed to represent everyone in the local Muslim communities, it became increasingly difficult to accommodate the internal divisions. Yet, attempts to institute more effective forms of governance failed. Indicatively, in the mid 1920s, a new law to govern the Muslim Communities was drafted. It provided for twelve- and six-member Councils for the communities of Xanthi, Komotini, Alexandroupolis, and Didymoteiho to be elected by the Muslims of these areas for four-year terms. They would have had authority over the administration of the vakf and the schools under the supervision of the local prefect. However, the law never passed, and the legal vacuum continued,

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26 The President of the Community Council of Xanthi in 1930 was accused for abusing involving the vakf property Management Committee and the Minority School Boards, K. Stylianopoulos, 1930c: 8. In Komotini, the President of the Community Council was in conflict with the Moufti, K. Stylianopoulos, 1931: 6.
28 Memorandum of Muslim inhabitants of Komotini to the president of the Ministerial Council, Komotini 20.2.1928, EP 3535, HAMFA, F. 1929/B 37b.
29 Telegram of 5.3.1929, HAMFA, F. 1929/B 37b.
30 Draft Act on the administration of the Muslim Communities of W. Thrace to MFA, [undated], HAMFA, F. 1927-28/93.2b.
in part due to political influence exerted by both Turkey and Greece. For example, modernist/Kemalist circles within the Muslim communities were in favour of universal election of the members of the community counsellors. The Greek authorities, however, considered this to be 'unbeneficial', yet they were reluctant to propose an alternative electoral system.\(^3\) Indeed, meddling in minority affairs on the part of the Greek and Turkish governments did not necessarily reflect the agenda of the members of the community. Rather, it was often a matter of making or seeking concessions in order to obtain leverage in other areas of the bilateral relationship. In the context of the 1930 rapprochement between Athens and Ankara, for instance, the Greek government removed persons who had been granted offices in the local community but who were disliked by Turkey, such as the Moufti of Komotini in 1924. It also chastised several journalists from the anti-Kemalist press, replacing them with figures more palatable to the Turkish authorities.\(^3\) By 1930, the presidents of the committees during the inter-war period were appointed by the Greek authorities often after having consulted a Muslim deputy of the ruling party.\(^3\)

Because the communities had ambivalent legal status, the demarcation between private/minority and public/state remained permeable. Tellingly, when the prefect asked the president of the Muslim Community of Komotini to resign after he was elected deputy to the Greek Parliament in 1936, the latter refused, invoking the legal status of the Muslim communities to argue: "The Muslim community consists in effect of an association whose president is elected among the most honest and competent members for the reason of trust".\(^3\) This statement illustrates the minority elite’s perception of the legal character of the community as belonging to the ‘private sphere’. The case also reflects the nature of the division the authorities sought to introduce according to which assignation of ‘public’ status to minority affairs would permit state interference, whereas relegation of minority affairs to ‘private’ status would ensure the minority preserved its internal autonomy but also left the minority without a broader legal voice and platform.

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\(^3\) For the social status of the heads of the cemaat of Thrace and the dichotomy between urban/rural structures of the latter, see J. Hersant, 2005b: 88–89. For a more elaborated description of the cemaat of Thrace see J. Hersant, 2007: 70–79.

During the Bulgarian occupation of W. Thrace (1941-44), the Councils were replaced by pro-Bulgarian members of the minority, such as the notorious Hafiz Resat, who became president of the community of Komotini. But after October 1944, when the occupation forces withdrew, and the short-lived administration of communist guerrillas (EAM), the pro-Turkish elite within the minority, represented by figures like Galip in Komotini and Nuri in Xanthi, undertook leadership of the communities. During this period the Muslim communities enjoyed more autonomy than ever before, or in the words of a Greek state report, ‘semi-independence’. In the eyes of the Greek administration, the Committees for the Management of the Vakf Property of the Muslim Communities Consider[ed] themselves as the community itself, using the term in their signs, in Greek and Turkish. They issue[d] certificates and they ratif[ied] signatures, they lodge[d] complaints to the Greek authorities. The Governorate General of Thrace was against this excess of authority by the Committees but it did not want to create tension with the minority.

In 1950, and after the end of the Civil War, new legal regulations were introduced regarding the autonomy of the vakf committees. This created the basis for the absorption of the community bodies into the vakf administration bodies under the close supervision of the Greek authorities, especially with regard to decision making and financial matters. Moreover, communities lost inspection duties over minority schools provoking strong reactions of the community councils. Responding to the reactions, the General Inspector for Minority Schools argued that the operation of community institutions ‘was just a product of the Greek state’s good will’ and there were no legal obligations stemming from the treaties (of Lausanne and Sèvres).

After 1950, the issue of how to name the committees also provided fertile ground for the declaration of symbolic and ideological borders both within the community and between Greece and Turkey. Thus, while in

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37 The General Administration of Thrace reactivated Act 5019/1931, infra, Section 17.3.1., Memorandum of the Muslim Community of Komotini to the Governor General of Thrace, 27-9-1945, MSA, F. 95a.
38 General Inspector for Minority Schools, Papaevgeniou, Confidential Note on the 122/20.9.45 memorandum of the Muslim communities of Komotini, Xanthi and Didymoteiho, Thessaloniki 28 Sept. 1945 to the General Administration of Thrace, MSA F.95: 2. See also H. Iliadis, 2011: 118.
1959 the delegates of Greece and Turkey agreed that the Rum/Greek communities should be recognised on the basis of ethnic origin, a year later the Inspector for Muslim Schools of Xanthi called on the vakf committee to change its title from ‘Turkish Community’ to ‘Management Committee of the Property of the Muslim Community of Xanthi’. The purpose was to eliminate the term ‘Turkish’ from the organization’s name, a stance which reflected Greek nationalist views – but which also may have resonated with anti-Kemalist Islamist members of the community. Similarly, in an administrative document from 1966, the President of the CCT noted to the Prefect of Xanthi that the appellation ‘Turkish/Muslim Community’ was unacceptable, as according to the law, the Management Committees of Muslim Property do not constitute self-administering bodies but mere private entities tasked with the administration and management of property. Therefore, ‘any document or seals using this title have to be returned as inadmissible’. This is just one of hundreds of similar examples. Resistance to such forms of appellation persisted for decades, reflecting the Greek administration’s will to refuse the ethnicization (and indeed ‘Turkification’) of both millet-like community structures and community identity.

Gradually, the abovementioned communal structure patterns were downgraded and finally abrogated as the minority Muslims elected vakf committees (1951–1967), as well as members of the Greek Parliament, and members of the institutional bodies in the local municipality authorities. The Inspector for the Minorities had advised the Prime Minister already in 1929: ‘the community councils should merge with the vakf committees’, as the minority should participate with the mainstream local authorities. Moreover, the Mouftis after 1990 were divided on the basis of loyalties to the Greek and the Turkish states (infra, Section 16.5.). After members of the vakf councils began to be appointed by the Greek authorities in 1967, they lost their importance for the minority community.

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40 Letter to the President of the Management Committee of the Property of the Muslim Community of Xanthi, 11.10.1960, F. 90, MSA.
41 President of the CCT, Doc. on ‘the purchasing of building for the Muslim boarding gymnasium’ to the Prefect of Xanthi, Athens 26.10.1966, MSA F. 10.
42 ‘Communal elections’ the British call the elections of the vakf committees which took place for the first time in 1950, echoing the perception on their importance by the minority, Confidential report, E. Vedova, British vice-Consulate of Cavalla, to Consul General of Salonica, Cavalla [Kavala], 27.1.1950, FO 371/89009.
as its representative body. Instead, the Supreme or Consultative Committee of the Western Thrace Turkish Minority and several other associations (*infra*, Sections 11.1.-11.3.) gained importance in the internal political affairs of the minority. Thus, the *cemaf* gradually faded out, and the institutional character of the dispersed communities vanished. The Muslims were, in effect, ‘minoritisated’ as a collective political entity. This, in turn, gave new content to the legal category of ‘minority’ and shaped a new and fairly unified institutional space, despite the efforts made to divide the internal sphere of the minority. The ‘milletization’ of the minority, as perceived by the Greek state, and the nationalization of the *millet*, as conducted by the minority itself, is related to the status of the vakf, the minority schools and the Moufti offices. The local cemaat councils of Thrace based on Islamic legal perceptions vanished and were replaced by an overall cemaat political administration and a network of associations, which appeared in the early 1980s and late 1990s respectively. As such, they were a reflection of the national homogenization of the minority’s elite and its embrace of a ‘Turkish’ identity. However, a series of issues remain unresolved, so the question remains as to how to accommodate the minority of Thrace as a recipient of collective rights on religious grounds in the framework of a legal order which does not recognise ‘communities’ as legal entities. This distorts the upholding of rights set forth in the Treaty of Lausanne in areas like education and special religious jurisdiction. Yet, it has not been possible to have a satisfactory debate over how to overcome the tensions posed by this mixed communitarian/liberal order due to legal and political controversies. This, in turn, has obstructed legal reform.

Meanwhile, the Italian Governorate of the Dodecanese islands (1912–1943) recognised three religious communities in the area (Orthodox Christian, Muslim and Jewish, Decree 53/1930), all of which were permitted to administer their own affairs and elect their own boards. The Italians also appointed the members of the Muslim Councils of Kos and Rodos in 1934 and 1936.\(^{44}\) After the annexation of the islands by Athens, the Greek Administration retained these Councils. The Turkish Consulate interfered actively and claimed that they should be called ‘Turkish Communities’, whereas the Greek administration imposed the term ‘Muslim communities’. In terms of composition, the Greek authorities sought to strike a balance between modernist/Kemalist and Islamist members of the community by

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ensuring both were equally represented in the membership of community Councils. Gradually, however, the bodies vanished as distinct legal entities and were absorbed by the vakf committees.

6.2. FROM MARGINALIZATION AND DISCRIMINATION TO THE DOCTRINE OF 'ISONOMIA-ISOPOLITEIA' (EQUALITY BEFORE THE LAW-EQUALITY OF RIGHTS)

According to an often-expressed view, adherence to Islam prevents the minority in Thrace from integrating into broader society and makes it resistant to modern influences. As Greek authorities in the 1950s – but also, unofficially, to this day – put it 'Islam was keeping the minority society not open to progress' and a series of special measures were proposed in order to achieve the 'progress of the minority'. Obviously this Orientalist reading of the Muslim faith is not a source of community isolation in and of itself. However, the way religious convictions operate within a minority group can contribute to the perpetuation of isolation as a self-defensive mechanism. Participation, or lack thereof, in economic structures also plays a key role in inclusion and exclusion from broader society. As such, understanding the position of the Muslim minority is essential to see its socio-economic profile in Greece.

Present-day Muslims in Thrace are mainly workers, peasants and farmers, owners of shops, merchants, and employees in the private sector. This general profile does not seem to have changed drastically for the past 50 years and socio-economic and class mobility has been quite limited. This was due partly to segregational and discriminatory polices applied from the 1960s until the 1990s. The minority continues to have a strong agricultural character and low level of education. According to Dragonas and Frangoudaki (2006), the agricultural sector is especially large, comprising 47.2 percent of the total minority population compared with 19 percent of the Greek population as a whole. 42 percent are manual workers, 5.3 percent are self-employed merchants, and 1.2 percent are clerks. It seems that the minority unemployment rate is higher than the average, and according to some estimates is as high as 60 percent. A further index of marginalization can be seen in education. Almost 80 percent

46 General Governorate of Thrace, Department of Political Affairs, doc to General Inspector of Foreign and Minority Schools, AP 482, Komotini 14.5.1953, MSA F. 89.
of members of the minority community have completed only six years of primary school, although thirty years ago compulsory education was extended to nine years. A very small number are professionals with university degrees: 1.8 percent are teachers and 0.7 percent doctors, lawyers, or engineers. A further 3 percent of parents of minority pupils are illiterate, and 15 percent have not completed primary school (12 percent of fathers and 17 percent of mothers), while few fathers have a secondary school qualification. Only 2.6 percent of men and 0.2 percent of women hold a university degree. These data reflect the socio-economic profile of a community in dire need of education in order to ameliorate its position and overcome still further internal and external disadvantages. The data and the way it has evolved over time is also useful to comprehend patterns of ideological and institutional dependency which are reflected in patterns of social integration/exclusion, all of which will be discussed in the ensuing sections.

To depict the economic status of the minority in Thrace it is worth noting that one-third or one-quarter of the total number of entrepreneurs, merchants, and manufacturers of Rodopi and Xanthi are Muslims, where the minority represents 55 and 40 percent of the local population respectively.\(^48\) Meanwhile, and despite EU development programmes in the area, little progress in development has been registered in the mountainous areas of Thrace where the main source of income is tobacco farming. The position of Muslims in this area stands in stark contrast to that of the Muslims of the Dodecanese islands who have successfully integrated into economic life, especially after the tourism boom in the 1980s.\(^49\) This also attests to the fact that ‘Islam’ \textit{per se} can not be held accountable for the Thracian minority’s predicament.

In Thrace, however, Islam has been perceived and enacted in a particular context which affected the historical trajectory of the minority in its reactions with the broader cultural environment and has resulted in its isolation. The isolation of the minority can be evaluated from two contradictory points of view. The first places responsibility on exogenous forces, asserting that Greek state and society have long applied pressures on the minority which have resulted in its marginalization and segregation. Alternatively, isolation may be assessed as a function of the minority’s own will to isolation and resistance to any sort of contacts

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\(^48\) For the data see G. Mavrommatis, 2007a: 41. See also A. Ömeroğlu, 1994 and 1998.

\(^49\) Indeed, as early as 1964, a British diplomatic report foresaw that tourism would play an important role for the Muslims in the Dodecanese. British Embassy, Athens, 2.10.1964, FO/371/174836.
with Greek society. No matter which perspective is applied, minority-majority relations in Thrace are characterised by social segregation. There are also fields of social permeability and multi-layered contacts (e.g., business or political partnerships) which evolve over time. While intermarriage between Christians and Muslims is almost nonexistent, the Islamic headscarf has been seen as a symbol of the minority's clear-cut Islamic identity, yet fully tolerated by the Christian majority in Thrace despite being condemned by the Kemalist elite within the minority. Thus, when in 2007 the first veiled Muslim student graduated from the law school of Komotini, she declared, 'the scarf did not exclude me'.

Regardless of whether the cause of segregation is external, internal, or both, since the 1950s, no Muslim employee has worked in the public sector in Thrace and the Dodecanese islands, with the exception of local authorities or the Citizens Advisory Bureaus (KEP) located in the main urban centres. Indeed, Muslim employment in the public sector is weaker than in the 1920s when a small number of Muslims were civil servants. An important step forward in this regard was taken by Act 3647/2008 (article 23) which provides for a quota for Thracian Muslims (0.5 percent) in appointments to the public sector. This measure constitutes an unprecedented advance in positive discrimination policy, yet uses religion as the grounds for designating who should benefit from the regulations (rather than the minority self-appellation of 'Turk'). Greek nationalists, moreover, did not welcome the measure, nor did some within the minority community, who considered it an attempt at assimilation, particularly in the case that the beneficiaries of the quota were appointed to posts beyond Thrace.

Last, by an amendment to Act 4042/2012 (by art. 47, Act 4067/2012, FEK A 79) Muslims of Thrace would pay 80% less than the normal penalty required for the regularization of estates (as for the omogeneis, infra, p. 322).

The high rate of unemployment among members of the minority has led to other initiatives, such as the 'Interventions in favour of unemployed persons with cultural specificities (Roma and Greek Muslims)', implemented by ministerial decision 103990/6.6.2003. Such measures have had a very limited impact. Another act which allowed for special loans for Greek Roma, for example, was implemented with serious deficiencies.

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51 'The very limited number of the Muslims hired in the public sector is due to the ignorance of the official language', K. Stylianopoulos, 1990a: 3.
52 Implemented by the Supreme Committee for Civil Personnel Selection (ASEP) for the first time by 2009 (competitions 5K/2009, FEK ASEP 252 and 7K, FEK ASEP 457).
53 Min. Decisions 13576/13.3.2003 (FEK B 396), 33165/23.6.2006 (FEK B 780). In all 5,754
In the past, tobacco farmers represented an important political faction playing a key role in local minority politics.\textsuperscript{54} Today, the local tobacco workers and the rest of the labour force of the minority take part in trade unions with the local Greek farmers and workers who likewise struggle in a context of economic decline. Tobacco farming became a sector in crisis which affected overwhelmingly the province's economy. According to figures from the year 2000, of the 12,500 families dependent on tobacco farming in Thrace, 99 percent hail from the minority community.\textsuperscript{55} By the end of the 1990s, income per family fell dramatically, hitting vulnerable segments of the minority and further limiting their opportunities for educational and social advancement. Anticipation of economic disaster for the tobacco growers has also given rise to social and political anxieties and increased fears for the future. Thus, by the early 2000s, emigration to Western Europe became common in tobacco mountainous farming villages, while the tobacco issue became central to minority politics with little likelihood of the situation improving. The receipt of European subsidies has temporarily averted certain crisis, but no alternatives have been identified to replace the dying tobacco commerce in the region.

For decades, many professions have been denied access to Muslims (such as pharmacists, taxi drivers or ownership of gas stations) as the latter often lacked professional qualifications or were barred from relevant professional unions. The policy to sharpen the divide between majority and minority and to push the latter into an economical marginalization was implemented by the CCT by mid 1960s.\textsuperscript{56} One exception was the permission granted to some Muslim teachers and pharmacists to participate in trade union associations together with their Christian colleagues. However, social divisions based on religion have also been perpetuated by the split between teachers' associations, in which Muslims are separated from Christian counterparts, and EPATH graduates were likewise kept apart from the rest of their Muslim colleagues. Indeed, it was only in 1998 that a Muslim managed to get a taxi licence, the first since the era of junta.\textsuperscript{57}
Muslim pharmacists in Komotini experienced similar segregation and discrimination by not being accepted as members of the 'Christian'-controlled pharmacist association. The cases examined below point to the social and economic segregation and the political tensions which can develop when the economic interests of the majority are defended under a nationalistic and hegemonic discourse towards the minority.

The case of Yiiksel Nurioğlu is illustrative of the obstacles Turkish/Muslims face in their integration. Nurioğlu obtained a degree in pharmacy from a Turkish university in 1979 and a license to work as a pharmacist in Greece from the Greek Ministry of Health in 1982. Although he applied four times to obtain a license in order to establish a pharmacy in Xanthi, the Health Directorate of the Prefecture of Xanthi refused to register his application, claiming to have lost the documents he submitted. In April 1988, Y. Nurioğlu appealed against this practice to the Council of State. On 21 September 1993, the Council of State upheld the appeal, ruling that the Prefecture could not exclude him on the basis of lack of certification of documents. In the meantime, Y. Nurioğlu brought his case before the European Court of Human Rights. The European Commission of Human Rights declared admissible the applicant's complaint about the length of the proceedings (article 6 paragraph 1, ECHR) relating to his application for a licence to establish a pharmacy (decision of 17.5.1995). The case has been sent to the Committee of Ministers which adopted the opinion expressed by the Commission that there had been a violation of the aforementioned provision (decision of 5.11.1996). Furthermore the Committee of Ministers agreed with the Commission's proposal (decision of 28.1.1997) that the Greek government should pay 9,434,000 drachma (about 2,800 euros) to compensate for pecuniary damage, costs, and expenses.

Another relevant case also ended up at the ECtHR. Cahit Čingur, a qualified pharmacist, lodged an application to register with Xanthi's Pharmacists' Association. The Association denied his application on the grounds that he had to prove knowledge of the Greek language, despite the fact that he was a graduate of a Greek High School. The Association ultimately rejected the application. Čingur appealed the decision to the Council of State, which rendered its decision after four years and six months in favour of the applicant's claims. In February 1999, Čingur became a member of the Xanthi's Pharmacists' Association, though he

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59 The Committee of Ministers by its Resolution DH(99)11 of 18.11.1999 authorised the publication of the relevant report adopted by the Commission.
also applied\(^6\) to the ECtHR to complain about the length of the procedure. Indeed, on 22 June 2000 the ECtHR found that the Council of State violated article 6 paragraph 1 on right to a fair trial.

These cases illustrate a long period of applied discrimination in view to keeping minority excluded from equal participation to the economic life of the broader society. The social and economical integration (or lack thereof) of Muslims of Greek citizenship is closely linked to Greek-Turkish relations and local political and economic circumstances. As Greek governments applied measures of intimidation and discrimination against the Muslim community, especially after 1964 and 1974 when tensions in Cyprus were heightened,\(^6\) pathways via which Muslims could integrate into broader social and economic networks decreased. Discriminatory measures were undertaken without legal basis and applied exclusively to the Muslims of Thrace. They were implemented in areas ranging from expropriation of real estate, purchase of land (\textit{infra}, Section 14), and acquisition of driver's licenses, to the issuing of hunting and building repair permits, passports, and visas – a particularly problematic area for those who had been deprived of their Greek citizenship.\(^6\) Indeed, deprivation of citizenship became one of the most important means of exercising pressure against the members of the minority (\textit{infra}, Section 9.2.).

Minority villages in the mountains of Rodopi were also restricted with regard to freedom of movement from 1936 until 1996. This ‘special zone’ was established by article 5, Act 376/1936 (FEK A 546) for ‘national security reasons’ regarding the whole frontier zone of Northern Greece. Though several changes were made to the legislation governing the zone, its main provisions can be described as follows: a pass issued by the police was needed to enter the zone; no one was allowed to migrate within the zone without a permit; and, no one was allowed to enter or leave the zone between midnight and 5 AM. It seems, moreover, that the zone did not

\(^6\) ECtHR, \textit{Tsingour v Greece}, Application No 40437/98.

\(^6\) Such measures were applied overtly during the \textit{junta} (1967–1974): In Xanthi, in Tsaldari Street where there were 18 commercial shops owned by Muslims, by decision of the CCT ‘they should be narrowly checked by the police, to be constantly harassed and sued. A 10 percent out these cases should be condemned by the courts’ (sic), Bureau of Political Affairs, Session of 30-9-1972, MSA, F. 12. Another measure applied in the 1980s was that the Greek administration was approving only 5% of any kind of request filed by members of the minority, V. Aarbakke, 2000: 205.

have clear borders, so the authorities could extend or compress it according to ‘national interests’. Until 1974, the zone had a military character, as a buffer with communist Bulgaria and this translated into tight control of the inhabitants. After 1974 and the re-establishment of Greek-Bulgarian relations, the zone became an instrument for the political manipulation and control of the minorities, allegedly preventing the Turkish consulate from spreading its influence in the area. After a long period of unreasonable surveillance of this zone and under international pressure, the Greek government reconsidered this measure. It seems that a judgment of the European Court of Justice on a case brought by the European Commission regarding the free circulation and settlement of persons of all European Community citizens (ECJ 305/87, Rec. 1989, p. 1461) finally pushed the Minister of Defence to abolish the special zone (Min. Dec. F.114.1/27/82616) in 1996. Ironically, the existence of the zone had fostered the very phenomenon it was intended to suppress in that the Muslims – both Pomak and Turkish-speaking of the mountainous area of Thrace were isolated from broader society and had no opportunity to integrate economically (no European funds were invested in the area). They were thus more receptive and vulnerable to corporative ideas and influences.

Discriminatory administrative measures against the Muslim of Thrace were drastically reduced after 1992. The change of policy is connected to the awakening of the political leadership of Greece after the atrocities committed against the minority in Komotini in January 1990. In this context, and under the presidency of the Prime Minister Xenofon Zolotas (of the caretaker government of a coalition of all parties), the leaders of the political parties adopted the position proposed by the Ministry for Foreign Affairs that the government should abolish discriminatory policies against the Muslims of Thrace, “which not only failed but brought the opposite results than those envisaged and also exposed Greece to vulnerability internationally”. Only ten days earlier, the political leader of the minority, Ahmet Sadik, had claimed in a strongly polarised climate: “They

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63 T. Kostopoulos, 2009: 99-105. For the implementation of the measure General Papagos proposed that there was a need ‘to increase the population of those areas with the settlement of families with undoubtedly Greek sentiments and consciousness’, cited by K. Featherstone and others, 2011: 66.
65 J. Hersant, 2000: 13 and 63.
[the minority] want nothing more than to be treated as human beings and equal basis before the law as loyal Greek citizens. In 1991, Prime Minister Mitsotakis (of the government of Nea Dimokratia) stated publicly that discriminatory policy had been applied in the past and that equality before the law and equality of rights (isonomia-isopoliteia) would henceforth be applicable for the minority. As such, the rule of law was properly understood only in the post-1990 period, and began to be applied to the Turks/Muslims of Thrace. For the first time, the minority was regarded as ‘human capital’ which had to be elevated and integrated into Greek society. Development projects intended to improve the infrastructure of Thrace and reduce the discrepancy between the majority and minority were put in place. However, other practices or policies tended to retain traditional patterns of division between ‘Muslim’ and ‘Christians’. Indicatively, in the mid-1990s, state institutions in Thrace arbitrarily denied regular grants to employers who retained members of the minority. Furthermore, in March 1999, the Church of Greece announced a monthly financial benefit for Christian families with at least three children living in Thrace. This measure was intended to ‘combat’ the supposedly higher birth rate of the Muslims and provoked tension in local society.

As noted earlier (infra, Section 5.1.), the relevant law combating discrimination on the grounds of descent or religion is rarely implemented and has no real impact on minority social issues. Moreover, political and societal conservatism lead to persistence of patterns of exclusion. It also props up obstacles to full enjoyment of a series of rights of minority subgroups such as the Roma, Pomaks, and women. As the Committee on the Elimination of Discrimination against Women (CEDAW) noted in its report of 2007,

It remains concerned that women from ethnic minority groups, in particular Roma and Muslim women, continue to face multiple forms of discrimination with respect to access to education, employment and health care.

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70 <http://daccessdds.un.org/doc/UNDOC/GEN/N07/243/74/PDF/N0724374.pdf?OpenElement> and G. McDougall, 2009, para 74, regarding the inequalities resulted from the application of sharia law (infra, Section 6.4.2).
Needless to say, Muslims in Greece do constitute a homogeneous group within the population as far as religion is concerned. However, this very same group of people is also heterogeneous – in terms of social or economic status, but also with regard to language, national, or ethnic identity, and modalities of political self-perception. Law does not regulate ethno-linguistic otherness with the exception of minority schools in Thrace. Other forms of diversity often remain invisible in Greek law which tends to implement the relevant international legal provisions only in an instrumental fashion. This is problematic as ethnic groups should not be perceived as compact entities or ‘collective individuals’, but rather as subject to a continuous evolutionary process that could consolidate or disrupt ties of solidarity.1 Ethnic categories have to be interpreted and seen in the continuously evolving framework, whereas law and national ideology often consider them to be as static or non-existent entities. As said before, Greece’s Muslims belong to two categories:

First, the Thracian Muslims constitute a separate group with an important degree of internal coherence despite their internal linguistic or ethnic differentiation. Other ‘indigenous’ Muslim groups, such as Muslims of the Dodecanese islands or the very small community of Muslims of Epirus have minimal (if any) social bonds with the minority in Thrace.

The second category of Muslim, immigrants are concentrated mostly in Athens. This group constitutes a network of Islamic communities but is often segregated on national lines such that immigrant Muslims come from at least 15 Asian and African countries. Their interaction with one another may depend on their degree of ‘religiosity’. Only very rarely do these migrant communities have contact with the Muslims of Thrace. When they do, it tends to be at rare weddings or funerals.

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7.1. MINORITY MUSLIMS

The ‘legal identity’ of the Muslims of Thrace is dependent on the Treaty of Lausanne, the law in place and the ideological content of legal regulation regarding the acknowledgement of ethnic, national or linguistic diversity. The question of the character of the minority and the diversity within the minority itself has often been overlooked. Expressing Turkish national feelings was seen as incompatible with the Greek legal order, a belief that results largely from strong political considerations rather than legal argumentation.

7.1.1. The Existence of Minorities... is a Question of Law

Since 1925, the identities of the minority of Thrace has evolved under fluctuating social, economic, and political circumstances, and faced new needs and challenges. It has done so in a context in which legal protection on religious ground should not – but in practice often does – deprive the beneficiaries of the their right to express other concurrent identities at the linguistic, cultural, national, or ethnic levels. For, as the International Court of Permanent Justice stated in 1936, ‘the existence of communities is a question of fact; it is not a question of law’.\(^2\) Under international law, the provisions of the Treaty of Lausanne should be interpreted and implemented in accordance with evolving circumstances. However, in practice, inflexible attitudes have been displayed with regard to the language with which the Treaty of Lausanne deals with minority appellation, namely, its use of the term ‘Muslim minority’ (infra, Section 5.2.2.). For long decades Greece and Turkey use the terms ‘Muslim’ and ‘Turkish’ minority respectively. The states do not appear to have any intention address this question bilaterally or in consultation with the minority, and thus both impute the minority with a monolithic identity. This has long been the trend. During the interwar period, for example, there was little concern for how the minority should be called.\(^3\) During the Greco-Turkish rapprochement of the early 1950s, which in many ways was a function of NATO consolidation in the region, Greece called the minority ‘Turkish’, recognising its national

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\(^2\) Permanent Court of International Justice, Greco-Bulgarian Communities, Series B, No 17, 31.7.1930, see P. Thornberry, 1991: 165.

\(^3\) N. Papadopoulos, (2000: 12) quotes Greek diplomatic documents where the minority is called ‘Turkish’. However in 1930 Inspector Stylianopoulos suggested the minority should not be called ‘Turkish’ because Turkey did not call the Greek minority of Istanbul as a national one. K. Stylianopoulos.1929b: 71.
character.\textsuperscript{4} Revealing examples of this attitude include the wording of a report made by the Greek Office of Information in London in 1947, which referred to the ‘Turks of Western Thrace’ and mentioned that they speak Turkish.\textsuperscript{5} Another document, the LD 3067/1954 on minority schooling, refers repeatedly to ‘Turkish schools’. In one rare case, a legal text also referred to Turkish ethnicity, namely to ‘Greek citizens of Turkish descent’.\textsuperscript{6} However, even during the period of friendship, there were clear suggestions that the term ‘Muslim’ should replace the term ‘Turkish’.\textsuperscript{7} With the persecution of the Greek minority in Turkey (1955; 1964), and especially after the Turkish invasion in Cyprus (1974), Greece refused to recognise any collective national identity for the members of the minority in Thrace. In only one case, which occurred during the drafting of the ‘Report of Two’ in 1959, did the delegations of Greece and Turkey recognise the ethnic origin of the two minorities.\textsuperscript{8} By early 1970s, however, the minority was again called ‘Muslim’, denying it any national or ethnic affiliation. This signalled that mutually hostile Greek and Turkish nationalisms had reasserted their importance. After all, the war over terminology reflects the ideological clash of nationalisms in which the minority is forced to take on the role of proxy in the battlefield. In all of these cases, the Treaty of Lausanne has been used as a pretext to mask the heterogeneity within the minority.\textsuperscript{9} This is a clear violation of its own principles, as the Treaty “cannot by any means amount to a prohibition of the use of any other term to designate any one...” of this minority.\textsuperscript{10}

The principle of self-determination for the minorities as formulated by the OSCE’s concluding Copenhagen Document (1990) requires that signatory states provide for persons belonging to national minorities the rights to freely express, preserve, and develop their ethnic, cultural, linguistic, and religious identities; to maintain and develop their culture; to profess and practice their religion; and to establish and maintain organizations or associations. Until recently, Greece resisted many of the implications of

\textsuperscript{4} In 1954 and 1955, Fessopoulos, Governor General of Thrace applied the Prime Minister’s order to replace in all school inscriptions the term ‘Muslim’ by ‘Turkish’, acts of 28.1.1954 and 5.1.1955, \textit{infra}, p. 513.
\textsuperscript{5} Greek Office of Information, 1947: 9.
\textsuperscript{6} Article 4 \textit{in fine}, LD 2203/1952, on the establishment of Celal Bayar gymnasium.
\textsuperscript{8} Z. Kuneralp, 1997: 36 and 40.
\textsuperscript{9} J. Hersant, 2005a.
\textsuperscript{10} S. Stavros, 1995: 14.
these principles. The interrelations between article 45 of the Treaty of
Lausanne and the Copenhagen Document have already been discussed
\textit{supra} in Section 5.2.2. It was only in 1991 that Prime Minister Kostas
Mitsotakis (ND) first referred to the existence of a group of ‘Turkish ori­
gen', and in 1999 Foreign Minister George Papandreou (PASOK) created
shockwaves in 1999 when he said:

\begin{quote}
No one contests that there are many Muslims of Turkish origin. Of course,
treaties refer to ‘Muslims’. From time to time, minority issues are related to
territorial adjustments. If boundaries are not disputed, I really do not care
whether one calls himself ‘Turk’, ‘Muslim’, ‘Bulgarian’, ‘Muslim’. On the con­
trary, if the term ‘Turkish minority’ is used in order to create problems, to
change borders, then of course the term creates a big problem.\textsuperscript{12}
\end{quote}

Yet, in his capacity as leader of PASOK in 2006, Papandreou, later referred
to a minority candidate in local elections – G. Karahasan – as a ‘Greek of
Muslim origin’, an attempt to underplay any reference to her Turkish
identity. Beyond politicians’ discourses, fears stemming from the past are
also frequently invoked to deny ethnic realities including the complexity
of minority identities. However, as the Copenhagen document asserts,
belonging to a national minority is a matter of a person’s individual choice
and no disadvantage may arise from the exercise of this choice (article
\textit{32}).\textsuperscript{13}

For the right to self-identification is nothing more than a specific facet of
the more general and universally safeguarded right to freedom of person­
ality. As Dimitris Christopoulos comments, “the choice for any Greek citi­
zen to raise a national or ethnic element of its identity, according to his
own preferences, it’s an act which has no legal meaning”.\textsuperscript{14} This framework
can help us recognise that the identities expressed within the minority are
not monolithic and have a strong political connotation according to the
context in which they are perceived. Rather, there “are several groupings
who are self-identified as ‘Turks’ but each uses different rhetoric and

\textsuperscript{11} Speech of the Prime Minister Kostas Mitsotakis in Xanthi (13.5.1991). On the change of
the Greek policies from 1990 see A. Alexandris, 2003: 128.
\textsuperscript{12} ‘Klik’ magazine, 26.7.1999. Two years earlier the President of the Republic, Kostis
Stefanopoulos declared that “no one can deny one's right to self define as ‘of Turkish ori­
gen', although he/she can not say that there is a ‘Turkish minority’”, ‘Elefherotypia’,
15.5.1997.
\textsuperscript{13} See also UN CERD General Recommendation No 8, Identification with a particular
racial or ethnic group, 22.8.90, <www.ohchr.org> and UN Rapporteur on the issue of self­
identification of minorities in Greece (G. McDougall, 2009).
through that rhetoric makes different claims. The various tendencies reflect the process of the formation of political groupings and in fact, they are political groupings.\(^5\)

In short, the ethnic status of the minority, real or imaginary, was inter-spliced with political and other divisions that were very strong in the 1920s but gradually lost salience after the 1960s. One major line of demarcation was that between Old Muslims/conservative or Islamists (palaionmousoulmanoi, mufhafazakarlar) and Kemalists/modernists (neoteristes/kemalistes, inkilap-cilar), the former being supported by Greek policies, the latter by Turkish.

Another line of differentiation, and one upon which Greek authorities sought to capitalise in the post-Second World War period, was division of the minority on grounds of multiple ethnicities. In a revealing speech, the president of the notorious Coordination Council of Thrace (CCT), in 1966, informed his colleagues “in Greece there is only one Muslim minority which is also a national one. The Turks refuse to call our minority ‘Greek’. Thus, we have to rename minority schools as ‘Pomak’ and ‘Gypsy’”.\(^6\) However, ten years earlier, in 1955, A. Papaevgeniou, Inspector for Minority Schools, admitted that:

> All of them [the minority] today are Turks, being Turkified wholly, due to our indifference. We can not refuse that in prospect of sudden but not impossible facts, it is to our national interest to have among the so called Turks of Thrace divisions -the more deep and sharp the best- and that it is necessary to foster then, indirectly and hidden. One of these divisions which exist today is the one among Old-Muslims and Turks.\(^7\)

By the early 1990s, mainstream political Greek discourse considered the minority to be made up of three distinct groups: the Turkish-originated (tourkogeneis),\(^8\) the Pomaks, and the Romas/Gypsies. This reflected an attempt to split the minority and diminish the importance of the Turkish element, not an engagement of ethno-linguistic realities. The use of the term ‘Turkish-originated’ instead of ‘Turkish’ is also misleading in that no one can assert knowledge of the exact content of the Turkish or any other

\(^6\) CCT, 44th session, 6.4.1966, 5, MSA, F. 10
\(^8\) The terms ‘Turk’ and ‘Turkish’ are still avoided in official and common usage. F. Malkidis, a nationally oriented Greek scholar even proposes the term ‘tourkofanis’ ['of Turkish appearance'] (2006: 78). On the terminology used for the Muslims of Thrace and its politicised connotations see K. Markou, 2006.
race (*genos*). Furthermore, to acknowledge the three-part segregation of the Muslim minority implicitly suggests that the primordial character of the minority is religious. It also implies that the groups uphold rival identities. Both assertions are misleading. National feelings co-existed with different religious, linguistic, and ethnic attributes. Moreover, Turkish national feelings are overwhelming among the members of the minority, and this does not *per se* contradict their loyalty to Greece and pride in Greek citizenship. Yet, in one extreme case, fear of ethno-linguistic otherness in Greece engendered denial that the Turkish or Pomak languages are even used in Thrace. In this case, a three-member Penal Court in Athens denied the existence of any ‘lesser-used’ language in Greece, even the officially recognised linguistic identity of the Muslims in Thrace. The court found guilty the accused, Mr. Sotiris Bletsas, for dissemination of false information, as he had distributed leaflets of the European Bureau of Lesser Used Languages (financed by the European Parliament) mentioning Turkish, *inter alia*, as one of the lesser-used languages in Greece. The Court found the accused guilty because,

He knew that the leaflet referred to five languages other than Greek which it said were used in Greece. The Turkish used in Evros area and Thrace, the Bulgarian in the areas where the Pomaks live (...). The rumours relevant to the existence of these languages were capable of disturbing the citizens since they created the impression that in Greece there are minority problems.

Contests over terms like ‘Turkish’ are of the utmost symbolic and political value, since, under the rubric of freedom of expression, all forms of self-identification must be permitted so long as they do not harm others. Furthermore, obstruction of self-identification provokes more problems than it prevents. In very rare cases, state officials signalled cognizance of this. As Ambassador Christos Christidis suggested in 1967,

Greece, for national reasons, should treat the minority as ‘Turkish’ and not as ‘Muslim’ because it is Turkish. Let’s enhance the hiring of Turks in the public and municipalities services, to upgrade minority schools and hamper hate speech through the media against Turkey.

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20 For the problematic view about ‘one and united minority’ as well the opposite referring to ‘three distinct groups’, see F. Tsimbiridou, 2004: 101–118.
21 *Trimeles Plimeleidikeio Athinon*, 11263/2001. Finally, the Court of Appeal examined the case on the 18 December 2001 and found Sotiris Bletsas not guilty.
22 The other less-used languages, not existing according to the court's opinion, are: Arvanite, Slav-macedonian and Vlach.
23 Ch. Christidis, 1967: 10, 16 and 22.
7.1.2. *The Identity Issue in Thrace: ‘(Un)equal and Different’*

Minority Muslims are mainly followers of Sunni Islam and to a quite limi-
ted extent of Bektashism, a syncretistic and heterodox brotherhood
related to Shiism (Sufi orders).²⁴ Formal Sunni Islam generally has not
perceived Sufism as a threat, at least not to the same extent that Christianity
perceives heretics (though heterodox groups close to Shiism like the
Alevis did face persecution in periods during the Ottoman Empire). Before
the population exchange, Bektashism was strongly represented in Mace-
donia, Epirus, and Crete. Relations with the local and dominant Sunni
communities ranged from total autonomy to dependence.

Today, Sunnism constitutes the overwhelming and mainstream reli-
gious Islamic creed in Thrace and the Dodecanese and the question of
Sunnī religious institutions under Greek law will be discussed in detail,
infrac, in Sections 15 and 16. At this point, it is sufficient to emphasise that
religiosity seems to be in decline after long decades during which it was
very strong. Modernization of overall society and the influence of Kemalist
ideas constitute factors that gradually downplayed the role of religion
which was of overwhelming importance for the community until the early
1960s. That said, to this day the minority – a mostly rural society – is still
tied to religion. For some, moreover, religious identity is a constitutive ele-
ment of Turkicism. On the other hand, seeing the minority as solely reli-
gious makes Islam a central issue even though some members of the
minority are thoroughly secularised, even atheist.²⁵

The Bektashis lived in the mountainous area of Thrace in the Western
part of the Rodopi Mountains.²⁶ Allegedly, there are less than 3,000 Pomaks
and Turks who are Bektashis. Gradually, adopting the term used in Turkey,
they often would call themselves ‘Alevi’. The Bektashis of mountainous
Thrace follow their own liturgical practices, which are accessible only to
the initiated. It seems, however, that this tradition is weakening and
slowly becoming a folk religious practice in tandem with progressive
‘Sunnification’.²⁷ Languages used by Muslims, as mentioned in studies and

²⁴ On the Bektashism in the Balkans see J.K. Birge, 1937: 84–85, A. Popovic & G. Veinstein
tekkes in Crete just after the population exchange, see K. Fournarakis, 1929: 22.
²⁶ In the following villages: Roussa, Goniko, Meg. Dereio, Ano Kampi, Hamilo, Kehros,
Hloi, Myrtiski and in the city of Komotini.
²⁷ G. Mavrommatis, 2008. It is worth noting that in certain cases Roma were using
Bektashi tekkes in the 1950s or even earlier.
the national census of 1928, 1940, and 1951 (when a question about mother tongue was asked) include: Albanian, Bulgarian (the term used by the census of 1928 and 1940) or Pomak (the term used by the census of 1951), Romani, and Turkish.

Cultural diversity and national affiliation are phenomena invisible to law yet evident in modes of cultural expressions of Pomaks and Gypsies/Romas, although such groups have gradually come to embrace the Turkish national and Sunni religious mainstream within the minority. Arguably, this has occurred because a larger national grouping offers greater political and social protection as well as the fact that Turkish identity offers a higher social status. As such Pomak, as well as Romani, are considered to be languages with 'short life'. On the contrary, Turkish represents a language with 'high life expectancy'.

The minority of Thrace consists mainly of ethnic Turks (according to their own identification) living in the prefectures of Rodopi and Xanthi, and to a lesser extent in Evros. They are mostly native speakers of Turkish (Rumeli dialect). Pomaks and Romas/Gypsies are part of the broader Muslim minority sharing to a certain degree common feelings of Turkicism. Until the 1960s a few Cerkez (Circassians) were reported to exist as well, but one must conclude that they have not survived as a distinct group today. The use of such categories to describe sub-ethnic groups of the Muslim minority has to be understood as a dynamic and changing process as identities are subject to osmosis and new patterns of self-determination emerge over time. Yet all too often, law, political discourse, and scientific research take these to be hard, essential categories, ignoring the advent of new inter-relations between ethnicity and economy, or antagonistic official policies and law. This makes it difficult for the subjects of legal, political, and scientific enquiry to transcend the stigma of being different and their right to exit. Hereinafter, these categories will only be used to the extent that ethnicity or language is invoked by state authorities, international organizations and members of the minority themselves.

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29 European Parliament, [2002]: 71 and <www.euromosaic.index>. In effect all the members of the minority are Turkish speaking, whose majority are native speakers. According to the population census of 1951, 26,592 persons all over Thrace would speak Pomak.
30 For the Circassians' settlement in Thrace see K. Karpat, 1980: 13 and L. Baltsiotis, 2009a. In 1941 it is reported that 0.5 percent of the minority were black people of African descent, F. Altsitzoglou, 1941: 47.
7.1.3. Ethnic Engineering of Pomaks and Gypsies/Romas

The transformation of collective religious identity into a national (Turkish) and therefore a political identity was achieved gradually in conjunction with the emergence of a Turkish national ideology under the Young Turks and later Kemalism. The elites of the Muslim communities in Greece did not necessarily favour the nationalization of religion until the 1950s, by which nationalist identity gradually encompassed Islamic identity.

The population exchange of 1923 took place in accordance with the belief that Turkey, as the kin-state of Muslims, was the appropriate place for Muslims to migrate. If the Muslims in question did not have a Turkish consciousness – the thinking went – they would easily adopt one after migrating. The equation ‘any Muslim is a Turk’ had at least one obvious exception. As mentioned previously, Albanian-speaking Muslims were exempted from the exchange, as the consolidation of an Albanian national identity was in sight. As Ladas remarks, “it was recognised that all Moslems in Greece of whatever origin (with the exception of the Albanians) had a Turkish national consciousness, whereas the same was not true for all followers of Orthodox religion in Turkey”. In effect, the term ‘Turk’ was applied to former Ottoman Muslims as an ethnic description – a linguistic move which presupposed an elision from religious to national identity which had yet to transpire.

Law, which was deployed for the benefit of the titular nation, manipulated ethnic realities engendering persistent confusion regarding the Muslims in Thrace and their appellation (infra, Section 13.2.). Indeed, even the view that ‘the minority in Western Thrace is Muslim’ is incorrect, since within the boundaries of the minority group one can also find agnostics, atheists, and Jehovah’s Witnesses. A petition filed to the Greek Ombudsman in 2008 for the exemption of a pupil from the subject of Islamic religion at a minority elementary school of Komotini testifies to the faultiness of such legal categorization. For “the complex elements of origin, religion and linguistic opinions, as well as of cultural and political ties make this minority an ethnic minority and not solely a religious or linguistic one.”

32 S. Ladas, 1932: 381.
33 D. Christopoulos, 2000: 156.
34 I thank Lambros Baltsiotis for the information.
35 Ch. Rozakis, 1996: 103.
The split within the minority between camps I have schematically called roughly ‘modernist/Kemalist’ and ‘conservative/Islamist’ was also shaped by Greek policies. In the mid-1950s, for instance, the Greek state attempted to politicise such a division in order to confront ‘Turkish influences’. However, such interference proved counterproductive. As the President of CCT observed in 1967: “it is erroneous the idea that the modernists hate Greece (misellines) and the old Islamists are greekophiles (phillelines). Both are Turks”. A year later he also stated,

The main aspiration of Turkey was and is the unification of the Minority, namely its Turkification. On the contrary, despite the lack of a clear policy, our aim is to divide the Minority into races (Turks–Pomaks–Gypsies) and to maintain this division or at least, to prevent the unification of Modernists with Old-Muslims.

Such policies remained in place even after the overhaul of Greek policies by the early 1990s and the term ‘tourkogenis’ (of Turkish descent) – which aimed to diminish the Turkish character of those who would belong to a national minority – replaced the term ‘Turk’. This was accompanied by the insistence on highlighting the ethnic divisions of the minority and the Greek government – as well as the public opinion – adopted the three-fold subdivision:

The only existing and officially recognised minority in Greece is the Muslim minority in Thrace. The Peace Treaty of Lausanne of 24 July 1923 constitutes the legal basis for the protection of this minority. According to the 1991 general census, the Muslim minority in Thrace numbers approximately 98,000 persons or 29 percent of the local population, and 0.92 percent of the total population of Greece. The minority consists of three distinct groups, whose members are of Turkish origin (50 percent of the minority population), Pomaks (a native population that speaks a Slavic dialect and was converted to Islam during the Ottoman rule, 35 percent of the minority population) and Roma (15 percent of the minority population). Each of these groups has its own distinct spoken language and traditions. They share, however, a common religion (Muslim), which is the basic reason for the denomination of the minority in its entirety as ‘Muslim’ in the Treaty of Lausanne.40

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37 President of the CCT, 28.1.1967, quoted by H. Iliadis, 2006: 159.
38 CCT 58th meeting of 13.08.1968, MSA F.11.
Despite the ideologically and politically motivated triptych, it is true that within the minority one can observe ethnic or linguistic sub-groupings which often overlap with a Turkish national identity. However, cleavages are not clear-cut and are always open to new internal and external arrangements as is the case in any society. So, the terms ‘Turk’, ‘Pomak’ and ‘Roma/Gypsy’, may be used as a convention so long as identities and related terminology are always negotiable. As identity shifts according to intra- and inter-group dynamics, the Muslims of Thrace have and will continue to exhibit overlapping differentiated ethnic/national affiliations.\footnote{See F. Barth 1969. On the identity transformations within the members of the minority see O.M. Demetriou, 2002: 120–127, S. Trumbeta 2001 and F. Tsimbiridou, 2000.}

The Turks undoubtedly constitute the largest and ideologically predominant group within the Muslim minority and they display a national, cultural and linguistic identity which tends to become diffused to the other groupings within the community. One vehicle for this is Sunni Islamic practices; another, and arguably the most powerful, is the promise of higher social status. Very often, moreover, the elite of the minority harshly denies any expression of other sub-identities within the minority.\footnote{F. Tsimbiridou, 2004: 222.} As identities are the product of complex processes of objective and subjective components, this serves to create new inter-group boundaries. Nevertheless, in the 1990s, it was clear that most members of what is officially termed ‘the Muslim minority’ had come to consider themselves as forming part of an ethnic, if not necessarily a national, ‘Turkish minority’.\footnote{R. Clogg, 2002: xv. Often a strong Turkish identity is expressed on the occasion of provocative incidents, such as the event of Ehinos in November 2004. The local inhabitants harassed a group of actors and technicians of a TV channel from Athens for not having respected the mosque. The crowd showed a strong Muslim and Turkish identity that should not be challenged by ‘aliens’. On the penal procedure of the relevant cases see AP 2145/2006 and AP 194/2010.}

Yet, all ethnic identities undergo re-definition as new conditions lead to new self-identification patterns. For some of Turkish ethnicity, and Roma/Gypsy or Pomak ethno-cultural background, Muslim religious practices have been redefined in response to the prevailing Orthodox environment.\footnote{Eir. Avramopoulou & L. Karakatsanis, 2002: 148.} A strong Turkish identity was by late 1980s openly claimed by the elite and an important part of the minority and evident in the public discourse of the independent deputies (1989–1993), the elected Mouftis (after 1990), and the independent minority candidates in the municipal elections of the 2000s.
After 1990 and the new period designated as one of *isonomia-isopoliteia* or 'equality of rights, equality before the law'. This has entailed a new emphasis on human rights and multiculturalism. Such an elision in minority discourse has evolved in tandem with the progressive opening of Greek law and politics to minority expressions of multi-layered identification strategies. These strategies vary from denial of the Turkish identity to a more common identification with Turkish national ideals, or the accommodation of Turkish ethnicity with Greek citizenry.45

Pomaks and Gypsies/Romas are often seen as a completely different ethnic group or minority with clear cut ethno-linguistic characteristics. Such a categorization is highly problematic because it ignores that an important part of these groups identify to some extent with Turkish national consciousness. Thus, in many cases of Pomak-ness or Gypsy-ness coexists with Turkish-ness; in other cases, Gypsy-ness and Pomak-ness consist of minority-within-the-minority ethnic identities. Various public bodies and individuals attempt to reinforce Pomak and Gypsy/Roma culture but these efforts stand in contrast to Greek state policy that continues to a certain extent to delude itself regarding the differences within the minority while continuing to (over-)emphasise religious affiliation.46 Thus a range of ethnocentric Greek and/or anti-Turkish policies have targeted Pomaks as former Christians, and Gypsies/Romas as *a priori* incapable of possessing any national consciousness. As early as in 1923, for example, some Pomaks were even used by the Greek intelligence as informers to watch the activities of nationalist Turks.47

Among the minority itself, the issue became of high political and national importance once embedded in contests over Kemalist ideology. In 1929, for example, in the context of a dispute over use of the Latin alphabet – as prescribed by the Kemalist culture revolution – the Pomak issue became a field of confrontation. This was because for conservatives/Islamists, religion was above ties of ethnicity:

> Even if the Latin letters could be the national script of Turks, it cannot be the national script of the Muslims of Thrace, because half of them are Pomaks. In consequence, the Latin script is not really the national script either of the Turks or the Islamic peoples (*akvam-i islamiye*); if the Turks of Western

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45 E. Plexousaki, 2006: 205.
Thrace, by submitting to the apostate and absolutist climate created by the separatist government of Ankara, adopt the Latin script of the Turks as their own, without seeing the harm to religion, how are Pomaks to take part in this business? The national script of Pomaks is Bulgarian and, by religion or nationality, they have absolutely nothing to do with Ankara that has renounced religion.48

By way of contrast, as early as 1928, nationalists were in favour of fostering a unified national identity among the minority, insisting that the Pomaks were simply Turks who had taken a wrong linguistic turn. As Mehmet Hilmi pointed out: ‘Today, our Turkish brothers called Pomaks are looking for a way to be delivered from the Bulgarian language’.49

Beyond such controversies and the instrumental usage of ethnic and linguistic categories, Pomaks50 can be described as the Slav-speaking Muslims (Southern Bulgarian dialect)51 population that resides in the Rodopi Mountains on the border between Greece and Bulgaria and the main cities of the region52 which gradually assimilated into the Turkish national and linguistic community.53 Today, in most of cases, a Pomak can be described in national terms as a Slav-speaking Turk, or, if one prefers to place the emphasis on religious affinities, as a Bulgarian-speaking Muslim. Although one could assert that Pomaks have gradually lost their ethnic identity in favour of a Turkish national ideology, it is noteworthy that in 1918 a Greek scholar, who served Greek national political interests, equated Pomaks with Turks, describing both as possessing a ‘Turkish national consciousness’.54 This statement reflects the fact that at the time the Bulgarian

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52 A large Pomak community lives in Bulgaria outnumbering by far Greece’s Pomaks. Communication between the two groups has been severed since World War II, M. Apostolov, 2001: 105–119.
53 The language’s decline is accelerated by emigration and ethnopolitics. “It’s a matter of time before the Pomak language is forgotten. The young people who leave take it with them but where they go it is of no use to them”, interview by an old Pomak to Domna Michail (2002: 277).
54 G. Sotiradis, 1018: 2.
administration was trying to assimilate the Pomaks of Western Thrace by describing them as of 'Bulgarian origin'. From the perspective of the Greek nationalist scholar, Turkey was the lesser threat; hence the equation of Pomaks and Turks. The Italian researcher Monfosca took the opposite position in 1929 when he asserted a clear distinction between Pomaks and Turks, and deemed the former to be akin to Bulgarians. Such observations became official policy when, after 1946, the Inspector for Minority Schools called for the division of the minority in order to enhance a distinct Pomak 'self-consciousness' for 'national reasons'. This policy was well established before, during, and after the military junta (1967–1974). According to British sources, the attempt to differentiate the minority and play up the Pomak element was launched in 1945 by Rouhotas, the Governor General of Thrace. The pro-Pomak policy brought to the Peace Conference of Paris Hamdi Hüseyin Fehmi, former member of the Greek Parliament, and Hakki Süleyman, a landowner in Bulgaria, to represent the claims of the Pomaks against Bulgaria. These figures represented Greek territorial claims in the face of Bulgarian aspirations. However, Greek endorsement of Pomak identity shifted. By 1946, during the Civil War, there was again a willingness – evident in a report drafted by the Royal Army – to assert that although the 'Pomaks constitute a separate minority' vis-à-vis the 'Turkish minority' their race is kin to the Turks, 'as well as their language and religion'.

Such statements reveal the degree to which Greek policies towards Pomaks, like its overall treatment of the Turkish/Muslim minority, has been a function of foreign policy considerations. Moreover, after the Bulgarian occupation of Thrace and harsh attempts to Bulgarise the Pomaks (as they were perceived to be of 'lapsed' Bulgarian identity), the latter were seen as a virtual ally of communism. This perception ignored the fact that the minority overall "had refrained from actively collaborating with the Axis forces or from pursuing a nationalistic or secessionist agenda".

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58 Report: The question of Eastern Macedonia and Thrace, General Staff, Directorate of Intelligence, Athens 20.2.1946, Archive of E. Vrettos, Athens, ELIA.
Official policy towards Pomaks changed yet again after 1952 during the early stage of Greece and Turkey's partnership in NATO. In 1956, a special committee set up by the Minister of Northern Greece suggested "our interest should turn towards the Pomaks, as they are of our race, and nationally they must be on our side. Our interest should be expressed in discretion."

Again in 1959, the inter-ministerial committee on Thrace decided to take measures for 'national proselytising' towards the Pomaks by granting economic prerogatives and investing in infrastructure in the region; the purpose was to hamper Turkish propaganda. In continuity with this policy, in 1963, the CCT stated, "our basic line regarding the Pomak policy is the simple division. The establishment of a separate Moufti Office for the Muslim Pomaks will contribute to the success of that policy." The idea of setting up a Moufti Office for the Pomaks was abandoned soon as Pomaks were increasingly expressing pro-Turkish feelings. On the other hand, Turkey started to approach the Pomaks only by the late 1950s, and only hesitantly. In the negotiations which ended up with the 'Report of two', the agenda of the Turkish delegation included a demand for Greece to 'recognise the Pomaks as Turks and treat them as such', while the Greek delegate declares that the Greek government considered that the 'Pomaks belong to the Greek ethnicity'. Finally, the Turkish delegate stated that,

"Il n'est pas dans mon intension de créer des difficultés au gouvernement grec [...]. Nous considérons les Pomaks comme étant des Turcs mais je pense qu'il est possible de trouver une formule neutre qui laisse la question de l'appartenance ethnique en suspende."

After the restoration of democracy in Greece in 1974, the official rhetoric and the will to intervene in ethnopolitics remained vivid: a special committee was set up under the authority of the Vice Minister for Foreign Affairs aiming at 'Hellenising the Pomaks'. Yet the state authorities gradually abandoned that plan, and in 1988 the Greek principal of the Special Pedagogical Academy of Thessaloniki, which was supposed to be attended by Pomaks, stated 'most of our students say that they are Turks, not Pomaks.'

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60 Memorandum 'on the educational issues of the Turkish minority of W. Thrace', Ministry of Northern Greece, Thessaloniki 7.8.1956, MSA, F. 95.
61 Inter-ministerial meeting act, 1959 [with no date], AKK, 9A.002408.
64 Principal of EPATH to Director of Minority Schools, Thessaloniki 30.6.1988, Report on EPATH, MSA F. 62.
The statement of the president of a Muslim community about the position of the minority of Thrace in the aftermath of Turkish atrocities in Istanbul against the Greek minority in 1955 serve as another illustrating example about the manipulation and the perception of ethnicity as a basis of loyalty. The president stated, "We are grateful and devoted to the Greek state. We doubt whether there are in other countries minorities enjoying such freedom, equality and honest administration as our Turkish minority in Western Thrace". The response to this in the report of a British diplomat in Athens is eloquent: “Since the inhabitants of the writer's community [Myki/Mustafçova] and those around are not Turks at all but Pomaks that is not a very convincing piece of propaganda".65

Until the beginning of the 1990s, the bid to sponsor a Pomak ethnic identity as distinctly non-Turkish was active and sponsored by Greek nationalistic circles as a way to counterbalance the role Turkish policies exerted in Thrace. Many actors took part in this endeavour aimed at fostering the Pomak (as well as the Roma) identity, language, and culture. Champion among them was Prodromos Emfietzoglou, who undertook a series of activities through his construction firm ‘Mihaniki AE’ and sponsored local associations and publications, the elaboration of Pomak grammars and dictionaries (1996–1997), the ‘revival’ of folkloric events, as well as the establishment of the Center of Pomak Studies in Komotini (1997), and the monthly Zagalisa. A Pomak dictionary was also published by the 4th Corps of the Greek Army.66 From another perspective, the revival and the claim for a distinctive Pomak identity akin to Greek-ness was voiced by Thrace's Muslims settled in Athens, as they sought to reconcile their minority identity with the Greek mainstream dislike of Turkish-ness.67

However, language often functions as a proxy for ethnicity, and some ethnic group are associated with low social profiles; as such, certain languages can carry intense stigmatism.68 This is certainly the case for the

67 See M. Imam & Ol. Tsakiridi, 2003. According to the authors, the Pomaks would represent 60 percent of the minority population (ibid: 142) referring to the research of professor N. Xyrotiris who in 1971 ‘proved that the Pomaks [of the area of Xanthi] have a blood kinship with the Greeks at 50–70 percent’ (ibid: 68). The authors, leading group of the association Filotita, which is based in Athens and acts for the solidarity among the Muslims, articulates an argument for the ‘Greekness’ of the minority of Thrace through the prevailing ‘Pomakness’ of the latter.
Pomak and Roma languages within the minority of Thrace and certainly for the broader Greek society. This may be one reason why Pomaks ‘have not acquired an ethnic cohesion on the basis of their own language’.69

Pomaks’ ethnic identification also suffers from the nature of state policies targeted toward them by Greece, Turkey, and Bulgaria. Bulgaria considers them to be Islamised Bulgarians, Turkey as Bulgarian-speaking Turks or simply as mountainous Turks,70 and Greece initially as Turks71 in order to screen Bulgarian aspirations, and then as an Islamised local population with ancient Greek roots.72 In 1973, in a quite different political context, the Turkish ambassador visiting the area attempted to convince the Greek authorities that

It is for their interest that the Pomaks forget their language, as the Greek government would not be bothered anymore by the Bulgarian claims that Pomaks are Bulgarian Muslims. Thus the Turkification of the Pomaks would bring closer Greece and Turkey, as friends and allies.73

These mixed messages seriously affected the formation of self-identification by the group. As İbram Onsunoğlu74 notes, “the homogenization that the Greek nationalism fosters applying the principle that ‘any [Greek-] Orthodox is Greek’ is reflected in the minority by the relevant principle that ‘any Muslim is Turk’.

This became true through the active protest of the members of the minority, including Pomaks, who reacted against various cases of unjust treatment conducted by the Greek authorities. One such collective response was a reaction to the Evlalon expropriations in 1982. A larger one occurred in late January 198875 after the dissolution of the Turkish Union of Xanthi. The trial of Ahmet Sadik and the commemoration of the 1988 events also engendered strong displays of Turkish nationalism. In response, some groups of nationalist Greeks carried out a mini-pogrom, targeting

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69 P. Papadimitriou, 2008b, 62.
71 Letter signed by E. Venizelos to the President of the USA, W. Wilson: ‘The Pomaks quite correctly were considered as Turks in view of the fact that their national consciousness is Turkish’, HAMFA, 1919 A/AAK 2, Peace Conference.
72 For a typical case of this discourse see P. Hidiroglou, 1990.
73 As reported by Minas Minaidis, Report on the visit of the Turkish Ambassador in Thrace, October 1973, MSA, F. 8. On the struggle for the influence on the Pomaks in the 1950s–1960s and the attempt to introduce textbooks in Bulgarian with Greek letters see V. Aarbakke, 2000: 140.
75 A. Chousein, 2005, 77.
minority shops and people. In these events, the members of the minority acted under the motto ‘we are Turks’ gathering together an important Pomak population. By then the minority saw Turkish identity as encom­passing Islam and as a nexus for political and national solidarity. It is not surprising that Alexis Alexandris (2003, p. 126) says, ‘In fact, some of the most nationalistic [Turkish] minority figures in Thrace are of Pomak or Roma descent’. At the same time, these issues were brought up during the discussion of the Greek and Turkish prime ministers at their historic 1987 meeting in Davos which internationalised the minority question widely (also infra, p. 321). International organizations and NGOs began to include the issue in their agendas, thus becoming a new parameter in policy and law-making regarding the minority of Thrace.

When a grammar and a dictionary of the Pomak language appeared in the mid-1990s alleging close ties between Pomaks and the Greek civilization and language, Bulgaria claimed that there is no Pomak language but just Bulgarian. In order not to open a new minority question and reconsideration of the legal protection provided by the Treaty of Lausanne, the Greek government kept a low-profile policy and closed the issue. As Olga Dimitriou remarks, in relations between Pomaks and Greeks and Pomaks and Turks, Pomaks are subordinated in both cases. As far as the Greek policy on the Pomak-ness is concerned, she comments, keeping the us/them opposition as an exclusive ethnic category ‘fails to assume the possibilities that a different ethics of democracy based on agonistic pluralism can provide’.

The Muslim Romas/Gypsies or Horahane are residents of the main cities and important villages of Thrace. Settlements also exist in Volos, Serres, Thessaloniki, and Athens. In Athens, there is the largest Roma/Gypsy Muslim community out of Thrace. Their overall population may exceed 40,000 persons who are sedentary, semi-sedentary, and nomadic. They all speak Turkish and to a limited extent Romani (like in Drosero). For methodological reasons, the Turkish-speaking ones can be called Gypsies or Çingene and the Romani-speaking ones Roma. In some cases, they have converted to Christianity in order to become socially more acceptable.

77 O. Dimitriou, 2004: 113 and 114 respectively.
79 This was the case of the Bishop of Florina who in the 1970’s had led a church mission to convert Muslim Roma (not Turkish-speaking) to Orthodox Christianity, H. Poulton, 1997a: 91. In Thrace conversions to Christianity happen sporadically. However, in the 1960s due to coordinated policies by the CCT 608 Roma converted to Christianity, Prefect of Rodopi (Kalogeropoulos), CCT, 45th Session, 12 May 1966, MSA, F.11. See Iliadis 2011: 274–275.
Throughout Thrace, Gypsies and Romans remain at the bottom end of the social ladder and hence are unwilling to identify themselves as such or treated as a minority group. Often they are not accepted as ‘Turks’ by the rest of the minority and even by Turkey, as was the case in the 1950s when Turkish consular authorities in the 1950s denied Gypsies migration visas on the grounds that they were ‘not ethnic Turks’. A vivid discussion about Gypsies took place under the Bulgarian occupation during the interwar period, when some asserted that since Gypsies do not belong to the Turkish nation, they should not have access to the minority education ‘inherited from the forefathers of the Turks’. On the other side of the issue, the Greek authorities occasionally took action in favour of stressing the ethnic origin issue among the minority to take advantage of eventual internal cleavages of the minority. Moving and relocating Roma and Gypsies outside the city centres catered a dual aim, namely to de-minoritize and take possession of precious plots. As early as in 1938, the Governor General of Thrace, Kalantzis, moved one group of Roma out of the city of Komotini to the new settlement of Ifestos/Kalkantza. Also in late 2000s the Municipality of Komotini built houses outside the city aiming at moving the Gypsies from the shacks of Alan Kuyu within 2012. The recipients of this offer would lose their ownership rights over their plots in favour of the Municipality.

In 1963, following up on a proposal of the CCT, the Vakf Committee of Komotini decided to allow Roma students to attend the central minority school of the town. “To show favour towards the Roma whose influence is increasing, was a proper action of ours, as well as to exploit a confrontation between them and those of Turkish descent”. This reveals that when power relations are defined in terms of ethnicity, ‘Gypsy-ness’ in some cases prevails. As Ahmet Hasan, president of the Cultural Association of Rom of Komotini, reacted to a declaration in which Americans referred to the ‘the Turkish minority’ by saying that “[W]e do not identify ourselves with the rest of the Muslims. They do not accept our right to self-identify as Rom, oppressing us with many anti-democratic ways to declare ourselves as Turks.” Roma associations which are clearly non-Turkish character have been founded in Xanthi (Drosero), Komotini and Alexandroupolis, and are sponsored by Greek individuals (such as Prodromos Emfietzoglou).

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80 G. Mavrommatis, 2004: 121.
82 President of the CCT, Report to the Minister of National Education, Athens 22.2.1963, MSA, F. 10.
and the Greek MFA (in mid- to late 2000s). The latter, for instance, sponsored Greek lessons and kindergartens for Roma children who do not regularly attend school. The Turkish consulate of Komotini sponsors also other associations with Gypsy-Turkish character.

In sum, the politicization of ethnic origin pushes men and women to select their own myth of origin among a set of choices on offer from a range of actors including mainstream Greek society, the Greek and Turkish state authorities, minority elites, individuals, social scientists, and so forth. This, in turn, determines new societal realities and power relations.

7.2. IMMIGRANT MUSLIMS

Since 1990, Greece has become a country of reception for immigration on a large scale for the first time in its modern history. Immigrants emigrated from homelands in Eastern Europe, Asia, and Africa where economic or political reasons, or armed conflict, made a dignified life untenable. This new situation, which is related to economic and geopolitical factors, brought novel social and economic dynamics to a society Greeks had long perceived to be homogeneous. The massive settlement of immigrants in Greece engendered a first reflex of intolerance or racism, and to a lesser extent, feelings of solidarity. Moreover, according to an accurate analysis,

For most of the 20th century inclusiveness-exclusion, have followed a pathway that deliberately systematised a cultural division of labour and the production of popular images of Greek identity, based upon a build up of mythical territorial and religious sentiments, and upon negations of what constitutes Greek identity. The images of other ethnicities as 'less civilised' and as threatening the survival of 'Greekness' [...] point towards a socio-economic development that was rooted both in traditionalism and the spirit of nationalistic strife.

Migration compels individuals and communities to readjust their relationship with social formations and come to terms with a new and minority status. In this context, immigrants' self-identify emerges in various ways. The ethnic criterion plays an important role by providing networks and institutions of solidarity. Law can also play a significant role in the identification and redefinition of ethnic groups when it regulates the position of minority religion or language within the legal order. Its impact is evident,

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first and foremost, in the acquisition of a new legal identity as a distinct category of being a non-Greek citizen, an alien to the local national population. This ephemeral situation puts immigrants in an inferior position compared to the rest of the populace and at the discretion of the state which has the jurisdiction to grant rights and to determine legal relationships. Migrants thus strive for better social and economic positions in a country where they do not possess citizenship nor enjoy political rights. The most important issues are the dependancy of residence and work for individuals on conditions set forth by a variable and uncertain legal framework. Therefore, they possess minimal chances for political promotion of their collective claims as they are excluded from lawmaking processes.

Xenophobic responses to migrants on the part of the local majority tend to have two, antithetical goals: to assimilate and absorb, and/or to deny and reject ethno-religious difference. Islam, more than any other immigrant religion, became a potential ground for intolerance and racism, as the majority’s dominant ideology tend to nationalise social relations and naturalise the predominant position of the majority’s religion. Taken into account the historical past of the Greek-Turkish controversy through religion, whereas Islam is traditionally and ideologically associated with the ‘enemy other’ of the Ottoman past, immigrant Islam is constructed as an alien element to the ‘host’ society and national ideology.

Like any other group of migrants, Muslims who have settled for the long term, are becoming gradually more integrated into Greek society through their participation in the labour force and economic processes. Nonetheless, social exclusion often is exacerbated by perceptions regarding Islam as a negative and backwards element as opposed to the positive reception which the ‘repatriated’ of Greek origin enjoy. Thus, Greek Orthodox immigrants (of Greek origin) from Albania or the ex-Soviet Union receive a privileged welcome in comparison to Muslims from Asia or Africa. Unlike Christian immigrants, “Muslim immigrants are considered to bring negative elements such as criminality, social tension, unemployment, and drug trafficking.”

The first influx of Muslim migrants arrived in Greece as recruited workers at the suggestion of the League of the Greek Industries (SEV), which noted that some sectors of the economy suffered labour shortages.

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As such, in 1974–75, some 20,000 foreign workers arrived in Greece, mostly from Muslim countries such as Morocco, Egypt, and Pakistan. Also in the 1970s, some 12,000 Muslim Palestinians and Lebanese migrated to Greece for political reasons. In the early 1980s, a new immigrant wave arrived from Syria (about 10,000). Since the early 1990s, and with the ongoing crises in Iraq, Sudan, Somalia, and Afghanistan, Kurds, Iraqis, Somalis, Sudanese, and Afghans likewise started to seek refuge in Greece. Most of the potential asylum seekers were either denied their right to apply for political asylum and deported, or granted asylum (only 0.5 percent) or, as in most of the cases, remained in Greece in limbo, with no legal status and continuous legal insecurity. Nevertheless, for successive waves of desperate people from Africa and Asia who have sought a better life in the West, Greece has represented a first point of entry.

The immigrant communities who settled in Greece before 1990, and in great numbers after 1991, face serious social problems with regard to unemployment, health care, insurance, regularization of their status, and housing. Entering Greece clandestinely renders the process of social integration more difficult and complex, and normalization remains a very difficult endeavour. Labour exploitation and high rates of unemployment – especially in times of economic crisis – fuels anger and insecurity within the migrant workforce and triggers hostility and fear among the majority.

It is difficult to identify and estimate the total number of Muslim immigrants and their countries of origin. Extant figures are questionable, because either they allow a large segment of migrant groups to slip through the official statistics, or they represent migrants by using categories (such as ethnicity or citizenship) that may be misleading for both the state authorities and the migrants themselves. By 2000, 8.2 percent of the population of Athens and 4.8 percent of Thessaloniki were immigrants. This means, moreover, that almost 40 percent of migrants are concentrated in Athens while a further 7 percent of the overall migrant community resides in Thessaloniki. Figures from 1998 further reveal that 14 percent of

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88 Greece has the lowest rate for granting political asylum among the EU states, see among others <www.unhcr.gr>.
90 I. Psimmenos & St. Georgoulas, [1999]: 49.
Greece’s immigrants living in the area of metropolitan Athens were Muslims of Asian and African descent. Another – though probably highly underestimated – 15 percent of those declared Muslim were from Albania. This could be due to the reluctance Albanians often display to claim any link to Islam. Sunni is the most popular form of Islam followed by migrants from Africa, Bangladesh, Pakistan, and Arab countries. Shia Muslims are far less represented, evident for some Alevi Turks and Kurds as well as Pakistanis and Iranians.

In the 2001 census, immigrants exceeded 820,000 people or 8 percent of the overall population of Greece. Around 200,000 are Muslims, without taking into consideration the Albanian community (more than 500,000), the majority of whom are of Muslim cultural background, but do not express strong religious affinities with Islam, as mentioned above. According to the same census, some 13 percent of the immigrant population of metropolitan Athens comes from Muslim Asian and African countries. Altogether 29.5 percent declared themselves of Muslim faith. Today, Greece’s Muslim immigrants are from Africa and Asia, including Egypt, Algeria, Afghanistan, Sudan, Turkey, Palestine, Iraq, Iran, Syria, India, Bangladesh, Pakistan, Morocco, Myanmar, Lebanon, Libya, Jordan, Ghana, Nigeria, Sierra Leone, and Uganda. As mentioned above, it is almost impossible to gather reliable statistics as the number of new immigrants fluctuates greatly from month to month. Moreover, numbers are used politically and often inflated fueling fears that Greece faces a ‘cultural threat’. In this vein, the head of the ultra-right political party LAOS (Laikos Orthodoxos Synagermos, People’s Orthodox Rally) in early June 2009 referred to ‘two million Muslims living in the country’, concluding that Greece is being invaded by foreigners. A month later, and along the same lines, Bishop Anthimos of Thessaloniki stated, ‘it is awful that 600,000 Muslims live in Attica (greater Athens)’. Leaders of Muslim bodies also overestimate their community’s size to support their demands for rights and raise social concern and awareness. Thus, in 2010 Muslim leaders

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91 I. Psimmenos, 2001: 111.
92 For a rare source on the rituals of the Pakistani Shites, and the construct of Shia identity in Greece, see M. Terzopoulou, 2008. See also A. Ziaka, 2009: 151. As Tsakiridi reports, most of Greece’s Pakistanis are of Kashmiri origin, (O. Tsakiridi, 2007).
95 Giorgos Karatzafaris in a debate over European Parliament elections broadcasted by national network, 2.6.2009.
claimed that ‘700,000 Muslims live in Athens’ linking loyalty to the Greek legal order, and demands for human rights to the purported size of the community. The construction of a vast ‘imagined community’ therefore gives leaders on both the inside and outside symbolic and political leverage.

Among immigrants, Muslims are the most religious group as 42 percent among them claim to pray daily. Another striking feature is that family reunification rates are very low for Muslim immigrants, such that 99 percent of the Pakistanis, 95 percent of the Bangladeshis and the Syrians, and 94 percent of the Egyptians are men. According to data of 2002, Muslim immigrants are also less satisfied than the average migrant with living conditions in Greece and express fears and concerns for their future. However, demands for better conditions and broader debate rarely emanates from immigrant Muslims, who appear mostly to channel their frustrations into religious matters such as the lack of a mosque or a Muslim cemetery in Athens. It was only after the events of March 2009 that a discussion on social and labour issues was opened, though it too was framed in religious terms.

After an initial period when Muslim immigrants remained in the shadow of social dynamics, a strong movement emerged to claim rights for Muslim immigrants and protest against the Greek police actions such as an episode on 22 June 2009, when the first ever march organised by Muslim immigrants was violently dispersed by the police in Athens. A week later a new march was organised by members of Muslim communities, though not all immigrants sought to participate. The position of the Muslim immigrants in Greece received publicity and brought to light a series of crucial issues that had not yet revived a public hearing. There was, however, no immediate response from the authorities and the police forces were left with the responsibility of facing Muslims – and other immigrants’ – complaints and disappointment. Gradually, new voices in

96 According to the website of the Muslim Union of Greece, the total Muslim population of Greece is between 830,000 to 1 million, <www.equalsociety.com>.
98 ‘How immigrants live in Greece and what they believe,’ To Vima’ (The Tribune), 7.7.2002.
99 Among a catalog of measures which would ease the social integration of the Muslim immigrants as set forth by Muslim solidarity networks, I list the following: instruction in the Greek language as well the language of origin; implementation of family reunification rights equal wages and social security for all workers regardless their legal status; establishment of places of worship (mosques); and establishment of a social mediator for vulnerable groups, see M. Imam & Ol. Tsakiridou, 2003: 162–168.
favour of the rights of Muslims began to speak of social and legal problems while a fierce anti-Muslim discourse was endorsed by ultra right political forces, such as LAOS and the rising neo-Nazi Hrysi Avgi (Golden Dawn). Islamophobic discourses centered on the issue of citizenship, voting in local elections, and the mosque debate in Athens. As Bishop Amvrosios wrote, “One million Muslims today and many more tomorrow will strike against Orthodoxy! They have it in their blood. They are the sword of Mohamed”.

This kind of discourse was coupled with cases of racist violence targeting Muslims, such as attacking mescits or harassing Muslims during open prayer. By fanning the flames of Islamophobia, such actors are able to cleave onto anxieties and obscure injustices related to immigration, economical exploitation of the immigrants, and the inability of the authorities to protect fundamental rights and foster social integration. The tactic yields votes.

Muslim immigrants serve as cheap labour in construction, agriculture, and the manufacturing sector, as well as private employees. Nonetheless, the percentage of Muslim owners of shops and small enterprises is slightly increasing and groceries and small restaurants owned by Muslim immigrants multiplied by the end of 2000s. Such sites play an important role in enhancing socialization of immigrants. The only active bank of the Islamic world in Greece is the Arab Bank belonging to Jordanian interests. There also used to be a bank called the Arab Hellenic Bank, a consortium between Greek and Arab banks (the National Bank of Greece was a major shareholder). As its most important client was the Libyan State, the bank had to shut down after the international isolation of the latter. A third was Bank Saderat Iran, which also shut down after the Islamic revolution in 1979. Many transactions of Greece’s Muslim immigrants were conducted through Citibank and Chase Manhattan rather than the Arab banks. Since the early 2000s, the rise of money transfer companies minimised the number of transactions through banks.

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102 There are 70 branches in Jordan and 56 abroad. For detailed information see <www.arabbank.com>.
103 Interviews with Giorgos Spais and Chadi Ayoubi, in 5.6.2002 and 4.11.2010 respectively.
It seems that immigrants’ integration into Greek legal institutions will take a long time, especially as far as the Greek civil law is concerned. Family status is regulated informally by Islamic law according to the formalities of the respective cultures. Marriage and divorces are usually held in front of the authorised officials of the home embassy. Quite often, to get married Muslim immigrants need to visit their home country. In some cases, immigrant Muslims take advantage of the relatively new option of the political marriage offered by Greek civil law. Weddings held by Islamic ritual in front of the Moufti of Thrace are quite rare. No cases dealing with family issues have been brought in front of the Greek civil courts. On very rare occasions before 2000, the Civil Registration Office accepted as legal a wedding held according to Islamic ritual by a non-Greek citizen immigrant imam. Disputes relative to family matters are usually resolved by the members of the community or in the home country and not before the Greek courts. Practical problems regarding funeral arrangements and the torturous process of establishing an officially-sanctioned mosque in Athens highlight the shortcomings of Greek law and shall be discussed later (infra, Section 12.3.)

Greece is party to a number of international law instruments which oblige it to uphold immigrants’ fundamental rights.104 However, such legal means are rarely used by their potential beneficiaries as they are reluctant to claim their rights, and/or have limited access to the judicial system. A few cases brought by immigrant Muslims to the ECtHR illustrate the general problems that the most vulnerable individuals face regarding deprivation of liberty, expulsion procedures and conditions of detention in police stations or prisons.105 What seems to be an important factor for the inclusion of immigrants is acquisition of Greek citizenship, as Greek law tolerates dual citizenship. The division between ‘omogeneis’ (of Greek descent) and ‘allogeneis’ (of non-Greek descent) automatically places all Muslim applicants in the second category. Citizenship facilitates access to

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104 For example, the International Convention on the Elimination of all Forms of Racial Discrimination, the International Convention of the Rights of the Child, the Convention on the Legal Status of Migrants, the European Convention of Human Rights, the Social Charter. Infra, Section 11.4.

the labour market and political participation which is a key element for the integration of those migrants that will permanently reside in Greece. Furthermore it gives access to political life and decision-making procedures. In several cases, Muslim applicants for Greek citizenship declared themselves to be Christian Orthodox in order to be seen as of kin culture or of Greek origin. Thus law, catering to mainstream ideological duties, plays a key role in determining national, ethnic, and religious identities and affiliations. However, acquiring citizenship or long-term residence permit cannot be seen as a *sine qua non* condition for the prevention of socio-economic exclusion and marginalization of immigrants.

The reluctance of the Greek state to grant citizenship to Muslim immigrants weakens the process of integration and renders it a problem in the sphere of social realities (*infra*, Section 9). As Kymlicka argues, “it has become clearer that immigrants want to integrate [...]. To be sure they want the mainstream institutions in their society to be reformed, so as to accommodate their cultural differences, and to recognise the value of their cultural heritage”. A6 Achieving integration is neither an easy nor a linear process, as it is dependent on a cluster of factors including the attitudes of the immigrants themselves, the state, and the majority.
The regulation of ties of kinship linking minorities with a neighbouring state or a universal community, such as the Muslim umma, both affects but also confounds our understanding of the complex ways bilateral relations impact minority-state relations. The picture is all the more complicated when various bonds of citizenship are added into the equation. To what extent is kinship a legitimate reason for a state's involvement in another state's minority affairs?

The notion of 'kin-state' has been re-examined by the Venice Commission of the Council of Europe which stressed that the main tool at kin-states' disposal is that of displaying a wish to intervene in favour of kin-minorities through the negotiation of multilateral or bilateral agreements which aim for the protection of the kin-minority. However, as often as not, kin-states have sought to intervene directly in favour of their kin-minorities. This means the kinship tie has tended to be perceived as a Trojan horse in international relations – an ambiguous legal relationship which creates a right to intervene in domestic affairs of the 'home-state', albeit on a subsidiary, supplementary, or complementary basis. Minority protection can also be achieved through a co-operative bilateral approach, or via domestic legislation adopted by the kin-state. In the latter case, a series of principles must be respected including human rights, prohibition of discrimination, territorial sovereignty, and pacta sunt servanta.

International treaties define the rights and obligations of migrants and minorities as well as of governments with regard to migration and minority issues. These treaties form an integral part of international human rights instruments that, to a certain extent, also govern international relations. Bilateral treaties lay out in detail how the contracting states should regulate migration or protect minorities. Historically, the consolidation of

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2 A. Năstase, 2002: 50.
these legal obligations stem from mutual suspicion and tensions between the state of citizenship and kin-state. The home state attempts to control the minority, often through manipulation or even violation of recognised rights, and the kin-state seeks to interfere by granting special prerogatives. The beneficiary, i.e., the minority group's position is thus fragile with political, legal, and ideological consequences. The question of whether it is possible to strike a balance between these complex pressures remains an open one for minority policies and law. As Stamatopoulou puts it,

It is preferable to envisage, not a preferential treatment of a minority by a kin-state, but rather, a role for a kin-state. Such a role must be within the parameters of the international human rights legal framework provided by the international human rights instruments. So, the content of assistance by the kin-state is conditional upon the agreement of the territorial state.

As the protection of minority rights is an obligation of the state where the minority resides, the kin-state should avoid granting overwhelming privileges for particular groups, especially on an ethnic basis, which could have disintegrative effects in the states where they live.

The relationship of kinship versus citizenship reveals a series of interesting patterns of political behaviour and legal treatment regarding the Muslims in Greece. The Ottoman Empire was the kin-state par excellence, and it granted a droit de regard to Greece's Muslims especially after 1881 via the Convention of Constantinople. Turkey, as successor state of the Empire, undertook the role of kin-state regarding the vast majority of Muslims. Albania also acted as kin-state for the 'Muslims of Albanian origin' of Greece during the interwar period though it was backed to a certain extent by Italy. Lastly (late 1990s), Bulgaria attempted to a very limited extent to show an interest in Thrace’s Pomaks. Regarding the immigrant Muslims, a series of states could be identified as kin-states but on a quite different basis than the kin-states of historical minorities. After 1923,

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4 The Council of Europe prefers the optimistic version: “Respect of human rights and the combat against racial discrimination enhances a country’s standing in the world and promotes stable and peaceful relations between states. Multilateral and bilateral treaties may foster links between states and could have a positive impact on other domains of cooperation between them”, Council of Europe, 2000: 44.

5 E. Stamatopoulou, 2002: 104.


Turkey is considered to have a *droit de regard vis-à-vis* the Turkish-Muslim minority of Thrace based on the principle of reciprocity employed by both Greece and Turkey which, as noted, is typically invoked via a distorted interpretation of article 45 of the Treaty of Lausanne. Reciprocity thus establishes a basis for subsuming both minorities within the package of Greek-Turkish relations (*supra*, Section 5.2.3.).

Meanwhile, an interesting relationship has developed as far as Thrace’s emigrant Muslims are concerned. Here, Greece acts or is perceived to act (after 2005) as a kin-state for its own Muslims of Greek citizenship who emigrated abroad, mainly to Germany but also to Turkey. Although there are no close contacts among ‘Christian’ and ‘Muslim’ emigrants (both Greek citizens) and their associations, not surprisingly, in some cases Muslims attempt to keep open the prospect of returning to Greece and for reintegration by cultivating the Greek language in parallel to Turkish.8

Perhaps the first time that the *de jure* and *de facto* position of the Turkish-Muslim minority of Thrace gained international interest was due to riots against the minority in Komotini in late January 1990.9 The international media frenzy which ensued meant that the minority question, till then an issue of bilateral political interest, necessitated that both countries renegotiate their attitudes and legal arguments. This may have triggered the emergence of Greece’s policy of recognition of the minority’s predicament and implementation of policies based on equality before the law and abolition of the discriminatory measures applied to the detriment of the minority of Thrace (*supra*, Section, 6.2.). At the same time, international political changes which led to a broad homogenization of law and policies in Europe put the issue of minority protection under European and international scrutiny. However, ten years later (by 2001) the issue of Muslim presence within the West had been connected to security. New perceptions of threat have led to a perceived trade-off between state security and human/minority rights, especially regarding immigrant Muslims. Meanwhile, evolving EU-Turkey relations have circumscribed the kin-state role, Turkey’s margin of interference, and the importance of reciprocity.

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8 There are cases of Muslim migrants from Thrace to Germany that send their children to the Greek community schools or organise Greek lessons (like in Istanbul), J. Hersant, 2002: 150.

9 For the events see V. Aarbakke, 2000: 430. Worth noting is that according to the Administrative three-member Appeal Court of Komotini (162/2000), the police that had the task of taking care of the property of the Muslims under attack was deficient, and consequently the state should paid indemnity to those whose property was harmed by the riots.
To understand the role of the kin-state one should define the ties through which kinship is established. The usual 'material' for kinship is the national ideology of the kin-state which is adopted to a greater or lesser extent by the kin-minority and the consolidation of such an ideology within the latter. Thus, one should analyse what the Turkish and Greek nation consists of, in order to determine the legal premises enabling the kin-state to pursue policies towards the kinship on their 'soydaş' and 'omogeneis' (people of national descent in Turkey and Greece, respectively). However, to define the nation and the nature of national ideology is a task beyond the scope of the present study.

8.1. Turkey as Kin-State: The Red Thin Line with Political Interference

Ethnic kinship played a crucial role in the consolidation of nationalism and ethnic affinities across the post-Ottoman region through the assimilation of the Greek-Orthodox and Muslims of the Empire into the new, national ideologies. As such, one of the main aspects of Turkish policy in the post-Lausanne years was to seek to reinforce a uniquely Turkish national identity within the minority. For Greece this task was easier vis-à-vis its kin-minority as it had been engaged in national proselytising since the 19th century. In Turkey, on the other hand, the Treaty of Lausanne played a critical role in defining the parameters of identity. For, with the loss of the vast majority of its non-Muslim population — often through rigid persecution, Muslims were considered constitutive elements of the Turkish nation, while the non-Muslims were deemed 'indigenous foreigners' (yerli yabancular). The view that Turkish-speaking Muslims are intrinsically Turkish is also reflected in patterns of engagement of the kin-minority of Thrace.

However, behind the conventional legal justification of droit de regard, in both Greece and Turkey, invocation of ties of 'common blood', or 'common ethnic descent or origin' underpins ideological and political agendas. These ties substitute citizenship with special rights extended to member of the respective minorities under the unilateral control of the granting state. Thus, legal norms of Greek and Turkish 'origin' overlap, stemming
from the kin-state and the home state. The impact of Turkish policies towards the minority of Thrace can accordingly be divided into two spheres, one applicable in Thrace, and the other applicable in Turkey (immigration policies and law).

From the early stages of the bilateral relationship, the consulate of Komotini played the role of providing political and ideological guidance to the minority elite in consolidating and promoting modernist, pro-Kemalist notables. During this period, local political arrangements were made as ‘the Greek local administration managed the situation [on the ground] negotiating with the Turkish consulate’. In time, consular activism fostered the formation of pro-Turkish national feelings among significant segments of the minority. It also led to the conversion to Kemalism of much of the elite of the minority. Thus, modernists appeared to win out over Islamists. Reflecting such activism, one of the major cases of Turkish involvement in Greece’s internal affairs was the question of the ‘150’, a group of anti-Kemalist Muslims who took refuge in Greece after 1922. On the eve of the first Greek-Turkish rapprochement, Athens expelled this group in light of a request to this effect from the Turkish government. Later, during the Bulgarian occupation of Thrace, the Turkish consulate of Komotini was the only agency to which the minority could appeal for protection from Bulgarian oppression. This reinforced its leading role in minority affairs.

After the 1950s, Turkey started supporting the modernist elite more steadily by granting allowances to journalists, teachers, and religious servants, or imposing a black list (denial to enter Turkey) on those who opposed the policies of Turkey on minority issues or refused to collaborate. Turkey’s patronage over the minority’s internal affairs intensified in the 1980s attempting to Turkify Islam. At this juncture, the droit de regard was replaced by political interventionism under Turkish leader Turgut Özal who aimed at incorporating the religious wing of the minority into the folds of Turkish national ideology. At that time, the so-called ‘Turkish-Islamic synthesis’ was gaining ground in Turkey and being exported to Western Thrace. The Moufti crisis of 1985 provided a platform for devout Muslims among the minority to adhere ideologically to Turkish nationalism.

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14 K. Featherstone and others, 2011.
A support network operates via the Turkish consulate of Komotini which sponsors the minority's political leaders, guides the activities of minority associations, and grants allowances to teachers or pensions, all measures which follow the familiar pattern of activity conducted by a kin-state in favour of the kin-minority.16

Regarding the emigration flow of the minority, the Turkish consulate screened potential migrants by restricting visas and the right to opt for the Turkish citizenship until August 1926.17 Immigration was strictly regulated, aiming at strengthening the national project. Act 2733 of 1934, for example, stated that immigrants could not be accepted if they had no links to Turkish culture.18 On other occasions, Turkey facilitated migration. This was especially so in the 1950s in the context of the settlement policies regarding 'Turks from the Balkans and the Caucasus'. Thus, from 1954 to 1961, Turkey encouraged free movement and settlement from Thrace to Turkey *(supra, Section 4.3.ii)* and again after 1974 when it accepted a high number of political refugee applications from Western Thracians.19 The abrogation of the visa for Greek citizens by 1988 further eased members of the minority's migration to Turkey. In relation to general measures of positive discrimination in favour of Turkish soydaş (people of Turkish descent of abroad), Ankara also sought to strengthen the minority's own perception of the role of Turkey by upgrading the Turkish Consulate of Komotini. Furthermore, it created a considerable quota (10 percent) for soydaş students to attend Turkish universities,20 and provided special visas and scholarships for studying at Turkish schools and institutions of higher education.

Involvement in the minority's internal affairs is also conducted through granting financial support for *kuran kursu* (koranic courses) and, in 1991, supporting imams loyal to the 'elected Mouftis'. Also worth mentioning are special allowances from the Ministry for Foreign Affairs and pensions for those teachers who serve the Ministry of Education and do not oppose Turkish culture. Such measures are made possible by act 168/1960 on 'economic allowances for teachers of Turkish descent who live in a foreign

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16 Similar activities are conducted by Greece's consulates in Istanbul (Turkey) or in Korçë and Gjirokaster (in Albania), or by Hungary regarding her minorities in Romania and Slovakia, see Council of Europe, 2002: 157.
17 For the political antagonisms over the possibility of acquiring Turkish citizenship see Y. Bonos, 2008.
18 As reported by the Greek MFA, HAMFA, 1934, B/2/II/1.
country with a foreign citizenship'.21 Who can be member of the community of the nation and therefore recipient of these rights? The vague content of 'Turkishness' was described by a Turkish official as follows:

The common being created by a common culture unique to Turks, wherever they live in the world. This being is wider than the notion of the Turkish nation and encompasses those living outside Turkey and societies who participate to the same culture.22

By the late 1990s, the consulate started to apply cultural policies, trumpeting a common Turkish folklore in Western Thrace through a series of ideologically loyal associations which promoted cultural events, often performed by invited folk groups from Turkey.

Meanwhile, the ‘salary policies’ of the consulate placed a significant number of minority families into a clientistic framework. By 2002, 1,500 individuals had received up to 1,000 euros each.23 According to other researchers, this number could be as high as 3,000 or even 7,000 individuals.24 In any case, the low economic status of the minority and the high number of salaries paid by the Turkish Consulate (along with the relevant ‘salary policies’ exerted by the Greek government) have minimised the possibility of independent voices emerging among the minority.

In other cases, Turkey displayed a protective profile on minority issues, such as dispatching a team of MPs as observers to the high profile and politicised trials of Sadik, Aga, and Serif in the early 1990s. On the other hand, regular visits to Ankara, the Turkish parliament, the prime minister and other state agencies by groups of minority notables, deputies, and elected Mouftis have kept psychological and symbolic contacts open between Turkey and the minority’s elite.

The most symbolic expression of concern by the kin-state was visits to the kin-minority which took place with the approval of the hosting authorities. Such high level visits took place rarely. The first time in Thrace was in 1952 when Prime Minister Celâl Bayar inaugurated the minority middle school in Komotini. The same year King Pavlos and Queen Frideriki of Greece paid a reciprocal visit to Istanbul. The visits expressed the political will of both governments to take measures and adopt a legal

21 A. Ömeroglu, 1994: 63.
22 Regarding article 301 of the Turkish Penal Code, quoted in Turgut Tarhanlı, Türklük, aşağılama ve demokrasi, 'Radikal', 13.10.2005.
23 J. Hersant, 2007: 129. Salaries are paid also to the elected Mouftis, see J. Hersant, 2005b: 98.
framework in compliance with the Treaty of Lausanne in the context of a
rapprochement being pursued for the purpose of facilitating accession to
NATO. The visit to Thrace of Prime Minister T. Erdoğan in spring 2004 just
after Greek Parliamentary elections also signaled the upgrading and the
liberalization of the status of both minorities under modern political and
legal standards in light of Turkey's candidacy for membership to the
European Union. The Turkish prime minister called the minority to work
together with Turkey for the welfare of Greece within a united Europe and
avoided referring to the national character of the minority.25 This image
changed when Ali Babacan, Minister for Foreign Affairs of Turkey paid a
visit to Thrace in early December 2007 and advised the members of the
minority to 'defend their Turkish identity'.26 More balanced discourse was
adopted by Ahmet Davutoğlu, the following Minister for Foreign Affairs of
Turkey of the AKP government who paid a visit to Thrace in March 2011.
He called the minority ‘to conserve their religion, language and identity’;
‘to participate in the political and economical life of Greece’ and ‘to open
their horizons in Greece and Europe’.27

The policies applied by the Turkish consulate of Komotini created mixed
feelings in the minority with regard to security in that the real or perceived
influence of Ankara could trigger hostilities among the local Greek popula-
tion. Furthermore, within the minority the consulate policies established
strong clientistic relations. The avenue to privileges was and still is a special
‘certificate of Turkishness’ (türklik belgesi) which is granted by the
Consulate.28 The notorious ‘black lists’ and the criteria for granting allow-
ances, scholarships, visas, and the status of political refugees kept the
minority divided between ‘sympathisers’ or ‘dissidents’ vis-à-vis the consul-
ate. Furthermore migration flows to Turkey were interconnected with pre-
rogatives the Western Thracians or ‘Bati Trakyalt’ would enjoy in Turkey
such as their legal status (e.g., residence and work permit, social welfare
measures) and networks accessed through associations and (para)political
organizations in Turkey, often of ultra nationalist bent.29

At the international level, Turkey undertook the task of advocating for
minority rights in international organizations, directly or through NGOs.
At the same time, the policies of the Turkish consulate triggered counter

26 'Ta Nea', 8.12.2007
27 'To Vima', 9.3.2011.
28 For a sample of the certification see A. Papanikolaou, 2007: 306.
29 As very well shows I. Hersant. 2007. 274–281.
diplomatic measures and animosity on the part of the Greek authorities who perceived Thrace to be a *sui generis* arena of foreign affairs. Last, the establishment of a branch of the Turkish *Ziraat Bankasi* (Agrarian Bank) in Komotini (and Athens) in February 2009 opened a new chapter of economic cooperation between the two countries, after the investment that the National Bank of Greece conducted in Turkey. From another point of view, the opening of the bank in Thrace was seen as a tool for economic and political influence over the minority. Such moves did not overturn the climate of mistrust and negative perceptions through which Greece sees Turkey as, in C. Borou’s words, the ‘negative Other’.

8.2. THE GREEK ADMINISTRATION VIS-À-VIS THE MINORITY: CARROT AND STICK

Since the establishment of the Greek administration in Thrace, the minority was put under state supervision administered by inspection authorities. The minority of Thrace was often seen as an unwanted vehicle of Turkey within Greece’s domestic affairs or the ‘enemy within’. Since 1920, the Governorate General of Thrace generally ran such inspections but they were conducted by more specific agencies like the ‘Inspector for national, religious and linguistic minorities’ (Act 4125/1929, FEK A 134), which acted as mediator between the government and the minority. Konstantinos Stylianopoulos, a former school inspector, was the first and last Inspector for the Minorities, a personal choice of Venizelos to implement his own policies in line with Greece’s international commitments. According to the introductory report of Act 4125, the new institution would apply international obligations, serve state interests, convey to the government minority’s complaints, and temper international intervention on minority issues. Critics, however, argued that the Inspector ‘was appointed in order to do nothing’. What is certain is that he was an active personage and dedicated to his duties, drafting a series of informative reports and important proposals.

A few years later, the ‘Office for the Administration of Muslim Communities’ (RD of 28.10.1935, FEK A 499) was supposed to operate under the Governorate General of Thrace. The latter was meant to be

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32 Introductory report, Athens 8.2.1929, HAMFA, F. 1929 A/25/VIII.
33 ‘Estia’, Press Office of MFA, Thessaloniki 17.5.1929, HAMFA, F. 1929 A/25/VIII.
comprised of liaison officers to the Ministry for Foreign Affairs, the Ministry of Domestic Affairs, and the Ministry of Education and Cults. A press office would be tasked to follow, and if needed to censor, the local minority press. This Office never became operational, as the Metaxas dictatorship by August 1936 drastically changed the political framework regarding minority issues in Greece. By the Mandatory Act 132/1936 the Department of Political Affairs (Τμήμα Πολιτικών Υποθέσεων) was established within the Governorate General of Thrace with special purview over minority issues.

The stance held by the Muslim/Turkish minority during the Bulgarian occupation and the Civil War was an apt reminder that at a crucial stage of modern Greek history the minority chose not to rebel and was definitely not the ‘enemy within’. Nevertheless, to a certain extent before the war, and certainly after 1945, the Greek bodies supervising minority affairs became more and more involved in limiting the self-organizational structures of the minority and struggling against the growing influence of the Turkish consulate. This put Islamists in an advantaged position as they were supported to counterbalance the influence of the Kemalists within the minority. Later on, in the 1950s, the same strategy was applied favouring the Pomaks against the Turks. Though such policies would become a constant failure, the government was also warned that it should “be careful not to give the impression to the loyal ones [to the Greek authorities] that they do not have any other chance than to follow the modernists”. In 1955, the Directorate of Political (minority) Affairs was re-established in the Prefecture of Rodopi as an autonomous service for the coordination of minority affairs in Thrace and as an advisory body to the MFA.

Minority policies consisting of ‘special measures’ were decided at the local level after authorization by the pertinent central bodies, e.g., the Ministry for Foreign Affairs. Main vehicle of such polices was the notorious Coordination Council of Thrace (CCT, Συντονιστικό Συμβούλιο Θρακίς) a secret, but official, body which was operational in the 1960s. In 1960, the

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35 K. Featherstone and others, 2011: 308.
36 In 1953 (according to the decision of the Minister of Education 24876/14.3.1953), a sub-committee was founded by the Governorate to suggest measures “for heightening the spiritual level of the minority”.
37 On Greek policies aimed at backing the Islamist wing see A. Dasios, 1927.
Ministry of Interior set up the CCT to 'monitor the problem of the Muslim minority in Western Thrace'.\textsuperscript{40} Its president was the General Inspector of the Governorate General of Thrace. The Prefects of Rodopi, Xanthi, and Evros, the Director of the Political Affairs of Thrace, the Director of the Police, a representative of the army, of the intelligence services and the inspector of minority schools all took part in the meetings as members.\textsuperscript{41} The Council was reorganized in 1962 and, after having held 61 meetings, was abolished in February 1969. Its goals, according to the constitutive decision of the MFA,\textsuperscript{42} were to develop the minority policy in Thrace, and to be in constant contact with the Ministry for Foreign Affairs and all competent ministries and authorities in Thrace. Yet, the Council was more than an organ of implementing policies in Thrace as it was authorised to exercise judgment regarding orders adopted in Athens and could maintain a steady hard line in accordance with its own reading of the situation. CCT became a body of policy enforcement implementing a national project over the minority and Thrace, counter balancing Turkish influence, endorsing the idea that the minority poses issues of 'national security'. As shown from the internal discussions of this secret body, for a decade there were implemented, to the detriment of the minority, a series of discrimination policies and counter-measures, measures favouring Pomaks and Islamists and measures of Hellenization of land, all put forward in a secret and unofficial way and often contra legem. It also attempted to limit the organizational autonomy of the minority regarding the vakf properties and the minority schools.

A change in tenor was obvious by the beginning of 1965 as policies of a clear discriminatory character became apparent as well as selective involvement in the minority's affairs. As Iliadis points out, the quantitative and qualitative shift in these policies was reflected in the amount of money allocated to the various areas of intervention.\textsuperscript{43} The policies proposed and applied were related to two developments. The first was the

\begin{itemize}
\item \textsuperscript{40} MFA, D' Political directorate, letter to the Ministry of public security, 28.2.1966, F. 3, MSA.
\item \textsuperscript{41} Hr. Iliadis, 2004: 23.
\item \textsuperscript{42} Decision D940-16/16,5,1962, Ev. Averof, Minister for Foreign Affairs, to all services and ministries, see T. Kostopoulos, 2009, 68.
\item \textsuperscript{43} Hristos Iliadis, (2011, chapter 8) shows in tables the allocation of funds for the following items according to CCT: 'propaganda', 'intelligence', 'press and publications', 'scholarships', 'public works', 'farmer clubs', 'medical centers', 'schools', 'teachers', 'book in Arabic', 'mosques', 'training for teachers', 'studies on Pomak language', 'medrese of Ehinos', 'agricultural academies', 'Pomak policy', 'land purchase'.
\end{itemize}
domestic reconfiguration of the political scene in Greece during the two years of instability that preceded the establishment of the junta in April 1967; the second was heightened concern over and a will to prevent harm coming to the Greek-Orthodox minority in Turkey. Just after the establishment of the military junta the president of the Council was optimistic that the ‘new order’ was one in which: “The problems regarding the minority that are lasting for years now will find their solution as there will be no more reactions by the politicians or the ministers”.

The upshot of such developments was a switch, over the course of the 1960s, in how decision-making process on minority policies were understood and applied. For instance, Athens sought to smooth the situation in Thrace, taking into consideration the general political context of Greek-Turkish relations and seeking to show good will to Turkey for political gain. However, the main body responsible for local political planning on minority issues continued to be the Coordination Council for Thrace and the still-operational Office of Political Affairs which on several occasions applied more rigid policies and criticised more mild governmental directives in the 1960s and 1970s. Often there were strong differences of opinion between policy-makers or between Athens and officials acting in Thrace. By 1969, the Council’s tasks were undertaken by the Minister of Northern Greece, and, in practice, by the Directorate —previously called ‘Department’ and later ‘Bureau’— of Political Affairs (Grafeio Politikon Ypotheseon) which was established in 1936. The legacy of the Council’s administrative harassment policies that started in 1965 survived to a certain extent until the 1990s.

These minority policy agencies were the primary vehicles through which the Ministry for Foreign Affairs sustained its involvement in the minority question. The Bureau of Political Affairs first operated as an antenna of the MFA office in Thessaloniki and, since 1976, has functioned as an autonomous agency answerable to Athens and based in Kavala. In 1998 it was restructured as ‘Service of Political Affairs’ (Ypiresia Politikon Ypotheseon). It was established as an independent service of the MFA.

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44 As Hristos Iliadis (2005) notes, in 1965 the government under Prime Minister Stefanopoulos was formed thanks to the support of two minority deputies.
45 CCT, 56d session of 31.7.1968, MSA, F. 10.
47 For in depth analysis of the decisions and acts adopted by the CCT, see Hr. Iliadis 2011.
through inter-ministerial and international cooperation on issues regarding foreign policy, which since 2002 has been located in Xanthi. The Service supervises three local Offices of Cultural Affairs (*Grafeia Politistikon Sheseon*) renamed in 1998 as Offices of Political Affairs (*Grafeia Politikon Ypotheseon*), operational from 1976 onwards in Xanthi, Komotini and Alexandroupolis. These offices – especially during and after the *junta* – exerted and implemented policies of direct control and intimidation often applying discriminatory policies towards the minority in order to counterbalance Turkish influence. After the late 1990s, the policy of counter-balancing the Turkish consulate was limited to support of a network of those among the minority who vocally profess loyalty to Greece; it also paid direct allowances to teachers, imams, and journalists. The establishment of classes for teaching Greek to socially excluded Roma in 2005 may also constitute one of the most visible methods of involvement in minority affairs by the Greek MFA. Meanwhile, policies which favoured Pomaks and 'Old-Muslims' or Islamists have faded out or been abandoned.

The aforementioned offices of the Greek MFA in Thrace implemented policies to serve presumed 'national security' interests. The flagging of national security as the determining factor for minority policy, striking as it may be, had been set by the CCT in 1967. Since then, national security served as the ideological pillar for the doctrine of a *state of exception* which allows a legitimate derogation from the rule of law, creating an *emergency situation* thus making lawful and acceptable what should be illegal. This was testified to by the claim that:

Recourse to tradition might prove ineffectual by itself without the continuing linkage between religion and critical issues of foreign policy, and even national security. The status of the Muslims in Greece is a prime example. It cannot be addressed simply and abstractly as a matter of freedom, since most of the country's Muslims are Turks, living near the border with Turkey.

This vision of national security ignores citizenship which encompasses all legal members of the polity regardless of their minority status. By delegating minority rights to the field of national interests, citizens' rights are subject to the discretion of the pertinent authorities who are authorised to make decisions that are not subjected to political or judicial review.

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In many occasions, Greece used a multi-dimensional decision-making system as far as minority issues are concerned. Thus, although the control of the policy and the guidelines reside in the MFA (including its high-ranking officers), in a more significant way the government, groups of interest and national lobbies, “which at one point in time were created for the purpose of supporting the state and subsequently act in a prima facie opposition to it”. The power of these interests was weakening, but still they play a role in national security planning.

By 1974 and after, the Turkish invasion in Cyprus, the denial of the existence of ‘a Turkish minority’, and the close control over minority issues was intensified on the basis that Greece sought to safeguard its territorial integrity. This policy changed in the early 1990s and the principle of equality (isonomia-isopoliteia) was proclaimed. After 2006 a series of positive discrimination measures were taken (supra, Section 6.2.), such as support for entry into universities, a special quota for civil servants, and state scholarships. These two contrasting stances reveal that, on the one hand, while there is an urge to keep fundamental principles of human rights high on the political agenda, but, on the other, all too often they have been sacrificed to considerations regarding the inter-state balance (with Turkey), rendering the Greek MFA the authority which supervised the implementation of the Treaty of Lausanne and any issue regarding the minority of Thrace. Tellingly, the Minister for Foreign Affairs, Dora Bakoyanni – and not the minister of internal affairs – announced the special measures in favour of the minority while visiting Thrace on 5–6 February 2007. These measures were neither efficient nor substantial and left unaddressed the main structural problems of the minority within the Greek legal order. Again, although the new government of PASOK in early 2010 announced that minority affairs would be placed under the responsibility of the Ministry of Interior, scepticism is in order as no changes have been undertaken to date.

8.3. DIPLOMATIC BILATERAL RAPPROCHEMENT

In the course of the history of the two minorities, Greece and Turkey rarely attempted to solve minority issues on a reciprocal basis through direct diplomatic dialogue. A series of such initiatives was boosted in the 1950s due to the rapprochement between the two countries linked to their accession to NATO. The Educational Agreement of 1951 led to the creation of a mixed
committee, which agreed on the exchange of textbooks and teachers.\footnote{Papaecgeniou}, Confidential memorandum on the report by former minister A. Bakalbasis, to the Minister of Education, Thessaloniki 19.7.1954, MSA, F. 95a. However, such agreements became enmeshed in negative reciprocity implications, especially after the Cyprus crisis and the Istanbul pogrom of 1955.\footnote{On the controversial effects that the 1955 events in Istanbul had over minority policies in Thrace, see H. Iliadis, 2011, Chapter 6.2.}

After the visit of Prime Minister Konstantinos Karamanlis, to Turkey in May 1959, which entailed discussions on minority issues, a bilateral negotiation was launched in which two diplomats were given the mandate to recommend solutions to a series of problems. According to the proposal signed by Kuneralp and Bitsios in August 1959, the two minorities were described as of ethnic 'Greek origin' and 'Turkish origin', respectively. This appears to be the unique case of a common recognition of the two minorities on the basis of national affiliation by high-ranking Greek and Turkish diplomatic authorities, and it is of highly symbolic importance.\footnote{Articles 7 and 21 of the 'Report of two', Z. Kuneralp, 1997: 36, 40. See K. Tsioumis, 2006a: 217 with references to the British archives.} The significance of this move, however, was overshadowed by events that followed the Greco-Turkish rapprochement of the 1950s. So the recognition of the national character of the minorities has to be seen as having occurred for the same instrumental reasons as the refusal of recognition which preceded and followed this 'happy period'. Moreover, this instrumental use of recognition was again established on the basis of 'negative' political reciprocity. According to the recommendations of the two diplomats, Greece would endorse the appellation 'Turkish' for institutions related to the minority of Thrace (article 8) and close down the Islamist newspaper Sebat of Komotini (article 20), which annoyed Turkey. Turkey would allow the reopening of the 'Greek Union of Konstantinoupolis' (article 24), and the Church of Panayia would be reinstituted to the Orthodox Patriarchate (article 32). Furthermore, the Greek Orthodox communities would be allowed to use officially the name 'Rum' (Romioi) in order to 'ensure reciprocity' as 'Greek citizens of Turkish ethnic origin' were to enjoy national appellation in Greece (article 26). Lastly, the 'report of two' admits that excessive expropriations were taking place on both sides which targeted the reciprocal minorities; it went on to recommend the passage of a law which would take into account the interests of individuals as much as possible (article 39).

In 1962, a series of issues of minority interest were discussed and agreed to be put forward during the visit of the Greek Minister of Foreign Affairs
in Ankara.\footnote{The Greek and Turkish diplomats discussed issues such as importing Turkish textbooks, authorising an imam for Kos, granting Turkish passports to 300 stateless Muslims of the Dodecanese, restoring the mosques of the Dodecanese islands, and settling a series of issues pertaining to the Greek minority of Istanbul. See K. Tsioumis, 2006a: 302.} Follow up was not forthcoming, however, due to strong opposition in Greece.\footnote{Proceedings of the Greek Parliament, Session 65, 10.3.1963: 695, 'Makedonia', No 16693/1963.} The short lived Greek-Turkish rapprochement of 1968 and the signing of an Educational Protocol also triggered talks between the two countries on minority issues. Both states agreed that 'the Treaty of Lausanne established a balance on minority issues; to keep that balance is legitimate and needed in accordance with the clauses on reciprocity of the treaty (see article 45)'. The Greek government has applied this position as

Any Turkish measure taken against the \emph{omogeneia} [the minority of Greek descent] in Turkey, after having affirmed beyond any doubt, has to be faced by counter measure [from our side] excluding any retaliation without having consulted with the Ministry for Foreign Affairs.\footnote{Minister for Foreign Affairs, Pipinelis, Note on 'the implementation of the Agreement of Vienna on minority issues' to the CCT, CCT, 59th Session of 9.9.1968, MSA, F.11.}

A year on (1969), two diplomatic officials, a Greek and a Turk, attempted to dissolve the impasse that the strict reciprocity approach had created even with regard to single and technical issues, thus hampering the application of educational rights. A series of questions were discussed but remained unanswered: Should Turkey abolish the subject of military education in Greek minority schools? Or should Greece introduce a similar subject in the minority schools of Thrace? Should the pupils of the minority schools pass special exams for private schools? Or should their minority character prevail and – under the reciprocity principle – should they be treated as pupils of minority education in Turkey? Ultimately, according to the Greek diplomat who participated in the talks and who did not embrace the mainstream Greek diplomacy of that period, the principle of reciprocity should not been invoked at all.\footnote{MFA, Tzounis and Tuzel, Note of 8.2.1969, MSA, F.4.} Meanwhile, the CCT attempted to readjust its policies in the then perceived new political configuration and reintroduced the idea of 'national security'.\footnote{CCT, 58th Session of 13.8.1968, MSA, F.11.}

The issue in Thrace is considered as a question of national security and imposed policies that will envisage the protection of the area of Thrace...
without ignoring the friendship between Greece and Turkey and the promotion of the Muslim minority in accordance to the political tradition of Greece as well the hampering the flight of the Hellenism of Istanbul and the protection of the Ecumenical Patriarchate. [...] However the policies on the Pomaks will not be abandoned and the strengthening of the Old Islamists should be continued under cover.

In this fragile bilateral framework, a series of measures perceived as positive reciprocity were discussed, such as the abolishment of the vice-principles in both minority schools, and the allowance of signs referring to Turkish schools in minority schools in Thrace. Furthermore, an internee school was to be established in Xanthi as counterbalance to the orphanage of Büyük Ada/Prinkipos, and a (second) high school in Xanthi in return for the upgrading of the elementary school of Heybeli Ada/Halki. Of course, none of these proposals would ever be implemented as the Greek-Turkish conflict steadily heated up in the context of the Cyprus issue.

Furthermore, regarding the application of the bilateral Protocol of 1968, a series of rare positive measures were applied in a very strict fashion until 1970. These included non-essential measures regarding the language of posted signs within and outside of classrooms, teachers' leaves, and the usage of maps (so as not to show Cyprus), as well as more significant issues, such as elections of the school boards (in 1965). They also entailed the upgrading of the minority school libraries 'in order not to hamper the interests of the minority [of Istanbul]' and respect for religious and national consciousness of the reciprocal minorities.

Regarding the last point, according to a circular by the Greek Ministry for Foreign Affairs regarding the implementation of the Protocol of 1968, the Greek Revolution of 1821 ought not be celebrated in minority schools in a way that will reveal it to be a struggle between Greece and Turkey; rather, it should be portrayed as the struggle of 'a nation under occupation determined to regain its independence from the multinational Ottoman Empire'.

Another example of rapprochement regards the short-lived efforts by both governments to enhance the command of the official language by

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64 MFA, letter to the General Directorate of Minority Schools, Athens 2.1.1971, MSA, F.4.
their kin-minority. Unfortunately, such measures were pursued in a mutually suspicious fashion and had little to do with sincere efforts to promote educational skills.

Last but not least, Turkey's European pathway since the early 2000s opened the door to a new pattern of convergence with Greece which had embarked on the European integration process after the fall of the junta, becoming a member in 1981. Diplomatic rapprochement through this channel eased minority issues, although it did not touch directly on a series of important questions.

8.4. THE 'EUROPEANIZATION' FACTOR

Greek law was long reluctant to embrace diversity. Today, however, Greece shows – at least in a rhetorical sense – an interest in aligning with the international legal and political environment which envisages minority rights as a fundamental plank of a European legal culture predicated on respect for religious and ethnic diversity.

The challenge of alignment with European legal standards on human and minority rights brings into focus the question of whether nationalism contradicts such a regime. Certainly, Greece's first exposure to the EU minority rights regime revealed the Greek deficit on the issue. Furthermore, it is not clear whether European law endorses minority communitarianism, state neutrality, or constitutional egalitarianism so long as both the European Union and state policies do not envisage achieving any form of supra-national sovereignty. To what extent have European standards and adhesion to the EU compelled Greece to embed its minority policy in more liberal laws and tolerant policies? In this context, a series of scholars have discussed the relationship between Greek citizenship and European identity. Mostly, it seems there is a tendency to overestimate Europe's positive role on minority issues in Greece, as local economic development in effect did not reach minority structures, and emigration from minority villages remains a widespread phenomenon. Moreover, it is not immediately clear whether European Union integration, in general, and cohesion policy, in particular, has intensified or tempered nationalist minority policies. Despite the expected impact in advancing fundamental

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structures and institutions, the European factor has had a minimum impact in terms of improving Greece’s institutional and normative structures vis-à-vis minority protection. That said, in some specific cases, regarding, for example, the abrogation of the special zone of surveillance (supra, Section 7.1.3) and the rescinding of article 19 of the Code of Citizenship (infra, Section 9.2) international organizations such as the EU and the Council of Europe played an important role in compelling the Greek government to refrain from practices that were obviously not in compliance with European human rights standards. By the late 2010s, it was the Parliamentary Assembly of the Council of Europe that took the initiative to closely examine Muslim minority issues in Greece, especially in Thrace and the Dodecanese islands, and, in the context of relations with Turkey (infra, Section 5.2.3.), to detect a series of irregularities regarding minority and human rights.

The ECtHR’s jurisprudence has also had a direct and immediate legal impact on Greece’s legal order. However, the real and pragmatic impact is low and case-based rather than affecting the general legal order. Among minority groups from Greece, the Turkish/Muslim community is among the most pro-active in Strasbourg (infra, Appendix 5). The majority of these cases are guided – or approved – by Turkey, which sees litigation as a diplomatic weapon in bilateral relations with Greece. It is thus not surprising that the lawyers in minority cases were exclusively from Turkey or from the minority itself, and no Greek legal experts were ever hired. This litigation strategy reflects the structural impermeability of the minority civil society, which hardly tolerates any voice but Turkish. On the other hand, pursuit of justice in Strasbourg is catalysed by the unresponsiveness of Greek authorities who for the past 30 years have demonstrated their unwillingness to undertake any radical action to dislocate the minority question from bilateral policies. Despite the liberalization measures adopted by the 1990s, the minority is still considered as a legacy of historical conjuncture governed, conveniently, under millet habits which attribute the minority with a corporate religious identity, driving law and policies that do not mesh with fundamental human rights standards. However, minority members are beginning view the European legal and political environment as a system which could provide an alternative source of protection through new institutions and means of legal litigation or even just as a symbolic address at which to project complaints.

Economic development, meanwhile, does not always bring ideological openness or lead to legal reforms. European development programs, which were implemented in Thrace to render the region 'more competitive', often cater to individual interests\textsuperscript{68} or target vulnerable groups like Pomaks and Romas on the basis of ethnicity.\textsuperscript{69} In such a context, European projects for combating discrimination and advancing respect for immigrants or minority groups by the majority and the state authorities just seem to create isolated enclaves of political correctness, while public opinion and state authorities are very reluctant to change mentalities and attitudes. As a result, in Thrace, division patterns prevail and the majority has the minimal societal contacts with minority.

Nonetheless, Greece remains far from consolidating procedures dealing with minority protection, since it has taken no sustainable steps to do so. As Fisher Onar and Özgüneş successfully illustrate,

\begin{quote}
Greek 'Europeanists' increasingly pointed to the domestic, bilateral and European-level utility of liberalizing treatment of minorities. They were pitted against ethocentrists who remained wedded to the traditional conception of minorities as a potential threat to national integrity […] . There is little sign of a re-thinking of national identity along multicultural lines and the old, monist national imaginary flares up intermittently in segments of the political class, media and public opinion.\textsuperscript{70}
\end{quote}

For, in several instances, Greece has reacted on a spur-of-the-moment and emotional basis, reminiscent of past approaches. At other times, Greece continues to give emphasis to bilateral relations (with Turkey), reciprocity (based on the Treaty of Lausanne), and rejects a pragmatic application of the right to self-identification.\textsuperscript{71} The emergent European legal framework on minority rights, made up of instruments like the Framework Convention on National Minorities and the European Charter on Minority or Regional Languages of the Council of Europe, has been considered by the Greek government as an inadequate legal instrument to manage minority issues in Greece. Yet, at the European level, one sees a dynamic evolution of practices and law-making, where, via mechanisms set up by the Council of Europe and the European Union on minority issues, one can observe new phenomena in European states such as "l'unité des références, le renvoi mutuel, le chevauchement des

\textsuperscript{68} D. Gindidis, 2009.
\textsuperscript{69} EQUAL program, <www.equal-greece.gr>.
\textsuperscript{70} N. Fisher Onar & M. Özgüneş, 2010: 135.
\textsuperscript{71} K. Tsitselikis & D. Christopoulos, 1997: 41-41.
domaines de compétences". The fact that such dynamics dislocate the
traditional pattern of bilateral Greek-Turkish relations and put the issue
under a European multilateral framework has not been recognised at all
by the Greek government. Signing the Framework Convention in 1997
therefore reflected a flash in the pan instance of modernization and was
fiercely opposed by the conservative-nationalistic wing of the then ruling
party, PASOK.

As citizenship constitutes a field in which the state has exclusive com-
petence, it remains the sovereign regulator of legal bonds attributed to its
citizens. Nevertheless, a few constraints curtail the absolute discretion of
the state. One is recognition by other states and international norms stem-
mimg from bilateral or multilateral treaties. A second is the growing vol-
ume of inter-state relations. The intense mobility of capital and persons
has lead to a need to revise the original perception of citizenship as linked
to nationhood. Especially for Europe, this has been attempted on two lev-
eels. The first entails an attempt to homogenize divergent characteristics of
the legal orders of separate states (i.e., between member states of the
European Union and the Council of Europe). The second involves a shift
in the traditional perception of the 'citizen-member of the nation-state'.
Although historically, minorities have somehow managed to survive
homogenization processes, massive immigration patterns are revolution-
ing the triangular relation of state-nation-residents with regard to citi-
zenship. In this context, Greek citizenship has become a crucial tool for
securing access to privileges and prosperity for alien immigrants as well as
for preserving 'national wealth and identity' for resident nationals.
Citizenship as such has become far more important to social integration
than to a legalistic concern about 'legal ties with the host state' (infra,
Section 9).

8.5. IMMIGRANT MUSLIMS AS A BILATERAL ISSUE

Alien immigrants obviously have a direct legal link through citizenship to
their respective state of origin. Despite this link, they represent an ambiv-
alent political agent for their countries. The countries of origin have rarely
shown an interest on the conditions of living in Greece or their legal status
and more rarely an interest on the fulfilment of their religious rights

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73 L. Ventoura, 1994: 77.
related to Islam. The only salient issue, which has already been discussed, pertains to the building of a mosque in Athens, which was raised by the Arab states represented in Greece and mainly by Saudi Arabia. However, only a relatively small number of citizens from these states are permanent residents in Greece. Thus, Saudi Arabia became a kin-state for Muslim immigrants in Greece, as far as the mosque debate was concerned (infra, Section 12.3.). Yet, after 2006, this role seemed less pertinent than that of Turkey's Prime Minister Tayyip Erdoğan who in 2008 and 2009 expressed concerns about the prospects for a mosque in Athens and unilaterally placed the issue in the Greek-Turkish agenda.

In some cases, immigration is a result of policies of the respective kin-state which facilitated migration through bilateral arrangements with Greece. Such agreements were intended to control emigration flows in the state of origin and satisfy labour market needs in Greece. The case of Egyptian workers hired in Greece since the 1980s is one of the most important. Thanks to a bilateral Greco-Egyptian treaty signed in 1984, Egyptian workers could be hired in Greece. This arrangement originally aimed at satisfying the need for manpower in the textile industry. This gradually covered the needs of the fishery and the commercial fleet of Greece. Visas and residency permits were granted to those entitled to work under the conditions of the treaty. It seems that the treaty has only been partially implemented since 1997.

Muslim immigrants' conditions also became a matter of international interest due to scrutiny of Greece on the part of intergovernmental bodies dealing with human rights. Very often, and within the framework of periodic auditing of Greece's international obligations, reports and studies refer to immigrant Islam in Greece and religious freedoms. Among others (like the Organization of the Islamic Conference), the Council of Europe's European Commission against Racism and Intolerance (ECRI) and Human Rights Commissioner have repeatedly mentioned the issues of the mosque and cemetery in Athens. Such reports sparked international criticism to the level that kin-states appear quite reluctant to play any active role in the discussion.

Kin-states may also serve the opposite function by seeking to control immigration and hamper the flow of immigration to Greece. Clandestine immigration has been one of the main preoccupations of the Greek government since 1991 and an issue put forward by Greece in the general

\[74\text{Ratified by Act 1469 of 18.8.1984 (FEK A 88 and 32 Kodikas Nomikou Vimatos 1984: 571).}\]
context of West European/EU debates on migration. Beyond the European context, Greece has attempted to tackle clandestine immigration through a series of bilateral inter-state agreements. The first major attempt by Greece in recent years to prevent clandestine migration, through regional treaties was the 1996 Tirana Agreement of Co-operation between Greece and Albania (ratified in Greece by Act 2568/1998). The most important bilateral treaty thus far has been the Greco-Turkish Agreement of 20 January 2000 which aims at ‘combating crime, especially terrorism, organized crime, illicit drug trafficking and illegal migration’ (ratified by Act 2926/2001). The Greco-Turkish Readmission Protocol was finally signed in Athens on 8 November 2001 (ratified by Act 3030/2002). Neither the Greco-Turkish Agreement nor the relevant Protocol included any express clause providing for the respect by both state parties of international human rights obligations and especially the obligations emanating from the 1951 Geneva Convention on the Status of Refugees.75 Thus, Turkey played the role of supervisor of clandestine migration to the European Union affecting the flow of Muslim immigrants (mostly from Iran, Iraq, Turkey, Pakistan, Somalia and Bangladesh) to Greece – although it has not been successful in this capacity according to the targets laid out by the agreements.

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75 N. Sitaropoulos, 2003.
CHAPTER NINE

RIGHT TO CITIZENSHIP

Possessing citizenship in the state of one's residence unquestionably constitutes a fundamental factor for social integration. Not being a citizen, on the other hand, becomes a potential factor for social exclusion. Thus, the legal norms regarding the acquisition or the loss of citizenship, including dual citizenship or statelessness, take on major importance for social inclusion. The choice by the state to permit or to prevent dual (or multiple) citizenship is essentially political in nature, regulated by law, and conditioned by historical factors. In this context, *ius sanguinis* and *ius soli* offer legislators a series of options embedding ideological stances *vis-à-vis* the nation and the state.

According to the traditional point of view, members of a minority are by definition citizens of the state, while migrants are not. However, according to general comment No. 15 of the Human Rights Committee on article 27 of the ICCPR, ‘where aliens constitute a minority, they should not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practise their own religion and to use their own language’. Moreover, in its general comment No. 23 on rights of minorities, the Committee asserted that, insofar as minority rights were applicable to minorities within a state's territory, the individuals designated for protected neither need to be citizens of the state, nor to determine the degree of permanent residence required. Thus the existence of a national, ethnic, religious, or linguistic group in a given state does not depend upon a decision by that state but rather is established by objective criteria. The term ‘minority’ in article 14 of the ECHR then, would comprise non-citizens. The European Convention on Nationality, meanwhile, puts forward common grounds for a broad access to citizenship and discussions recently held in the Council of Europe may result in the linking of ethnic alterity with real ties to the soil through common minority rights regardless of citizenship.¹

9.1. LOYALTY TO THE NATION, DEVOTION TO THE STATE

The Greek citizenship law is also closely linked to the ideological perception of 'Greekness', which, in the tradition of the Greek-Orthodox millet, is either attributed on the basis of religion, as the Greek Church suggested, or a secular Greek national identity based on language, as Rigas Feraios proposed. The notion that there was continuity in the Greek genos (race) and that this was transmitted via religion was one of the building blocks of Greek citizenship ever since the inception of the Greek Kingdom when a number of ideologues expressed aspirations for a pure Greek-Orthodox state. Inflexible ideas of this sort were gradually modified and moderated due to political realities and pragmatism. The quest for a just society even mobilised a few Muslims in fighting for the Greek Revolution. In general though, the remaining Muslim populace had to reposition themselves in the new political identity that Greek citizenship formulated. As Greek citizens of Muslim ('Turkish') faith they challenged the core element of 'Greekness' and the political notion of Greek citizenship. As soon as the state was internationally recognised, Muslims (and Jews and Catholics) acquired Greek citizenship, although this was seen as an exception to the purity of the nation. The oath of citizen was sworn in the name of the Holy Trinity to be loyal to the State (Politeia), and the oath of the Greek in the name of the Holy Trinity to be loyal to the Nation.

To comprehend citizenship issues in Greece, one has to consider the political and legal context regarding the acquisition and loss of Greek citizenship/nationality in its past and present status and the relationship between the Greek nation, the Greek state, and the phenomenon of otherness. The ethnic/national homogeneity of Greece is built upon the elements of religion (Greek-Orthodox), language (Greek), national consciousness, and an ambiguous conceptualization of 'Greek descent' which

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3 This linkage is well illustrated by the work of E. Vogli, 2007.
4 About 30 Muslim fighters were members of the 'Ottoman century' (Othomaniki ektontarhia) in 1928 as part of the Greek revolutionary guerrilla against the Ottoman Army, P. Stathis, 2010.
5 According to the Constitutions of Epidavros (1822), Astros (1823), and Trizina (1827), as well as the non-applied 'Hegemonic' Constitution of 1832, Greek citizens are those who were born in Greece and believe in Jesus Christ. Since the establishment of the Greek State, all citizens are expected to take the oath as citizens and Greeks. See Annex to the Constitution of 1832, K. Mavrias & A. Pantelis, 1990: 25–82. El. Vogli (2007: 197) reports a case of a male Muslim who took the oath of the Greek citizen in Nafplion 'in the name of God and the four gospels'.
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gives rise to a division among Greek citizens, as well as among aliens on grounds of descent. Thus there are the *omogeneis* and *allogeneis*. Of course to define non-Greekness legally is not an easy task without using self-referential terms. According to the High Administrative Court, an *allogenis* is 'a person whose descent is of a different (non-Greek) ethnicity and who through his actions has demonstrated feelings showing lack of Greek national consciousness in such a manner that he may not be considered as integrated into the ethnic Greek body which consists of persons connected by common historical traditions desires and ideals'.

This contradictory legal division between Greek citizens on the basis of race was one of the main avenues via which loss of citizenship occurred up until 1998 (*infra*). It is worth noting that as recently as 2009, such a division still applied with regard to the admission criteria for military schools.

As Greece's territorial alteration in 1881, 1913, and 1920/1923 brought the Muslim population within state borders, the *ipso jure* attribution of Greek citizenship to all inhabitants of the New Lands *de facto* minoritised the Muslims. To reduce this phenomenon, Muslims were given a certain time period during which they could opt for Ottoman citizenship (1881, 1913). By acquiring Greek citizenship, Muslims were subject to minority status. Possessing Greek citizenship nevertheless automatically entailed equal rights and duties for the minority as for all Greek citizens.

Although dual citizenship regarding Muslims was avoided in the 19th century, following Greek defeat in the 1897 Greek-Ottoman war, it seems that 'Athens had learned to tolerate dual citizenship'. Even those persons who chose Ottoman citizenship after the Convention of Constantinople in 1881, and who had therefore been obliged to migrate to the Ottoman Empire were permitted to return to Thessaly and reside there freely. Presumably, the Treaty resulted in a number of dual citizens, mostly among underage children.

In many cases, an inter-state dispute over the citizenship of the Muslim male population was connected to their duty to perform military service. After long negotiations which led first to the Agreement of 14.2.1885 and

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8. Although Act 1911/1990 (FEK A) does not refer to the requirement of *genos* the relevant circulars issued by the Ministry of Defense clearly set such an admission criterion (see <www.geetha.mil.gr/media/DEKP/EDYETHA2009.pdf>). A relevant case, regarding a Muslim Greek citizen of Pakistani origin has been submitted to the Greek Ombudsman.
then to the Agreement of 2.2.1890 between Egypt and Greece, former Ottoman subjects and inhabitants of Egypt were to be beneficiaries of Greek citizenship. However, both parties agreed that those of non-Greek descent having an origin from Egypt or Syria (i.e., Muslims) would not become Greek citizens.\textsuperscript{11}

The Muslims of Crete who remained on the island after the inter-ethnic clashes of the late 19th century were registered as Cretan residents and therefore as citizens of the Cretan State. In 1913, they were bestowed with Greek citizenship. Some of them claimed Ottoman or Italian citizenship, especially in 1923, hoping to avoid the population exchange and retain their property. An interim agreement on citizenship was concluded between Greece and Italy on 4 July 1918 by Muslims of Crete of Libyan descent regarding military service obligations. In 1923, Italy again claimed that these Muslims were Italian citizens, as Libya had been colonized by Italy, and that therefore they were subject to conscription into the Italian army. This claim triggered reactions by Greek refugees in Crete, who were beneficiaries of the exchangeable Muslim properties (infra, Section 14.2.) and a diplomatic dilemma in Greek-Italian relations.\textsuperscript{12}

After the annexation of the New Lands a series of problems emerged regarding the implementation of the legal norms,\textsuperscript{13} which reflected the ambiguities and realities faced by Muslims who had opted for Ottoman citizenship.\textsuperscript{14} With the Greek entry in the First World War on the Allied and anti-Ottoman side in the summer of 1917, still further problems arose regarding the conscription of Muslims. In light of a measure which insisted that Muslims choose between Greek or Ottoman citizenship by the end of 1917, many Muslims felt compelled to take the latter so as not to have to fight in the Greek Army against Ottoman forces.\textsuperscript{15} The Ottoman Empire signed the truce in October 1918, but the peaceful days for Greece's Muslims did not last long. In May 1919, the Greek Army disembarked in Smyrna. This spurred a number of Muslims to evade conscription illegally until anticipated measures dismissing them from military obligations would be passed.

\textsuperscript{11} See I. Georgiadis, 1941: 100, 289.
\textsuperscript{13} See a series of documents on legal problems regarding the procedure for declaration of the one or the other citizenship, especially related to military obligations and residence status, HAMFA F. 1914, B/150, on the implementation of the Treaty of Athens.
\textsuperscript{14} Memorandum by Muslim communities of Langaz[cl]a to the American consulate of Thessaloniki, 3/16.11.1916, HAMFA F., Provisional government of Thessaloniki, 1916–17, A 13.
\textsuperscript{15} N. Andriotis, 2004: 83.
Others, after a bitter experience, eventually decided to switch camps, like the twenty Muslims of Florina who renounced their Greek citizenship in favour of Ottoman citizenship after having served in the Greek Army.\textsuperscript{16} The upshot was that more than 13,000 Muslims opted for Ottoman citizenship, while a further 4,500 renounced it as the Greek government eventually promised special exemptions from the military service. Thus, by 1919 a great number of Ottoman citizens had abandoned Greek territory.\textsuperscript{17}

The ultimate catalyst for loss of Greek citizenship by Greece's Muslims \textit{en masse}, however, was the population exchange. This affected Muslims subject to the exchange by the Convention of Lausanne. It also affected Muslims who converted to Christianity before January 1922, according to the decision no 30/24.3.1927 of the Mixed Committee. The population exchange prescribed exemptions for several groups. These included all Muslims inhabitants of Western Thrace including former Bulgarian citizens. It is uncertain to which extent a right to opt for Turkish citizenship – which was officially granted by article 3 of the Treaty of Sèvres until 8 August 1924, the date the Treaty of Lausanne entered into force – was implemented.\textsuperscript{18} Another group who retained Greek citizenship were the Muslims of Albanian origin scattered all over Greece and especially settled in the prefectures of Margariti, Igoumenitsa, Filiates, and Paramythia (Tsamouria). In particular, the Muslims of Epirus 'of Albanian origin', who had opted for Ottoman citizenship in 1913–1917 but never left Greece, were deemed to be of Greek citizenship.\textsuperscript{19} Muslims who fled the region before the Greek sovereignty was established (October 1912) could not be granted Greek citizenship. Lastly, Greek citizenship was granted in specific cases to Muslims, such as anti-Kemalist Circassians who settled in Greece after 1922 according to article 5 of the Greek civil law.\textsuperscript{20} It was also

\textsuperscript{16} HAMFA, 1919, A/5 10c, on the recruitment of Muslims, Document AEP 439, Kozani 26.5.1919, Military Commander of Kozani-Florina to the Ministry of Defence.

\textsuperscript{17} Y. Glavinas, 2009: 108.


\textsuperscript{19} MFA to Ministry of Agriculture, Answers to questions regarding exchangeability in Epirus [1933], HAMFA, F. 1937/58.6.

\textsuperscript{20} "Are Greek citizens those who are born in Greece by parents of non-Greek descent refugees (Armenians and Circassians) taking refuge in Greece in 1920 until 1923 included, from the same state as the Greek refugees, whose parents were nationals of the state from where departed", see D. Nikolopoulos, 1927: 12.
available to former Ottoman subjects who were appointed as teachers in minority schools in Thrace (article 2, Act 3179/1924).

Regarding Muslims of Albanian origin, complicated issues arose regarding their eligibility for citizenship. As decided by the Mixed Committee on 12 June 1924, the Muslims of Greek citizenship that remained in Epirus were deemed to be of Albanian origin by default. In the case that they had emigrated before 1923, they had to prove their Albanian origin and Greek citizenship in order to safeguard their property rights. Finally, disputes on citizenship were adjudicated by a special 11-member committee set up by the Resolution of 23 May 1926 of the Greek Parliament.

One relevant petition was also examined by the Committee of the League of Nations regarding the case of a group of Muslims of Parga who had opted in 1913 for Ottoman citizenship but who, in time, renounced their decision. Their citizenship was considered by Greece to be Turkish and they were therefore called upon to leave the country. Through the mediation of the League of Nations Committee, the Greek government granted the applicants the status of 'non-exchangeable' and consequently Greek citizenship.

Muslims of non-Greek citizenship were subject to the law on aliens. However, Turkish citizens were under a special political status bound up in broader fluctuations in Greek-Turkish relations. Turkish citizens were vulnerable to the political choices of the host state as well of the state of their citizenship. In 1930, for example, a general prohibition of settlement of Turkish citizens in Greece was decided upon within the framework of the Greek-Turkish rapprochement because it targeted those whom Turkey wished to see go into far-flung exile. Tellingly, in 1937, the Minister of Foreign Affairs of Turkey agreed with a Greek proposition that the two governments would deport unwanted individuals holding the other country's citizenship on the basis of the two states mutual consent, thereby 'applying the principle of reciprocity'. In 1964, such measures were applied in an even more perverse fashion, without the 'mutual consent' of the governments.

See relevant cases under dispute in HAMFA F. 1937/58.6 Citizenships of Albanians of Epirus.


Directorate of Administrative and Juridical Affairs to B' Political Directorate, AP 14/189 D/4, Athens, 6.4.1930, HAMFA, F. 1936/2.4.

Doc. 14316/346, Ankara, 30.6.1937, Turkish MFA, HAMFA, F. 1937/58.3.
It is worth noting that a specific category of Muslims has been excluded de jure from the right to acquire Greek citizenship because they were allo­geneis. Act 517/1948 (FEK A 7), regulating the extension of Greek legal order to the Dodecanese islands which were annexed after the Second World War, stipulates that all Italian subjects who were resident in the islands before 10 June 1940 automatically acquire Greek citizenship. Moreover, those of Greek descent with domiciles abroad could become Greek citizens too. Thus, Muslims/Turks and Jews of the islands who took refuge abroad during the war were excluded from Greek citizenship on the basis of origin. Those who were residents of the islands automatically became Greek citizens. De jure then, they were not recognised as part of the Muslim minority (supra, Section 5.2.i.). To this day, there are about 100 Muslims in Rodos and Kos that have no access to Greek citizenship, as they are descendants of holders of Turkish citizenship. They are obliged to acquire and regularly renew their special residency permit along with immigrants.

9.2. Citizenship Deprivation: Defining the Exception

Deprivation of citizenship to members of minority groups has a negative impact on those persons' living conditions and the degree of their integration into society. According to the independent Expert on Minority issues of the UN:

State practice demonstrates that citizenship still matters when it comes to the practical aspects of accessing many fundamental rights, including minority rights. Deprivation of citizenship generally results in the inability to participate politically, by silencing minority voices and skewing political

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26 See articles 1–3 of the Act. According to Th. Chrysanthopoulos (1950: 224, 232–33, and 1983: 30) there were 1,289 Muslims of Turkish citizenship in the Dodecanese in 1939 (census by the Italian occupation) and 500 in 1947 (Greek administration). 'Makedonia', 4 & 5 August 1966, reports 700 Turkish nationals. The persistent presence of a few Turkish citizens in the Dodecanese is due to the fact that Muslims did not opt for Italian (or Turkish citizenship – as offered by article 30 of the Treaty of Lausanne) during the Italian occupation. The upshot was that in 1932 they were granted provisional identity cards which described them as being of 'Turkish nationality'. Thus, with its annexation of the islands, Greece inherited a number of Turkish citizens even though article 19 of the Treaty of Paris and Greek law recognizing only the right of Italian residents of the Dodecanese to become Greek citizens. A debate on the subject took place in the Greek Parliament on the proposed recognition by the Greek government of the Turkish citizenship of 300–500 Muslims of Rodos and Kos. This measure would have been taken in view to ensure the safe stay of the 17,500 Greek citizens who were living permanently in Istanbul. See Proceedings of the Greek Parliament, Session 65, 10.3.1963, 659 and 701. Also L. Baltsiotis, 2012.
representation. By linking citizenship to ownership rights, employment or access to services, the State allows access to wealth and resources to those groups it favours, and to the detriment of those it wishes to marginalize. Often impoverished and uneducated, they are disempowered, are no longer guaranteed the protection of the State and are rendered vulnerable to further discrimination. The marginalization and disenfranchisement of large groups of minorities may undermine conditions of human security and sow the seeds for underdevelopment and unrest. If minorities are located in border regions, and indeed if there are defined transnational communities, then the deliberate exclusion of particular populations may have significant consequences for both internal and regional security.27

If minorization through the acquisition of the Greek citizenship renders Muslims subject to international and domestic minority law, deprivation of Greek citizenship diminishes the minority phenomenon and punishes those who are not 'qualified' for bearing Greek citizenship. Deprivation of citizenship became one of the most important ways of exercising pressure against members of the minority. In the course of the evolution of the citizenship law and its application in the historical context, the term *genos* (*phyle*, descent) became the 'essential' element of Greekness and an actual legal category distinguishing those who are of Greek descent and those who are not. To this day, the first group, *omogeneis*, are deemed Greek regardless of their actual citizenship status. The latter group, *allogeneis*, are non-Greek, even if they possess Greek citizenship. The classification of Greek citizens as *allogeneis* and *omogeneis* reflects the national ideology regarding the primacy of the titular nation over other groups within the state. It is on such grounds that Muslims citizens — though to be intrinsically *allogeneis* — are deemed somehow deficient as citizens and their loyalty may be suspect. Practices of citizenship deprivation regarding Muslims — among other minority groups — are revealing.

The imposition of the Metaxas dictatorship on 4 August 1936 resulted in a far more arbitrary implementation of the existing legal provisions. In 1936, ministerial decisions depriving *allogeneis* emigrants of their Greek citizenship became a commonplace feature of the Official Gazette. Such measures affected above all Macedonian Slavs, but also — if on a smaller scale — Muslims. These Muslims were presumably members of the

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Albanian Cham minority of Thesprotia. Article 4 of PD of 12.8.1927 (FEK A 171) was always mentioned as the legal basis for these deprivations. On the other side, the legal fate of the some 24,000 Albanian Cham Moslems who fled Greek Epirus en masse in 1944–1945 and were persecuted by the Greek right-wing guerrillas of EDES (supra, p. 85; infra, p. 311), is less clear. As one observer noted: 'It seems to be true that the Chams were never deprived of their citizenship by the Greek justice' but acquired the Albanian one in a similar collective manner, by Decree 1654/19.4.1953 of the Enver Hoxha government. The application of the aforementioned PD concerned only a few cases of Chams. In posterior Citizenship Council jurisprudence, however, it has been suggested that the names of absent Chams were removed from 'revised' post-war communal registers, although they had not yet lost their Greek citizenship. According to official sources, this purging of documents was carried out by the Ministry of Defence under 'secret and urgent' decision 50862/16.12.1947 which ordered the Prefecture of Thesprotia to erase the names of Muslims from the Males Registration roll as 'being already deprived of their Greek citizenship' under the 1927 Decree. However, it is not certain whether this massive cancellation of names from the municipality registration book (Dimotologio) of the Chams forced to leave Greece in 1944–45 entails legal loss of citizenship. So far there are very few cases filed by Chams to reclaim their citizenship before the state authorities.

Mandatory Act 2280/1940 (FEK A 117) declared that state citizenship deprivation was permitted against those who had been naturalised and had committed acts against the national interests or national security of Greece. Article 6 dealt with the possibility of depriving any naturalised Greek found guilty of army desertion of his citizenship, for he would have been guilty of 'actions favouring a foreign state and incompatible with Greek citizenship and the interests of Greece'; deprivation was also condoned in the case of any 'action against public order, the internal or

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31 Citizenship Council (hereinafter: C.C.) session 666 of 1.3.1956, quoted in EEAN, 1957: 289.
33 Citizenship Council, decision of 1.3.1956, Efimeris Ellinikis kai Aldogapis Nomologias 1957: 289.
external state security, and/or the social status quo'. The act also explicitly cited the applicability of such provisions to Circassians and Armenians who settled in Greece after the Greco-Turkish war of 1919–22. The same law provided that anyone among these groups who had not yet served in the Greek Army was to lose automatically his citizenship (article 7).

The Code of Greek Nationality of 1955 contained the infamous article 19 on citizenship deprivation for those deemed *allogeneis*. The administration proceeded to abuse this provision, affecting the lives of more than 46,000 Muslim Greek citizens. The first victims of article 19 were Muslims who, just after World War II, fled to Turkey. Nonetheless, for reasons of national interests linked to Cold War bipolarism, and despite the 1955 pogrom of Istanbul, it was recommended that the deprivation of Greek citizenship 'should be avoided in the case of people of Turkish origin travelling to Turkey. An exception should be made only for those who are acquiring Turkish citizenship'. This may have helped around 7,000 Turks and Pomaks of Thrace to retain their Greek citizenship although they had migrated to Turkey. They also retained their property even if, according to Act 2536/1953, such holdings could be considered abandoned and redistributed to Greeks of 'healthy national loyalty'. The first crisis in Cyprus of 1963–1964 and the deportation of Greek citizens of Istanbul changed the *ratione personae* application of article 19, and the Turks/Muslims of Thrace and the Dodecanese became a target *par excellence*.

The dictatorship of 1967 to 1974 and the governments of the 1980s and mid 1990s regularly abused article 19 (as well article 20, providing for deprivation of citizenship with no descent differentiation), although this contradicted fundamental human rights standards. Especially during the period of the junta, the deprivation of citizenship of those who were charged with 'illegally abandoning the country' also entailed loss of property. The Turkish invasion of Cyprus in 1974 put the minority of Thrace in a vulnerable position, and article 19 was used as a counter-measure or as a means of political intimidation as was the case with the 544 rescinding of citizenship in early 1991, at the peak of the activities of a Turk/Muslim...

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34 LD 3370/1955, article 19: 'A person [Greek citizen] of non-Greek origin who leaves Greece without the intention of returning may be declared to have lost Greek citizenship'. See D. Christopoulos & K. Tsitselikis, 2003: 90.


36 T. Kostopoulos, 2003a: 60.

activist, Ahmet Sadik.\textsuperscript{38} 60 percent of the cases of citizenship deprivation concerned Muslims of Thrace who had settled in Turkey. Another group affected by loss of citizenship were the Turks/Muslims of Thrace who had settled in Turkey or Germany and denounced their Greek citizenship before the conspicuously helpful consular authorities, who often informally encouraged Turks/Muslims to pursue Turkish\textsuperscript{39} or German citizenship. In many cases, the Turkish authorities did not grant the promised citizenship, creating a massive phenomenon of statelessness (anithageneis/haymatlos) which aggravated the effects of article 19. According to Tasos Kostopoulos, 20,000 Muslims were thus deprived of Greek citizenship against their will and very often due to arbitrary interpretation and implementation – indeed, even due to collective application of article 19.\textsuperscript{40} The Greek courts have examined several cases on the legality of the deprivation of citizenship administrative acts, often unsuccessfully for the applicants.\textsuperscript{41} It was only in 2005 that the Greek government revealed the number of those who had been subject to article 19 of the Code of Nationality. After a question submitted to the Parliament (10097/20.4.2005) by the minority deputy, Ilhan Ahmet of Nea Dimokratia (ND, New Democracy), the government stated that 46,638 Muslims from Thrace and the Dodecanese had lost their citizenship in the period up to 1998. The loss of citizenship was also applied in the Dodecanese as an important part of the communities of Rodos and Kos fled to Turkey in 1974. Article 19 was applied intensively, however, even to those who went to Turkey for their studies as late as the mid 1990s.\textsuperscript{42}

On a few occasions the issue was brought before the European Commission and the ECtHR without success for most of the applicants.\textsuperscript{43} In only one case did the Court find violation of the right to property (article 1 of the first Protocol to the HCHR) and the right to freedom from

\textsuperscript{38} H. Apchain, 2009: 294.
\textsuperscript{39} The military administration (1980–1982) granted Turkish citizenship to 3,000 Muslim-Turks from Thrace. Often they were given Turkish citizenship on the condition that they settle in distant parts of Anatolia. See S. Akgönül, 1999a: 210. According to A. Papanikolaou this number could be as high as 8,000 (2007: 225).
\textsuperscript{40} T. Kostopoulos, 2003a: 61.
\textsuperscript{42} L. Baltsiotis, 2012.
\textsuperscript{43} ECtHR, Applications 17309/90 Salahedin Calip v Greece and 34372/97 Zeibek (family) v Greece. In both cases, the Commission found the application inadmissible for not having exhausted domestic remedies. In another case, the applicant filed a case at the ECtHR for violation of his right to have a family life. The Court finally rejected the application as ill-founded (Fikretosou v Greece. 28003/07).
discrimination (article 14) as a result of article 19. The case involved the plaintiff’s daughter who could not regain citizenship which was withdrawn from the family as a whole—a sort of collective punishment. For this reason, the applicant lost the right to receive a special pension for families with multiple children. The Court said the differentiated treatment of citizens and non-citizens in these circumstances was tantamount to discrimination. Moreover, the Court illustrated the circumstances in which article 19 was used by the administration for excessive deprivation of citizenship:

A direct effect of the deprivation of citizenship is the phenomenon of statelessness. In the 2000s there were less than 250 stateless Muslims in Thrace and about 1,000 in Turkey, most of whom, on legitimate grounds, seek restoration of their citizenship. Finally, in February 2007, 36 were granted Greek citizenship (Minister of Interior, decision 62036/3259 of 2007, FEK B 200). A few dozens remain stateless, victims of revenge policies of the past. In 2010, only 65 stateless Muslims were holders of the special card of statelessness in accordance with the International Treaty on the Reduction of Statelessness and about 130 persons with no legal status at all. In effect, stateless persons are totally invisible to the Greek welfare and medical systems.

Still more poignant with regard to the authorities’ real agenda of citizenship deprivation and the consequent need for secrecy is the case of

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44 ECtHR, Zeibek v Greece, 46368/06. Moreover, the Court (para 50) noted that the High Administrative Court of Greece (StE) interpreted the need to grant a special pension to families with more than three children in view to facilitate the 'need to preserve and promote the Greek nation', so it applied a criterion of national origin and not citizenship.


Fatme Ahmecik Mehmet, a woman who lost her citizenship in 1970 at the age of six after her family's departure for Turkey. The family came back 10 months later, only to discover that all were now stateless. Fatme continued to live in her village. She married a local man and, in 1986, asked for her citizenship to be reinstated. On 25 November 1987, the Citizenship Council reiterated its 1970 ruling, based on relevant police reports dealing both with Fatme and her parents. For unknown reasons, the content of these reports was reproduced in the 1987 ruling, thus enabling us to have an idea of the general article 19 modus operandi. Back in 1970, her father was accused by the State Security Directorate (YPEA) of 'anti-Greek activities, according to positive information, i.e., he made statements in front of the Turkish authorities and various Turkish citizens that the Moslems living in West Thrace are repressed by the Greek authorities, aiming at the elimination of the Moslem element'. Still more illustrative of the paranoia of the state authorities is evident in a 1987 report by the Xanthi Police Department, dealing with Fatme herself. The 20-year-old 'stateless' Muslim Pomak was charged with the following incriminating evidence:

(a) As it turns up from various data, she has not adapted to the Greek actuality, as far as the manners and customs, the national and religious traditions are concerned; (b) She has not adopted the official Orthodox Christian religion but persists in her adherence in the Moslem doctrine [sic], as also does her husband; (c) She does not speak the Greek language' and, last but not least, 'she is established in a sensitive Greek place (frontier area).

Therefore, the Citizenship Council decided not to uphold her petition for citizenship restitution, 'because she has not acquired a Greek national consciousness, neither she has adapted to the Greek actuality, she ignores the Greek language and avoids learning it'. Such cases of denationalization are resonant of the ways the relationship of the Turkish-Muslim minority of Greece with the authorities was one of mistrust which was deeply embedded in the worsening trajectory of bilateral Greco-Turkish relations.

It was only after 1992 that the number of citizenship deprivations on the basis of article 19 started fading out. Finally, in 1998, article 19 was removed.

49 From 1976 to 1981, the citizenship from about 6,500 Greek citizens was removed, while the figures from 1982–1989 were about 4,500, and from 1990–1992 1,400. Between 1993–1997, there were 500 deprivations, see T. Kostopoulos, 2003a: 63.
abolished by article 9 of Act 2623/1998 (FEK 139 A). This occurred following strong domestic and international and criticism and pressure, especially by the European Parliament and the Parliamentary Assembly of the Council of Europe. However, the abrogation of article 19 had no retroactive effect for those who had already lost their citizenship, and thus did not offer a *restitutio in integrum*, which could have taken the form of an automatic reacquisition by the victims of the lost nationality. So the results of a provision, which were finally acknowledged as contradicting fundamental legal principles of human rights, remain active to this day. Nowadays, only article 14 of the Greek Code of Nationality (formerly article 20) regulates the conditions of citizenship deprivation.

As noted, very few cases of reinstatement of nationality have been successful and when so it has only been after long and painful procedures before the Council of Citizenship or the High Administrative Court (StE). The latter adjudicated cases of clearly excessive application of article 19. In one case, for example, the Court acknowledged that the victim of citizenship deprivation in fact was given a Greek passport (StE 99/2006) and in another case, that the victim was a school student living in Greece, who had never moved abroad (StE 101/2006).

Meanwhile, some Muslims (about 115 in 2005) have had their citizenship reinstated after long procedures. This has transpired through a ‘naturalization’ process which is inappropriate in that it portrays the applicants as foreigners applying for Greek citizenship and fails to acknowledge the excessive and arguably illegal – on the basis of human

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51 N. Sitaropoulos, 2004: 212.

52 On the implementation of article 20 in the past, see T. Kostopoulos, 2003a: 53–75.

53 Decision F. 1191/22535/2003 by the Minister of the Interior after the involvement of the Greek Ombudsman which had been denied access by the Ministry of Public Order and the documents of the case of the applicant as ‘top secret for the national security’.

54 See StE judgments 3700/1986, 1743/1989, 3065/1991, 209/1993, 4263/1995, 4264/1995, 4265/1995, 4748/1997 in <www.dsanet.gr>. In a more recent case, the act of citizenship deprivation affected a stateless minor living in Xanthi who could not meet with his parents. The latter were living in Turkey following the deprivation of their own citizenship. The StE annulled the minor’s loss of citizenship (101/2006), and acknowledged the excessive application of citizenship removal as well as deplored the lack of notification.

55 However, in a similar case, the High Administrative Court ratified the removal of citizenship (StE, 2968/2009).

rights law—nature of the act of deprivation for the now-defunct article 19 regulated in a discriminatory fashion racial or ethnic affiliation. Both the provision itself and the accompanying administrative practices contradicted a series of Greece's international obligations regarding the right to free movement and respect for personhood. Such international obligations include the 1954 UN convention related to the status of stateless persons, the International Convention on the Elimination of All Forms of Racial Discrimination (article 5.d), the European Convention of Human Rights (article 3 and article 3.2 of Protocol 4, which is not yet binding Greece), and the International Covenant on Civil and Political Rights (article 12.4).\textsuperscript{57} Despite the strong recommendations made by the Greek National Commission for Human Rights and the Commissioner of Human Rights from the Council of Europe for the elimination of the phenomenon of statelessness,\textsuperscript{58} it seems that Greece remains reluctant to sign and ratify the 1961 UN Convention on the Reduction of Statelessness, as article 9 of the latter forbids the deprivation of nationality on racial or religious grounds and article 8.1 proscribes denationalization if this renders the denationalised person stateless. The same applies for the non-ratification by Greece of the European Convention on nationality of the Council of Europe (as of 2012).

9.3. MUSLIM IMMIGRANTS AS 'ALLOGENEIS'

Today a series of legal provisions establish a division between non-Greek citizens on grounds of descent, granting prerogatives to those of Greek descent. Put another way, such measures are discriminatory to immigrants of non-Greek descent. It is not surprising, then, that when criticizing Greece's law and administration practice, the Greek Ombudsman stressed that

The so called omogeneis, aliens whose origin is rooted in the Greek ethnos, as testified by Greek authorities, are privileged regarding the acquisition or recognition of citizenship. The foundation of the Greek law of nationality on the principle of blood, as in other countries, constitutes a source of several problems.\textsuperscript{59}

Preferential regulations apply both with regard to terms of acquisition of citizenship and a series of domains such as health insurance, residency


\textsuperscript{58} Th. Hammarberg, 2009, para 26. See as well <www.nchr.gr>.

permit, university education, and housing. The gap is founded on ideological arguments implying community bonds between and the ethnic homogeneity of the Greek citizenry. However, the legal foundation for state endorsement of discriminatory ethnonationalism contradicts a series of fundamental principles. Again, as the Greek Ombudsman has stated:

A state which wants to be called an *Etat de droit* should not endorse the perception which brings under conditionality the legal capability of a person to enjoy fundamental rights, guaranteed by the Constitution, based on the simple hypothesis arguing vaguely that this person is going to use its rights for harmful purposes regarding the 'national interests and the international relations of the country'\(^6\)\(^0\).

After all, the differentiation of treatment among *allogeneis* and *omogeneis*, on the grounds of descent could be seen as 'a special form of affront to human dignity' and consequently 'be capable of constituting degrading treatment'.\(^6\)\(^1\)\nThe dichotomy this creates impacts the possibility of aliens to naturalise as Greek citizens and therefore to have full access to and participate in public, social, and economic life. However, it seems that so far, public administration, ministers, judges, senior and junior civil servants as well as politicians and even ordinary citizens, often are more than reluctant to see 'non-pure Greek-Orthodox' having access to Greek citizenship through naturalization. Until 2010 an alien had to prove residence of ten years in Greece and pay 1,500 Euros for submitting the naturalization application, although *omogeneis* were exempted from any requirement of residence and from the payment (article 5.2 of the Greek Code of Nationality, as in force before 2010). According to the indicative statistics for 2003, 528 *omogeneis* and 1,368 *allogeneis* were naturalised.\(^6\)\(^2\)\n
This data does not reflect the real proportion of applicants for naturalization among those who fall into the two categories, since tens of thousands of Pontioi – ethnic Greeks from the Black Sea region – and other non Greek citizens of deemed Greek origin (from the former Soviet Union, Turkey, Egypt, Albania etc), who would be considered *omogeneis*, have been naturalized through the procedure of verification of their latent

\(^6\)\(^0\) Greek Ombudsman, Doc 4832/00/2.3 of 20.6.2001: 2, regarding a case of deprivation of citizenship dated in 1991.
\(^6\)\(^2\) Ministry of the Interior, Department on citizenship 'Statistical data', F.82215/16156, September 2004.
Greek citizenship due to their Greek descent. At the same period of time, the Greek authorities seemed to feel very uncomfortable at the prospect of Muslim immigrants acquiring Greek citizenship.63

After long discussions on challenging racial references in the content of Greek-ness, the government of PASOK (elected in October 2009), passed a series of new regulations and amended the Code of Citizenship (Act 3838/2010, FEK A 49) that rendered naturalization by far more reasonable for those immigrants with sustainable ties to the country (requiring legal residence of 7 years). Moreover, the so-called ‘second generation’ of immigrants (immigrants’ children) have access to citizenship through objective parameters of residence and school attendance. The immigrants’ right to participate in local authorities’ election, the obligation of the state authorities to provide justification in case of rejection of the application for naturalization, the decrease of the fees for the application are among progressive regulations that brought the Greek citizenship law closer to a paradigm favouring inclusive policies, especially regarding immigrants’ children. Although it did not abolish the division between omogeneis/allogoineis, the law of citizenship for the first time introduced jus soli elements and thus triggered reactions from the nationalist political circles asserting that the pure character of the nation is under threat. A fierce public debate surrounded the new citizenship law and involved representatives from all positions of the political spectrum. This debate was carried out through the web, in the media and at public events and has highlighted the issue of citizenship and national identity as a continuously contested ground. Thus, Islam was seen as ‘an alien element impossible to become assimilated into the Greek society’, or it was predicted that ‘60 extremists Muslim deputies will fill up the Greek Parliament to the satisfaction of Ankara’, and much more of the like.64 Against this xenophobic discourse, arguments in favour of social dynamics of inclusion that already de facto has been in its way were also voiced and the need for establishing cultural contacts between Greeks and immigrants was highlighted.

63 For sake of example, during the oral presentation of a report submitted by Greece to CERD in 2009, Jose Lindgren Alves, country Special Rapporteur, asked in the case that Muslims immigrants were accepted as citizens, whether they would be considered part of the Muslim minority. The Greek delegation avoided answering the question. See UNOG, Press release, 11 August 2009, <www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/E70BAE8DBF374DD4C125760F002F9B2B?OpenDocument>.

64 Greek Parliament, Minutes, Sessions of 10 and 11 March 2010, see the interventions of the deputies of LAOS, Plevris, Markakis, Georgiadis, Polatidis and the president of the LAOS, G. Karatzaferis.
Gradually voices proposed 'you are both born a Greek and become a Greek'\(^6\) broadening the traditional views referring exclusively to blood kinship. However, the new regulations on the acquisition of Greek citizenship by immigrants' children and the right to vote in local elections were challenged before the High Administrative Court which, in a notorious decision, ruled that \textit{jus sanguinis} prevails in the Greek Constitution (StE 350/2011, 4th Section).\(^6\) The final decision on the matter has been adjudicated by the plenary of StE in late 2011 in a fluid political environment that followed the fall of the government of PASOK in November 2011 and the economic crisis and the participation of LAOS in the new \textit{interim} government. As a condition of its participation LAOS insisted in the withdrawal of the citizenship law.

In our 21st century of mass mobility and cultural cross-fertilization, the right to acquire citizenship should be based not on ethnicity but on the need to enhance social bonds between diverse groups in society and protect the vulnerable. 'Indeed a fully integrative citizenship must take these needs into account'.\(^6\) Thus, policies of providing rights and citizenship to immigrants who wish to become Greek citizens of equal value will be enhanced by ensuring such people have equal access to and stake in societal networks and the Greek polity. The immigration experience may -- indeed must -- be taken into account for a critical and reflective assessment of the nature of the national self. Offering civil rights to immigrants requires a reinvention of Greek citizenship. A new vision of citizenship should critically assess the 'traditional' and ideological core of national belonging — which is fixated in an outdated fashion on notions of national-religious purity — and attempt to provide fair access to social and civil benefits for excluded and minority social groups. Introducing elements of \textit{ius soli} to temper the absolute domination of the \textit{jus sanguinis} is key in this regard.\(^6\) In this fashion, bonds of 'civic patriotism', namely bonds of solidarity built around the sentiment of belonging to the same people governed by the same constitutional legal order, would and should prevail over 'blood based kinship' which privileges the 'community of the nation' over the 'community of citizens'.

\(^6\) Mihalis Tzelepis, deputy of PASOK Greek Parliament, Minutes, Session of 11 March 2010. This motto has been promoted by the Hellenic League of Human Rights, see 'proposal for a new code of Greek citizenship', <www.hlhr.gr>.

\(^6\) The Court said that \textit{jus sanguinis} could ensure the continuity of the Greek nation.


PART III

ENJOYING CIVIL AND POLITICAL RIGHTS THROUGH THE COMMUNITY
INTRODUCTION TO PART III

Both minority Muslims and immigrant Muslims in Greece have political, social, economic, and religious organizational structures based on their cultural, linguistic, or simply religious affinities. They enjoy fundamental human rights, as any other citizen or non-citizen. However, certain other rights, which are not considered fundamental human rights \textit{per se}, play a key role in the consolidation of solidarity ties among the members of a community. Civil and political rights exercised by Muslims have sometimes been subject to special policies, practices, and legal norms. In most cases, the enjoyment of these rights also entails closely interactions with mainstream institutions in Greek society.

Bearing these factors in mind, Part III discusses the human rights enjoyed by Muslims in Greece: the rights to political representation, association, and to organise within the context of civil society, the right to establish mosques and cemeteries, freedom of expression, and individual property rights. An historical consideration of these rights helps explain their content and shape in contemporary times. One can observe common patterns, such as the 'state of exception' or the privileging of 'national interest' to which law and the courts often ascribe. At the same time, the subjects of these rights often consider themselves to be exceptional, belonging to a special legal order in which the enjoyment of 'common' rights is a function of community interests. The Moufti, the Islamic property (vakf), and the minority schools, management of which displays classical communitarian patterns of institutional organization is examined separately in Part IV.
CHAPTER TEN

POLITICAL REPRESENTATION

Citizenship may be understood as the condition that ensures enjoyment of fundamental political rights such as to elect and to be elected in local and national elections. Muslim Greek citizens have long enjoyed political rights, but their ability to do so has been filtered through perceptions of their ethno-religious otherness, a legacy of history. Perhaps the most intriguing issue that the political rights of Muslims raises regards article 51.2 of the Greek Constitution, according to which parliamentary ‘deputies represent the Greek nation’. As law and administrative practice considered Muslims to be of non-Greek descent and therefore not members of the Greek nation, the article suggests that Muslims should not have the right to stand for elections under an ethnic and blood continuity standard (supra, Section 9.1.). Such a standard, however, contradicts the basic principles of international human rights law and the fundamental principle of political participation for all citizens, enshrined in the Greek Constitution itself. Thus, the term ‘nation’ as stated in the Constitution must be interpreted as referring to the community of Greek citizens regardless of ethnicity.

10.1. POLITICAL RIGHTS OF MUSLIMS BEFORE 1923

As early as 1823, J. Bentham made a first appraisal on granting political rights to the Muslims within the stillborn Greek Republic, reflecting the ties between nation and statehood in terms of modernity:

Provided no Mahometan be admitted to a seat in the legislative Assembly, or even if the multitude of seats capable of being filled by Mahometans were limited to a certain small number, so small as to be considerably short of being equal to the number filled by Christians, votes in the Election of the Members of the Legislative Assembly need not be refused to them. Such of these Mahometan votes as could not be given in favour of Mahometans in the situation of candidates for seats in the representative assembly would, of course, be given to such Christian candidates as were regarded as being in the highest degree friendly to the Mahometan part of the population of the whole.¹

¹ Ph. Schofield, 1990: 255.
Political representation of Muslims in the Greek Parliament and at the local government level coexisted with the internal political structures of community, reflecting the legacy of the *millet* system. The Muslims of Thessalia in 1881, the New Lands in 1913, Thrace in 1919, and the Dodecanese in 1947 were granted equal political rights with other Greek citizens; yet the Greek political forces, and the Muslim communities themselves, considered the Muslims to be separate political entities based on a strict communal criterion.

After the annexation of Thessalia, a Muslim mayor remained in office in Larissa and other cities in the region. In the first elections of December 1881, two Muslim deputies were elected, though Muslims were obliged to vote in separate polling stations where some cases of intimidation of voters were reported. However, information about this period is for the most part lacking. As no local elections were held until 1924, in several cases and depending on the local political context and the Muslim-Christian population rate, Muslim mayors or presidents of the communes remained in office.

During the decade 1913–1923, Muslims played an important political role in the new political context. In the elections of May and December 1915 and November 1920, 16, 19, and 38 Muslim deputies respectively, won seats in the Greek Parliament. They acted as representatives of the Muslim population rather than their political parties, and often changed political camp. The elections took place at a time of political tensions that divided Greece, military operations, wars, and legal and lived uncertainties regarding the fate of the Muslims, their properties, and their citizenship. In addition, the authoritarian Greek administration, Ottoman intelligence, and even French military figures attempted to control and impose political behaviour.

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2 A. Popovic, 1986: 122–123 and N. Immig, 2009: 514. Halil Bey, mayor of Larissa, remained in office and retreated when he became involved in a political scandal a few years later.

3 Osman Sait Bey remained in office as mayor of Thessaloniki until 1916. He was appointed again mayor of the town from November 15, 1920 until September 18, 1922. A. Tahos, 1979: 25. Yaya Bey was kept in office as mayor of Ioannina after 1913, El. Nikolaidou, 1987: 509. In Raidelestos, Adrianoupolis and Saranta Ekklisies the Muslim mayors were kept in office too after 1920. Y. Glavinas 2008: 421. During the short lived (1916–1917) administration of part of Epirus by Italian forces, a Muslim governor (Ahmet Bey Dino) was appointed in Chamouria by the Italians, Greek Embassy by the Albanian government, letter to the MFA, Thessaloniki 21.7.1917, doc. AP 20, HAMFA F. A/5X(I)F.B 1916–17.

The Muslim elite, farm-owners, and Mouftis had strong influence over the local population in rural areas, and therefore became the regulators of election outcomes at the local or national level. As a result, all political parties sought to safeguard their collaboration. The Venizelist party, for example, faced difficulties, as many local administrations saw Muslim aliens as enemies and, consequently, did not endorse Venizelos's discourse on the equality of all ethnicities in the New Lands after 1913. Real estate expropriation and harassment by the Greek authorities triggered anti-Venizelos feelings especially in Macedonia until the population exchange. In 1915, the Muslims of the New Lands participated in national elections, although a significant percentage of Muslims could not vote because they had not yet opted for Greek or Ottoman citizenship.\(^5\) In the two electoral confrontations of this year (on 31 May and 6 December), Greece’s Muslims generally voted in favour of the pro-monarchy political parties\(^6\) except in Crete, where Muslims gave strong support to Venizelos. During this period Greek Orthodox rarely mobilised politically on a national basis. One such case was that of the ‘National Christian Ticket’ which organised in Kozani for the elections of December 1915. The platform failed, however, and Muslim candidates were also supported by Christian voters.\(^7\)

In Thessaloniki, seven Muslim candidates ran with the ‘United Opposition’ ticket, and none with the Venizelos ticket.\(^8\) On the contrary, in 1920, they joined forces with Jewish and Greek royalists to cast their votes against Venizelos as a vote for an end to the war in Anatolia.\(^9\) The anti-Venizelist parties’ attempts to attract Muslims generally caused inter-community upheaval, as in Irakleio.\(^10\) The anti-Venizelist did win the elections in Macedonia and elected Muslim deputies. It seems that strong anti-Venizelist feelings were related to massive land expropriations on the part of the government. Moreover, the Venizelist party (*Filelethteroi*, Liberals) exerted pressure on the Muslim elite through the French army, which was based in Northern Greece.\(^11\)

\(^{5}\) A. Vamvetsos, 1917: 47.

\(^{6}\) In the elections of 31 May 1915 16 Muslim deputies were elected from Kozani, Florina, Thessaloniki and Drama. On 6 December 1915 19 Muslim deputies were elected from Kozani, Florina, Thessaloniki, Drama and Preveza, Y. Glavinas, 2009: 602–3.


\(^{8}\) Hasan Mehmet Ali Bey took third place in the region of Thessaloniki with 41,031 votes (31 May 1915 elections), D. Dodos, 2005: 107.

\(^{9}\) B. Clark, 2006: 162

\(^{10}\) N. Andriotis, 2004: 83.

\(^{11}\) The French arrested and exiled the Moufti of Kaylar, the *tsiflik* owner Dervish and the deputy Akif, Y. Glavinas, 2006: 318.
In the critical elections of 1920, the Venizelists' attempts to attract the Muslim vote failed, and they were heavily defeated. Instead, Muslim workers in the towns of northern Greece voted *en masse* for the Socialist Party (SEKE), and an important number of Muslim deputies were finally elected on anti-Venizelist tickets. The bulk of Muslims in Macedonia voted against Venizelos and supported the new government of Gounaris 'for having abolished the Venizelist tyranny', as Abas Sait, deputy of Kozani, declared before the Greek Parliament. As a result, the perception of Muslims by the Greek authorities' and public opinion improved. However, the Greek defeat in Asia Minor triggered strong anti-Muslim sentiments in Greece, jeopardising the political power of Muslim officials: the Muslim mayor of Thessaloniki, for example, was ousted from office and put in jail with the Moufti of Thessaloniki, Ahmet Efendi. Most of the Mouftis of Macedonia were removed and replaced, and Nadir Ramadan, deputy of Kozani, was arrested for 'spreading Kemalist propaganda'. The Moufti of Margariti in Epirus and a few imams were put in jail as well.

The 1922 Revolution decreed that separate 'electoral colleges' would be established for the Muslims of Thrace (and the Jews of Thessaloniki), who would be entitled to 19 seats in all. The separate electorate could be construed as a fulfilment of the Sèvres Treaty (article 7), as Venizelos had proposed in 1920. The measure was first implemented in 1923.

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13 'Among the 69 Anti-Venizelists elected in Macedonia were 14 Turks and three Jews. Only in Drama did Venizelism manage to split the Turkish vote and elect its sole five deputies in Macedonia, including two Turks. On the contrary, in Thrace (both Western and Eastern), which had recently come under Greek occupation, conditions did not allow Anti-Venizelism to field any candidates, and Venizelism ran unopposed, collecting all the seats', G. Mavrogordatos, 1983: 234. Y. Glavinas (2009: 604) reports that 16 Muslim deputies were elected in 1920 with the Anti-Venizelist party (*Laiko komma*) and 22 with Venizelos' party (*Komma Fileleftheron*), two in Macedonia, four in Western Thrace and 16 in Eastern Thrace. To give an idea on the relative strength of the Muslim vote, three Muslim deputies had been elected in Pella district (out of seven), four in Rodopi (out of six), three in Kozani (out of 11), one in Florina (out of 9), five in Raidestos (out of 12). Results of the elections of 1920, Ministry of the interior, AEV, F. 102/1920. For the results of Thessaloniki in 1920 see D. Dodos, 2005: 145.
15 Vice Governorate of Anaselnitsa to General Governorate of Macedonia, Siatista, 8.12.1922, GDM, F. 21.
16 Baltsiotis, 2009b.
17 Related to this measure Act 3355/1925 (FEK A 170) and PD of 11.7.1928 (FEK A 122). See S. Hassid, 1999: 363–372, according to whom the Muslim votes were not sufficient for any political party to win the elections. On the separate electoral colleges, see also B. Pierron, 1996.
Last but not least, as far as the first ever Muslim electoral independent presence is concerned, it is worth noting that Ali Bey Dino, a former member of the Greek Parliament (1915–17), established the ‘Party of Chamouria’ in Epirus. This party ran once and unsuccessfully in the 1926 elections.

10.2. THE MINORITY VOTE IN THRACE

After the population exchange, in 1923 a readjustment of the parliamentary seats allotted to each electoral constituency took place in light of the new demographic conditions. By royal decree the following seats allocated to Muslim deputies were abolished: Thessaloniki, two; Veroia, one; Edessa, one; Kavala, one; Drama, two; and Kozani, two. One Muslim deputy in Evros and two in Rodopi would remain in office. Meanwhile, Muslim political mobilization was engendering a common political identity which would gradually evolve from Muslim to Turkish.

But if patterns of national segregation persisted, Greek Orthodox and Muslims did in some cases share common political goals, as reflected in the elections. In the Xanthi municipal elections of 1925, for example, the communist candidate won the election with the support of local Muslims. When the Christian mayor won the elections in 1929 with the support of minority votes, Christians of the opposition demonstrated violently. The internal dichotomy of the minority elite between ‘modernists’ and ‘Old Muslims’ also translated into differentiated electoral preferences, though such divisions were always somewhat nebulous. As Bonos stresses,

The puzzle was made of personal factions whose second class notables changed camp tactically and according to short-term aims. If some ‘modernist’ notables consolidated their presence through their alliance with Greek politicians and parties interested in gaining the ‘Muslim’ electorate, in general, formal, and informal networks, religious discourse or Greek and anti-Kemalist newspapers exaggerated ‘threats to the national sovereignty’ and transformed ‘modernists’ to subversive agitators with whom socialising required precaution.

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18 V. Krapsitis, 1985: 48. In the elections of 1915 there have been elected two Chams as MP through the main political party tickets, G. Mavrogordatos, 2003a: 26.
20 For the RD, see FEKA 313, 1923.
21 ‘Eleftheros Laos’ (Free people), Newspaper, Thessaloniki, 21.7.1929, HAMFA, F.1929/B 37.
22 Y. Bonos 2008.
In effect, the Muslims of Thrace tended to vote in favour of the Venizelos party until the elections of 1936. Their percentages were proportional to the ‘Christian’ vote in Thrace. During this period, Muslims voted in separate electoral colleges, a measure reflecting the *millet* system of the late Ottoman Empire and one which was supported by the Muslim notables. These special electoral colleges, implemented in 1923, were meant to satisfy domestic political considerations rather than provide the minorities with autonomous representation in the Greek Parliament. They were used in the parliamentary elections of 1923, 1928, 1932, and 1933, and for the elections for the Senate (*Gerousia*) of 1929 and 1934. The Inspector of Minorities in 1929 proposed that the special quota should be applied to the local elections, too, despite the fact that such an idea was not welcome by the Muslim deputies. At all events, the High Court declared in 1933 that the measure violated the constitutionally protected principle of equal voting rights. The idea of imposing a divided electoral college was unsuccessfully put forward again in 1952 by the Ministry of the Interior. The professed purpose of the proposal was “to hamper any political intervention by political parties for winning over the Muslims through nationally harmful activities”. In 1968, during the military junta, the CCT proposed a constitutional amendment imposing a two deputy limit on the election of Muslim by the minority in Thrace in order “to eliminate the risk that Muslims win all deputy seats in Thrace as well as to control their political influence.”

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24 G. Mavrogordatos, 1983: 239. The Act 5493/1932 (article 1, FEK A 168) retained the separation of the electorate college for the Muslims of Thrace as well as for the Jews of Thessaloniki.

25 One seat out of 92 was reserved at the Senate for the Muslims of Thrace according to Act 3786/1929 (FEK A 11) as well one for the Jews of Thessaloniki. By PD of 7-3-1934 (FEK A 99) there was set a special election day for the replacement of the defunct seats in the Senate, Hafuz Sali. In the parliamentary elections of 1926, 1935 and 1936 the separated electoral colleges were not applied, I. Nikolakopoulos, 1990–91: 117 and K. Tsioumis, 1994: 185. For a detailed table showing the Muslim deputies elected during this period see K. Featherstone et al., 2011: 49.

26 Memorandum of 25.10.1928, signed by Thrace’s Muslim deputies, AEV, F. 225/1928, doc. 52 and K. Stylianopoulos, 1929b: 70.

27 See opinion of Al. Svolos, 30.9.1932, *Dikaiosyni* 1933: 1, and D. Dodos, 1994: 64. In the Mandatory Act on the election of deputies the relevant disposition on the electoral college of the Muslims was abolished (article 1, FEK A 639, 1935).


29 CCT, 57th Session of 27-3-1968, MSA, F. 11.
In Thrace, Muslims were elected to local government bodies since 1920 and 1929, when the first local elections took place. Many Muslims were elected as head of communes or members of municipal or prefecture councils in areas with a Muslim majority. For instance, in the mid-1960s, 241 Muslims were commune counsellors and 20 were heads of communal councils. Modernists (Kemalists) and conservatives (Islamists) represented the two main political wings of the interwar period with ambiguous boundaries and competed with each other through the main Greek political parties to gain Muslim votes. Both sides experienced success and failure. However, from 1934 onwards – when a Kemalist was elected to the Senate – the Islamists were overshadowed by the modernists and a moderate Old-Muslim side (Hatip Yusuf Salioğlu) counter-balanced the radical anti-kemalists (Hafiz Ali Resat). The first independent ticket in Thrace appeared in 1933 when the ‘Independent Muslims’ won 25.19 percent of the votes. The elections of 1946, however, marked the beginning of the Civil War at a juncture in which the modernists strengthened their position among the minority. Thus, of the four elected minority deputies, only one clearly belonged to the conservative camp. The anticommunist feelings of kemalists also eased the political rapprochement with the Greek authorities which promoted kemalist reforms in the early 1950s. The low representation of the minority among the ranks of the communist guerrillas did not prevent the local guerrilla administration to put forward the minority issue in political terms: a year before the end of the Civil War, a minority body called ‘Greece’s National Democratic Union of Turks’ was formed in Organi (Rodopi). The short-lived Union was the product of a convention organised by the Provisional Democratic Government aimed at ‘administrating all issues concerning the Turkish minority to defend its rights and mobilise it in favour of the Democratic Army’.

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30 According to A. Alexandris, 1992: 123, in 1927 there were 15 Muslim mayors, 5 assistant-mayors and 175 local counselors.
34 During the Civil War and in the area of Rodopi mountains north of Komotini, a special battalion was formed (Osmanlı tagma). It consisted by Muslims and Christians guerrillas. The minority schools of the area were placed under the personal supervision of M. Belli (Kaptan Kemal), the chief-in-command of the battalion (April 1947-October 1949), a prominent member of the Turkish communist party who went to fight in Greece.
35 K. Featherstone and others, 2011: 261.
During the period after the Second World War until 1967, when the military junta took over power, modernist candidates consistently dominated the political representation of the minority.\textsuperscript{36} In Xanthi, for example, Osman Nuri was elected successively from 1946 to 1963. In Rodopi, Molla Yusuf Hasanoğlu represented the conservatives from 1952 onwards, while Osman Üstün and Hasan Hatipoğlu alternated as representatives of the modernist wing.\textsuperscript{37} The minority candidates were elected via right wing political parties such as \textit{Ellinikos Synagermos} (Greek Rally) of Marshal Papagos and ERE (\textit{Ethniki Rizospastiki Enosis}, National Radical Union) of Konstantinos Karamanlis. The consistency of the Muslims' electoral choice reflects the fact that contrary to the situation in the interwar years and the first years after the war, the politicians of the minority were no longer bound to local political 'protectors'. They generally had a more long-term relationship with a political party, while enjoying freedom of ideological and political orientation in relation to the internal minority opposition. As a result, the religious wing under the leadership of Molla Yusuf Hasanoğlu recovered its strength, obtaining a seat in the Greek Parliament through \textit{Synagermos}, and then through ERE. Broadly, the mountainous villages voted in favour of the Islamists (or in some cases in favour of Christian candidates), whereas the rest of the minority showed a clear preference for the Kemalists.\textsuperscript{38} Among the Islamists two trends emerged – those who were somewhat more pro-Kemalists and the ardent anti-Kemalists, though the latter lost their political strength until the coup of 1967. It is worth noting that both trends were represented for a decade (1951–1961) by the then-ruling party. The economic structure of the mountainous areas, the dependency of tobacco cultivators from Christian politicians, the antagonisms between Islamists and Kemalists, and the politically favourable measures enacted by the Greek authorities caused the Pomaks of the Xanthi area to vote overwhelming for Christian candidates in the 1960s.

The period of Greco-Turkish tension, beginning in 1955, redefined political alliances within both the modernist and Islamist camps, as Turkey favoured certain minority politicians over others. The first time that the minority vote differed notably from the overall electorate in Thrace was in 1963 when the Muslims voted in favour of the Progress Party (\textit{Komma

\textsuperscript{36} I. Nikolakopoulos, 2004: 121.
\textsuperscript{37} V. Aarbakke, 2000: 123–24. For a complete list of minority MP's of this period see, V. Aarbakke, 2000: 681–82.
\textsuperscript{38} I. Nikolakopoulos, 1991: 53.
Proodeutikon). The party took 39 percent of the Muslims vote but only 4.4 percent of the Christian vote due to a strong call for autonomous minority representation embodied in the figures of Hasan Hatipoğlu (modernist) and Hafiz Yaşar Mehmetoğlu (conservative).39 Until the coup of 1967, Osman Nuri, a Kemalist, was one of the most important deputies of the minority along with Molla Yusuf, an Islamist.

After the junta's fall in 1974, which also meant the end of seven years of political inactivity, Muslim MPs were elected as candidates of the main political parties of Greece, such as PASOK (Socialist party) and Nea Dimokratia (right wing). Exceptionally, in 1974, Enosis Kentrou (Union of the Centre, centrist) elected two Muslim MPs, in 1977 Ethniki Parataxi (National Group, ultra right wing) elected one Muslim MP and in 1996, Synaspismos (Coalition, left wing) elected one Muslim MP. The minority vote was strongly influenced by the Turkish consulate of Komotini, especially until the 1990s. Muslim MPs were, in 1974 in Rodopi, Hafiz Yaşar Mehmetoğlu and Sebahaddin Galip who were elected with Enosi Kentrou; in 1977 in Xanthi, Orhan Hacıbıram (replaced by Celâl Zeybek) was elected via ND; in Rodopi in the same year, Hasan Imamoğlu came to power with Ethniki Parataxi; in 1981 in Rodopi, Ahmet Mehmet was elected with PASOK and Hafiz Yaşar with ND; and in 1985 in Xanthi, Ahmet Faikgulu was elected with PASOK and in Rodopi Mehmet Müftüoğlu with ND. It is also worth noting that 1985 it was the first time independent minority tickets/candidates appeared, in Xanthi (the ticket Barış/Eirini, Peace) and Rodopi (Sabahaddin Galip), although without success.

In the first elections after the end of the junta period, the minority of Thrace did not display the traditional dichotomy between Kemalists and Islamists, although it did reflect political divisions in Turkey of that period to a certain extent. Moreover, a clash of generations was in evidence as young politicians attempted to fill the gap of the gradually retiring older generation. This new era has been characterised by the very important alienation on the part of members of the minority from overall political preferences of the electorate regarding the main political parties in Greece.

The independent candidatures of 1985 nevertheless triggered uneasiness within both the minority and the political parties. From 1989 until 1993, during a period of political crisis and instability, minority candidates were elected as independent minority MPs and in so doing invoked their

national (i.e., Turkish) identity (*infra*, the Sadik case, Section 13.2.). This phenomenon provoked serious discussion in Greek politics, as it was the most important case to date of a non-Greek nationalistic discourse in Greek politics. The independent MPs elected during this period were: in June 1989 in Rodopi, Ahmet Sadik (*Güven/Empistosyni [Trust]*); in November 1989 in Rodopi, Ismail Rodoplu (*Güven/Empistosyni*); in April 1990 in Rodopi, Ahmet Sadik (*Güven/Empistosyni*), and in Xanthi Ahmet Faikoğlu (*İkbâl/Pepromeno [Destiny]*)).

Turkey's ruling Motherland Party (ANAP) in the 1980s significantly influenced minority politics in Greece, piquing an ideological reformation among the minority politicians. According to Nikolakopoulos,

> The coupling of nationalism, political autarchism and European modernism expressed by the ANAP under the leadership of Turgut Özal is reproduced with clarity on the political formation of the minority. Black list for *persona non grata* by Turkey, appeals to European NGOs, and enhancement of Turkish nationalistic discourse constitute the main axis of the formation of the independent tickets with the full support of the Turkish Consulate of Komotini and the informal Superior Minority Council.41

In the elections of 1993, electoral law held that a political party or an independent candidate running for a seat in the Greek Parliament had to gather more than three percent of the total number of votes at the national level (article 88 para. 10 of PD 92/1994), whereas the previous electoral law had not set such a threshold. By this amendment of the electoral law and in accordance with population data, Muslims could not represent the minority in parliament as independent deputies.42

After the amendment of the electoral law, the record of minority representation in Rodopi and Xanthi varied. In 1993, the independent tickets of Rodopi and Xanthi could not elect any deputy (despite the fact that they received a significant 33 percent and 12 percent of the vote at the local level, respectively), while, in 1996, Mustafa Mustafa was elected on the Synaspismos ticket and Galip Galip with PASOK in Rodopi, and Birol Akifoğlu was elected with *Nea Dimokratia* in Xanthi. In 2000 in Rodopi, Galip Galip and Ahmet Mehmet (after winning a court case against his

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40 M. Stoyanova, 2001. Worth noting that in the elections of 1989, Mehmet Aga, the elected a year later Moufti of Xanthi was accused and finally convicted for attempting to bribe a voter. Aga brough his case before the ECHR which found violation Aga's right to a fair trial (length of criminal proceedings). See ECtHR, *Agga v Greece (No 1)*, 25.1.2000, application no. 37439/97.

41 I. Nikolakopoulos, 2004: 144.

rival Hrysa Manolia) were elected with PASOK and in Xanthi, Birol Akifoğlu with Nea Dimokratia. In 2004 in Rodopi, İlhan Ahmet was elected with Nea Dimokratia. In 2007, Ahmet Haciosman in Rodopi, and Çetin Mandacı in Xanthi were elected, both with PASOK. Finally, in 2009 in Rodopi, Ahmet Haciosman and in Xanthi Çetin Mandacı were both elected on the PASOK ticket.

The rise of the independent candidates led to a tacit agreement between the Turkish and Greek governments to a mutual right to object to those candidates whom they deemed ‘dangerous’ for their national interests. This informal interference in minority policies by both governments seems to have had only limited success after 2000. Presently, the political parties choose their candidates from the minority, often among those who have no previous ideological or organizational ties with the party. On the other hand, minority candidates seek to gain the political support not only of their political party but of the ruling political party in Turkey.

One of the most important aspects regarding political representation of the minority regards the discourse and the effects of the communitarian ‘Turkish vote’, namely, the vote which is endorsed by the Turkish consulate. For minority candidates explicitly or implicitly invoked ‘Turkishness’ to secure as many votes as possible from the minority. Such practices began with the first independent candidates of the 1990s. They were evident again in 2000 when members of the minority who had settled in Turkey returned to Greece on organised tours simply to cast their votes. The campaign ‘vote Turkish’ aimed at minimising minority votes for Christian candidates and increasing support for pre-selected minority candidates. However, despite Turkey’s interference, Mustafa Mustafa and İlhan Ahmet – who were not the consulate’s choices – won the elections in 1996 and 2004, respectively. Similarly, an important percentage of minority voters preferred ‘Christian’ candidates despite strong pressure in favour of the ‘Turkish vote’. That said, the pattern of electoral preferences vary between Xanthi and Rodopi prefectures is such a complicated manner as to not lend itself to easy explanations.

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43 For a detailed presentation of the results regarding the election of Muslim deputies, see V. Aarbakke, 2000: 414.
45 In the 2000s, the active electorate of the minority living in Turkey was about 10,000, while the total minority voters in Thrace were approximately 70,000. Through a public announcement of 3 September 2007, the High Consultative Committee called on the minority to cast its vote for ‘Western Thrace Turks’.
46 J. Hersant & N. Yatropoulos, 2008.
The one minority political party that has survived the political turmoil caused by the rise of independent minority candidates in the 1990s is the Dostluk-Êsitlik-Bariş Partisi (Friendship-Equality-Peace Party), which was founded by A. Sadik in 1994. It was able to keep operating as it had never taken part in elections or been involved indirectly with local politics. The first time that the party played such a role was in the local elections of October 2002. Ahmet Haciosman, then president of the party, was easily elected member of the Prefecture Council on a ticket supported by PASOK. Haciosman was then elected deputy on the PASOK ticket in the 2007 and 2009 elections, taking advantage of both the Kemalist legacy of the party and his Muslim religious profile. The party is reluctant to start debates on controversial matters, such as minority education, the management of the vakf, and the status of the Moufti. Nevertheless, the party informally supports the position that the Moufti should be a pure religious leader who should be elected, even with no jurisdiction. The party also is of the view that the members of the vakf management committee should be elected, and that education must be upgraded to give students flawless command of the Turkish and Greek curricula.47

In 1994, a major reform of the local authorities took place (Kapodistrias project, Act 2218/1994). It was undertaken to pre-empt the prospect of a Muslim being elected as Prefect in Thrace. Thus, article 40 of the act provided for Xanthi and Komotini to merge with neighbouring prefectures into two so-called ‘enlarged prefectures’ (Ypernomarhies). In effect, the law incorporated the largely Muslim prefectures with the predominantly Christian areas of Kavala, Drama, and Evros, making the election of a Muslim as Chief Prefect impossible as long as the vote was cast on an ethnic basis.48 In May 2006, PASOK challenged this ethnic division, at least symbolically, by nominating Gülbeyaz Karahasan, a Muslim woman lawyer from Xanthi, as candidate for Chief Prefect of Kavala-Drama-Xanthi. The conservative wing and the Church of Greece expressed their

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47 Also, according to Aydin Mehmet Arif, former vice-president of the -Êsitlik-Bariş Partisi, the Special Pedagogical Academy (EPATH) should be abolished and a new university school for minority teachers established in cooperation with Turkey, personal interview, Komotini 14.10.2002.

48 This presumption affirms a report by the MFA that the new arrangement of these prefectures in Thrace was intended to avoid the election of a Muslim candidate, thus contravening the Framework Convention on National Minorities, AP 1151.100/AS 548, A2 DDS/Section of minority affairs, MFA, Athens 11 August 1998, published by 'Eleftherotypia', 11 June 2006.
opposition to Karahasan's candidacy bluntly. The minister of Macedonia, Thrace, for one, asked the nominee to 'declare whether she is Greek'; the Bishop of Thessaloniki Anthimos said 'he could not tolerate this deep inside himself'; and the Archbishop Christodoulos stated that the nomination constituted an 'affront to Greek civilization and history'.\textsuperscript{49} Those who protested against Karahasan because she was 'Muslim' and, in their view, of deficient Greek patriotism, also attributed to her an undeniable Turkish national identity.\textsuperscript{50} Ultimately, Karahasan was not elected as PASOK was heavily defeated in the region.

Yet, since October 1998, Muslim candidates have been elected to the presidency of several municipalities and communities in Thrace after they were re-organised by the Kapodistrias project. This occurred in three municipalities (Ariana, Fylira, and Sostis) and three communities (Kehros, Organi, and Amaxades) in the Rodopi prefecture, and one municipality (Myki) and four communities (Kotyli, Sathres, Thermes and Selero) in the Xanthi prefecture. Furthermore, Muslims have been elected as members of the Municipality Councils of all the main cities and the Prefecture Councils of Thrace. For the first time, an independent ticket led by Hüsnü Serdarzade, competed in the municipality elections of 2006 in Xanthi, winning two municipal counsellors with 8 percent of the vote. In 2010, according to the new administrative reform (known as the Kallikratias project), the prefectures were abolished, the municipalities were enlarged and empowered, and new regions (Perifereies) were formed whose head (Periferiarhis) was also elected. This meant that in the elections of October 2010, Muslim mayors were elected in Thrace's new enlarged municipalities of Myki, Ariana, and Iasmos. None was supported by the main political parties but sought the minority votes independently. In Xanthi and Komotini independent minority tickets ran for the mayorship but both failed as they collected only 6.9 and 7.9 per cent of the votes respectively.

Along with the political clashes within the minority that arose during elections, eligibility related to religion has proved another field of ambiguity. According to article 6 paragraph 1 of Act 2218/1994 (as amended by Act 2240/1994), religious ministers of any 'known religion' are not eligible as candidates for municipal elections even if they resigned before the elections.\textsuperscript{51} The Council of State ruled that this provision neither


\textsuperscript{50} Ath. Skoulariki, 2009: 84.

\textsuperscript{51} N. Papadopoulos, 2000: 51.
hindered the right to run for office nor constituted an illegal restriction of religious freedom,\textsuperscript{52} and so it cancelled the election of an imam to the presidency of the Commune of Satres (Xanthi Prefecture) on the minority's independent ticket. However, one could rightfully argue that the absolute force of the prohibition against the religious ministers from running for and holding office contradicts the right to be elected and religious freedom.\textsuperscript{53} Indeed, the First Instance Court of Komotini upheld that the restriction against imams to be candidates for political posts contradicts the political rights and freedom of religion as enshrined in the Constitution. The case involved two candidates of two different minority parties in the municipal elections of October 1994 in Myki (Xanthi). The High Administrative Court (StE 3704/1995) overturned those candidates' election, taking into consideration the legal opinion by the Moufti of Xanthi (44/22.3.1995), who suggested that Muslim religious ministers have no right to become 'involved in political and administrative affairs that incite the citizens to social unrest'.

In general, the electoral choices of the Muslims in Thrace in contemporary times are based on a complex mix of factors: the influence of religious or political elites, socio-economic status, and, in rare cases, according to ethnic affinities or economic vulnerability.\textsuperscript{54} The Turkish Consulate also plays a key role in the electoral behaviour of Thrace's Muslims, though very often its influence is overestimated. Moreover, ethnic segregation among 'Christians' and 'Muslims' affects voter behaviour in Thrace in an unbalanced fashion: Muslims have voted for 'Christian' candidates, whereas essentially no 'Christian' voter has done so for a 'Muslim' candidate, with the exception of the voters of Synaspismos in the election of Mustafa Mustafa in 1996. Political representation of the minority still strongly reflects a pre-modern communalism, which means that the minority deputies represent only the minority and not their entire electoral constituency. In the elections for the European Parliament of June 2009, for example, the Consultative Committee of the minority called for voting 'blank' in the elections as there was no

\textsuperscript{52} StE (Section C), 3703/1995, To Syntagma 1996: 460 related to three-member Administrative First Instance Court of Rodopi 287/1994 and 287/1994 and StE (Section C), 2661/1996.

\textsuperscript{53} Ol. Papadopoulou, 1996: 453.

\textsuperscript{54} For the specific case of the electoral behavior of the Romas, see N. Marantzidis & G. Mavrommatis, 1999:18.
possibility for minority candidates to be elected.\textsuperscript{55} However, less than 20 percent of minority voters followed this recommendation.\textsuperscript{56} On the other hand, the mainstream majority tends to see the minority electorate and the minority deputies as an unavoidable but undesirable consequence of political rights and citizenship. Political representation of the minority in Greece therefore reflects nationalistic, antagonistic rhetoric\textsuperscript{57} that trumps societal divisions based on other economic and political interests.

\textsuperscript{55} Minority candidates were symbolically put in the lists of PASOK, Nea Dimokratia and SYRIZA as ineligible candidates.

\textsuperscript{56} For a relevant discussion, see ‘Azinlikça’, June 2009: 30, in which the Consultative Committee is heavily criticised.

\textsuperscript{57} F. Tsimbiridou, 2011.
CHAPTER ELEVEN

RIGHT TO ASSOCIATION

The right to set up associations as guaranteed by the Greek constitution (article 12), the ECHR (article 11), and the ICCPR (article 22), constitutes the legal foundation of ‘civil society’. According to the ECtHR,

The right to form an association is an inherent part of the right set forth in article 11, even if that article only makes express reference to the right to form trade unions. That citizens should be able to form a legal entity in order to act collectively in a field of mutual interest is one of the most important aspects of the right to freedom of association, without which that right would be deprived of any meaning. The way in which national legislation enshrines this freedom and its practical application by the authorities reveal the state of democracy in the country concerned.¹

The ECtHR has a rich jurisprudence regarding the relationship of democracy to the protection of pluralism and the freedom to set up associations, as well the acceptable restrictions that a state can impose.² Regarding the characteristics of a ‘democratic society’, the Court pays exceptional attention to the safeguarding of pluralism and tolerance. In this context, the state must constantly guard against subordinating the interests of the individual to those of the group, ensure that minorities receive just treatment, and prevent abuse by the majority.³ Moreover, the “protection of personal opinion afforded by articles 9 and 10 in the shape of freedom of thought, conscience and religion and of freedom of expression is also one of the purposes of freedom of association as guaranteed by article 11”.⁴

Attempts by minorities in Greece to create such independent, non-governmental organizations often meet political resistance, especially when those organizations make nationalist claims, or aim for cultural and

² ECtHR, United Communist Party of Turkey and Others v Turkey, 30 January 1998, paragraph 42, Parti Sosialist and Others v Turkey, 25.5.1998, paragraph 41, and Refah Partisi and Others v Turkey, paragraph 86.
³ ECtHR, Young, James and Webster v UK, 13.8.1981, A 44, paragraph 63, Chassagnou and others v France, 25088/95 and 28443/95, 1999-III, paragraph 112.
linguistic rights. The attempts of the Turkish/Muslim minority of Thrace are telling. Minority associations since the late 1920s have been enmeshed in two conflicts: the Greek-Turkish ideological and political rivalry, and the internal clash between modernists and Islamists. After the 1960s the state control over the Turkish associations was increased. Today still, when a minority NGO claims directly or indirectly to reflect the Turkish national character of a part of or the whole of the minority, it is faced with strong condemnation by the Greek authorities and much public opinion. However, there is little evidence so far of a trend to create non-governmental organizations by the minority free from a particular 'national loyalty'. This may be due to the enduring ideological and political dependencies from Turkey.

11.1. Participation in Trade Unions and Minority Associations

In the period before the population exchange, societal organizations clearly corresponded to professional needs. During this period several professional associations were active in the main towns of Northern Greece. In Thessaloniki, there were two associations only for Muslims: The League of Grossers (Syndesmos Pantopolon, 1920) and the Association of Halva-Makers (Syllogos Halvadopoion, 1875/1921). In another 31 associations in the city, Muslims participated more or less actively; these included the Agrarian Union (Georgiki Enosis, 1915) and the Corps of Butchers (Syntehnia Kreopolon, 1915). In some, the president was a Muslim like the League of Lemon Juice Makers (Syndesmos Lemonatzidon, 1918) or the Union of Grossers (Enosis Pantopolon, 1916). There is little information available, however, about Thessaloniki. Meanwhile, Alexandros Dagkas informs us that in Katerini, a Muslim participated in 1920 in the board of the Agricultural Corps (Agrotikos Synetairismos) and in Komotini one Muslim was member of the local Corps of Grossers (Syntehnia Pantopolon). The Muslim workers were members of a series of different trade unions after 1914. To a certain extent they belonged to the socialist Federation, organized initially by Jews, which comprised four departments for workers from different nationalities or millets. Muslim trade unionists were active in this organization until 1918, when the Federation was absorbed by the Socialist political party (SEKE). However, in certain instances,

Muslims organised against the socialist movement, as was the case with the clashes between Muslim and Jewish women during the strike of 1914 in Thessaloniki. Indeed, ethnicity, gender, and class played key roles in the emergence of a new political configuration in Greece in this period as well as in the consolidation of economical interests. For, in this transitioning decade, ‘Greek patriotism’ was used as a homogenising vehicle for aborting class struggles.

The active participation of Muslim trade unionists before 1923 was evident in a series of syndicates like the ones for the workers of the Brewery Olympos-Naoussa (1919), the League of Tanners (1920), the Trade Union of Porters of the Port of Thessaloniki, and the Association of Workers in Factories of Oil Products. Tobacco factories constituted the most significant trade union in terms of Muslim participation. In 1918, meanwhile, Dervish Mehmet and Ahmet Kiazim were members of the board of Progress (Proodos), while the Albanian Sukri Azizi belonged to the International Union of Tobacco Workers. In Serres in 1914, a Muslim was a member of the board of both trade unions of the tobacco workers (one communist, the other conservative), whereas in Kavala until 1924, Muslims were not active members of trade unions. In Drama in 1920, Muslims were more active among the socialist-leaning trade unions, while in Xanthi the tobacco workers’ trade union Amyna (Defense) replaced in 1931 by Anagenisis (Rebirth), saw active Muslim participation. To complete this picture of the workers’ movement at the beginning of the 20th century, it is also necessary to note the participation of Muslims in the work of the congresses of the Tobacco Workers of Greece, especially in 1920, when they decided on political cooperation with SEKE. In 1921, the trade union Amyna enacted special activities for the workers of Thrace and the re-publishing of the paper Yeni Ziya (New Light, 1924). The final declarations of the congresses were even published in Turkish (in the Latin as well as Ottoman/Arabic scripts).

The political positions of the Muslims were not uniform, but rather mirrored the general trends among other workers. Muslims were also active in the opposition movements – both pro- and anti-communist – which divided the unionists’ movements. In June 1927, for instance, a new trade union called ‘the Union’ was set up in Komotini; its stated purpose was to unite all workers, Muslims and Christians, regardless of political affiliation.

The main form of struggle for the trade unionists was the strike, a phenomenon in which the Muslim population of the Ottoman Empire had gained experience in 1903. Just after the annexation of the New Lands by Greece in May 1913, a strike in Thessaloniki and Serres was organized for tobacco workers' rights. In these strikes, Muslim representatives and trade unionists, such as Emin Efendi and Osman Efendi, participated actively. The Protocol of Kavala, which safeguarded the basic rights of the tobacco workers, was signed by the representatives of the workers among whom were two Muslims, as well as by the Greek authorities among whom was the Prefect of Drama, the Cretan Muslim Ali Nayip Zade[s]. After 1918, a series of new demands and strikes was launched under the coordination of the Socialist Party (SEKE) with the active participation of the Muslim head trade unionists. Despite this picture of Muslim participation, it must also be noted that the Muslim trade unionists from Thrace who were active after the population exchange were almost exclusively tobacco workers. The short-lived idea of autonomy for Macedonia and Thrace proposed by the communists led to clashes between the communists (with the participation of certain local Muslims) and state forces in Thrace and signaled the decay of the workers' movement. The dictatorship of 1936 and the bloody events of May 1936 in Thessaloniki suppressed unionism and any vivid claim by the Muslims-Turks of Thrace for workers' rights.

The minority tobacco farmers used to be organized in local unions. By the early 1990s and in the frame of European legislation on common agrarian policies, a tobacco union with a predominantly minority character (Tüttün Üreticileri Derneği, Tobacco Producers' Association) was formed in Thrace, with branches based in Xanthi and in Rodopi-Evros.

The Muslims of Thrace follow the general patterns witnessed in paths to modernity where national affiliation acquires salience in tandem with a group's evolving socio-economic position. The first moves towards self-organization of the minority through associations were accordingly based on religious and national ideals – namely, Islam or Turkish nationalism – with the first backed by Greek, and the second by Turkish policies. This political and ideological antagonism faded out only in the 1980s, when the political interests vying for control of the minority associations revived.
the symbolic struggle over the name of the minority. Historically, Turkey had supported the various minority associations established in the 1920s and in the 1930s but also exploited periods of crisis in order to assert its status as the kin state of the minority.\textsuperscript{13} The first association, founded in 1927 by the modernists Osman Nuri and Mehmet Hilmi, was the İskeçe Türk Gençeler Yurdu (Home of Turkish Youth of Xanthi), which propagated leftist ideas among the labour workers.\textsuperscript{14} It seems that the association also aimed at the social integration of its members, as it offered Greek courses.\textsuperscript{15} The association operated a library and a night school for illiterate Muslims. In 1930 and after internal clashes within the minority, the Türk Ocağı (Turkish Hearth) was founded.\textsuperscript{16} While all of these associations expressed Kemalist ideals and maintained social, cultural, and sport activities, in the 1920s the Turkish consulate asked the organizations to merge into a single, new organization, likely due to the pro-socialist orientation of the Home of Turkish Youth. Finally, in 1936, the two associations merged into the İskeçe Türk Birliği (Turkish Union of Xanthi), duly registered by the First Instance Court of Xanthi (Decision 122/1936)\textsuperscript{17} until the recall of its legal status in 1984 and subsequent legal disputes (infra). In Komotini, the first association was set up in 1928, the Gümülcine Türk Gençeler Birliği Omit Spor Kulübü (Union of Sports Club of Young Turks of Komotini, Hope). Four years later, the Star Sports Club (Yıldız Spor Kulübü) was founded. The two clubs were merged in 1938 into the Union of Turkish Youth of Komotini (Gümülcine Türk Gençeler Birliği).\textsuperscript{18}

The Inspector of Minorities of Greece, on the other hand, suggested in 1929 that Kemalist organizations be shut down entirely, because, in his view, they were spreading anti-Greek ideas. He also found it inappropriate for the organizations to use the term ‘Turkish’ in their titles.\textsuperscript{19} The idea of replacing the word ‘Turkish’ with ‘Muslim’ in the titles of the minority associations was brought up again in 1966 by the President of CCT,\textsuperscript{20} the courts of the junta in 1971, and via a series of court cases in 1983 (infra).

\textsuperscript{13} Ant. Papanikolaou, 2002: 29, 32.
\textsuperscript{14} A. Dagkas, 2003.
\textsuperscript{15} Yeni Adım, 15.9.1928, No 151.
\textsuperscript{16} J. Hersant, 2001: 90.
\textsuperscript{17} R. Kirhdökme, Ç. Mandacı & G. Sabrioglu, 2003: 22–36.
\textsuperscript{18} Counter-intelligence, Minorities and Foreign Propaganda, Komotini, 5.1.1936, Higher Administration of Thrace, Report of December 1935, HAMFA, F. 1936/2.4.
\textsuperscript{19} K. Stylianopoulos, 1929b: 55. Again in 1952, the General Directorate on Aliens suggested that the term ‘Turkish’ should be abolished as illegal (Report on Muslims living in Greece, AP 421/2/20/4, July 1952, MSA F.95.b: 5).
\textsuperscript{20} President of the CCT, Athens 2.9.1966, MSA, F. 10.
Since their foundation, the minority associations faced pressure from both the Turkish and Greek governments. During the interwar period the associations functioned as political clubs echoing the political antagonism between the Venizelos party of Liberals and the royalists. Such rivalries partially served to mask the internal dichotomy between Kemalists and old ‘Muslims’.21

The organizations for teachers established in Thrace have reflected the divisions within the local minority society. The modernists were backed by the Turkish consulate22 and the ‘old Muslims’ were supported by the Greek authorities. The conflict between the minority teachers associations escalated after the Greek-Turkish confrontation of 1964. Teachers of the modernist camp were members of the Union of Turkish Teachers of Western Thrace (Bati Trakya Türk Öğretmenler Birliği), between 1936–1966 known as the Turkish Teachers of Rodopi-Evros (Rodop-Evros Türk Öğretmenleri Birliği), an organization whose legal status was challenged by the Greek authorities (infra).23 In 1965, their counterpart, the Association of Medrese Graduates of Western Thrace (Bati Trakya Medrese Mezunu Müsliiman Muallimler Cemiyeti) and the Association of Muslim Teachers of Xanthi, Rodopi, and Evros were founded (the latter under the auspices of the CCT) in order to counter the influence of the Kemalist teacher associations.24 Immediately after the foundation of Association of Muslim Teachers of Xanthi, Rodopi, and Evros, its members addressed the prime minister and the minister of education of the Greek government to declare their obedience to the state; they also asked for a series of measures to be taken in order to secure their position.25 However, at that time, the president of the CCT admitted that the establishment of the association constituted a ‘national failure’.26 Although by the mid-1960s, the association’s members constituted more than half of the acting minority teachers, all of whom belonged to the conservative wing, the association has since fallen under the ideological influence of Turkish nationalism. One more association expressing a national character was the short-lived Association of Turkish Pensioner Teachers of Western Thrace, established in 1968. With the founding of this organization, the CCT, although vexed, saw an

22 According to J. Hersant (2007: 88) after 1960 these associations were direct receiving financial support.
26 G. Mavrommatis, 2007a: 363.
opportunity for collecting useful information: ‘we are offered an occasion to inform ourselves about the receiving pensions [sent from Turkey], to whom and how much’.

After the establishment of the Special Pedagogical Academy of Thessaloniki (EPATH), the pro-Greek camp was reinforced by another association, the Teachers Graduates from EPATH, with one branch in Komotini and the other in Xanthi (Selanik Özel Pedagoji Akademisi Mezunu Öğretmenler Derneği). Today, most of the minority teachers are affiliated with these associations. However, the division between Christians/Muslims or Greeks/Turks within the minority curriculum is reinforced by the decision of mainstream teachers’ associations of Thrace to accept exclusively Christian/Greeks as members and not Muslims, due to a supposed lack of qualifications.

The conflict between old-fashioned religious and modern Kemalist members of the minority also took place over organizations of a purely religious character. Contrary to the modernist camp, the Islamist organizations stressed the religious character of the minority and remained close to the Greek authorities. The first religious, strongly anti-Kemalist association, founded in Thrace was the İttihad-I Islam Cemiyeti (Union of Muslims of Greece), set up in 1933 in Komotini by Hafuz Ali Resat and Hafuz Sali Mehmetoglu. Later, in 1949, the İntibah-i-Islam (Islamic Revival), dissolved in the mid-1970s, was founded by Hafuz Yasar and Molla Yusuf, the latter being prominent politician and deputy from 1952 to 1967 leading the short lived revival of the religious camp. The Committee of Sermont and Guidance (Vaaz ve İrşat Heyeti) was established in 1970 by the then Moufti of Komotini, although not officially according to the pertinent Greek law. Its main activity was the publication of a paper entitled Hakka Davet (Call to the Right). After the tensions of 1989–1991 related to the independent deputies and the debate over appointed Mouftis, the Committee supported the elected Moufti. Another religious association, the Clergymen Association of Western Thrace Mosques (Bati Trakya Camileri Din Görevlileri Derneği) was formed mostly by non-university graduate imams connected to the elected Moufti of

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27 President of the CCT, doc. to the Prefect of Rodopi, Athens 10 December 1968, MSA, F. 11.
29 See decision 54/1950 of the First Instance Court of Rodopi.
30 By decision 113/1949 of the First Instance Court of Rodopi.
Komotini. The appointed Moufti of Komotini challenged this organization's legal status in court to no avail, as the association was ultimately legally registered by court decision (hereinafter, *infra*).

The lack of a central management body for the internal affairs of the minority after the decay of the community councils (*supra*, 6.1.) prompted the minority notables to seek a political organ able to deal with political crises. Thus, an open assembly of the minority (*Yüksek Kurulu*) was summoned by the Moufti of Komotini in 1980 to organise the reaction to the new law on the vakf. An informal executive body of the popular assembly comprising all locally and nationally elected representatives of the Muslim minority and representatives of the professional organizations was formed under the guidance of the Turkish consulate in 1986. However, this Supreme Minority Committee of the Western Thrace Turkish Minority (*Bati Trakya Türk Azınlığı Yüksek Kurulu*) faced serious internal problems and ceased its works in 1986. The body, in any case, had been paralysed after the rise of the independent minority MPs. In early 1997, the Committee was activated again, and it set up the Consultative Committee (*Danışma Kurulu*) of the Turkish Minority, electing MP Galip Galip as president and drafting an informal statute. It was stated that the 170 members of the assembly – which was convened in 1997 and in 2006 – should represent all tendencies expressed within the minority. However, to this day, the 30-member Committee closely aligns its positions with the policies of the Consulate, and dissident opinions are barely tolerated. The Consultative Committee revived discussions on minority interest in the early 2000s in the context of the case regarding the legal status of the Turkish Union of Xanthi. It has also strengthened its public presence through press releases and public activities which expressed its overwhelming nationalist position. Gradually, it has become the political organ of the minority.33

In 1982, the Scientists' Association of the Minority of Western Thrace (*Bati Trakya Azınlığı Yüksek Tahsilliler Derneği*) was founded and targeted university graduates for membership. Pharmacists, dentists, lawyers, physicians, and engineers are the main scientific professional domains of

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32 For a collection of texts adopted by the Committee from 1984 to 2004, see F. Kelahmet, 2006.
33 The Consultative Committee of the Turkish Minority of Western Thrace operates as an umbrella body for a series of associations, such as the following: Turkish Union of Xanthi; Western Thrace Minority University Graduates Association; Turkish Youth Union of Komotini; Turkish Teachers Union of Western Thrace; Medrese-Graduate Muslim Teachers Association; Minority Educational and Cultural Association of Hili; Clerics...
members of the minority and thus the main members of the Scientists’ Association. Members of the Association also include graduates from the Islamic schools and teachers in the minority schools, except for the graduates from the Special Academy of Thessaloniki, who, as noted, have a distinctly pro-Greek government orientation. Most of the above-listed professionals are graduates of Turkish universities, as for a long time minority school students were not able to study in Greek universities or because Turkey granted scholarships with attractive conditions. Most of the 720 (in 2009) members of the Scientists’ Association are only occasionally active participants. Currently, the positions and the activities of the Association follow the mainstream policies and ideas of the Consultative Committee, and, it has never voiced any thoroughgoing critique of the self-organization of the minority. In short, both bodies suffer from an inertia which is the direct result of the Greek-Turkish confrontation, or to put it in the present-day context, between those who see the involvement of the Turkish Consulate of Komotini as legitimate and those who do not.

11.1.1. The War of Associations in Thrace

If the traditional competition played out in the establishment of associations was the division between Islamism and Kemalism, by the 1990s, two more fields of confrontation appeared. One was cultural and mostly regarded the mountainous areas often claimed to have an inherent Alevi/Bektashi identity; the other was ethnic and regarding the claims of Pomak or Roma identity as different from or as incorporated into Turkish ethnicity. From the 1990s onward, the number of minority associations drastically increased to more than 200, the majority of which are sports clubs and professional bodies. In this section, examples of these associations

Association of Western Thrace Mosques; Council of Preaching and Guidance of the Turkish Minority of Western Thrace; Educational and Cultural Association of Ifestos; Turkish Women’s Cultural Association of the Rodopi Prefecture; Association of Graduates from EPATH in Evros-Rodopi; and the Friendship-Equality-Peace political party (according to a press release signed by all the above-mentioned organizations on the 19 January 2005 regarding the judgment of AP on the Turkish Union of Xanthi). Similar declarations had been signed by two more organizations, like the rival supporters of the Turkish football teams Fenerbahçe and Galatasaray. In addition to these associations, promotion of the political causes regarding the problems of the minority, often through strong nationalist positions is undertaken by a network of the of Solidarity Association to Turks of Western Thrace (BTTDD, 1946) based in Turkey and especially after 2000’s, by the Federation of Western Thrace Turks in Europe (ABTTF, 1988) based in Germany, which comprises a network of 29 associations of migrant Muslim-Turks from Thrace. For the advocacy role of these associations and their political positions, see J. Hersant, 2007 and 2011.

will be examined and a closer look will be taken at those who have been involved in ideological or political disputes. *Infra*, under Section 11.3, a series of court cases will be discussed regarding the right to association which has been hampered in many respects since 1983.

Regarding the Pomaks, the Greek government supported activities that presented the Pomaks as having a distinct identity from the Turks. One of these initiatives is the Cultural and Development Centre of Thrace (PAKETHRA), which was established in 1992. It is based in Xanthi and teaches the Pomak language. Greek nationalistic circles initially sponsored the Centre, but ceased to do so when it began to express a cultural interest in Pomak otherness, adding, moreover, to the division of the minority. The upshot was that a political and ideological taboo regarding the language (Slav-Macedonian/Bulgarian) spoken by Christian inhabitants in Greek Macedonia became a legitimate activity. The war over controlling Pomak culture and its Bektashi/Alevi component (which still exists) was conducted through the ‘colonization’ of cultural associations or cultural events starting in the early 1990s. The examples of the cultural associations of Pahni or Sminthi (in Xanthi), Myrtiski (in Rodopi), and the cultural events (*pantyiri*, or wrestling festival) of Alan Tepe/Alanat (in Rodopi), among many others, illustrate the struggle for ideological influence by Greek and Turkish authorities.

More direct in its aims, the Center of Pomak Studies was set up in 1997 by a core team of Pomaks promoting a distinct Pomak identity via a clear anti-Turkish discourse. The Centre published the monthly magazine *Zagalisa* and it was closely linked to the establishment in 2009 of the Pan-Hellenic Association of Pomaks (*Panellinios Syllogos Pomakon*). These associations were set up in Komotini and funded by Pr. Emfietzoglou. Two years earlier, the Cultural Association of Pomaks of Xanthi Prefecture (*Politistikos Syllogos Pomakon Nomou Xanthis*) was set up in 2007 in Xanthi by a group of Pomaks as a firm declaration of Pomak identity opposed to any Turkish influence. The association enjoyed the support of Greek nationalistic circles, especially of the ultra-right political party of LAOS. These Pomak associations of Xanthi and Komotini, notwithstanding their expression of an ‘orphan’ ethno-national identity, came into existence and have been active under the auspices of pro-Greek circles, thereby also reflecting Turkish-Greek divisions.

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Other associations were set up without any real impact, such as the Cultural and Development Association of Kottani in 2007 in Xanthi and the Cultural Association of Muslims of the Area of Ferres in 2006. By 2007, a series of pro-Turkish associations had been set up in Thrace, including the Cultural Educational Association ‘Fraternity’ (Kültür ve Eğitim Derneği ‘Uhuøvet’) and the Minority Association of Hadjis of Xanthi (İşkeçenin Hacları Azınlık Derneği), the latter having a direct religious connotation. Another similar body is the orientation of the Cultural Association for the Organisation of Muslim Religious Festivities (Dini Etkinlikler ve Bayram Şenlikleri Kültür Derneği) established in Komotini in 2009. Çınar (Platanos [Plane tree]), an association with philanthropic scope was established in Xanthi in 2008 by a group of Fethullahcı, a Sunni brotherhood (tarikat) movement of Turkey led by Fethullah Gülen, who wields a strong influence over Turkish politics. It was the first time in Thrace that a body representing the Fethullah movement became openly operational. However, the most influential new body seems to be the Minority Centre of Health, Education and Culture (Azınlık Sağlık Eğitim ve Kültür Merkezi, Politistiki Ekpaideutiki Etaireia Meionotitas), whose first president was the former deputy Galip Galip. Distinguished members of the minority elite founded this centre under the legal status of non-profit organization in 2007 in Xanthi (with another branch in Komotini). One of the most prominent aims of its statute is the establishment of educational institutions for the minority and undertaking research and educational projects. The Centre seems to have a dynamic organizational role in minority affairs as in 2008 it set up the Research Centre of the Minority, of which Cemil Kapza was first president. This became an independent association conducting research on the history, language, music, and monuments of the minority. Lastly, in 2009 the ‘Sappes Cultural and Folklore Minority Association’ (Sapsi Azınlık Kültür ve Folklor Derneği) and the ‘Culture Minority Association of the Municipality of Iasmos’ (Yassiköy Azınlık Kültür ve Folklor Derneği) were founded. The last association seems to have gathered the support of the local Greek authorities and the Turkish consulate in a rare cooperation pattern.

Another interesting example of Greek and Turkish national antagonism over the minority associations regards the Roma/Turkish village of Ifestos/Kalkantza. In 1994, the Greek entrepreneur Emfietzoglou sponsored the setting up of the Cultural Association of Ifestos, whose main activity was to teach Greek traditional dances. One month later, the Educational and Cultural Association of Ifestos (Kalkanca Eğitim Kültür Derneği) was established. The Turkish Consulate and the local Greek authorities supported the new association, which became the main cultural body of the minority. Another significant body is the ‘Minority Cultural and Folklore Association of the Municipality of Ifestos’ (İfestos Azınlık Kültür ve Folklor Derneği), which was founded in 2009 and has a broader scope, including educational and cultural activities.
Dernegi) was founded with a clear pro-Turkish orientation, its first activity being to supply a series of national Turkish costumes and teach Turkish traditional dances. In 2007, the Cultural and Educational Association of the Youth of Ifestos was set up with a more open profile. Similar antagonisms appeared in the Rom neighbourhood of Alan Kuyu in Komotini. Here, the Cultural Association of Roma was set up in 1996 with the initiative and sponsorship of Emfietzoglou while in Komotini, Alan Kuyu Romani was founded in 1999 with a pro-Roma orientation.

Similarly, in the Roma suburb Drosero of Xanthi, the Cultural and Educational Association 'The Hope' (Elpida) was set up in 2006 to promote women's position in local society. It gained the support of the Greek MFA and cultivated Roma culture in such a way as to remove any Turkish influence. Kindergarten classes and other supplemental Greek courses for children who had dropped out of the school system constituted part of the association's activities. The same pattern held in the case of the Cultural Women's Association of Avantos Street 'Hope and Joy' (Elpida kai Hara) of Alexandroupolis, founded in 2007, and the Cultural Association of Roma of Alexandroupolis, founded in 2008, which also provided kindergarten classes and special Greek courses. Challenging these was the older Muslims' Association of Alexandroupolis, founded in 2003, which attempted to organise the non-Roma Muslim minority of the region (supra, Section, 7.1.3.).

For a short period of time (mid to late 2000s) the Roma associations, backed by Greek MFA support, have provided a network of non-official kindergartens, three in Alexandroupolis, three in Komotini, and one in Drosero, as well as two courses offered to Rom children with serious learning issues. These unofficial, afternoon classes garnered strong condemnation by the local authorities and the Turkish minority. As the Ministry of National Education does not endorse the classes, those in opposition warn that the course may be of detriment to the educational gains of the children.

Associations that do not take a side in the Greek-Turkish divide seem to have difficulties surviving. Only a few examples of independent associations have proved viable. For example, the Turkish Minority Movement for Human and Minority Rights, established in 1996 by Abdulhalim Dede and Ibrahm Onsunoglu, did not apply for registration. It operates occasionally

37 I. Baltsiotis & K. Tsitselikis 2008: 72
and unofficially under the leadership of the two persons who founded. The Centre of Thought of the Minority of Western Thrace was founded in 2000 by a group of young moderate members of the minority who also did not officially register their organization, and are essentially inactive, lacking wider participation, activities, and exposure to the public.

11.1.2. The Minority Associations Beyond Thrace

Thracian Minority Muslims who migrated to the large cities like Athens, Thessaloniki, or Thiva are obliged to adapt to a new predominantly Greek-Orthodox environment. The lack of minority schools and places of worship considerably affects traditional modes of socialization within these Muslim communities. Founding associations creates links among the members of a religious community or just among people coming from the same region, Thrace. In the greater-Athens area, for instance, Muslims from Thrace have set up a series of associations: the League of Greece’s Muslims, the Cultural Association of Greek Muslims, hosted by the Municipality of Drapetsona, the Cultural Association of Muslim Inhabitants in Southern Greece, and the Association of Komotini’s Muslims. The Panhellenic Federation for Supporting the Muslims in Greece ‘Filotita’ seeks since 1997 to deal with religious, economic, language, or social problems of Muslims in Greece, attempts to gather together adherents of both ‘traditional Islam’ and ‘new Islam’ of Athens. Most of these associations were created on the basis of ethnic cleavages as perceived in Thrace, and thus reproduce identities such ‘Roma’, ‘Turk’, and ‘Pomak’. However, the ethnic dynamics of Muslims Thracians living in Athens – many of whom are now second generation – has created modes of ethnic identity and belonging that are far removed from those extant in Thrace. Lastly, in Athens in a rare case of a mixed association, the association Ermis (Mercury) was founded in 1992, with 60 percent Muslim members from Thrace. This is the association of rag pickers who managed to acquire a special permit to sell small items.

Muslim Roma from Thrace living in Thessaloniki (Ampelokipoi) founded the Cultural Association of Youngsters of Thrace in 1985 and in

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2004 the Association of Muslims of Macedonia-Thrace. Although these associations often have only a formal existence, with no active members, the second one has an Islamic character and aims at gathering together the religious members of the community.

In the Dodecanese, the Muslims have followed a rather different historical and social path since 1947. Their limited number and the economic development of the islands during the 1980s and 1990s created a favourable environment for their social and economical integration into the local society. The association People's Club (*Halk Kulübü*) was established in Rodos in 1945 during the British administration of the Dodecanese. Its statute aimed at the promotion of the Turkish people of Rodos. The Greek authorities later asked for this term to be replaced with 'Greco-Turkish Club' or 'Muslim Club', and when the association insisted on keeping its original name the Civil Court of Rodos adjudicated the dissolution of the association.

Later, the Cultural Association of Muslims of Rodos 'Fraternity' (*Adelfosini*) was set up in 2000 to encompass all members of the community. It became active in 2002 by requesting the renewal of the Vakf management committee of Rodos after a long period, the introduction of religion and language (Turkish) education for Muslim students, and the appointment of a qualified religious public servant. In 2001, a similar body, the Cultural Association of Muslims of Kos 'Fraternity' (*Adelfosini*) was set up in Kos.

Claims related to minority rights were not welcomed by the Greek authorities, which attempted to minimize the impact of the associations. Moreover, a considerable part of the community prefers to keep a low profile in order to avoid tensions. Nevertheless, in 2007, the president of the association of Kos, Mazlum Payzanoğlu, considered offering Turkish courses for the children of the community.

Lastly, a small number of Greek converts to Islam set up an association, based in Athens since 2007 under the symbolic name 'Bridge' (*Gefyra*). The association is supported by the Muslim Union of Greece and offers a forum for open discussion (<www.greeksrethink.com>).

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41 See the newspapers of Rodos, 'I Drasis', 18 February 2002 and 'I Rodiaki', 13 February 2002. Personal interview with the president of the association Mustafa Sieh, Rodos 29 February 2007.
11.2. The Constraints on Minority Civil Society

Minority civil society in Greece as expressed through associations and other non-governmental organizations (NGOs) faced and continues to face a series of external and internal constraints which undermine the core element of civil society, namely the freedom to act (or not to act) as a member of a minority and/or the broader society of one's own choice. Such constraints are of a political, ideological, and legal character. A precondition for civil society is the freedom of expression and the possibility of participation, while the main characteristics of a true civil society are volunteerism and economic and political independence from policies and practices imposed by a state (either the state of citizenship or a kin state). Moreover, a major concern of NGOs should be the question of what they are going to offer the broader society and not only what they can gain from the state. In a democratic society, the role of the state should be tolerant enough to foster conditions for independent societal actors to freely engage in their activities. The ECtHR has stressed the issue of ethnic diversity and civil society as a component of a democratic society:

For pluralism is also built on the genuine recognition of, and respect for, diversity and the dynamics of cultural traditions, ethnic and cultural identities, religious beliefs, artistic, literary and socio-economic ideas and concepts. The harmonious interaction of persons and groups with varied identities is essential for achieving social cohesion. It is only natural that, where a civil society functions in a healthy manner, the participation of citizens in the democratic process is to a large extent achieved through belonging to associations in which they may integrate with each other and pursue common objectives collectively.42

Nonetheless, what is at stake regarding minority NGOs' activities in Greece is power relations with and within the nation-state. For the Muslims of Greece to establish a more meaningful civil society, it is necessary that nationalistic ideologies and various forms of nationalistic practices are transcended on all sides. For, both currently and historically, the Turkish-Muslim minority in Greece has faced restrictions on cultural rights and the right to self-definition, rendering them second class citizens.43 Turkish nationalism has become part of the problem, fueling Greek-Turkish antagonism over Thrace's minority. The upshot is that minority civil

42 ECtHR, Gorzelik v Poland, Grand Chamber judgment, 17.2.2004, para 92.
society (not to mention the local majority) has not yet entered a phase of 'openess' which would enable it to express independent voices, and there are no real signs of such a perspective emerging in the near future. One reason of this has been the implicit assumption that the minority should only be allowed autonomy once Greek-Turkish rapprochement is consolidated. Since this has yet to transpire, the minority has been targeted and entrapped by both states (e.g., through the promotion of the Islamist and Kemalist factions by Greece and Turkey respectively). To this day, the uneasy formation of a civil society representing the minority of Thrace, is related to external political and ideological pressure exerted by both Greece and Turkey. The first intervenes through judicial repression of any official expression of Turkism, while the second attempts to control and closely monitor any attempt to set up platforms for independent voices. The result is that the minority NGOs are formed on the basis of the initiatives taken by the Turkish consuls of Komotini and confronted by the narrow, if not contra lege, decisions of the Greek courts and the mainstream public opinion of the Greek majority. The few exceptions simply confirm the rule.

11.3. THE MINORITY ASSOCIATIONS' LEGAL ADVENTURES: A CONFLICT OF NATIONALISMS IN THE BATTLEFIELD OF THE COURTS (PART I)

The minority associations did not always face the same problems they encounter today. Indeed, in 1923 several associations were founded legally using the term 'Turk/Turkish' and sought to propagate Kemalist ideals (supra, Section 11.1.1.). In the 1960s the Greek government publicly affirmed that minority associations were free to self-identify in national (Turkish) terms, describing this as "a sign of freedom and democracy, while in Turkey Greek association were closing down". Since 1983, however, the Greek courts have denied the possibility for a minority association to bear in its title such an appellation. The main catalyst was the proclamation by Rauf Denktaş of the 'Republic of Northern Cyprus'. However, problems had begun with the junta of 1967 when most of the minority associations suffered along with all other associations in Greece from restrictions put in place by the colonels in 1971. The legal re-examination of their statutes

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44 Conclusions of the conference 'Civil society, Minorities, Media and NGOs', 'Citizens' Itineraries' project (KEMO/LMV) held in Istanbul on the 26 February 2005, <www.kemo.gr>.
by the courts which took place in 1972 led in most cases to a rejection of
many organizations’ legal status unless they removed the term ‘Turkish’
from their titles. This was the first legal controversy regarding the
Turkish-Muslim minority’s right to self-definition and to establish associa-
tions. The situation between the Greek authorities and the associations
deteriorated further ten years later as the cases took on ever more political
importance and the courts abandoned jurisdictional methodology to
political considerations aligned with ‘national interests’. In so doing, the
Greek courts denied the cultural and national realities, that is to say the de
facto diversity, of Greek society and instead instituted an ordre public
informed by a strict Greek nationalist viewpoint. This was evident in a
series of cases that revolved around questions and claims regarding ‘politi-
cal multiculturalism’. With these rulings, article 11 of the ECHR, which
establishes the right to create associations, became a field of controversy
and a marker of the tensions between individual and community rights, as
well as of the persistent resistance in Greek political and legal culture to
pluralistic democracy as envisaged by the ECtHR with regard to the right
to association.

This state of affairs means that as late as 2006, the Commissioner for
Human Rights of the Council of Europe could comment that “Indeed, it is
not possible today in Greece for those who claim they are members of a
minority to use any word they wish in the denominations by which they
would like to identify themselves collectively, for instance when register-
ing associations”. For the minority considers the associations banned by
the Greek courts to be legitimate, and the minority elite has sought legal
redress from the Court on grounds of human rights violations in Thrace.
However, the dynamics of human rights advocacy to the ECtHR has
brought new challenges for all parties concerned.

46 By decision of the Vice Minister of Eastern Macedonia-Thrace, the minority associa-
tions bearing in their title the word ‘Turkish’ had to substitute the terms with ‘Muslim’ and
therefore to change their statutes. In the case they did not comply, they could be sued by
the prosecutor, Bureau of Political Affairs, Session of 30-6-1972, MSA, F. 12. In application of
the junta’s PD 411/1973, the Courts closed down the Turkish Youth of Xanthi and the Union
of Turkish Teachers (Bureau of Political Affairs, Sessions of 30 January 1974 and December
1973, MSA, F. 12). Both filed appeals against these decisions before the AP. The restoration
of the Greek Republic in July 1974 annulled these cases validating their original statutes.
47 Hr. Papastylianos, 2008; D. Dimoulis 2008.
In the context of these legal battles, the Union of the Turkish Youth of Komotini, which had been founded and legally registered in 1938, had to change its name or face disbandment after an appeal of the Prefect of Rodopi and a decision adopted by Areios Pagos. The Court adopted the decision in accord with Article 105 of the Civil Code on the grounds that the use of the term ‘Turkish’ created the wrong impression that the aforementioned association is a group of foreign nationals operating in Greece. Since then the Union has operated unofficially.

Quite often, state officials have advised the government to prohibit the use of the term ‘Turk/Turkish’, especially by the Turkish Union of Xanthi, as ‘it was a nursery of the Turkish Kemalist propaganda in Thrace’. An attempt to shut down the organization due to its aims was resolved before the court in 1938, when the First Instance Court of Xanthi rejected the appeal for dissolution of the association for divergence from its scope (decision 191/1938). However, the Greek courts did not uphold the same verdict 50 years later when the Municipality of Xanthi initiated an appeal against the statute and the title of the Union. On 23 April 1999, the Appeals Court of Thrace confirmed a 1986 First Instance Court verdict to dissolve the Union because ‘it created confusion on the citizenship of its members [as to] whether they are Muslims of Greek citizenship or Turks in nationality and citizenship’ and that ‘a Greek association serves the aims of a foreign state that is the prevalence of Turkish ideals’.

The High Court (AP, 1530/2000) stated that the legal reasoning of the Appeals Court was ill-founded and sent the case back to in order to have it re-examined. This decision was the first in which the Supreme Court of Greece complied with the ECHR as far as the minority issue in Greece is concerned. The Court found that the use of the terms ‘Turks of Western Thrace’ and the purpose of the association to ‘foster friendship and the ideals elaborated by new Turkey’ were not in contradiction of the ordre public of the State. However, the Court of Appeals, after re-hearing the case, again rejected the appeal (decision 31/2002) on the grounds that:

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51 First Instance Court of Rodopi, 83/1938.
56 ‘Hronos’ (Time), Komotini, 21 February 2002.
the Association aimed at promoting the ideals of a foreign state (Turkey), as its members engaged in propaganda against Greece. Its title, meanwhile, was said to contradict the Treaty of Lausanne as the minority should be of a religious and not of national character. The title was also said to create confusion about the citizenship of the Association's members. Last but not least, the statute was said to inhibit members from exercising their right to freedom of expression in that it provided for the deprivation of membership in case of dissemination of ideas that contradicted the statute.

The case was brought up again before the High Court which had to adjudicate the case at the final stage. The plenary of the High Court (AP, 4/2005) ruled unanimously that the courts rightfully banned the association in accordance with the interest of the state and the ordre public. Moreover it stated that "among opposing legal goods, 'social peace' prevails, as the ECtHR ruled in the case Gorzelik– an application filed by a minority association in Poland". However, the argument of the AP regarding the Gorzelik case was not well founded as the ECtHR had accepted the Polish government's claim that it could place a special quota for representation on a minority association, a quite irrelevant situation when compared to the case of the Union of Xanthi.57 Furthermore, the High Court ignored the fact that for more than 50 years the association had functioned legally without threatening cooperation between Christians and Muslims. In its decision, the Court also invoked the Treaty of Lausanne, which refers to 'Muslim Greek citizens' and not to 'Turks'.

Another series of arguments dealt with the participation of the Association in activities of other bodies of the minority abroad. This was said to represent 'severe violations against the rights of the Turkish minority', and thus be harmful to Greece's interests. Once again, the AP ignored the fact that the Union was claiming minority rights long time after the opening of the case in 1983. The High Court also ignored the fact that the Greek government indirectly admitted that the minority was ill-treated, when, in 1990, it declared that equality before the law would prevail for the minority and banned discriminatory policies. The case was then brought before the ECtHR (Tourkiki Enosi Xanthis and Others v. Greece, no. 26698/05). The

57 ECtHR, Gorzelik and others v Poland, 44158/98, 17 February 2004, paragraph 106. Moreover the ECtHR stated that "The harmonious interaction of persons and groups with varied identities is essential for achieving social cohesion. It is only natural that, where a civil society functions in a healthy manner, the participation of citizens in the democratic process is to a large extent achieved through belonging to associations in which they may integrate with each other and pursue common objectives collectively" (para 92).
minority in Greece viewed the case as extremely important, for, if the Union was made legal again, it carried with it the possibility of a collective recognition of the minority by Greece as having a national character. While this view may have overestimated the legal effects of the legal reinstatement of the association, a flurry of apologetic literature in favour of the Greek courts argued was that there were in fact no Turks in Thrace and therefore it was impossible to re-legalize the Union.\(^{58}\)

In March 2008, the ECtHR rendered its judgment, which unanimously condemned Greece for its violation of articles 11 and 6 (right to a fair hearing within a reasonable amount of time) of the ECHR. The Court observed that even if the real aim of the applicant association had been to promote the idea that there was an ethnic minority in Greece, this could not be said to constitute a threat to a democratic society. It reiterated that the existence of minorities and different cultures in a country was a historical fact that a democratic society had to tolerate and even protect and support such groups according to the principles of international law. The Court also considered that it could not be inferred from the factors relied on by the Thrace Court of Appeal that the applicant association had engaged in activities contrary to its proclaimed objectives. Moreover, there was no evidence that the president or members of the association had ever called for the use of violence, an uprising, or any other form of rejection of democratic principles. The Court considered that freedom of association involved the right of everyone to express, in a lawful context, their beliefs about their ethnic identity. However shocking and unacceptable certain views or words used might appear to the authorities, their dissemination should not automatically be regarded as a threat to public policy or to the territorial integrity of a country (judgment, paras 55–56).

Opposing this decision, the Greek government applied unsuccessfully to bring the case before the Grand Chamber. In a dramatic itinerary of ideological resistance to the rule of law, the Greek courts refused to register the association. The case was then brought once more before the Greek Civil Court of Xanthi. Despite the higher legal weight of the EtCHR's judgment, the Court of Xanthi upheld that the 'judgment could not overturn the decisions of the Greek courts' and repeated the reasons why the Union

\(^{58}\) The most elaborate work of this kind is by A. Dervitsiotis, 2007. The writer, who relies on well-established tropes, argues that the Treaty of Lausanne does not allow a re-definition of the character of the minority from religious to national, which would bring about a breach of the peace and security of the overall society, thus overriding the *ordre public*. G. Satlanis (2008) likewise considers the issue through a ‘national security’ perspective and connects the establishment of minority associations with Greece's ‘territorial integrity’. 
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should be dissolved (Polymeles Protodikeio Xanthis, 12/2009). Moreover, the appeal against this decision was rejected as the Court reaffirmed that 'the ECtHR's judgments could not affect the case-law of the national courts and their interpretation of legal norms' (Dioikitiko Efeteio Thrakis, 477/2009). The association appealed again before the High Court, which again upheld in 2012 that the Union was legally dissolved, in a unprecedented resistance to the ECtHR's jurisprudence.

By its decision 300/1984 the First Instance Court of Komotini accepted the application filed by the prefect of Rodopi requesting the suspension of the Union of Turkish Teachers of Western Thrace, which had been legally founded in 1936 at a time when the modernists had had good relations with the Greek authorities. The Court ordered that the prefecture should take action to dissolve the association. The Court also ordered the Union to take down the sign from the entrance of the building, which contained the word 'Turkish' and was written in Turkish. The First Instance Court of Xanthi reminded that the same court in 1972 (191/1972) did not accept the proposed amendment of the statute according to which the members of the association should be 'Greek citizens of Turkish nationality'. The Court of Appeal of Thrace confirmed the decision (159/1986). Finally, the High Court (AP, 1730/1987) reiterated the formulations used in its decision 1729/1987 regarding the Union of Turkish Youth of Komotini, upholding the argument that the use of the terms 'Turk' and 'Turkish' creates confusion regarding the citizenship of the members of the association.

The Cultural Association of Turkish Women of Rodopi Prefecture (Rodoplu Türk Kadınları Kültür Derneği) applied in 2001 to the First Instance Court of Komotini to register as a formal association. According to the statute of the association, all women residents of Rodopi of Greek citizenship are allowed to become members, independently of their civil status. On 24 May 2001, the First Instance Court of Komotini heard the case. According to the Court,

The applicants assert that people who are entitled to become members of the association are distinguished by an ethnic, national, linguistic, religious or cultural specificity, which could be described by the term 'Turk' within the title of the association. Consequently, the title of the association is misleading and creates confusion about the identity of the association's members.

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60 By decision of the Court of Rodopi 199/1936. The statute, amended in 1952, aims at the promotion of the Turkish language and the education of the minority.
On these grounds, the court rejected the application (Monomeles Protodikeio Komotinis, 146/2001). The Court of Appeals of Rodopi also rejected the appeal on the grounds that the title of the appealing association pertains to aliens of Turkish citizenship and thus it would create confusion about the identity of the members who should, according to the statute, be of Greek citizenship. The court found that this decision would contradict the Greek ordre public, and consequently that the limitations to the right of association in terms of article 10 para. 2 of the ECHR were applicable. Furthermore, the court reiterated that a Muslim minority exists only in Thrace in terms of the Treaty of Lausanne (Efeteio Thrakis, 23/2003). The case was adjudicated by the High Court, which again rejected the appeal on the same ground as in the case of the Turkish Union of Xanthi (AP 586/2005).62

The case was brought before the ECtHR (Emin and others v. Greece, 34144/05), which rendered its judgment in March 2008 in keeping with the case of Turkish Union of Xanthi. The ECtHR was not satisfied that the Greek courts had based their finding that the association constituted a danger to public policy on the title ‘Cultural Association of Turkish Women of the Region of Rodopi’ alone. It observed that it had not been possible to verify the intentions of the applicants in practice, as the association had never been registered. The Court observed that even supposing the real aim of the association had been to promote the idea that there was an ethnic minority in Greece, this could not be said to constitute a threat to democratic society. There was nothing in the statute to indicate that its members advocated the use of violence or of undemocratic or unconstitutional means. The Court noted further that the Greek courts would have had the power to dissolve the association if in practice it pursued aims that were different from those stated in its statute or if it operated in a manner contrary to the civil code (judgment, paras 28–30). Accordingly, the Court held, unanimously, that there had been a violation of article 11.

However, when the association applied before the First Instance Court of Rodopi in order to implement the ECtHR judgment and register as a legal entity, the court denied the application reiterating the arguments that led the Greek government before the ECtHR (First Instance Court of Rodopi, 44/2010). Then the association applied before the Court of Appeals

62 For a presentation of the decision see A. Dervitsiotis, 2007: 111.
of Thrace which once more ignored the European Court of Human Rights rulings (Court of Appeals of Thrace, 562/2010).

In political terms, the case of the Clergymen Association of Western Thrace Mosques (Bati Trakya Camiileri Din Görevlileri Derneği) reflects the controversy and the conflict between Muslims close to the Greek state-appointed Mouftis and those acknowledged the leadership of the elected Mouftis who are influenced by Turkey's policies. The Court of Appeals of Thrace (222/1999) rejected the petition of the association to register according to the procedures set by the Greek civil law. The verdict was based on the grounds that the use of the term 'Western Thrace' – a term which suggests that there is an 'Eastern Thrace' as Turkey does indeed call its territory adjacent to northern Greece – is not necessary since the administrative region in Greece is called 'Thrace'. Therefore, the use of the aforementioned term might provoke problems in the international relations of Greece in that it could be interpreted as an expression of territorial aspirations towards Turkey's Eastern Thrace.

This judgment was supported by the appointed Mouftis, who submitted their legal comments. Their argumentation, although not taken into consideration by the court, was actually more well-founded than that of their Greek counterparts, namely the association of religious servants who seek to be independent of the state-appointed Mouftis. The appointed Mouftis argued that a real danger of confusion could be created among the Muslims. Furthermore, the mosques belong and function in the framework of the service of the Mouftis, who are recognized by the law, so no other group of imams could legally serve.

Ultimately, the case was brought before the High Court. Areias Pagos found that the Court of Appeal had not sufficiently justified its decision. Namely, there was no justification on the question of how the title of the association could oppose Greece's ordre public and how the reference to 'Western Thrace' could disregard the Greek character of the region (AP 865/2002). Thus, the High Court sent the case back to the Court of Appeals as not properly justified and demanded a reconsideration of the judgment. In its final judgment, the Court of Appeal approved the registration of the Association (decision 110/2005).

Political antagonisms and ideological manipulation also often play into the dynamics of informal networks based on local customs, such as wrestling practices in the mountainous area of Eastern Rodopi where Pomak and Alevi/Bektashi identity can intertwine. Since the beginning of the 1990s, for example, Greek ethnographers and others have interfered in
local culture resurrecting and romanticizing 'behaviours of a lost past'. At the same time, pro-Turkish circles promote a standardised Turkish culture, ignoring local cultural diversity. Many associations were set up or controlled by the one or the other group of influence, although by the late 2000s it seemed that the pro-Turkish influence dominated the Rodopi Mountains. For instance, the Cultural Association of Myrtiski, which was founded in 1997 through the support of Greek politicians and which aimed at the promotion of the local culture and festivities of the Rodopi mountains (Protodikeio Rodopis, 103/1997), was paralysed and remains inactive after strong influence exerted by pro-Turkish circles.

The Cultural and Educational Association Hilia (Seçek Eğitim ve Kültür Derneği) was founded in 1997 (Protodikeio Rodopis, 106/1997) and based in Ano Kambi. According to its statute, 'those who are descendants of those exempted from the population exchange' from the villages of the Eastern Rodopi mountain are eligible to become members, and its main goal is 'to preserve the traditions of the region, such as wrestling and running festivities'. Soon, however, the association changed focus from a rather romantic approach on the local culture and festivals of Seçek/Hilia (near the village Kehros of Evros) to attempts to 'Turkify' the local culture. His president, Hasan Bekir Usta, also the founder of the Evros Association of the Minority Youth of Evros (infra), oversaw this change. Moreover, the association aimed at 'Sunnifying' the local Alevi organizational structures and gaining control the 'Religious Association of the Tekke' based in Roussa, which had been founded unofficially in the mid-1990s by local Alevis/Bektashis. One more association is involved in the Seçek/Hilia festivities: The Minority Cultural and Folk Association of Arsakeion (Aşcedilağıköy Azınlık Kültür ve Folklor Derneği) has contributed to this antagonism by presenting songs and dances from Turkey since 2007.

The traditional festivities (paniyiri) of Alan Tepe likewise became a source of local and broader political confrontation emanating from ethnic issues. In 1998, the paniyiri of Alan Tepe, which was traditionally organised by a local ağa, or notable, was split into two different events: one was held in its traditional location with the support of pro-Turkish circles and the local Greek authorities (a function of clientelistic relations), while a new one which promoted a clearly anti-Turkish agenda was held with the support of the entrepreneur Emfietzoglou and the deputy Haitidis, in

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another location. A new association also appeared, the Minority Cultural and Educational Association of Alan Tepe (Alantepe Azinlik Kültür Derneği), controlled by pro-Turkish members of the Commune of Organi. In 1999, the courts challenged this association's application for registration of its statute. The First Instance Court as well as the Court of Appeals (Monomeles Protodikeio Rodopis 193/1999 and Efeteio Thrakis 355/2000) found that the statute was not precise in terms of the Greek Civil Code and thus declared that legally the association did not have the right to register. Arios Pagos overturned the decision as lacking correct reasoning (AP, 444/2002). Finally, the Court of Appeals of Thrace (117/2005) re-examined the case and ultimately accepted the association's statute as lawful. The Commune of Organi then undertook the organization of the festivities.

The Evros Association of the Minority Youth of Evros (Evros Azınlık Gençleri Derneği),64 based in Goniko of Evros, applied in December 1995 to be registered by the local court. Its statuary scope is 'to promote the folk traditions of the minority', 'to contribute to the spiritual and cultural and personal relations of the members of the association and the members of the minority', and 'to foster the ideals of freedom, democracy, humanism, human rights and friendship between the people of Greece and Turkey'. The First Instance Court of Alexandroupolis (decision 58/1996) and the Court of Appeals of Thrace (decision 423/1998) held that the statute did not comply with the legal requirements set by the civil law. The argument was that the title of the association created uncertainties because the term 'minority' was not used with reference to religiosity as set forth in the Treaty of Lausanne and Greek law. Thus, it could create the misunderstanding that 'there was a Turkish minority in Greece'. However, the High Court ruled that this reasoning was not justified in terms of law and sent the case back to the Court of Appeals (AP, 1241/2002). The latter reiterated its objections to the applicants' claims (Efeteio Thrakis, 324/2003). The High Court adjudicated the case at the second and final stage, upholding that the statute of the association created uncertainties regarding the character of the minority. Furthermore, it upheld that the "Greek law safeguards the goals of the applicant association for all citizens without discrimination". Lastly, the High Court justified the rejection of the application as being in compliance with the restrictions set by relevant human

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64 It appears that the founding members of the Evros association were active as well under the title 'Union of Muslims of Evros', which set up the 'Panhellenic Confederation of Greek Muslim citizens' in 2003 and the 'Cultural and Educational Association of the Muslims of Evia'. 
rights law (AP, 58/2006). Thus, the Greek courts, in a notable ruling, began to hold that the reference to ‘a minority’, even without a clear statement that this minority is ‘Muslim’, implies a national, namely Turkish character, and therefore that this terminology did not align with the Greek law and the Treaty of Lausanne. This was said to justify restrictions to the right of association, and be in keeping with international law. The association responded by applying to the ECtHR alleging violation of article 11 of the Convention. The ECtHR condemned the denial of the Greek courts to register the association as it could in no way see the pressing ‘social need’ alleged by the state authorities; the ECtHR further asserted that the refusal to register the association was pre-emptive and disproportionate to the pursued objective. The only restrictions to the right to association which would be acceptable would be if an association acts against the territorial integrity of the state or claims special electoral rights.

Despite the ECtHR judgment, the First Instance Court of Alexandroupolis proved to be extraordinarily persistent and denied again the registration of the association (decision 405/2008). It reiterated the arguments regarding the title of the association and upheld that “the ECHR's judgment does not entail a relevant obligation for the Greek courts to reconsider the merits of the case, as the repetition of the procedure is not provided for by the national law” (sic).

The Minority Organisation for the Support of the Civil Society (Azmltk Sivil Toplumu Destekleme Örgütü), based in Xanthi, faced a similar situation when it applied for registration in 2007. The First Instance Court of Xanthi rejected the application on the grounds that the title of the association was controversial because it did not define whether the minority is religious or national. 'In effect it would imply that the minority is national, so the title is illegal'. Moreover, the court stated that it was not certain that the scope of the statute did not contravene the law, as ‘supporting the civil society and creating proper places for those who intend to conduct sacrifice (kurban) do not have a clear content’.

Similarly, the South Evros Cultural and Educational Minority Association (Güney Merîç Azmltk Kültür ve Eğitim Derneği) was not permitted to register by the court of Alexandroupolis on the grounds that its title created misunderstandings regarding whether its members belong to the Muslim minority of Thrace were Turkish citizens. In short, the court of

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65 For a critique of these decisions see Dimoulis, 2008 and Papastylianos, 2008.
Alexandroupolis reiterated the same arguments as it had in the previous cases. At last, the High Court quashed this decision and remand the case back to the Court of Appeals (AP 24/2012).

11.4. THE IMMIGRANT MUSLIMS: BETWEEN NATIONAL COMMUNITIES AND RELIGION

As mentioned previously (supra, Section 7.2.), Muslim immigrants encapsulate a number of different identities which do not necessarily overlap. Even where religious affiliation is visible, there is no means of telling whether one's self-identification as a Muslim is a direct statement of faith or of culture. In this context, associations founded by Muslim immigrants often entail communitarian structures. Greek law and the judiciary are indifferent to these phenomena, as well as to the complex overlap between religious and ethno-national identity, unlike in the cases of the minority of Thrace. However, the substantial enjoyment of the right to set up an association presupposes that the bearer of this right enjoys a certain acknowledged legal and social position. As such, the regularization process of undocumented immigrants acquires a special weight in this discussion.

According to Miltos Pavlou, after a period of negation (1990–1997), Greece passed to 'temporary tolerance and crime-phobia' (1998–2000), then to 'elementary migration policy' (2001–2004), and finally to a 'positive turn of the public discourse' (2005–2009).67 In 2009–2011 serious efforts aimed at putting a general framework of regularization, with not very successful outcomes, as the economic crisis strengthened xenophobic discourse and policies. Act 1975/1991 on immigrants was characterised by the absence of any concern for human rights; the main goal was the regularization of clandestine migration. PDs 58 and 59 of 1997 implemented this legal framework. Taking a modest step ahead, a new act on immigration was passed by the Parliament on 2 April 2001 (Act 2910/2001). This act regulated the conditions under which immigrants could obtain a residency permit and facilitated their integration into Greek society. These measures since drastically reduced the number of undocumented immigrants and eased legal migrants' incorporation into the national health and insurance systems, the safeguard of their labour and other social rights only temporarily. The law was introduced very late, and addressed symptoms rather than core problems. For,

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67 M. Pavlou, 2009: 42.
The large number of undocumented immigrants is mainly due to the fact that, on the one hand, [there] has never been a well-defined and well-organised immigration policy, and on the other hand, public services have been unable to cope successfully with the immense problems created by the simultaneous arrival of large numbers of immigrants.\textsuperscript{69}

To give a few examples of legal regulations on undocumented immigrants, Act 3536/2007 (FEK A 42) attempted to normalize regularization and procedures of deportation. As amended in 2009, the law allows police to deport any immigrant, 'legal' or 'illegal', even if he/she is merely prosecuted and not condemned by a court. This regulation contradicts fundamental human rights such as the presumption of innocence, and creates discriminatory divisions through citizenship which engender societal cleavages. Last, Act 4018/2011 (FEK A 215) aims at the implementation of EU's Regulation 380/2008 (which amends Regulation 1030/2002) laying down a uniform format for residence permits for third-country nationals. Nonetheless a lot remains to be achieved as long as human rights related to labour and housing, education and health care are not satisfactorily guaranteed.\textsuperscript{70}

The majority of Muslim immigrants have organized themselves in communities, often in the form of associations under the Greek civil law. Their members express their Islamic identity in everyday life to greater and lesser extents, collectively or individually. Some associations have been established aiming to promote 'friendship' through cooperation with broader Greek society. Such bodies include the Arab-Greek Cultural Association in Neos Kosmos, the Committee of Aliens in Agios Nikolaos, the Greek-Egyptian Association 'Ptolemy' in Metaxourgeio or the Greek-Palestinian Friendship Association. Others have a more direct religious scope, such as the Sunni-Bengali association El Tzabar, or the Cultural Association of Shia in Greece, the members of which are mostly Pakistani.

The role Islam plays in immigrants' everyday lives varies, from radical to softer or even secular variations. However, national community ties are strong, even if migrants are inter-linked through Islam. Tellingly, almost all Muslim national communities have created their own associations,

\textsuperscript{69} S. Chtouris, [undated]: 1. For statistical data on the process of regularization, Th. Dokos & D. Antoniou, 2002, 179.

including the Pakistanis, the Egyptians, the Bangladeshis, the Moroccans, and the Algerians. Women's immigrant organizations can have a Muslim character too, such as the Organisation of Afghan Women and the Organisation of the Sudanese Women. Among the communities with an Islamic affiliation, the largest is the Pakistani-Greek Cultural Association. By 2009, the Afghani community numbered 20,000 and the Pakistani 70,000; other group included Bangladeshis (25,000), Palestinians and Jordanians (12,000), and Syrians (15,000), while Egyptians, Iraqis, and others numbered a further 40,000. The Nigerian community has reached about 5,000 and the Algerian about 1,000. Altogether, in the beginning of 2000s immigrants coming from the Maghreb numbered around 2,500. Certainly, their number has significantly increased ten years on. Other communities range from 300 to a handful of members. Of course, this data is only indicative: and statistical estimates can not be reliable as numbers are subject to critical variations and not measured through scientific methodology (on uncertainty in immigrant statistics, supra, Section 7.2.). In other cases, the national community only partly expresses affiliation to Islam, as a majority (Syrians, Palestinians or Sudanese) or a minority (from India, Ghana, or Nigeria) culture. On the other hand, the largest 'Muslim' community, the Albanians, shows very little affinity for Islamic traditions (as an exception, the Lahore Ahmadiya Movement has provided Albanians with religious training). Indeed, Albanian migrants are quite often open to Christian Orthodoxy, and sometimes willingly – in response to repressive practices – to employ integration or assimilation strategies like changing a Muslim name to a Christian name. Ethnic Turks and Kurds who come as immigrants or refugees are strongly politically motivated and as a general rule are not active members of a broader Islamic community. This is especially the case when they represent leftist or revolutionary political groups or parties struggling over political problems in their own countries (e.g., Turkey, Iraq, and Iran). It is also plausible that the religious profile of those migrants entering Greece differs from those of their country of origin. In some cases, active Muslims may be less likely than non-Muslims

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72 Data according to leaders of the Muslim communities, 'To Vima', 31.5.2009.
76 L. Kain Hart, 1999: 197.
77 By 2000, there were more than 4,500 Kurds from Iraq in Greece, see A. Ali, 2001: 335.
to immigrate to Greece, as there is no Islamic infrastructure to handle their religious needs.\textsuperscript{78}

Broadly, social solidarity, maintenance of cultural or/and national identity, and in some cases educational activities are the object of these community associations which often act under the coordination of the immigrant organizations’ federation, the ‘Immigrants’ Forum’.\textsuperscript{79} The community associations often offer help to their members in communicating with the Greek authorities (e.g., by providing interpreters), dealing with the notorious problems of regularization, registration, health, and housing, and ensuring immigrants are able to observe religious holidays and religious duties (such as fasting during \textit{Ramadan}) by requesting special leave during Muslim holidays to leave and re-enter Greece (for the ‘legalised’ migrants).\textsuperscript{80} Some immigrants’ associations also seek to help migrants learn Greek. Moreover, they help to solve problems related to immigrants' children such as schooling, birth registration, and social security. Teaching these immigrant children their mother tongues and the principles of Islam constitute other major concerns. In many cases, the associations establish a place for prayer (\textit{mescit, infra, Section 12.3.}), which is used as a space for meeting and disseminating information. However, while these associations offer an institutional shelter for vulnerable members and a feeling of community solidarity, they also often (re)produce power and hegemonic relations wherein the association leadership gains political authority and in some cases creates dependency and exploitative relationships. As importantly, cleavages, conflicts, and corporatism based on political, ethnic, language, class, or tribal characteristics established in the country of origin are often reproduced among members of a community.

Attempts to unify actively-practicing Muslims across different national communities have given rise to associations with a religious scope. This is the case of the Muslim Union (Association) of Greece (2003, \textit{Enosi Mousoulmanon Ellados}) based in Athens, which plays an active role in requesting the construction of the mosque and the cemetery in Athens as well as in organizing the public prayers.\textsuperscript{81} The Union set up the Arab-Hellenic Center for Culture and Civilisation (\textit{Ellinoaraviko Epimorfotiko...})

\textsuperscript{79} On migrant associations in Greece with a Muslim character see <www.migrants.gr> and <www.islam.gr>. See also A. Ziaka, 2009: 162.
\textsuperscript{80} O. Tsakiridi, 2010.
\textsuperscript{81} For an overview of the requests for the mosque and cemetery see <www.equalsociety.com>. 

Politistiko Kentro\textsuperscript{82} founded in 2001, and since 2007 based in Moshato (Athens), after a Saudi businessman purchased a building for the Centre which was then renovated to cater to religious and educational needs \textit{(infra, Section 12.3.)}. It seems that in the following years the Arab-Hellenic Center is not linked to the Muslim Union.

Communication between the Greek authorities and the Muslim immigrant communities through their religious or civic leaders is neither formal nor transparent.\textsuperscript{83} This lack of communication fosters mutual suspicion and undermines cooperation in solving legal and societal problems. Regularization remains the biggest problem for Islamic religious shrines and cemeteries, along with the broader economic and legal challenges that all immigrants face. Rising Islamophobia, especially in Athens by the late 2000s, also radicalised segments of the Muslim communities. However, there are no signs of participation of radical Islamists residing in Greece in activist or terrorist actions perhaps with the exception of those who used Greece as a transit point.\textsuperscript{84} Another upshot of Islamophobia has been active efforts on the part of Muslim immigrants in Athens to project their presence and preferences. One outcome was that the government pledged – yet again – to construct a cemetery and a mosque in Athens. For the most part, however, Islam and Muslim communities are little known to Greeks. Rather, they are perceived as sort of shadowy entity with links to (radical) Islam, and as a homogenous and ‘threatening alien culture’. Average Greeks ignore the variety of cultural, political and ethnic/national characteristics, attitudes, and voices that exist among immigrant Muslims. The hunger strike by 200 Muslims (mostly from Maghreb countries) in 2011 put forward a series of questions regarding the regularization of undocumented immigrants and their rights. In the end, the hunger strike increased the visibility of Muslim immigrants in Greece and triggered a series of reactions, from feelings of solidarity to racist and xenophobic attacks.

\textsuperscript{82} <www.ahccc.gr>.
\textsuperscript{83} Anna Triandafyllidou & Th. Maroukis, 2008.
\textsuperscript{84} Worth noting is the 'Pakistani abduction case': 28 Pakistani immigrants were kidnapped by intelligence agents in Athens eight days after the London bombings of 7 July 2005. A series of organizations accused the Greek government of taking harsh measures in the 'war against terrorism' allegedly in cooperation with British intelligence. See I. Michaletos, 2011 who claims that in the 2000s there were cases of radical Islamists who were identified by the Greek intelligence.
CHAPTER TWELVE

MOSQUES AND CEMETERIES

Alongside its primary role as a centre for worship (in Orthodox Islam), the mosque is an edifice of symbolic and pragmatic importance when it is placed within a minority context. To build and maintain a mosque has always been related to the power relations between the Muslim communities and the Greek state; it has also sometimes been tied to foreign affairs. For such reasons, the establishment or abolition of a Muslim cemetery has acquired immense symbolic salience with regard to the position of Islam in Greece.

12.1. GREECE BEFORE 1950

In rare occasions in the past, the Greek State attempted to facilitate the building of mosques. For example, and for unknown political reasons (perhaps the Greek government, envisaging the forthcoming annexation of Thessalia, was seeking to show good will towards Muslims) act 1851 (ΑΩΝΑ) of 1 June 1880 disposed a plot in Piraeus for the purpose of building a mosque. However, it was never established. Except for a new cemetery that was set up for the needs of the Muslims of Thessalia, no other special legislative action regarding mosques or Muslim cemeteries was taken before 1913.¹ After the annexation of the New Lands, the Convention of Athens (1913, article 4 of Protocol No 3) provided that Greece should build a mosque in Athens and another four mosques needed in ‘poor villages’ in the country. (It is worth noting that all mosques that were formerly churches and which had been deconsecrated as Christian places of worship during the Balkan Wars were not subjected to any claim by the Ottoman Empire.) The provision of the Convention of Athens on the mosques was never implemented, though Venizelos sought to convince the Greek Parliament that a mosque should be built in Athens by treaty or by internal law.² Until the exchange of population in 1923, mosques and

¹ By Act 2737 (ΠΡΩΤΑ) 15 March 1900 (FEK A 91), the Greek government expropriated land in order to create an Islamic cemetery in Domokos. RD of 6.7.1900 (FEK 168) implemented the expropriation.
cemeteries were both protected as vakf (in term of articles 12 of the Treaty of 1913 and 12 of its protocol no 3). However, according to the relevant Ottoman law, the cemeteries were public land (arazi-i emriye) and they should be considered as a special category of vakf as far as they were used for this purpose. According to a court decision, a Muslim cemetery, which was out of use in 1920, should become property of the state and not property of the municipality of Komotini which had claimed ownership. The Moufti of Ioannina, on the other hand, claimed that Muslim cemeteries could never change their use and scope. In another case, the expropriation of six disused cemeteries in Ioannina as well as of four mosques provoked a vivid reaction by the local Muslim community which succeeded in hampering the expropriation only temporarily. At the end of the day, in the view of the Greeks, the forthcoming population exchange legitimised such expropriations in the name of the public interest so long as the expropriations were realised through a fair procedure. In other cases, mosques in places where the Muslim communities had been removed were acquired and put under the absolute discretion of the State. According to Act 627 (xz'') of 15 July 1861 (FEK 27), for example, the mosque of Lamia was donated by the State to the local municipality in order to build an elementary school. During the population exchange, Muslim community estates (belonging to communities which would be exchanged) were expropriated for the needs of the refugee Greeks – thus, a mosque in Irakleion (Balta tzami) was expropriated ‘for public profit’ by RD of 10.3.1923 (FEK A 90).

Act 6244/1934 (FEK A 274) provided for the construction of an Egyptian mosque and a respective Islamic Institute for the needs of Egyptian students in Greece on a plot offered by the Greek government to the Egyptian king as an annex to the Egyptian Embassy. This offer envisaged the strengthening of Greek-Egyptian relations for the further amelioration of the position of the Greek community in Egypt. Yet there is no information to the effect that the act was implemented.

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4 Court of Appeal of Patra 64/1954, Armenopoulos 1955: 334.
6 RD of 26.8.1919 (FEK A 192) abolished a year later. Memorandum of the Moufti of Ioannina to the President of the Government, Ioannina [undated] 1919, AGGE, F.184, II, 1922, B/7a, in which he asked for a fair indemnity.
7 N. Elefteriadis, 1921f: 284.
8 See introductory report to the law, K. Sifnaios, 9 Pandektai nomologias kai diatagma- ton 1934: 1405.
In 1929, in Thrace, 300 mosques and *mescits* with 378 imams and a total of 667 religious personnel were in operation. Moreover, in Thrace, there were two *tekkes* (plus one under requisition by the army in Mikro Derio) with 21 *sheikhs*.

Several Ottoman and Islamic monuments recall the past presence of Islam in Greece. Most of them are badly maintained, though some are in good shape. These monuments were perceived to belong to an alien or enemy culture, were targeted or neglected for ideological reasons, or used in accordance with the logic of 'negative reciprocity' in response to the treatment of Christian monuments in Turkey. For example, the authorities demolished a *tekke* in Komotini (Pospos) of major historical importance in 1989, and well into the 1980s several Islamic monuments suffered a similar fate. Other Islamic monuments are being neglected (such as the *tekke* of Farsala or the *türkbe* – tomb of a saint-like figure – of Murat Reis in Rodos, *infra*, Sections 15.5. and 15.3., respectively) or well maintained. In many other cases (as in Thessaloniki) Ottoman buildings, were properly restored and used for cultural purposes. Worth mentioning is the mausoleum of Gazi Evrenos, which was rebuilt in 2008 in Yanitsa, but it is not open to the public (as of 2011).

### 12.2. Functioning Mosques and Cemeteries and Their Staff

In Thrace and in the Dodecanese islands of Rodos and Kos, mosques function for the needs of local Muslims. The famed central mosque of Rodos which was built by Suleiman the Magnificent was restored with EU funds after its minaret collapsed; it was subsequently opened for the religious needs of the Muslim community of the island. The Eski Cami of Komotini was likewise restored by the Moufti Office using funds from the vakf. In an exceptional case, the great mosque of Didymoteiho/Dimetoka is not used by the local Muslim community as it had been declared as a

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9 K. Stylianopoulos, 1929: 19. According to S.A. Tchemalovich (1933: 208), in 1932 out of this number only 73 mosques were actually operational.
10 For the ritual needs of the local Bektashi community.
11 K. Stylianopoulos, 1929b: 19.
13 On the Çelebi Sultan Mehmed mosque see I. Biçakçi, 2003: 56. During the visit of the UN Special Committee on the Balkans in Didymoteiho, the Mexican and Pakistani delegates noticed that the mosque “a fine peace of architecture, may no long continue to exist through decay, as it was used not as a mosque but as a granary”, UN Special Committee on the Balkans, 3.4.1950, A/AC.16.SC.1/MIN.126/Cozr.1, FO/371/87707.
monument and thus not applicable for religious use. Although it is only recently being restored as a museum, yet is still not open to the public (as of 2011). Currently there are more than 300 operational mosques and mescits in Thrace and three in Kos and Rodos. Moreover, more than 300 Muslim cemeteries are also operational in these regions. In general, in each mosque there is one imam and one muezin (man who calls people to prayer).

The general law on the opening of non-Christian Orthodox places of worship applies to the mosques of Thrace as well. The competent local prefect has the jurisdiction to issue the permit for the restoration. In practice, the control exerted by the Greek Orthodox Church means double standards apply, when it comes to Muslims' right to set up a mosque within Thrace and in the rest of the country. That said, the local Orthodox Bishop rarely interferes when a permit for restoration of a mosque is requested. Two cases, in 1995 and 1997, in Xanthi (Kimeria village) and in Rodopi (Pelekiti village), concerning the restoration of a mosque’s minaret created tensions between Christian and Muslims. The issue of the height of the minaret triggered a series of reactions among local Orthodox bishops, who made visible their leading role in the region, by hampering or making delay the construction works. This transpired despite the fact that the General Building Regulations provides an exception – for clock towers of churches and therefore for the minarets of mosques – to the maximum height for buildings and the fact that the exception has been observed for minarets. The issue, nevertheless, became controversial when the mouteveli of two mosques (in Vena and Kalyntiri) were denied a permit for a 16m minaret.

In another case the restoration of a mosque (in Amaxades in the early 2000s) that had accidentally caught on fire became an issue of Greek-Turkish competition, albeit in its positive expression: the two states competed for granting the funds needed for the works in order to prove their concern for the minority. The open antagonism which characterises occasional sponsorship of mosques or other vakf buildings is also evident in the involvement of Saudi Arabia, which offers significant funds for the

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17 S. Akgönül, 2002: 152.
same purposes (for instance, for the extension of the premises of the Hayriye medrese of Komotini), sometimes through direct grants to the (institutionalised) Moufti Offices. It seems that Greece allows the Saudi involvement just to hamper Turkish interference. This sui generis alliance illustrates how Greece’s official policies can instrumentalize Islam for ulterior motives. That said, since 2004, Turkey has actively sponsored the establishment of more than ten new mosques around Thrace without facing any reaction from the local authorities.

With regard to heterodox Islam, today there are a few tekkes for the ritual needs of the Bektashi (Pomaks and some ethnic Turks) inhabitants of the villages located in the Eastern Rodopi Mountains (in Rodopi and Evros prefectures), the most important being the tekke of Kızıl Deli in Roussa (Evros). Several tekkes, no longer in use, can be visited throughout Thrace.18

The numerous cemeteries of Thrace are all vakf and are subject to the management of the local Moufti or mouteveli.19 The local municipalities have no jurisdiction over them. However, they are subject to legal regulations on sanitary and public security according to ministerial decision A5/1215/1978 (FEK B 424). In several cases, the extension of a Muslim cemetery is due to a donation of an adjacent plot. A new cemetery of controversial legal status was established in 2008 in the village of Sidiro (Evros) for the unidentified corpses of Muslim immigrants who died while entering Greece through the river region. This legally ‘invisible’ new cemetery20 falls under the jurisdiction of the Moufti office of Didymoteicho.

The Moufti supervises the religious ministers (imams) appointed to the mosques of his region and ensures their salaries. Supplements have been paid by the Greek government since 1991 through a non-accountable procedure. That said, the controversy over the Moufti office and the de facto operation of two Moufti offices in Komotini and Xanthi affects the staff of the mosques in that the appointed Mouftis control only a minority of the mosques.21 On the other hand, the imams loyal to the elected Mouftis are part of a parallel system financed by Turkish sources. In 2007, the Greek government responded by rendering accountable its relations with the imams (Act 3536/2007, FEK A 42). It further pledged that the

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19 On the legal status of Islamic cemeteries see S. Minaidis, 1990: 309.
20 For a report on the cemetery in Sidiro, see <www.hlhr.gr/detailsen.php?id=586>.
21 It controls 100 percent of the imams of Evros, more than 80 percent of the imams of Rodopi, and less than 50 percent of the imams of Xanthi.
administration would hire 240 imams (100 in Rodopi, 100 in Xanthi and 40 in Evros), 40 of whom would be university graduates, in order to 'preach the Koran in the mosques of Thrace' (article 36). The imams have to be graduates of theological schools in Greece (which do not exist) or abroad and of secondary schools. In case of shortage, during the first five years of the implementation of the law, graduates from a medrese and even of elementary schools with knowledge of Koranic teaching could be appointed. A comparison of articles 36.2 and 39 illustrates a contradiction regarding the possibilities of the medrese graduates to obtain a contract after 2012. In practice, very few candidates would be fully-qualified. One controversy regards the selection of imams by a five-member committee comprised of representatives of three ministries and two university professors (article 38). This means that the committee would 'select' and the Moufti would 'sign' the contracts. However, the fact that the renewable contracts are of private character and the last nine months from September to May (article 37) undermines the functional continuity of the mosques and the credibility of the act. The legal status of the contracts and the process of selection would also ensure tight control of these 240 imams operating all over Thrace by the Greek government thereby perpetuating the extent pattern of Greek-Turkish rivalry over imam appointments.

In the view of the government, however, the new regulations were adopted as human rights measure to eliminate ghettoization of the minority, foster the spiritual development of the Muslims of Thrace, and provide Turkey a positive example on its accession path to Europe. Tellingly, during a parliamentary debate, the need to empower the decision making role of the Moufti in the appointment of the imams was raised as was the excessive role of the minister of foreign affairs in minority affairs; it was stressed that the minister should avoid participating in processes dealing with the minority. However, as Evangelos Venizelos, then a PASOK deputy and former-minister correctly noted, the law breaches article 103 of the Constitution and the relevant EU employment law, which would not allow nine month contracts and committee selection of the imam which contradicts the principle of religious freedom.22

According to the Act, ten additional staff strengthens the secretariat of the three Moufti offices. The salaries are entirely supported by the state budget. They would have to be Greek or EU citizens aged at least 21, graduates from university or another place of higher education, possessing a

22 Greek Parliament, Minutes, Period IA, Session of 8.2.2007.
sufficient command of the Turkish language. The Moufti would make the selection among the candidates and the Minister of Education and the Cults would appoint them (according to common ministerial decision 98541/A3 of 11.9.2007, FEK B 1894).

The minority immediately condemned the new law, particularly the selection-committee aspect, and the Moufti of Komotini, Meco Cemali, declared that he would not apply it. By late 2007, a special five-member committee for the selection of the imams (Heyet-I Mumeyyize) was set up which would operate under his jurisdiction in accordance with customary Islamic law. After the Ministry launched a call for the imam posts (Min. D. 106535/A3/12.8.2008, FEK G of 14.8.2008), the Moufti offices made their own selection and sent the list for approval by the Ministry. The Ministry also launched a call for the secretariat posts (Minis. D. 29424/A3 of 16.3.2009, FEK B 563) which was recalled after a month (Min. Dec. of 16.4.2009) in view to avoid further tensions.

12.3. THE ODYSSEY OF MOSQUES AND THE MUSLIM CEMETERY IN ATHENS

Muslims outside of Thrace and in the islands of Rodos and Kos have no opportunities to pray properly (according to Orthodox Sunni practice), as no official mosques operate outside of these areas. The lack of mosques and cemeteries affects both indigenous Muslims and the numerous Muslim immigrant communities, most of which are settled in Athens.

The Greek State has always viewed the possibility of building a mosque in Athens, where more than 200,000 Muslims (including about 15,000 Muslims of Greek citizenship) live, with suspicion if not hostility. An important part of Greek public opinion and the majority of the political parties share this attitude. The problem further emanates from a total lack of political will to provide visible places of worship for Muslims. According to a representative of the Muslim intelligentsia in Athens, “it would be extremely difficult to register a mosque here and (Muslims) are reluctant to even make the effort”, as “there have not been any problems so far and they have been allowed to unofficially operate these places of worship. However, this situation must change and Greeks must understand that Muslims and their religion should have a place in society”.25

23 "Trakya’nın sesi", 1.2.2007.
Animosity regarding the establishment of an operational mosque in Athens dates back at least to the early 1970s. Reportedly, the Director General of Religious Affairs of the Ministry of National Education and the Cults of the junta administration proposed the opening of the old Ottoman Fethye Cami for the needs of Muslims travelling through Athens. The Ministry of Culture rejected the proposal because the "mosque is situated very close to the Acropolis, a place of historical and monumental [Greek] character". The first official demand to build a mosque was expressed by King Halid of Saudi Arabian in 1978 to the Greek Prime Minister K. Karamanlis, who responded positively to the request. The Council of the Arab League in Athens followed up on the issue, as well as a council of all Muslim countries represented in Greece. The Greek Ministry of Foreign Affairs once again responded positively and offered a plot at Marousi. After objections formulated by the Municipality of Marousi, in 1992, they offered Muslim states accredited in Athens another plot at Koropi in order to build the mosque at their expense. The mosque was never built.

The demand arose again on the occasion of the 2004 Olympic Games in Athens. At this time, the Greek government of PASOK intended to facilitate the establishment of a single mosque within an Islamic Cultural Centre, but faced constant opposition from the Synod of the Greek Orthodox Church. To avoid making bad impressions, the Archbishop of Greece Christodoulos, however, declared that he was not opposed to the establishment of a mosque in Athens, as long as it is not built in the centre of town. After vivid discussions before the Greek Parliament, the bill passed. According to Act 2833/2000 (article 7, FEK A 150), a mosque should be built in the Western part of Paiania (in Attica), quite far from Athens' centre. The commencement of the construction works was postponed, however, due to the long negotiations between the Greek Ministry

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27 The Archbishop's spokesperson said, "The Church is not opposed to the creation of a mosque in Athens. Given the fact that the presence of people of other religions is now a reality, the Church respects every individual's particular religious beliefs, and because Islam is a well-known religion, it does not object to the creation of a mosque under certain conditions – namely that the mosque is not built in the centre of Athens because the average Greek cannot yet accept the idea of a minaret in the city centre". The Church of Greece was also against the creation of an Islamic education centre, because 'there is no reason for such a centre in Greece', 'Athens News', 11/10/2002: A12 and Holy Synod of the Church of Greece, 'Letter to the MFA', 8/9 Ekklisia 2003: 578.

28 For the position of the political parties in this discussion and the discourse of the negative discourse of the Greek Orthodox Church Dia Anagnostou, R. Gropas & D. Antoniou, 2008 and Anna Triandafyllidou & R. Gropas, 2009.
MOSQUES AND CEMETERIES

for Foreign Affairs, the Arab negotiation team, and the Institution of King Fahd of Saudi Arabia, which would finance the project. In so doing, the Greek government gave the right of Muslims to manage their affairs to a group of states led by Saudi Arabia. The mosque was supposed to be built along with the 'Islamic Cultural Centre of Athens' aimed at the enhancement of Greek-Arab relations, as well the study of Islamic civilization and religion. Two mixed committees would undertake its administration and management. The project has remained unrealised.

The Council of Europe's Commissioner for Human Rights also raised the issue of the non-existence of a mosque in Athens. As the situation had not changed since 2006, the Commissioner stated that

This situation is far from conducive to smooth and mutually respectful relations between the religious communities in Greece. A practicable solution providing for the opportunity of public worship must be found – for the right to freedom of religion of the Muslim community in the capital to be effectively respected. Much the same considerations would apply to the issue of an Islamic cemetery in Athens, in respect of which progress must also be made.

The discussion about the mosque in Athens likewise continues to attract great interest from the Greek media. After long discussions and pressure on the part of Arab states and immigrant communities, a decision to build a mosque in Athens was taken once more, this time by the conservative government of Nea Dimokratia. At last, according to Act 3512/2006 (FEK A 264), an 'administrative committee of Islamic temple of Athens' should be established as a legal body of private law sponsored by the state. A mosque should be built at the expense of the state. The seven-member board is appointed for a three-year term by the government, whose president is the Secretary of the Ministry of Education and the Cults. Out of seven members of the board, only two would be Muslims 'representing the local Islamic communities' (article 5.e). One imam would be appointed for two years by the government to serve the religious needs of the several communities. The law passed after intense discussions in the parliament.

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31 A claim to set up a mosque signed by 10,000 Muslims and sent to the Minister of Education and Cults was initiated by the Muslim Union of Greece, 'Eleftherotypia', 11.5.2006: 12.
The minutes of the discussion reveal a series of misunderstandings and misconceptions about Islam, law, and society among many deputies both in favour and against the measure. Some critics asserted that the law "would contradict the Greek constitution and the ECHR regarding the religious freedom of the Muslim communities who were to be the passive actors in the establishment of the mosque", or that the presence "of just two representatives of the Muslim communities would not guarantee even a modicum of genuine representation as the law excludes the communities from participating in the process of decision-making". Others pointed out that the appointment of a single imam could not cover the needs of the diversity of the Islamic communities. In addition to the technical shortcomings of the law, the initiative also reveals a paternalistic stance taken by the state which, yet again, was shy of multiculturalism even when doing so could help enhance security. That said, the acceptance by the rapporteur (G. Vasileiou) that '[W]e [have become] a multinational society', or the declaration made by M. Yannakou, then Minister of National Education and the Cults, that the establishment of the mosque in Athens should not be placed under the rubric of reciprocity (with Turkey) can be seen as a step forward for the conservative wing of Greek politics. At least the challenge to domesticate immigrant Islam in Greece has been understood, although through centralizing and statist frames of reference. As one commentator put it, 'perhaps Islam will express itself and grow within the framework of Greek national institutions'.

On the other hand, there was strong resistance and opposition to the construction of a mosque in Athens. The Bishop of Piraeus Serafeim publicly declared that

The Muslim faith is a catastrophic religion, non compatible with article 13 of the Greek Constitution, [...] as a priori it enhances itself and the Koran declares so, through crime, violence, terrorism and death. Consequently, the adopted Act on the establishment of a mosque in Athens does not comply with the Constitution.34

When the government finally announced that the mosque was going to be built, as the necessary funding had been allocated and a legislative amendment regarding the licence was adopted (Act 4014/2011, art. 29.5,
FEK A 209), a vivid reaction was nevertheless raised by the populist and ultra-conservative deputies of LAOS.\textsuperscript{35}

Meanwhile, during the long years of state reticence, Muslim communities self-organised and set up temporary places of worship. As of 2009, more than 70 mescits (14 of which organised by Arabic communities, others by Bengali or Pakistani communities)\textsuperscript{36} function informally in Athens and in a few more cities across Greece (such as Thessaloniki, Irakleio, Larisa, and Hania).\textsuperscript{37} They are situated on the premises of houses or shops which are transformed into mosques for the needs of the worshippers but without official state permit. The first mescit was founded in 1984 in the Goudi area by a group of Muslim students at the University of Athens; the second was established in Pireaus.\textsuperscript{38} Gradually, since 1988, more mescit have been founded mainly by Arab immigrants in Pireas, Metaxourgeio, Neos Kosmos, Omonoia, Tzitzifies, and Agios Nikolaos. Five mosques are attended primarily by Bangladeshis and another five by Pakistanis. A mescit also has been set up within the Hotel Caravel of Athens for its Muslim clients. Others have been operating on the premises of the School Theology of the University of Thessaloniki since early 1970s,\textsuperscript{39} as well as of the Arab League of Thessaloniki, and the Association of Muslims of Macedonia-Thrace since the mid-2000s. With no signs of implementation of the law on building a mosque, an Islamic centre with a mescit likewise opened in Moshato (Athens) in June 2007. The spacious building, donated by a Saudi entrepreneur,\textsuperscript{40} hosts the office of the Greek-Arabic Cultural Centre, which belongs to the Federation of Islamic Organisations in Europe. Another Islamic center and mescit was set up in 2009 in Psyri (center of Athens) by the Bengali community Al Jabbar which raised money from the immigrants themselves and helped by the Union of Muslims.\textsuperscript{41} In one unprecedented case, the Prefecture of Athens levied a

\begin{itemize}
\item \textsuperscript{35} Greek Parliament, Minutes, sessions of 13 January 2011 and 6 September 2011.
\item \textsuperscript{36} For a description of the mescits of Athens see <www.kspm.gr>. The research was conducted in 2007 by the Centre for Assistance to Repatriates and Immigrants (KSPM) which is dependent on the Church of Greece.
\item \textsuperscript{37} According to Naim Elghandour, president of the Muslim Union of Greece, personal interview, Athens 1 February 2008.
\item \textsuperscript{38} N. El-Ghandour, 2009.
\item \textsuperscript{39} A. Ziaka, 2009: 159.
\item \textsuperscript{40} ‘Eleftherotypia’, 22 June 2007.
\item \textsuperscript{41} Ath. Skoulariki, 2010. However, I. Michaletos (2011) refers to an eventual interconnection of these associations with hidden donors. He evokes intelligence sources and does not provide other evidence.
\end{itemize}
penalty of 60,000 Euros against one of the illegal mescits (in Nea Ionia) for not complying with the legal and security standards required. Generally, Muslims gather in the mosques independently of their community-affiliation, but in a few cases they prefer mescits on the basis of nationality. Sometimes the divisions within the community (like the Pakistani and the Bengali) resulted in the establishment of two mescits operating in parallel.

Muslims also started praying openly. Immigrant Muslims celebrated both Ramadan and Aid al-Adha in major athletic facilities of Athens offered (or rented) by the government by the mid-2000s (but not in 2010). In 2010, Ramadan was celebrated by 2,000 Muslims in a public prayer in Kotzia square, which was offered by the Municipality of Athens for this purpose. In the same year, the Aid al Adha prayer was celebrated in many public spaces in Athens, vigorously challenging the strong social convention of Muslims' 'invisibility', and in many instances attracting Greek nationalists who attempted to impede these gatherings. It is not surprising that in 2009 and for the first time, more than 1,000 Muslims rallied in 2009, demanding the establishment of proper shrines. Worth noting is that, for the first time, in 2011 the municipality of Thessaloniki offered a space in the premises of the International Fair to Muslims for their prayer of Aid al-Adha.

The uncertainty of the law regarding Islamic places of worship puts Muslims in a vulnerable position with regard to expressions of Islamophobia. There have been several cases in which the unofficial Islamic religious premises of Athens became the target of racist attacks. Two examples include the 18th October (during the Aid al Adha prayer) and on the 2 November 2010 attacks by groups of ultra-nationalists on mescits and Muslim homes in Athens. A similar attack was reported against a mescit in Irakleion of Crete on 1 of April 2010. Contemporary experience shows that lack of official places for prayer and support by the state authorities may endanger Muslims who have to pray in public spaces.

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13 Periklis Korovesis, deputy of Synaspismos, asked a relevant question to the government before the Parliament (26 March 2009) evoking the reluctance of the government to solve the problem of lack of prayer halls and cemetery for the Muslims in Athens.
In addition to the lack of mosques, the immigrant Muslim communities outside of Thrace and the Dodecanese suffer from lack of an Islamic cemetery. This situation creates embarrassment and practical difficulties for the families of the deceased. All options available to next-of-kin demand a significant amount of money which may be beyond their means as the corpse has to be sent back to the home country or be buried in Thrace in the Muslim minority’s cemeteries, a frequent practice. In four years alone (from 1997 to 2001), 30 Muslim immigrants were interred in Komotini.

Gil-Robles, the Commissioner of Human Rights of the Council of Europe, has stressed the need for a special cemetery for Muslims wishing to bury their dead in accordance with their religious traditions. “Consequently, those wishing to bury their dead religiously may be compelled to perform the burial in Thrace, the region where the Muslim minority—recognised by the 1923 Lausanne Treaty—is concentrated or in their country of origin”. The Commissioner recommended that the Greek Government should amend the legislation in force concerning permission to set up places of worship and speed the procedure to build a mosque and consecrate a cemetery for the Muslim worshippers of Athens. Under political pressure and strong demands from Muslim associations, the Orthodox Church of Greece announced a decision to cede the use of land in the area of Schisto near Athens to the competent municipality for establishing a Muslim cemetery. Although the government stated that the issue constitutes an obligation regarding international commitments of the Greek state, no progress had been made until 2012.

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18 Answer by the vice Minister for Foreign Affairs, Th. Kasimis, to a relevant parliamentary question filed by P. Korovesis (of Synaspismos, question 1334/15 July 2008.
CHAPTER THIRTEEN
FREEDOM OF EXPRESSION

According to the ECtHR, a democratic society should tolerate the dissemination of information, even if that information is shocking to the state or part of the population:

Freedom of expression constitutes one of the essential foundations of such a society, one of the basic conditions for its progress and for the development of every man. Subject to paragraph 2 of article 10 (article. 10.2), it is applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of pluralism, tolerance and broadmindedness without which there is no ‘democratic society’.

One of the most important fields of application of freedom of expression entails the possibility to own, work for, or have access to media (press, radio, television and internet) in order to disseminate ideas. Media using a minority language play a crucial role, as they become the voice of the minority, expressing the views of eventually opposing individuals, groups, and elites. Article 10 of the ECtHR and 19 of the ICCPR constitute the main international legal framework which, along with the Greek Constitution (art. 14, 15), sets the content of freedom of expression. The latter encompasses not only the right to receive and impart information regardless of the frontiers, but also various ways in which information or opinions can be conveyed.

13.1. MUSLIM/MINORITY MEDIA

There is no particular policy strategy or law for minority or any other form of alternative and community media in Greece. Since a shift in the audio-visual legislation in the early 1990s, which ended the state's public

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1 ECtHR, 5493/72, Handyside v UK, A Series 1976, para 54.
broadcasting monopoly, the airwaves and the television have been rather loosely controlled. Media-related policies are characterized by tolerance and a laissez-faire ideology. Restrictions on receiving broadcasting licenses are primarily related to the commercialization of audio-visual production. One consequence of this free market ideology is that a number of alternative media initiatives have been marginalized as the airwaves are increasingly dominated by larger commercial media.

Emerging minority/migrant media cultures are situated in an unfriendly or neutral political and policy environment, and must overcome immense financial limitations. According to the specific historical, cultural, and geographic context, media-scapes take specific forms and shapes. Minority media production in Greece is short-term, fragmented, and rather limited. Primarily, it revolves around the idea of ethnicity and is almost exclusively produced in the ethnic languages, as there is no established bilingual culture in the press. The apparent lack of political commitment to these projects and the marginal economic benefit that they can offer to commercial media puts this kind of minority media production in a very precarious position. These limitations also reinforce the presence of Turkey's media in Thrace as well as the media of the countries of origin of immigrants. The liberal ideology that informs media policy in Greece also has a distinctly positive effect for minorities in that there is no control over the reception of satellite channels and no restrictions on the installation of satellite dishes. In this way, access to television and radio production of the country of origin is easy and usually free. On-line communication is marginal but growing rapidly in terms of production and participation.

However, according to Act 3592/2007 (FEK 161), on 'granting permit for Media enterprises', media which broadcast 24-hour programs must have 'as main language of broadcasting or subtitling the Greek' (article 6.13 and 8.13). Furthermore, the Act requires a series of standards regarding the staff and the budget of the media. Also, according to article 3.18 of Act 2328/1995, radiostations have to broadcast in Greek in more than 25 percent of their overall broadcasting time per day (excluding sports programs, news, and advertisements). Such conditions restrict the possibilities for minority and migrant entrepreneurs to establish their own radio or television stations where their own language would be predominant.

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3 M. Georgiou, 2002.
13.1.1. The Muslim Minority

Before the annexation of the New Lands, publishing activity in Turkish was observed in Athens (in 1880, 1895, and 1910) mostly among ‘Young Turk’ supporters. In Crete, during the period of the Autonomy, Muslims in Hania also published three periodicals (1908–1911). As such, before the 1923 population exchange, the Muslim minority communities in Greece had an important role in the media, mainly in Thessaloniki.⁴ Ten daily and two weekly papers were in circulation in Thessaloniki, such as İmdat (Help), Yeni Asr (New Century), Silah (Weapon), Hakikat (Truth), Balkanlar (The Balkans), and Havadis (News); İstikbal (Future) and Selamet (Salvation) in Hania; Zaman, (Times) in Xanthi, and one weekly called Midilli, in Mytilini.⁵ Kemaledin Bey, first deputy of Drama and then of Thessaloniki, was the publisher of the newspapers Selamet, İmdat, and Balkanlar. Ali Sami Bey, a fervent militant of the old anti-Kemalist establishment, was a photographer and adjutant to the exiled Sultan Abdul Hamid who resided in Thessaloniki after 1913 and was exempted from the population exchange; in 1915 Ali Sami Bey published in French the newspaper Le droit (The law), which reappeared in Greek as To dikaion, in 1924. He held a rather pro-Greek line, as he was well on the inside of Greek society and politics. In 1927, for instance, he refuted accusations spread in Turkey about maltreatment of the Turks of Thrace by the Greek government.⁶

In Thrace, on the contrary, no Turkish newspaper was published until 1923.⁷ The first newspaper in Ottoman Turkish was Zaman (Time) published in 1923 by the Hatzidaki brothers. It aimed at providing political support to Ayaz(oğlu) Zade, a Muslim from Thessaloniki.⁸ Mehmet Hilmi, a teacher from Soufli who studied during the period of the Greek administration in Edirne, was the soul of Yeni Ziya (New Light, 1924–1925) the voice of the Red Association of Tobacco Workers in Xanthi; the Greek authorities later banned the paper and exiled Hilmi. After he returned to Thrace with his fellows he opened Yeni Yol (New Road), which was the first pro-Kemalist paper of importance in Thrace, even though it was only

⁵ G. Glavinas, 2009: 541.
⁶ To Dikaion, 29.5.1927, HAMFA, F. 1927, 93.3.
⁸ R. Kirlıdökme. 2006b.
published for a month during 1926. As this paper was backed by the Turkish Consulate and supported leftist ideas, it was abolished in 1936 by the dictatorship of Metaxas. Frequently, reformist-nationalist papers were accused of atheism or propagating communist ideas by the Islamists and/or the Greek authorities. *Yeni Yol*, for one, was succeeded by *Yeni Adum* (New Step, 1933), which was published in Arabic and Latin script, in Xanthi by Ibrahim Demir Serdarzade, a prominent politician. The paper fought for minority rights and equality with Greek citizens. Both *İnkilap* (Revolution, 1930) and *Trakya* (Thrace, 1931–1965) were edited in Xanthi by Osman Nuri, one of the most eminent representatives of the Kemalist wing. In the same line, *Milliyet* (Nation, 1951–1968), hosted strong denunciatory articles against Greek policies; it was edited by the deputy Sefker Hamdi Husein. *Ülkü* (Ideal, 1933–1936) was the first minority paper published in Komotini by Fayik Ismail and then by Ismail Sadik. It too was banned as it expressed strong Turkish nationalistic feelings, as were others short lived papers such as *Cumhuriyet* (Republic) and *Ulus* (Nation) published in Komotini in 1933 by Serdarzade. The 1930s marked an important period for the Turkish press in Western Thrace. Nine newspapers and magazines were in circulation, most of which were instruments for propaganda. It is interesting to note that most of the Muslim Turkish members of the Greek Parliament were also the owners of newspapers.

Islamic or pro-Islamic papers also were in circulation by the mid-1920s, initiated mostly by anti-Kemalist Muslims who came from Turkey to Thrace seeking refuge after 1923. *İttila* (Restitution) (1924) was the most important among them. *İttila* was owned by Ismail Hakki, one of the 150 persons whom Turkey declared as unwanted and who was expelled from Greece in 1930. The paper was closed down by the Pangalos dictatorship for a short period in 1925. Other newspapers that were targeted by Turkish policies included *Yarım* (Tomorrow) (1927–1930) and *Peyam-ı İslam* (Herald of Islam) (1930), which were published by the intellectual and former

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10 Y. Bonos, 2008.
11 K. Stylianopoulos 1931: 2. An overview of the minority press is given by the General Directorate on Aliens, Report on Muslims living in Greece, AP 421/2/20/4, July 1952, MSA F.95.b: 5. *Trakya* was considered anti-Greek and numerous legal procedures were filed against the editor of the newspaper, Osman Nuri, who was a deputy.
12 Also, *İmdat* (Help), *Jude* (Flame) and *Posta* (Courrier) appeared shortly in Xanthi in 1924–25, R. Kirhdökmé, 2005b: 117.
Ottoman Sheikh-ul-Islam Mustafa Sabri. Its goal was to oppose Turkey's modernist ideology rather than to impact domestic Thracian issues. Other papers, like Adalet (Justice, – 1926), published by Aziz Nouri, (one of the ‘150’ but persona non grata for the Greek police)\textsuperscript{15} Posta (Post, before 1926) and Balkan (1924–1941), edited by the Çerkez Hasan Mustafa as well as Müdafə y İslam (Defence of Islam, 1935–1941) edited by Sheikh Fuat expressed the views of the Union of Muslims of Greece, and defended the Islamic traditions of the minorities against Kemalist reformers.\textsuperscript{16} They often did so with the support of the Greek authorities. Later, during the Civil War in Thrace, there was no minority newspaper except in areas under communist administration. Savaş (War) was edited by Kaptan-Kemal (Mihri Belli) in Latin script and promoted communist ideals together with a nationalist Turkish discourse addressed to the minority.\textsuperscript{17}

As Greek-Turkish antagonism over the minority intensified in the ensuing years, the media gained crucial importance. One example of how Greece and Turkey predicated their policies on minority media on a reciprocal basis is evident in Greek support for the Islamist newspapers Sebat (Patience) of Komotini, published by Hafiz Yasar (1957–1977), the short lived Muhafazakâr (Conservative, 1958–1966) published by the elder Circassian Muslim leader Ali Resat,\textsuperscript{18} and the aforementioned paper Milliyet (Nation). In the post-war period, Hak Yol (Right Road, 1947–1952) expressed religious conservatism (the editor Husnu Yusuf was exiled from Thrace in 1954 for harming Greco-Turkish friendship)\textsuperscript{19} and was in line with the circle of Intibah-i İslam (Islamic Revival) which attempted to implement ideas about Islam exported by then Turkish Prime Minister Menderes.

The authorities' support for Islamist papers enabled Greek prime-minister Konstantinos Karamanlis to gain influence among elements within the minority in the mid-1950s given the pro-Islamist policies of his government.\textsuperscript{20} The Greek authorities in the 1960s–1980s also sponsored local

\textsuperscript{14} Y. Bonos, 2008.
\textsuperscript{15} A. Dasios, 1927: 31.
\textsuperscript{16} P. Papadimitriou, 2003: 172. See also M. Demesticha, 2004: 77
\textsuperscript{18} For the grants to Ali Resat and Islamic newspapers by CCT in the 1960s see Illiadis, 2011, 8.5.1.
\textsuperscript{19} K. Tsioumis, 2006a: 52.
Greek papers to refute pro-Turkish positions promoted by the minority press. The first magazine was *Peygamber Binasi* (The Prophet's Edifice) in Arabic, published from 1957 to 2002 and used as a textbook in primary schools. At the same time, the Turkish consulate sponsored the Kemalist press such as *Azınlık Postası* (Minority Post), in circulation from 1965 to 1981 and published by Salahaddin Galip; *Akın* (Attack) by Hasan Hatipoğlu, future deputy and strong supporter of the modernist wing, and published from 1957 to 1986; and *Gerçek* (Reality), which was in print from 1977 to 1993 and published by Ismail Molla Rodoplu, also a deputy. In Komotini, the following short-lived newspapers expressed more or less nationalistic points of views: *Yuvamız Dergisi* (Our Home Magazine), in circulation from 1986 to 1992 and published by Mustafa Hafiz Mustafa; *Ortam Gazetesi* (Partner's Newspaper) published by Hülya Emin from 1992 to 1993; and *Balkan*, printed from 1992 to 1994, and which expressed the position of the political party founded by Ahmet Sadık. The activist journalist Sahil Halil (Hâki) published *İleri* (Ahead), a relatively independent bi-monthly printed from 1975 to 2007, which merged with *Cumhürryet. Turuncu* (Orange) a paper that existed from 2004 to 2005 also merged with *Cumhürryet* (infra). Lastly, İbrahim Onsunoğlu published the short-lived *Denge* (Balance) published in 1989; this may have been the most articulate voice among those who attempted to define the modern position of the minority.

Another form of publication was newspapers that were printed in election periods to express the electoral programs of candidate deputies. Notable items in his genre include the paper *Zaman* (Time), which was edited by a Greek and a Turk/Muslim in 1928, and for a while edited by Hamdi Bey (*Zaman* appeared in Xanthi also in 1923). Others, like *Akın* (Flow), by Hatipoğlu, or *Öğüt* (Advise) appeared during pre-electoral periods.

As far as minority magazines are concerned, a few appeared after 1930: *Muallim Mecmuası* (Teacher's Magazine), for instance, was published in 1932 by the Association of Turkish Teachers. Thirty years later the first children's magazine *Aliş* appeared in Komotini. By the 1950s, production

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21 See relevant article by Ios tis Kyriakis, 'Kyriakatiki Elefterotypia', 3 June 2007 with references to the other decisions of the CCT.
22 J. Hersant, 2007: 93.
23 V. Aarbakke, 2000: 11.
multiplied. Titles included Şafak (Dawn, 1989–2004), Arkadaş Çocuk (Child Friend, since 1982), Gönülten Gönül (From Heart to Heart, 1999–2004), Öğretmenin Sesi (Teachers’ Voice, since 1998), and Hür Hakka Davet (The Correct ‘Call to the Right’, 1981–2005), which appeared also to use other names and was of conservative religious character. Other religiously-oriented publications were Mihenk (Gauge, 2003–2006), which was directly controlled by the two elected Mouftis, and Bağımsız Güven (Independent Trust) and Ülkü (Principle), short-lived from 2002 to 2006. Lastly, it is worth mentioning Aile Birlik (Family Union, monthly, 1989–2002), which was edited by Refika Nazim, a leftist and a knowledgeable teacher.

It is a difficult task to evaluate the minority press and point out its political role in minority affairs. For even when the division between modernists-Islamists faded and many small papers appeared, many such initiatives have proved ephemeral. The abundance of short-lived papers makes research even more challenging as ideological and political orientations were not clearly correlated to forms of expression. After all, the minority media always constituted a field vulnerable to manipulation and ideological control. Today, Thrace’s sustainable minority newspapers are usually weekly. As the cost of their production cannot be covered through sales and advertising, in most cases they receive financial aid from the local Turkish consular authorities. Minority radio production seems to be more viable. Meanwhile, as polarization between modernists and Islamists has lessened if not vanished, ideological orientations have merged and quite often accommodate both stances. That said, in Thrace, several media which target the Muslim minority in Turkish display mostly a nationalist Turkish profile, and rarely express religious or alternative ideas. These include:

1) Newspapers: Trakya’nın Sesi (The Voice of Thrace) edited by Abdulhalim Dede (weekly, since 1981, monthly since 2008), Gündem (Agenda) edited by Hülya Emin (weekly, since 1997), Özgür Balkan (Free Balkan) (monthly, since 1998), Rodop Rüzgari (The Wind of Rodop) (weekly, since 1999), Olay (Event) (weekly, sporadically, since 1999), Diyalɔg (Dialogue) (sporadically since 2001), edited by Aydın Omeroğlu (who had published first a ‘new’ Yeni Adım Bülten (Bulletin) (weekly, since 2000). In 2005, two more weekly newspapers appeared: Millet (Nation), which is the only one published in Xanthi and expresses an opposition to the elected Moufti, loyal to Turkish nationalists, too. Lastly, Birlik (Union) (2007–) and Ötiiken (Resounding) (2006–) express strong
nationalistic ideas. *Cumhürüyet* (Republic) (since 2004, first as a supplement of *İleri*), which absorbed *İleri* and *Turuncu* (Orange). It is worth noting that, *Paratiritis* (Observer), a daily Greek newspaper of Komotini, has a section in Turkish.

2) Magazines: *Arkadas Çocuk* (Child Friend, since 1982), *Öğretmenin Sesi* (Teachers’ Voice, since 1998). The bilingual monthly *Azılıncıa* (Through the Eyes of the Minority, since 2004, under the direction of Abdulhalım Dede, replaced after 2006 by Evren Dede) expresses an independent point of view and criticises the minority’s internal affairs nevertheless adopting a religious stance. Last, *Akide* (Creed) is the official monthly edition of the Moufti Office of Komotini, which started circulating in 2005 under the initiative of the Moufti Meco Cemali.


4) There is no TV station in Turkish. However, the Municipality of Komotini re-diffused the free program of Turkish satellite from 1994 (in a period when capturing Turkish satellite signals was hampered by interference) until late 1999 which made it easy for individual satellites to access *Türk-sat*.

5) Two newspapers, *Zagalisa* (Love) and *Gazeta Pomaski* (Pomak newspaper), as a supplement of the Greek paper *Efimerida* (twice a month) have been edited in the Pomak language using the Greek alphabet. The first appeared in 1997 and then in 2001, the second in 1997. It is sponsored by the entrepreneur Pr. Emfietzoglou who in the 1990s aimed at promoting Pomak identity, screening the Turkish national ideology and implicitly fostering Greek sympathies. *Zagalisa* reappeared again in 2008 (*<www.zagalisa.gr>*). By December 2006, *Natpres*, a periodical in Greek, was published in Xanthi by A. Karahotza discussing Pomak issues. It piqued a strong reaction from the pro-Turkish circles of the minority and was welcomed by nationalist Greek media all over Greece.

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26 T. Kostopoulos, 2009: 158.

Despite the plethora of titles, the minority media has a very weak impact on the local communities, and public dialogue on minority issues is all too often absent. Moreover, ‘it is a common feature to watch TV debates on the problems of Thrace with politicians and not a single Muslim voice’. Minority journalists are self-censored, and the mainstream media generally depict the minority negatively. While Turkey has sought to guide the discourses of minority media through financial or political means, in certain cases, Greece has used directly discriminatory measures against minority journalists thought to promote pro-Turkish views. In addition to that, the requirement for a 25 per cent of broadcasting in Greek (Act 3592/2007 and 2328/1995) as implemented by the National Council of Radio-Television (Ethniko Symvoulio Radiotileorasis) put increased difficulties that minority media could face.

In short, to date, it seems that the minority media of Thrace does not operate under conditions that would allow for fostering a free relation between the media organs, the journalists, the audience, and the two

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27 R. Meinardus, 2002: 82.
31 The ESR sanctioned FM Tele Radio (Decision 473/2009, recommendation) and Kral/King FM (416/2010 and 588/2010, 3,000 euros penalty) both of Xanthi, which broadcasted like any other minority radio almost exclusively in Turkish.
involved states. Freedom of expression is subject to internal and external constraints as well as being influenced by ideological patterns in the mainstream media of Greece and Turkey, both of which are self-censored, impermeable to each other, and which cater to their own respective understandings of ‘national correctness’. Mutual suspicion has prevailed even after the mid-1990s when Greek policies became more liberal and tolerant. Another dimension is that the minority media discourse on human and minority rights has overshadowed any discussion on labour or class issues and homogenized ideological pluralism. As Damon Damianos puts it, “in the field of the minority of Thrace, both states with the help of the relevant state media exerted guardianship on citizens, minimizing social resistance and dehydrating the idea of ‘civil society’”.30

13.1.2. The Immigrant Muslims

While immigrants in Greece face various problems of social exclusion and discrimination, many are overwhelmingly concerned with satisfying basic needs, such as employment, housing, and social security. This condition has several implications as far as media production is concerned. First, there is the low economic status of the majority of the migrants, and their high level of computer illiteracy which means even those who are computer-literate cannot take extensive advantage of modern media technologies. Migrant media, compared to the Turkish/Muslim minority outlets, started developing only very recently. The local authority-run radio stations that flourished in the early days of radio pluralism (by 1990) have had a significant role in the Greek media-scapes as they were some of the few projects that functioned as community media. Now, very few are still viable and part of the broadcasting scene. The limited time allotment of these programmes likewise does not allow producers to go beyond the major issues that concern migrants (regularization, social security, job opportunities, etc.).

However, what media do exist aim at circulating information among the community or ethnic groups, or groups sharing a common language (Arabic, Urdu, French, or English). As far as the immigrant Muslims are

30 Damon Damianos (2009) gives an example of self-censorship by the journalists of both ‘sides’: “The majority media take sides of the re-Pomakization of the Pomaks in the frame of the denial of their prevailing Turkishness, and the minority media denies any expression of a Pomak ethnic diversity, as the prevailing Turkish propaganda dictates".
concerned, there is quite limited editorial activity concentrated in Athens. These include *Awaz*, a weekly newspaper in Urdu that has been in print since August 2000 and has a high circulation; other newspapers in Urdu also circulate in Greece, such as *Dais Perdais, Khabarnama* or *Dunya News* imported from Pakistan or having a special edition for Greece. Often they are backed by a network of web sites in Urdu and English (such as <www.daisperdais.gr> or <www.ijaalanews.com>) which deal with the Pakistani immigrants. *Panorama*, a twice-weekly magazine has been in circulation since 1988; *Dunia al Arab*, a Syrian monthly magazine; *Al Takrir al Ousbaoui*, a Sudanese weekly magazine addressing Arab diplomats, in circulation since 1986; *Al Arab*, a Libyan monthly magazine; *El Dhafatain* (2004–); *Al Mouhajir*, a bimonthly newspaper; and *Athens Weekly Report*, a weekly newspaper that offers announcements of social and economic interest. Most of these media are of an informative character and focused on issues of regularization, employment, and security while issues of identity, culture, and politics are relatively disregarded. It is worth mentioning that more than 15 newspapers and magazines are imported to Greece from Muslim countries. Also, *To Lyhnari* (Oil Lamp) a bi-monthly magazine has been in print since 2007 and is freely distributed by the Greek-Arabic Cultural Centre and Gefyra (Bridge), an association set up by Greek convert-Muslims, in co-operation with the Muslim Union/Association of Greece (supra). Languages spoken by Muslims or discussion about Islam are very rarely heard on Greek radio stations. An exception is *Radio Filia*, which is part of the state ERA broadcasting service, and has foreign language broadcasts including in Albanian and Arabic. Besides traditional media, a series of websites appeared as of 2009 enhancing dialogue among members of the Muslim communities and in some cases with Greeks, like <www.greekmuslims.com>, <www.islam.gr>, <www.elladapalestini.blogspot.com> (by the Hellenic-Palestinian Friendship Association) and <www.equalsoociety.com> (the official website of the Muslim Union of Greece).

As there is no control in the reception of satellite channels and no restrictions on the installation of satellite dishes, access to television and radio broadcasting of the country of origin is feasible and very important.

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31 The first newspapers and magazines that are no longer in circulation are the following: *Al Fazer*, the first revue edited by a Sudanese; *Al Hivar; Al Nachra; Akhbar al Soudan;* and *Al Ta’awon*, a weekly magazine closed down due to the cessation of economical support from the Greek State (EOT, Greek Tourism Organisation). *La Tribune*, which was a Francophone magazine closed down in the early 2000s.

32 N. Gogonas. 2007: 121.
As Gogonas remarks, 'Recourse to one's home culture would seem to be an important factor for maintaining symbolic bonds with the home country while in migration'.

13.2. **Turks or Muslims? A Conflict of Nationalisms in the battlefield of the Courts (Part II)**

As established in an earlier section, the regulation of the legal status of the Muslim minority represents a field of ideological and institutional confrontation between Greek and Turkish nationalisms. The ways that official bodies select and use public opinion and 'scientific research' to determine the name of the minority reflect this confrontation. Greece excludes any claims of national affiliation and seeks to impose the term 'Muslim minority'; conversely, Turkey seeks to promote the national character of the minority and exclusively uses the term 'Turkish minority'. It seems that the confrontation over the name of the minority started at the end of the 1920s. The Inspector for Minorities suggested the prohibition of the newspaper *Yeni Adım* because it used the appellation 'Turkish minority' instead of 'Muslim minority', in response to Turkey's prohibition of the use of the name 'Greek' (*Rum*) for the Greeks of Istanbul.35 A comment made by an international body 80 years later shows a quite different perspective on the issue: the Committee of the ICCPR noted,

> With concern the apparent unwillingness of the Greek government to allow any private groups or associations to use associational names that include the appellation 'Turk', based upon the State party's assertion that there are no ethnic, religious or linguistic minorities in Greece other than the Muslims. [...] The State party should review its practice in light of article 27 of the Covenant.36

Cases that have been brought before the Greek Courts are revealing. For one, members of the minority have attempted to define themselves legally as belonging to a Turkish national minority. In response, Greek courts

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33 N. Gogonas, 2007: 121.
34 Very rarely there is a reference to the Pomaks in a Greek legal document. A decision of the Ministry of the Finance, for example, excluded explicitly the 'Muslim Pomaks of Bulgarian citizenship' from the implementation of the 'law on the legal acts by enemies' (Decision 354141/6567 of 1953, FEK B 238).
consider the use of the terms ‘Turk/Turkish’ as inadmissible when referring to the minority of Thrace. The Supreme Court bases its rulings on the premise that one cannot be a Greek citizen and an ethnic Turk at the same time.\textsuperscript{37} The first case dealing with the penalization of the use of the name ‘Turk/Turkish’ started in 1975 and ended in 1978 when the High Court convicted the journalist S. Halil for having referred in his newspaper \textit{İleri}\textsuperscript{38} to the ‘Turks of Thrace and the Turkish minority’. This action, according to the High Court’s judgment, constituted the dissemination of false information under article 191.1 of the Penal Code.\textsuperscript{39} The Court charged S. Halil (when he was using the name ‘Gümülcine’ instead of ‘Komitini’) many more times for disseminating false information, and others such as I. Onsunoğlu and A. Dede, when they referred to the unjust treatment suffered by the minority.\textsuperscript{40} In a recent and unprecedented case, the publisher of the paper \textit{Millet} was sued by the prosecutor of Xanthi \textit{ex officio} for inciting discord within society, as a series of editorials attacked the Pomak cultural association. On 20 October 2008, the First Instance Court of Xanthi sentenced the accused to 12 months imprisonment with three years suspension. These are just a few examples of a legal and political ideological battle that seem to leave no room for pragmatic perspectives. As Anthony Smith has observed, “whenever and however a national identity is forged, once established, it becomes immensely difficult, if not impossible, to eradicate it”.\textsuperscript{41} It seems that rejecting this demand of the minority of Thrace to define themselves as a ‘Turkish minority’ in the name of common citizenship simply promotes alienation and segregation in ethnic terms.

The following paragraphs discuss the Sadik case, which reveals the position of the minority within the Greek State which continues to see a trade-off between loyalty to nation-ideology and rule of law. This was similar to the courts’ stance in cases regarding the right to set up associations claiming national (Turkish) affiliation (\textit{supra}, Section 11.3.) and the role of teachers active in the crisis over Turkish textbooks (\textit{infra}, Section 17.4.5.).

Dr. Ahmet Sadik was the sole candidate of the political party \textit{Gİven}, which represented part of the Turkish Muslim population of Western Thrace, to win a seat in the parliamentary election of June 1989. As no

\textsuperscript{37} S. Stavros, 1995: 13–14.
\textsuperscript{38} N. Papadopoulos, 2000: 20.
\textsuperscript{39} AP 1177/1978, 27 \textit{Nomiko Vima}: 460.
\textsuperscript{40} See in details Y. Kourtovik, 1997: 257–8.
\textsuperscript{41} A. Smith, 1993: 131.
government was formed out of that election, a fresh poll was planned for November 1989 in which Sadik intended to stand as candidate. On various dates between 16 October and 17 November 1989, he published and circulated in the region a number of communiqués in which the terms ‘Turk’, ‘Turkish Muslim’, ‘Turco-Muslim minority of Western Thrace’ and ‘Turkish community’ repeatedly appeared and were used in statements directed at the ‘Turco-Muslim electorate of the prefecture of Rodopi’. For this, the Criminal Court of Komotini convicted Dr. Ahmet Sadik and his colleagues for disrupting public peace and order (Penal Code, article 192), and they spent two months in detention. The Court also annulled Sadik’s candidacy in the elections of November 1989 for technical reasons. In response to the Court’s decision, violence broke out in Komotini on 29 January 1990. The day before a Muslim had killed a Christian in the hospital of the town, a fact that was irrelevant to the whole issue but which fuelled interethnic recrimination. In the course of the violent events, many shops of Muslim ownership were damaged and looted and the town experienced an unprecedented level of inter-ethnic violence in Greece after the Civil War.

On 30 March 1990, the Patras Court of Appeal (decision 743–744/1990) upheld the Criminal Court’s judgment. According to the Court, the appellants “had deliberately attempted to describe as ‘Turks’ the Greek Muslims of Southern Rodopi, although they knew that the Treaty of Lausanne recognised only the existence in that region of a ‘Muslim (religious) minority’, not a ‘Turkish minority’ [...]. They appellants had deliberately set out to instil and implant in the hearts of the minority the seeds of discord, hatred, and hostility towards the Christian Greeks who live in the same region”. They had thus “succeeded in provoking and sowing discord among the citizens, which disturbed the peace of the citizens of Komotini to such an extent that, in a short space of time, acts of violence were committed between Christians and Muslims in that town”. Sadik appealed, arguing that the Court of Appeals had not made it clear why the use of the noun ‘Turk’ or the adjective ‘Turkish’ was per se likely to create a climate of hate or disturb public order and complaining that the judgment gave no specific example of events which had actually occurred towards the end of October 1989 and which could be said to have disturbed the public peace. On 15 February 1991, the High Court43 dismissed the appeal on the ground

43 AP 208/1991 on the misleading interpretation of the Court, see comment of I. Manoledakis, Yperaspisi 1991: 827.
that "a serious offence of disturbing the citizens' peace had been committed". In another case related to Sadik, the High Court reaffirmed the penal conviction regarding alleged falsification of signatures on a protest text addressed to the Greek Parliament which deplored discriminatory policies of the Greek administration. The Court also found that "making public that memorandum itself regarding Greece's obligation vis-à-vis the minority of Thrace constitutes dissemination of false information which could create social upheaval and harm the international relations of Greece".44 However, surprisingly, the High Court's council, in its decision (AP, 5th Section, 473/1988) of consignment, relegated the adjudication of the case to the Court of Thessaloniki, and, perhaps to avoid local unrest in Thrace, referred to Ahmet Sadik as a 'Turk' and the minority as 'Turkish'.

Sadik appealed against the aforementioned High Court's decisions before the European Court of Human Rights.45 The European Commission of Human Rights expressed unanimously the opinion that there had been a violation of article 10:46

In order to avoid rifts between the Christian and the Muslim population of Western Thrace and to maintain their peaceful coexistence, moderation in political discussions may be desirable. However, it can not find that, in the circumstances of this case, and in the absence of clear elements of incitement of violence, the imposition of a prison sentence for the use in public, namely an election campaign, of the term 'Turk' in respect of the Muslim minority in that area can reasonably be regarded as a 'necessary' measure in a democratic society.

The Commission concluded that the reasons advanced by the Greek government did not suffice to show that the interference with the applicant's freedom of expression was proportionate to the legitimate aim pursued, and consequently passed the case to the ECtHR. The Court, in a judgment of 15 November 1996 which was delivered after the death of the applicant in a car accident, held by six votes to three that the domestic remedies had not been exhausted, and therefore that it could not consider the merits of the case. However, as dissident judges stressed, "the essence

44 AP (5th chamber) 1126/1994, 43 Nomiko Vima 1995: 93 regarding the decision 7308/1988 of the 3-member Misdemeanor Court of Thessaloniki. The penal prosecution was suspended by the Greek Parliament (decision of 31 October 1990) as long as Sadik was a parliamentarian. After 1993, the courts continued the process. Due to his persecution, Sadik gained significant political power among the minority and international visibility, see A. Karakasidou, 1995.
45 Applications No 18877/91 and No 25759/94.
of the case was the extent of the rights of minorities in a democratic society"; the dissenting opinions accordingly questioned whether "the mere fact of referring to the Muslim minority as 'Turkish' justified the applicant's conviction and sentence" and suggested that in such cases "there is no room for relying on the judgments of the national courts nor for a margin of appreciation". As such, it may be argued that the ECHR in its decision 'recognises the principle that minority existence is not simply the gift of the state'. Perhaps this was a lost opportunity for Strasbourg to intervene and to set more liberal parameters for minority protection in Europe. At the same time, it was a lost opportunity for the Greek judges to be exposed to the message that safeguarding the rule of law must apply to all without exceptions. Such a message might have prevented subsequent and problematic verdicts.

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47 ECtHR, case Sadik, Martens (joined by Foighel), dissident Opinion, paragraph 1.
CHAPTER FOURTEEN

PROPERTY RIGHTS

As Greek administration and law succeeded Ottoman structures, property issues continued to be regulated through complex procedures. This meant that the three types of estates which had been provided for by the Ottoman land law – pure private ownership, public land, and vakf – had to be governed by a legal order which was not comfortable with such categories. Greek and Ottoman land law had a very different philosophies pertaining to ownership, stemming from fundamentally distinct legal structures and political systems. The Greek law attempted to regulate a complex system of legal relations between the real estate itself and its owner or possessor, not always successfully. Religious community property, which constituted a rather particular category of land rights, shall be discussed in next sections (infra, Section 15.). Individual property rights and the legal status of lands, plots, and estates became the centre of a controversy and often took the form of a national confrontation. Since the beginning of the Greek Revolution, the Greek State gradually expropriated plots owned by the Sultan, religious foundations (vakf) or individuals. Then, the status of the nationalized land and the question of paying indemnities to the former owners became of major importance for the newborn Greek state. According to the relevant case law, Greece was not a complete successor of the Ottoman Empire, since succession has been achieved by war. As such, while the public lands under vakf status should be inherited by the Greek state, legal problems remained regarding due indemnities.2

After 1830, and upon the insistence of the Guarantee Powers, Greece guaranteed ownership rights to the remaining Muslims. Yet, these rights were not deemed to have purchase for the pre-revolution era (article 5 of Protocol of London of 3 February 1830). For the right to liquidate the real estate of the departing Muslims, mixed Greek-Ottoman Committees had already been established, according to articles 5 and 6 of Protocol of 22 January 1830.

1 Before 1821, Greeks/Christians in the Peloponnese, Sterea Ellada, Crete and Hios owned 1 million hectares and Turks/Muslims 860,000 hectares, G. Nakos, 1969: 513.

2 J. Papadopoulos 1964.
In order to achieve Greece’s territorial constitution, the Greek government coordinated the process of purchasing Turkish real estate. Ioannis Kapodistrias, Greece’s first governor, promised to grant special loans and called on Greeks and foreign investors to purchase real estate in Greece. A three-member committee undertook the task to regulate the procedure and set a clear division between private real estate and vakf properties. The Muslims had two choices: to leave Greece and sell their property in cooperation with the Mixed Committee or to stay with ‘full property rights and safety’. The need to prove deed titles and fix the price of purchase generated a series of legal disputes. In 1834, a new, four-member Mixed Committee was set up, which possessed semi-jurisdictional authority on legal disputes, although it seems that the Greek courts were reluctant to cooperate with the Committee. During the following years, hundreds of cases regarding the legal status of plots of land were brought before the Greek courts. Another issue with regard to property rights was the status of the Muslims newly converted to Christianity (Neophotistoi).

Meanwhile, to facilitate emigration of the Muslims, the King issued a special decree in 1836 according to which “Ottomans who had a pending case before the courts regarding their estate should not be hampered to migrate.”

Fifty years later, in 1881, the legally protected Muslim communities of Thessalia acknowledged their established property rights. During the implementation of the agrarian reform and the distribution of plots to landless peasants, Muslim landlords saw their property diminishing drastically and filed complaints against expropriation. Later, in the aftermath

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4 Orders to the Mixed Committee by the Governor Kapodistrias, 10.8.1830, HAMFA F. 7/1-1830, published in I. Papanastopoulos, 1971: 319.
5 Decree of 4/16 April 1835 on the Convention of the Greek Committee with the delegates of the Ottoman government on the Ottoman plots (Gazette No 15), Decree of 26.6.1836 on the establishment of the special Mixed Committee for the settlement of the disputes between Greeks and Ottomans on land property etc. (Gazette No 30), Act of 27.8.1838 on the Mixed Committee, (Gazette No 35) and Act of 12.1.1837 on the datelines for the Mixed Committee (Gazette No 2) and Decree of 16.10.1836 (Gazette No 57) on the jurisdiction of the Areios Pagos and the Mixed Committee on legal disputes among Greeks and Ottomans. See G. Nakos, 1969: 532 and G. Psyllas, 1974: 261–265.
6 Decree of 8.4.1836 (Gazette No 14) on the Ottomans living in Greece.
7 Complaints of the landowners Omer Husni and Mehmed Raif (letter signed in 6 March 1896) to the French Embassy stated that the expropriation of their land would cause major problems for their farmhands ‘of Greek race’ who would remain behind with no land to cultivate, Archive Ministère des Affaires Extérieures/CP/GR/135, Correspondance politique, sous-série Grèce, Ier sem. 1896, F. 167 and 263 [French MFA].
of the Balkan Wars and the massive incorporation of Muslims into Greece due to territorial acquisition, issues regarding Muslim property arose again. Indeed, the transition from Ottoman law to the Greek civil law has not yet been fully accomplished.

Ideology played a key role in regulating the private ownership of land. So long as Muslims were considered a politically and ethnically alien element among Greek citizens, their ties to land were deemed subject to Hellenization and subsequently to a 'de-Muslimization' process. Animosity over land rights occurred particularly during the settlement procedure for Christian refugees fleeing Thrace and Asia Minor during the decade 1912–1922. The reconfiguration of the rules governing real estate and the accommodation of minorities within the Greek State were conducted through agrarian reforms after the annexation of the New Lands (1913). Exemplary in this respect was the agrarian reform, implemented in 1917 by the provisional government of Thessaloniki.


With the annexation of the New Lands, Greek law retained the former Ottoman legal regulations pertaining to land and property rights for all inhabitants regardless of ethnic background. Act 147/1914 (article 2 paragraph 3) recognised the force of the Ottoman law on the occupied land, namely the Kannunname-i Arazi of the 7th of Ramazan 1274/[1856],8 as applicable in the New Lands.9 Yet, although Ottoman law was kept in force, the content of the particular rights was interpreted and applied under understandings of land rights which prevailed in the Greek civil law.

The Decree 2468/1917 by the provisional government of Thessaloniki (in relation to Act 1072/1917), applied the Ottoman tesarruf (right of exploitation, not full ownership) and transformed it into full ownership.10

8 On Ottoman law retained in force within the Greek legal order see Polymeles Protodikeio Grevenon, 14/1990.
9 Ministry of Justice, Ottoman judicial laws, B' Athens 1915 (in Greek).
10 G. Nakos, 1984: 22, 31, 42, 67. The right of full ownership was divided: 80 per cent for the former tesarruf holder and 20 per cent for the Greek state. Regarding forests, the tesarruf owners would pay off the state's share by double price (e.g. 2/5 of the total value), see PD of 24.5.1926 (FEK A 198). This part owned by the State was granted lately to all owners holding the 4/5 of the estate, according to articles 101 and 102 of the PD of 11/12.11.1929 (Kodix Themidos 1929: 764), ibid: 60–61 and 456. See further regulations Act 4229/1929 (article 2); Act 1540/1938 (article 17–19); LD 379/1974 (article 12); Act 357/1976 (FEK A 156). These provisions were not applicable to the estates once owned by the exchanged Muslims and then liquidated or attributed to refugees (article 103). See Polymeles Protodikeio Thessalonikis 17674/1997, Armenopoulos 2001: 202 and AP, 1465/1998.
The Agrarian Law (Act 2052/1920, article 49, paragraphs 143–152) retained this legal arrangement and a series of decrees. All such regulations were applicable after 1923 to the estates owned by Muslims who were not subject to the population exchange.

Another example of gradual assimilation of Ottoman regulations into the Greek civil law regards the mukataa (under annual rent) estates of Parga (Epirus). Both Christians and Muslims asked the government to abolish the extant taxation of 20 percent because 'the Turks of Parga are the most oppressed as they are significant landowners, and thus are forced wrongfully to expatriate'. Presently, the Ottoman Land Law is not expressly in force. Nevertheless, according to article 51 of the Introductory Law to the Civil Code, the land rights established before the entry into force of the Greek Civil Code (1941) are applied under the old law. Thus, in numerous cases, the courts still apply Ottoman law in its rulings.

In practice, the considerable Muslim communities of the New Lands annexed by Greece after the Balkan Wars encountered serious problems. These were faced by large landowners, as well landless peasantry who, under the Ottoman Empire, had been protected by the institution of tesarruf: Act 147/1914 (article 2) and Act 262/1914 (article 9) with reference to the Ottoman Land Law, providing for the confiscation of the real estate of those who were abandoning the country or leaving their fields uncultivated. These provisions overrode article 6 of the Convention of Athens (1913), which guaranteed the ownership rights of those Muslims

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11 See Kodix Themidos 1920: 169 and Themis 1920: 631; LD of 4.9.1924 (article 36); PD of 22.10.1926 (article 143); PD of 23.7.1932 (article 143).
13 Articles 2 and 3 of the Act 147/1914 have been abolished by article 5 of the Introductory Act to the Civil Code.
14 By a letter of 24 April 1913, a group of owners or former Ottoman officials expressed their complaints to the British Consul of Thessaloniki about de facto confiscation and occupation of their farms (tsiflikia) in B. Destani, vol. 2, 2003: 393.
16 FEK A 130. Relative to that provision is decree 807 and Act 1073/1917 (FEK 368), both adopted by the provisional government of Thessaloniki regarding the prohibition of the commerce and the contracts conclusion with nationals of enemy states, sequestration of the real property settled in Greece and administration of the abandoned plots. See A. Protonotarios, 1929: 71 and Y. Glavinas, 2009: 182.
17 N. Elefteriadis, 1915a: 25. For a collection of legal texts regulating the Muslim real estate of the New Lands see A. Protonotarios, 1929: 69–72. According to the Act 687/1915 (FEK A 400) the restitution of the estates should be applied according to the principle of reciprocity in favor of the refugees settled in Greece. For the legal texts on prohibition and its lifting per case or per region see H. Kossyvas, 1928: 3–4 and 22–34. On 'irregular transactions' see K.L. Tsitselikis, 1926.
who had emigrated and expressed the will to keep their real estate. In effect, Greek law allowed for counter-measures against Greece's Muslims for the atrocities that the Empire committed in Asia Minor. After Greece entered the First World War against the Ottoman Empire, a significant number of plots belonging to Ottoman citizens and to those who had abandoned Greece after 1913 were requisitioned as 'enemy properties' (Decree 808/1917 of the government of Thessaloniki). Regarding Muslims of Greek citizenship, the Greek authorities forbade the sale of any agrarian real estate from 1913 until 1920.\textsuperscript{18} The government of Thessaloniki confiscated the plots abandoned by their owners\textsuperscript{19} for the needs of Greek refugees after the beginning of 1914, despite the declaration of the administration of a need 'not to annoy entirely the Muslims inhabitants'.\textsuperscript{20} However, the regulations were rarely respected and many transactions were challenged before the courts. Contrary to the legal regulations, it seems that selling of real estate was not impossible for a Muslim. According to an elder Greek resident of Edessa,

We lived many years with the Turks. Our neighborhood was Turkish, I could speak myself some Turkish too. They started to leave, they were selling the houses and left. Even before the population exchange they were selling their houses. My family too bought this house from a Turk.\textsuperscript{21}

A series of cases brought before the courts illustrate the uncertain legal status of Muslim properties which were often \textit{de facto} occupied by the local Greek authorities.\textsuperscript{22} They also testify to the reluctance of the government to certify property rights which might have hampered the Muslim flow towards the Ottoman Empire.\textsuperscript{23} The Empire protested officially to the

\begin{footnotesize}
\begin{enumerate}
\item LD of 25.1/8.2.1913 (FEK 26) and Act ΑΔΑΔ/1913, article 14, FEK 41.
\item Articles 13 and 14 of Act 1073/1917, FEK A 268. See as well \textit{Kodex Themidos} 1916–18: 467. For a complete overview of the legal regime regarding land property and other issues, see H.A. Kossyvas, Athens 1928: 2–51. For the political aspect of the cases see St. Dragoumis, Speech, Parliament's Session of the 21th March 1916, [On the Muslim land property in Macedonia] (in Greek), Athens 1916, 2,158,733 \textit{stremmata} of Muslim agrarian ownership and 1,309 Muslim urban estates were confiscated by the Greek states, Ministry of Agriculture, Directorate of Public Estates to MFA, Athens 20 October 1922, ap. 82655, HAMFA, 1922, F. 88
\item Governorate General of Macedonia, Order of the Governor General to the local authorities of Macedonia, 5.6.1914, AEV, F. 98, 1913–14.
\item Ed.7/PP63/Feb. 1995: 3, cited by P. Potiropoulos, 1995. Selling real properties by the Muslim Councils are referred to by the archives of the Communities of Hania or Veroia, A. N. Adiyke, 2002: 72.
\item Y. Glavinas, 2007: 465.
\end{enumerate}
\end{footnotesize}
Greek government, which responded by invoking the bilateral agreement for mutual population and property exchange in 1914, which had never been implemented. Finally, fearing that reciprocal measures would be applied to the Greeks of the Empire, the Greek government promised the return of Muslim estates. Nonetheless, by a series of Royal Decrees (RD of 13 March 1915, FEK A 103 and RD of 12 November 1915, FEK A 207) and Act 687/1915 (FEK A 400), the implementation of the measure was linked to the principle of reciprocity with regard to Turkey's treatment of Ottoman Greeks persecuted in Asia Minor in 1914. That said, for political reasons related to the elections of 1915, both pro- and anti-Venizelist Greek politicians sought to maintain good relations with the Muslim elite of Northern Greece. In such a context, 49 large agrarian real properties (tsiflikia) were given back to their owners as having been 'taken by mistake'. Vivid discussions in favour and against the restitution of the real estate to their Muslim owners emerged in the context of a scandal involving the Minister of Economy, Stefanos Dragoumis. Muslim deputies also reacted against the excessive occupation of the Muslim plots and challenged, in vain, the validity of Act 262/1914.24

Muslim Ottoman citizens who had left Thessaloniki in 1916–17 and Muslim Albanians of Chamouria were exempted from confiscation of their properties.25 It seems that this exception was applied quite late and without real results. In 1919, the Governor General of Epirus requested a register of abandoned and subsequently confiscated plots of Muslims all over Epirus with a view to consider restitution.26 The issue of confiscation of Muslim plots and estates in favour of the Greek refugees was also considered in the Greek Parliament in relation to the position of the Greeks of Asia Minor.27 But by the end of the First World War, Greece was again contemplating the issue under the scope of national interest and the

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25 Meeting No 6, Act No 57, Meeting No 20, Act 216, Meeting No 42, Act No 501 of the Council of Ministers (1917), Kodix Themidos, 1916–18, 472–4. Osman Sait, former mayor of Thessaloniki (he regained the mayorship in 1920) and his brothers were exempted too, ibid.
26 Table showing names and dwellings of those Muslims who had fled before the war, in the area of Filiates and Igoumenitsa, and their plots occupied in terms of Act 262, Sub-governorate of Filiates, 12 December 1919, AGGE, F.111, II, 1920. According to statistics, the Muslims had fled in 1913 and the occupation of the plots had been accomplished in 1914–15. On the abandoned plots in Philippiada (Epirus) and the relevant controversy see K. Vakatsas, 2001: 553.
27 Decision 831/1917, Vice Director for Public Estates and Colonisation, FEK B 25, special series of the provisional government of Thessaloniki, Archives of the Greek Parliament.
prospect of obtaining new territories; many of the arguments put forth were inclusive regarding Muslims. According to a circular of 26 August 1919, for instance, the property of both Ottoman Muslim subjects and Greek citizens would be restored to those who returned to Greece. A few months later, however, according to pertinent instructions from the Ministry of Agriculture, only urban real estate and small rural fields would be reinstated to those who returned on a permanent basis and were Greek citizens.28

There is also a set of interesting cases regarding the estates of Muslims of Eastern Macedonia, which Bulgaria occupied from 1916 to 1918. In the frame of the Peace Conference of Paris and responding to official complaints by Ottoman diplomats, Venizelos urged the Greek government to reinstate real estate to Muslims who had fled the area because of the military occupation.29 According to the internal correspondence of high-ranking Greek officials, the small plots were handed back to their owners in the case that they had returned and settled on Greek soil; large property owners, however, were excluded, ‘in order to re-establish a peace[ful] ambience among Christians and Muslims’.30 Rather, the reinstatement of the large Muslim estates was connected to the degree of support that the Muslim landlords might offer to Greek claims over the region under dispute and the image concerns about Greece's image among the Allies. It was also related to the behaviour of the Empire towards the confiscated estates of the Orthodox in Asia Minor. This was the explanation that the minister of Agriculture Kafantaris gave the Moufti of Edessa and Hasan Bey, deputy of the region.31 Although contradictory policies and measures

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30 HAMFA, A/5 10 1919, telegram by Venizelos, 11 August 1919. See order No 99806 of 25.10.1919 by the Minister of Agriculture to the Governors of the New Lands ‘On the restitution of the plots of Muslims who come to settle back to their land’.
were implemented on the ground, in 1919 many Muslims temporarily fled from Asia Minor and Thrace to their homelands in Macedonia in order to claim their lost and occupied estates. Yet problems ensued and the Muslim deputies sent a detailed memorandum to Venizelos requesting the restitution of the real estate, the suspension of Act 1072, and the reconsideration of the implementation of the Ottoman Law on Land. Such moves could not prevent a series of measures adopted, to the detriment of Muslims, such as the confiscation of private forests or the conversion of the one-tenth taxation into the right of co-ownership in favour of the state. The question was again at stake during the pre-electoral campaign for the elections of 1920. In vain, Venizelos attempted to persuade state officials that respecting Muslims' property rights would serve Greece's national interest:

It's our duty to restitute the ownership not only for the peasants of Greek descent but (…) for the numerous populations of not Greek descent, who had been included within Greece's borders. Thus we are going to conquer them not only politically and militarily but psychologically as well.

The anti-Venizelist camp won the elections and recalled only partially the decrees by which a series of Muslim plots had been confiscated. It also lifted the prohibition on transactions regarding real properties (farms) up to 200 stremmata (or 20 hectares) in the New Lands (RD of 21 December 1920, FEK A 296). Muslim deputies asked for full satisfaction of their claims and in March 1920 removed their support of the government of Gounaris. The issue attracted international diplomatic mediation, but such initiatives failed under the pressure of unfolding military and diplomatic developments on the Greek-Turkish front. At last, in 1922, a new agrarian act was adopted (Act 2922/1922, FEK A 129), which

34 See relevant correspondence between the Greek MFA, the High Porte, the French and the Dutch embassies in Athens, letter of 15 October 1920, letter of the High Porte to the Dutch Embassy, 19 May 1920, HAMFA, F.88.3 (1922) and letter issued by the High Port of 8 April 1922, AEV F.50. For the intervention of the Ottoman and other foreign diplomatic authorities and the Italian short administration on the issue of the Muslim property in Epirus see K. Vakatsas, 2001: 17.
35 The Greek Army had advanced in Asia Minor at the peak of his operations. In this context, 'the restitution of the Muslim property had to be reconsidered under the new situation', Note verbal of 4 January 1922, MFA, HAMFA, F. 88.3 (1922).
attempted to satisfy to a certain extent the claims of the owners of the large farms.

Just before the retreat and the defeat of the Greek Army in Asia Minor, there were cases that the Muslims of Greece suffered from aggression and excessive power of state authorities. In Crete, for instance, allegations filed by the local elite to the League of Nations invoked harsh behaviour against the local Muslim population by Greeks and the Greek Army, as well as loss of private property. 36

The arrival of the bulk of Greek refugees after the defeat of the Greek Army in Anatolia worsened the situation as houses and other premises owned by Muslims were forcefully occupied for the needs of the newcomers. 37 After September 1922, a series of decisions taken by the revolutionary government allowed for the occupation of agrarian and urban houses in favour of the refugees through hastened procedures. Such measures ran contrary to the law in force, and unilaterally released Muslim tenants from their contracts. 38 The new situation led to a radical agrarian reform that was implemented on unfair terms for the owners, 39 the purpose being to facilitate the settlement of the Christian refugees from Turkey and to redistribute not only the çiftlik or large estates but also medium-size properties (both types of which were owned by Christians and Muslims) 40 to small owners or landless peasants. Its implementation varied according to the quality of land and the available residential capacities. 41 All of this said, the limited and fragmented information available on cases of expropriation does not offer solid ground for analysis regarding the estates of Muslims, because there is no information available with which to compare practices towards the rest of

36 Letter signed by the Moufti of Hania, and the former mayor of the city to the LoN, R1671, No 41, D. 19069, (1922).
37 Cases of violence against Muslims of Thessaloniki by Greek refugees who were seeking housing were reported in October 1922, A. Dagkas, 2003: 462.
38 Decisions of Revolution of 5.6.1923 (FEK150) and 21.7.1923 (FEK202), 102758/12.10.1923 (FEK 73) and 35368/08. December 1923 (FEK 362). See Baltsiotis, 2009b.
40 One interesting case of a Muslim farm owner is that of Tzafer Bey who owned Zervi village and its adjacent lands (near Edessa/Vodena). Of Albanian origin, it seems that he avoided the population exchange but sold off his property in pieces until it was fully expropriated by the Greek State in 1935, see P. Potiropoulos, 1995.
the local Christian population. What cannot be contested is that Muslims became the target of radical ethno-politics, especially in the context of the population exchange. After all, a few decades later, the redistribution of land to landless peasants and the reinforcement of the colonization of borderline areas was pursued in the name of Greek citizens' incontestable 'Greekness' – said to display a 'thriving national spirit' (*akeraio ethniko fronima*).  

### 14.2. THE CONSEQUENCES OF THE POPULATION EXCHANGE

The property question constitutes one of the most important aspects of the population exchange, as the exchangeable population had the right to remove only movable property. By way of contrast, real estate was to be confiscated and re-distributed to the refugees coming from the other side of the new frontier. With such a vast operation, documenting the fate of the landed property of those exchanged and payment of their indemnities was a difficult task. In response, before the implementation of the exchange, real estate transactions were again prohibited. During this period, which was filled with unrest, Muslims involved in pending cases were granted a special priority to finish and clear all respective claims in court.

The estates of the Muslims leaving Greece were divided into urban property (houses, shops etc.) and agriculture plots. The total number of Muslim civil properties was 6,567 out of a total of 60,169 pieces of real estate and the total number of agriculture plots covered 194,089 hectares.

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42 For instance, on Lesvos island the confirmed fact that Riza Pasha Seraskeri's villa was expropriated in 1920 in order to establish a tuberculosis hospital (RD of 1 August 1920, FEK A 182) does not give us grounds for any further appraisal on expropriation policy towards Muslims.

43 According to the Act 21/18.2.1969, Council of Ministers, FEK A 34.

44 On movable and immovable property according to the decisions of the Mixed Committee see in details, M. M. Belli, 1940: 28–33. E. Tsouderos, 1927: 15–20.

45 LD of 6.10.1922 (FEK A 196). See also Decisions of the Revolution, on the prohibition of certain transactions made by Muslims, of 14 September 1923 (FEK A 259) and 23705/7.9.1923 (FEK A 253). According to Act 3250/1924 (FEK A 324) the Muslim seller, regardless of citizenship, should prove his status of non-exchangeable. LD of 6.11.1922 (FEK A 196) amended by LD of 20.12.1922 (FEK A 282). Often the prohibition was lifted at local level, like for the Cretan Muslims (RD of 30.4.1923, FEK A 110), see H. Kossyvas, 1928.

46 LDs of 6 December 1923 (FEK A 357) and 2 March 1923 (FEK A 63).

From a comparative point of view, the total value of the Greek-orthodox property left behind in Turkey was five times that of the Muslim property left in Greek soil. These non-proportional figures posed serious problems for the Greek government in terms of the redistribution of lands to the newcomers. Meanwhile, the re-distribution of real estate conducted after the calamitous fire in Thessaloniki in 1917 led the population exchange drastically diminished the percentage of Muslim ownership, contributing to the ‘de-Turkification’ of Greek territory.

According to article 16 of the Convention of Lausanne, both Greece and Turkey undertook the obligation not to place any obstacle for those expelled from the population exchange to freely exert their right to remain in or return to their homes; the states also pledged to safeguard their enjoyment of property rights. The subsequent infringement by both contracting parties of articles 16 and 2 inaugurated another period of crisis in Greek-Turkish relations during which the Turkish government expelled the Ecumenical Patriarch from Istanbul in 1925 and challenged the legal content of the term ‘établi’ (supra, Section, 4.1.2.) regarding thereek-Orthodox population. In Greece, in some cases, refugees from Turkey were given plots before the completion of the legal procedure of expropriation. They were also given Muslim estates, houses, mosques, and fields for one to three years until they were granted official aid by the lands of the Eastern Aegean sea, 8,673 in Crete, 2,373 in Epirus, 2,036 in old Greece, and 8 in Thrace, according to E. Kolodny, 1974: 218.

M. Theotokas, 1928: 218. 550,000 hectares of cultivating plots and 50,000 agricultural buildings were the exchangeable agrarian Muslim property, A. Tsouloufis, 1989: 116. These estates were put under the administration of the Committee for the Restitution of Refugees (Epitropi Apokatastaseos Prosfygon). According to LD 15/22 May 1926 (FEK A 34), the transactions were carried out directly to the aforementioned Committee without registration to the mortgage bureau, A. Tsouloufis, ibid. The total value of the Muslim premises and estates in Greece as appraised by the National Bank of Greece in 1926 was 4 billion drachmas. In the following years, the property was gradually liquidated in favour of the Greek refugees. However, according to Pentzopoulos, at the end of 1925 the exchangeable property comprised 92,711 estates, their value being 2,499,236,186 Greek Drachmas (calculated as in 1926): in other words more than half of the Muslim exchangeable property remained still intact and unexploited, D. Pentzopoulos, 2003: 230.


S. Pelagidis, 1997: 198–203. For further information see L. Divani, 2000: 182–4, where references to the HAMFA files. In a document of 2 March 1923, The Governorate General of Epirus informs the MFA that half of the Muslim housing has been requisitioned, AEV, F. 36/ March 1923.
State. This initially occurred with or without the consent of the Muslim owners. In particular, agrarian estates belonging to those who were dwelling out of the country could be fully expropriated unless their owners claimed their rights in person (according to article 3, LD of 15 February 1923, FEK A 57).

According to PD of 13 November 1927 (FEK A 267), common agrarian law did not govern the property, private or vakf, owned by Muslims, and it was therefore liquidated. Any claim regarding non-exchangeable Muslim property had to be examined by a Committee appointed by the Ministry of Agriculture. Just before the definitive settlement of the question on the ownership of plots belonging to Muslims of Thrace, the Greek authorities recognised the right of the latter to retain their real property to those Muslims who were subject to the IX Declaration (24 July 1924), namely those who had fled Greece and Turkey before 18 October 1912. According to decision 36 of the Mixed Committee, Declaration IX also covered the Muslims of Western Thrace who had abandoned the area. However, by the Accord of Ankara (1930), the beneficiaries of Declaration IX should have under their possession the immovable property (article 5). The right to retain their real estate was recognised also to Muslims of ‘Albanian origin’ and those of alien citizenship.

The Greek State, on the basis of article 9 of the Convention of Lausanne on the exchange of Greek-Turkish populations (1923), empowered the National Bank of Greece to manage the expropriated property of the Muslims who had left until 1939. Afterwards, the Greek State and the Special Service for the Management of Exchangeable Muslim Plots

51 “The relations between Christians and Muslims in Greece are satisfactory: The Turks of Thessalia and the Muslims of Macedonia spontaneously offer their houses and hospitality to the Greek refugees”, (in Greek), Telegram of 20 October 1922, Politis to MFA, AEV, F. 30/October 1922, doc. 3017. By Act 3166/1924 (FEK A 185), the government attempted to regulate in favour of the arriving refugees the practical and legal issues regarding the estates owned by the Muslims of Thessaloniki. With the PD of 3 November 1924 (FEK A 180) they also sought to do so with the former Muslim estates of Tso tili. By Resolution of the Fourth Constitutive Assembly of 24 September 1924 (FEK A 272), the Greek government attempted to cover the needs for the arriving Greek refugees, though this obviously ‘deviated from the concluded agreement’, see A. Tsouloufis, 1989: 116.

52 See Report of the president of the Mixed Commission, 23. December 1924, Geneva, in E. Destani, vol. 4, 2003: 446. For individual cases of legal disputes on the applicability of Declaration IX, see HAMFA F. 1929, 13/61/2, 3a. For cases after the agreement of 1930 see HAMFA F. 1933. B/2/IV.

53 MFA, Department of citizenship to the Department of Greek-Turkish agreements, AP 15373, Athens 29 April 1929, HAMFA F. 1929, 13/61/2, 3a.

54 At the local level, the management of the exchangeable estates was assumed by Offices of Population Exchange by the Ministry of Agriculture (such an Office was set up in
would replace the National Bank according to the Mandatory Act 1909/1939 (FEK A 335). Special agreements concluded between Greece and Turkey temporarily dealt with this issue (the Protocols of Ankara, dated 21 June 1925 and the Convention of Athens, dated 1 December 1926), until it was definitively settled by a new bilateral accord ‘on the final settlement of the issues regarding the implementation of the Treaty of Lausanne and the accord of Athens related to the population exchange’ signed on 10 June 1930 in Ankara. The event took place after a diplomatic and political confrontation between the two countries during which Turkey and Greece made it clear to one another that they could put their mutual minorities at risk. The Accord of Ankara went on to clarify the terms of property liquidation by amending article 14 and abolishing articles 9, 10 and 13 of the Lausanne Convention. According to these new regulations the two states self-identified as owners of the exchangeable property, not as mere administrators. On the other hand, the *étabslis* were granted final recognition of their right to property. In this fashion, the Greek State acquired a considerable number of real properties.

Lastly, all restrictions on acquiring and selling property were abolished. The final settlement seems to be more theoretical than pragmatic, as the complexity of the situation excluded any fair attribution of indemnity
to the claimants. Complicated legislation was adopted to solve the problem regarding indemnity, the property rights of absent Muslims, and re-distribution of land property. Concomitantly, numerous legal disputes were brought before the Greek courts during the interwar period and even after World War II. However, the implementation of the international norms in the domestic legal order was very limited, as it was deemed that 'international treaties create direct commitments merely to the concluding states and are not controlled by the regular juridical authorities of the states'.

The estates owned by Muslims of Turkish or any other citizenship were not submitted to expropriation, only on the condition that a special permit was issued by the General Directorate for the Exchange. Complaints, nevertheless, were voiced about expropriations of agriculture plots which the owners were not themselves cultivating. Cases like that of Kenan Ziya, a former deputy in the Greek Parliament, illustrate the practical problems encountered by Muslims of a foreign citizenship seeking to retain their economic interests in Greece: his estates had been expropriated in the framework of the agrarian reform and only a small indemnity granted in return.

In short, the estates owned by Muslims/Turks and occupied by the Greek government before the Accord of Ankara (1930) were deemed the unquestionable property of the Greek government. At the same time, the real estate of non-exchangeable Muslims of Greek citizenship dwelling outside of Thrace – as that of any other Greek citizen – was vulnerable to expropriation in favour of the newly settled Greek Orthodox refugees from Turkey.

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60 Among many others, Act 6355/1934, Kodix Themidos 1934: 764, 3389/1927, Kodix Themidos 1927: 109, 4002/1929, Kodix Themidos 1929: 142. See among others: Gounarakis, 1927: 11. Many practical problems on the occupation and the indemnity of Muslim estates were still under consideration by the Greek authorities, Governorate General of Thrace, Memo of 16 September 1930, AEV, F. 107/1930.

61 Ste 311/1930, Collection of Ste decisions, Athens 1930: 906. The case regards a group of Muslim farmers of Preveza.

62 Article 1.1 Act 3250/1924 (FEK A 324). See as well article 1 paragraph 1, Act 1650/1951 (FEK A 15). This act amended partly the RD of 24 October 1940 and the Act 1042/1946.

63 Memorandum of 8 April 1922, High Porte to High Commissioner, LoN, AEV, F. 30/ October 1922.

64 Kenan Zya was living in Bitola and owned a tsifliki in Florina. He was complaining for unjust expropriation of his farm, Letter to the Greek government, Belgrade, 24 May 1925, Cases of Al. Svolos, Personal archive of M. Mazower.

65 AP 279/1936, EEN 1936: 979.
The process of managing property issues which arose due to the population exchange continued until 1933 when the Mixed Committee was dissolved according to a Convention concluded between Greece and Turkey on 9 December 1933. Any real estate once owned by a Muslim and considered to be abandoned was ruled as to be solely owned by the Greek state. In any event, in the ensuing years, individuals confronted legal problems when purchasing the property of those exchanged. Act 357/1976 (FEK A 156) attempted to simplify the legal processes by offering the possibility of redemption of agrarian plots in order to eliminate uncertainties as to their legal status. Nevertheless, to this day ambiguities persist. In a remarkable case examined by the ECtHR in 2000, the descendants of a Muslim family of Thessaloniki that had been exempted from the population exchange suffered from irregular expropriation. The case lasted over than 65 years and revealed many hidden sides of this period of Greek and Turkish legal history.

14.3. The Albanian Muslim Chams

Just after the annexation of Epirus to the Greek state, a considerable number of Muslims started to flee towards the Ottoman Empire and Albania. This situation engendered serious problems related to the demographic, economic, and social balance of the region an isolated area in Greece's extreme northwest. During this period, the local Governorate General encountered the problem of different legal norms on land ownership stemming from Ottoman law. In Epirus, there were three main and different types of legal plots: Kefalohori, tsifliki, bastaina and one more which combined features of the last two, a tsifliki comprising bastaina fields. Bastaina entailed possession rights for the cultivator. These rights were meant to be inherited and were known in Thessalia, Macedonia,
and Epirus, but gradually vanished. In a late accommodation by law, legal regulations favoured the old bastaina holders at the time of the distribution of expropriated fields. In effect, bastaina embedded tessaruf and inheritance rights. As Chams owned the most important tsiflikia of Thesprotia, social divisions were created on ethnic basis among the population. The Cham local majority was divided into different sub-groups including rich elites – the owners of the tsiflikia, and the overwhelmingly number of poor plot workers (holders of bastaina or landless peasants [kolligoi]). It is characteristic that the Council of Ministers decided in 1917 that the Muslim Albanians of Ottoman citizenship and inhabitants of Chamouria would be exempt from the sequestration of their mobile property (horses), and they should be paid for the period of use by the Greek Army. This exceptional decision was based on a report of the Governor General of Epirus on the Muslim Chams – many of whom were Ottoman citizens – who were living in extremely poor conditions. Some 600 other families, who had previously opted for Ottoman citizenship finally acquired Greek citizenship and retained their property. They became a focal point of both Albanian nationalism and Greek protectionism. In general, mass expropriation of the tsifliki owned by Chams occurred in the framework of the agrarian reform, which was applied after 1922 (by implementing Act 2521/1920, FEK A 227) in favour of landless peasants, mostly Christians. The promised indemnity was far less than the real value of the expropriated land.

K. Stylianopoulos, Inspector on minorities observed that the Muslim Albanian-speaking Chams had gone from being local rulers in Ottoman times to landless, homeless, and very poor. After the population exchange of 1923 and the exemption of the Chams, the Muslim property in Chamouria was put to legal and political uses which

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72 In terms of article 24 of Act 1073/1917, see Meeting No 42, Act No 501 of the Council of Ministers (1917), Kodix Themidos, 1916–18, 474.

73 E. Manta, 2008: 52.


75 S. Gandolfi, 1999: 164.

76 K. Stylianopoulos, 1930b: 1–3.
resulted in new ‘abusive requisitions’ and discriminatory preferences favouring the Greek refugees.

If property is a social relation then access to land can be understood as a resource that decisively structures or legitimates positions of power and domination. For the Chams, Kretsi observes, the process of minoritization was linked to the politics of possession-dispossession. This is because, for the Greek government, the right to property was associated with the right to residence and citizenship but the notion of citizenship was bound up in nationalism. For the Chams, who had the right to residency and citizenship but who were perceived – and increasingly saw themselves – as of a different nation, this resulted in dispossession of their properties through a series of legal and administrative practice. Ultimately, for the Greeks of the region, the Chams were not seen as the best partners with which to share land due to economic and ideological reasons.

The arrival of numerous Greek refugees from Asia Minor created serious housing needs, not least in many locales of Northern Greece. The requisition and occupation – sometimes temporary, sometimes permanent – of the houses and plots of Muslim inhabitants created new tensions among the local population.

While the plight of the Greek refugees is pitiable in the extreme, it is clear that these people are also a cause of further suffering to others through the mistaken policy of their government. Therefore, in the interests of all those involved, urgent steps should be taken to reinstate the homes of the Albanians and to provide full compensation of their losses.

Discontent arose persistently between the Cham owners and the Christian peasantry, as well as the Christians newcomers who settled in Cham villages. Although the Greek government promised to solve such problems, expropriation without justification, unfair division of the mixed plots

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78 B. Schäfers, 1986: 58.
80 See as well L. Baltsiotis, 2004a: 57–64.
(çiftlik containing bastaina), miscalculation of indemnities, and misclassification of real estate\textsuperscript{88} constituted serious complaints lodged by the Muslim Chams. In 1924, the Council of the League urged the Greek government to “...[R]estore without delay the property of Moslems Greek nationals of Albanian origin who have already been declared by the Mixed Committee as not subject to exchange”.\textsuperscript{85} But to reinstitute property to non-Greek citizens was out of question.\textsuperscript{86} As a result, the majority of Muslims of Albanian origin preferred to remain in Greece as Greek citizens or by obtaining Albanian (or Serbian) citizenship in order to be exempted from the 1923 forced ‘migration’ to Turkey. In still other cases, the property of the Muslim communities of Epirus\textsuperscript{87} was expropriated for the needs of settling refugees from Asia Minor. Some Chams responded by leaving for Albania at the time of the population exchange, and in so doing lost their claims to their property.\textsuperscript{88}

The overall surface of the expropriated plots amounted to about 100,000 hectares (one million stremmata). The expropriation of plots smaller than three hectares – which was illegal according to the agrarian act of 1926 – drastically affected the small landowners, who were not able to challenge the measures in the courts.\textsuperscript{89} The conclusion of the Greek-Albanian agreement on Settlement and Consular Services (1926), which provided that mandatory expropriations be subjected to the clause ‘of the rather favoured state’, (applying positive reciprocity) would later compel the Greek government to pay back a very significant amount of money to the former owners of the plots. However, the agreement was never ratified by Greece and the question remained unsolved. Meanwhile, Albania brought before the Council of the League of Nations the issue of the critical situation of the Chams and the cases of expropriation of real estate owned by Albanian citizens. Greece promised to duly indemnify the owners of these

\textsuperscript{84} [Report] on Tsamouria, HAMFA F.1935 A/4/9/2.
\textsuperscript{86} In some cases, property owned by Muslims of alien citizenship dwelling abroad was confiscated excessively in order to cover the needs for the newcomer refugees. Rarely, a few people reacted successfully against these regulations. See for instance PD of 17 July 1924 (FEK A 171) regarding the removal of the prohibition of land transactions by Muslims by which restituted the real property in Preveza to Andem Hilmi, Ottoman subject.
\textsuperscript{87} This was the case of the expropriation of a field and a mosque not in use, both owned by the Muslim community of Ioannina ordered by RD of 16 May 1922, FEK A 71.
\textsuperscript{88} See a petition of 110 families to the LoN, which finally was rejected, LoN, C.741.1925.S and LoN C.37.1926.
properties and the investigating special committee closed the case.\textsuperscript{90}
At the same time, individual complaints were lodged before the Council of the League of Nations.\textsuperscript{91} Although these cases were closed down due to Greece's promises to solve the problems, the Greek authorities on the ground, and the government continued the inefficient procedure of dividing the legal status of the disputed cases into two categories, Greek and non-Greek citizens.

After a series of complaints over small property expropriation were again submitted to the League of Nations,\textsuperscript{92} new \textit{ad hoc} legal regulations were adopted. Act 4816/1930\textsuperscript{93} on 'the determination of the indemnity expropriated real estate of Margariti and Paramythia', as amended by Act 5136/1931 (FEK A 217), established a special right to appeal, so the claimants could have their case re-examined and demand a special rate for indemnity. These regulations were provided in order to address the legally founded complaints of the Muslim owners. However, in practice, the act did not address injustices regarding landed properties; rather, it served to


\textsuperscript{91} Petition filed by Abedin Hakim Seiko and 'Muslims of Albanian origin in the region of Filiates', LoN, Doc. C.145.1926.I and C.661.1927.I, and petition by 'Muslim inhabitants of the Gardiki and Dragoumi villages', I and II, LoN, Doc. C.663.1927.I, (for the text of the petitions and the comments of the Greek government see E. Destani, vol. 4, 2003: 677, 680 and 681 and 683 respectively and E. Destani, vol. 5, 2003: 11 and 18, as well as S. Gandolfi, 1999: 179–183). Petition of Djemali of 1926 regarding expropriation and exile to Corfou, LoN C.226.1926.I. Another two petitions concerned the transfer to Turkey of a group of Chams and on 'the general situation of the Muslims of Albanian origin in Greece', LoN, Doc. 575.1927.I and LoN, Doc. 662.1927.I respectively. Lastly, a petition filed 'by a group of inhabitants of Paramythia', was rejected as they were legally supposed to have taken part in the population exchange, LoN C.123.1926.I. In some cases, Greece recognised the claimant's argument and promised to solve the questions raised: See case of the families Demi and Seiko, regarding indemnities for the expropriation of their farm (\textit{tsiflik}) since 1913–18, and implementation of Act 2520/1918, petition of 11 November 1925, LoN C.217.1926.I and petition filed by Gazali Nurset in 13.2.1926, on indemnity, LoN, C.361.1926.I.


\textsuperscript{93} Kodik Themidos 1930: 502. On the implementation of the Act 4816, K. Stylianopoulos (1930b: 21–27) explains the various problems regarding the indemnities due to the Chams and the various abusive practices regarding their estates, and the case of those who retained Ottoman citizenship.
minimize international political pressure on Greece at the Council of the League of Nations.\(^\text{94}\) Tellingly, the new envoy Inspector of the Ministry of Agriculture considered the law 'unfortunate' and unable to heal the injustices; he also believed that it would create a long period of uncertainty for the farmers and entail catastrophic consequences for cultivation, as well for the new settlers. The Inspector suggested stopping and recalling the expropriation in a series of cases regarding small landowners, as the measures 'created severe problems' and consequently 'threatened the public order in the whole region'.\(^\text{95}\) Yet the problems remained, and a special settlement was agreed between Muslims and the government.\(^\text{96}\) A few months later, the Inspector reported again that the new law failed and that it had exacerbated the situation in many cases. He stressed that the Expropriation Committees had failed to check properly the complaints and offer an effective remedy. The Inspector said that three-fourths of the plots owned by Muslim small property-owners were neither tsiflikia nor bastaina, and consequently they should not be subject to expropriation. Finally, he suggested that plots should be given back and new settlers leave as partial expropriation destroyed the small-land owners and was creating a crisis in the region.\(^\text{97}\) The Inspector of Minorities also reported to the prime minister that "In Paramythia (...) small properties and gardens had been expropriated against the Constitution and the Agrarian law; not a single acre was left to them for cultivation and for sustaining their family".\(^\text{98}\)

The government made ad hoc offers to appease in specific cases. But in one case, the Moufti of Paramythia, Hasan Abdulah, denied the offer: "To accept would be equal to mocking the small landowners, whereas the


\(^\text{95}\) Mitromeletis, General Inspector of the Minister of Agriculture, Athens 7 August 1931, memorandum to the Secretary General of the Ministry of Agriculture, HAMFA, F. 1935 A/4/9/2.

\(^\text{96}\) See for instance Act 5378/1932 (FEK A 108) and 'Owners of cities of Paramythia', Paramythia, 20 September 1932, memorandum to the Prime Minister and the Minister of Agriculture and other authorities, HAMFA, F. 1935 A/4/9/2. The Muslim owners of small and very small properties (gardens) were facing or had already suffered unreasonable expropriation, as the committee of Paramythia had proposed that all properties of the city could be expropriated, see L. Baltsiotis 2009.


\(^\text{98}\) [K. Stylianopoulos], 1930b.
already settled agreements were not observed by the government".\textsuperscript{99}
In other cases, the Greek government granted special prerogatives (by Act 5291/1931, FEK A 416, as amended by Act 5364/1932, FEK A 105) to the heirs of landlords (ağa) who used to own Ottoman public land (arazi-i emriye), such as families like the Demates and the Seikates (in Filiates). The purpose was to maintain political connections with powerful locals, part and parcel of efforts to hamper the growing Albanian influence.

It seems that local agents implemented the governmental policies for redistributing real property between the Chams and the newcomers in a distorted fashion. For example, after a visit to the region, the General Inspector of the Central Service reported to the Minister of Agriculture that the colonization policy was conducted "to the detriment of the Muslim owners due to the relentless and unfair implementation of the agrarian law by the local officers for the colonization, who handled this eminently delicate issue by an extremely anti-political fashion".\textsuperscript{100}

Although the Greek government sent instructions to issue certificates of non-exchangeability and to lift excessive measures harming the ownership rights of the Chams,\textsuperscript{101} the law posed severe restrictions regarding the land transactions made by aliens or 'Greek citizens of non-Greek descent' in border areas such as Thesprotia among others.\textsuperscript{102} In order to make the administration of the minority area easier, the government upgraded the Thesprotia County into a prefecture.\textsuperscript{103}

Under the Mandatory Act 735/1937 (FEK A 228), the Minister of the Interior examined all cases of Muslims asserting to be of Albanian origin inhabiting Greece or abroad (except of Turkey). The law acknowledged the right of Muslims who had been recognised as of 'Albanian origin' or of Albanian citizenship to reclaim their expropriated real estate and appointed the National Bank of Greece as manager of the exchangeable property.

The right of Albanians to claim their real estate was valid only until 1940 according to article 1 of the Mandatory Act 1593/1939 (FEK A 39). These regulations also held for the vakf property. And in any case, despite the

\textsuperscript{102} Mandatory Act 1366/1938 (FEK A 310).
\textsuperscript{103} St. Athanasakos, 'Note of information on the former minority of Muslim Chams in the prefecture of Thesprotia-Epirus', Athens 14 July 1986, published by F. Mitsis, 2008: 229.
pertinent legal provisions, indemnities in most cases were not granted. The Chams and the Albanian government's complaints were then brought before the League of Nations on the grounds that there had been discrimination during the implementation of the agrarian reform regarding confiscated estates of Chams who had emigrated, because they were led to believe that their properties were exchangeable. The Greek government replied that

Special measures were taken in favour of the Mohamedans of Tchamouria, in that the Governor-General of Epirus has arranged with the Minister of Agriculture for special services to be set up for the payment of compensation in case that it is still unpaid [...] The cases of Mohamedan émigrés returning to Epirus have always been speedily and equitable settled by the authorities, and, wherever it has been established that they are not exchangeable, their properties have been restored to them.

However, the Minority Committee did not examine these allegations and closed the file.¹⁰⁴ In addition to these difficulties, Act 376/1936 (FEK A 546), established a restricted area along the borders in which the settlement of all foreigners or allogeneis was forbidden. The act also set constraints on the free movement of the Chams of Thesprotia and the enjoyment of their real estate.

The Italian occupation (1941–1943) prolonged the problem of unpaid indemnities for real estate which had been expropriated in favour of the Greek refugees settled in the region. The Greek authorities appointed by the Italian Administration attempted a new arrangement in order to lessen inter-communal clashes between Christians and Muslims. One idea – to grant a percentage (15 percent) of the income gained from the plots to their Muslim ex-owners – seems to have never been put into practice.¹⁰⁵ Instead, inter-ethnic clashes escalated and killings and reciprocal harassment among locals created an explosive backdrop for the events that followed. Already, two years earlier, in 1939, when Italy occupied Albania, certain Chams saw the Italian fascist regime as beneficial for their national aspirations. These feelings became more widespread during the very short period at the beginning of November 1940 just after the declaration of war between Greece and Italy and the invasion of Greek soil by

¹⁰⁴ Letter from the representatives of Portugal, the UK and Ecuador – members of the Minorities Committee which examined the petition relating to the position of the Albanian minority in Greece, League of Nations, Official Journal, December 1936: 1415–17.

the Italian army in the region of the Cham population. Chams formed troops to assist the Italian army and collaborators enjoyed preferential treatment, even acquiring Italian citizenship.\textsuperscript{106} During the re-conquest of the region by the Greek Army and the provisional victory against the axis powers until March 1941, the Greek military authorities took harsh measures against those local Chams who had collaborated with the Italians, and local Greek-Christians also took revenge against the Chams. After Greece’s defeat by the German Nazi army and the re-establishment of the Italian administration in the region (which was followed by German administration after the summer 1943), the Chams, to a great extent, collaborated with the occupants who retained in office a weak, puppet Greek administration. By 1942, and with the founding of the Cham fascist/ nationalististic organization\textsuperscript{107} (KSILIA) under the command of the Dino family,\textsuperscript{108} terror was spread among the Greek population and the notables of the region. This exacerbated existing problems over contested land ownership and the sharing of agricultural resources. The subsequent withdrawal of occupation forces drew into the region the right-wing Greek nationalististic EDES, which encountered a void insofar as the communist ELAS movement was not very active in the region. This permitted EDES to drive the Chams violently beyond the Greek borders. The atrocities committed in 1944–1945 led the Chams to settle permanently as refugees in Albania, resulting in a great loss of life and property.\textsuperscript{109} Dichotomies on the basis of national affiliation and language (Greek-Albanian), religion (Christians/Muslims), control of wealth (landless peasants/land owners), and political ideologies (right wing/communists) were felt forcefully in this limited geographical area and engendered aggressive, nationalist


\textsuperscript{108} Th. Gotovos, 2008.

\textsuperscript{109} ‘Report on the Albanian minority of Tsamouria’, National Liberation Front (EAM), Panipirotiki Epitropi, 11.6.1944, HAMFA, F.1943–44/2–3. The atrocities committed by the troops of EDES forced 22–25,000 Chams to leave their villages and seek refuge in Albania (see E. Manta, 2008: 200). From June/July 1944, EDES – with the consensus of British forces – started the ethnic cleansing operations. They came back to the region in January/February 1945 to complete their operations. According to sources, cited by G. Kretsi, 2,000 Chams lost their life during these EDES operations and another 2,500 during their flight to Albania, see G. Kretsi, 2002a: 184. See also G. Margaritis, 2005: 166–170. Also, supra, p. 85.
sentiments among all the communities. Gradually, such dichotomies became part and parcel of corporate identities which juxtaposed Greek/Orthodox to Muslim/Albanian, decreasing the role of other constitutive elements of identity such as political ideology (communist Greeks and Chams versus ultra right wing Greeks) or wealth (landless Greeks and Chams versus farm owners). Political cleavages based on ethnic lines were reinforced by the law on land ownership which legitimized the expulsion of the Chams en masse and the appropriation of their property by Greeks.

In the aftermath of the events of 1944–1945, Cham real estate was considered as abandoned and gradually confiscated or put at the disposal of landless peasants and refugees. On the ground, the situation until the early 1950s was out of control. Legally, the real estate was supposed to pass to state ownership as set forth by Act 1539/1938 (article 54). But in practice, the abandoned and devastated plots, fields, and houses were occupied by inhabitants of the nearby villages or by the new settlers. The situation soon became chaotic and the local police were unable to establish order.\textsuperscript{109} Finally, LDs 2180/1952, 2185/1952 (FEK A 217), and LD 2781/1954 (FEK A 45) regulated the transfer of ownership, and LD 2536/1953 (FEK A 225) legalized the resettlement of the empty Cham villages by newcomers from other places in Greece. According to article 17 of the LD 3958/1959 (FEK A 133), the residents of the mountainous areas of Filiates and Paramythia as well as those of ‘Greek descent’ originating from Northern Epirus were allowed to settle in the ‘abandoned Muslim plots of Thesprotia’.\textsuperscript{110} The policy of national homogenization remained incomplete, however, until the 1970s, when the Hellenization of the former Muslim property was completed. This guaranteed the population’s loyalty to the state and minimized Greece’s Muslim population.

As mentioned earlier, numerous Muslims of Greece chose to obtain foreign citizenship in order to be exempt from the population exchange or for other reasons. Some Chams acquired Albanian citizenship, although they could remain in Greece as citizens of ‘Albanian origin’. After 1945,


\textsuperscript{110} See Ministerial Council, Act 713/1956, Kodix Nomikou Vimatos 1959: 418. A few years ago the abandoned plots of the Chams were not subjected to Act 2536/1953 and de facto allocated to the ‘nationally loyal’ Greek occupiers who were already using these properties, Minutes of the Greek Parliament, Session of 4 August 1953, 511–514.
those who held Albanian citizenship faced expropriation of their property as its legal status was that of enemy property, since Albania was a conquered territory of fascist Italy and a nemesis of Greece during World War II. Thus, Albanian real estate was sequestrated according to Act 2636/1940 (FEK A 379) and Act 13/1944 (FEK A 11), which, in theory, should not have affected ownership *per se*. Much of this real estate remains sequestrated to this day and is registered at the Office of Sequestration based in Athens. According to article 38 of the LD 1138/1949 (FEK A 257) amending Act 2636/1940, sequestration can be abolished by joint decision of the Ministers of Interior, Economy, Justice, and the Prime Minister. Income gained by the sequestered real estate is kept in special accounts at the Bank of Greece. It is worth noting that inhabitants of Albania (Albanian citizens) of Greek origin were exempt from sequestration or expropriation (Ministerial Decision, Minister of the Finance, 144862/3574/17.6.1947, FEK B 93). This reading of the category 'of origin', reflects the ideological nature of policies aimed at ethnicizing land ownership. According to several court decisions, the Albanian property would remain under sequestration until the removal of the state of war between the two countries. However, even though the Greek government declared the state of war with Albania to be over in 1987, the sequestration of Albanian estates was continued, as the declaration was not legally ratified. Such measures do not comply with legal standards set by international instruments banning discrimination on grounds of ethnicity (ICCPR, ECHR etc.).

Meanwhile, LD 2180/1952 on 'the compulsory expropriation of lands for the restitution of the landless farmers and cattle-breeders' authorized special committees to take possession of the properties and then bestow them on persons entitled to a share. In practice, such persons were squatters tolerated by the authorities during the Civil War or later. These persons received title deeds in the late 1950s until the 1970s.

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112 Both laws retained the provisions of Act 1073/1917. According to article 38 of the LD 1138/1949 (FEK A 257) amending Act 2636/1940, sequestration could be abolished by joint decision of the Ministers of Interior, Economy, and Justice, and the Prime Minister. These provisions stated that Albanian property would be under sequestration until the removal of the state of war between the two countries.

113 On the legal status of this exception see, K. Kerameas, 1975: 484–486.


Nevertheless, according to LD 1108/1972 (FEK A 17), a plot which had been confiscated as a punishment for those who had committed the crime of collaboration with the enemy\textsuperscript{16} and which remained indisposed would be re-bestowed to their owners on condition that they could prove they were 'loyal Greek citizens'. In such cases, the relatives of the owner could claim ownership under very strict conditions. This was the first legal provision which gave a chance to Chams to reclaim their real estate. The law's conditions, however, made its implementation rather improbable. The legal frame on the Land Registry (\textit{Ktimatologio}, Act 2664/1998, FEK A 275) provided a second opportunity for Chams to claim and clarify the legal status of their real estate within seven years. However, to date the measure has had no real impact on the status of the real properties formerly belonged to Chams.

On 21 March 1996, Greece and Albania signed a Covenant of Friendship, Security, and Cooperation.\textsuperscript{17} According to article 15, both states pledged to cease any interference in each other's citizens' enjoyment of property rights on their own soil. Thus, Act 2636/1940 should have been considered abolished, and the Greek government should have examined the modalities of how to remove the sequestration which of course had always been dubious. After all, sequestration should entail guardianship of enemy property as long as the state of war endures, not loss of ownership. Cham property rights, access to Greek citizenship,\textsuperscript{18} and the right to resettle in Greece are all issues which remain unresolved, even after the collapse of the totalitarian regime in Albania and the opening of the border. The complexity of the questions is exacerbated by the ambivalence on such questions by the Greek courts as well as the political discretion of the governments. The best approach would be to clarify and simplify principles and procedures in light of the relevant provisions of the ICCPR and the ECHR.\textsuperscript{19} Surely, retaining the technical 'state of war' between Greece and Albania contradicts fundamental international legal norms regarding peaceful relations between states that have signed a bilateral Agreement of Friendship as the two countries did in 1996. Such an agreement \textit{de facto} and \textit{de jure} abrogates any state of war and has legal consequences

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\textsuperscript{16} According to article 2 of Mandatory Act 533/1945 (FEK A 224).

\textsuperscript{17} Ratified by Greece by Act 2568/1998 (FEK A 8).

\textsuperscript{18} By Decree 1645/1954 the Albanian President E. Hoxha granted Albanian citizenship to the Chams, see G. Kretsi, 2002a: 188. This act has no legal effects on the status of Greek citizenship in Greek law.

\textsuperscript{19} For a discussion about the legal control under the international instruments see Y. Ktistakis, 2006a.
PROPERTY RIGHTS

regarding property issues. Surprisingly, though, even a number of scholars are reluctant to challenge the 'state of war' question, much less politicians.\footnote{See P. Pararas, 1987 and Y. Ktistakis, 2006. M. Nazarko offers a series of counter-arguments regarding the validity of the status of war, from the Greek and Albanian bibliography (2006: 75–76). It is worth mentioning that according to case law of the StE (2327/1976, 2603/77), the status of war between the two countries ceased as soon as they commenced diplomatic relations (in P. Pararas, 1987: 85).}

To sum up, the complex and confusing legal status governing the real properties once belonging to Greece's Albanian Muslims can be classified into three categories: first, expropriation as punishment for war criminals in 1945; two, expropriation and redistribution to new settlers of the abandoned property of those who fled Greece (in 1944–45 or in the interwar period); and third, sequestration or confiscation of the property of Albanian citizens ever since, on the basis of the law on 'enemy' property.

14.4. THE MINORITY OF THRACE

As discussed previously, the extension of the Greek law to Thrace, which was accomplished by LD of 26 October 1923 (FEK A 325), went hand-in-hand with the retention of certain regulations of the Ottoman Land Law. In this context, \textit{tesarruf} and the rights on permanent settlement (according to article 78 of the Ottoman Code on Lands) were converted into full ownership rights, as provided for by Act 1072/1917.\footnote{According to article 1.1 of Act 3250/1924, Muslims of Thrace had to be supplied with a special certificate of ownership issued by the Governorate General of Thrace or the Ministry of Agriculture.}

The exemption of Thrace's Muslims from the population exchange meant that their ownership rights are guaranteed by article 16.2 of the Convention of Lausanne.\footnote{According to the Greek government, "les villages turcs ont été choisis de préférence pour l'installation des réfugiés grecs. Pour des raisons d'ordre historique, la population musulmane occupe, effectivement, les régions privilégiées au point de vue fertilité, climat, voies de communications etc." Memo of 5 March 1925, SDN, R. 1696, 41/42797/40816, cited by J. Dalègre. 1997: 99.} With the definitive annexation of Western Thrace to Greece, one of the main problems the local population faced was the settlement of 120,000 Christian refugees to the region,\footnote{J. Dalègre, 1997: 99. On the non-observance of the relevant international obligations see B. Oran, 2002, Section 'LEC Article 5 and 16' and H. Apchain, 2009: 274.} in light of which the government and the Governorate General of Thrace ordered the requisition and expropriation of houses and plots from the local population. In some cases, such measures proved detrimental to the Muslims.\footnote{According to the Greek government, the non-observance of these measures led to 'les villages turcs ont été choisis de préférence pour l'installation des réfugiés grecs. Pour des raisons d'ordre historique, la population musulmane occupe, effectivement, les régions privilégiées au point de vue fertilité, climat, voies de communications etc." Memo of 5 March 1925, SDN, R. 1696, 41/42797/40816, cited by I. Dalègre. 1997: 102.}
Excessive expropriation or occupation of Muslim real estate, in turn, created serious problems and political ramifications. Furthermore, by the end of 1922, about 15,000 rooms and 127 schools, mosques, and medrese as well as 10,000 hectares owned by Muslims had been occupied for the needs of the Greek refugees. The gradual exodus of the Muslim population from the Evros department (adjacent to the Greek-Turkish borders) after 1922 further eased the Hellenization of an area that was seen as of major strategic importance.

Thracian Muslims' complaints and similar complaints on the part of Istanbul Greeks internationalized the question and brought the discussion on property before the League of Nations. The Mixed Commission was dispatched to investigate the issue in April 1925 and issued its report by November, verifying the infringement of property rights. The distribution of the so-called 'abandoned plots' was described as highly problematic, particularly when the plot was an occupied vakf or when the owner was incapable of its cultivation. Expropriations of Muslim properties was undertaken not only to meet the needs of the refugees, but also for the operational needs of the army. It is estimated that the army requisitioned 3,005 households declared 'abandoned' by owners who had migrated to Turkey by 1928.

Under international pressure and the supervision of the Mixed Committee, the Greek government attempted to find solutions, balancing the pragmatic needs of the Christian refugees and the rights of the Turkish/Muslim minority of Thrace. Special committees and the Governor of Thrace were empowered to supervise and assess the situation and to grant indemnities in the case of expropriation. The government also

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125 A. Dasios, 1927, and M. Theotokas, 1928: 215. According to K. Koufa & C. Svolopoulos, 1992: 293, "Indeed Greece violated the provision of article 16 due to her difficulty in resettling the Greek refugees from Eastern Thrace, who occupied the land and property of many Muslims not liable for exchange in Western Thrace".


127 For instance see PD of 24 August 1925 (FEK A 241) on the expropriation of plots in Komotini for building ammunition storehouse.

128 The overwhelming majority (2,316 households) regarded the area of central and northern Evros department, Garbi Trakya'daki Türk Emlaki, A Publication of Trakya Gayri Miḥaḍiller Cemiyeti, Cumhuriyet Küttüphanesi, Istanbul 1928. See map of the area, in A. N. Adiyeye, 2002: 90.

129 S. Gandolfi, 1999: 190.
adopted a series of legislative acts to improve the situation. Special indemnity rights were recognised, among others, for ‘Muslims and Cirkacians born in Asia Minor, Constantinople, and Eastern Thrace’, who settled in Greece after the defeat of the Greek Army and who had legal claims vis-à-vis the Greek authorities.

With a view to solve reciprocal minority property questions, Greece and Turkey concluded an agreement in 1926. According to the Agreement (article 2), the Muslims of Thrace were legally given ownership rights of their property, and the Greek government reserved the right to expropriate agricultural plots and not built urban estates for the Christian refugees. As Dasios puts it, as early as in 1927, a balance had to be kept between an imperative “to Hellenize Thrace by the dominance of the Greek race and the compensation of the Muslims who suffered damages to their property”. By late-1928, the Mixed Commission again visited Thrace to investigate the implementation of the agreements and stated that “the seizure of houses and cohabitation of refugees and Moslem natives had come almost to an end and payment and restoration of properties remain to be done by the Greek government.”

Gradually, up through 1929, the overwhelming majority of the occupied estates had been reinstated to their owners. Well-founded complaints filed by Muslims were to be compensated, except for complaints regarding large farms, which were expropriated in favour of the Greek refugees. No conclusive research has been conducted so far to reveal if a discriminatory expropriation policy was applied towards the Muslims to achieve

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130 Act 3076/1924 (FEK A 108) on the indemnity of the already requisitioned plots in Western Thrace created special five-member committees, whose president was the Governor of Thrace, and which had two Greek and two Muslim members. The purpose was to determine at the final stage of the process, the indemnity owed to the estates’ owners. By the PD of the 17 July 1924 (FEK A 171), Act 3076 was extended to real estate which was about to be expropriated or requisitioned. However, Act 3076 was replaced by a resolution of 10 January 1925 (FEK A 7), which was adopted by the Parliament. The new measure retained the five-member committees and extended the role of determining indemnities for Muslim estates, and mobile property including beasts outside of Western Thrace – goods which were to be reallocated in favour of refugees and landless people. The PD of 14 January 1925 (FEK A 10) went on to regulate the redemption of Muslim estates in favour of the Christian refugees.

131 Act 3110/1924 (FEK A 171).

132 A. Dasios, 1927: 5.

133 S. Ladas, 1933: 493.

134 A. Dasios, 1927, Table I.
ends other than housing refugees – a sensitive situation for obvious reasons. As Ladas put it, "the forced cohabitation in Moslem homes of Turks with Greeks refugees was certainly the greatest evil for the former, in view of their religious and family traditions".\textsuperscript{135} In 1930, after a year of tough negotiations, the two governments concluded the Accord of Ankara according to which Greece had to pay 150,000 gold pounds as indemnity for the expropriated estates of the Muslims of Thrace. In some cases, the Greek government acquired the right to possess real estate, which had been occupied since 1924 in exchange for Greek properties occupied by the Turkish government in Istanbul.

In the following years, numerous Muslims of Thrace migrated clandestinely to Turkey under the tacit acceptance of this flow by the Greek authorities and its political exploitation by Turkey. The abandoned real estate of the emigrants was confiscated and redistributed according to the general legal framework in force in Greece. Up to the early 1930s, the Greek law on administration of public lands provided for return of properties to original owners who had fled but returned to Greece.\textsuperscript{136} However, by 1937, Muslims from Thrace complained to the Governor General of Thrace about the occupation of plots by the Greek authorities in the village Aliki of Alexandroupoli. As they put it, ‘Ottoman nationals, our brothers, who never came back to Greece”\textsuperscript{137} owned these plots. This period lasted until the final settlement of the refugees, and it also engendered strong local tensions between locals and refugees, as was the case throughout Greece. During a later phase of agrarian reform conducted by Prime Minister Plastiras, large real estate was expropriated. LD 2185/1952, authorized expropriation – \textit{inter alia} – of 11 tsiflikia (farms) owned by Muslims.\textsuperscript{138} Although redistribution was done to both Muslim and Christian landless peasants, disputes arose, and Muslims claimed that they were underrepresented with regard to the redistribution of land. That said, loans, credits, and plots were allotted relatively fairly, at least when compared to the general situation in Greece\textsuperscript{139} (though the situation changed by mid 1950s, \textit{infra}).

\textsuperscript{135} S. Ladas, 1933: 480.
\textsuperscript{136} With reference to decree 123/11.11.1929 and article 1.31 of Act 5234/1931, Ministry of Economy, Doc. of 30 October 1934, AP 52281, HAMFA 1935 B/2/I.
\textsuperscript{137} Committee of Muslims of Thrace to the Governor General of Thrace, Telegram of 24 August 1937, HAMFA, F. 1937/58.2.
\textsuperscript{138} K. Andreadis, 1956 30–32. One of these was Evlalo, which became the object of a major land dispute, as it would be able to avoid the expropriation, V. Aarbakke, 2000: 57.
\textsuperscript{139} V. Aarbakke. 2000: 60.
The need to preserve the minority in Thrace in order to ensure the well-being of the Greek minority in Turkey led the Greek government to adopt a special exception: LD 2781/1954 (FEK A 45), amended by LD 2536/1954, which provided that the regulations on abandoned plots would not be applied to the Muslims of Thrace who fled Thrace illegally. This meant they had the right to exercise ownership of their plots within two years (article 7). The right of the state to occupy the abandoned plots after a period of five years by those who left the country illegally in terms of article 13 of LD 3958/1959 (FEK A 133) was likewise suspended for the Muslims of Thrace in several stages (1962; 1966; 1974; 1982) for those who had fled Greece to Turkey after 1940. This special measure should be seen in the framework of reciprocity between Greece and Turkey in order to safeguard the respective property of the Greeks in Turkey who suffered excessive loss of property. That said, expropriations harmed the Muslims of Thrace in the 1950s and the 1960s due to the implementation of the LD 2185/1952 on expropriation of large plots and distribution of lots to landless farmers. These measures mainly affected the landlords of the plain of Xanthi. In 1959, a special inter-ministerial committee took the decision that only Christians, and not landless Muslims, would receive public plots distributed by the State. As a result, members of the minority, who previously had the right to receive plots, complained about unfair distribution. By the end of 1959, an intermediary committee also proposed that the Agrarian Bank should provide loans to Christians in order to buy Muslim estates. The Bank began accepting applications a few years later. Local agents who thrived on clientelistic relations implemented these practices. In the end, the Turkish delegate Kuneralp raised the question during bilateral negotiations with the Greek diplomat Bitsios. This resulted in the adoption of the ‘Report of Two’ in 1959 without specific results and commitments.

In Thrace by 1961, special loans were granted to Greek Christians for ‘national purposes’ so as to raise the land ownership ratio vis-à-vis the Muslims. By the middle of 1967 about 67 million drachmas had been

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142 K. Tsiounis, 2006a: 76.
143 For the claims of Kuneralp and the reply of Bitsios, see K. Tsiounis 2006: 211, with reference to the diplomatic archives of K. Karamanlis regarding the meetings and the discussions of the two diplomats.
144 A. Papaniokolaou, 2007: 122.
granted as low-interest loans for buying minority land or for building houses in minority areas. About 90 hectares were purchased in minority areas by the end of 1960s. However the project declined for lack of funds and mediocre results.\textsuperscript{145}

\textit{De facto} prohibition was also imposed on Muslim purchase of land in the region from 1964 until the early 1990s. This has to be seen in context with reciprocity policies: in Turkey, by Decree 6/3801 of 1964, the assets and property belonging to holders of Greek citizenship who were expelled were blocked until the late 1980s. Large expropriations of the private holdings of Turkey’s Greek minority took place on the island of Imvros (1964–1968, 1975, and 1984) and in Turkish Eastern Thrace (1977, 1982); both fed the fire that led to the measures taken by the Greek side a few years later. For instance, the expropriation in Thrace had been proposed by the Coordination Council of Thrace (CCT) in 1966\textsuperscript{146} as a counter measure to expropriation of land owned by Greeks in Imvros and Tenedos. It was implemented more than 10 years later, and not by the junta but by democratic governments, both right and left wing, just after the expulsion of the Greeks of Istanbul. Exemplary of this phenomenon were the proposals of the CCT first applied by the Stefanopoulos government.\textsuperscript{147} Measures hampering the purchase of land by Muslims were strengthened during the junta period through application of Act 1366/1938.\textsuperscript{148} Evocative in this respect was the slogan ‘[T]he Turks will leave when we will buy their land by any means’.\textsuperscript{149} In a similar vein, A. Zaimis, Vice-minister of Foreign Affairs, declared in 1978 that Greece, in accordance with the principle of inter-state reciprocity, retained the right to impose measures on the Turks or the minority with regard to their property.\textsuperscript{150}
Over the years, the rate of land ownership by Muslims in Thrace decreased as did the rate of investment. According to Olga Demetriou (2002, p. 349), who collected and assessed relevant data at the Komotini land registry,

the overall sales to Greeks have been much higher than those to Turks, and that in the latter case Turks generally bought from Turks. Sales from Greeks to Turks had been low even before the ban on Turks buying land and ceased completely between 1967 and 1991. It is surprising that in fact some Turks did buy land during this time, even if only from other Turks. However, it is noticeable that, immediately after the lifting of the measure, there was a steep rise in sales to Turks from Greeks (1995) and a drop in the opposite direction. In fact, in 1995, there were as many Greek-Turk property transactions as there had been overall for the sample examined.\(^{151}\)

Tensions emerged when expropriations of property owned by Muslims took place in the 1970s and the 1980s. The cases of Evlalo (in Xanthi), of the Yaka area, for the university campus in Komotini, or the surroundings of Komotini (the industrial zone) are the most obvious examples of excessive expropriation,\(^{152}\) challenging the limits of the principle of proportionality which should govern the relationship between the scope of expropriation and the loss of property. Protests in March 1982 against expropriation took, for the first time, the shape of massive reactions by the members of the minority. They marked the beginning of the internationalization of minority problems just after the entry of Greece into the European Community (1981). A series of appeals at European bodies (of the European Community/Union and the Council of Europe) put the minority of Thrace on the international human rights agenda.\(^{153}\)

The contra legem administrative practice of the state authorities also impeded the minority from enjoying its right of property by not allowing the registration of property or the issuing of building repair permits.\(^{154}\) This policy resulted in the export of investments to Turkey during the

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\(^{151}\) O. Demetriou, 2002: 349.


\(^{153}\) On the mobilization of minority NGOs to make their case at the European Parliament in the pre-1995 period, see A. Ömeroğlu, 1994: 136.

\(^{154}\) For a Turkish nationalistic position on the issue see T. Ataöv, 1991: 23–25.
1980s, as Muslim investment in land in Greece was practically impossible.\textsuperscript{155} Although discriminatory practice had stopped by the early 1990s, the promotion of land purchases by Christians arguably remained desirable in the minds of policy makers and even representatives of the army.\textsuperscript{156}

One of the most important outcomes of the policies applied within this context is the absolute lack of Muslim-owned properties in the formerly restricted areas of the mountainous region of Thrace. Although, Muslims enjoy \textit{de facto} use of their properties, the lack of documentation puts them in a potentially risky position. The process of registration through the Land Registry (\textit{Ktimatologio}) in progress as of 2007 offers an opportunity to address this deplorable situation. New law of 2012 on regularization of estates (\textit{supra}, p. 132) could not help much as it requires land titles from the applicants.

14.5. THE MUSLIMS OF THE DODECANESE ISLANDS

After the annexation of the Dodecanese islands (1947), the property rights of the Muslims were safeguarded as for any other inhabitant of the islands. However, the Greek-Turkish conflict over Cyprus had negative ramifications for the Muslims of Rodos and Kos. Mandatory Act 1366/1938 was used to retaliate against the extraditions and confiscation of property applied by the Turkish government against the Greeks of Istanbul.\textsuperscript{157} According to this measure, plots abandoned by those Muslims who fled Greece for at least five years were to be legally occupied and then expropriated by the state authorities in light of article 13 of LD 3958/1959

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\textsuperscript{155} Recently it has been estimated that 71 percent of the arable land in Xanthi belongs to Christians, and 23 percent to Muslims. In the mountainous area, 99.5 percent belongs to Muslims while on the plain, 84 percent belong to Christians. In Rodopi, however, 53.5 percent of the cultivated land belongs to Christians, while 46.5 percent is the property of Muslims. See G. Notaras, 1995: 48.

\textsuperscript{156} A military report suggested ‘To grant loans to Christians for land buying, so that Muslims will not own real properties disproportionally to the population rate’, XII Division of Infantry, F.114.1/52/69107 S.747, Alexandroupolis 13.11.1995. This practice was established in 1966 and was based on a proposal of the CCT, 44th session, 6 April 1966, MSA, F. 10, see also B. Oran, 2003, note 27. In its 49th session on 2 December 1966, the Council discussed the contract signed between the Bank of Greece and the Agrarian Bank of Greek to grant loans to Greek-Christians and especially to Sarakatsans willing to buy land from Muslims of Thrace. There was an arrangement in favourable terms for those who had taken loans to buy ‘Muslim plots’ with the support of the State and the Agrarian Bank under the supervision of the ‘Coordination Committee of Debtors of Loans on Muslim Plots’, Ministry of Economy, General Directorate of Taxation and Public Property, 16th Directorate, Athens 18 May 1995, AP 1053033/4247-6/0016.

(FEK A 133). Article 17 of the same decree endorsed the Ministerial Council's decisions, declaring that 'aliens of Dodecanese origin of confirmed Greek descent' would have rights of land ownership but excluded Muslims from Rodos and Kos on the basis of their 'non-Greek' descent (Act 1243/16 December 1950, article 17 of LD 3958/1959. A second wave of hardship occurred in the period of the Turkish invasion in Cyprus, which spurred a massive exodus of Muslims/Turks in 1974, many of whom were compelled to sell their real estate at unfavourable rates in the old town of Rodos (which was once inhabited by Muslims) to tourist developers. Most were also were deprived of citizenship in an ambivalent interpretation of the then-law.

158 Personal interviews with members of the minority and majority, Rodos, 28 and 29 February 2007.
PART IV

COMMUNITY STRUCTURES AND INSTITUTIONS:
RELIGION AND LANGUAGE
INTRODUCTION TO PART IV

Religion and language are key elements in the formation of group identities and are often subject to legal protection. Yet questions, such as when and how protection is to be applied and who can claim it, remain contested and are a source of conflict in minority-majority relations. As far as ‘Old’ Islam is concerned in Greece, I have shown that elements of millet organizational structures that provide legal protection to minorities have survived from Ottoman times. These institutional remainders are more easily discernible in the context of collective rights like religion and language. Thus, a series of rights linked to the old communitarian millet approach and the Treaty of Lausanne which reflected that approach are still perceived as core elements of minority protection. These are reflected in the institution of the Moufti, the pious foundations (vakf), and the minority schools. All, in one or another fashion, presuppose a fictional legal entity, namely ‘the community of Muslims’. Reform in any of these issue areas remains difficult because of the politicized nature of bilateral relations and the sancrosanct status of existing interpretations of the Lausanne Treaty.

Yet the persistence of millet-like frames poses challenges to the Greek and European ordre public. The breath of the Moufti’s jurisdiction, which operates parallel to the Greek legal order, represents the most obvious example of this situation. An example can also be given from the field of education. For, while in the modern Greek educational system the religion of teachers and students is irrelevant, for the minority it is religious affiliation which determines the content of education and the credentials of teachers. Language rights and education of both minorities and immigrants will be discussed for reasons of cohesion in the same section, though the former tend to be of a more corporate and the latter of a more individualistic character. The discussion of immigrant rights will be developed in the context of multiculturalism, a concept which the Greek law is coming to terms with recently.
The institution of the vakf in Greece has roots in the Ottoman times and Islamic law, which was applied at the time. A vakf can be defined as a privately-owned property, which, once dedicated under a certain procedure, became the property of God. This meant that any use to which it was put could be channelled to charitable purposes for all perpetuity. The institution was in fact borrowed and adapted to the specificities of Islam from earlier institutions found in Byzantium as well as Mesopotamian civilizations. Gradually, however, the pious foundations (or trust) came to shape Ottoman social organization. The vakf system, based on private capital and initiative, allowed for the provision of a series of essential services, such as health, education, and social welfare at no cost whatsoever to the government. This helped balance the undersupply of public goods, and resulted in better distribution of income and the strengthening of employment. In the Ottoman context, the vakf as a legal institution were grounded in hadith rules. Specific matters, such as the establishment of a vakf, its management and the appointment of its trustees, the transformation of its pious purpose (hayri), the allocation of its revenue and its beneficiaries, the position of the family of the founder, etc. were based on the perspectives of each of the main Islamic legal schools. Over time, the autonomy of the foundations was gradually lost and passed to the control of the state via modalities specific to each case. Centralization of supervision, control, and management of the vakf were observed also in the Ottoman Empire, mainly after the Tanzimat reforms, when the Ministry for the Vakfs became the central governmental authority throughout the Empire. At the local level, the Boards of Directors of the vakf were under the supervision of the Administration Commissions, which belonged to

1 Waqf in Arabic, Vakf in Turkish, Vakoufi(on) in Greek.
2 In Islamic law, a vakf is ‘the act of founding a charitable trust, and hence the trust itself’, R. Deguilhem, 2002: 59. For an extensive analysis and bibliography, see M. Çizakça, 2000: 1.
4 “When a man dies, all his acts come to an end, but three: recurring charity, or knowledge (by which people benefit), or a pious offspring, who prays for him” (Abu Hurairah, hadith 4).
the vilayet (province) administration bodies. Under Ottoman Hanefi law, the vakf real estate was divided into categories, a simplified taxonomy of which could be presented as follows:⁶

1) The religious and pious establishments, such as mosque, hospital, and medrese (muesesati hayriye) constituted the ‘main vakf’. The ‘annexed vakf’ comprised real estate able to bring income (musteğal), such as plots of land, apartments or homes. In practice, the income of the ‘annexed vakf’ supported the ‘main vakf’.

2) Vakfs of ‘pure ownership’ (mulk) and vakfs of ‘non-pure ownership’, namely public land (arazi-i emriye), which was offered by the Sultan for a certain pious scope.⁷ From a different viewpoint, they can be divided into those submitted to the Ministry of Evkaf (mazbuta), to mülhak (managed by the mouteveli) or müstesna, which were not submitted to public or community control.

3) Vakf of periodical rent or izdarye vahideli (monoteli) and of periodical rent with an initial down payment or izdareteynli (diteli). The tenant in the first case had the right to use and exploit the real estate. A ‘main vakf’ allocated the izdareteynli plots to the tenant so he/she could build a building.⁸ The tenant in that case acquired rights to use and exploit it for life and to bequeath it to his/her heirs.

4) The mukatali vakfs, which were conceded to a third person who, under the condition of annual rent (mukataa), had the right to exploit the use of any tree and building that the tenant put on the vakf plot for perpetuity.

5) Special cases, like the family vakfs (evladiye), which retained the right of management in favour of the members of the family of the donor through inheritance rights and the school vakf (mearif), managed by the community or the school community authority.

To conclude, a vakf was established according to the will of its founder/donor, who determined its scope in a written and registered title (vakfiye). The initial scope of the donation (namely the vakf itself) could not


⁸ Th. Oikonomou, 1958b.
CONSIDERING COMMUNITY PROPERTY: THE VAKF

change and the vakf property in general could not be expropriated, unless it lost the ability to fulfil its mandate. Ottoman law codified these general principles in the Act on Lands (1856) and in the Act on Vakf (1862). The Ottoman Civil Code also incorporated certain regulations on the vakf.

15.1. THE VAKF UNTIL 1923

When Greece was established as an independent state, a series of international agreements regulated the issue of the vakf; these included the Protocol of St Petersburg (1826), the Protocols of London (1829 and 1830), especially those signed by the Great Powers on 16 June 1830 and 27 August 1830.9 The Ambassadors of the Powers declared in 1830 that the ownership issue regarding the vakf should be resolved in accordance with their occupation status. Thus, vakfs occupied by the Greek authorities would be deemed as belonging to the Greek state; vakf under Turkish occupation were divided into two categories: the seri (state vakf) would pass under the ownership of the Greek government and the adi (individual) would be made available for purchase by individuals.10 In 1833, it was clear to the Greek and Ottoman governments that the 'so called vakf-seri were owned completely by the Greek government while the Turks could rightfully sell only the so-called vakf-adi'.11

A special Committee was responsible for the registration of the former Ottoman property and dividing it into private and vakf property.12 Vakf property under private management should remain under the status of the former. In the case that their managers (trustees, diaheiristes, moutevelis) opted to migrate, an indemnity would be paid. In case they opted to stay in Greece, they would retain their special ownership rights

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10 Geniki Efimeris tis Elladas, 27 August 1830: 283.
12 Circular and instructions to the committee on the lands, signed by Ioannis Kapodistrias, Nafplion 10 August 1830, HAMFAF, 7/1-1830, published in I. Papathanasopoulos, 1971: 405. According to a report of the Committee, "regarding the vakf it is decided that the Sultan's vakf shall remain under Greek State ownership. Thus it is of Haci Ismail Bey's interest to hinder as many as he can of them and to sell them as of evlat vakf, as for susceptible to be sold, especially in Athens, where there are no titles of ownership", HAMFA F. 7/1-1832, published in I. Papathanasopoulos, 1971: 388.
according to articles 5 and 6 of the London Protocol of 3 February 1830. The Committee thereby facilitated the evacuation procedure of the Muslims/Turks through the liquidation of real estate and the purchase of such properties by Greeks or even alien philhellenes. In cases where the local population was unable to afford vast plots, the state might undertake the purchase. Many of the departing Muslims/Turks, meanwhile, were keen to overcharge for or falsify ownership deeds and the Greek local authorities to underpay or to claim as false even the authentic ownership deed of the departing Muslims. Thus, legal disputes over the alleged public or private legal character of the remaining vakf were long-lived.13

In several notable cases, special agreements were signed between the Greek and the Ottoman governments regarding the vakf of Thiva, owned by the Sultan and individuals (3 September 1837)14 and regarding the vakf of Evia and Fthiotida (18 February 1844).15 To facilitate these settlements, Greece paid an indemnity to the Ottoman government for the former Ottoman land deemed to adi (or evlat) vakf. In practice, all vakf were reckoned as evlat and none as seri (of public character) creating indemnity obligations in favour of their owners.16 After a last agreement signed in 186717 over the vakf of Thiva, all vakf were redeemed and there were no Ottoman vakf properties on Greek soil until 1881, when the state expanded its territory.

When Thessalia and part of Epirus was annexed, Greece recognised the status of the then-existing vakfs and regulated their management, taking into consideration the will of the local Muslim communities. This was due to Greece's international obligations according to article 4 of the Convention of Constantinople (1881), in which Greece acknowledged the right to property of religious character for Muslims, although it did stipulate that no new vakf could be established.18 Henceforth, a series of relevant

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14 RD 17.2/1.3.1838 (Gazette 10).
laws regulated the status of real property.\textsuperscript{19} According to Act \textsuperscript{1183} (ΑΡΓΠ) of 1884 a five- (or three-) member committee was in charge for the management of the vakf replacing the Moufti as the sole manager of the religious estates (Act \textsuperscript{1038} (ΑΛΗ) of 1882).\textsuperscript{20} The law was not implemented after the reaction of the Muslim landowners of Thessalia. Their response led instead to the adoption of the Act of 5/17 February 1889 on the management of the vakf in Thessalia and Epirus (FEK A 44).\textsuperscript{21} According to the new law, the Mouftis and the \textit{ağas} (land owners) centralized and controlled the management of the vakf.

The Moufti was president of the Committee and responsible for the management of the Vakf before the law. The Committee members were elected by secret vote by the entire Muslim (male) population of the area under the authority of the Moufti office who drafted the eligible candidate list. Eligibility criteria were wealth, participation in political bodies, and education; knowledge of the Turkish language was also appreciated. The local mayor (Muslim or Christian) was \textit{ex officio} member of the Committee.\textsuperscript{22} Because the vakf was the most important or sole source of income for Muslim community affairs, its revenue guaranteed the welfare of the community, namely the viability of the orphanages, the Moufti Office, the mosques, and the minority schools. This meant that after 1881, the vakf in Greece became an institution based on community structures and enjoyed autonomy under state supervision. However, by the time of the Cretan Autonomy (1898–1913), the vakf were increasingly incorporated into the legal order (\textit{supra}, Section 2.1.). And, as illustrated by the case of Thessalia, community autonomy did not mean impermeability from state intervention or encroachment. Tellingly, in 1896, a series of complaints filed by Muslims reported occupation of vakf plots and premises by the state.\textsuperscript{23}

\textsuperscript{19} Act of 17/30 April 1884 on the management of the Vakfs existing in the annexed provinces (FEK 163), RD of 12.2.1885 on the execution of the Act of 17/30 April 1884 (FEK A 12).
\textsuperscript{20} See relevant decisions, AP 296/1887, 7 \textit{Efimeris gallikis kai ellinikis nomologias} 1887: 407, AP 140/1887, 7 \textit{Efimeris gallikis kai ellinikis nomologias} 1887: 15.
\textsuperscript{21} Amended by Act of 29 March/2 April 1891. According to G. Rodopoulos (1913: 57), the new law was unfair for the Muslims cultivators of small vakf properties of Thessalia and gave excessive rights to the \textit{ağas} and the Mouftis.
\textsuperscript{22} S. Katsikas, 1998: 103–105.
\textsuperscript{23} Complaints filed by the vakf committee of Karditsa (signed in 15.4.1896 and 7.5.1896 by Omer Hassan and Hadji Ali Agha) to the French embassy regarding the occupation of vakf plots and a mosque by the Greek authorities, Archive Ministere des Affaires Extérieures/CP/G R/135, Correspondance politique, sous-série Grèce, 1er semester 1896, F. 167 and 263 [French MFA].
The peace arrangement between Greece and Turkey at the end of the Balkan Wars re-examined the vakf issue,\textsuperscript{24} as the numerically important Muslim minority became a population of political significance. According to article 12 of the Convention of Athens (1913), the Greek State must respect religious property and the vakfs were subjected to expropriation only in exceptional cases.\textsuperscript{25} According to article 11 of Protocol 3 to the Convention, a vakf could be expropriated for reasons of public interest compensated by fair indemnity. Furthermore, a tax of 10 percent, which accrued to the vakf was abolished (article 12.4).\textsuperscript{26} The Ottoman Ministry on Vakf would also have the right to sell those vakf whose income was related to religious institutions based in the Empire.\textsuperscript{27} In general, the assets from the use of the vakfs were used for their maintenance, to cover the expenses of the Moufti office, and, in some cases, to pay salaries for the minority schoolteachers, and cater to other community needs.

Thus, a complex system of Ottoman legal regulations on the institution of the vakf was incorporated into the Greek legal order. According to article 2, paragraph 3 of Act 147/1914, the Land Ottoman Act of 1858/1882 governing the status of the vakf remained in force.\textsuperscript{28} Yet, the survival of Ottoman norms about land property notwithstanding, in practice, recognition of land vested rights like the \textit{tesarruf} faded away, causing serious social and legal problems for the Muslim land workers of the New Lands. This mixed state of affairs is evident in the fact that some Ottoman measures remain on the books to the present day. They are applied by the Greek courts in cases of proof of the legal acquisition of real estate, which was formerly a vakf but which is today owned mostly by non-Muslims all over Greece.

As regards the management of the vakf, since 1913 there has been no central administration for the totality of the vakf as in the Ottoman times.

\textsuperscript{24} Implemented by Act 147/1914 and ΔΣIR'/1914. For further information see N. Eleftheriadis, 1915a. G. Rodopoulos (1913) presented a complete proposal on the vakf and the Mouftis legal status attending a general regularization of the issues. On pragmatic and legal ramifications this caused after the annexation of the New Lands see R. Darques, 2000: 178–180.

\textsuperscript{25} Th. Oikonomou, 1958a: 582, N. Elefteriadis, 1922a: 655, N. Elefteriadis, 1921k. According to the High Court (AP 331/1995, EEN 1996: 273) a vakf could be subject to expropriation in case that its income was not connected to its original scope.

\textsuperscript{26} A. Vamvetsos, 1917: 33 and N. Eleftheriadis, 1917: 118.


\textsuperscript{28} H. Karaghiozis, 1921: 124–140 and 356–372.
Also, since that date, the *mouteveli* have controlled the income of the banks according to the scope the vakf handed over to the treasury of the Muslim Community Councils. Each Management Committee (or ‘Directorate of the Muslim Religious Foundations’\(^\text{29}\)) was put under the administration of the local Muslim Community Councils and the supervision of the Moufti. The transition of administration is clear in the following decision taken by the Muslim Council of Veroia:

> The vakf which used to be managed by the Mouftis shall be managed by the Muslim Community Council by virtue of article 12 (Convention of Athens, 1913). Our board, which had been established before the signing of this agreement, shall, by virtue of this decision, set the affairs of foundations straight, prevent arbitrary practices and abuses and set up a board of representatives entitled to spend as much as 100 kurus. The vakf shall henceforth be managed in this way.\(^\text{30}\)

The members of the committees were in theory elected\(^\text{31}\) or designated from the most respectable members of the community and then appointed by the government. Each trustee (*mouteveli*) exercised direct management of the vakf and in most cases had direct control over the estates. The right of usufructuary (*galle-dân*) was respected, too. However, the individual managers gradually acquired rights of semi-ownership over the vakfs and kept a huge part of the estates for their own interests, thus depriving the vakfs of their pious scope. In return, they were obliged to pay only a very small rent (*müeccel, yer kirasi*). In other cases, the Greek administration set up *ad hoc* committees for the management of a specific vakf, or to resolve local tensions within the community.\(^\text{32}\) As such, since 1913 a quite heterogeneous system was established throughout Greece

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\(^\text{29}\) This was the appellation of the vakf committees in Crete, according to documents issued by the respective committee of Rethymno in 1902, 03, 08, and 1912, all in personal archive of A.N. Adiyeke.

\(^\text{30}\) IDAA, Muslim Community of Veroia, Book 1152, doc. 97, 1914 cited by A. N. Adiyeke, 2002: 66.

\(^\text{31}\) There is no clear information about the election of the members of the Management Committees. A list of voters of the Muslim community of Ioannina (containing the names of 241 male voters) lodged by the Governorate General of Epirus is not sufficient evidence for comprehending the way that the Muslim communities designated their representatives [1916], AGGE, F.184, II, 1922 B/7a.

\(^\text{32}\) In Serbia, for instance, the Governor General of Macedonia ordered in 1913 the establishment of a special three-member committee comprised of a Greek official, the Moufti and a Muslim notable with a view to manage the *mearif* (school) community vakf, ap. 2190, Thessaloniki 23.2.1913, Governorate General of Macedonia, 1913:145.
regarding the management of the vakf. The managers, who were in charge of running the vakf, stayed in office and occasionally the communities paid their salaries. The latter became the legal representative of the vakf, selling it, if need be, and carrying out all other legal procedures. However, this transition period was not always smooth and the procedures not always fair. In several cases, the local Muslim communities complained of occupation by the Greek authorities and army of the vakf property, preventing Muslims from meaningfully exercising their rights to exploit the properties.

The real estate transactions regarding vakfs were conducted according to the Ottoman law until 1917. Act 1072/1917 homogenized the transaction procedures for all estates, vakfs included. However, important dissimilarities between the Ottoman and the Greek legal interpretations about the nature of ownership created ambiguities that continue to the present day. Principles like 'dedication to a divine power' could hardly replace ownership and be accommodated by civil law. Recognition of legal rights on a vakf was interrelated to possession of the original title of dedication as usucapion (hrisiktisia) was not present in Ottoman law. A series of questions needed urgent but difficult answers and attention. For instance, in the case that a trustee fled Greece, which authority would take up ownership or management of the vakf? In one of the first cases in which such a question emerged, the Moufti of Ioannina upheld that if the mouveveli or the galle-dân abandoned a vakf estate the latter should be awarded to the poor members of the community.

After seven years of discussions, in 1920, the legal status of the vakf was fixed as part of the arrangement of the legal position of the Muslim communities and the Mouftis. According to article 11 of the Act 2345/1920, the Moufti assumed responsibility for the vakfs' management in his

34 The Muslim Community of Veroia/Karaferye applied to the Greek Prime Minister for the restitution of a school building owned by the Community, which was used as a military hospital or the opening of legal procedures for the claim for another school building seized by the authorities, IDAA, Book 1152, decision 212, 1915, cited by A. N. Adiyeke, 2002: 68. Complaints lodged by the Moufti of Mytilini, HAMFA, 1919, A5/104, Governorate General of Lesbos, Letter to the Muslim community of Mytilini, AP 1982, Mytilini 13 March 1919.
36 For instance, the legal status of the Muslim vakf was similar to the Christian vakf, namely the estates dedicated to Christian churches or monasteries. It was only in the late 1960s that the legal status was challenged by the state authorities, see AP 569/1953, and comment in 'Ellinikos Vorras', 15 and 16.3.1969.
37 ACGF, Letter signed by the Moufti of Ioannina to the Governor General of Epirus
CONSIDERING COMMUNITY PROPERTY: THE VAKF

Article 12 of the Act 2345/1920 reaffirmed that the management of the vakf was assigned to the Muslim communities. The communal and school vakf (meařif) were put directly under the Management Committees supervised by the Moufti and consequently the moutheveli lost control over the properties in many cases. The moutheveli had to deposit the money gathered from the management of the vakf within 15 days to the Moufti and the Management Committee. In many cases, the moutheveli reacted to the new regulations arguing that the law violates the Convention of Athens as well as the Islamic law on the vakf, according to which they should have been granted inheritance rights on the management of the vakf. Only the family (evladiye) and monastery (tekke) vakfs remained under the direct semi-ownership exerted by the mouthevelis under the Moufti’s supervision. Furthermore, the rights of the Muslim Communities on the vakf with no moutheveli were extended to the administration and management. Despite the centralization and unification of the management of the vakf, each vakf retained its autonomy as a distinct

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38 First Court of Rodopi 266/1960, Armenopoulos 1961: 258.
39 Article 12 has been implemented by the RD of 17.2.1922, FEK A 53.
40 Kofinas, Governor General of Macedonia ordered the attribution of all meařif vakf to the management of the communities, ‘On the provisional management of the vakf’, Order of 19 January 1913, Thessaloniki, ap. 1077, Governorate General of Macedonia, 1913: 119. According to N. Elefteriadis’ opinion (1922c: 30), three meařif vakf properties occupied by the Greek administration should be given back to the Moufti Office of Thessaloniki, unless the Greek State expropriate them under the terms of the relevant law, in case that a public interest would be justified.
41 The abolition of competences of the moutheveli is deemed to be in force since 18 November 1923, AP 458/1933, Themis ME: 10 and First Instance Court of Xanthi 259/1967, Armenopoulos 1967: 222.
42 Memorandum signed by mouthevelis of Ioannina to the Governor General of Epirus, 12 July 1921, AGGE, F.184, II, 1922 B/7a. The transfer of competence from the mouthevelis to the Mouftis entailed several practical problems as well. See complaints expressed by the Moufti of Pogoni on the mouthevelis of Vostina, Letter of 29 March 1921 to the Governor General of Epirus, AGGE, F.184, II, 1922 B/7a. The shift of control of the vakf from the moutheveli to the Mouftis and the vakf committees was partially implemented before the adoption of the law in 1920, Letter of a group of mouthevelis of Epirus to the Governor General of Epirus A. Stergiadis (then High Commissioner of Smyrni) complaining that they should declare the vakf to the financial authorities of the state, telegram of 3 August 1919, F.15, Archive of the High Commissariat of Smyrni, General Archives of the State of Athens.
43 The Muslim community of Hania granted a loan in 1920 to repair a tekke (Hania), see IDAA, Book 642, decision 133. In 1922, the Baba of the tekke Cuma of Thessaloniki transferred the foundations of the tekke to the Muslim Community of Thessaloniki and he was granted a salary for his livelihood, IDAA, Thessaloniki, Book 197, decision 7/1922 cited by A. N. Adiyeke, 2002: 56. In a contrary case the year before, Seikh Esfer, head of the Mevlevi tekke of Thessaloniki, appealed against the decision taken by the Moufti of Thessaloniki for placing the management of the tekke under the Moufti’s direct control. According to N. Elefteriadis’ local opinion (1921c: 470), the tekke was of private religious character and
legal entity, of divine nature, according to the scope to which it was originally dedicated. The result was that the rest of the vakf became dependent on the central Committee associated with the Moufti's office. This spurred the Muslims of the region of Mithimna (Molyvos) on Lesvos island to complain, in 1920, that the local Moufti overtook control of all the vakf real properties in his area of jurisdiction demanding a more decentralized system of administration, which, they asserted, was not within the scope of the new law.

Ultimately, the fate of the vakfs was intertwined with the population exchange of 1923. In this context, all vakfs belonging to the exchangeable Muslims had to be liquidated and managed by the Greek State. In practice, complicated cases challenged the ability of the Mixed Commissions to verify, establish, and liquidate such properties. The Greek government, according to articles 9 and 11 of the Convention of Lausanne on the exchange of Greek-Turkish populations (1923), empowered the National Bank of Greece to undertake this task. As three-quarters of the plots and buildings in the New Lands were connected to old vakfs, the Greek State retained its 'shadow ownership' rights for a long time (especially over the izdareteynli/diteli vakf rights and the ownership [rekabe] rights). Addressing such situations, article 5 of the Act 357/1976 (FEK A 156) provided that exchangeable vakf property governed by Ottoman law could be placed under Greek civil law regulations. However, long after these estates lost their vakf character and Muslim ownership, complex, hybrid legal structures continue to mystify.

44 N. Eleftheriadis, 1921g: 462.
45 N. Eleftheriadis, 1922b: 656.
46 For example, the medrese of Hios did not constitute a vakf after the population exchange, as "there was no longer any resident Muslim community", Court of Appeal of the Aegean 195/1934, Themis 1934: 877. According to the Greek guide (GEO, 1920: 120), in 1920 there were five mosques operational in Hios.
47 S. Ladas, 1932: 460. For instance, the vakf estates owned by the Mevlevi tekke of Thessaloniki were bestowed to the Greek refugees by the state as of public land, were claimed by the National Bank of Greece as of vakf property submitted to her authority, N. Eleftheriadis, 1926b: 273–275. See as well AP 293/1934, Themis 1934: 756, AP 233/1934, Themis 1934: 583, AP 131/1936, Themis 1936: 600, Court of Appeal of Crete 235/1936, Dikastiki 9/1936: 358, First Instance Court of Mytilini 778/1933, Themis 1933: 347.
48 According to this provision, "Vakfs, urban or agrarian plots, diteli or mukatali, which are occupied according to purchase contracts concluded by the purchasers or by their successors, are transferred with full ownership by the order of the Minister of Finance after having paid 20 percent of the price of the land to the State at the time of the purchase". For a relevant decision, see Dioikitiko Efeteio Thessalonikis 2105/2002, Dioikitiki Diki 2004: 514.
49 In 1958 Th. Oikonomou, legal expert on the vakf, wonders how "so many estates in Northern Greece are governed by an ancient alien law: foreign to the Greek legal
Meanwhile, a special legal status did govern and continues to govern vakfs belonging to the Muslim communities.\textsuperscript{50} The legal framework governing vakfs owned by Muslims who were exempted from the exchange – conventionally in the cases of the Muslims of Thrace and extra-conventionally in that of Albanian Muslims – stemmed from the provisions of Act 2345/1920, and its amendments regarding Thrace after 1949.\textsuperscript{51} In fact, the continuity of legal personality guaranteed the exercise of ownership rights.

15.2. THE VAKF IN THRACE

Undoubtedly, the vast majority of contemporary vakfs are concentrated in Thrace. Since 1920, when the region passed under Greek administration, the vakf issue acquired political importance and became a locus of local and bilateral Greek-Turkish antagonism.

15.2.1. The First Period: 1923–1949

The Treaty of Lausanne in 1923 placed the pious foundations and their real estate under legal protection. Article 40 of the Treaty safeguards the establishment, administration and supervision of pious and religious institutions of the Muslims. In general, the Treaty states that the successor states of the Ottoman Empire have the obligation to respect the legal status of the vakf in the context of the liquidation of the Ottoman property (article 60, paragraph 2). In effect, the Treaty of Lausanne reiterates, however vaguely, the legal protection on the vakf. In parallel, article 14, paragraph 2 of the Treaty of Sèvres (in force in 1923) reaffirmed Greece’s obligations for protecting the vakf.

By Decision no 29979/7.5.1923, the Governorate General of Thrace created a provisional legal framework on the establishment of vakf committees after the act of 1920 was deemed inapplicable in Thrace. The Greek authorities appointed five-member Committees after the approval of the local Moufti (the number of committee members \textit{de facto} increased to 12 in the case in Xanthi). According to the Decision of 1923, expropriation of vakf property was possible only upon unanimous approval by the

\textsuperscript{50} The legal character of the ownership or management of the real estate was muted after the succession of the Ottoman law by the Greek law in 1881 and in 1913. See G. Nakos, 1990: 153–173. On the problematic legal transition, see R. Darques, 2000: 172–4.

\textsuperscript{51} AP 458/1933, \textit{Themis} 1933: 10, dealing with the management of the vakf according to
vakf committee. In this context, the newly settled Greek administration expropriated unused cemeteries in Komotini and Xanthi.\textsuperscript{52}

In practice, the transition period caused more hardship to the Muslim communities and to a certain extent hampered the enjoyment of community real estate as all vakf buildings in Thrace were under occupation by the Greek Army to serve the needs of the refugees who arrived during and after the Greek-Turkish war. This situation engendered a series of legitimate complains by the Muslim communities. Finally, by 1927–28 all non-expropriated vakf property was restituted to the management committees.

During the inter-war period, a distinction was made between the vakf of religious character and the rest of the vakf (mainly school buildings) considered as community property. The Committees for the Vakf managed the first category, and the Community Council itself managed the second. This division remained until 1932 in Xanthi and 1941 in Komotini (when the Bulgarian occupation administration abolished the local Committee), while in Didymoteiho and Alexandroupolis a sole united committee existed for both categories.\textsuperscript{53} Despite a general lack of sources on this issue, the minutes of the CCT 17 years later offers one of the most complete references on the Vakf Committees in Thrace for the period of time before 1949:\textsuperscript{54}

From 1923 to 1940 Vakf Committees were established in Komotini, Xanthi, Alexandroupoli, Didymoteiho, Genisaia and Melivia, although there was no such a provision in the relevant decision [of 1923] by the General Governor. On the contrary, not set up were the foreseen Committees of Soufli, Sappes and Orestiada. Although the decision provides for 5-member committees, in some cases there were 7-member or 9-member and in Xanthi 12-member. The committee of Xanthi changed by itself the name into Community and Vakf Council of the Muslim Minority of Xanthi. In Komotini except of the 5-member Vakf Committee another 12-member Council of the Muslim Community of Komotini had been appointed for the management of the school property. This council had been replaced by the Governorate General of Thrace by the Committee for the Administration and the Management of the School Property [in 1939]. The Bulgarians implemented the Bulgarian law and appointed 3-member Community Councils. During the rule of EAM so called elections were held for Community Councils. After the liberation, the Governorate General brought back in office those members who were

\textsuperscript{52} S. Soltaridis, 1997: 167.
\textsuperscript{53} Report 'on the educational situation of the Muslims of W. Thrace from 1941 up to today', Inspector for Minority Schools, HAMFA, F. 12/9, 1945 and K. Andreadis, 1956: 7.
\textsuperscript{54} CCT, 43th session of 4.3.1966, MSA, F. 10.
before 1940 appointed only in Xanthi, namely to the *Council of Management and Administration of Property of the Muslim Community of Xanthi*. However, the status of the committees of Komotini as set the Bulgarians remained unchanged as well as by the communists, despite the complaints lodged by the Moufti.

It seems that already during the 1920s the control by the Greek authorities over the vakf Committees was direct and determinant:

The members of Vakf Committee of Didymoteiho have been fired because the president of the committee was Kemalist. The latter had been re-appointed as a plain member [...]. In the meantime the Muslim inhabitants complain of the mismanagement of the vakf because of the incompetent persons appointed by the Greek authorities'.

The vakf real estate remained unregistered and controlled by those Muslims who had client/patron relations with the Greek administration. The Inspector for Minorities, Konstantinos Stylianopoulos, attempted in vain to make the Muslim communities declare and register the vakf property. Then he suggested in 1929 that a Muslim electorate not appointed by the Governorate should elect the members of the vakf Committees. This rendered an already complicated situation more complex as conservative Muslims were mobilizing to resist the growing Kemalist elite that would go on to take control over the vakf and the Muslim communities. Indicatively, in 1929, Sabri, the former Ottoman Sheikh-ul-Islam who was exiled from Turkey and who was the president of a committee of Muslim notables, called upon the Greek Prime Minister to favour the appointment of members of the vakf Committees. Through such moves, the members of the communities who were loyal to Islamic values sought to ensure for themselves the management of the religious institutions.

One of the first attempts to establish detailed legal status for the Muslim religious property of Thrace failed in 1930. According to a draft act, which did not pass in the Parliament, a 5 to 12 member council elected by the electoral body of the community would administer the vakf. It seems that an arrangement between the local authorities and the elite of the minority blocked this draft law, which would have enhanced the

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55 K. Stylianopoulos, 1929a: 10.
56 K. Stylianopoulos, 1929b: 19. The Inspector argued that this solution would also help the legal position of the Greek minority of Turkey.
democratic structures of the minority, and lessened the power of the local establishment. As many important cases regarding ownership of vakf property remained unsettled, in 1931 the Prime Minister, Venizelos, established a special committee to draft an opinion on the matter. In effect, balancing between political pressure to respect minority rights and overwhelming need to acquire public property, a series of vakf expropriations was carried out with the nominal consent of the Muslim Councils.

It should also be noted that during the short lived administration by the communist guerrilla forces (EAM) in Western Thrace towards the end of 1944, the minority was allowed to hold elections for the vakif committees. The Kemalists Osman Nuri and Ali Galip were elected as presidents of the committees in Xanthi and Komotini respectively, giving them the upper hand in the ongoing power struggle against the conservative 'old-Muslims'.

15.2.2 The Temporary Implementation of the Law

Act 2345/1920 was finally used to fill in the legal vacuum and govern the legal status of the vakf from 1949 until 1980. In 1949, the government began to enforce the act of 1920 and organised elections for the members of the Committees as a measure of good will in response to Turkey's policy regarding the vakf of the Greek-Orthodox Management Committees. According to RDs of 16 June (FEK A 164) and 28 September 1949 (FEK A 223), entitled 'On the Management Committees of the Muslim Communities', the Committees of Komotini and Xanthi would consist of 12 members and those of Alexandroupolis and Didymoteiho of 7 members. The first elections took place on 22 January 1950, after the government of Marshal Papagos took the initiative in applying the aforementioned RDs. In the elections of 1950, the Kemalist wing controlled the majority of the seats. In Komotini the modernists won 1050 votes (supported by all political parties except the People's Party [Laiko Koma]) and the conservatives (supported by People's Party) 750. In Xanthi, meanwhile, the modernist camp won 435 (supported by Liberals [Fileleftheroi] and Agrarians [Agrotiko Koma]), while the conservatives (again supported by the People's Party) took 285, and the independent party (supported by the

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59 S. Soltaridis, 1997: 166.
60 K. Featherstone and others, 2011: 181.
Union of Centre [Enosi Kentrou]) 85 votes. According to the RD of 10 July 1953 (FEK A 177), within six months after the end of their three-year mandate, new Committees had to be elected. At the same time, the Governor General of Thrace was granted the power to postpone the electoral procedure for 'serious reasons'. Elections took place again in 1953, 1957, 1961, and 1964. In the elections of 1964, half of the members of the Committees were chosen by the Governor of Thrace in an attempt to limit the influence of the Kemalists. During the short windows of normality, the Committees were responsible for the management and hiring of the educational staff of the minority schools and that of the medrese, mosques, and any vakf real estate. The Governorate General of Thrace annually reviewed their budgets, and the governor was to approve all the legal acts that they concluded. However, despite the normalization of the election process, the political game over the control of the Committees became a headache for the Greek administration. The CTT attempted to constrain the patterns of self-governance, and accordingly proposed to abolish the elections.

15.2.3. The Vakf Property

According to the current law, albeit one which is not implemented, vakf property is defined "as the vakf itself, and any other real or tangible property, donated for the functioning of the vakf, implying the aims of the institutions or the institution itself, as defined under article 2 of the Act" (article 3, Act 3647/2008). The vakf property is supposed to operate so as

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62 British Vice-Consulate of Cavalla to Consul General Salonica, Cavalla, 27 January 1950, FO/371/88009, see as well K. Tsioumis, 2006a: 54, with reference to the results as given by the British Consulate of Thessaloniki.

63 For the internal politics of the minority related to the elections of 1953 and 1957 and the Turkish influence, see K. Tsioumis, 2006a: 260 and 187. For the sake of modernization of the electoral procedures, the Prefect financed the election procedure, and ballot papers replaced ballot balls. See RDs 420/1961 (FEK A 106) and 649/1964 (FEK A 181).


65 President of the CCT, Report to the President of the Government and the Minister of Education, Athens 18 November 1963, MSA, F. 10.


67 President of the CCT, Report to the President of the Government and the Minister of Education, Athens 18 November 1963, MSA, F. 10.

68 President of the CCT, Report to the President of the Government and the Ministers of Education and Foreign Affairs, Athens 1 August 1966, MSA, F. 10.
to serve the needs of the minority community. According to article 41 paragraph 2 of the Treaty of Lausanne, the Greek government is also obliged to grant financial aid to the minority vakf. In some cases, however, minority teachers and the members of the committee have perceived such aid as a government attempt to intervene in the internal affairs of the minority.\textsuperscript{69} The reality is that regardless of help or not, in time, the vakf property has been reduced due to internal (mismanagement, excessive selling) and external (expropriation) reasons.

Up to the 1970s, a large number of vakf real properties in Xanthi and elsewhere disappeared due to excessive selling and expropriation. This meant that the vakfs of Komotini have become the most important in Thrace.\textsuperscript{70} The famous Gazi Evrenos Imaret of Komotini was expropriated as early as 1920. After being used for the needs of the Electricity Company, it was donated to the local Orthodox bishopric which turned it into museum of Byzantine articles.\textsuperscript{71} In Komotini in the mid-1930s, two Muslim cemeteries were expropriated and turned into gardens, and the remainders of the Ottoman hamam were demolished by the junta authorities.\textsuperscript{72} In 1933, a Muslim cemetery was expropriated in Xanthi and turned into a garden. In 1942, the Bulgarian occupation administration destroyed the central mosque of Xanthi, and from 1958 to 1963 the city’s Moutfi, Mustafa Hilmi, gave consent for the sale of a series of vakf, including mosques and schools, in the villages of Thalassa, Diomidia, and Peteinos\textsuperscript{73} whose Muslim population had emigrated to Turkey. Later, in the early 1970s, in Xanthi, the town’s hamam as well as a medrese owned by the vakf were expropriated for enlarging the main square of the city. The Tabakhane Cami was expropriated and destroyed as well in 1972.\textsuperscript{74} Lastly, in 1974, the Emir Baba tekke in Evmoiro was destroyed during the Greek-Turkish crisis over the invasion of Cyprus. It is noteworthy that the tekke of Hasip Baba (in Xanthi) is perhaps the only religious building in Thrace of private ownership which has remained well-preserved up to the present day.\textsuperscript{75}

In the context of the legislative reform of 1980, Act 1091 ordered the mouteveli of the vakfs to declare and register all the real estate of the vakf

\textsuperscript{69} President of the CCT, Report to the Minister of National Education, Athens 22.2.1963, MSA, F. 10.
\textsuperscript{70} S. Soltaridis, 1997: 173.
\textsuperscript{71} İ. Biçakçi, 2003: 148.
\textsuperscript{72} V. Koutsoukos, 2005: 22.
\textsuperscript{73} S. Soltaridis, 1997: 174.
\textsuperscript{74} İ. Biçakçi, 2003: 193.
\textsuperscript{75} Personal interview with the owner Orhan Haciibram, Xanthi, 5.11.2008.
within one year. By the PD 18/1982 (FEK A 3) on ‘the registration of the vakfs’, the Prefect would have the authority to appoint a three-member committee, comprised of Muslims assigned to register the vakf property. This provision was never implemented and the one-year deadline was extended at several stages.\(^76\) Another area of non-application of Act 1091 pertains to the selection mode of the members of the management committees. The PD 1/1991 (FEK A 1) regulates the election of the members of the Management Committee for each vakf or group of vakf in a restrictive fashion\(^77\) introducing the involvement of the Prefect in the respective procedures. Specifically, the Prefect can appoint persons of his own choice as members to the Committees in case of lack of elected representatives. The local First Instance Court would supervise the elections and a lawyer or judge would chair the polling station as is the procedure in municipal or parliamentary elections. After the rearrangement of the local authorities in Greece (in 1996 and 2010), the Secretary General of the Decentralized Region of Macedonia and Thrace\(^78\) substituted for the Prefect, thus undertaking the legal responsibility to set up Management Committees and appoint their members after consulting the Moufti\(^79\) to ensure ‘a more appropriate functioning’ of the committees. Moreover, in terms of PD 2/2007, the Secretary General exerts his authority so the vakf committees would be able to accomplish within a two-year term the registration of the real estate of the foundations. Thus, the substantial problems in the registration of the vakf were linked both to the reluctance of the government to organize elections for the vakf committees and to that of the minority elite to accept any involvement on the part of the government.

As most of the vakfs are unable to document ownership of their property, their managers fear having to produce property deeds and the risk losing such properties. For years, the vakfs were not registered and their estates remained in an uncertain legal status, as both government and minority bodies maintained a fragile political balance aimed at preserving the status quo. Moreover, because the minority bodies did not register

\(^77\) See as well S. Akgönil, 2002: 150.
\(^79\) According to common article 3 of PDs 91/1996 and 246/2004. In this way, Hasan Bekir was appointed by the Secretary General of the Region in 24 March 1999 as member of the Committee of Komotini and elected president by the members.
their property, they could not pay assessed taxes. Overall, the government has not sought to enforce the registration requirement. In the early 1970s, Greece and Turkey concluded a secret agreement on the mutual treatment of the vakf in both countries (the Muslim vakf in Greece and the Greek-Orthodox in Turkey). According to this agreement, the real property would remain untaxed. Officially, the states’ taxation authorities continued to tax the vakf property without actually claiming the money; this practice endured from 1971 until 2006. It has resulted in a very significant amount of debt to the Greek state. The issue was normalized by article 7 of Act 3554/2007 (supra) only as far as previous years were concerned. By Act 3634/2008 (FEK A 9), a new tax on real property replaced the old one and the vakf were explicitly exempted only for the estates that are used for their own needs. By Act 3842/2010 (FEK A 58), real estate tax was removed regarding the vakf properties (article 15.2 and 56). However, in Komotini, the Management Committee of the Muslim Property was compelled to mortgage 25 real properties and one plot, as it was unable to pay the more 1.2 million euros due to the state in back taxes.

For many years, ownership deeds of the vakfs remained a source of tension between the management committees and potential claimants (individuals, local or state authorities). In rare cases, a vakf safeguarded a legal deed title through usucapion. For instance, real estate belonging to the Hayriye medrese in Komotini according to the High Court (AP 1711/2001) was able to prove that it had exercised the right to use this property for more than 30 year. As such, the Management Committee of Komotini acquired legal title of ownership of the medrese. In other cases, a donation is safeguarded by law if the act of acquisition of property is contracted before a notary. In 2008 three estates belonging to a vakf in Komotini were registered by the land registry of Rodopi in this fashion. Of course, any acquisition of property through donation must follow a basic process provided by the civil law on property, namely a legal act concluded before a notary and registered in the land registry. After all, a mere act submitted by the donor and ratified by the Moufti could not have a direct legal effect.

Another category of ownership consists of those estates bought by Management Committees, such as the boarding school of Celal Bayar. However, the estates of this kind have not been acquired through the vakf

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81 I. Onsunoglu, 2008.
donation procedure and they could not be seen as a vakf property *stricto sensu*, but as belonging to the overall vakf annexes. By the completion of the first phase of the land registration process in the urban centres of Thrace (2009), the minority vakf started to become visible legal entities property owners: 35 vakf had been registered in Komotini owning more than 150 estates. In Xanthi, the vakf are united as one entity, owning about 90 estates and the vakf committees of Alexandroupolis and Didymoteiho possess very little property (*infra*, Appendix 8.).

15.2.4. *The Burden of Reciprocity*

Communal property plays a crucial role for the viability of the minority communities, at the individual and collective levels. In both Greece and Turkey, private and community property, assets, and real estate have been targeted through repressive discriminatory policies. The common target of both states was long one of seeking to decrease the role of the local communities in the management of the vakf while strengthening state control. Except for rules and practices regarding the operation of the vakf committees, the appointment (i.e., non-election) of their members and their economic viability remains under the state's narrow decision-making control, and is dependent on the principle of reciprocity (*supra*, Section 5.2.3.). A general pattern can be seen both Greece and Turkey, whereby the state has attempted to control as tightly the internal organization and management of the vakf property as possible, restricting the role of the minority communities. This meant that while in 1949, both Greece and Turkey allowed their minorities to elect the members of the vakf councils, no elections have been held in Greece since the establishment of the military junta (1967), and it is the Greek authorities who have appointed the members of the committees. When Turkey complained about the appointment of the members of the vakf management committees and the abolition of the vakf Committee of Alexandroupoli, successive Greek governments argued that the law was generally applied to all elected bodies of 'public character', and as there was no Moufti Office in Alexandroupolis no vakf Committee was needed.\(^8^2\) Turkey replied with Act 903/1967, which placed restrictions on the management of the Rum vakfs through special taxation; it also adopted measures against the

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private property of the Greeks of Istanbul. When democracy was restored in Greece, the vakf committees were still not elected, despite the act on vakf adopted in 1980 (infra) that explicitly provided for election. In response to a relevant question raised before the Greek Parliament, the competent Greek authorities pointed out that in Turkey the elections of Greek Orthodox foundation committees had likewise been abolished.

In addition to the visible measures taken by the two states, secret or tacit measures were also applied in some cases. In the early 1970s, for instance, the Minister of Economy of Greece suspended the payment of tax due by the Committees of the Management of the Vakf. However, the Greek State authorities made it clear to the minority authorities that this 'was just a suspension but not an abolition'. It seems that this measure was taken upon secret agreement between Greece and Turkey. Until 2006, the Greek taxation authorities refused to receive any tax regarding the vakf, despite the fact that the tax was in theory always due. In effect, the authorities held the vakf property hostage to relevant policies applied in Turkey on the vakf of the Romioi. It was only in 2007, with Act 3554/2007, that the principle of reciprocity was overtly denounced for the first time. According to the introductory report to the law, the Greek government declared, 'reciprocity is not aligned with the European values which Greece constantly applies'. This statement opened the door for a new approach which challenges the logic of reciprocity in other fields as well.

This recent development notwithstanding, reciprocity was long the dominant principle in engagement with the vakf. With the establishment of the military junta in Greece in April 1967, the members of the administrative councils of all legal entities of public law were appointed and closely controlled by the military government according to Mandatory Legislative Act 65/1967 (FEK A 124). Although the Management Committees for Thrace's vakf were not public law institutions, their members were also appointed, and seven members of each committee were named by the Ministers of National Education and Coordination in September 1967. The ministry stipulated that two of the members could come from the modernists who were under the influence of the Turkish consulate, but the other five had to be 'certainly loyal and faithful' to the Greek

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At the same time, the Committee of Alexandroupolis was abolished and its vakf property set under a mosque committee, which remains unofficially in operation to the present day. The Greek government replied to the Turkish authorities’ complaints that the abolition was carried out in terms of Act 2345/1920 by arguing that the move was legitimate as there was no Moufti office in the region. Answering a parliamentary question addressed to the government after the restoration of democracy in Greece, the Vice Minister of Foreign Affairs pointed out that a new law on the vakf property was under consideration, but in any case that such a law would have to account for the clause of reciprocity, as “in Turkey the elections of Greek Orthodox foundation committees had been abolished and never restituted.” Finally, the government of Nea Dimokratia, under the premiership of Georgios Rallis adopted Act 1091/1980 (FEK A 267) on ‘the administration and the management of the vakf of the Muslim minority in Western Thrace and their property’. The act provided for the direct election of the five members of the Management Committee and considerably reinforced the power of the local Prefect over the Committee. This led to a weakening of the administrative and financial autonomy of the vakf. In practice, however, the old committees were kept operational, one in each prefecture of Thrace. Moreover, it was not clear at which level there would be a centralized administration. The new regulations provoked a significant negative reaction among the minority, the resignation of the Komotini Committee (1989), and worsened Greek-Turkish relations once more. The Moufti remained as the sole manager of the vakfs by himself after the dismissal of all members of the Committee. The Prefect of Rodopi appointed the Moufti for accomplishing this task in 1991. On several occasions, the Moufti of Komotini stressed the need for a more

86 President of the CCT, Doc. to the Prefects of Xanthi, Komotini and Didymoteicho, AP 11666, Hios 2 October 1967, MSA F. 11 and President of CCT, Report to the Ministers of Coordination and Education, Athens 4 September 1967, MSA, F. 11.

87 S. Akgönül, 1999b: 64.


89 A. Zaimis, Vice Minister of Foreign Affairs, Answer to the deputy Hasan Imamoğlu, Minutes of the Greek Parliament, 1978: 4297.


91 V. Aarbakke, 2000: 466–67, A. N. Adiyeke, 2002: 38 and B. Oran, 1988: 158. The fear that the vakf would be divided into small lots and thus would lose its economic and political importance is very often expressed; see H. Eren, 1994: 226. According to the then-independent deputy A. Sadik, ‘the properties of the vakf of Thrace and the Dodecanese, are not only badly managed but they also are plundered by unable, awkward and opportunist people’. Letter to the Prime Minister, cited by S. Akgönül, 2002: 152.
efficient solution to the issue, underlining the fact that the vakf risked losing their legal personality and therefore their property. In one case, for example, the First Instance Court of Rodopi denied the capacity of litigant to the Hayiriye medrese, one of the main vakf of Komotini, because there was not a Management Committee established by the law.

After years of inaction, the government of Nea Dimokratia adopted a new act (3647/2008, FEK A 37), while at the same time the Turkish government amended the legal framework on the non-Muslim community properties and allowed the Greek-Orthodox vakfs to organize their own elections. The Greek law (infra, Section 15.2.5.) triggered discontent among the minority elite, and the aspects of the act related to the appointment of the Management Committee and the registration of the vakf property were not enforced.

15.2.5. The Management of the Vakf and the New Act

The vakfs of Thrace were not homogeneously managed. In Xanthi, the junta appointed a single manager in 1967, and later on a committee was formed. After Sevket Hamdi, the chairman of the Committee of Xanthi, passed away in 2005 following 28 years in office, the Greek government appointed Faik Karadayi on 10 January 2005. In Komotini, the committee was at first established by the RD of 16.6/29.7.1949 (FEK A 164) and operated until 1980, when Act 1091 amended the relevant legal framework and triggered anger among the minority elite. In effect, in the main towns of Komotini and Xanthi, one committee in each urban area conducted the management of the vakf. The vakfs, scattered among the villages, are managed by one mouteveli appointed by the Moufti, or, if there is serious reason for mistrust, a replacement mouteveli again appointed by the Moufti. Since 2001, the moutevelis are elected by the inhabitants of the village and then appointed by the Mouftis. It is worth noting that the five members of the Committees were not paid by the state, as they were deemed to be managers and not owners of the vakf real property.

In Didymoteiho and Alexandroupolis, the vakfs are managed by moutevelis appointed by the Secretary of the Prefecture on the basis of

93 First Instance Court of Rodopi 26/1995. See as well A. Amor, 1996: “During the Special Rapporteur’s visit, protest demonstrations demanding that the members of the committee should be elected reportedly took place, during which the miserable condition of the waqfs was denounced”.
94 First Instance Court of Xanthi 172/1966, Elliniki Dikaiosini 1966: 728.
personal confidence in a quite vague implementation of the law. Principles like accountability of the management very rarely, if at all, applied by the managers of the vakf, who are not subject to internal or external financial controls. Indeed, it was only after 2007 that the appointed Management Committees of Komotini and Xanthi took the initiative to publish its annual budget and accounts.95

In December 2007, a new act on the vakfs was discussed in the Greek Parliament and finally adopted in February 2008 (Act 3647/2008, FEK A 37). The new act states that

A vakf, according to Islamic Law, is a donation that consists of real or tangible property or any income in favour of non-profit, charitable or generally pious purpose or in favour of philanthropic, religious or charitable foundation, which either exists or is established for non-profit purpose (article 2).

During the parliamentary discussion over the act, substantial issues regarding the vakf foundations were not raised. The ultra-right wing LAOS monopolized the discussion employing a paranoid discourse and rhetoric based on fear, the ‘Turkish threat’ and the reciprocity argument vis-à-vis Turkish policies towards the Greek-Orthodox vakf. In the same debate, the appropriateness of the invocation of Islamic law was not adequately discussed, nor did the government present a detailed list of the vakf estates. Such uncertainties regarding the status of the vakf and their property create fertile ground for misunderstandings and manipulation. That said, the minority reacted to the act and in many cases declared (like Č. Mandaci, MP of PASOK) that the act would remain unimplemented unless a series of amendments were passed. Obviously, the Greek

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95 As regards the Committee of Komotini. For 2008: Income 862,386 euros (571,500 of which from estate rentals, 40,695 euros from school fees) Expenses: 798,026 euros (among others, 307,430 euros for salaries, 333,677 euros for building constructions and 40,000 financial aid for the medrese). For 2007: Income: 733,100 euros (448,479 of which from estate rentals, 40,440 from school fees and 28,145 from cemeteries), expenses: 613,364 euros (among others, 302,094 euros for salaries of religious ministers and teachers, 198,198 euros for restoration of premises and furniture, 29,000 euros for electricity, water and telephone expenses of schools and mosques, and 37,000 euros for support to the Hayriye medrese). The budget is signed by Hasan Bekir, president of the Committee, <www.muftikomotini.com/index.php%m=art&c=9/>. As regards the budget of 2010 of the Moufti Office of Xanthi: Income: 192,138 euros (176,000 of which from estate rentals, and 15,000 from cemeteries), expenses: 178,143 euros (among others, 56,633 for fees of the Committee, 9,570 euros for salaries of religious ministers, 9,770 euros for salaries of the hearse driver, 24,170 euros for restoration of premises and furniture, 33,143 euros for electricity, water and telephone expenses and 18,218 euros for fees lawyers, notaries etc.). The budget is signed by Faik Karadayi, president of the Committee, <www.iskecemuftulugu.com/_files/pdfs/Apologismos-Vakoufion-Xanthis-2010.pdf>.
and Turkish governments were waiting for each other to amend the legal status of the vakfs through secret negotiations and parallel processes of political considerations. Once again, political reciprocity has not brought fruitful results. The ultra-right and nationalistic discourse of the Republican People’s Party (Cumhuryet Halk Partisi, CHP) and Nationalist Action Party (Milliyetçi Hareket Partisi, MHP) in Turkey on one hand and LAOS in Greece on the other, sought to limit the laws which had been proposed in each country and the curtailed both countries' minority rights regarding community property.

Nevertheless, the new law, ultimately adopted on 13 February 2008, includes a series of positive considerations:

- It reiterates the basic regulations of the act of 1980 and acknowledges the de facto division of the community property into three groups of vakf, in the cities of Komotini, Xanthi and Didymoteicho, where the vakf are centrally managed. The scattered vakf property of the villages is locally managed.
- It reflects the will of the government to hold elections for the vakf management committees.
- It does not refer to the clause of reciprocity.
- The vakf are expressly deemed to be legal entities of private law.
- The vakf which belonged to communities that have ceased to exist are put under the management of the most proximate management Committee so they do not risk losing their legal autonomy.

Among the problematic or ambivalent sides of the act, are the following:

- It does not clarify the position of the Islamic law as source of the regulations as it makes a direct reference to it but not for the new vakf, which would be put under the civil law on foundations (idrymata). Moreover, the relevant Ottoman law continues to be a source of law, to an unspecified extent and applicability.
- The uncertainty of the relation of the Vakf Committees with the local Moufti or imam, whose role is not clearly obligatory or advisory.
- The position of the Secretary General of the Region (representative of the government), who holds important decision-making authority. His authority to ‘exceptionally’ establish a separate group of vakf under a special committee and to determine the election process does not comply with article 40 of the Treaty of Lausanne and restricts the autonomy of the Vakf Committees.
The school vakfs are separated from the main group of vakf without interrelating the school boards and the Vakf Committees.

The exclusive enumeration of the scope for which the Vakf Committee is allowed to dispose of the vakf income does not include payment of employees, research fees or other staff, grants or scholarships, or many other activities.

The election process is determined by strict rules which echo the norms regarding the municipality elections. The qualifications required to become a candidate and the regulations regarding the drop out from the Committee are excessive.

The act ignores the vakfs of Rodos and Kos.

In short, the act was based on political considerations that did not include the minority in the discussion. The elite of the minority reacted strongly against the impingement of autonomy insofar as excessive authority was deemed to have been given to the Moufti appointed Moufti and the Greek authorities; minority leaders accordingly rejected the act and declared that they would not implement it. The upshot is that while the minority legally and rightful claimed its right to self-administration, it did do so in a spirit which also entailed self-accountability and a commitment to fair governance, clarity, and visibility of the management. Meanwhile, the will of the donor was completely ignored. For example, according to the constitutive act (vakfiye) of the vakf of Hayriye medrese, the students of the school would constitute the board of managers, but so far the vakf is under the direct management of the Vakf Committee of Komotini. Obviously, both the relevant law and the elite of the minority are not ready to consider such matters. In another case, a rare dispute with an ethno-religious dimension occurred. It took place in Nymfaia, a village of Rodopi. Since 2005 Pontic (Greek Orthodox) associations have celebrated religious and folk festivals and in 2010 they built a church on a plot claimed to be part of a Muslim vakf by the Committee of Komotini. The Committee opened a case asking the implementation of the new act claiming ownership over the plot on the ground that the Moufti of Komotini had issued a fetva (legal opinion) acknowledging ownership.

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96 High Consultative Committee of the Turkish Minority of Thrace, Press Release of 19 February 2008.

97 I thank Sotiris Poupouzis, lawyer and former legal consultant of the Management Committee of Komotini, for the information.
The act should take more steps and submit the minority vakf taking in consideration both the Treaty of Lausanne and the legal framework of civil law on foundations. In so doing it can safeguard minority rights and accommodate vakf foundations to civil law. In the law, there should be a more clear division of the private and public sphere in which the minority exerts decisive and managerial authority and the state exerts supervision as a guarantor of the principles of clarity, fair administration, and accountability in favor of the minority. In the meantime, the Parliamentary Assembly called on Greece to implement Act 3647, ‘the provisions of which should be able to regulate in substantial measure the problems’.98 But as long as the vakf are beholden to political goals and hidden agendas, even the most adequate legal solution will be too weak to solve structural issues.

15.3. THE VAKF IN RODOS AND KOS

The Muslim vakf estates of the Dodecanese islands were inherited by the Italian occupation administration in the frame of the Treaty of Lausanne of 1912.99 At first, Decree 85/1915 issued by the Italian authorities governed the legal status of the island vakfs. Decree 12/1925100 set up a new legal framework and established a sophisticated organization for the vakf run by a five-member Council (article 4). Afterwards, Decree 93/1938 substituted the Council for one Muslim trustee, and Decree 197/1940 set the management of the vakf under the Communes of Rodos and Kos. Under the British administration, the Municipality of Rodos by its Decision of 17 September 1945 returned the vakf real properties to the Muslim community, whereas the vakf of Kos was de facto restituted to the Muslim community of the island.101 This legal status remained in force according to Declaration 19/1947 of the Greek Military Governor of the Dodecanese islands and article 7 of the RD of 9 May 1947102 (FEK A97) on ‘the temporary

99 According to the acts regulating the territorial succession from Ottoman to Italian sovereignty, Italy undertook legal obligations to respect the Muslim vakf only as far as the Libyan territories were concerned (Royal Decree 1088/17.10.1912 by Vittorio Emmanuele III, Ministero delle colonie, Ordinamenti della Libia, Roma 1914). One could assert that mutatis mutandis respective obligations were recognized regarding the vakf of the Dodecanese islands.
100 Published by P. Theodoropoulos, 1954: 202.
102 Amending article 4 paragraph 1 of Act ΔΨΔ of 1913 and article 4 paragraph 1 of the LD
administration of the occupied and annexed territories. Thus, the Greek
government reactivated the Italian Decree of 1925, because it was seen as
more adequate and accepted by the Muslim communities. An interesting
move, it did not offer a precedent as the law on the vakf of the Dodecanese
was inapplicable to the vakfs on mainland Greece.

According to paragraph 9 of annex 14 of the Treaty of Paris of 1947 (FEK
A 1 1948), Greece undertook the obligation to respect the status of all
legally acquired property of the inhabitants of the islands. The Italian law
on the Land Registry (*ktimatologio*)\(^{103}\) provided the division between pri­
ivate (namely family), and public (namely community) vakf, as well as
between original and non-original vakf.\(^{104}\) This had particular legal conse­
quences for the vakf of the Dodecanese.\(^{105}\) This status remained in force
through article 8 paragraph 2 of Act 510/1947 (FEK A 30.12.1947). Neverthe­
less, respect for the legal source of the establishment of the vakf
under Ottoman law does not imply the governance of the vakf by this law,
which has not been in force since the introduction\(^{106}\) of the Greek Civil
Code, extended to the Dodecanese islands by the Act 510/1947. Conse­
quently, Greece was required to respect the already existing vakfs in
the Dodecanese islands, but no new vakf could be established since the
Civil Code did not recognize such a legal entity.

Just after the undertaking of the administration of the Dodecanese, the
Greek Governor appointed the members of the ‘Organization for the
Management of the Vakf’ retaining the structures set by the Italians
(Decision 19/1947) in light of a compromise with the Moufti of Rodos.\(^{107}\)
Regarding the law governing the estates of ‘vakf origin’ after the introduction of the Greek civil law, the right of possession and exploitation (tessaruf) became one of full ownership and the Greek State withdrew from shared ownership.\textsuperscript{108}

To this day, the vakfs of Rodas and Kos are managed by a five-member Organization (Organismos) on each island. These Organizations constitute legal entities of private law, like the Committees for the management of the vakf in Thrace,\textsuperscript{109} and they are considered the mouteveli, that is, the legal representative of the totality of the vakf of the island.\textsuperscript{110} As the High Court ruled, the Organization does not constitute a legal entity of public law, which is correct, but a foundation of pious character and of ‘suigeneris and limited legal nature’ (AP 1213/1991),\textsuperscript{111} an assertion that could be misleading as it merges the legal character of the managing body with the vakf itself.

The members of the Organization are appointed by the Secretary General of the Region (Perifereiarhis) and in practice they remain in office as long as they enjoy the government’s confidence. In each Organization there is a representative of the administration, also appointed by the Perifereiarhis. In theory, they should be appointed every two years (according to article 4 of the Italian Decree 12/1929 kept in force) and paid by their own vakf funds (article 25). They are subject to annual financial control by the Greek government. However, the annual budget is not made public. As such, in spite of the control mechanism, part of the vakf real estate was gradually sold off without meeting the relevant requirements in a process that was not controlled by the Muslim community itself. It seems that especially after the 1970s the vakf property was sold off excessively.\textsuperscript{112}

The alleged abuse and malfunction of the Organization sparked a series of reactions among the Turks/Muslims of Rodos. Moreover, the Prefect appointed the members of the vakf committees through a process that was neither transparent nor in compliance with the requirements set by law. Adelfosini, a cultural association of the Muslim community of Rodos, appealed to the Attorney General of the island in order to achieve the

\textsuperscript{108} Article 9, Act 2100/1952 on ‘the establishment of organization for the state real properties in the Dodecanese’; see AP 447/2001, Dikaiosyni 2002: 397, AP 1602/1993, Dikaiosyni 1993: 329 and Efeteio Dodecanisou 42/2004 and 57/2004, 188/2005, 270/2005 and 319/2005 according to which only in Rodos and Kos was there public Sultanic land and therefore only in these islands tessaruf rights could be established.


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renewal of the members of the Vakf management committee of Rodos after of 25 years of inaction. The judiciary, however, took no further investigatory action. In Kos, a group within the municipality council publicly denounced the non-accountability and lack of transparency of the vakf Organization for spending 600,000 euros for the restoration of the two mosques of the island (Lonca Gazi Hasan Paşa Cami and Defterdar İbrahim Paşa Cami). Politicians of the Dodecanese also publicly denounced the non-transparent process of appointment of the vakf Committee of Kos in early 2005 and the mismanagement of the vakf funds. In addition, clientelism between the members of the committee and the local politicians or authorities on the island has been identified. Complaints are also vivid against the Organization for not supporting financially the poor members of the community. When for the first time an international investigative mission examined the status of the Muslims of the Dodecanese islands, it detected ‘apparent lack of transparency and accountability of the administration of the Mouslim religious foundations’.

In addition to the community vakf in Rodos, there are two family vakf, whose legal status stems from the Italian Decree 132/1929 (article 6.4). They constitute a *sui generis* category of vakf, as they are not related to a Muslim community but to the family of the original founders. Both are the only vakf based in Greece and managed from Turkey. The first is the ‘Fethi Vakfi’, comprising the famous 200–year-old Islamic library and important urban estates in the city of Rodos. The library and the auxiliary premises were restored by funds of the vakf in 2005, and the library is open to researchers. The second, ‘Melek Mehmet Paşa Vakfi’, comprises groves of orange and olive trees scattered in several villages of the island (in places like Lindos, Malona, Masari). Each vakf is managed by its own mouteveli who is a member of the family. What makes the case of these

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116 Personal interviews with members of the minority, Rodos 29 February 2007.
two vakf even more interesting is that both are part of a broader vakf which has extensive real estate in Turkey and thus is under the authority of the General Directorate of the Vakf (Vakıflar Genel Müdürlüğü, VGM). This means that the Turkish state in effect is the supervisor institution. As both vakfs are deemed to belong to the special category of müstesna (exceptional vakf), the VGM appoints the respective managers (Cengiz Argeço and Nazim Siyavuşoğlu, respectively). In a relevant case, the Court of Appeals of Rodos reckoned that ‘Fethi Vakfi’ was a müstesna vakf for which the rights of management were reserved to the founder and his descendents and recognized the appointment of mouteveli from Turkey. The court further recognized the legal personality of these vakfs, permitting them to be litigant before a court.  

154. THE EGYPTIAN VAKF  

The long legal story of the vakf in Kavala and the island of Thasos owned by Egypt commences when Mohamed Ali, an Albanian Bektashi originally from Kavala, became Pasha of Egypt in 1811. At that time the Ottoman Sultan Mahmud II offered him the vakf for his good services. The vakf of Kavala was legally established according to the imperial decree (ferman) of 30 March 1813. Later, under Ottoman suzerainty as well as under British protection, the Khedive of Egypt became the owner of the pious foundation of these regions. From 1902 to 1912, the Ottomans took over the political control of the area, though the Egyptians still managed the vakf. When Greece annexed Macedonia the vakf was respected according to the Greek-Turkish Treaty of 1913. A year later, Egypt was officially proclaimed a British protectorate and the question whether Egypt was under Ottoman or British sovereignty became of critical importance for the legal fate of the vakfs of Kavala and Thasos.

In 1922, King Fuat proclaimed the independence of Egypt and Egypt inherited the vakf. Or rather, it inherited it if the vakf’s legal status is considered to have been governed by Ottoman and civil law on full ownership and management, which were in compliance with international legal
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norms regarding sovereignty; from such a perspective there is no doubt that the Egyptian state was the owner of the vakf. The contest emanated from the perception of the first mouteveli of the vakf, the Khedive of Egypt, who claimed that it was his inheritance.\(^{124}\) In this context, when Muslim property was expropriated under the terms of the population exchange of 1923, the vakf of Kavala and Thasos remained untouchable as foreign property. Since that time, the management of the vakf has been rather loose. Mustafa Sabri, the exiled former Ottoman Seikh-ul-Islam who found refuge in Greece in 1926 until he was deported by the Greek government in 1931, requested that the vakf of Kavala be set under the management of the vakf committee of Xanthi,\(^{125}\) apparently unsuccessfully. Problems regarding the taxation of the vakf were solved by 1926 when the Greek government considered the matter in light of their desire to safeguard the interests of the Greek community in Egypt.\(^{126}\) Due to bilateral Greek-Egyptian negotiations the vakf remained under the ownership and administration of the Egyptian Ministry of Evkaf. Following Egypt’s friendly policy, the Greek government dedicated a square to Mohamed Ali just in front of the imaret (poorhouse, operational until 1924), at its own expense. As a counter gift, Egypt offered a plot to the Greek community of Cairo.\(^{127}\)

In the aftermath of World War II, Greece and Egypt signed a bilateral agreement on 28 September 1948, which regulated the indemnity for both Greek property in Egypt and the vakf of Kavala for war damages. According to article 2 of the agreement, 16,209 English pounds were to be granted as indemnity for the vakf.

Until 1952, King Farouk of Egypt was the mouteveli of the vakf in Greece and as a result the Egyptian Minister of the Evkaf took over the responsibility. The Minister authorized a Greek citizen to exert management of the vakf in situ. Greece, however, attempted to occupy and exploit some of vakf plots after the exercise of the ownership by the Egyptians became gradually rather loose. Then, in response to political changes in Egypt in the early 1960s, when Naser took power and many from the Greek communities fled the country, the Greek Minister of the Finance ordered the

\(^{124}\) N. Eleftheriadis, 1921g: 463.

\(^{125}\) Personal interview with Riza Kırlıköme, 20.10.2007, Xanthi.

\(^{126}\) Protestation of the Egyptian Ambassador of Athens to the Greek MFA about the taxation of the vakf of Thasos, 27.9.1926, N. 854. For the relevant correspondence see HAMFA, F. 1930–32, B/29/VII.

\(^{127}\) Act 4347/1929 (FEK A 294) and PD of 26.5.1925 (FEK A 129). For the relevant diplomatic correspondence see HAMFA, F. 1930–32, B/29/VII.
country’s authorities to occupy and register as belonging to the Greek State all vakf property of Kavala, declaring it to be exchangeable property under the terms of the 1923 legal framework.\textsuperscript{128} Egypt reacted to this decision and dispatched a delegation of diplomats to achieve a political solution according to a decision issued by the Egyptian Minister of Vakf.\textsuperscript{129} The result was that in 1964, Egypt sold the castle of Kavala to the municipality of the city\textsuperscript{130} and claimed compensation for income losses before the Greek courts.\textsuperscript{131}

Much later, after extensive bilateral negotiations in Athens, Greece and Egypt signed an accord on 1 August 1984 on the property status of the vakfs; it was ratified in Greece by Act 1490/1984 (FEK A 172). The Greek-Egyptian agreement divided the vakfs into three categories. First, the vakf already occupied by Greek authorities in Kavala and Thasos was put under Greek ownership in return for compensation of 72.2 million Greek drachmas. Second, a list of vakfs in Kavala and Thasos (mainly in Kallirahi) were acknowledged to have Egyptian ownership, although Egypt declared that it was willing to sell them to Greece in accordance with Greek civil law. Third, two properties, the house of Mohamed Ali and the imaret,\textsuperscript{132} both in Kavala, were to remain under Egyptian ownership for historical reasons. The property would remain under the management of the vakf Organization based in Cairo under the supervision of the Egyptian Ministry of the Evkaf. According to the agreement, the Egyptian presence in Greece would strengthen the cultural ties between the two countries.

Since the conclusion of the 1984 agreement, no real estate has been sold and the Egyptian vakf has remained registered as designated by the accord. Meanwhile, the Greek government had granted the imaret status as a historical building warranting preservation in 1954 (FEK B 44) and again in 1974 (FEK B 822). Then, in 2004, both the imaret and Mohamed Ali’s house were leased to a private Greek company (Imaret AE) which restored their original appearance and opened a hotel since 2004. In 2010, a non-governmental organization was established in Kavala aiming at the study of Egyptian-Greek cultural bonds and digitizing the architectural


\textsuperscript{129} Decision 1000/327/10/1963, whose legality was strongly doubted by the Greek authorities, D. Kalodoukas, 1982.

\textsuperscript{130} Aim. Stefanidou-Fotiadou, 1985–86: 263.

\textsuperscript{131} M. Tsseggelidou, 1988–89: 149.

heritage of Mohamed Ali era in Greece. Sporadic acts of vandalism committed by Greek nationalists in 2010 targeted the imaret and other Islamic monuments of the town in a symbolic reaction to the preservation of historical memory.

After a rather foggy legal past and an adventurous political and legal itinerary, the Egyptian vakf of Kavala and Thasos are the only vakf in Greece to have been properly registered and governed by a clear legal status, as foreign property.

15.5. The Vakf in Epirus and the Bektashi Vakf

Problems and ambiguity arose concerning the ownership on the vakfs of the Muslim Chams of Epirus, and other Muslims who were exempt from the population exchange due to their Albanian origin or status as non-Greek citizens.

A few hundred Muslims of Albanian origin, mostly of Bektashi religious persuasion, remained after 1923 in Thessalia and Macedonia and continued to run their community vakf. These vakfs belonged to the Bektashi tekkes ('monasteries') of Farsala, Tembi, and Katerini. A tiny Bektashi community remained in Thessaloniki as well until the 1970s. The tekke of Katerini used to be a private vakf belonged to the Bektas family. When the last dervish ('monk') passed away in the early 1970s, the tekke was shut down and declared a historical monument.

The tekke of Ireni/Asprogeia near Farsala in Thessalia recalls one of the most important legal moments of the modern era regarding the Bektashi tekkes in Greece who survived the population exchange. The tekke was a centre for Bektashism, founded by Durbali Sultan in the 17th century, and became an important shrine for Bektashis all over the Empire. This, in turn, brought material prosperity. As it had been Albanised, since the early 19th century, the dervishes and the tekke itself were exempt from the population exchange of 1923. Before that date, and apart from the dervishes themselves, a small Bektashi community lived near the tekke.

Its large estate enjoyed the status of vakf and its sheikhs were allowed to remain in Greece. The community recognized as their spiritual chief the Arch-Babba of Albania after the prohibition of Bektashism in Turkey in 1924. By an Act of 29 April 1943, Ali Riza Dede, Arch-Baba (head of all Bektashi communities) based in Tirana appointed Seit Baba Kokka Vandresa as postnishin ('abbot') of the tekke of Ireni.\textsuperscript{138} However, after the establishment of the communist regime in Albania, and in the context of overwhelming anti-communist sentiment in Greece, the Bektashi mini-communities of Thessalia and Thessaloniki recognized as their spiritual chief, Ahmet Siri Dede the Arch-Babba of Cairo, who again appointed Seit Baba as sheikh (ethno-religious leader) of the tekke.\textsuperscript{139} By his Acts of 16 September 1952 and 30 October 1954, and certified by the Greek Consul of Cairo, a five-member Committee, based in Thessaloniki, was founded and given legal authority for the management of the Bektashi vakf.\textsuperscript{140} The Arch-Baba also authorized Seit Baba, the last sheikh of the Ireni tekke, as the legal representative of the Bektashi community in Greece. As Greco-Albanian relations soured, however, the Minister for the Finance implemented Act 2636/1940 'on enemy real estate', and ordered in 1959 (Decision 55452/584/10.3.1959) that the tekke be placed under state control because its 'Albanian' ownership meant it was 'enemy property'. Seit Baba appealed against the Ministerial Decision before the Council of State. The Court (judgment 113/1959) upheld the government's decision. Although the Albanian character of the shrine had been legally recognized by the Greek courts,\textsuperscript{141} Albania did not react and the issue has remained closed.

The vast real estate of the Ireni vakf passed to the control of the Greek State after a long internal legal dispute between the resident dervishes. In 1956 and 1958, another important part of its estates was also expropriated (1,300 hectares or 13,000 stremmata) and distributed to farmers and workers of the region. By judgement 113/1960 the Council of State applied Act 2636/1940 and put under sequestration the remaining 2,960 hectares and 700 sheep and goats.\textsuperscript{142} In short, the real estate of the tekke was placed under sequestration as enemy property, under the vakf was deemed to be

\textsuperscript{140} The members of the Committee were: Baba Seit, sheikh of the tekke of Farsala, Baba Veli Mustafa, chief of the tekke of Katerini, Kamal Rifat, trader, inhabitant of Thessaloniki, Husein Bektash, doctor and inhabitant of Katerini, and Halit Gerou, a farmer, inhabitant of Thessaloniki. The letters are cited by P. Tsiakoumis, 2000: 177–181.
\textsuperscript{141} First Instance Court of Volos 427/1933. First Instance Court of Larissa 412/1939.
\textsuperscript{142} S. Choulia, 2004: 421.
controlled by Albanian interests and Albania was officially at war with Greece. This meant the tekke declined gradually until March 1973 when Seit Baba died, and the shrine remained not open for worship for about 30 years. In 1973, the Legal Council of the State (opinion 255/1973), affirmed that the real estate of the tekke as well as the personal belongings of the sheikh were legally under sequestration as enemy property for two reasons: first, the sheikh of the tekke was of Albanian citizenship, and second, the administrative seat was in Albania, notwithstanding the declaration of 1951 made by the then sheikh of the tekke, Seit Kokka, that he did not recognize the Baba of Tirana as the spiritual leader of the Bektashi because he was beholden to the Communist regime. The Legal Council however believed that ‘this declaration was made on purpose in order to be exempt from sequestration’.

By a later decision (2603/1977), the Council of State examined an appeal lodged by the Albanian state, which asked for the restitution of the vakf as Albanian property. The court denied its own jurisdiction declaring the dispute to be of private character; however, it recognized that there was no longer a state of war between Greece and Albania and thus Act 2636/1940 was no longer applicable. Since then, the question of the ownership of the vakf has remained unresolved and the legal story of the tekke reveals the ideological and legal tensions at play even though the Bektashi community of Central Greece was extinct. That said, there is a revival of interest in the tekke decades later by Albanian immigrants.

In 1981, the tekke building was declared a historical monument but was left to decay given the politically sensitivities which would be involved in its restoration. The reluctance of the authorities to become involved meant looters damaged the premises and the tekke itself collapsed. The Land Office (Ktimatiki Ypyresia) of Larissa, the legal administrator of the property also failed to invest the income of the plots of the tekke for the restoration of the estates, the türbe (saint’s tomb), and the other buildings in the compound. Nevertheless, Albanian Bektashi immigrants from Athens and Thessaloniki began to visit the tekke in the late 1990s to celebrate their kurban (religious animal sacrifice). These visitors

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143 In 1973, the Bektashi community of Detroit applied unsuccessfully to the Greek authorities to appoint a new dervish at the tekke, see M. Kiel, 2005: 423 and P. Tsiakoumis, 2000: 98–114.

undertook basic maintenance of the building without official permits. In rare cases they were stopped by the police.\footnote{Personal interviews [1.4.2006] with Panayotis Tsergas, guardian appointed by Ktimatiki Ypiresia and members of the Bektashi community of Thessaloniki [April, May 2006 and January 2012].}

Then, unexpectedly, the question of the status of the building of the tekke was brought before the Greek Parliament. The then MP of SYRIZA Fotis Kouvelis submitted a question to the government about the lack of attention to the restoration of the tekke and the competent minister responded that the tekke belongs to the Albanian government, and that it is under sequestration. He further declared that despite its great archaeological value, 'the complex legal status hinders any effort to launch restoration works' [sic].\footnote{Question 6191/10.1.2006 by F. Kouvelis, answer by the Vice-minister of Culture: Tatoulis, Proceedings of the Greek Parliament, Session of 14 March 2006.} At the same time, the Albanian Bektashis filed an appeal to the Greek Ombudsman in an attempt to save the monument and safeguard their right to worship unhampered at the shrine.

The vakf in Epirus are connected to the Cham issue, first as non-exchangeable religious property and, second, as 'enemy' or 'abandoned property' in light of the events of 1944 (\textit{supra}, Section 14.3.). Yet, in 1913, these vakfs had been recognized according to the law introduced in the New Lands which protected the community vakf as Muslim property. L. Loukakos presented a detailed description of the vakf categorized under the terms of Ottoman law as within the Greek legal order during the early Greek Governorate of Epirus.\footnote{EHM, General Governor of Epirus, Decision 3573, Official Gazette of the Governorate General of Epirus, F. 21, 31.5.1913 and El. Nikolaidou, 1987: 559. For a description of the remaining vakf estates in Ioannina see K. Koulidas, 2004.} The management of the vakf was set under the auspices of the local Mouftis or a mixed Committee such that in 1913, the Governorate General of Epirus established a seven-member committee (in which the Moufti and the Muslim mayor of Ioannina took part) to study the vakf question in Epirus and other relevant legal disputes all over Epirus.\footnote{L. Loukakos, 1913: 14–38.} A dispute between the state authorities and the Muslim communities of Ioannina and Filipiada over the control of certain large vakf real estate catalyzed the establishment of this \textit{ad hoc} body.\footnote{Seventeen years later, according to the Inspector for Minorities, the management of these vakfs was carried out individually by imams and Mouftis, under no institutional control. The population exchange and the decrease of the Muslim population in Epirus created serious problems for}
the management of the vakf as in some cases the local communities were almost extinct. Where Muslims were exempted, the vakf remained under their previous legal status. After relevant claims lodged by the communities, the Governorate General of Epirus in Filiates (under the presidency of the Moufti of Filiates), Grekohorion and Argyrotopos (under the presidency of the Moufti of Igoumenista) appointed three Management Committees. Still, until 1930, no registration took place.150 The Committee of the League of Nations in 1932 examined one petition on restraints that the government allegedly imposed on the vakf property with regard to the mosque and the annexed vakf property of the remaining few Muslims of Parga. The case was dropped, however, as it seemed that the vakf property was de facto under the control of the local community and an imam who was administering the mosque.151

Finally, the vakf estates of the Albanian Muslims of Epirus who fled Greece en masse in 1944/45 remained legally 'orphan'. According to article 6 of LD 2536/1953 on 'the resettlement of the border regions and the enforcement of these populations' (FEK A 225), real estate owned by individuals who migrated clandestinely to a foreign country, without permit or passport, was considered abandoned and could be legally appropriated by the Greek State for public use after a period of three years. The owner, in case of return after this period, had no legal right to his former property. Furthermore, by RD 2185/1952 (FEK A 217, article 1, paragraph 3) forcible expropriation of agrarian plots owned by legal persons of private or public character was allowed, and article 37 of LD 3958/1959 (FEK A 133) provided that 'Real estate owned by former Muslim communities of Thesprotia and then possessed by the state as decided by the Ministerial Council (articles 6 and 7 of decisions [praxeis] Nos 2536/1953 and 914/1956, Kodix Nomikou Vimat 1956, p. 324) are bestowed on the adjacent communes and municipalities'. The legal effects of this legislation and these decisions on the abandoned plots were extended to the property of the mosques and relevant legal entities. This meant that the religious community was deemed a legal entity and, as such, the migration of the entire community affected the legal character of the community property and the vakf itself.152 This, in turn, permitted the expropriation committees

152 First Instance Court of Thesprotia, 70/1971, Arheion Nomologias 1971: 441. On the fate of vast land property owned by Muslims of Parga, see Court of Appeals of Ioannina 48/1953, Themis 1954: 524. According to the Act 5218/1931 (FEK A 249), the expropriation took place
established in Epirus to exploit the vakf property. As this episode reveals, the legal fate of the abandoned vakf of Epirus was connected to the general issue of the real estate of the Muslim Chams. This issue remains politicized and, in practice, most of the mosques, minarets, and tekkes have been destroyed intentionally, or left to decay.\textsuperscript{153}

Although the overwhelming majority of Muslim Chams no longer live in Epirus, a few people remained scattered in the villages of the region. Can they be considered the legal successors of the community vakf property? The following case brought this question before the courts. Since 1966, Mezan Nousret Zekerya, inhabitant of Polyneri and acting as mouteveli of the \textit{müistesna} (exceptional) vakf of the mosque of the village -- a position recognized by the Court of Thesprotia in 1971\textsuperscript{154} -- was appointed mouteveli of the vakf of Thesprotia and Ioannina. His appointment was made first by Abdul Satar Efendi, the acting deputy Moufti of Ioannina (with no official recognition) and then, by the Moufti of Xanthi (Acts 45/1979 and 85/1979). This was in keeping with Islamic law, according to which an orphan vakf (whose Muslim community had vanished) should be put under the management of the closest Muslim authority.

Another relevant case adjudicated by the Council of State (decision 1085/1959) abolished the excessive expropriation of the Expropriation Committee of Thesprotia. This did not have any real effect on the situation, however, as the communities were no longer present. In pragmatic terms, control of the vakf of the few remaining Muslim Chams, were gradually taken away from the community, as the latter were no longer considered to be a legal entity.\textsuperscript{155} Lack of legal titles and discontinuity in exercising ownership by established communities led to the transposition of management of the vakf property to public bodies, such as the local authorities and the National Bank of Greece.

\textsuperscript{153} For instance, the mosque of Paramythia was blown up, marking the end of the Muslim presence in the area. According to L. Baltsiotis (2009), presently there are only three semi-demolished minarets standing in the area that used to be defined as Chamouria, in Margariti, in Katavothra and in Kotsika. In other areas, as in Konitsa (infra) and mostly in Yannina, the Archaeological Service administers the Islamic buildings as under preservation.

\textsuperscript{154} First Instance Court of Thesprotia, 70/1971, \textit{Arheion Nomologias} 1971: 440.

\textsuperscript{155} In Konitsa, for instance, one Muslim cemetery is still operating. Although the Archaeological Service manages both the mosque and the school of the community, and the state sold the remaining tekke to an individual after the population exchange.
15.6. The Fate of the Vakf in Greece

Examining the content of the law regarding the vakf since 1881, one can conclude that the control of the real estate has gradually been taken away from the 'communities', which were acknowledged as legal entities represented by the vakf committees. Committee membership, meanwhile, is appointed not elected, adding insult to injury. Even the terminology used by the legal texts mirrors this gradual elision from community to a state-control. The vakf originally were put under the 'Muslim/Mohamedan Communities' (article 6, Treaty of 1881, Act 1037 (AAH' 1882, article 11 Treaty of 1913, Protocol 3, article 13), 'Muslim Communities and Management Committees' (Article 12.1, Act 2345/1920), 'Management Committees of the Muslim Community' (Decrees of 29 September 1949 and 16 June 1949). Yet, by 1980, the appellation of the authority became more descriptive, avoiding mention of the communal character of the vakf: from 'Management Committees of the Vakf of the Muslim Minority of Western Thrace' (Act 1091/1980 and decrees 254/1990 and 1/1991), to 'Management Committees for the Muslim Property' (Decree 18/1981), and then simply 'Management Committees' and 'Vakf Committees' (Act 347/2008).

Nevertheless, the millet legacy remains a powerful element in the vakf institution. The vakf controversy also reflects all of the concerns and power politics which inform minority matters in which political, economic and 'national' interests are connected to property rights. The above examination of the historical evolution of the issue can help us understand the status of the vakf in Greece today, both in Thrace and elsewhere. There are an overwhelming number of unsettled vakf cases in Thrace, where the act of 1980 was not properly applied, and act 3647/2008 seems to have had an ambivalent fate. The vakf issue of Thrace is also legally speaking not properly settled. In Rodos and Kos, the problems are qualitatively worse, as Italian law is retained and uncertainty reigns over the control and the management on the vakf. In a still more undesirable situation, the rest of the vakf in Epirus and Thessalia are under two categories, the Albanian vakf, which are untouchable until Albania takes legal action as a kin-state, and the Epirus vakf of the extinct communities. According to Islamic law, the vanished communities should be regrouped under a united management. Only the Egyptian vakf is governed by a clear legal status, that of foreign public state property (Egyptian).

Perhaps the most outstanding question regards the 'living' and dynamic Thracian Turkish/Muslim community. Under which terms
should these vakf be modernized, and what legal status would allow them to render maximum benefit to the communities in question? It has to be taken into account that the vakf of Thrace became community property either as a direct endowment (school or mosque buildings) or, indirectly, as a source of income (for salaries of the educational or religious staff) for religious or educational purposes. The question therefore is twofold: how the vakf can serve the Muslim communities in accordance with their original purpose within a modern or transforming society, and how can the vakf be accommodated within Greek/European law as a private sui generis foundation insofar as it continues to display millet-like characteristics? The uncertainty of the legal personality of the Muslim communities of Thrace and the recognition of one 'Muslim minority' does not match the vakf’s traditional scope, which is the welfare of the faithful members of the society or other designated beneficiaries. The problem assumes a special dimension within the context of the Greek-Turkish antagonism. Yet it follows certain common patterns in other countries where Islam is a majority or minority religion. A common characteristic is the centralization of the vakf system under state control, which prevails over the original autonomy of the vakf.\textsuperscript{156} The transformation of the legal status of the vakf in Greece would require the unification of the status for all Muslim vakf of the country under a common administration or supervision by the religious leaders of the Muslims as private religious foundations under the same status that the Christian Orthodox Church enjoys; alternatively, they could be private foundations governed by civil law (articles 108-121 of the Greek Civil Code and MA 2039/1939, FEK A 455). It should be remembered that the latter are placed under the close supervision and control of the State, as a foundation caters to all members of the society (\textit{koinofoleis idryma}, pious foundation). But for many among the minority, and especially the leadership, external control over the vakf property is fiercely resisted. This is part and parcel of communitarian attitudes, which resist any adaptation of their legal status to current minority societal needs.

\textsuperscript{156} On the pertinent vakf law in a series of Muslim countries (such as in Egypt, Turkey, Sudan, Morocco and Iran) or in countries where Islam is a minority (such as in India or the Philippines), see M. Çizakça, 2000.
The institution of the Moufti is rooted in Ottoman times and recognised by Greek law. As a general rule, the withdrawal of Ottoman institutions entailed the abrogation of public courts. Hence, in Greece, the Greek civil and penal courts have replaced the Ottoman Kadi. In the areas of significant Muslim presence, the Mouftis were granted new status by the successful Greek administration. They continued to be recognised as the leading religious institution of the local Muslim communities, assuming religious and social tasks. They were also empowered to exercise jurisdiction over specific civil law matters.

16.1. THE MOUFTI AS A RELIGIOUS LEADER AND ACTING HEAD OF THE MUSLIM COMMUNITIES

In the independent Greek State, the function of the old Ottoman Moufti (to give opinion on legal matters) and the Kadi (judge) was fused into the role of the new Moufti. Gradually, these figures were granted a special legal status stemming from the Convention of Constantinople (1881), according to which the Moufti was recognized as the religious leader of the local Muslim communities with special advisory jurisdiction. This jurisdiction was consolidated by 1913 and it is still valid for the Muslims residing in Thrace.

16.1.1. Political and Administrative Authority

The Moufti under Islamic law is one of the most respectable figures of the Muslim community and has authority to interpret the sharia. In the Greek case, too, Mouftis were deemed to represent the Muslim community. Tellingly, in 1920 Venizelos gave orders to the Greek administration to consider the Mouftis as political representatives of the Muslim

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communities (of Thrace) until the forthcoming elections, after which the elected Muslim deputies would undertake their duties.²

The Mouftis were supposed to be led by an Arch-Moufti. Article 11 of the Greco-Turkish Convention of 1913 as well as article 1 of Act 2345 of 1920 provided the appointment of an Arch-Moufti (Arhimouftis) but this institution was never set up. Although Act 2345 was the most detailed relevant legal text, it came late, as from 1913 onward discussions on the institutionalization of the legal status of the Mouftis and the communities had floundered.³

The Mouftis played an active role in the defence of the economic interests of the Muslim communities. The Moufti of Preveza, for example, applied to the courts on behalf of the local community with regard to the ownership of an important plot of land in 1915.⁴ Similarly, the Moufti of Filippiada sought the restitution of local vakf property.⁵ The Moufti of Ioannina acted as a mediator for inter-communal reconciliation after the withdrawal of the Ottomans and the reprisals that Christians sought against Muslims.⁶ That said, in some cases the community bore witness to local Mouftis usurping power to advance their own interests.⁷

The Mouftis, at least before the 1950s, had a very important role in the community as far as associational life was organised according to a millet logic. Above all, the Moufti was the socially recognized head of the community along with the President of the Muslim Community. The Moufti supervised the Vakf Management Committees and held the Presidency of the Orphan Councils. The Moufti, moreover, was by law⁸ member of the Committee on the registration of the electoral lists for the special Muslim electoral college in the mid-war period.

The political importance of the religious leaders echoed the political antagonisms between the Greek political parties in the decade 1913–1923.

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³ Memorandum of Muslim deputies asking for the institutionalization of the Moufti Offices and the Muslim communities in compliance with the Convention of Athens, Thessaloniki 20 April 1919, General Archive of the State, Political Bureau of the Prime Minister, cited by Y. Glavinas, 2009: 612.
⁵ El. Nikolaidou, 1987: 559. The Moufti of Filippiada together with the Moufti of Ioannina proposed the establishment of a Muslim School of Arts in Ioannina at the expenses of the vakf.
⁷ Such a case, regarding the Moufti of Kavala is reported in 1914, G. K. Söylemezoğlu, 1946: 140.
⁸ PDs of 30.11.1925 and 17.12.1925 on the registration of the electoral lists for Muslims of
in a direct fashion, as the Venizelist and the Royalist administration would appoint and re-appoint their own chosen Mouftis as they rotated in and out of government. In 1917, the government of Thessaloniki\(^9\) sent the Moufti of Kailar, Kastoria, Adrianoupolis, and Vodena to exile and jailed – with the aid of the French army – the Moufti of Grevena. They were replaced by pro-Venizelist Mouftis. After the Royalists came back to power in 1920, the ousted Mouftis of Kailar, Florina, and Kastoria regained office, while the pro-Venizelist Mouftis of Kavala and Irakleio were ousted.\(^{10}\)

In other cases, the Moufti sympathized with their respective kin-state's policies, such as the pro-Albanian Mouftis of Epirus or, sporadically, the pro-Turkish Mouftis of Thrace. For their part, the Mouftis often sought to keep a thin balance between their kin-community and the Greek administration. Tellingly, the Mouftis expressed their gratitude to the Greek governors after the establishment of new territorial status. For example, during anti-Muslim events of 1914, a series of Mouftis contradicted the claims filed by the Ottoman diplomatic authorities that severe harassment of Muslims was occurring (\textit{supra}, Section 3.). During the visit of Venizelos to Macedonia in 1918, the Mouftis of Servia, Kailar, Kozani, and Florina likewise expressed their gratitude for the caring policies of the Greek government towards the Muslim communities. A year later, the Moufti of Karatzova supported the claims of Greece at the Conference of Paris in 1919.\(^{11}\)

In Epirus, in the context of the Greek-Albanian diplomatic struggle with its implications of the minority populations, a series of Muslim communities supported the Greek stance at the League of Nations against the allegations lodged by Albania as to the maltreatment of the minority. The communities of Filiates and Paramythia, for instance, expressed their sympathy for the persecution suffered by the Greek minority in Northern Epirus (in Albania), and the community of Ioannina declared that Muslims

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\(^9\) Decree 1449/1917, Special series of FEK of the temporary government of Thessaloniki 32/1917. Hatzi Souleyman Osman was appointed in Karatzova-Enotia (Decree 1762 of 20.3.1917, FEK 66/1917, gov. of Thessaloniki, Ahmet Raik as Moufti of Kastoria and Memis Soukri of Florina, both by Decree 1659 of 28.2.1917, FEK 56/1917, gov. of Thessaloniki. In 1918, the Moufti of Sari Saban was put in prison by the Venizelist administration, memorandum signed by Muslim deputies on the arbitrariness of the administration against the Muslim population of Macedonia, Athens 1 May 1918, General Archives of the State, Political Bureau of the Prime Minister, F. 504, cited by Y. Glavinas, 2009: 632.

\(^{10}\) Y. Glavinas, 2006: 313.

\(^{11}\) Speeches of 12.8.1918, HAMFA, F. 1919, A/15, 10c. For cases of expressed loyalty of the Muslim communities and their role in the Greek-Ottoman antagonisms, see Y. Glavinas,
and Christians ‘live like brothers’ and that ‘the Muslims of Epirus live under a status of genuine freedom’. In 1913, the Moufti of Paramythia, Hafiz, together with other high ranked Chams, signed a memorandum declaring their wish to join Greece rather than Albania at a time the latter was in the process of gaining its independence. In March 1917, the Moufti of Paramythia expressed his gratitude and loyalty to the Prime Minister Lambrou and King Constantine. In 1934, the Moufti of Paramythia, Hasan Abdul, similarly denounced Albanian propaganda in his region.

In Thrace after the end of the Bulgarian occupation, the Moufti found a way to express his thanks to the Greek administration. As the then-Governor General of Thrace remembers: “[In 1945], the Moufti of the Turkish Community sent me a telegram thanking the Greek government that for the first time the Ramazan was celebrated so freely and men were allowed to wear the fez and women the fortece”. In 1949, when a United Nations committee visited Thrace, the Moufti of Komotini stated, “the Greek government deserved the thanks of the whole Muslim world regarding the position of the minority of Thrace”. Such behaviour should be seen in the general context of political exchanges for the promised loyalty and the safeguard of the interests of the community. On the other hand, Turkey, as the kin-state of the minority, attempted more successfully to channel Muslim communities’ leadership towards the establishment of national identity and thus loyalty towards Turkey. In this contest over the minority leadership, the procedure regarding the selection of the Moufti gained crucial importance. In the 1960s, at a time when Greco-Turkish tensions over reciprocal minorities was becoming intensified, the CCT repeatedly proposed the abolition of the jurisdiction of the Moufti because the latter had become ‘a blind organ of Turkish propaganda’. It may also be

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12 Memoranda of 15.11.1934 and 27.11.1934 (signed by the Moufti of Ioannina Fuad Mustafa and the President of the Community Mehmet Sadik Pasha) to the MFA, respectively, HAMFA, F. 1937/58.6.
13 V. Krapsitis, [1986]: 29.
14 Telegram of 1.4.1917, HAMFA 1917 A, AAK 30, Political archive of S. Lambrou.
15 Moufti of Paramythia, Telegram to Prime Minister Tsaldaris, 23.11.1934, HAMFA 1935 A/4/3/2.
17 Abbasi, the Pakistani member of the UN Special Committee on the Balkans, reacted to this statement questioning the situation of Muslims in Greece, UN Special Committee on the Balkans, 3.4.1950, A/AC.16.SC.1/MIN.126/Cozr.1, FO/371/87707.
18 President of CCT, Report to the President of the government and the minister of Education and Foreign Affairs, Athens 1.8.1966, MSA, F. 10.
argued that the restrictive policies of the Greek state, which sought to control the community's religious leaders, only exacerbated the nationalization of Islam in Thrace and its association with an ethnic Turkish identity. After the worsening of Greek-Turkish relations due to the Cyprus issue, the question of the Mouftis of Thrace and their legal status became vulnerable to political manipulation and did not evolve in tandem with social dynamics.

16.1.2. Competences of Non-Jurisdictional Character

The Moufti is competent to issue non-binding opinions ( fetvas ) regarding cases of private dispute. According to Act 1038 (~ΔΑΔ) of 1882, the Mouftis of Thessalia had only advisory jurisdiction. It was after 1913 that the advisory authority was (and remains) exerted in parallel to binding jurisdiction. The Moufti's religious duties include certifying a conversion to Islam, solemnization of marriages and the appointment of religious ministers at the local mosques. In a group of cases, the release of imams from duty (which would entail the termination of their status as exempt from military service) by act of the Moufti of Xanthi was challenged before the High Administrative Court. The issue of imams became ever more important as elected Mouftis control a series of mosques. The Act of 2007 on imams providing for their appointment by the Mouftis at the expenses of the state budget is partially applied ( supra , Section 12.2.).

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19 According to the Moufti office in Komotini, 67 people converted to Islam from 1990 to 2000. 55 of them were originally Christian Orthodox, 45 Greek citizens and 22 aliens. 9 people converted in 2005, 17 in 2002 and 5 in 2001, all in the presence of the Moufti of Komotini.


22 The cases are pending [as in 2011], see StE, judgments 774/2009 and 775/2009 by which the 4th section of the StE undertakes to adjudicate the case.
The most important role of the Moufti regards safeguarding the legality of marriage. Any marriage between Muslims of Thrace needs to have the authorization of the local Moufti, who acts as a guarantor for the fulfilment of legal prerequisites. Even though codification of legal norms is not usual in *sharia* courts, in 1929, the three Mouftis of Thrace signed a memorandum, which is still valid, acknowledging the following religious impediment to marriage: one of the parties is married; the divorce of the widow was concluded at least three months before the new marriage; the widow’s deceased husband died less than 4 months and 10 days previously; the couple belongs to the same family. If one of the parties is under the age of 17, moreover, the consent of the parents is needed. The Mouftis also stressed that kidnapping a girl, wife, or widow could never culminate in a legal marriage; likewise, a marriage solemnized at an unknown place could never have legal status or be recognized *ex post*. A Muslim marriage (*nikah*) consists of a contract between the groom and the bride and their families. The *nikah* comprises the dowry that the husband offers to the bride (*mihir*) and the *nafaka* (*alimony*) due in case of divorce.

The main issues of divergence between Greek law and the Moufti rules on marriage regard the age of the spouses, marriage through authorization, and bigamy. According to Islamic law, minors can get married with the consent of their parents, while, according to the code of civil law, minors can get married under special circumstances (article 1350.2). In practice, a pregnancy could meet this condition, but the degree to which this is practiced raises disturbing questions. In many cases of poor Roma Muslims, for instance, young girls are married when they are as young as 13 or 14.

Marriage by authorization as permitted by the Islamic Law (in the *hanefi* school of jurisprudence) has long been seen as complying with Greek public order. With the introduction of article 1350 of Civil Code in 1983, however, the practice was disputed since the new code stated both spouses have to be present at the wedding. Through a circular of the

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23 For the Islamic perception of the marriage as a contract, which could be concluded unilaterally, see the Koran (4, 127) and I. H. Dabour, 1990: 92.
24 Act No 1258, signed by the Mouftis of Komotini, Xanthi, and Didymoteicho, Komotini 29 January 1929, archive of the Moufti Office of Komotini.
Ministry of the Interior, marriage by proxy – through authorization – as well as polygamy were deemed contradictory to public policy; as such, legal acts in this vein conducted by the Mouftis are considered null and void and not subject to registration.\textsuperscript{27} According to another Ministerial decision – which remained in force a few weeks – the solemnization of a marriage before the Moufti regarding Muslims residing out of Thrace, between a Muslim and a non-Muslim, or between alien Muslims, would not be recognized by the state as legal.\textsuperscript{28} This restrictive measure was endorsed by courts which also often refuse to ratify the Moufti’s decision on divorce, when the divorced spouses are not both Greek citizens or do not live in the same department (\textit{infra}, Section 16.3.2.).

What this means is that, for some categories of people, a Muslim religious marriage will not carry equal legal weight to a civil marriage according to the Civil Law, because Moufti Offices are only located in Thrace and Rodos. This restriction is of dubious legality, if it is seen in light of the freedom of religion combined with the right to choose a spouse and the right to movement. It is also contrary to constitutional provisions, reveals how poorly the law on the Mouftis is worded, and speaks to the irresponsible fashion in which public authorities and the government have handled issues regarding religious freedom.

According to Islamic law and tradition, the Moufti also has the duty to implement the \textit{zekaat} (charity) to guarantee minimum standards of living for the poorest members of the community. The Moufti accordingly organizes an annual or \textit{ad hoc zekaat} aimed at gathering donations from the wealthier members of the community and redistributing it to the poor.

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\textsuperscript{27} Secretary General, Ministry of the Interior, Circular 31/20.9.2002.

\textsuperscript{28} Decision of deputy Minister of the Interior F.97920/2013/31.10.2003 adopting the Legal Opinion 347/7.10.2003 of the Legal Council of the State (3d Section) [\textit{Nomokanonika} 2005/2: 153], which obviously confused the authority of the state to regulate the jurisdiction with the freedom of discretion connected to the religious freedom acknowledged to all religions to determine the domain of their spiritual competences. See relevant report of the Greek Ombudsman, AP 3323/04.2.2 of 26.2.2004 and Y. Ktistakis, 2006: 51.
Previously, the Moufti was officially involved in the management of the vakf according to article 10 of act 2345/1920. Islamic law and traditions also vest the Moufti with the obligation to approve any sale of vakf property. There is evidence that the Moufti’s Office (or the Moufti himself) had a right to collect a per annum lump sum from the vakf property. The Moufti also used to be considered founder and supervisor of the seminaries (medreses/ierospoudastiria, infra, Section 17.4.2.). Lastly, the Mouftis used to have decisive authority over the custody of the orphans; today, he no longer exercises these functions.

16.2. Historical Establishment and Geographical Distribution

Although Islamic religious institutions had a rich past in Greece, historical and legal studies of them are very limited. Identifying direct or indirect references to Moufti Offices is a challenge, especially with regard to the period after the Balkan Wars and before the population exchange (1912–1923). Nor has the topic been widely studied in either Greek or Turkish academic circles. As such, the information presented below would benefit from further research.

Until the population exchange, Moufti offices were operational in Thessalia, Macedonia, Epirus, the East Aegean islands, and Crete. Due to inter-communal political conflicts and divisions among the old Islamists and Young Turks on one hand, and pro-Venizelists and anti-Venizelists on the other, certain Mouftis lost their offices and were replaced by others favoured by the Greek authorities. After 1924, there were Moufti Offices operational for the Muslims exempted from the population exchange. Nowadays, there are three offices in Thrace operating continuously since the annexation of the region by Greece. Another Moufti office is said to exist in Rodos but without legal status; it operates in a completely different socio-political reality than those of Thrace.

16.2.1. From 1881 to 1913

In 1882, four Moufti offices were established in Thessalia, with the chief office in Larissa (and the others in Volos, Farsala, and Trikala

29 The Moufti of Langada complained of losing his personal income from the vakf as the population exchange was decided, Letter of Hafouz Ahmet to the President of the Government, Langadas 12 June 1924, Political Bureau of the Prime Minister, F. 671, GAK of Athens.
31 To the exception of the work of Y. Glavinas, 2009; A.N. Adiveke, 2002; M. Kara, 2008.
The position of the Moufti & the application of Sharia

According to Article 1 of Act 1038 (ΛΑΗ') of 22 June 1882 (FEK 59). By the RD of 12 August 1882, the then-presiding Mouftis of Larissa, Farsala (Mustafa Mehmet) and Volos (Hamdi Ismail Efendi) were appointed (FEK 88). Hence, the Greek State officially recognised the already-established organizational structures of the Muslim communities. The Moufti of Trikala (Hadji Mehmet Efendi) was appointed later (RD of 11.3.1883, FEK 93) with jurisdiction over the districts of Trikala, Karditsa and Fanari (an autonomous Moufti office since 1910). In 1905, Dervish Suleyman Yenesi was proposed by the local Muslim communities and appointed as Moufti of Trikala-Karditsa by the Ministers of Education and the Cults and Justice (decision of 11.5.1905, FEK B 107). Meanwhile, a commercial guide of 1920 reports that the Moufti of Volos was Ibrahim Demir Boxa and the Moufti of Larissa Ali Mustafa. And in a document of 1920 regarding the tekke of Farsala, Sait Yusuf appears as Moufti of Farsala.

16.2.2. From 1913 to 1924

When the Greek authorities undertook the administration of Macedonia, they acknowledged the leadership of the Muslim communities, as they had the Muslims of Thessalia in 1881. According to the spirit of the legal framework set by the Convention of Athens, the Mouftis were to be recognized as high-ranking public servants. The Greek government chose Mouftis who were likely to be friendly interlocutors. In an order regulating the Mouftis' salaries, there is a list of Moufti offices of Western and Central Macedonia, just before the second Balkan War. The Moufti of Kozani and Servia was classified as a 'second class' posting. A 'third class' salary was granted to the Moufti of Langada, Karatzova (Almopia), Soumbosko (Aridaia), Vodena (Edessa), Yenitsa, Siatista, Kaylar (Ptolemaida), Servia

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32 The Moufti of Larissa Mehmet Ismail Efendi resigned because he migrated to the Ottoman Empire. By RD of 10.9.1883 (FEK 568) his resignation has been accepted.
34 GEO, 1920: 110 and 411 respectively.
37 The Moufti of Yanitsa issued a certificate on the tekke at Yanitsa vakf, which was destroyed during the war, N. Elefteriadis, 1917: 113. Furthermore, in 1919 the Moufti requested the Greek administration to restore the Muslim schools of the area, T. Timotheadis. 1002: 60.
Veroia, Elassona, Kastoria, Florina, Poligiros and Grevena. By the end of the Balkan Wars and with the delimitation of Greece's northern borders, the Muslim populace of Eastern Greek Macedonia also became minority under a special legal status. Moufti offices were operational in Kavala, Serres, Pravi, Sidirokastro and Drama, heading important Muslim communities. A table made by the Governorate General of Macedonia depicts clearly the legal status and real situation of the Moufti Offices in Macedonia just after the permanent establishment of the Greek authorities in the region. Eleven Mouftis were recognized since the arrival of the Greek military authorities in the region (Thessaloniki, Veroia/Karaferye, Vodena, Elsson, Karatzova/Soubosko/[E]notia, Kastoria/Kesriye, Kozani, Florina, Sari-Saban, Kavala, Pravion/Praviste). Five further Mouftis were elected by the Muslim communities just before the ratification of the Convention of Athens (Anaselitsa/Siatista/Leipsista [Neapoli], Yanitsa, Kailaria, Servia/Serfitzie, Sidirokastron/Demir Hisar), and another five elected afterwards (Drama, Grevena, Langadas, Serrai, Katerini). Four old

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38 In 1915, the Moufti of Veroia requested the closing of a wine shop which was next to a Muslim sacred site, N. Elefteriadis, 1917: 162. Omer Fevzi Efendi (ex Moufti of Bursa) was the Moufti and the head of the Muslim Community of Veroia in 1923, see Karaferye (Veroia), IDAA, Book 197, decision 20, 4.1.1923 cited by A. N. Adiyeke, 2002: 53.

39 In 1920, the Moufti (Mehmet Hulusi) of Florina was contested by a group of Muslims who demanded his dismissal in favor of the former Moufti (Memis Sukri), who had been appointed by the revolutionary government of Thessaloniki in 1916. Ultimately, the Governor of Macedonia F. Dragoumis supported Hulusi's claim to office. AFD, F. 8.4/doc. 186–190.

40 Cited by the Monomeles Protodikeio of Kavala 96/1914, 13 Themis 1915: 365. A letter signed by the Moufti of Kavala was signed on 22 June 1913 just after the entrance of the Greek forces in the town, GAM, F.117.

41 The Moufti of Serres asked the Greek Parliament for suspension of taxation of the estates of the Muslim community for a three-year period to recover from the destruction carried out during the Bulgarian occupation of the area, Proceedings of the Greek Parliament, Session 70, 25 May 1920: 132.

42 HAMFA, 1919, A5/10b, letters signed by the Moufti of Pravi, by which the Moufti declares the assistance of the Muslim community to the Greeks of Aidini (in Turkey), victims of persecutions by the Turks.

43 HAMFA, 1919, A5/10b, Sub-Governorate of Sidirokastro, AP. 2536, 5.7.1919, letter to the President of the government and the Governorate of Eastern Macedonia (Drama), Hamdi Hotza, Moufti of Demir-Hissar (Sidirokastro).

44 Complete table of the Mouftis in the territory of the Governorate General of Macedonia, Office for Foreign and Religious Affairs, Governorate General of Macedonia, Thessaloniki 21.3.1914, HAMFA, F. 1914, B/150.

45 Seyfoudin Moula Efendi, former Moufti of Leipsista, was hired as teacher of the community school of Boubousti, a Greek speaking Muslim village of Macedonia, 'a fanatic Muslim acting against anything Greek or Bektashi', according to Harisiou, Sub-Governor of Anaselitsa. Report to General Governorate of Kozani-Florina. Siatista. 30.8.1922, ad 2819.
Moufti offices remained vacant, as their Muslim communities were very small (Zihna/Ziliaskova, Thassos, Kilkis/Avret Hissar, Polygyros). Probably they were not operational after 1914.

The Moufti of Servia (Rashit Efendi) was appointed temporarily by the Minister of Justice, Raktivan, in January 1913 until elections according to the Muslim customs took place. This temporary Moufti had the right to adjudicate in family law cases according to Law 1038 (\(\text{AA}\H^\prime\)) 1882 on Muslim religious leaders.

The Moufti of Kozani (Uzeyir Sidki) quit his duties and was replaced by his deputy Emin Musa in March 1921. Commercial guides refer to the Mouftis of Thessaloniki (Kara Ali Zade Hafuz Ahmet and Mehmet Ali), of Drama (Musan Kiazim), of Kavala (Abdulah Hilmi) and of Serres (Hadji Yusuf Zulfekar). In Edessa and Florina there were operational Moufti offices too. These references are not exhaustive but give an image of the expansion of the Muslim communities.

Thessaloniki undoubtedly was the most important Muslim city of Greece. According to a special population census, the Muslim inhabitants of the town numbered 45,867 out of 157,889. In the region of Langadas, there were another 20,951 Muslims according to the local

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42 Doc. 1232/9.3.1921, Prefecture of Kozani, General Archives of the State, Kozani, F. 1018. Another reference to the Moufti of Kozani is made by N. Eleftheriadis, 1922d, Themis: 31.
43 The Moufti of Drama complained to the Prime Minister that in his area the vakf property had been massively expropriated causing total damages of 25,000 golden pounds. He insisted that this constituted a violation of the Convention of Athens (1923), telegram of 25 January 1920, AEV, F.102, AP 2302.
44 Anatoliki Eteria Diafimiseon, 1915: 1367 and 897. An Egyptian \textit{hedive} management committee is referred to be in Kavala, \textit{ibid:} 1267. GEO, 1920: 29, 103, 115 and 144. Apparently, the Moufti of Serres (Hadji Yusuf Zulfekar) signed a contract on behalf of the Muslim community to rent a plot to a Christian, Contract No 1642 of 8.2.1916, General Archives of the State, Serres. As far as the Muslim community of Drama was concerned, the Anatoliki Eteria Diafimiseon (1915: 198) referred to three mosques, three \textit{tekkes}, and four Muslim schools.
45 N. Igglesis, 1926: 425, where three mosques and three Muslim schools were operational. It may be that just after the establishment of the Greek administration there were five mosques, according to P. Potiropoulos, 1995.
46 According to Igglesis, 1926: 432. In Florina there were seven mosques and five Muslim schools.
47 On Thessaloniki's Muslims under Ottoman administration, see V. Dimitriadis, 1983: 81, 277 and 375. In the same book, see a letter from the Moufti of Thessaloniki dated of 24 December 1918 related to the Muslim community's buildings destroyed by the fire of 1917: 473. On the demography and labour distribution of the Muslim community of Thessaloniki under Greek administration see A. Dagkas, 1998. For a comprehensive overview on Thessaloniki's history with regard to its ethnic composition, see R. Darques, 2000, \textit{passim.}
authority. The Muslim community of Thessaloniki seemed to be well incorporated into Greece's social and economic life during the period before the population exchange. The Moufti of Thessaloniki was responsible for all Muslims living in Thessaloniki, Langadas, Halkidiki, and Kilkis and was recognized as of a higher status by all the Mouftis of Macedonia. He was President of the 24-member Council of the Muslim Community of Thessaloniki and was responsible for the management of six schools and one orphanage (Mithat Pasha) as well as 50 mosques. There were also more than 15 tekke and dergiah which, presumably, were not under the direct control of the Moufti. By Decree 1449/1917 of the provisional government of Thessaloniki, the Moufti of Thessaloniki was recognized as a 'first class' public servant and consequently received the highest salary among all Mouftis. Although Hafuz Ahmet Efendi was the Moufti of Thessaloniki and President of the Muslim Community of Thessaloniki for a long period of time (1912–1922), in the political turmoil that followed the Greek defeat in Asia Minor, he – like the Mouftis of Yanitsa, Langadas, Vodena, and Veroia – was removed in December 1922 from office. He was replaced by Mehmet Houlousi, former Moufti of Adrianoupolis/Edirne. Suleyman Sirri is the last Moufti of Thessaloniki who presided over the population exchange finalising a series of pending affairs such as open accounts before he closed the Moufti Office. It seems that Sirri was

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54 Eparhion Langada, Doc. of 3 March 1914, GAM, F. 51. In Langada before the annexation of the region to Greece a medrese, in 1910 there were, two elementary and one middle-school for the Muslims. The Moufti in office was teaching in the medrese, II. Georgiadis, 1910: 320.

55 He was the Moufti and from 1912 until at least 1921, H. Karaghiozis, 1921.

56 The orphanage was in effect a technical school of major importance for Thessaloniki's Muslim community, IDAA, Book 182, decisions 5, 6, 13, 25, 27, 33 of 1916, 1917, 1920, 1922, cited by A. N. Adiyeke, 2002: 63–64. The middle-school 'Terakki' was also of major importance for the Sabetai (Judeo-spanish speaking Muslims) community of Thessaloniki, which had been transferred in Istanbul.


60 'Makedonia', 28 December 1922.

61 'Makedonia', 8 June 1924.

62 'Makedonia', 6 January 1925. I thank Yannis Glavinas for providing me the references.

63 Letters of 24 June 1924, 8 August 1924, 15 and 27 September 1924 expressing complaints about public debts to the Moufti office and had implementation of the Treaty of
moved to Xanthi where he again undertook office as a Moufti. The advent of radical changes in late 1922 and the fall of the government entailed a massive shuffling of Mouftis. One such case was that of Hafuz Ahmet, former Moufti of Tyroloi-Redaistos/Tekirdağ, appointed by the end of 1992 in Langadas to replace the old Moufti. He remained in office until the population exchange.

In Epirus, since 1913, the Mouftis were officially recognised by the Greek Governorate as head of the local communities, mostly Albanian (Chams) or Greek-speaking (as in Ioannina). According to the available sources, there were nine Moufti offices in Epirus, based in Ioannina, Margariti, Paramythia, Konitsa, Igoumenitsa, Filippiada, Preveza, Filiates, and Vostina/Pogoniani. Mustafa Fuat Kaber was the Moufti of Ioannina since the first settlement of Greek Governorate of Epirus. He assumed his post by decision of the Governorate General of Epirus (12035/5.9.1913).

Lausanne on property issues, GAM, F. 69. See also Governorate General of Thessaloniki, Document No 13329, 9.7.1924, and letter of 9 October 1924 signed by Ali Sami Bey, to the Prefect of Thessaloniki, both documents in GAM, F. 69 regarding the carpets of the Hamza Bey mosque that the Moufti intended to take with him to Turkey.

Letter of Hafuz Ahmet to the President of the Government, Langadas 12 June 1924, Political Bureau of the Prime Minister, F. 671, GAK of Athens.


Husein Efendi, replaced by Hafiz, EHM, F. 9, doc. 940, 1913.

Sali Efendi, EHM, F. 36, doc. 12285, 1913.

The Mixed Committee on the population exchange in Epirus reported that the acting Moufti of Igoumenitsa, Mehmet Selo, was elbowed out by the Greek authorities supposedly due to his pro-Albanian sentiments. He was replaced by Molla Halil, who “was dismissed from office in 1922, as he was well known for his turcophile leanings”, Memorandum on the report of the Delegation of the Mixed Committee, League of Nations, Official Journal, February 1925, Annex 717a, doc. C.399.1924.VII and E. Destani, vol. 4, 2003: 425.

Abdulah Efendi Mehmet, replaced by Ali Setki, EHM, F. 20, doc. 3470, 1913. According to a proposal of the Prefect of Ioannina, the Moufti office of Philippiada should have been closed, as there were no more than 30 Muslims left in the area (Telegraph to the MFA, Ioannina 14.4.1914, HAMFA, 1914, B/150). Ahmed Nadi Efendi is referred by Ottoman archives to the Moufti of Philippiada with no details regarding dates, General directorate of Ottoman archives, Istanbul, F. 154, 181 DH.


Yaya Tsolakis, According to the correspondence of the Moufti of Pogoni with the Greek police authorities on the excessive use of a vakf plot, telegram of 22 February 1920, AP 15970 to the Governor General of Epirus, GAK Ioanninon, Archive of the Governorate General of Epirus, F.127 II, 1920. For his appointment, EHM, F. 13, doc. 2283, 1913.

E. Nikolaidoul, 1987: 512 and 549, I. Nikolaidis, 1992: 94. In 1916, the Moufti issued a judicial prohibition concerning a Muslim. On 18 June 1916, the police of Ioannina
Until 1923, four Moufti offices functioned on certain islands of the Eastern Aegean. The most important community was located in Lesvos (Mytilini/Midilli). Due to the large size of the Muslim community and the administrative division of the island there were two Mouftis: one in Molyvos (Mythimna) and one in Mytilini, capital of the island. The Muslim community of Molyvos drastically declined just after the annexation by Greece of the island. Nuh, the local Moufti remained at his post on the grounds that he was the manager of the vakf. A Moufti was deemed head of the Muslim community of Limnos (Limni) and Hios (Sakız) at least during the first years after 1912.

After Crete's annexation by Greece in 1913, the local Moufti offices were put under the previous legal regime, which was in force in the framework of the State of Crete 1889–1913 (supra, 2.2.1.). Mehmet Semsouddin was the Moufti of Hania, Ivraim Fevzi Toutountzidakis in Rethymno, Mehmet Nekipzade replaced by Hafiz Mehmet Kazim in Irakleio and Aki Rahep Imamzade in Ierapetra. According to Decree 1449/1917 (article 3) of the implemented a prohibition against smoking in public issued by the Moufti for the Muslims during the Ramadan, ibid: 165. See reference on the Moufti of Ioannina in Anatoliki Etairia Diafimiseon, 1915: 1245. According to the Greek guide, (GEO, 1920: 253) there were operating in Ioannina 8 mosques and 3 tekkes. Another guide refers to 18 mosques, 3 tekkes and 5 medreses (Igglesis, 1926: 384). El. Nikolaidou (1986: 528) refers to 17 imams and 17 muezins.

There are references on legal acts concluded by the Moufti of Mythimna (Lesvos) in AP decision 293/1934 (A), Α’ΕΕΝ 1934: 761 and in N. Eleftheriadis, 1921b: 655.

Letter of Attaoullah as ‘deputy Kadi and Moufti of Mytilini’ to the Governorate General of the Island of the Aegean, 16 September 1914, HAMFA, F. 1914, A/19d. The decision 101/1923 of the first instance Court of Mytilini refers to Atta Efendi, Moufti of Mytilini and ‘leader of the Muslim community’ of the island. Reportedly, he signed a letter addressing the Great Powers representatives in the aftermath of Ottomans’ retreat from the Balkans in January 1913, 4 Lesviaka 1962: 227. The Moufti of Mytilini was present in the island at least until October 1923, letter of 2 October 1923 signed by the Moufti appointing a mounteveli (Yorgos Plevritakis’ archive).


Governor General of Mytilini reported to the Prime Minister in 1914 that the Mouftis of Limnos and of Tenedos attended the celebration for Greece’s national day, telegram of 26 March 1914, AEV, F. 98/1913-14. There is reference to the Moufti of Limnos in decision No 24/1923 of the First Instance Court of Mytilini. In Limnos, the Muslim community was concentrated in Kastro (Myrina) and the village of Lera (Agios Dimitrios), personal interview with Zehra Güder, exchangee from Limnos, Foça, 20 March 2005. Two mosques were operating in Kastro. See also H. W. Lowery, 2011.

The Moufti of Hios Husein Ratep signed a welcoming letter to the King of Greece for the establishing Greek administration in the island, ‘Nea Hios’, 3 December 1912. It seems that soon after the Moufti was forced to leave the island, M. Tezcan, 2011: 365.

Governor General of Crete to MFA, Hania 26 March 1914, AP 2359, HAMFA, F. 1914, B/150. In 1915, Ahmet Asim Nizamzadel was the Kadi of Ierapetra, Anatoliki Etairia Diafimiseon, Athina 1915: 1238. In Rethymno Fevzi Toutountzidakis remained in office as late as in 1923, Sharia Court of Rethymno, Decision of 28–30 June 1923, personal archive of
provisional government of Thessaloniki,\textsuperscript{81} Act 727 of the Cretean State regulated the status of the Mouftis of Crete. Article 15 paragraph 2 of Act 2345/1920 on the Mouftis reiterated the same regulation. However, it seems that the institution of Kadi (as judge) in Crete has been abolished as everywhere in Greece and the Moufti undertook his jurisdiction.\textsuperscript{82}

It is worth noting that Moufti offices were governed by Greek law also in areas where the Greek administration was transient, as in Eastern Thrace (1919–1923),\textsuperscript{83} Tenedos\textsuperscript{84} (1912–1923), Smyrna (broader region, 1919–1922) and Northern Epirus or Southern Albania (1912–1914, 1916).

Per instance, during the short-lived Greek administration exerted upon parts of Southern Albania (Northern Epirus and Korytsa/Korcë), Mouftis were appointed in 1913 in Premeti (Mehmet Hayiridin), in Argyrokastro/Gjirokastër (Muhtar Efendi, replaced by Gelial Efendi), in Limbohovo (Hilmi Serif), in Delvinë (Haroun Efendi), in Leskovik, in the villages of Frasari (Hasan Besim Hotza), and in Tepelenë (Souait Rahmi),\textsuperscript{85} all of whom received salaries from the government.

16.2.3. After 1924

In the aftermath of the population exchange, the Moufti offices had to close in areas where Muslims were transferred. Muslim communities exempted from the population exchange like those in Thrace, Muslims of Albanian origin, and Circassians retained their Moufti Offices.

In Macedonia, the Moufti office of Thessaloniki remained operational for the numerous Muslims who, one way or another, managed to obtain exemption from the population exchange, such as anti-Kemalist Circassians (Čerkez), Muslims of Albanian origin, or foreign nationals (Serb, Ottoman, Italian, or Syrian). Most of the remaining Muslims of Thessaloniki were well-established people who acquired foreign


\textsuperscript{83} Telegrams of 27 February 1921, and 1 March 1921, refer to the Mouftis of Irakleia (in Arkadianoupoli), A telegram of 27 February 1921 refers to the Mouftis of Eleftheres (of Babaeski), Cemal Bey, and Anaktorio, Hadji Abdurahman, HAMFA, 1921, F. 32.5.

\textsuperscript{84} See telegram of 26 March 1914 by the Governor of Mytilini referring to the Moufti of Tenedos, Ese Iz Mehmet (27.5.1914), HAMFA, F. 1914, A/19d.
citizenship or were of Albanian origin. In addition, about 9,000 anti-
Kemalist Circassians, who joined the high-ranking Islamic clergy fleeing
from Turkey, sought political refuge in Greece and settled in Thessaloniki,
Imathia, and Thrace. Some were expelled from Greece around 1931 due to
the rapprochement between Greece and Turkey in that period. The
Circassians who settled in Thessaloniki founded a Moufti office, officially
recognized from 1923, as demonstrated by its official bilingual seal (Greek
and Turkish in Ottoman script). It is not clear whether the remaining
Muslims in Thessaloniki were self-organized as a separate community or
whether they merged into the Circassian Muslim community. The
Circassians were in contact with other Muslim communities as shown by
a letter sent in late 1935 to the Moufti of Komotini. It seems than in 1927
there was a split between the Muslim communities of Thessaloniki and
Langada: both were officially recognized by the aforementioned PD of
January 1928, although the decree expressly attributes the Moufti office of
Thessaloniki solely to the Circassian community. The first Moufti of the
latter was Hatzi Ahmet Efendi, who appointed his friend and classmate
Mahmoud Tzellaledin (Tzezayrli), from Algiers – a French citizen – as
Secretary General of the Moufti office and judge. Hatzi Ahmet was suc-
cceeded by Housein Housni Karaoglou until September 1938, when he
was dismissed from office and the Greek administration temporarily
appointed Moufti Mustafa Namouk Mouan Zade, elected by the Muslims
of Thessaloniki. It is worth noting that the Moufti was a pensioner of the
same grade as a colonel in the Greek Army until his death in December
1943. Upon his death, a crisis over the succession of the Moufti Office

86 Lists of remaining Muslims were drafted by the police, Minister of Foreign Affairs,
Circular No 33663, 23 October 1925, and Prefecture of Thessaloniki, 26 April 1925, Doc. No
2346, both in GAM, F. 69.
87 English report of 1.3.1923, HAMFA/1923/A/5V/IO, Cited by S. Pelagidis, 1994: 244.
88 Housein Housni Karaoglou, Moufti Office of the Circacians in Thessaloniki, No 59 of
29 November 1935, Archive of the Moufti Office of Komotini. The letter refers to Sheikh
Mohamed Satr, a religious official from Saudi Arabia who was visiting the Muslim com-
munities in Greece. For another reference to the Moufti office of the Circassians, see S.A.
Tchemalovich, 1933: 206.
89 Letter of Mahmud Tzellaledin to the Director of Religious Affairs, General Directorate
of Macedonia, 28.1.1944, (MSA, F. 93.c).
90 Certificate issued by the Moufti on the appointment of the Chief Secretary of the
Moufti Office, 2-7.1932, MSA, F. 93.c.
91 Report by Circassians of Thessaloniki, 20.1.1944, MSA, F.93.c.
92 Letter by the deputy Governor of Central Macedonia to the Director of Religious
Affairs, 7.11.1945, MSA, F.93.c.
93 Letter by the Secretary of the Moufti office to the Director of the General Directorate
of Macedonia, 20 December 1943, (MSA, F. 93.c) asking for the replacement of the defunct
erupted. Part of the Muslim community denounced acting Moufti Mahmoud Tzellaledin as illegitimate. Tzellaledin, for his part, accused Memis Ibrahim, the imam of the community, for seeking to usurp religious authority.94 In 1944, Nedim Almahsit Mouan Zade, supported by a group of Muslims, asked to be appointed as Moufti. It seems that he became acting-Moufti and Mahmoud Tzellaledin reclaimed his duties as Secretary of the Moufti office. In 1948, the Greek judicial authorities examined a case against the Moufti for falsifying legal documents.95 Apparently, the Circassian community and their Moufti office were operational, although divided, probably until the early 1950s; they used one of the old mosques of Thessaloniki or a mescit.96 A second Moufti Office of the remaining Circassians in Greece, albeit one that was not recognized by the authorities, was established in Macedonia in 1923 for the Muslim community of 25 families settled in Veroia and in the village of Aghios Prodromos in 1942.97 Another small Muslim community seemed to exist in Florina, also with no legal recognition.98

In Epirus, as mentioned above, half of the Muslims were exempted from the population exchange because they were of Albanian origin. Therefore, the extant Moufti offices remained open for these communities. Five Moufti offices were reportedly operational in Epirus, according

94 Mahmud Tzellaledin Efendi was of Arab origin and from Algiers. He was a French national and an old friend and secretary of the first Moufti of the Circassians. He was sued by Muan Zade Mustafa Namouk, Moufti of Thessaloniki for pretence of religious authority, report by the Moufti to the Penal Court of Thessaloniki, 19 September 1943, Report by Circassians of Thessaloniki, 20 January 1944, Letter of the Memis Hoca Ibrahim to the Governor General of Macedonia, 2 June 1944 asking for protection, letter of Mahmud Tzellaledin to the Director of Religious Affairs, General Directorate of Macedonia, 28 January 1944, Letter of Bishop of Thessaloniki Gennadios of 2 June 1944, recommending to the Greek authorities Memis Ibrahim for his integrity (all in MSA, F. 93.c).

95 Maan Zade Nedim, Moufti of the Circassians of Thessaloniki, sent a letter to the Director of Religious Affairs of Northern Greece, asking for a copy of his appointment act, 14 August 1948, MSA, F. 93.c.

96 According to General Directorate on Aliens (Report on Muslims living in Greece, AP 421/2/20/4, July 1952, MSA F.95.b, there was one mosque operational in Thessaloniki as late as in 1952.

97 Greek state, Ministry of Interior, 2d general Directorate, Directorate on Aliens, Document to the Bureau of the Prime Minister, Athens 8.5.1942, ABOPM, F.1, doc. 130.

98 According to the population census of 1940, there were 294 Muslims in Florina, Ministry of Economy, General Directorate on Statistics, document to the Governorate General of Macedonia, Directorate of cults and minority schools. 28 July 1943, F.111.b, MSA. According to General Directorate on Aliens (Report on Muslims living in Greece, AP 421/2/20/4, July 1952, MSA F.95,b, there was one mosque operational in Florina as late as in 1952.
to the Inspector for Minorities, in Igoumenitsa, Filiates, Ioannina, Margariti, and Paramythia. Information about the internal structures and functioning of these Moufti Offices is not available except in cases

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99 K. Stylianopoulos, 1930b: 13. The Moufti of Ioannina was of first class, the Moufti of Margariti of third class and the rest of second class. The Inspector proposed that the Moufti of Filiates should be upgraded as of first class and the Moufti of Margariti as of second class, as he was the only in Greece to be of third class. See decision of the Sacred Court of Paramythia Na 153/1930, 563/1932, 847/1932, 619/1932, 9/1933, 916/1934 and 65/1934 (L. Baltsiotis personal archive).

100 Mehmet Selo is referred to as the acting Moufti of Igoumenitsa in 1924, Memorandum on the report of the Delegation of the Mixed Committee, League of Nations, Official Journal, February 1925, Annex 717a, doc. C.399.1924.VII. A common Moufti in both Paramythia-Igoumenitsa is reported by the Greek Army in Military Staff Committee, Report to the MFA, 21 February 1939 cited in V. Kondis 1997: 322.

101 Albanian government Doc. 257 (10 January 1926), quoted by K. Naska, 1999: 482. The Moufti of Filiates, Zekarya, played a key role in the ethnicization of the community which entailed a gradual shift from a pro-Turkish to an Albanian nationalistic position, HAMFA, A 1935 A/21/I, 19 December 1933, Report, Eparhos Thiamidos. Mehmet Zekarya, is described as 'pro-Turkish' in 1935, HAMFA 1935, A/21/I, quoted by Kondis, 1997, vol. IV: 209. According to the Albanian delegation to the League of Nations, "the Moufti of Filiates has been brought before the court but he was immediately set free on promising to declare himself in favour of the [population] exchange", League of Nations, Official Journal, February 1925, Annex 717a, doc. C.399.1924.VII: 240. Again, in 1939, the Greek authorities report that Zekerya was engaged in pro-Albanian and pro-Italian propaganda, 'exerting influence to Muslims of fluid political consciousness', Royal Jandarmerie, Ioannina 6 September 1939, AP14/91/75 to the General Governor of Epirus, HAMFA, 1939, A/4/9, b. However, a few years prior, the very same Moufti had been strongly supported by the Greek authorities: According to recommendation proposed by the Inspector for Minorities, the MFA bought the Mouftis's real estate using its secret funds, Inspector to the MFA, Athens, 27 October 1932, HAMFA F. 1935 A/4/9/2. Moreover, in 1932, the local authorities of Epirus reported that the Moufti of Filiates was collaborating with the Greek authorities and he was not assisting in Albanian propaganda, Eparhos Thyamidos to General Governor of Epirus, Filiates 20 September 1932, HAMFA, F. 1935 A/4/9/2.

102 The Moufti of Ioannina tried in vain to mediate in favour of the persecuted Chams by addressing the Red Cross, HAMFA 1943-44/2/3, [incomplete] document of 27 July 1944. Decision of the First Instance Court of Ioannina (Protodikeion Ioanninon) 514/1935 (not published).

103 The Moufti Adem Hadji, was reported to have been compelled due to maltreatment to emigrate to Turkey, Memorandum on the Report of the Delegation of the Mixed Committee, League of Nations, Official Journal, February 1925, Annex 717a, Appendix 5, doc. C.399.1924.VII. In 1941, the Moufti of Margariti Mohamed Kasim Rusi allegedly was collaborating with the Italian occupation forces in activities committed against the Greeks of the region, V. Krapsitis, 1992: 103.

104 Governorate General of Epirus, Report to the MFA, 8.3.1928 cited in V. Kondis vol. III, 1997: 347. According to a report of MFA, Riza Kali Abedin was the Moufti of Paramythia during the German Occupation claiming the annexation of Thesprotia (Çamera) to Albania, AFD, F.73.3/doc. 106: 11. In late 1938, the Moufti of Paramythia Hasan Abdulah Bolan was dismissed because he committed a crime. However the Greek authorities proposed that he should be reappointed as he had 'tremendously helped Greece', and so for sake of 'national interests' he came back to office in June 1939, despite the prohibition set by the law on the Mouftis, MFA to Prefect of Thesprotia, AP13713/A/4/9, 7.6.1939, HAMFA, 1939, A/4/9b.
where the Mouftis' decisions were ratified by the First Instance Court or properly taxed.  

Another Moufti office is referred to in Konitsa and Preveza in 1924, but it seems that it was down before 1930. In one very rare appearance in a legal document, there was a regulation on the salary of the Moufti of Ioannina (by Act 372/1936) at the rate of 3,000 drachmas, as he was of first rank among the Epirus Mouftis, although in 1930 the Muslims of Epirus were concentrated in Chamouria. In Paramythia, there were 40 functioning mosques with 53 servants in Filiates, as well as a medrese (in bad condition), 33 mosques with 39 servants. Another 11 mosques had already been shut down by that time.

After the forced exodus of the Chams in 1945, the only Moufti Office which remained operational in Epirus was that of Ioannina, but it seems that there was no mosque or even an ad hoc office, a state of affairs which may have been the case since the 1930s. In this context, the house of the Moufti served as a mescit for the religious ceremonies and operational needs of the remaining small Muslim community of Ioannina. When the highly respected Moufti Mustafa Fuat Kaber passed away and was buried at public expense in 1949, Imam Abdul Satar Efendi from Thrace continued to cater to the tiny Muslim communities of the region acting as Moufti until his death in 1973.

In Thrace, the Moufti offices of Komotini, Xanthi, and Alexandroupolis were legally recognized as they functioned under Ottoman/Bulgarian/Allied administration. Nevertheless, after Thrace's annexation, the
organization of its Moufti offices was quickly transformed: by the PD of 1 June 1927 (FEK A 111), a new Moufti office was established in Didymoteiho which absorbed the Moufti Office of Alexandroupolis. The latter continued to operate as an annex office of the Moufti Office of Didymoteiho, along with an office established in Soufli. This remained the only Moufti office in the department of Evros, perhaps in light of a suggestion of the Inspector for Minorities to the Prime Minister in the early 1930s that:

It would be a superfluous luxury to have more than one Moufti office in the department of Evros where there are 12,494 Muslims in relation to the department of Rodopi (comprising what are today the Rodopi and Xanthi departments) inhabited by 90,000 Muslims and where there are two Moufti offices.

In early 1928, Moufti offices all over Greece officially numbered ten. According to the PD of 2 January 1928 (FEK A 5), there were Moufti offices in Ioannina, Komotini, Paramythia, Alexandroupolis (in effect as annex of the Moufti office in Didymoteiho), Xanthi, Didymoteiho, Thessaloniki (for the Circassians), Langadas (perhaps an annex to the Moufti office in Thessaloniki), Margariti, and Soufli (an annex of the Moufti office in Didymoteiho). By the PD of 19 March 1928 (FEK A 50), two more Moufti offices were officially recognised – those of Igoumenitsa and Filiates. Both were already operational in Epirus and served the Muslim Chams. The Moufti office of Konitsa does not appear on the list. Perhaps it had been closed down or merged into the Moufti Office of Ioannina. By the PD of 8 June 1931 (FEK 162 A), the Moufti of Margariti (in Epirus) was consigned to 'second class' status, just as the Inspector for Minorities had proposed to the Prime Minister.

Since then, no State's legal act has dealt with the Moufti offices which gradually closed due to the shrinking of Muslim communities, with the exception of an RD regarding the Mouftis of Thrace (infra, next section). Moreover, there is no legal act on the abrogation of the Moufti offices of

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113 The Moufti of Didymoteiho appointed representatives of his office to both Alexandroupolis and Soufli, first intended to have full jurisdictions, but after reactions by the local Muslim communities they were acting only as annexed offices of the Moufti office of Didymoteiho, K. Stylianopoulos, 1931: 8.
114 K. Stylianopoulos, 1930c: 16.
115 See K. Naska, 1999: 280 and 482 where there are references to both Moufti offices in 1924 and 1926.
Epirus. On some rare occasions, there is indirect evidence of their existence until the 1950's.\textsuperscript{16}

The internal ranking of Thrace's Mouftis was set by RD of 9 December 1952 (FEK A 5/1953) ‘on staff positions in the Moufti office in Thrace', according to which the Moufti of Komotini was granted the eighth rank of public servant and the Mouftis of Xanthi and Didymoteiho ninth rank. This meant the superior position of the Moufti of Komotini vis-à-vis the other two Mouftis of Thrace was maintained (it had initially been provided for by the already mentioned Decrees of 1923 and 1928).

What is today divided into Greece's Western and Turkey's Eastern Thrace was under Greek military administration from 15 July 1920 until 7 November 1922. Greece took over from the brief post-World War I French and British coalition administration of 1919–1920. During the period of Greek Governorate in Thrace, special rights were granted to the Muslim communities on the example of the legal status that Muslims enjoyed all over Greece. The 24 already-existing Mouftis across Thrace were recognised and paid a salary by the Greek government. Adjudication in cases of family and inheritance law was respected for the Mouftis and their decisions had legal effect for the Greek legal order.\textsuperscript{17}

After the failure of the Greek military expedition and the consolidation of Mustafa Kemal Pasha's power in Turkey, Greek administration withdrew from Eastern Thrace and Western Thrace became Greek territory according to the Treaty of Lausanne (1923). The upshot is that legally-recognized Mouftis exercise jurisdiction to this day in Komotini and Xanthi, and there is a deputy Moufti in Didymoteiho.

The appointment and role played by those who have served since 1923 to the present as Mouftis in the three Moufti Offices of Thrace (\textit{infra}, Appendix 4.) have been affected by political antagonisms within the minority elite as well as the Greek and Turkish attempts to control the minority leadership. Foreign military occupation, political instability, charismatic and non-charismatic individuals, as well as expressions of contempt by the local Muslim communities were factors, among others, which determined the appointment or removal of certain persons in

\textsuperscript{16} The First Instance Court of Thesprotia in a case dealing with the custody of a Muslim minor, referred to the ‘Moufti of the region', decision 64/1959, Armenopoulos 1960: 75. By letter of 1 June 1951 sent to the Moufti office of Komotini, the First Instance Court of Ioannina asked for a Koran in view to use it for a witness to take oath. The latter refers to the Moufti office in Ioannina (archive of the Moufti office in Komotini).

\textsuperscript{17} See First Instance Court of Adrianoupolis 69/1922, First Instance Court of Raidestos 12/1921. Court of Appeal of Thrace 57/1919, 55/1920 and 56/1923.
office. For example, inter-communal tensions in 1985 and 1991 and the
election of parallel non-official Mouftis in Komotini and Xanthi, rendered
the law powerless before nationalistic politics. The succession of the
Mouftis who served in Komotini, Xanthi, and Didymoteiho is presented in
detail in Appendix 4.

Meanwhile, in the Dodocanese islands, the religious leadership of the
Muslim community as established in 1912 was maintained by the Italian
administration. A Kadi served as judge for family and inheritance matters
and a Moufti as his legal adviser.\footnote{118} It seems that the Moufti assumed
the Kadi’s jurisdiction in mid 1920s. According to the local Decree 53/1930, the
Moufti was elected by the Muslim community: in effect, the latter
indicated three persons of whom one was appointed by the administra­
tion. ‘Selam’, a weekly newspaper edited by the Muslims of Rodos refers to
Hafiz Ibrahim Etem as Moufti and reveals that he was a figure who called
upon the Muslim community to refrain from migrating to Turkey. In 1936,
the Italian administration renewed his term in office without consulting
the Muslim community.\footnote{119}

In 1947, when Greece annexed the Dodecanese, the Moufti of Rodos
remained in office as religious leader. He continued to represent the old-
fashioned conservative Muslims, whereas the Turkish Consulate of Rodos
sought to impart to the majority of Muslims of the Dodecanese a pro-
Turkish national ideology. A clash between the Moufti and the Consulate
unfolded and the latter demanded that a new Moufti be appointed accord­
ing to the law.\footnote{120} The Greek government did not respond and expressed its
support for the Moufti. As the vakf property increasingly proved unable to
yield enough income to support the salary of the Moufti,\footnote{121} the Greek gov­
ernment granted financial support to the Moufti in order to guarantee his
pro-Greek message to the Muslims of Rodos.

In Kos, Sabri Mustafa Beyzade was the Moufti during the Italian admin­
istration. He retained the office unofficially until his death in 1962.
The Moufti Office of Kos was not renewed. A proposal to officially estab­
lish a Moufti Office for Kos was rejected by the Greek authorities on the

\footnote{118} G. Vergotis, 1997: 103.

\footnote{119} By Decree 97/2.4.1936, Th. Chrysanthopoulos, 1983: 37.

\footnote{120} The Turkish counsellor deliberately did not attend the religious ceremonies and
threatened the Muslims who had good relations with the Moufti that they would not been
granted any visa for travelling to Turkey, Th. Chrysanthopoulos, 1983: 37. *Supra*, p. 353, note
107.

\footnote{121} The Greek government granted an *ad hoc* allowance of 2,000,000 drachmas to the
grounds that a second religious authority in the Dodecanese ‘would harm the position of the Moufti of Rodos who shows national loyalty and is under attack from the Turkish press [from Turkey].’ It seems that until the early 1960s, the Moufti of Rodos was politically recognized as an authority for the local Muslims while the Moufti of Kos was completely neglected by the Greek authorities. Both issued fetva on personal issues upon request, with no legal effects.

Hafiz Ibrahim Ethem Efendi remained the Moufti of Rodos until 2 September of 1961 when he died. Süleyman Kaslioglu, the sheikh of the Kadiri tekke of Murad Rais succeeded him until his death in 19 July 1974. His deputy (topotiritis), Ihsan Kayserli, undertook his duties until 1992. The official status of the Moufti of Rodos has been under question for the Greek State especially since 1984. In 1990, Ismail Çakır Salımoğlu was sent by the Moufti of Komotini as an imam to cover the religious needs of the local Muslims seeking to render the Moufti office of Rodos operational. The issue became quite complicated, since the Greek State did not appoint any Moufti officially, although the Prime Minister, the President of the Republic, the Greek Orthodox Church, and the Ecumenical Patriarch occasionally recognized him for ceremonial purposes. At the same time, the Ministry of Education and Cults denied him any official recognition as Moufti since ‘the number of the Moufti Office all over Greece is determined by the PD of 1928 which does not mention an office at Rodos’. Despite what may have been unofficial promises to regulate the status of the acting Moufti, the latter continues to receive a meagre salary from the Organization of the Vakf of Rodos (about 450 euros) with no health insurance. Recently, a legal dispute between the Organization, the IKA (state insurance organization), and the Moufti ended up in the high administrative court, which declared that Çakır Salımoğlu was hired as ‘hoca’ by the Vakf Organization and not appointed as Moufti. Consequently, he did not fall within the special law on religious ministers’ insurance and did not have the right to insurance (StE, 3516/2008). The StE remanded the case back to the Administrative Court of Appeals of Piraeus, which had adjudicated that there was a right to insurance (1973/2005). The unfortunate

122 Report by A. Papaevgeniou on the Muslim pupils of the schools of the Dodecanese, 1.6.1955, F. 92.c, MSA.
123 J.R. Barnes, 2005: 405.
124 Ministry of National Education and Cults, Directorate of non-Christians, Letter of 29.11.1995, A3/137. However, as in 1928, Rodos was under Italian administration no Moufti could be appointed by the Greek government.
125 Min. Dec. F.21/21/NI127/9.1.1985 (vice minister of social security), Act 1469, article 44.2 (StE...
decision of the ST&E ignored the fact that there is no officially recognized Moufti of Rodos empowered to appoint an imam. It also ignored the fact that there is an operational mosque for a Muslim community and an active imam/hoca hired by a legal body. When, for the first time, an international investigation mission examined the status of the Muslims of the Dodecanese islands, it noticed the problem and referred to ‘the unclear Muslim religious leadership on the islands’.126

16.3. RULING PERSONAL STATUS

Minority Muslims in Thrace enjoy a sui generis judicial system stemming from the Ottoman legacy and the minority protection status which regulated the jurisdiction of the Mouftis in Greece before the population exchange. Thus, the Mouftis of Komotini, Xanthi and Didymoteicho examine private disputes of inheritance or family matters regarding Muslim Greek citizens. Today, in practice, alien Muslims also appeal to this jurisdiction in cases of mixed marriages with Muslims of Greek citizenship. Adjudication by the Moufti applying the sharia is a unique case in the European legal order, which raises a series of legal questions that will be discussed in the following section.

16.3.1. The Moufti as Judge: A Case of Legal Pluralism?

16.3.1.1. The First Period (1830–1945)

The Mouftis have competence to adjudicate personal matters, especially dealing with family and inheritance questions. As noted earlier, in the annexed territories (by 1881 and 1913), the Greek authorities had replaced Ottoman judges with local Mouftis who could pass judgment regarding the personal status of the Muslim population. It is worth noting that this innovation regarding the Mouftis’ direct jurisdiction was introduced only in 1913. The preservation of sharia courts under a Christian state was also a phenomenon in Bosnia, since Bosnia passed in 1859 to the control of the Hapsburgs and in Bulgaria since 1878 and after 1909. The Mouftis also in Bulgaria were attributed jurisdiction over the sharia court of appeals,

using a codification of the Koranic law as well as certain optional competences.127 These features were missing from the Greek sharia courts, which cannot be compared to their Balkan counterparts at the beginning of the 20th century. It seems that before the Convention of Constantinople, the personal status of Greece's Muslims (mostly concentrated in Halkida, infra) was regulated in coordination with Ottoman authorities. In 1853, for example, a Muslim family asked the Ottoman Embassy to appoint a minor's custodian. This was done via an act issued by the Embassy in accordance with the relevant Greek regulations or the tolerance of the Greek administration.128

The jurisdiction of the Moufti was recognised by the Treaty of 1881 for 'pure religious affairs', though the Greek Act of 1882 (Article 4) granted jurisdiction of advisory character on religious, family, or inheritance matters. In effect, the Greek courts took into consideration the Mouftis' legal opinions, which were adjudicated in accordance with Islamic law.129 Thus, the Greek courts applied the Islamic law and not directly the Moufti's opinion.

The Moufti's jurisdiction with binding legal effects was clearly recognized by the Greek law 1913. The Convention of Athens (1913) fully established the protection of the personal status of the Muslims (See article 11 of the Convention, infra, Appendix 1.). Article 11 of the Act 4134 (ΔΑΔΔ') of 1913 (FEK A 41) on 'the Administration of the Military Occupied Territories' implementing the Convention provided for the religious courts of the religious communities (Muslims and Jews). This recognition of the adjudication authority of the Moufti was criticised by the opposition in the Greek Parliament as an unwarranted political concession to Turkey.130

The application of Islamic law was guaranteed by article 4 of Act 147/1914,131 which regulated the legal regime of Islamic law in the

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127 The Sarajevo sharia High Court was until 1913 mixed, comprising two Kadis and two civil law judges. After 1913, only sharia judges applied norms from the hanefi school of jurisprudence which had been codified by the Ottoman state in a code called the Mecelle, see F. Karcic, 1999: 133–134. In Bulgaria, the Grand Moufti of Sofia was the chief inspector of all local Mouftis who were adjudicating on family and inheritance matters until 1909 (Ö.Turan, 1998: 168). After 1909, they supervised the courts of appeal and the High Court of Appeal, which had been set up (B. Şimşir, 1988: 58). On the sharia courts of Yugoslavia during the mid-war period, see A. Popovic, 1986: 302 and 318.


131 Kodix Themidos 1914: 41. This provision was kept in force by article 6 of the Introductory Act to the Civil Code. Ch. Franzistas, 1963.
annexed territories by Greece after the Balkan Wars. According to the Minister of Justice,

As an exception [to the rule of the Greek civil law] we should accept the law on marriage and divorce of Jews and Muslims. These relations, according to all oriental people, who are close linked to their own holy law, have to remain governed under their own legal system. As for the Muslims we have to take into account special clauses concluded with Turkey.\textsuperscript{132}

The special sharia courts chaired by one judge, the Moufti, were organized by Act 2345/1920, which regulated the Mouftis\textsuperscript{133} competence in accordance with the Convention of Athens and article 4 of Act 147/1914. According to Act 3069/1924 (FEK A 71), the Moufti’s decisions were not submitted to appeal, as long as the Arch-Moufti, who was supposed to play the role of a controlling instance, was not appointed.\textsuperscript{134} As already mentioned, apart from Thrace, some Mouftis with jurisdictional authority remained after the population exchange (1923) solely in Thessaloniki (for the Circassians) and Epirus until World War II. In theory, their decisions were subject to jurisdictional control by the Greek First Instance Courts. It seems that such control was not thoroughly observed everywhere with the same standards,\textsuperscript{135} due to the millet-like heightened degree of institutional separation of the Muslim communities from the majority as perceived from both sides, the Muslim minority and the Greek judiciary.

After the population exchange, the jurisdiction of the Moufti was regulated also by article 14 paragraph 1 of the Treaty of Sèvres (1920/1923) concerning the protection of minorities in Greece, which provided that “Greece agrees to take all necessary measures in relation to the Muslims to enable questions of family law and personal status to be regulated in accordance with Muslim usage”. The Treaty of Lausanne (in force from 1923) refers to the matter as follows (article 42 paragraph 1): “The [Greek] government undertakes, as regards [Muslim] minorities in so far as concerns their family law or personal status, measures permitting the

\textsuperscript{132} Explanatory report signed by the Minister of Justice K. Raktivan, \textit{Themis} 1914: 16.

\textsuperscript{133} On the history of the Moufti offices in Thrace see S. Soltaridis, 1997: 104–117. For a rare sample of Moufti decisions (of Paramythia) of the 1930s with direct reference to Act 2345, see Baltsiotis, 2009b, annex.

\textsuperscript{134} For the legal effect of the Moufti decisions before 1924, see N. Eleftheriadis, 1922d: 31–32.

\textsuperscript{135} Regarding the Moufti courts of Epirus, the Inspector for Minorities reported that ‘they were let free and uncontrolled’, ‘they did not even send their decisions to the Courts’, and ‘not even the public prosecutor exerts his authority’, Stylianopoulos, 1930b: 13.
settlement of these questions in accordance with the customs of those minorities”.

Although Act 4134 (ΔΠΑΔ’) of 1913 provided for Mouftis’ jurisdiction as soon the Greek administration was established in the New Lands, there was an attempt to re-establish the old system comprised of both Kadi and Moufti legally.136 According to a draft law, a judge (Ierodikis or Kadis) would have the right to adjudicate, and the Moufti would be qualified as legal advisor, reiterating the provisions of Act 434 of the Cretan State for the Muslim communities. This draft act137 of 1930 was never passed by the Parliament, and the Moufti remained the sole Muslim jurisdictional instance.138 Hence, in line with pre-established internal law, article 42 of the Treaty of Lausanne constitutes up to the present the legal basis for the application of Islamic law in personal matters in Greek Thrace, although it merely provides for a special ‘regulation of family or personal status’ with no direct reference to the Moufti’s jurisdiction.

According to article 42 paragraph 2, the Greek government and the minority have the right to put any relevant dispute under international arbitration. However, this possibility was never used nor has there ever been a substantial discussion regarding its provisions and already-established institutions continued to apply. In Turkey at the beginning of the modern period of minority protection, the representatives of the minorities found themselves under political duress to sign a declaration regarding non-use of article 42 of the Treaty of Lausanne. Thus, the Turkish Civil Code was applicable to all Turkish citizens with no distinction of religion, denying any claim to parallel religious jurisdictions.139 The Greek government did not attempt to impose a similar measure, although the Turkish government would not oppose.

On the contrary, the maintenance of the Islamic character of the minority society was a more ‘friendly’ way of hampering ideological and political interference on the part of the Turkish authorities. During the Greek-Turkish meeting of 1931, after the launching by Atatürk and Venizelos of a period of friendship between the two rival countries, the Turkish government opened the question of eventual abolition of the sharia courts in Thrace, perhaps after recourse to a local referendum. Venizelos himself

136 The Inspector for Minorities reported in 1929, ‘The jurisdiction had been definitively attributed to the Mouftis’, K. Stylianopoulos, 1929: 1.
answered that these courts were protected by international treaties and Greece could not alter their status by domestic law. Furthermore, he added, the government should take into consideration the reactions of the four Muslim deputies and a considerable part of Thrace's population.\footnote{140} Later, in 1959, Turkey again attempted to enhance its position regarding abolition of the jurisdiction of the Moufti in the framework of the negotiations which resulted in 'The report of two'. The Turkish representative proposed a reform of the \textit{sharia} courts:

\begin{quote}
Que pour une réforme soit complète et effective elle doit embrasser tous les aspects de la vie d'une société. Elle doit par conséquent s'étendre aussi au droit civil et en particulier au statut personnel. Le droit religieux musulman est d'ailleurs en régression partout dans le monde musulman […]. C'est pourquoi il convient d'examiner les moyens de supprimer le chériat et de la remplacer par la loi civile.\footnote{141}
\end{quote}

If Turkey attempted to bring modernity to Thrace and with it national influence, the Greek authorities, taking advantage and fuelling the division of the minority between progressives and Islamists, remained reluctant to take a decision on any eventual reform of \textit{sharia} courts. Quite interestingly, in the course of the aforementioned negotiations of 1959, the Greek delegates expressed the conviction that “the minority is satisfied by the \textit{status quo} and they could not see by which legal rules the personal status of the Muslims would be replaced in case of abolition of the shariat”\footnote{142}. As such, at least up to that date, the Greek authorities appeared to continue to consider a proposal by the Turkish delegation to establish for Thracian Muslims a choice between the Greek civil code and Koranic rules.

\subsection*{16.3.1.2. After the War (1945–)}

Before continuing with the applicability of \textit{sharia} law in Thrace, it is worth referring to the state of affairs in the Dodecanese islands, annexed by Greece after the War. In the Dodecanese during the Italian administration, the Moufti exerted jurisdiction in family matters until 1938. By Governmental Decree 324 of 15 November 1938, the Italian Governorate abolished the Orthodox, Jewish, and Muslim courts in Kos and Rodos and submitted personal status disputes to civil courts which applied though

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\begin{itemize}
  \item \footnote{140}{Talks of the Prime Ministers during the meetings of 5 and 6 October 1931, \textit{AEV}, F. 173/61: 7. See If. Anastasiadou, 1982: 81.}
  \item \footnote{141}{Z. Kuneralp, 1997: 18–19.}
  \item \footnote{142}{Z. Kuneralp, 1997: 19.}
\end{itemize}
the relevant religious law by the chairman of the First Instance Court two assessors (*paredroi*).\(^{143}\) It is not known to what extent this measure was applied, but by decree 170/1942, the Italian civil code was applicable to all citizens regardless of religion. Nonetheless, the Italian courts had to adjudicate relevant cases by applying the religious law of the communities. During the British administration of the Dodecanese, the Moufti had the right to render non-legally binding opinions (*fetva*) on family and inheritance matters. Following the annexation of the Dodecanese by the Greek State in 1947, the Moufti of Rodos remained a religious leader with no jurisdiction. Since then, Islamic law has been applicable only in cases of family and inheritance matters related to facts which occurred before 1947.\(^{144}\) According to mainstream legal theory and jurisprudence,\(^{145}\) Act 510 of 1947, which introduced the Greek civil law into the Dodecanese, did not extend the application of the special legal regime governing the personal status of the Muslims inhabitants of the rest of Greece. This opinion attempted to shrink the field of the legal application of the special minority regime though it did so without making convincing legal arguments. Nevertheless, according to international law broadly speaking, international obligations are extended to any new territorial acquisition by a state. Therefore, the extension of the personal status for the Muslims of the Dodecanese should be in conformity with the legal framework of 1914, which sets forth the conventional obligations of Greece. Thus, under an alternative reading of Greek law, articles 4 of Act 147/1914 and 10 of Act 2345/1920, which remained in force due to article 6 of the Introductory Act to the Civil Code, should be extended to the Dodecanese so long as there is no contrary provision (*supra*, Section, 5.2.1.).\(^{146}\)

By the adoption of the new Civil Code after the War, the jurisdiction of the Mouftis was maintained. The legal content of Act 2345/1920\(^{147}\) did not

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\(^{142}\) P. Theodoropoulos, 1964: 249 and Introductory Report to ND 600/1948, FEK A 95.

\(^{143}\) First Instance Court of Rodos, 385/2005.


\(^{146}\) Act 2345/1920, article 10, which had been amended partly by article 8 paragraph 1 of the Introductory Act to the Code of Civil Procedure, reiterated the article 11 paragraph 9 of
change even when Act 1920/1991 was adopted. The new act kept the legal content of the previous regime regarding the applicable law and procedure. In any case, it provides expressly for the 'jurisdiction of the Mouftis of Thrace'.

Each of the three Mouftis of Thrace has the right to act as a judge, hence applying Islamic law in the administrative area of their jurisdiction on Muslims of Greek citizenship. In practice, until early 2000s, the religious courts widened their jurisdiction to litigants who were or became Christians, non-Greek citizens, and residents beyond Thrace or Greece.

To acquire legal effect and thus be executable, the Moufti's decision has to be ratified by the civil court. In one of the first cases, in 1914, when the execution of the Moufti's decision was of concern to the Greek authorities, the Governor General of Macedonia attempted to interpret the relevant legal framework. He clarified that the jurisdiction of the Mouftis excludes all penal matters and any decision of declaratory character, such as marriage, divorce, or minor emancipation. The Governor sought to illustrate that, in cases of alimony and property pretension, there was a real need for the President of the First Instance Court to apply mutatis mutandis the rules of the Civil Procedure Code (then Article 858) on the execution of foreign courts decisions. On inheritance cases too, the Moufti's arbitration decision would need an enforcement judgment in order to acquire legal effect. Hence, in accordance with Act 2345/1920 (article 10, paragraph 3) and 1920/1991 (article 3, paragraph 3) the decisions of the Moufti were executable after being ratified by the First Instance Court. As the legal character of the ratifying decision only has a recognition effect, the legal effects of the Moufti's decision were deemed to be retroactive.

Today, the law in force envisages the applicability of Islamic law from a static point of view, which does not correspond to social mobility, or phenomena like change of religion and/or place of residence, or mixed marriages. In a remarkable decision on a divorce case, the First Instance
Court of Xanthi insisted that, because the wife resided in Hrysoupoli (Kavala department), a few kilometres beyond the regional boundaries of Thrace, the Moufti had no jurisdiction and therefore no competence to adjudicate. This was striking, since the Muslim population of Hrysoupoli traditionally originated from Xanthi and had always been deemed to fall under the jurisdiction of the Moufti Office of Xanthi. The cases illustrate how Greek law narrowly defines the jurisdiction of the Moufti, overlooking important aspects of the cases, such as who would receive custody of the couple’s six-year-old daughter whom the Moufti had given to the father. The Court of Xanthi did not even mention the possibility that the case might raise questions of anti-constitutionality. In two other cases, the civil court refused to ratify the Moufti’s decision, because the former spouses had moved out of their original place of residence, thus refusing them the right to divorce. The Moufti of Komotini reacted and called on the President of the Court of Appeals of Thrace to find a solution to the Court of Xanthi’s interventions. In other cases too, the civil courts interpret the borders of the Moufti’s jurisdiction in a narrow way. For example, since 2008, and contrary to Opinion 112/2009 by the Legal Council of the State, the local Registrar’s Offices in Thrace denies the Moufti’s capacity to issue a divorce between a Greek and a Muslim non-Greek citizen; many other courts likewise refuse to ratify such divorces.

All of this goes to show that the most important matter to consider is the way the Islamic legal system functions in parallel to the application of the civil code by the Greek courts. Islamic jurisdiction must be voluntary rather than mandatory, such that the judicial competence of the Moufti is preferential and supplementary. Consequently, the Muslims should be

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150 First Instance Court of Xanthi, decision 203/2007 and relevant decision of the Moufti of Xanthi 40/2004.
151 First Instance Court of Rodopi 72/2008 and 376/2007. See also 49/2010.
154 Through its decision 7/2000, the Moufti of Komotini issued a divorce to a woman of Greek citizenship and an immigrant Muslim (from Iran). The First Instance Court of Rodopi approved the decision. Since 2008 the First Instance Courts of Xanthi and Rodopi often overturn the Moufti’s decisions as of being beyond his jurisdiction. However, in a case the supervising court overturned the First Instance Court’s decision (Polymeles Protodikeio Rodopis 18/2008). The situation often amounts to denial of justice, as illustrated by the appeal of the Moufti of Komotini to the Chair of Court of Appeals of Thrace, Mufti Office of Komotini, Report of 18 August 2010. The First Instance Court of Xanthi also overturned a Moufti’s decision as outside his jurisdiction in a case regarding a marriage between a Christian and a Muslim, both Greek citizens, Z. Papasiopi-Pasia, 2001: 402.
free to choose between the civil courts and the *sharia* court.\textsuperscript{155} However, until recently, most of the Greek courts denied the right of Muslims to bring their cases before the civil courts,\textsuperscript{156} as they did not want to be seen as infringing on the minority's rights and autonomy. The High Court expressed this strong and inflexible stance, when it acknowledged that Islamic law "could not contradict the Greek constitution nor the ECHR, as it constitutes a 'special law' according to the Greek law, which stems from international conventional obligations".\textsuperscript{157} On the contrary, in one exceptional case, the First Instance Court of Rodopi (9/2008), ruled that the civil courts have jurisdiction to adjudicate matters related to inheritance disputes in the case that the application of the *sharia* law would contradict basic human rights as safeguarded by the ECHR and the Greek Constitution, namely gender considerations in the division of inheritances.\textsuperscript{158} However, the overwhelming majority of the Greek courts accepts that the Moufti has exclusive jurisdiction over Thrace. The segregation of 'Greek' and 'Muslim' law could engender divisions, as it amounts to a delimitation between 'citizens' and members of a *millet*. In practice, there are attempts to resolve this division. For example, in one case, when the Court denied jurisdiction and remitted the case to the Moufti, the latter adopted a loose interpretation of *sharia* law in order to deliver a ruling in accord with the civil code.\textsuperscript{159} This does not change the fact, however, that the obligation of Muslim litigants to submit a case to the Moufti\textsuperscript{160} amounts


\textsuperscript{157} AP, 1097/2007 which upheld the reasoning of the decision 439/2005 of the Court of Appeals of Thrace.

\textsuperscript{158} See comments by St. Kofinis, 2011: 139.

\textsuperscript{159} The case concerns a case of custody of a minor, in which the Moufti did not take into consideration the *sharia* rules on the age of the child and ordered the mother to undertake the custody instead of the father. Moufti of Komotini, Decision 21/2002.

\textsuperscript{160} The obligatory character of the Islamic Courts for the Muslim Greek citizens was considered by legal scholars before the integration of Greece law with the European human rights standards. N. Elefteriadis, 1912–13: 335. Furthermore, K. Beis (2001: 1097–2001) argues that only in cases that a human rights violation could be asserted, the Civil Court could exceptionally adjudicate a case. Under this perspective, the Moufti's jurisdiction is of exclusive character.
to a discriminative division between Greek citizens on religious grounds, contradicting the Constitution, the ECHR, and other relevant international instruments. The issue at stake is whether legal pluralism, namely the option to choose or be forced to apply to different legal systems according to religious affiliation, complies with or enriches fundamental human rights standards. Far from this approach, the former president of the High Court expressed the view that the Moufti could not be a judge, because he is not qualified, thus contradicting the Constitution (article 20.1, 26.3 and 87) as well as article 6 paragraph 1 of the ECHR. The president went on to suggest that ‘the Moufti’s acts and decisions should be considered invalid’. This point of view ignores social and legal realities and implies monolithic ideas (in the reverse way that the Greek courts imposed the Moufti’s jurisdiction as mandatory) that could not be accepted by the recipients of any kind of reform, as they would feel that their communal order is under institutional threat. After all, it is the Greek authorities who institutionalized this special legal system.

For, the imposition of a legal regime without the consensus of the population in question would entail ‘republican fundamentalism’ which could ignite hysteria surrounding the sharia debate, rendering women and children even more vulnerable within a parallel invisible legal order. A better solution would be to seek to ensure equality from within the Muslim community and not by imposing it from above. An alternative and more ‘culturally-responsive’ legal mechanism should be developed as part and parcel of the democratic paradigm. Such a mechanism, in turn, could propel change from within the minority group and further the cause of human rights. As has been argued in the comparable debate in Canada on Islamic law (infra, Section 16.3.3.), unlike the ‘strict separation model’, a “regulated interaction between religious and secular sources of law as long as the base line of citizenship guaranteed rights remains firmly in place”.

16.3.2. The Applicable Law and Issues of Compatibility

The legal foundations of Islamic law (sharia) are the Koran and the tradition related to the Prophet’s saying and deeds (hadith). The application of these legal sources has varied throughout history and has been based on

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1. S. Matthias, 2007. These views influenced the Court of Halkida that said that the Moufti could not be the ‘natural judge of the Muslims’ (in terms of article 87 Constitution), First Instance Court of Halkida 3136/2007.
different theological approaches and practices in different social and political contexts. Consider that, with Islam's rapid diffusion since the 8th century across an enormous geography, several legal schools (Hana[efi], Maliki, Hanbali and Shaaafi as far as Sunni Islam is concerned and Imami, Zaidi and Ismaili as far as Shia Islam is concerned) emerged to interpret and implement the holy law. Like the Ottomans, Greece's Sunni Muslims were mainly adherents of the Hanefi School of Law.164

*Sharia* distinguishes between immutable or unchangeable qualities in human beings on whom its provisions can be applied at all times; such measures are obligatory. At the same time, it recognizes qualities which are subject to the change of time and circumstances; these may be subject to *ijtihad*, namely the critical hermeneutic endeavour of jurists to analyze and comprehend the written sources of *sharia* with 'justice and equity'.165 Two additional sources of law according to the Sunni schools of jurisprudence are the *ijama* (consensus), and the *kiyas* (analogy).166 The founder of the Hanefi School emphasised the role of reason - the methodological use of an open mind to elaborate a corpus of rules which are not only based on traditions but, more significantly, on the Koran itself; for the Koran, though immutable, must be interpreted in a manner that conforms, as much as possible, to rational reasoning in light of evolving circumstances.167 After a productive and dynamic evolution of application and interpretation, however, the door to critical interpretation was deemed closed by a number of jurisprudential approaches. A similar view of Islamic law as monolithic and immutable prevails in European Orientalist readings of the faith. More recently, however, a vibrant debate has erupted over whether the 'closed door' of *ijtihad* has or should be re-opened.168 According to one progressive view, *ijtihad* is not only permissible practice but a responsibility for Muslims.169

Islam favours interventionism in political and social life, a perception that eased the maintenance by the Muslims of a legal order, and which

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164 For more information of the content of the norms of Hanafi School of Law, see J. Tucker, 1998.

165 "And if you rule between people you must rule with justice" (Koran, sura 4, 58). "O ye who believe! Stand out firmly for God as witness to fair dealing and let not the hatred of others to you make you swerve to wrong and depart from justice. But just: That is next to piety, and fear God is well acquainted with all that ye do" (Koran, sura 5, 8).


167 A. Sadek el Kosheri, 1999: 41.

168 "After carefully digesting what these giants of *sharia* law [of the university of Cairo] wrote, I am fully convinced that the corpus-juris elaborated by the jurists of the past is not a closed book, but an open one which can be brought to life and rejuvenated in order to cope with the requirements of the modern world", A. Sadek el Kosheri, 1999: 43.
determined the internal structures of Muslim communities, not least in Greece. Such community patterns have survived in Greece along with the autonomy of sharia law regarding specific categories of disputes.

Articles 1416 and 1446 of the Greek civil code regulating the relationship between spouses in marriage and divorce are applied regardless of the spouses' religion, unless otherwise foreseen, as in the case of Muslim Greek citizens who want to 'activate' their one religious law. Disputes related to couples who married before the municipal authorities under civil code provisions, however, do not have the right to appeal before the Moufti. For, according to the jurisprudence, the optional use by couples of civil marriage amounts to voluntary alienation from the jurisdiction of the Moufti.

Islamic law as applied by the Mouftis' courts of Thrace is not standardized or codified and is left to the broad interpretation of the judge. An attempt to codify the applicable Islamic law was undertaken by the Moufti of Komotini in the 1970s. This non-binding unofficial codification, which could be used as a basis for standardization of sharia law, has not been widely adopted. As mentioned earlier, the Moufti has competence to adjudicate family law, such as divorce, pensions, tute-lage (child's custody), alimony (nafaka), and the emancipation of

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172 The following is the jurisdictional activity of the Moufti of Komotini for the period 1998–2008: 1998: 87 divorces, 1 case on nafaka, 5 cases on minors' custody. 1999: 99 divorces, 7 cases on nafaka, 10 cases on minors' custody. 2000: 71 divorces, 3 cases on nafaka, 8 cases on minors' custody. 2001: 93 divorces, 4 annulment of marriage, 5 cases on nafaka, 6 on minor's custody. 2002: 95 divorces, 5 case on nafaka, 11 cases on minors' custody. 2003: 77 divorces, 6 cases on nafaka, 1 annulment of marriage, 14 cases on minors' custody. 2004: 86 divorces, 6 case on nafaka, 3 annulment of marriage, 10 cases on minors' custody, 10 cases on minors' custody, 2005: 1 on annulment of marriage, 74 divorces, 9 on minor's custody, 3 cases on nafaka. 2006: 3 on annulment of marriage, 98 divorces, 8 on minor's custody, 2 cases on nafaka. 2007: 100 divorces, 3 cases on nafaka, 1 annulment of marriage, 11 cases on minors' custody, annulment of will: 2, 2008: 86 divorces, 4 case on nafaka, 7 cases on minors' custody. The ad interim Moufti of Didymoteicho issued in 2000 31 divorces, in 2001 43, and in 2002 31, including alimony and custody. The Moufti of Xanthi issued 57 decisions on divorces, 7 on minor custody, and 1 on will in 2003.
173 On the legal prerequisites and the legal effects of divorce of Islamic marriage, see I. H. Dabour, 1990 and A. Dimosthenous-Pashalidou 1996. In Thrace, according to the case law of the sharia courts, the divorced father assumes the duty to pay an average of 160–230 Euros per month per child, see Y. Ktistakis, 2006a: 69.
174 Nafaka is the obligation of the husband to feed his wife and his children during wedlock. It also serves as a sort of alimony during a period of three months after the dissolution of wedlock for the woman and up to the age of 7 and 9 for sons and daughters, respectively. After this age children are under the direct protection of the father. According to the circumstances of the case, nafaka in favour of the divorced wife can be for a longer
The field of the Moufti's jurisdiction is fixed and cannot be extended through interpretation of the law. Therefore, cases related to adoption, children out of wedlock, separation of property of the divorced couple, or communication with children would not be subject to Moufti's jurisdiction. By 2008, a series of court decisions also ruled that children's custody was exempted from the jurisdiction of the Moufti based on a narrow interpretation of the term 'tutelage'. The Moufti of Komotini protested against this practice of the courts of Thrace, which he described as having overturned 'the established legal norms'.

Examples of potential conflict between Greek civil law and Islamic law are present in several aspects of the Muslims' personal status. According to Islamic law, the period of pregnancy could be extended in legal terms up to two years with a view to facilitate the recognition of a child by the father. Other questions, like whether the regulation of the nikah (clause of indemnity due to the wife in case of divorce, or mihir/mahr) or the nafaka by the Islamic law would abolish Muslim women's right to alimony as set by the Greek civil code, are rarely encountered by the Greek courts. In one case, the Greek judge refused to confirm the Moufti's decision on the grounds that the alimony in question was a divorce indemnity for a period of 90 days, and therefore the merits of the case were not connected to the marriage. The Court accordingly upheld that the adjudication of such a case did not fall within the jurisdiction of the Moufti. However, in two years in favour of the wife, First Instance Court of Rodopi, Moufti decisions 1945–54, 1952, AVE 91, F. 53 GAK Rodopis.

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177 See First Instance Court of Xanthi 60/1954, Efimeris ellinikis kai gallikis Nomologias 1957: 560 and Court of Appeals of Thrace 356/1995, 37 Elliniki Dikaiosini 1996: 1368 and relative comment of K. Foundedaki, 1996: 1370. However, there were a few cases of adoption adjudicated by the Sacred Court of Xanthi in the 1960s, see Y. Ktistakis, 2006a: 77.
179 According to the First Instance Court of Halkida (1057/2000), the right to communicate with the child is under the Moufti's exclusive jurisdiction. On the contrary, the Court of Appeals of Thrace (Armenopoulos 7/2001: 692) adjudicated that the same right of communication, although regards Muslims of Thrace, it is not covered by Article 5 paragraph 2 of Act 1920/1991, and therefore it is under the jurisdiction of the Greek civil court.
182 Opinion 1/1990 by the Prosecutor by the First Instance Court of Alexandroupolis.
many more areas the Moufti's jurisdiction remains disputed, such as the nature of parental relations, the property rights of husbands, and the rights of children out of wedlock.\textsuperscript{185}

As far as inheritance litigation is concerned, the Moufti has jurisdiction solely in cases related to Islamic will (intestate succession),\textsuperscript{186} in which the inheritance allocated does not exceed one-third of the overall property the deceased has bequeathed to people other than his/her relatives.\textsuperscript{187} In practice, after 1985, such cases became rare, as heirs have used the Moufti's \textit{fetva} on the inheritance before the notary and the taxation office in order to register and apply for the necessary transactions. However, in one case, the Court of Appeals found an opportunity to remind the community that a Muslim who wished could leave a will before a notary (\textit{dimosia dia-thiki}).\textsuperscript{188} That said, the High Court (AP, 2113/2009) has upheld that the jurisdiction of the Moufti in inheritance matters is obligatory for Muslim litigants, while the Court of Appeals of Thrace (392/2011) ruled in favour of freedom for Muslims to opt for one or the other legal system.

As mentioned before, the Moufti applies \textit{sharia} rules — regarding certain matters of family and inheritance disputes — embodied in the Koran and the \textit{hadith} according to his own reading of the law, and thus the implementation of law differs from court to court. Islamic procedural and substantial law is in many cases rather different and controversial when compared to norms of the Greek civil law,\textsuperscript{189} although ‘a relatively mild version of Islamic law’ is applied.\textsuperscript{190} The most ambiguous issue concerns gender equality as guaranteed by the Greek Constitution and

\textsuperscript{185} According to a decision taken by the Mouftis of Komotini, Xanthi, Didymoteicho, Konotini on the 19 January 1929, the adjudication would be on ‘any marriage dispute', archive of the Moufti Office of Komotini. For recent cases of ‘extended jurisdiction' through the case-law, see Y. Ktistakis, 2006b: 42–46.


\textsuperscript{187} K. Tsitselikis, 1999: 304–309 and Z. Mekos, 1991. For an analysis of the Moufti’s jurisdiction under the previous legal regime see \textit{Themis} 1938: 75 and Ch. Franghistas, 1963, paragraph 27. The real property governed by the will has to be \textit{mulk} (of pure ownership), in order to belong to Moufti’s jurisdiction, AP 322/1960, Nomiko Vima 8/1960: 1121, AP 1041/2000, 48 To Nomiko Vima 2001: 1449. According to AP (555/1950, Nomiko Vima 18/1950: 88) the civil law applies on inheritance disputes over estates which were former public lands (\textit{arazi-i emriye}).

\textsuperscript{188} Three-member Court of Appeals of Thrace, 642/2009.


\textsuperscript{190} A. Tzanuvakis & El. Zarvagianni, 2008: 210.
international human rights law. For instance, according to Islamic law, the male and not the female spouse have differentiated access to divorce. Only the husband can initiate a divorce without the consent of the spouse, and the wife can terminate the marriage only if her husband has done something egregious. In the case of divorce by consent (kuhl), the wife must compensate her husband. Male offspring can obtain twice what a female receives from inheritance. With regard to parental responsibility after the dissolution of marriage, the mother obtains the custody of the children only until a certain age (supra).

In spite of these privileges afforded to male Muslims, the extent to which Islamic Law can be said to restrict and systematically undermine the equality of individual Muslim women varies. First, in most fields, the Moufti’s jurisdiction is not (and should not be) mandatory or exclusive. However, while women have the choice to appeal to the civil court, in practice they face social pressures to appeal before the Moufti. The UN Human Rights Committee commented on this issue, urging Greece “to increase the awareness of Muslim women of their rights and the availability of remedies, and to ensure that they benefit from the provisions of Greek civil law”. Second, the civil courts (should) monitor the constitutionality of Mouftis’ decisions and the margin of divergence between the substantial legal norms of civil law and sharia (as in cases of Islamic alimony [nafaka], children’s custody or inheritance shares of the female heir).

As there are no fixed rules regulating the procedure before the Moufti and no lawyer is required, the procedures follow customary rules according to the habits and the will of the Moufti. Moreover, no appeal against the decision of the Moufti is permitted. The Moufti’s decision is audited by the First Instance Civil Court of the same administrative district only for procedural issues. The Civil Court (Monomeles Protodeikeio) is empowered to control the limits of the jurisdiction of the Moufti’s decision and the compliance with the Constitution (art. 5.3). The inability of plaintiffs to appeal as far as the merits of the case are concerned falls short of international standards regarding fair trial. Above all, it falls short if compared to the respective Greek court procedure which provides for a double judicial
control by the courts of appeals and the Supreme Court (AP). It is also worth noting that the right to appeal against the Moufti’s decision was proposed, unsuccessfully, by a series of prominent jurists and state officials already in the 1920s.\(^{95}\)

The anti-constitutionality of a judgment had been upheld only once, when the double inheritance lot on the ground of gender (in favor of the male heir) was judged to infringe upon article 4 paragraph 2 of the Constitution.\(^ {96}\) Typically, however, the judge of the First Instance court ratifies the vast majority of the decisions taken by the Moufti. These decisions are subject to appeal before the First Instance Court (Polymeles Protodikeio), concerning, only the extent of the Moufti’s jurisdiction. Thus far, very few appeals on this ground have been filed and all have been rejected. That said, the constitutionality control mechanism, in theory, may be superfluous as *sharia* law governing personal relations is applied in the Greek legal order on the condition that Greek law complies with fundamental human rights standards.\(^ {97}\)

In practice, the coexistence of the two systems in Thrace in which Islamic law and the Greek Civil Code are applied simultaneously creates spaces for potential or real legal discrepancies and shortcomings on the following topics:

- Compatibility of the procedure before the Moufti regarding the right to fair trial, under article 6 of the ECHR, when equality of the litigants is not safeguarded, nor representation through a lawyer or predictability and visibility of the applicable law is provided.
- There is no remedy for the control of the merits of the Moufti’s decision, and there are no effective means to control the constitutionality. On the other hand, the right to recourse to a juridical instance, according to article 20 of the Greek Constitution, has to be effectively safeguarded.
- There is no inherent and adequate legal guarantee for fundamental human rights regarding gender equality when Islamic family and inheritance law provides for rulings disadvantageous to women and in contradiction of international norms, such as article 4.1 of the International

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\(^{95}\) The proposal regarded the establishment of an Appeal Court, presided by the President of the Court of the Appeal and comprised by three members, competent Muslims, K. Stylianopoulos, 1929b: 10. A. Dasios, 1927: 23 and S. Piperidis, 1922: 9.

\(^{96}\) First Instance Court of Rodopi, 152/1991, see Y. Ktistakis, 2006a: 119 and *infra* 16.3.3.

\(^{97}\) Zoi Papasiopi-Pasia, 2001: 410.
Convention on the Elimination of All Forms of Discrimination against Women.\textsuperscript{198}

- The Moufti's appointment by the State can infringe the moral obligation to follow the community's will to have a religious leader of their choice. Yet, the election by the community of the Moufti in his capacity as a judge would contradict the fundamental constitutional rules about the status of the judges: the latter have to be appointed by the State, and to enjoy independence.

- There are no specific legal regulations governing any conflict between the civil code and Islamic law, regarding rules of procedural and substantial law in cases regarding divorce of a mixed couple (Muslims of Greek and a foreign citizenship), or of Muslims residing out of the area of his jurisdiction.

- It is doubtful whether the Mouftis' decisions could be recognizable in other legal orders according to the European Council's Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters. In the instance of a conflict between such orders, the \textit{sharia} court decisions of Thrace would be stripped of any legal effects before a foreign court as incompatible with standards of EU law.\textsuperscript{199}

The Moufti's decisions can endanger not only the legal interest of citizens falling under the jurisdiction of the Moufti but also the authority and importance of the very institution itself. The Moufti court needs to be reassessed and reformed with regard to both the religious traditions and freedoms of Muslims but also the fundamental values and individual rights of the European legal order. The Moufti's opinions and decisions must take into consideration established constitutional principles, while the civil judges must review the substantive content of his decisions for possible contradiction with the Greek legal order. Moreover, the qualification criteria for the selection of the Moufti should be on par with those required of other judges, so as to avoid a debasement of his role. Ultimately, it was not

\textsuperscript{198} The article reads: "Adoptation by State Parties of temporary special measures aimed at accelerating \textit{de facto} equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of the equality opportunity and treatment have been achieved". See N. Abiad, 2008: 30–31. For a discussion on promoting constructive dialogue between Islamic States law and women's human rights endorsed by international instruments, see Ek. Yahyaoui Krivenko, 2009.

\textsuperscript{199} Η Παλισαντι Πιτζιτρλάου, 2008: 299.
a surprise that a series of criticisms on the application of sharia was addressed in the 2000s by domestic and international bodies, which may trigger a reform of the legal framework, stagnant since 1923.

16.3.3. The Limitations of the Clause of Ordre Public and the Evolution of Sharia Law

Ordre public (or: public policy) is a legal notion which seeks to safeguard the fundamental components of a legal order. According to the High Court, the ordre public consists of a series of fundamental norms and principles that supersede and reflect the legal, social, economic, religious, ethical, and other beliefs that govern legal relations. Overriding of the ordre public is detected when these beliefs are offended and legal relations are disrupted. This flexible definition allows for restrictive interpretations of the law, which may reflect the opinion of a majority to the detriment of a minority. Bearing this in mind, public policy should be understood as a group of principles connected to constitutional norms that constitute the ‘hard core’ legal framework within which the legal order operates.

Regarding the Moufti’s jurisdiction, two specific areas should be subjected to scrutiny: women’s and children’s rights. The pertinent international law (ECHR, ICCPR, Conventions for the rights of children and protection against discrimination for women) regulating both areas safeguard basic standards that the implementation of the sharia infringes upon, not only directly but also through the European ordre public. As noted, problems have arisen with regard to differential treatment of women and neglect of the interests of children in the sharia courts of Thrace. For instance, article 16 of the International Convention on the Elimination of All Forms of Discrimination against Women safeguards the rights of women to enter freely into marriage, and stipulates that during marriage and in its dissolution, ‘the interest of the children shall be paramount’.

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200 The plenary of the Presidents of the Bar Associations in Greece (Press Release, 2 May 2009) proposed the abrogation of article 4 of Act 141/1914 and article 5 of Act 1920/1991. See also the recommendations made by the Commissioner of Human Rights of the Council of Europe, for Greece to withdraw the judicial competence of the Moufti, given the issues of compatibility with international human rights standards, to strengthen the substantial review by domestic courts of the Moufti’s judicial decisions, and to institutionalize an open and continuous dialogue with representatives of the Muslim minority (Th. Hammarberg, 2009, para 59–60) and Resolution 1704 (2010) Parliamentary Assembly, Council of Europe, and Doc 11860, Report on the ‘Lausanne minorities’ in Turkey and Greece, M. Hunault, 2009, paragraph 48.


The public policy should serve as a buffer zone which ensures compatibility of Islamic law with Greek law, but it should not become an assimilatory mechanism. Thus far, only in exceptional cases have the Greek courts dealt with the compatibility of the application of sharia law to the ordre public; even rarer are cases where incompatibility was found. Some forty years ago, for example, some Greek courts objected to the inferior position of the female heir in Islamic law on the grounds that it contradicted the Greek public policy. In another case, the First Instance Court of Rodos (decision 49/1947) upheld that Islamic law which prevents apostates from claiming inheritances contravenes the Greek ordre public. Interestingly, bigamy or polygamy—allowed by Islamic law in theory—could be legal 'under special circumstances' which are deemed in accordance with the Greek legal order. Thus, in a few rare cases, bigamy through an Islamic marriage has been considered as complying with the public policy, especially when women's rights are concerned (such as the right to a pension). However, the Council of the Court of Appeal of Thrace (Order 89/1995) affirmed that polygamy in practice has been abolished and that it could not be tolerated under the rubric of family protection as set forth in the Constitution.

As previously mentioned, the decisions rendered by the Mouftis are not submitted to any effective control for compliance with the ordre public by the First Instance Court. Only exceptionally has the Court of Rodopi issued a judgment in cases regarding, for example, custody and inheritance. The First Instance Court of Rodopi (decision 152/1991, infra, Section 16.3.2.) retained the Moufti's decision only in-part regarding the custody of the children and rejected the Moufti's application (decision 4/1991) of the Islamic law on inheritance, which favours the male heir (lot: 14/21) to the detriment of the female (lot: 7/21). The Court referred to the equality of sexes as safeguarded by article 4 paragraph 2 of the Constitution by applying article 5 of Act 1920/1991 on the Moufti. This was a very rare case of

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204 See legal opinion of the Moufti of Komotini, AP 94/2000, to the Public Registration office of Komotini.
205 In a rare case, the legal effects of bigamy, legitimated under the terms of an Islamic marriage, were considered valid so that both widows were acknowledged as legitimate beneficiaries of a pension, Municipality of Arriana (Rodopi), Certificate 1228/31.3.2000.
206 This was the opinion of the Council of the Penal Court of Xanthi (Plimmeliodikio Xanthis), Order 14/1995, Yperaspisi 1996: 1335.
207 Legal Council of the State, Opinion 514/1999.
208 Commented by S. Pavlou, 1998.
constitutional control by the Greek courts of the Moufti's decisions, though it was undertaken without explicit reference to the public policy. The common juridical practice is still the admission of the Moufti's decisions without thorough constitutional control, for reasons, which seem to be of a political rather than legal nature.

Applying Islamic law within the framework of a European legal order seems to result in contradictions between individual rights and principles of equality, on the one hand, and religious freedom on the other. In short, *sharia* law, when read through the prism of human rights law, includes discriminatory provisions against women. In practice then, the Greek system of legal pluralism entails a paradox in which there is violation of fundamental principles in a democratic legal system in the name of respect for the minority's religious specificity. Even though Muslim women, in theory are given the right to take their case to the civil court, in practice social etiquette and cultural practices deter them from doing so.

The uncertainty surrounding the limits and the reluctance to define the limits and the threshold between the *sharia* law and the Greek/European *ordre public* harms the credibility of the Islamic legal and judicial system and ultimately undermines the rule of law. A series of questions calls for answers and new legal rearrangements: What is the content of the Greek *ordre public* as it is defined by the constitution? What should happen when there is incompatibility with a *sharia* norm? Which rules of Islamic law could be seen as contradicting the domestic *ordre public* set forth by European law according to the ECtHR? What are the implications of this for the broader European legal order in an era where in various European countries Muslims have become an important segment of the population?

The most critical issue in this discussion is the tension between integration and preservation of the linguistic and religious identity for the minority, on the one hand, and the relation between individual and collective identity, on the other. These tensions mean that what may seem like multicultural and open measures taken by the Greek State today are in fact a legacy of the Ottoman period and its communitarian and segregated *millet* system, which entails elements that contradict current European human rights standards regarding equality of the sexes and the right to a fair trial. On the other hand, adjudication by the Moufti is of major importance for the preservation of the minority identity for a part
of the minority of Thrace. Yet each member of the minority, in accordance with his or her freely formulated wishes, should be given a real opportunity to choose whether they wish to live according to the traditions of the group. The dilemma is that associated with legal pluralism and, to date, the ECtHR has yet to rule in favour of legal pluralism when religion is involved challenging the fundamental human rights norms. Cases involving a series of closures of Islamic political parties in Turkey on grounds of anti-secularism, for example, have raised a number of issues regarding legal pluralism. Tellingly, the Refah political party proclaimed in the name of respect for legal pluralism:

We want despotism aborted. There must be many legal systems in parallel. Citizens should choose the legal system, which fits to him in a framework of general principles. This has happened in our history. [...] One's right to choose his own legal system it's part of the freedom of religion. Why should I live under another's rules?

The ECtHR upheld the Turkish courts’ view that such a political program is not in conformity with democratic values. It said that legal pluralism would introduce a division among people on the basis of their religion, which could lead to the recognition of rights and freedoms not because of their human nature but because of their religious foundations. According to the ECtHR, legal categorization according to one’s religion reduces the role of the state as of guarantor of human rights and the freedom of religion in a democratic society as the individuals are obliged to conform to religious jurisdiction:

The Court takes the view that such a societal model cannot be considered compatible with the Convention system, for two reasons. Firstly, it would do away with the State’s role as the guarantor of individual rights and freedoms and the impartial organiser of the practice of the various beliefs and religions in a democratic society, since it would oblige individuals to obey not rules laid down by the State in the exercise of its above-mentioned functions, but static rules of law imposed by the religion concerned. But the State has a positive obligation to ensure that everyone within its jurisdiction enjoys in full, and without being able to waive them, the rights and freedoms guaranteed by the Convention. Secondly, such a system would undeniably infringe the principle of non-discrimination between individuals as regards

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210 S. Stavros, 1995: 1 and 23.
211 ECtHR, Refah partisi v Turkey, 13.2.2003, paragraph 25.
212 ECtHR, Refah partisi v Turkey, 13.2.2003, paragraph 70–76, see D. Christopoulos, 2002: 203.
their enjoyment of public freedoms, which is one of the fundamental principles of democracy. A difference in treatment between individuals in all fields of public and private law according to their religion or beliefs manifestly cannot be justified under the Convention, and more particularly article 14 thereof, which prohibit discrimination. Such a difference in treatment cannot maintain a fair balance between, on the one hand, the claims of certain religious groups who wish to be governed by their own rules and on the other the interest of society as a whole, which must be based on peace and on tolerance between the various religions and beliefs.

Another case reveals the contradictory approaches to the same set of facts that can be brought to bear by divergent views of similar legal systems. It entailed a marriage officiated by the Moufti of Komotini and recognized by the Greek Public Registration Office of an 11-year-old Muslim girl with the consent of the parents. In 2005, the marriage was investigated by the penal authorities in Germany, where the couple was domiciled after their wedding, for 'sexual abuse of a minor'. The case underlines the divide between the Islamic order of the minority endorsed by the Greek legal order and the European ordre public. Ultimately, the couple was acquitted and finally divorced because of the social exposure they suffered.

A millet-like system ensures systemic tolerance between groups, but it excludes individual dissent within the group. In the neo-millet system reflected in the jurisdiction of the Moufti, those 'dissenters' who seek recourse to the Greek civil courts are often seen as traitors by the minority community. Moreover, although anyone can take his/her case before a Greek civil court, the latter very often imposes jurisdictional cleavages by denying its own competence on the basis of religious divisions, choosing instead to send the case to the Moufti.

In effect, the core issue of the status of the Moufti within Greek and European order is to find a way to accommodate non-liberal minorities in a liberal legal context. It is worth mentioning that the personal status of Muslims was long-applicable in the French territory of Mayotte in the Indian Ocean. Cases of private law regarding family and inheritance disputes were adjudicated by 16 Kadis, at first instance, and a Grand Kadi at appeal in parallel to French law, after reforms that took place in 2001 and 2003. However, concern about compatibility with the general principle of secularism and the wish to curtail exceptional application of religious law in personal affairs (in terms of article 75 of the French constitution)

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214 For an extensive discussion, see W. Kymlicka, 1996: 156–172.
triggered the curtailing of the Kadi’s jurisdiction (abolishing polygamy and repudiation) and opened the gate to gradual, uniform application of the French civil law. The main innovation of the 2001/2003 reforms was to keep personal status under sharia law and to guarantee fundamental rights attributed to all citizens of the French state. In this interim period, the Kadi’s jurisdiction was acknowledged within the French legal order as equal to the civil courts and the Muslims had the right to recourse to one or the other equally. By a referendum held on 29 March 2009, Mayotte opted to become an overseas Department of France, so Islamic law was progressively abolished after 2011 and replaced by uniform French civil code. Islamic courts and the justice system were replaced by civil law-courts in which the Kadis retained a role as legal consultants.

Legal pluralism ensures a balance between different systems of private law, which take into account different ethno-religious particularities. It thereby allows for the accommodation of different social realities in the same legal order. The coexistence of different legal systems could be seen as a laudable case of pluralism of law, so long as it ensures everyone’s choice to opt for the one or the other legal system. In a case brought by a Roma woman from Spain, whose relationship was not considered a legal marriage by the authorities, for example, the ECtHR took the view that “the force of the collective beliefs of a community that is well-defined culturally cannot be ignored”. According to this view, the fact that “the applicant belonged to a community within which the validity of the marriage, according to its own rites and traditions, has never been disputed or regarded as being contrary to public order by the government”. The Court also upheld that, while the fact of belonging to a minority does not create an exemption from the need for compliance with marriage laws, it may have an effect on the manner in which those laws are applied. However, if a certain juridical system is imposed on the individual on the basis of religious affiliation, it would contradict the general principles and values of the European order and democratic society. That said, the alignment

216 ECtHR, Munoz Diaz v Spain, 49151/07 judgment of 8 December 2009, para 19. See also the case Senfe Yigit v Turkey, 3976/05, Grand Chamber, 16 December 2009.
of *sharia* to European standards would not mean the total absorption of the former into the latter, not its disappearance. It would simply reflect the predominance of the majority legal system over a minority legal system. To what extent could the alternative legal norms of Islamic private law survive in Greece? The paradigm of the reform in Mayotte perhaps provides an interesting case which the Greek policy and law making establishment should consider.

The case of the Islamic courts in Thrace provides ground for further discussion of the following question: What ought to be the relation and the position of religious courts within a democratic society? Is such division by religion in accordance with non-discrimination principles? Why not extend such a paradigm to other legal fields, for Muslims or other groups? What are the relationships between the political and the legal and the social phenomenon in question? On what grounds could modern human and minority rights endorse legal pluralism? In more concrete terms, how could a different interpretation of *sharia* norms – which traditionally allow for the superior position of men over women\(^\text{218}\) – accommodate gender equality?

Eventually, a parallel order which took into account the discrepancies regarding issues like gender equality could unleash social dynamics and foster new realities which address women's vulnerable position within the minority in which they already suffer from marginalization through underrepresentation in political and economical life, domestic violence, high dropout levels from schools and health problems.\(^\text{219}\) As Tsaoussis and Zervogianni suggest, this could allow for societal adjustments, 'as tolerance, [and] fundamental and universal principles such as equality and non-discrimination' would foster new paradigms.\(^\text{220}\) They propose an alternative resolution process, which could create patterns of permeability between the two legal systems in Thrace. In this way, mediation or arbitration would resolve family disputes taking into consideration women's interests under the rubric of human rights. There is a range of precedents of successful or failed reforms. Aside from the case of Mayotte, already

\(^{218}\) Koran, 4.34 which reads in English as "Men are the protectors and maintainers of women, because God has given the one more (strength) than the other, and because they support them from their means" (translated by Yusufali), or "Men are in charge of women, because God hath made the one of them to excel the other, and because they spend out of their property (for the support of women)" (translated by Pickthal).

\(^{219}\) For an extensive discussion see St. Kofinis, 2011: 131–137.

\(^{220}\) A. Tsaoussis & El. Zervogianni, 2008. The authors take into consideration the discussion on extra-judicial settlement of family disputes among Muslims in Canada. See also J. Aslam, 2006.
discussed, in Ontario, Canada the 2006 amendment to the Arbitration Act reinforced secular solutions in family disputes. Long discussions raised legitimate concerns about multiculturalism, legal pluralism, and national identity. According to some, Ontario had lost an opportunity to indigenize Islamic law rulings in a manner that would help in the integration process of its Muslim citizens. On the other hand, in Britain, by the end of 2008, sharia law rulings on Muslims' disputes were accepted within the British legal order. These rulings were made possible by a clause in the Arbitration Act of 1996 and can be acknowledged by the British courts. Thus, the British government has quietly sanctioned the powers of sharia judges to rule on cases ranging from divorce and financial disputes to those involving domestic violence. As far as Greece is concerned, the possibility of settling private disputes out-of-court is newly established by the Greek law (214a, Code of Political Procedure and Act 3898/2010, FEK A 211), which suffers from inflexibility and the lack of a culture of mediation on the part of all interested parties. The mechanism of mediation may contribute to reduction of social injustice towards, for example, women. It could also foster reflection about the legal status of the minority and encourage people to rethink the validity and the content of the sharia law in Thrace with a view to better encompass women's and children's rights. In short, if a dynamic dialogue could be achieved between the civil and the sharia law, new and common patterns of apprehension of the law might emerge in society.

A radical option in addressing this issue would be to abolish sharia courts and their special jurisdiction in Thrace and with it any perspective for elaborating paradigms of legal pluralism within a broader notion of human rights. In 2010 the Greek government without any previous consultation with the Moufti Offices drafted new legal regulations that would put Moufti decisions under strict constitutional control or even abrogate sharia Courts. The economic crisis and political instability experienced in Greece had, by 2011, put an end, once more, any attempt at reform.

16.3.4. To Reopen the Door for the Development of the Sharia?

With the exception of the hard core of the Koranic rules, which are perceived as an unchangeable domain, other matters could be studied and new rules produced to comply with prevailing socio-economic conditions.

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222 On the Muslim Arbitration Tribunal panels see <www.matribunal.com/arbact.html> and for a comparative analysis with the sharia courts of Greece. see R. Fretwell Wilson.
Cases of codification in light of evolving new conditions have occurred in the Ottoman Empire and more recently in Egypt, Tunisia, and elsewhere.\textsuperscript{223} Various regulations of the sharia have been interpreted in different ways involving understandings that seem more appropriate to contemporary conditions in comparison with their original Koranic or hadithic versions. For instance, in many legal systems around the world, sharia regulations of penal character are vanishing, and many aspects of family law are being interpreted according to the mainstream cultural values of the society.\textsuperscript{224} Due to the fact that the hard core of absolute and mandatory rules do not determine which among them constitute the referential paradigm of law, the contemporary Islamic world is characterized by a variety of legal regulations, which vary from strict fundamentalism to liberalism. A reform and codification of sharia regarding the applicable law by the Mouftis in Thrace could be in line with the 'fiqh doctrine', which is based on the understanding that human interpretations are limited with respect to the belief that Islamic law is of divine origin and the \textit{ijtihad} (supra, p. 400), according to which a reformative intervention should correspond to societal interests and needs be embodied in the sharia. Ijtihad is, therefore, an instrument to make Islam relevant to the demands of the modern world and accommodate modernity into Islamic normativity by developing a consensus (\textit{ijma}) among the lawmakers and/or the whole community, as to broader and more dynamic interpretations.\textsuperscript{225} This process has resulted in modern forms of sharia in countries that have accommodated international human rights standards but which also apply Islamic law.\textsuperscript{226}

The application of sharia law in Thrace takes place at the intersection of the Greek \textit{ordre public} and the vision of the minority elite which acts as gatekeepers to the community. This need not prove an insurmountable obstacle, a case in point being the debate surrounding the role of Islam and the sharia in Bosnia,\textsuperscript{227} which occurred during and after the Civil War (1991–1995); lessons might be drawn from the Bosnian experience in terms of how to envisage Islamic law in relation to modernity. F. Karčić one of

\textsuperscript{224} See, among numerous examples, the conditional divorce or repudiation (\textit{taliq al talaq}) in a Muslim legal system (H. Nakamura, 2006), or the applicability of norms of Islamic law into a Western legal order such as England (D. Pearl, 2000).
\textsuperscript{226} M.A. Baderin, 2005. For the evolution and transformations of sharia across different schools through centuries see W. Hallaq, 2009, who shows how sharia can be a dynamic legal system, capable of adapting to evolving conditions.
\textsuperscript{227} X. Bougarel, 2001; F. Karčić, 1999. For the accommodation of secularism and 'European
the most prominent intellectuals on the issue, has discussed the position of Islam in a modern and secular society. According to his ideas, which could provide ground for a discussion on the institutional position of sharia in Thrace, religious communities may lose some prerogatives in a modern political system, but they gain the freedom to administer their own affairs without state intervention. As such, they are given the opportunity to dedicate themselves to their original mission, namely to satisfy the needs of their members. In this way, the sharia becomes a moral code, or a legally-binding code regarding personal status, regulating interpersonal relations. Procedural and substantial norms are amenable to reform. The establishment of a second grade of examination of the merits of a case before a sharia court, the codification of pertinent rules, safeguarding the option of alternative jurisdiction, and the possibility of abolishing religious courts are all issues needing urgent revisiting. On the other hand, the abolition of the established system of the sharia courts of Thrace may inadvertently serve unwarranted political goals and interests, as was the case with the abolition of the sharia courts in Bulgaria in 1938 within the frame of the then Turco-Bulgarian rapprochement. This reminds us that there is always a danger that abolition of the sharia courts of Thrace by the Greek government could be undertaken for political reasons, in keeping with the old patterns of controlling the minority without consultation of the interested parties. After all, the social functions of the law — sharia included — depend on specific relations of power and on who is privileged by such relations. A move to abolish the courts in toto would fail to take into account that Islamic perspectives, in many cases were adopted to the economic, political, and social changes brought on by modernity, giving rise to new legal forms. This is all the more the case, given the central role played by the notion of social justice in Islam, thus necessitating attentiveness to progress and the evolution of tradition. Thus, sharia could be deployed in the service of social modernization, democratization, and openness towards other cultures. However, the very same Islamic values and norms could be indexed to conservatism, dogmatism, political totalitarianism, and cultural autarchy. In this case, the ordre public could play a key role to orient Islamic law, in substance and application, towards the first category of values within an

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228 B. Şimşir, 1988: 61. In Romania too, the sharia courts chaired by the Kadi were abolished in 1935 in the framework of modernization and the adoption of the civil law according to the Turkish paradigm, A. Popovic, 1986: 226–229.

229 I. Piscatorri, 1986: 120.
open society which tolerates legal pluralism and accommodates two legal orders.

16.4. ELECTION OR APPOINTMENT? REACTIONS AND COUNTER-REACTIONS

The issue of the problematic implementation of the *sharia* family law in Thrace is politically related to the question of whether the Mouftis should be freely chosen by the minority or appointed by the Greek authorities. However, a new status for the Moufti, in which he is appointed via election, would mean that he would lose his jurisdictional authority. It is not surprising then that the Parliamentary Assembly of the Council of Europe has urged the Greek authorities to:

Allow the Muslim minority to choose freely its muftis as mere religious leaders (i.e., without judicial powers) through election, through election or appointment, and thus to abolish the application of sharia law—which raises serious questions of compatibility with the ECHR—as recommended by the Commissioner for Human Rights.\(^{210}\)

Nonetheless, both the Greek government and the minority elite insist on their traditional frames for negotiating state-minority relations and generally refrain from commenting on the issue. A rare exception was the case of the elected Moufti of Komotini, İbrahim Şerif, who stated that the jurisdiction of the Mouftis of Thrace should not be removed, as recommended by the Council of Europe, as it is an ‘acquired right of the minority’.\(^{231}\) He did not go on to explain the relevance of the stand for the question of whether the Moufti should be appointed or elected.


According to Act 2345 of 1920, Muslims who had the right to vote in the national elections and who resided in certain prefectures should directly elect the Mouftis across Greece. The State would organize the elections, and theological school graduates were qualified to run for the office. Article 6, paragraph 8 of the law provided for the promulgation of a decree that would govern the Mouftis’ elections. Even before the adoption of the law of 1920, debate over selection of the Moufti was heated among Greek officials. Most proposals were in favour of direct election by eligible

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\(^{210}\) Resolution 1704 (2010), Parliamentary Assembly, Council of Europe, paragraph 18.5 and Doc 11860.

\(^{231}\) Zaman 3.2.2010.
According to such proposals, this would entail less involvement of the Young Turks and their propagandists in that their views held greater sway with the elites than with peasants or workers. Just after the population exchange, the question of the applicability of the Law on the Mouftis in Thrace arose. Meanwhile, in Epirus after 1923, no elections for the vacant Moufti positions were held. During the 1920s, a draft act on the issue was under consideration. The Governor General of Thrace suggested that the new law should be drafted in accordance with the specific conditions of the Moufti offices and the vakf committees in Thrace:

"I cannot see the need for the unanimous suffrage for the election of the Mouftis through a complicated electoral procedure, nor the expediency of an electoral turmoil, in which the Muslim people would be thrown into, who, after all, have no intentions to undertake, unless we want them to wake up." 

Several proposals were considered. It seems that there was a consensus that the Moufti could be elected by a body of imams and religiously educated people and appointed by the local Greek authorities. As far as the Moufti's jurisdiction was concerned, a means of appeal would be at the disposal to the litigants. Finally, Act 3069/1924 (FEKA 71) regulated the way that the election procedure should be conducted: it modernized, for instance, the method of voting (ballot papers instead of ballot balls), but it never came into force. As the General Governor of Thrace noted, it would be 'appropriate to avoid' universal elections for the Moufti and that Mouftis 'of common confidence' had been already appointed from a list of three candidates proposed by the Council of the Muslim Community and the imams of Komotini.

Since there was no certainty about the applicable law, in the early 1930s, under quite similar political circumstances, the Inspector for Minorities

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232 Proposal of act on the Mouftis and the Muslim communities by the MFA (1916?), proposal of act by G. Lagoudakis, director of the MFA (1914?), proposal by the Governor General of Crete (Hania, 27.2.1914), proposal by the Governor General of Macedonia (Thessaloniki, 6.3.1914), and proposal by the Governor General of Epirus (1914?). The first three were in favour of direct election the last proposed indirect election through a body of elected electors, all in HAMFA, F. 1914/B150.

233 The representatives of the Muslims of Chamouria complained about the appointment by the State of the Mouftis instead of having elections, Th. Tzavelas, Memorandum of the Albanians of Chamouria, (in Greek), Athens 1926, AAP, F. 14: 12.


235 General Governorate of Thrace to the Ministry of Education and Religious Affairs, Komotini 3.7.1924, AP 18307, HAMFA, F. 1927/93.3.
proposed to the Prime Minister to organize elections for the Moufti by a partial suffrage. As the Moufti was a judge, the college of the electors would be comprised of all appointed *hatip* and *imam* and all teachers of Islamic curricula\(^236\) in the area of the Moufti office. In the same period, a committee of conservative Muslim notables proposed the opposite solution: that the Moufti should be appointed by the state in order to ensure loyalty to Islam as chief of the religious communities and keep away the ‘Kemalizing Turks who are deemed as non-Muslims’.\(^237\) In light of these ambivalent and contradictory ideas, the final draft-law proposed by Venizelos in 1931 ‘on the Mouftis and the Muslim Communities’ provided for elections of the Mouftis. However, the draft did not pass and the Act of 1920 remained in force in Thrace for 70 years.

The subject was brought up again in the late-1980s when there was a need to select new Mouftis. A few months after the adoption of the new law in 1990, the two independent Muslim Members of Parliament for Xanthi and Rodopi requested elections for the posts of Moufti of Rodopi and Xanthi, as provided by law 2345/1920. Receiving no reply, the two MPs decided to organize elections at the mosques themselves. Thus, Mehmet Emin Aga was elected on 20 August 1990 in Xanthi and İsmail Şerif was elected in Komotini on 28 December 1990 by a limited electorate. The non-recognized yet elected Mouftis were prosecuted and convicted in penal processes (*infra*, Section 16.4.2.), dividing the members of the Muslim community, whose majority stand in favor of the elected Mouftis.\(^238\) The mode of selection of the Moufti went on to become one of the main fields of confrontation of the pro-Turkish elite of the minority and the Greek authorities.

On 24 December 1990, the President of the Republic adopted a Legislative Act on the Mouftis, which has been validated by the Act


\(^{237}\) The legal argument of the committee recalls the impossibility of electing a judge according to fundamental Islamic legal norms. The memorandum further refers to Article 38 of the Treaty of Lausanne that no law should contradict the Treaty of Lausanne and especially Article 43: ‘[Greek] nationals belonging to [Moslem] minorities shall not compelled to perform any act which constitutes a violation of their faith or religious observances...’, Memorandum, Committee of Muslims of W. Thrace presided by Mustafa Sabri Efendi, former Sheikh-ul-Islam to Eleftherios Venizelos, [1929?], H. Vamvakas archive, F. 6.1. A similar memorandum addressed to the President of the Parliament calls for support for the Moufti Office to counterbalance the growing influence of Kemalists in the area, Memorandum of 24.4.1928, AP 4565, HAMFA 1928, B/37.

\(^{238}\) On the perception of the issue by the minority see O.M. Demetriou, 2002: 142–158. Until the late 2000s the issue was very high on the political agenda of the minority, see Solidaritv Association to Turks of Western Thrace. 2006: 17.
1920/1991 voted in Parliament on 4 February 1991. Under the new legal framework, the functions and qualifications of the Mouftis remain largely unchanged. However, a provision is made for the appointment of the Mouftis by presidential decree following a proposal by the Minister of Education who, in turn, must consult a committee comprised of the local Prefect and a number of Muslim dignitaries chosen by the government. Act 2345/1920 has been expressly abrogated.

According to article 7 of the new Act 1920/1991, the Moufti has to be a Greek citizen, since office is considered to be a public service. Yet the Moufti is not limited by age requirements, as are civil servants (Act 2754/1954, FEK A 32). The official language used by the Mouftis towards the Greek authorities is Greek, but in practice Turkish (often written in Ottoman script) and Arabic (in religious ceremonies) are widely used.

At first sight, the interference of the government in the internal affairs of the minority regarding the designation of the Moufti seems to be of ambiguous compliance with human rights law on freedom of religion and article 9 of the ECHR. It is worth noting that the Declaration, adopted in 1981 by the General Assembly on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, guarantees the freedom to “train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief” (article 6.g). However, there was no discussion on the will of the minority nor of the Islamic religious standards with regard to the matter. By way of contrast, in two neighbouring countries with Christian Orthodox majorities and Muslim minorities, Bulgaria and the Former Yugoslav Republic of Macedonia, the Mouftis are elected, but they do not possess jurisdictional authority. In Turkey itself, Mouftis are appointed by the State, and they have not possessed jurisdiction since 1924. In a broader view, this situation raises the question of representativity: Do the Mouftis play the role of the representative of the minority as a community? The question is quite complicated since it hangs on two states’ (Greece’s and Turkey’s) controversial policies, stances, and perceptions aimed at

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240 According to article 7 of the Act, the Mouftis, “shall correspond in the official language of the State, in which all deeds and documents published by the Moufti shall be written”. However, the Turkish was official language too, under the regime set by Act 2345/1920.
241 See relevant comment of A. Amor, 1996, paragraph 138.
242 S. Akgönül, 2002: 147.
winning over the minority religious elite. At the same time, the role of the Mouftis as religious and often political leaders necessitates that they balance their actions and statements in order to satisfy their own position, state policies, and the aspirations of the domestic elite.

The issue of the selection of the Mouftis is also related to practices known in Ottoman times, but also in modern Turkey, as well as in relation to the position of the Greek-Orthodox Patriarchate of Istanbul. Given these different precedents, Greece and Turkey, and the minority's political and religious elite, have proved unable to answer the following questions. What should be the rule regarding the selection of the Moufti? Under what terms should the evolution of Islamic theology affect the position of the religious leadership of the minority? What should be the qualifications of the Moufti? To which extent should the state intervene in the internal religious affairs of the minority? Which precedents should be heeded, i.e., that of the Patriarchate, the Orthodox Church of Greece, or the Moufti Offices in Turkey?

The practice for the past 85 years regarding the selection of Thrace's Mouftis has been highly politicized and has harmed the prestige and authority of the Moufti and undermined discussion on the content of legal rules. This practice has also served a millet-like perception in which the Moufti has been legitimized as a political leader, judge, and secular authority.

16.4.2. On the Selection of the Mouftis: A Conflict of Nationalisms in the Battlefield of the Courts (Part III)

The political dispute over the control of the Moufti Offices of Thrace reminds us of the way that minority issues represent a field of antagonism within the broader Greek-Turkish confrontation. As a United Nations Rapporteur observed,

> The status of the Muslim minority in Thrace appears essentially to be both a political and a religious issue, in which politics often makes a tool of religion. This has a real impact on religious affairs, as evidenced by the serious problems relating to the methods of appointing muftis or members of the committee for the administration of the waqfs and teachers of religion [...] The status of the Muslims in Thrace therefore has both a political and a religious explanation, and religion is often an instrument of politics and the arena for intolerance and discrimination.243

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243 A. Amor, 1996, paragraph 118 and 121.
The new regulations regarding the selection of the Moufti faced strong opposition from the minority. They also challenged the right to self-administration of religious affairs by the minority itself: as the UN rapporteur noted in 2009, the ‘appointment by government of religious officials, such as Moufti, infringes on the right to persons belonging to the Muslim minority to effectively participate in the decision-making process that affect their daily life’. The upshot has been that the issue of the election of two Mouftis, one in Komotini and one in Xanthi, has ended up at the ECtHR after long and fruitless processes before the penal and administrative Greek courts.

16.4.2.1. The Serif Case

In the political context described above İbrahim Şerif was elected Moufti of Komotini in 28 December 1990 by people who attended Friday prayer. The Greek authorities and part of the minority did not recognize this process. Furthermore, the public prosecutor of Rodopi instituted criminal proceedings against the elected Mouftis under articles 175 and 176 of the Criminal Code for having usurped the functions of a minister of a ‘known religion’ and for having publicly worn the uniform of such a minister without having the right to do so.

Şerif was tried by the criminal court of Thessaloniki on 12 December 1994. After the court had found him guilty, Şerif appealed. The Appeal Court of Thessaloniki court upheld Şerif’s conviction and sentenced him to six months’ imprisonment to be commuted to a fine. Serif appealed in cassation. On 2 April 1997, the Court of Cassation rejected the appeal. It considered that the offence in article 175 of the Criminal Code is committed ‘when somebody appeared as a minister of a known religion and when he discharged the functions of the minister’s office including any of the administrative functions pertaining thereto’. The Court upheld that Şerif had committed this offence because he behaved and appeared as the Moufti of Rodopi wearing the uniform, which, in people’s minds, belonged to the Moufti.

Şerif brought the case before the ECtHR, alleging violation of article 9 of the ECHR. The government argued that the applicant’s conviction was necessary in a democratic society, because his actions undermined the system put in place by the State for the organization of the religious life of

244 G. McDougall, 2009, paragraph 95.
the Muslim community in the region. The Court recalled that while religious freedom is primarily a matter of individual conscience, it also includes, *inter alia*, freedom in community with others and in public, to manifest one's religion in worship and teaching.\(^{246}\) The Court stated that it is not oblivious of the fact that in Rodopi there existed, in addition to the applicant, an officially appointed Moufti. However, there is no indication that the applicant attempted at any time to exert the judicial and administrative functions for which the legislation on the Mouftis and other ministers of 'known religions' makes provision. As for the rest, the ECtHR stated that in democratic societies, the State needs to take measures to ensure that religious communities remain or are brought under a unified leadership.

The ECtHR recognized that it is possible that tension is created in situations where a religious or any other community becomes divided; it considers that this is one of the unavoidable consequences of pluralism. The role of the authorities in such circumstances is not to remove the cause of tension by eliminating pluralism, but to ensure that the competing groups tolerate each other. In this context, the ECtHR noted that "apart from a general reference to the creation of tension, the Government did not allude to disturbances among the Muslims in Rodopi that had actually been or could have been caused by the existence of two religious leaders". Moreover, the Court considered that nothing was adduced that could warrant qualifying the risk of tension between the Muslims and Christians or between Greece and Turkey as 'anything more than a very remote possibility\(^{247}\).

Thus, the ECtHR considered that the applicant's conviction under articles 175 and 176 of the Criminal Code was not justified in the circumstances of the case by 'a pressing social need', and the decisions of the Greek penal courts were not necessary in a democratic society for the protection of public order under article 9 § 2 of the Convention. There was, therefore, a violation of article 9. The Court of Strasbourg reiterated this argument in a similar case regarding the selection of the Moufti in Bulgaria:

Nevertheless, the Court considers that facts demonstrating a failure by the authorities to remain neutral in the application of their powers in this domain must lead to the conclusion that the State interfered with the

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\(^{247}\) ECtHR, *Serif v Greece*, op.c., paragraph 60.
believers' freedom to manifest their religion within the meaning of article 9 of the Convention. It recalls that, but for very exceptional cases, the right to freedom of religion as guaranteed under the Convention excludes any discretion on the part of the State to determine whether religious beliefs or the means used to express such beliefs are legitimate. State action favouring one leader of a divided religious community or undertaken with the purpose of forcing the community to come together under a single leadership against its own wishes would likewise constitute an interference with freedom of religion. In democratic societies the State does not need to take measures to ensure that religious communities are brought under a unified leadership.248

16.4.2.2. The Aga Cases

In a context similar to the case of Serif, Mehmet Emin Aga was elected Moufti of Xanthi in August 1990, whereas the government had appointed Emin Şinikoğlu as Moufti of Xanthi. Consequently, Aga was charged with violation of article 175.2 of the Penal Code (pretence of authority), because he had issued 33 messages to Muslims on religious holidays, signing them as Moufti of Xanthi. The First Instance Courts convicted him in total to over 112 months imprisonment. The Appeal Courts of Agrinio and Lamia, in five sets of proceedings dealing with different aspects of the same or similar facts reduced the sentences to some 70 months.249

On 28 March 2001, the three-member First Instance Criminal Court of Lamia acquitted the applicant in light of the Court's judgment in the Serif v. Greece case (Decisions nos. 1000/2001, 1001/2001 and 1002/2001). The court upheld that, by addressing religious messages to a group of people who voluntarily followed him as their religious leader, the applicant had not usurped the functions of a minister of a 'known religion', but had simply exercised his right to manifest his religion, a right guaranteed by article 9 of the ECHR. This was the first time that a Greek court aligned with the ECtHR in the context of the trials regarding the Moufti question acknowledging the legal values stemming from the ECHR.250 The second time was on 22 April 2002 when Areias Pagos (6th chamber, 1045/2002) took into consideration the ECtHR's decision on Serif case and quashed the Three Member Court of Larissa judgment No 159/2001.

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248 ECtHR, Hasan and Tchaoush v Bulgaria, 26.10.2000, para 78.
249 Such as the decision 120/1995 of the 3-member Court of Appeals of Larissa, confirmed by AP 1052/1995, MST 'Poinika hronika, 1996: 85.
250 K Teitelakis 2002: 198
However, in two more cases Areios Pagos (304/2002 and 708/2002) rejected Aga’s appeal (Three Member Magistrate’s Court of Lamia, 1657/2000 and Court of Appeals of Serres, 2687/2000). In both instances, the High Court reaffirmed the argument that the elected Moufti had committed the crime of pretence of authority which could not be considered under the rubric of freedom of religion.

In total, three cases were brought before the ECtHR with a view to monitoring the compliance of the courts of Agrinio, Lamia, and Serres, as well as Areios Pagos decisions with the ECHR. The ECtHR found that Greece had violated article 9 with regard to the penal convictions of the elected Mouftis as the ECtHR reiterated its ruling in the case of Serif.251

16.4.2.3. The Appeals against the Appointment of the Moufti

a. The Faikoglou Appeal
On 14 October 1991, Ahmet Faikoglou, then an independent MP, challenged before the Council of State the lawfulness of Mehmet Emin Sinikoğlu’s appointment as Moufti of Xanthi. The applicant’s asserted that PD of 20 August 1991, which abrogates Act 2345/1920 on the Mouftis, contradicts the Convention of Athens’ (1913) relevant provisions on the election of the Mouftis and therefore had to be declared as not in force. The Court decided252 that the Treaty of Lausanne’s provisions on minority protection have replaced the Convention of Athens as the fundamental circumstances (in which the Convention has been concluded) had changed after the war of 1919–1922 and the will of the contracting States (Greece and Turkey) had been modified as well. Consequently, the Moufti’s appointment by the state as a high public servant did not contradict the Greek constitution and the relevant public international law. Thus, the court declared that law 1920/1991 on the status of the Mouftis was lawful and rejected the appeal.

b. The Ahmet Sadik appeal
A. Sadik appealed against the appointment of the Moufti of Komotini to the StE on 31 May 1990 as contrary to the Convention of Athens of 1913 and Act 2345/1920. The first hearing, set for 5 April 1991, was repeatedly postponed. The applicant passed away in July 1995 when the hearing was again postponed at which point the spouse and the son of the deceased claimed


their right to replace A. Sadik as applicant. On 10 July 2000, the StE decided that it could not follow the merits of case as the complaint about the election of the Moufti was tied to the deceased, and thus the heirs could not continue the appeal; the case was declared closed (StE 2339/2000). The spouse and son of A. Sadik appealed against this decision before the ECtHR, which rejected the claim of violation of article 9 of the ECHR but found violation of article 6, paragraph 1, regarding the length of the procedures and their right to replace the original applicant before the StE.253

c. The Appeal against the Renewal of the Appointment of the Moufti of Komotini

As noted before, M. Cemali was reappointed as Moufti of Komotini in 2001 for a second ten-year term. A group of Muslims appealed the appointment, asserting that the Presidential Decree contradicts the Convention of Athens (1913). The Council of State (466/2003) rejected the appeal254 and reiterated the reasoning of its aforementioned decision (StE 1333/2001) on the validity of the Convention of Athens. The Court ruled that article 11 of the latter on the election of the Mouftis was terminated due to fundamental change of circumstances (rebus sic standibus) which have occurred in Greek-Turkish relations. This view could not be justified, as both Greece and Turkey, notwithstanding the fundamental change of circumstances from 1919 to 1922, continued to apply minority protection law, and therefore the position of the Moufti was not fundamentally at stake. The decision held that neither article 13 paragraph 2 of the Greek Constitution (freedom of religion) nor articles 9 and 14 of the ECHR (freedom of religion and prohibition of discrimination) were infringed, and that the Moufti as judge, and consequently as a high ranking civil servant, could not be elected. As such, the appointment of the Moufti constitutes a measure necessary in a democratic society in terms of article 9 paragraph 2 of the ECHR. Although this reasoning is justifiable, it should be considered, under conditions, that a division of the Moufti in two different persons, one as religious leader, elected by the Muslims, and another as a judge appointed by the state, would be more appropriate, complying with both principles of public interest and minority self-organization.

253 ECtHR, Isik Sadik Ahmet v Greece, 64756/01, 10.10.2002 and 3.2.2005.
254 StE, 466/2003, Nomokanonika 2/2003:120. A relevant appeal by a group of Muslims of Xanthi was rejected for rationae temporis reasons, StE 467/2003.
d. The Appeal against the State’s Refusal to Organize Elections for the Moufti

Şerif, as elected Moufti of Komotini, claimed that the Ministry for National Education and Cults were obliged to organize elections for the office of Moufti of Komotini, recalling the relevant ECtHR decision regarding his own case. The Ministry denied such a perspective as the ECtHR decision had not ruled that Greece had to amend the law according to which the Moufti has to be appointed and not elected. Şerif appealed against the reply of the Ministry before the Council of State. The latter rejected the appeal, as the answer issued by the Ministry did not constitute an execut­able act and therefore was not subject to an appeal (StE, 512/2003).

16.5. The Applicability of Islamic Law for Aliens

As far as non-Greek citizens are concerned, private international law is applicable in private law disputes. In relevant cases, the applicable law according to the Greek Civil Code (on the recognition of foreign decisions, article 323 GCC) is the law of the state of citizenship. In these terms, if a state applies the sharia law, the Greek judge could or has to apply the relevant regulations in case of relations between the married regarding personal and property matters (articles 14, 15, GCC); relations between parents and child (article 24, GCC); conditions of the marriage (article 13, GCC); adoption (article 23, GCC); custody of a minor (article 24, GCC), divorce (articles 16, GCC), and inheritance (article 28, GCC). However, the application of these provisions depends on the observance of the public policy (ordre public) or the commonly perceived morals (article 33, GCC, in case of recognition of foreign policy decision 323 paragraph 5, GCC). The public policy clause is valid for the acknowledgement of foreign court decisions by Greek judges. Polygamy, for example, is one issue area in which there could be a contradiction with public policy. Thus, polygamy has no legal weight. As such, Act 3386/2005 (FEK A 212), which regulates, inter alia, family reunion, is not applicable for polygamous men for more than one woman, (article 54). One consequence of this is that immigrant women could become victims of double discrimination, both as second wives within their own group and due to the reluctance of the predominant legal order to take special measures for their protection.256

256 Council of Europe, 2000: 85.
Comparing the law for a Muslim, who is a Greek citizen and that for alien Muslims, one could assert that alien Muslims have the opportunity to enjoy Islamic law (under the condition that it is in force in their home country) in a broader set of issue areas than the Muslims of Greek citizenship in Thrace (e.g., in cases of adoption). Yet, in practice, Muslim immigrants are very reluctant to bring their cases before Greek judges, often because they do not know that sharia law could be applicable or because they do not feel familiar with the Greek authorities. This is valid in some cases as the Greek judges too remand such cases to the Moufti considering that in disputes among Muslims, regardless of their citizenship, the Moufti is the competent judicial authority. The upshot, one might argue, is that the ignorance of the state results in unintended accommodation of religious pluralism.257

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States have been required to respect the right for minorities to set up their own schools in minority languages since the time of the League of Nations. In 1919, a precedent was set for minorities in Poland. It affirmed – alongside the right to education in minority languages in public schools – the right of citizens who belonged to minorities to establish, manage, and control schools at their own expense in accordance ‘with the right to use their own language and to exercise their religion freely therein’ (article 8 of the Polish Minorities Treaty of 1919). This view was affirmed by the Permanent Court of International Justice, according to which language rights standards are set by a series of international instruments such as the Convention for the Elimination of Discrimination in Education (UNESCO), the Framework Convention on National Minorities, and the European Charter of Regional or Minority Languages (Council of Europe). Greece, as noted earlier, is not bound by any of these instruments except for article 27 of the ICCPR and the 1989 Convention on the Rights of the Child which seems not to have any real impact on Greece’s minority affairs. Religious education for Muslims or education offered through the criterion of religion in Greece falls within the category of educational pluralism combined with freedom of religion. It is important to recall that the ECtHR has recently developed a case law on the issue. However, the Court has consolidated two contradictory trends. As Eugenia Relafio relates, states should respect parents’ convictions, religious or philosophical, through the public school curriculum. This implies a positive obligation on the part of the state. At the same time, states have the legitimate power to disseminate information of a religious nature.

Greek law cannot be considered neutral with regard to religious and language education. It safeguards the Greek Orthodox faith and guarantees minority language protection for Muslims through a range of legal

norms, which have evolved since 1881 through a series of complex processes. Thus, today the legal protection of Muslims' linguistic identity consists mainly of the establishment of a special education system for the minority (in Thrace). Moreover, in cases that a Muslim student attends a Greek school, a right to exemption is guaranteed as far as religious instruction (which is oriented to enhance Greek Orthodox faith) is concerned.

In addition to educational rights, which are discussed in detail below, the right to use one's mother tongue other than the official language in official contacts with the state administration was, and still is, guaranteed to a very limited extent. Since 1881, at the First Instance Courts there were special Interpretation Offices to cover the needs of the non-Greek speaking populations. Turkish was the main language used by these interpreters. By Act 963 of 1882 (FEK 38), an interpreter of the Turkish language was appointed in the courts of Larissa, Trikala and Arta, and by Decree of 15 July 1882 (FEK 284) an interpreter was appointed to the court of Volos.

After the annexation of the New Lands in 1913, Act 148/1914 (FEK A 25) provided for the establishment of Translation Offices, Archives, and Interpreters for the foreign languages used in these regions and for the legal authentication of the official documents issued by the Ottoman authorities until 1912. By the same act (article 32), the relevant legal regulations of the Cretan Autonomy remained in force (supra, Section 2.2.1.). A few years later, Decree 2235/1917 of the provisional government of Thessaloniki provided for interpreters' offices in the local courts of Northern Greece. Moreover, after the population exchange, the interpretation or translation offices operated by certain public services and courts were abolished. By way of contrast, since 1923, the Turkish speaking Muslims of Thrace were given aid in their relations with public services. For instance, LD of 16 October 1923 (FEK A 327) created the post of interpreter of Turkish language at the First Instance courts of Rodopi and

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4 See also Act 1869 (βοηθήσεις) of 1903 (FEK 57). See also Act 3743 (Ἐμπιστοκρατίας) on the abolition of the post of interpreter of the Turkish language by the First Instance Court of Trikala and Larissa. These provisions were abolished by article 31 of Act 148/1914 but it is not known whether the interpreters' posts were re-established.

5 Special treatment was provided for the female Muslim as far as testimony procedure was concerned. The investigator had to meet them at their home or at the Moufti's office and later read their testimony before the court. Act 956/1882, FEK 36 1882.

6 Applied by Circular 1121/11.2.1913, issued by Raktivan, Governor General of Macedonia, Governorate General of Macedonia, 1914: 13. For the implementation of the relevant rules on the Interpretation Offices see N. Eleftheriadis, 1917: 64.

7 In Epirus, interpreters were appointed in the taxation offices and the courts, see E. Nikolaidou, 1987: 550.

Evros. A translation office for the Turkish language was also established at the First Instance Court of Rodos (LD 1143/1949, FEK A 248), though it is no longer operational. However a Turkish-speaking clerk undertakes interpreter duties for those who are not fluent in Greek in cases of transactions with the Organisation of Management of Vakf property in Rodos.

Today, the right to refer to the judicial authorities in a language other than the Greek mother tongue is guaranteed by the Code of Penal Procedure as well as by the code of Civil Procedure and the relevant provisions of the ECHR. In this context, non-Greek speaking Greek citizens or aliens have the right to ask for interpretation facilities by the Court.

As far as the electoral process is concerned, article 64 of the Voting Procedure Code stipulates, “In polling stations, in the prefecture of Evros, Xanthi, Rodopi and the Dodecanese islands, interpreters of the Turkish language among the municipality or civil servants can be appointed by the Prefect’s decision”. It is worth noting that PD 1/1991 (FEK A 1), on the election of the members of the Management Committee for the vakf, provides for interpreters of the ‘local dialects’ (sic, article 11) who could be appointed by the Prefect. Yet, as elections have never taken place, there has been no opportunity to verify what was or is meant as ‘local dialects’.

17.1. MINORITY SCHOOLS BEFORE THE POPULATION EXCHANGE

The Muslim communities, which would go on to become the Muslim minority in Greece, were highly autonomy with regard to community organizations, educational bodies being among the most important. In

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9 See as well K. Stylianopoulos, 1930a: 4.
10 For a dispute on the legal status of the interpreter see Court of Appeals of Rodos, 50/1990.
11 Article 233 of the Code of Penal Procedure reads as follows: “1. When the accused liable under civil law, or a witness are going to be examined who do not know sufficiently the Greek language, he who holds the investigation or chairs the hearing appoints an interpreter. 2. If the accused does not know sufficiently enough the Greek language and the notice to appear in court or the indictment bill was delivered to him in the Greek language, this does not cause nullity, if according to the court’s judgment the accused was informed of the accusation in the language that he understands during his defense in the preliminary investigation or investigation or in any other way during the hearing of the case”.
12 Article 252 of the Code of Civil Procedure reads as follows: “1. If a witness, an expert or one of the appearing litigant parties or their lawful representatives who appears in person in the hearing or in the proceedings does not know the Greek language, an interpreter shall be appointed. In the case of a hardly known language, an interpreter of the interpreter shall be appointed”.
13 Article 5 paragraph 2, article 6 paragraph 3, al. (a) and (e).
14 PD 96/2007 (FEK A 116).
the schools in both rural and urban areas, teaching the Islamic faith and
the Turkish language ensured and enhanced bonds within the commu-
nity. Analyses of pre-population exchange practices may be divided into
two periods – before and after the Balkan Wars.

17.1.1. The 'First Generation' (1830–1912)

Act of 3 March 1834 for elementary schools (Gazette, No 11) contained the
first reference to pupils of non-Orthodox faith:

In municipalities comprising societies of various religions, recognized by
the government, members of the School Board would be the religious ser-
vants of these religions, and in case that there are numerous, the Prefect
should appoint one among them' (article 36).

Apart from this regulation, related to the first 50 years after the establish-
ment of the Greek state there is no other legal reference or on any special
school for the rudimentary, anyway, Muslim communities (mainly of
Halkida). 'Muslim' or 'Turkish' community schools were recognized by law
after the annexation of Thessalia: Act 1013 (ΑΙΓ') of 1882 (FEK A 53) on 'the
establishment of Turkish and Jewish schools in the annexed territories'
and later on RD of 4.10.1882 (FEK 126) set in details the regulations regard-
ing the founding, structure, operation, textbooks, subjects, and the pupils
dealing with the Muslim/Turkish schools. It seems that the Greek admin-
istration, like the Austrian or Bulgarian,\(^5\) acknowledged the pre-existing
structures of the community schools but introduced new elements such
as the teaching of the Greek language. It therefore combined the organiza-
tional structure of Greek public education and the old Ottoman system.\(^6\)
The Prefect supervised these schools, which were divided into the
elementary or Mekâtib-i Sibyan for pupils of 6–11 years old, and the

\(^5\) On the Bosnian Muslim schools under the Habsburgs see F. Karčić, 1999: 92 and the
Muslim schools in Bulgaria see Ö. Turan, 1998: 212.

\(^6\) For the content and the structure of the schooling under the Ottoman Empire see
H. M. Said, 1989: 13–34 and for the transition from the Empire to the Turkish Republic see
B. Fortna, 2011. One comprehensive example is evident in the fact that a few years before
the withdrawal of the Ottomans from Thessaloniki there was one idadiye, (high school
established around 1888 for the education of the civil servants, attended by Muslims,
Christians and Jews), one rushdiye (public middle-school), one tecaret mektebi (trade high
school), one darul mualimin (teachers' school), the Selanik hamidiye mektebi sanai
(Technical orphanage school attended by Muslims and Christians), four civil elementary
and middle-schools (two for boys and two for girls), six elementary schools, and four kin-
dergarten. Furthermore, there was one university law school (established in 1908), one
agriculture school, one police school, one military middle-school, and two private elementa-
tary and middle Muslim schools, (Feiziye mektebi for the Ma'amins and Terakki mektebi):
middle-schools or Mekâtib-i Rushdiye for pupils of 11–17 years old. It seems that solely male pupils were given the option of attending these schools.\textsuperscript{17} The pupils graduating from Mekâtib-i Rushdiye had the option to enter public Greek high schools after passing exams. If their exam performance was successful, they would participate in the full curriculum with the exception of the Christian religion course. In the elementary schools, meanwhile, Muslim students were taught the Koran, the Turkish Language, Ottoman Script and Calligraphy, Elements of Farsi and Arabic, Geography, Mathematics, Greek Language, and Drawing and Singing – upon request by the community. In the middle-schools, the following subjects were taught: Religion, Farsi, Arabic, Algebra and Geometry, Geography, History, Environment, French, Greek language as taught in the public Greek schools, Music, Gymnastics and Singing, again upon request by the community.

The principal of the school and three additional teachers were appointed for the Turkish language curriculum and one Greek teacher for the Greek language. The schools respected the Muslim religious holidays, and they did not operate on Fridays. The Greek teachers had a non-school day on Sundays. The Greek language textbooks employed were the same as those taught in the public Greek schools. Turkish language textbooks had to be approved by a committee every four years.

According to the aforementioned RD of 1882, a Mekâtib-i Sibyan for boys and girls could be established in any municipality with 'around 1,000 Muslims' (article 4). In the case of an insufficient Muslim population, the community could apply for the establishment of a preliminary elementary school (grammatodidaskaleio), where one Muslim teacher paid by the community could teach Turkish language, religion, and mathematics. The Greek government would contribute financially as well (article 5). The establishment of the schools had to be approved by the Ministry of Public Education. The Mekâtib-i Rûshdiye schools in particular were founded by RD and operated at the expense of the state (article 7).

By Decision 13172/1882 (FEK B 189), the Minister for the Public Education founded five Turkish elementary schools, three for male and two for female pupils, all based in Larissa. According to the Decision, 'the Turkish schools are established at the expenses of the Ottoman communities and the proportional contribution of the state'. By Decision 13324/1882 (FEK B 189), the Minister for Public Education also appointed the

\textsuperscript{17} S. Katsikas, 1998: 69.
principles and their deputies for the Turkish schools of Larissa. It seems that only one high school was established in Thessalia under the terms of the law, due to the dwindling population of the Muslim community. In 1883 this Mekâtib-i Rusâdiye was established in Larissa as set by RD of 11 December 1883 (FEK 197), in which the appropriate educational staff was appointed at the expense of the state.18

17.1.2. Minority Schools in the New Lands (1913–1923)

After the Balkan Wars and the annexation of the New Lands and during the period before the population exchange, Muslim community schools continued to operate in Crete, Lesvos, Thessalia, Macedonia and Thrace in 1920.19 They were governed by articles 15 and 16 of Protocol 3 of the Convention of Athens, which provided that private Muslim schools,20 as immovable maintained by the vakf, had to be respected by the Greek state. Moreover, the language of the schools had to be Turkish, though Greek was also meant to be taught (3rd Protocol, article 17). Former Ottoman institutions like the local Educational Committees (Mearif Komisyonu) were abolished.21 Thus, after the completion of the New Lands’ annexation, the already established Muslim/Turkish schools continued to function under the control of the local Muslim Community Councils and the supervision of the Greek authorities.22 Their number decreased as the Muslim population fled the region and in many cases the army or refugees

18 By RD of 15.5.1883 (FEK 199) Tzemas efendi was appointed in the same school as teacher of the Turkish language and calligraphy.


20 The term ‘private schools’ here means community schools. The school of ‘Fine Arts and Professions’ owned by Mithat Pasa in Thessaloniki is mentioned explicitly in article 15 of the 3d Protocol.


22 According to the Greek government, in Macedonia two years after the withdrawal of the Ottoman administration the following Muslim schools were operational: 25 in the prefecture of Thessaloniki, 3 in Katerini, 2 in Veroia, 6 in Edessa, 46 in Karatzova (Almopia, Aridaia), 3 in Yenitsa, 11 in Kilkis, 41 in Kato Thodoraki, 19 in Arhangelo, 25 in Langadas, 9 in Halkidiki, 10 in Serres, 19 in Sidirokastro, 19 in Nigrita, 98 in Drama, 1 Egyptian high school and 1 elementary school in Kavala, 77 in Sari Sitamban (Hrisoupoli) (also 3 medrese), 30 in Pravio (Eleftheroupoli) (also 1 Idadiye and 1 Rusâdiye), 63 in Kozani, 1 tekke in Servia (Haipeli), 2 in Elasona, 15 in Grevena, 19 in Anaselitsa (eparhia) 27 in Kastoria. All data from the Governorate General of Macedonia, 1914. According to a report
occupied school premises. The management of the Muslim schools was placed directly under the internal jurisdiction of the community structure, which decided all matters regarding finance (usually they were funded from sources like the meşrif vakfs) and the functional needs of the schools such as building maintenance. The community also determined the selection of textbooks and hiring of teachers. The state was responsible for the overall supervision of these schools. In a case where there was a demand to establish a private 'Ottoman school' for boys and girls, the government approved the foundation of the school on the condition that there would be adequate instruction in the Greek language. Public financial support was granted by the state to Muslim community schools according to their needs and requests.

The legal status of the schools was related to the autonomy of the Muslim communities as legal entities. In one revealing document regarding the Muslims of the Prefecture of Drama in 1916, it is stated that the local community 'denied submitting a request for the establishment of a public school', but after all 'they did so in order to have a private school'. It is not clear whether there were two operating categories of Muslim schools, community and private schools, both of non-public char-

written 8 years later by the Governor General of Macedonia, in Western Macedonia, there were 82 Muslim schools with 83 Muslim teachers and 2,305 pupils, HAMFA, Central Service, Kozani 5-7.1921, ap. 6805, F. 41, cited by Y. Glavinas, 2001-02, note 36. In Molyvos (Lesvos) there were 12 Muslim schools, Y. Glavinas, 2009: 304.

In Thessaloniki, the Community Council had set up a special Educational Committee, IDAA, Book 197, cited by A. N. Adiyeye, 2002: 63.

For instance, the Community of Veroia first collected education fees from parents according to their economic means, IDAA, Book 152, decision 5, 1916 and 1922, cited by A. N. Adiyeye, 2002: 63–64. In some cases, the community granted scholarships to gifted students who did not possess the means to pursue a higher education, Community of Edessa/Vodena, IDAA, Book 152, decision 87, 1914, ibid.

The Community of Veria launched a campaign for restoring school premises; the money was submitted to the Muslim Community of Thessaloniki, IDAA Book 197, decision 24, 1923, ibid.

Countless references to the employment and firing of teachers can be found in the records of the Muslim Communities. It should be noted that educated Muslims exiled from Asia Minor often were hired at the Turkish schools of Greece, see Muslim Community of Hania, IDAA, Book 642, decisions 216 and 313, 1921, cited by A. N. Adiyeye, 2002: 62.


acter. On the distinction between private and public Muslim schools, as N. Eleftheriadis explains:

Regarding the official Turkish schools, as the Convention of Athens deals with private Muslim schools, which are the only ones to be protected by the Treaty, it is implied that the Treaty rightly considers that the Greek State inherited any other school established and entertained by the Ottoman Empire and not by individuals.31

It is very interesting to note that Muslim children could receive lessons in Turkish and religion in areas where there was no Muslim school. According to act 568/1914, in mainstream Greek public schools with at least 20 Muslim (or Jewish) pupils, the Ministry for Education assumed the obligation to provide language and religious instruction to these children. The instruction of Turkish language and Koranic education was ensured by the Decree of 23 December 1915 (FEK A 1/1916), according to which the teachers of the ‘language of the Ottomans’ could be appointed in public schools. They could get a salary as a ‘second teacher’ (defteros ypoidaskalos) as provided for by Act 568, article 2, paragraph 4. They taught Turkish language 20 hours per week and the Koran six hours per week. There is no reliable information about the application of these provisions. The non-school days for the Greek language lessons included all Christian and state holidays and Sunday mornings, while for the Muslim staff non-school days were Fridays, Islamic holidays, and all major state holidays, as set by Decree 2468/1917 of the Provisional Government of Thessaloniki (archives of the Greek Parliament, FEK special series A 63).

According to Act 1618/1919 (FEKA A 3), special inspectors were appointed for the Muslim schools. Furthermore, by Act 1627/1919 (FEKA A 3) a special teachers’ school (ypoidaskaleion) was established for the education of teachers (ypoidaskaloi) for the Muslim schools who were to be from between 12 to 20 years of age (article 2). The legal status of such secondary teachers schools was codified by articles 67–77 of Act 1242 B ‘on Ottoman and Israelite [Jewish] schools’ of 1919 (FEKA A 190). Special concern was paid to the Muslim teachers in Crete who became public servants.32 Typically, the local Muslim communities across Greece had limited capacities but appointed their ‘imam’ or ‘hoca’ to teach the Koran or, in the

32 See Act 402 (FEK 348) and article 7 and 8 of Act 1242 B, article 3 in fine of RD of 19.8.1914 on the personnel of first and second education in the New Lands.
best of cases, basic elements of the Turkish language. The conditions of the Muslim schools, especially in the countryside, were very poor and the imam teaching the Koran was practically illiterate himself. More wealthy communities hired competent teachers including some women for girls' schools. In this context, the government ordered the transfer of Muslim teachers from one Muslim school to another. Teaching Turkish to Greek or Albanian or Slav-speaking Muslims became a tool of community cohesion and a vehicle for the Young Turk ideals which, in this period, began to gain support among the Muslim elites of Greece's New Lands.

The Greek language was introduced gradually as an obligatory subject according to the Convention of Athens (1913). This was implemented first by Act 568/1914 (FEK A 15 1915) and then again by Act 1242 B/1919, article 22 paragraph 1. The communities paid the maintenance costs of the schools and the salaries of the Muslim teachers, but the salary of the teacher of the Greek language was paid by the state budget. The Greek language instructor was appointed by the Minister of National Education and hired by the community. The measure was not welcomed by the Muslim communities and perceived as an intervention in their internal affairs. On the other hand, the Greek State was in most of the cases unwilling to invest in the expansion of the Greek language to populations who were not receptive to linguistic and national assimilation: "The new map of Greece gives a secondary position to the Muslims as a foreign element.

33 In isolated communities, such as of the island of Limnos, where two Muslim schools were operating before the population exchange, only one Muslim teacher taught in each. There was one school for boys and one for girls, both in Kastro (Myrina) (N. Lymperis, 1972: 114-5) as well as one medrese (personal interview with Mrs Zehra Güder, 20.3.2005, Foça).

34 According to the photographic archives of the Municipality of Edessa: “Emine Kura Husein, 38 years old and her daughter Zeynep Hafiz Mehmet, 18 years old, are both teachers and citizens of Edessa, acquired the Greek citizenship through the collective naturalisation”, Phot. Arch., No 2219, 11.9.1919/0.2). According to an interview of a Greek elderly inhabitant of Edessa, before the population exchange 'there had been lots of Turkish schools, one being just opposite to the mosque' (Ed.7/PP63/Feb. 1995: 5). Both pieces of information are cited in P. Potiropoulos, 1995.

35 See the case of transposition of a Muslim teacher at the 4-form school of Irakleio (Provisional government, archives of the Greek Parliament, FEK special series B 14, 1916).

36 There were numerous appointments of teachers of the Greek language. The following appointments were made by the provisional government (archives of the Greek Parliament, FEK special series, 1916–1917): In Crete, Perivoli Kydonion, 7-form class Muslim school of Hania, Muslim girl school of Nees Hores (FEK B 102, 1917), 4-form Muslim boy school of Ierapetra (FEK B 24, 1916), and 7-form Muslim elementary school of Irakleio (FEK B 9, 1917). In Thessaloniki, 4-form girl school Fezye, 6-form Muslim school Yeni Cami, Muslim boarding school, Muslim boys school Fezye (FEK B 33, 1916), Muslim schools of Langada, Visoka and Sohos (FEK B 89, 1917) and in Kozani: Ottoman school of Lapsista (FEK B 24, 1916).
in it. Consequently [...] there is no important reason to expand our educational efforts to the Muslims".\textsuperscript{38} Attempts to attract Muslim pupils to Greek schools for the purpose of assimilation were only sporadic and for a short period of time a component of minority education policy.\textsuperscript{39}

As such, limited teaching of Greek was implemented at a modest level for practical and ideological reasons. In effect, the \textit{millet} perception prevailed on both sides, and the Muslims mostly used their own education system. However, in some urban communities there was a demand for Greek language instruction.

The Inspector of Elementary Schools of Thessaloniki reported in the summer of 1922, just a few months before the population exchange, that the town had 40 Muslim and 7 Greek instructors of the Greek language in Muslim schools.\textsuperscript{40} The Governor of Western Macedonia reported that in his entire region there was a Greek language teacher in only 13 of 83 Muslim schools.\textsuperscript{41}

Exceptionally, elements of minority education were incorporated into mainstream Greek education. For instance, the Turkish language was taught upon request at the Commercial School of Irakleion (Crete) at the expense of the Ottoman \textit{dimogeronteia} (council of deans) of Irakleion.\textsuperscript{42}

Article 22 of Act 1242 B constituted the fundamental provision for the status of Ottoman schools in the New Lands. It seems that the organizational structure of the minority schools were governed by the general terms set by RD of 4 October 1882 for all the Muslim/Turkish schools of the New Lands until the population exchange. However, these legal regulations do not seem to have contributed to the improvement of minority education and to its transformation in keeping with the general educational reform which was taking place all over Greece. As such, Muslim education was neglected in practice. Insufficient or lack of knowledge of the Greek language, internal confrontation between Young Turks and Islamist elites, and unwillingness to invest in minority education were

\textsuperscript{38} E. Bountonis, Advisor for the education, Note on the Act 568, Athens 19.4.1915, Archive of Ion Dragoumis, F. 10. Moreover, the Minister for Foreign Affairs observed that Act 568/1914 should not be implemented for the Muslims for political reasons, letter to the Minister for Education of 19.9.1916, doc. AP 19210, HAMFA F. B/33(2) 1914–16.

\textsuperscript{39} T. Kostopoulos, 2002: 83.

\textsuperscript{40} The head of the Community of Thessaloniki requested the introduction of the Greek language into all Muslim primary schools, the number of which was increased to 10, with 1,452 pupils, Inspector of Elementary schools, Doc. 10144, Thessaloniki, 26 July 1922, GAM, F. 51 and Y. Glavinas, 2001–02: 158.

\textsuperscript{41} Y. Glavinas, 2009: 320.

\textsuperscript{42} Turkish was taught six hours a week, RD of 4/14.5.1920, \textit{Themis} 1920: 169–295.
some of the reasons that minority education was second class when compared to the general education offered by Greece. Muslim school instruction mostly had a religious character, and the Greek language was only occasionally taught, if at all.\textsuperscript{43} There was serious lack of clarity regarding the curriculum, and the teachers were the least trained in Greece.\textsuperscript{44}

During the Greco-Turkish war of 1919–1922, repressive measures were occasionally applied against the minority schools by the Greek authorities such as occupation of schools by the army or banning of educational material, notably textbooks.\textsuperscript{45}

As far as the Muslim community self-organization was concerned, in Thessaloniki and under the chair of a minority deputy who supported the anti-Venizelist government, a congress was held on the use of Turkish in education. This gave rise to a short moment of euphoria for the Muslim communities – a paradoxical moment in that it occurred at a time when the Greek Army was administrating the region of Smyrni in Asia Minor. At this juncture, new textbooks were imported from the Allied-controlled capital of the collapsing Empire, and travel restrictions on Muslims were lifted.\textsuperscript{46} Public financial support for Muslim (as well as for Jewish and Armenian) schools in Thrace also was set by law for the year 1922 (Act 2781/1922, FEK A 84). This coincided with the twilight of the era of the Muslims of Greece. After the population exchange, numerous Muslim schools were closed down and their premises appropriated according to the Treaty of Lausanne. In some cases, even before the exchange, Muslim schools were closed down due to internal migration.\textsuperscript{47}

\textbf{17.2. Schools for the Muslims of Epirus}

Schooling for the Muslim Albanian-speakers was a delicate issue for the Greek government, as it was linked to fragile Greco-Albanian relations and the antagonism between rival nationalisms. The law once again

\begin{footnotes}
\item[44] The very bad conditions of the Muslim schools, in which ‘the teacher did not know even to sign’, is described by the report of the Sub-Governorate of Edessa on the situation of the education of 1913–4, cited by T. Kostopoulos, 2002: 83, note 25.
\item[45] Muslim Community of Edessa/Vodena, IDAA, Book 152, decision 14, 1923, cited by A. N. Adiyeke, 2002: 64.
\item[47] For instance, the Muslim schools of the Cretan villages Daratso, Perivoli, and Kokino Metohi closed down by RD of 18.6.1923 (FEK A 165) ‘due to resettlement of the inhabitants to Hania’.
\end{footnotes}
served ideology more than legal principles. Just after the establishment of the Greek administration, Albanian-speaking Muslims were allowed to keep community schools, according to the Ottoman legal status applied before 1913. In a few cases, the state appointed and paid Muslim teachers in these schools. In the Muslim school of Ioannina, for example, a principal, a teacher, and a supervisor were appointed in accordance with the Moufti and the (Muslim) Mayor of the town. In the rest of Epirus there were no Muslim schools. By 1918, ten schools nominally provided Koranic instruction but only three were operational. According to the terminology of the Greek administration they were designated as 'Muslim schools'. In 1919, 20 such schools operated in Paramythia. Teachers of the Greek language were appointed to the Muslim schools too, although it is not known to which extent and until when Muslim schools operated, or for which communities, or in which language.

The implementation of the Treaty of Sèvres on minorities in Greece (1920) was observed in the case of Muslim Chams to a minimum extent, if at all. In 1930, there were 33 villages (mixed and purely Muslim) endowed with an elementary Greek school. The situation of the schools in the Cham villages was very poor and school attendance very low, especially for girls. Harsh imposition of the law on mandatory attendance to the elementary schools created further unrest among Muslim parents.

In these schools, and only to a very limited extent, the local imams or a few

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48 EHM, F. 36, doc. 12048, 1913. The same procedure was used in the appointment of a teacher at the school of the Muslim community of Vostina (Pogoniani), EHM, F. 24, doc. 4957, 1913. Hayiredin Efendi was appointed to the school as principal with a significant salary, EHM, F. 43, doc. 18240, 1913. Seven years later, a significant part of the Muslim community of Ioannina complained that the Moufti has neglected the Muslim schools of the region and thus many Muslims were fleeing abroad, Memorandum of 25.5.1920 to the Governor General of Epirus, AGGE, F.184, II, 1922 B/7a.


50 Only one appointment of a teacher of Greek has been detected through the study of the Official Gazette of the General Directorate of Epirus, EHM, F.49, doc. 4009, 1913.

51 K. Stylianopoulos, 1930b: 15.

52 'Despite the suggestions addressed by the Moufti of Margariti that the girls at least until the age of 10 should attend schools', Report, Inspector for the Education, Paramythia 12.11.1930, HAMFA, F. 1935 A/4/9. A few months later a group of parents complained that their daughters should not attend schools, as this was against their religious habits. However another group of parents expressed their will to send their children to school regardless of gender, Eparhos Paramythias to Office of the Prime Minister, telegram, Paramythia 16.2.1931, HAMFA, F. 1935 A/4/9.

53 The Inspector on Minorities suggested in 1930 that it would be wise not to implement the relevant regulations in order to gain the confidence of Muslim parents, K. Stylianopoulos, 1930a: 16.
Muslim teachers taught Islam and elements of the Albanian language, very often without official authorization.\textsuperscript{54} In other cases, the local authorities banned any attempt to teach Islam.\textsuperscript{55} Only in Filiates was there a three-year medrese.\textsuperscript{56}

In 1927, the Greek government appointed teachers in Filiates and Paramythia\textsuperscript{57} as a gesture to the Albanian government to guarantee better treatment of the Greek minority in Albania.\textsuperscript{58} However, the main goal of the government during this period was to establish Greek-speaking kindergartens and elementary schools in the area. The establishment of a school for kindergartners in Filiates aimed at the linguistic assimilation of the Chams,\textsuperscript{59} a project which failed and the school closed down. In addition, a private girls' school in Filiates teaching the Albanian language was operational, perhaps only for the school year of 1928, but later closed down. The reason for this was, according to the Greek side, the lack of pupils, while according to the Albanian government it was the Greek government's discomfort at the existence of the school.\textsuperscript{60}

In short, the issue of minority education was internationalized and impacted by the nature of bilateral relations. As a Greek diplomat noted in 1928:

\begin{quote}
The principle of loyalty of the minority and good relations with the kin state as set by the League of Nations since 1922 are violated as Albania exerts so called reprisals against the Greek language in Albania. We do not harass the population of Chamouria but we will push Albania so she fulfils her obligations.\textsuperscript{61}
\end{quote}

\textsuperscript{51} E. Manta, 2008: 54–55. The Greek government justified the lack of special schooling for the Chams as they were said to 'stay away systematically from any intellectual effort', Observations du gouvernement grec au petition of 28.8.1927 from inhabitants of Gardiki to the League of Nations, E. Destani, vol. 5, 2003: 25.

\textsuperscript{55} K. Tsioumis, 2001: 401.


\textsuperscript{58} L. Empeirikos, 2002: 165.

\textsuperscript{59} K. Tsioumis, 2001: 399–400.

\textsuperscript{60} See L. Empeirikos, 2002: 164 and Baltsiotis, 2009b.

\textsuperscript{61} Greek Embassy in Tirana, Doc to MFA, Tirana 31.10.1928, AP 11293, HAMFA, F. 1929 A/25/VIII.
After pressure exerted by Albania, the Greek government declared that it could establish two or three Albanian speaking schools but this never occurred due to political and technical reasons.\footnote{Diplomatic documents cited by V. Kondis, 1997, vol. III: 329, 341, 342 and 347.}

The intensive controls on the various forms of legal commitment to minority protection created confusion about which policies should be applied. By the late 1920s, officials made a series of suggestions regarding religion and the education of the Muslim Chams, suggestions which had no real impact on the group's minority rights. In 1929, the Governor of Epirus suggested that Greek schools should be set up in all Muslim villages where students could have the right to receive Islamic instruction.\footnote{A. Kalevras, Report to E. Venizelos, 9.1.1929, AEV F. 107: 13.}

A year later, the local inspector for the education reported,\footnote{Report, Inspector for the Education, Paramythia 12.11.1930, HAMFA, F. 1935 A/4/9.} “We want to foster the Greek national consciousness, but we would need a lot of effort and money; we are sceptical of the idea of appointing teachers for the Albanian language”. In 1930, the Inspector for Minorities Stylianopoulos visited the region in view to respond to complaints filed by a committee of Chams of Filiates. The latter claimed that Albanian should be taught in public schools, and called for the free use of the Albanian language among students. Furthermore, they asked for permission to open private schools in Filiates and other villages.\footnote{K. Stylianopoulos, 1930b, L. Empeirikos, 2002: 166. The complaints of the inhabitants of Filiates ended up in a petition to the League of Nation, without success once more. Among others, a group of Muslims of Filiates complaint about lack of Albanian private schools, lack of teaching of the Albanian language, and prohibition of Albanian newspapers and books. HAMFA. F. 1026/A/4/9.}

The Inspector reported to the government that there were 10 teachers for religious matters, but none for the Albanian language. Stylianopoulos proposed that at least one Albanian-speaking teacher be appointed in each school attended by Muslim Chams should teach Albanian and that the principal should have knowledge of Albanian. Proper textbooks for the Albanian language should be printed, and thus the circulation of clandestine textbooks imported from Albania would be limited. The legal status of these minority schools would be drafted very carefully allowing the communities to establish their own schools. Moreover, the Inspector proposed the means through which the state should display interest in the education of the Chams thereby preventing their alienation and reducing their receptivity to Albanian national propaganda. He suggested that these teachers should be paid an allowance from the vakf property and that special textbooks in Albanian be
drafted. Lastly, Stylianopoulos proposed to appoint Albanian-speaking nurses at the kindergartens. These propositions were justified on the grounds of the Treaty of Sèvres for the protection of minorities in Greece (1920), and could further be used to demand amelioration of the status of the Greek minority schools in Albania.

In the same period, other Greek officials proposed an opposite approach. Many such figures sought to promote Greek schooling in the areas in which Albanian Muslims resided so ‘the local population stays in contact with the Greek language from early age and to limit their attendance to boarding schools in Albania’. Whatever the approach, the consideration of the educational question of the Chams was framed through the prism of bilateral relations; it also took into consideration the emerging involvement of Italian interests which engendered new dynamics but which ultimately had little impact.

During this time, the Chams filed a series of complaints to the Secretary General of the League of Nations, alleging that Greece was violating the Treaty of Sèvres, and that the Albanian language would disappear if measures were not taken for its instruction. In a letter of February 1936, a group of Muslims from Filiates requested the establishment of an Albanian language private school, where the local community would hire the teachers. The complaints set forth in five petitions were examined by the Minority Committee of the League regarded the lack of education in Albanian and the prohibition on teaching the Albanian language. After having considered, and perhaps endorsed the Greek government’s reply, the Minority Committee noted that “as the Albanian language is freely used and taught through the religious teaching in schools, Greece was

68 In Corfu, where a number of Muslims from Epirus had been settled, the Prefect of Corfu suggested that the Greek elementary education should take care of the Albanian children in order to strengthen their ‘national morale’ and minimize the influence of the Italian propaganda, Report of 7.7.1930, EVA, F. 107/1930.
sufficiently complying with its obligations under the terms of article 9 of the Treaty of Sèvres".71

Finally, in the context of the settlement envisaged regarding the status of the Greek minority schools in Albania,72 five teachers for the Albanian language were appointed in 1936 (but in practice took in office only in 1937 under the dictatorship of Metaxas)73 in Muslim schools in Thesprotia along with seven teachers of the Koran,74 who were members of the local Muslim communities. These teachers were Greek teachers from the Greek minority schools in Albania. The Albanian government complained, because they were Christian and non-Albanian speaking. Greek officials replied that the Chams were familiar with Christians and that these teachers had been appointed by the Albanian government so their competence was guaranteed.75 In this context, the Albanian government also granted scholarships to Chams to train their own teachers in Albania.76

The Greek and Albanian governments agreed in the autumn of 1937 to distribute Albanian textbooks in the schools where the Albanian language was taught after adjustments to the text carried out by the Greek government.77 In this respect, it seems that an internal discussion that took place among Albanian diplomatic representatives, in which they discussed demanding for the Muslim Albanians a status comparable to that of the Muslims of Thrace,78 was never aired to the Greek authorities.

Although the dictatorial regime of Metaxas opened the door to a new set of assimilationist policies regarding minority language education all

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71 Letter from the representatives of Portugal, the UK, and Ecuador -- members of the Minorities Committee which examined the petition relating to the position of the Albanian minority in Greece, League of Nations, Official Journal, December 1936: 1415–17.
75 Greek Embassy of Tirana to the MFA, Tirana 8.6.1936, No 1287, AP 11768, HAMFA/1939/A4/9a.
76 L. Empeirikos, 2002: 172.
77 E. Manta, 2008: 107. Albanian textbooks were clandestinely circulating in Chamouria since 1926, L. Empeirikos, 2002: 168.
over Greece, 16 teachers of the Albanian language and two of the Koran were kept in office. These teachers taught their subjects two hours a week in the Muslim schools of Paramythia. In an interesting case revealing the ambiguity of national affiliations in this period, a group of Thesprotia Muslims signed a letter on 19 March 1938 complaining about the appointment by the Greek State of teachers for the Albanian language in their villages. They declared that they were ‘of Turkish origin having nothing to do with Albanians’, although the very same people had been exempted from the population exchange on the basis of their alleged ‘Albanian origin’.

It seems that the attempt of the Governor of Epirus during the Metaxas dictatorship (1936–1941) to prevent local Muslims from speaking Albanian and to appoint Muslim instructors to teach the Koran in Greek failed in light of unfolding political events. For discussions, negotiations and antagonisms between Greece, Albania, and the League of Nations regarding the education in Chamouria were eclipsed with the arrival of World War II on the Balkan Peninsula. The tragic chain of events this unleashed meant the educational concerns of the Chams of Epirus became a mere footnote of history.

17.3. Establishing Minority Education in Thrace: Deadening Modernity

The administration of the Muslim community schools of Western Thrace passed from the Ottoman Empire to Bulgarian occupation (1913), and then from Allied administration to the Greek State after 1919/1920. The status of these schools was rooted in the Ottoman system, where religious

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79 Directorate of elementary school of Paramythia, Document of the Deputy Director to the General Inspector for foreigner and minority schools, Igoumenitsa 23.7.1945, F. 96, MSA. In Konitsa, there were 30 Muslim pupils attending public elementary schools before the forced exodus of 1944–45, and eight remained in 1945. Directorate of elementary school of Konitsa, Document of the Deputy Director to the General Inspector for Foreign and Minority Schools, Konitsa 27.7.1945, F. 96, MSA.
83 In an interesting case, Nousret Ali Zekirya, a Muslim Cham, who had been appointed as ‘teacher of the Muslim religion’ at the school of Koutso/Polyneri (Prefect of Thesprotia, doc. 15784/1939) applied again in 1976 to be appointed as ‘teacher of religion and language’, but the administration denied that possibility as “such a post does not exist according to the relevant legislation”, Secretary General of the Ministry of National Education, doc. F.361.1/103/130559 of 26.3.1976.
communities self-administered their educational institutions. After 1920, these schools were governed like the rest of Muslim schools across Greece, though schools elsewhere were closed down after the population exchange. They were then put under the legal framework of the Treaty of Lausanne.

17.3.1. The First 30 Years (1920–1949)

At the beginning of the Greek-Turkish war, as well in the aftermath of the population exchange, from 1919 until 1925, Muslim schools faced overwhelming problems that rendered their operation difficult at best. For instance, by 1920, the high schools of Xanthi and Komotini closed down as their professors fled to Turkey; soon the school premises were used to house Christian refugees. By 1925, however, they were again operational as elementary schools.\textsuperscript{84}

Thraces minority schools were in very bad condition, and in many cases they were not even operational due to the hardship caused by the population exchange and the settlement of Christian refugees in the school buildings between 1924 and 1925.\textsuperscript{85} Special aid was granted by the Greek State for the restoration of school premises, but it probably was not sufficient.\textsuperscript{86}

The Muslim schools of Western Thrace became the only minority Muslim schools in Greece and were placed under the legal framework set by the Treaty of Lausanne. According to articles 40 and 41 of the Treaty, Muslims have the right to education 'in their own language'. Turkish was the dominant language within the minority and thus became the only language of education in minority schools. The schools taught mostly the Koran and elements of mathematics and the Turkish language. Greek had to be taught as well. Generally, attendance was sporadic, unless students came from families prosperous enough that it was not necessary for the children to contribute to the family income by working.\textsuperscript{87} This may have

\textsuperscript{84} Personal interview with Riza Kirldökle, Xanthi 10.12.2007.

\textsuperscript{85} According to the Italian researcher E. A. Monfosca (1929), just after the population exchange only 500 pupils attended the minority schools in W. Thrace.

\textsuperscript{86} According to the Greek government, the situation was not that bad: «pour encourager l'instruction des musulmans, l'Etat a gratuitement distribué des livres turcs et l'Etat ainsi que les communes ont consenti de larges subventions pour la réparation des écoles et l'achat d'instruments. Là où l'argent manquait, l'Etat rétribue les instituteurs musulmans. Pour la surveillance du fonctionnement régulier de ces écoles musulmanes, l'Etat a nommé deux inspecteurs d'enseignement musulman », Tableau de la situation scolaire des minorités en Grèce d'après les statistiques de 1924, AEV, F.43/1924 and L. Divani, 2000: 175.

\textsuperscript{87} K. Stylianopoulos, 1929b: 25.
led Inspector Stylianopoulos to complain that "laws on obligatory attendance were not implemented due to the special circumstances prevailing in Thrace." In neighbourhoods or villages where Muslims constituted a small minority, Muslim pupils were obliged to attend the local Greek school though, in practice, their parents often refused to comply with the decisions taken by the administration.

During the inter-war period, more than 330 elementary schools operated across the villages and towns of western Thrace. In 1927, the most important schools were in Xanthi (180 pupils), in Komotini (145 pupils), Hrysa (127 pupils) and Oraio (127 pupils). There were also eight medreses in Komotini, four in Xanthi and one each in Ehinos, in Kotyli, Melivia, Pahni, Dimario, Oraio, and Sapes.

Table 1. Minority schools of Thrace: 1921–1949.

<table>
<thead>
<tr>
<th>Year</th>
<th>Schools</th>
<th>Pupils</th>
<th>Teachers/ language</th>
</tr>
</thead>
<tbody>
<tr>
<td>1921–22</td>
<td>Western Thrace: 349 elementary schools</td>
<td>12,125</td>
<td>370</td>
</tr>
<tr>
<td></td>
<td>Eastern Thrace: 364 community schools and 130 state schools</td>
<td>24,766</td>
<td>625</td>
</tr>
<tr>
<td>1925</td>
<td>101 in Ghioumouldjina/ Gümülcine and 25 in Dedeagatch [Evros]</td>
<td>3,819 [2,234 male]</td>
<td></td>
</tr>
<tr>
<td>1926</td>
<td>307 elementary (216 one-class)</td>
<td>6,326</td>
<td>305 Muslims/ Turkish and no Christians/ Greek</td>
</tr>
<tr>
<td></td>
<td>48 elementary schools remained closed</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Continued)

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89 K. Stylianopoulos, 1929b: 27. About 80 per cent of Muslim students had dropped out school in 1927 (compare to 20 per cent of Christians), G. Kalantzis, 2004: 17.
90 G. Kalantzis, 2004: 18.
91 Governorate General of Thrace, [1922], Adrianoupolis, [Report copied by A. Papaevgeniou, Inspector of Minority Schools, undated], F. 12, MSA.
92 Communication by the Greek government, League of Nations, Official Journal, April 1925: 481.
93 Report by the Governor General of Thrace to MFA, Komotini 2.6.1924, HAMFA, F. 1927–28/93.2b.
### Table 1. (Cont.)

<table>
<thead>
<tr>
<th>Year</th>
<th>Schools</th>
<th>Pupils</th>
<th>Teachers/language</th>
</tr>
</thead>
<tbody>
<tr>
<td>1929–30</td>
<td>241 elementary schools in 1929 (217 one-classroom, 12 two-classroom, 7 three-classroom, 3 four-classroom, and 2 six-classroom)(^{94}) 305 minority schools(^{97})</td>
<td>Greek taught in 28 min. s.(^{95}) 9 Chr./Gr and 277 M/Tr(^{96})</td>
<td></td>
</tr>
<tr>
<td>1930–31</td>
<td>In addition to elementary schools: 5 medreses(^{98})</td>
<td>Greek taught in 44 min. s.(^{99})</td>
<td></td>
</tr>
<tr>
<td>1938(^{100})</td>
<td>4 medreses in Komotini</td>
<td>60 students</td>
<td></td>
</tr>
<tr>
<td>1946–47(^{101})</td>
<td>287</td>
<td>17,392</td>
<td>320 'Muslim' 12 'Christian'</td>
</tr>
<tr>
<td></td>
<td></td>
<td>18 M. pupils attended Gr. public schools in Xanthi</td>
<td></td>
</tr>
<tr>
<td>1947–48(^{102})</td>
<td>252</td>
<td>11,546</td>
<td>304 'Muslim' 21 'Christian'</td>
</tr>
</tbody>
</table>

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\(^{94}\) K. Stylianopoulos, 1929b: 32.

\(^{95}\) Greek MFA, Comparative examination of the application of the minority clauses of the Lausanne Treaty in Greece and Turkey, Memorandum, 1930, AEV, F.58 and A. Alexandris, 1991a: 68.

\(^{96}\) Greek MFA, Comparative examination of the application of the minority clauses of the Lausanne Treaty in Greece and Turkey, Memorandum, 1930, AEV, F.58 and A. Alexandris, 1991a: 68.

\(^{97}\) Four graduates from a Turkish training school, 20 teachers of 'a tolerable education', and 253 graduates from a medrese, K. Stylianopoulos, 1929b: 32.

\(^{98}\) A. Papanastasiou, Report 'on the implementation of minority treaties...', Balkan Conference of 1931, AEV F. 107/1931.

\(^{99}\) K. Stylianopoulos, 1931.

\(^{100}\) Kayali medrese, Yeni cami medrese, Tekke medrese, Sohtalar medrese, Report of the Moufti Komotini Hasan Hilmi on the implementation of Act 1363 (FEK A 305), Archives of the Moufti Office of Komotini, doc.147/20.12.1938.

\(^{101}\) Report to the General Inspector of Foreign and Minority Schools, 11.11.1947, F. 100, MSA and Inspector of Muslim Schools, Report on the situation of Muslim schools of Western Thrace, HAMFA, 7.2.1948, F. 105.6.

\(^{102}\) Featherstone and others, 2011: 284.
Greek was taught as a language only in urban minority schools, such as in Komotini, Hrysa, Xanthi, Didymoteiho, and Alexandroupolis. However, teaching Greek remained an ambiguous undertaking: appointing Greek teachers in all minority schools 'would burden the budget of the state with questionable real effects'. Finally, by Mandatory Act 132/1936 (article 7.2), Greek became a compulsory subject in minority schools. That said, in schools with no Greek teacher, local Muslim teachers were called upon to teach Greek, although both Muslim pupils and teachers were very weak in the use of the Greek language. During the dictatorship of Metaxas, proficiency in Greek became a preponderant qualification for hiring teachers. By 1939–1940, such measures were insisted upon not only to improve the quality of education but to counterbalance Turkey's policies towards the Greek minority schools in Istanbul.

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103 Inspector of Muslim Schools, Report on the situation of Muslim schools of Western Thrace, HAMFA, 7.2.1948, F. 105.6.
104 Featherstone and others, 2011: 284.
106 Report on how the minority schools of W. Thrace operate', AP 826, 11.8.1928, HAMFA F. 1928/B/1937
107 According to an official report, "10 teachers were appointed who were teaching in 2 or 3 schools each. When the appointment of Greek language teachers was impossible, Muslim teachers were asked to teach Greek, but this entailed ridiculous results", IAYE 1927–28, B/28, AP 1133.
108 At first, the teachers were supposed to pass a Greek language examination before a high level committee (Article 7, Act 818/1937, FEK A 335, amended by article 19, Mandatory Act 2029/1939, FEK A 447). Article 29 of the Mandatory Act 2517/1940 (FEK A 266) made appointment of the teachers the responsibility of Governor General of Thrace who was expected to follow the advice of the Inspector of Foreign and Minority Schools and the certification of instructors' proficiency in Greek.
It is interesting to note that an attempt to establish a training school in 1929 for Muslim teachers failed because Act 3179/1924 would purportedly violate the Treaty of Lausanne: according to the Inspector for Minorities if "the Greek language would be dominant, the curriculum would contradict with the Muslim habits and customs".\textsuperscript{109}

As article 12.4 of Act 2345/1920 provides for, the autonomy of schools and teachers was guaranteed, and the Management Council of the Muslim communities was authorized to administer Muslim schools and their staff. This meant that the communities hired and paid teachers using funds granted by the Ministry of Education and the vakf property, if available. Often the teachers were paid in kind (wheat, wood, etc).\textsuperscript{110} The Greek State subsidized the minority schools and parents, as non-Greek speakers, were not given any responsibility for education (Act 3532/1927, FEK A 83). That said, the right to establish genuinely private minority schools was provided for by article 40, paragraph b of the Treaty of Lausanne. It was implemented in 1928 when the Modernists founded a few private schools that lasted until 1932. The legal status of minority schools was not clear\textsuperscript{111} as the Inspector for Minorities observed (infra, Section 17.4.). Financial support was granted to the communities who managed the schools according to their own needs. The support was used for building maintenance and teachers' salaries, including part of the Christian teachers' salaries.\textsuperscript{112} During the 1920s, teachers of Turkish citizenship taught in minority schools, too, as there was no qualified personnel among the local Muslims. In 1924, the Muslim communities hired 16 fugitive teachers from Turkey. In 1928 this number reached 26; three were appointed by the Governorate General of Thrace to the central school of Xanthi.\textsuperscript{113}

\textsuperscript{109} K. Stylianopoulos, 1929b: 33.
\textsuperscript{110} In a case adjudicated before the First Instance Court of Rodopi, the Muslim teacher of the Turkish elementary school of Kalhas claimed his payment by the committee of elders of the village. For one year, he received 1,200 kilos of wheat, 1,200 kilos of corn, 300 kilos of barley and 80 packs of firewood, First Instance Court of Rodopi, 313/1925, Archive of the First Instance Court of Rodopi, AVEE 91, GAK Rodopis.
\textsuperscript{111} K. Tsoumis, 1994: n7.
\textsuperscript{112} K. Stylianopoulos, 1929b: 41–42. In 1928, the Muslim deputies asked state authorities for a grant of 320,000 drachmas, as the minority schools had insufficient resources, Memorandum of 25.10.1928, signed by Thrace’s Muslim deputies, AEV, F. 225/1928, doc. 52. Until 1929, the annual financing for the Muslim schools from the state budget was 75,000 drachmas, and in 1929/1930 it was doubled, K. Stylianopoulos, 1930c: 19. The communes and municipalities contributed the minority education with 1,815,000 drachmas. Moreover, for the salaries of 9 Greek teachers in the Muslim schools the state allocated 258,000 drachmas, K. Stylianopoulos, 1929b: 46.
\textsuperscript{113} Report by K. Stylianopoulos to the MFA, Komotini 9.5.1924, HAMFA, F. 1924/B/336 and Table showing the fugitives from Turkey, [1928] HAMFA, F. 1927–28/93.2b, respectively.
These teachers, loyal to the old regime of the Empire and protégés of the Greek government until 1930, were mostly Circassians who settled in Thrace following the withdrawal of the Greek Army. The appointment of three teachers in Xanthi triggered a strong reaction among the Kemalists within the minority elite and from the Turkish Consulate. The Inspector for Minorities accordingly advised against the appointments in that it might be held in violation of the provisions of the Treaty of Lausanne which safeguarded the private character of the minority schools. The Inspector further suggested that a school board should be established in each school to carry out in full freedom the appointment of the teachers (upon agreement of the Governorate General of Thrace) and to maintain the school buildings: “The nature of minority schools has to be retained as private. In order not to violate the Treaty of Lausanne, the teachers should not be appointed by the state.” The suggestion to clarify the legal character of the minority education was never fully implemented.

As S.A. Tchemalovich reported in 1933, the school boards were free to hire the teachers of their choice, but the Councils were appointed and controlled by the Greek authorities in practice. During the Metaxas dictatorship, minority schools were governed by Mandatory Act 1216/1938 on private schools applying a series of constraints on the curriculum and the appellation. However, it is not known the extent to which these were in practice implemented. The controversy over the legal character of the minority schools continued after the end of the Bulgarian military occupation. In 1945, the Minority Council of Komotini strongly complained about a circular on the implementation of Act 5019/1931 on elementary schools which did not provide special regulations for autonomy of the minority schools, as provided for by the Treaty of Lausanne. In effect by 1945 members of the school boards were appointed by the Greek authorities. Indeed, the grey area regarding the scope of state authority vis-à-vis the minority school boards was never finalized and a field of controversy perpetuates to this day.

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84 K. Stylianopoulos, 1929b: 28.
86 Furthermore, S.A. Tchemalovich (1933: 207) reports that the schools of Thrace were of very poor quality and applied very old pedagogic methods. Only one middle-school operating in Komotini, he reports, followed modern standards. The pupils of that school paid education fees and the teacher of Greek received a salary from the government. There was no Muslim pupil enrolled in the mainstream Greek schools.
88 Memorandum of the Muslim Community of Komotini to the Governor General of Thrace, 27.9.1945, MSA, F. 95a.
Curriculum guidelines were set by the Governorate General of Thrace with the cooperation of the principals of the minority schools in urban centres. However, the quality of education was not monitored, and, in effect, the teachers were free to follow the curriculum of their own choice up until the early 1930s.119

Teaching the Koran was one of the basic and integral elements of the religious character of the minority schools. According to Act 4397/1929 on elementary education (FEK A 309), non-Greek Orthodox pupils were exempted from the study of the Greek-Orthodox religion. Especially in schools attended by a considerable number of pupils of non-Greek language or religion, a teacher of those pupils' language and religion would be appointed by the State (article 5). Tellingly, in 1927, the Inspector of Agrarian Affairs proposed to the Ministry of Education a series of measures for the improvement of minority education: Geography and History would be relevant to Greece, 'but they should be taught in Turkish; otherwise the Treaty of Lausanne would be violated'. Furthermore, the non-school days should be the official state holidays in addition to the Muslim religious holidays. And the working language of the administration should be Turkish for internal matters and Greek for external and official affairs. Lastly, the Inspector acknowledged, 'According to article 40 of the Lausanne Treaty, the minority has a full freedom to choose its own teachers as it wishes'.120

In the 1920s, textbooks were imported from Turkey and censored by the Governorate General of Thrace when they presented Greece as an enemy country. This was done by tearing out the offending pages. In 1924–26, separate textbooks were published in Thessaloniki and Istanbul for the schools of Thrace121 and were distributed in January 1925.122 Then, in 1926, the Ministry for National Education approved textbooks submitted by the community of Thrace123 and made them available for the 'Ottoman schools'. An attempt to print Turkish textbooks in Arabic script by the Minister of Education in Athens failed in 1929. It seems that there was a variety of textbooks available for the minority schools, which were produced, in

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119 K. Stylianopoulos, 1929b: 35.
122 R. Kürldökme, 2005a: 137.
123 Ministerial decision of 8.5.1925 (FEK B 46). In 1925, Turkish textbooks were distributed to the minority schools by the Greek State for free. Teachers were appointed by the state as the local communities did not have the means, AEV, F. 44/1925.
many cases, by knowledgeable minority teachers. In the early 1930s, Turkish textbooks for the minority schools were printed in Istanbul, edited by Muslims of Thrace, and financed by the Greek government. The Metaxas regime (1936–1941) imposed strict requirements on the import of textbooks from Turkey, which resulted in delays and cancellations in the distribution of the books. It is worth noting that certain textbooks for the Greek curriculum within minority schools were designed especially for Muslim students and included cultural references to Islam.  

Later, in December 1944 during the administration of the region by communist guerrilla forces Mustafa Öztürk imported textbooks from Turkey which were censored. From 1946–47, Turkey sent textbooks on General Geography, Nature, Grammar, Mathematics, all of which were approved by the Greek government except for the Turkish language textbook. The latter was printed in Athens, a move which provoked a strong reaction by the minority which did want Greek involvement in the language textbooks.  

The Greek teachers used the same textbooks employed in the mainstream Greek schools. Given the language gap, this made the books inappropriate for minority pupils. An attempt by the Inspector for Minority Schools to render Greek language textbooks in Turkish in the 1920s failed. The division between Kemalists and Islamists within the minority was mirrored in controversy over the use of Arabic versus Latin letters. The question acquired major symbolic importance and led to the consolidation of hard line elements within the two camps. By 1929, the Greek authorities permitted the use of the Latin alphabet eliciting strong reactions from the Islamist faction within the minority elite. In the same year, Sabri, the exiled Sheikh-ul-Islam of the Ottoman Empire issued a fetva from Komotini against the use of Latin script, a move sparked by fears that the Arabic alphabet was receding in use. The issue continued to divide minority schools and teachers as late as the 1970s, when use of the Latin script spread to all the schools of Thrace. In Komotini, there were three community/minority schools and another five ‘irregular’ schools.
run by the conservative Muslims. These schools were used by the Greek administration to foster division between Islamists and modernists.\textsuperscript{129} However, the Greek-Turkish agreement of 1951 on cultural exchange consolidated the position of the modernist camp and enhanced the use of the Latin alphabet.

An \textit{Inspectorate for the Muslim Schools} was set up in September 1921\textsuperscript{130} and integrated into the Governorate General of Thrace. This institution is the ancestor of today's Coordination Office of Minority Schools. The Minister for the Education appointed qualified Muslim teachers as inspectors of the Muslim schooling through Act 1618/1919. This provision, however, applied only for a short period. The autonomy of minority bodies regarding the appointment of their own 'Director' seems to have lasted until 1924, after which the Greek administration controlled the inspection system of the minority schools as it does today. By Act 3179/1924 'on the teaching staff of the school of W. Thrace' (article 2.d, FEK A 186), the first legislative intervention regarding the minority of Western Thrace, the inspectors should be graduates of a Greek Education School with ten-years of experience and knowledge of Turkish. During the first years of minority education, a Muslim could hold office. According to the newspaper \textit{Yarrn}, in 1928, the Community Council of Komotini appointed as Director of the Muslim Schools Ibrahim Sabri, the son of the former Sheikh-ul-Islam; Sabri was fired the following year in the context of the controversy over the use of the old Arabic or new Latin alphabet for Turkish.\textsuperscript{131}

In 1936, the dictatorship of Metaxas founded the General Inspectorate of Foreign and Minority Schools in Thessaloniki. The body oversaw all foreign and minority as well as Jewish schools.\textsuperscript{132} Again, in 1942 the Directorate on Technical, Foreign and Minority Schools (\textit{Dieuthynsi Tehnikon, Xenon kai Meionotikon Sholeion}) was set up by the German occupation within the Governorate General of Macedonia in order to follow regularly the

\begin{itemize}
\item \textsuperscript{129} Report 'on the educational situation of the Muslims of W. Thrace from 1941 up to today', Inspector for Minority Schools, HAMFA, F. 12/9, 1945.
\item \textsuperscript{130} General Inspection Office of Foreign and Minority Schools, letter to the MFA, 20.6.1961, AP 1289, F. 2, MSA.
\item \textsuperscript{131} Y. Bonos, 2007: 367.
\item \textsuperscript{132} Mandatory Act 132/1936 (\textit{Kodie Themidos} 1936: 609) and Mandatory Act 248/1936 (\textit{Kodie Themidos} 1936: 720), and RD of 1.7.1937 on the tasks of the Inspector (FEK A 258). The first appointed director was Athanasios Papaevgeniou, K. Tsioumis, 1994: 240–241 and 2006: 33. The Inspectorate had a main interest to preserve national security rather to focus on social integration of minority pupils, K. Tsioumis 2009.
\end{itemize}
issues related to the religious communities of Northern Greece, mainly the minority of Thrace. The Office was re-established in 1969 under the title General Inspectorate on Minority Schools (Geniki Epitheorisi ton en to kragi Meionotikon Sholeion), based in Athens.

The training of teachers, however, was a very low priority, and only the reformist-minded Kemalists demanded that it be upgraded. In the 1920s, ten minority teachers were educated in Turkey through seminars – and, in some cases, in Bulgaria as well.

According to the law, a three-year sub-training school (ypodidaskaleion) should have been established for the training of the Muslim teachers (Act 3179/1924, articles 8–11). The curriculum would have been predominately Greek-centred. For this reason, the Inspector for Minorities assessed that ‘this regulation contradicts the Treaty of Lausanne’. These training schools were never established. Moreover, a foreign teacher could remain in office and be hired as a civil servant on the condition that he acquired Greek citizenship (article 2.e, Act 3179/1924). Thus, the local Muslim communities – given their limited resources – hired underqualified teachers for the Turkish curriculum, which was set according to the concerns of the local Muslim community so long as the Greek language was taught. For this reason, a circular issued by the Governor General of Thrace regarding the minority schools insisted that minority schools, despite some degree of self-administration and autonomy, be put under close inspection, not least with regard to the qualifications of the teachers, who were required to have a special licence in order to be hired by the communities. Moreover, private lessons at home were strictly forbidden, as ‘private schools could be open only in cities, after having been approved by the General Governorate’.

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133 The decision was adopted after consultation with the Greek Orthodox Bishop of Thessaloniki. The Director had to be a graduate of a theological and law school. Ath. Papaevgeniou undertook this new position by Decision of 13.10.1942, AP 121307, Minister Governor of Macedonia, and Introductory Report, MSA, F. 4.
135 K. Stylianopoulos, 1929b: 58.
136 G. Kalantzis, 2002: 455. In 1928, the Muslim deputies asked for the establishment of a teachers’ school ‘in order to have our own teachers and not to import them from abroad’, Memorandum of 25.10.1928, signed by Thrace’s Muslim deputies, AEV, F. 225/1928, doc. 52.
138 Circular 14417, issued by K. Geragas, deputy Governor of Thrace, Komotini 14.8.1925, for the bilingual text (Greek and Osmanli), see I. Sarioglou, 2004: 206.
The three-year Bulgarian occupation of Thrace (April 1941-September 1944) drastically affected minority education. Only 13 elementary Turkish schools and one middle-school operated from 1941-42. From 1942-43, however, there were 20 Turkish minority schools in which Bulgarian replaced Greek and the Turkish curriculum was kept intact. The low number of minority schools was due to the hardship caused by the occupation and the fact that in all the Pomak-speaking villages, the schools shifted to Bulgarian language education, though practical difficulties meant even Bulgarian language instruction was erratic at best. In the few schools of the Pomak villages, the curriculum was taught in Bulgarian except for the teaching of the Koran, which entailed one hour of classes per day in Arabic. During the unstable years after liberation (1945-46) and the Civil War (1946-49), communist guerrilla forces operated in the mountainous areas of Thrace and established a local administration, though only a small number of Muslims participated in the movement. The communist Democrat Army took control of the minority schools in the areas. Under their command, textbooks in Turkish replaced Arabic with the Latin script; such textbooks were edited by guerrilla forces. In poor rural villages, the communist administration paid the teachers, while the schools of Xanthi and Komotini remained under the control of the elite of the respective communities. The question of the position of the teachers within the community would again become a heated subject of discussion 20 years later in a different political and ideological context.

17.3.2. The Interim Period (1950-1976)

Education became the main field of ideological confrontation between Kemalists and Islamists due to Greek and Turkish policies of interference.

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139 Bulgaria assumed the administration of Thrace, except for the border zone to Turkey (Didymoteicho-Alexandroupolis area) which remained under German administration. Gradually, in 1943-44, it extended its authority in Eastern and Central Macedonia, see X. Kotzageorgi-Zymari, 2002.


141 For a detailed account of this period and the position of the Muslim/Turkish minority within the communist Democrat Army and the royalist National Army see Featherstone and others, 2011: 284.


143 Report 'on the educational situation of the Muslims of W. Thrace from 1941 up today'.
especially after the War. Moreover, the official appellation of minority schools, burdened with a symbolic significance, started to be marked by a political and institutional uncertainty, which continues to affect the question of education to this day. The dynamic shift and redefinition of minority identity at the interstices of religion and national identity as well as the struggle between Greek and Turkish policymakers for the sympathies of minority elites were inscribed upon various fields of minority education, such as teachers' salaries, education and training, school holidays, and the use of Arabic versus Latin script in the curriculum.

17.3.2.1. General

The level of the education remained very poor, as the years of the German/Bulgarian occupation and the Civil War drastically affected socio-economic infrastructure across Greece. In 1951, in the framework of the Greek-Turkish rapprochement, a cultural agreement was signed (infra, p. 478) opening the way for a reform in minority education. Although attempts to modernize and standardize education were made, cleavages between the minority as well as policies applied by the Greek administration and Turkish foreign policy undermined results.

Table 2. Minority schools of Thrace (1949–1976).

<table>
<thead>
<tr>
<th>Year</th>
<th>Schools</th>
<th>Pupils</th>
<th>Teachers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1951</td>
<td>240 elem. schools</td>
<td>12,806</td>
<td>366 teachers</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>[3 graduated from a teacher school from Turkey]</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>59 'Christian' teachers in 1951</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>[10 civil servants, the rest of whom were paid by the community at a private agreement]</td>
</tr>
</tbody>
</table>

(Continued)
## Table 2. (Cont.)

<table>
<thead>
<tr>
<th>Year</th>
<th>Type</th>
<th>Pupils</th>
<th>Teachers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1953</td>
<td>292 elem. + 1 high school</td>
<td>12,599</td>
<td>353 'Muslim' and 24 from Turkey 181 'Christian'</td>
</tr>
<tr>
<td>1958</td>
<td>289 elem. + 1 high school</td>
<td></td>
<td>In total, 391 teachers and 27 from Turkey 196 'Christian' teachers</td>
</tr>
<tr>
<td>1958</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1958</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>168 having non-school day on Friday</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>121 having non-school day on Sunday</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1961</td>
<td>286 elem. + 1 high school</td>
<td>14,274</td>
<td>In Xanthi, there were 99 Pomak teachers and 51 Turkish, while in Rodopi 44 Pomak and 165 Turkish. Among them, 210 'are conservatives and 150 modernists. Under the influence of the Turkish consulate there are 165 teachers in all'.</td>
</tr>
<tr>
<td>1963</td>
<td>286 elem. + 1 high school</td>
<td>13,413</td>
<td>344 teachers</td>
</tr>
<tr>
<td>1967</td>
<td>Medrese of Komotini:</td>
<td>108 graduate students</td>
<td>5 'Muslim', 2 'Christian' teachers</td>
</tr>
<tr>
<td>1967</td>
<td>Medrese of Ehinos:</td>
<td>103 graduate students</td>
<td>4 'Muslim', 3 'Christian' teachers</td>
</tr>
</tbody>
</table>

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149 [Directorate of Minority Schools], Table, Data on Muslim schools, Thessaloniki 6.3.1961, MSA F. 88.
151 [Directorate of Political Affairs to the Ministry for Foreign Affairs], Statistical data regarding the education of the Muslim minority of western Thrace, Komotini 29.11.1963, MSA F.2. According to the report, the teachers were classified as follows: Modernist 112, Conservative 159 and mixed 73.
Table 2. (Cont.)

<table>
<thead>
<tr>
<th>Schools</th>
<th>Pupils</th>
<th>Teachers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1969</td>
<td></td>
<td></td>
</tr>
<tr>
<td>297 elem. (whose</td>
<td>Xanthi: 7,013</td>
<td>437 'Muslim' teachers</td>
</tr>
<tr>
<td>not operational</td>
<td></td>
<td>[126 prosontouhoi and 311 non-prosontouhoi]</td>
</tr>
<tr>
<td>14) + 2 high</td>
<td>Rodopi/</td>
<td></td>
</tr>
<tr>
<td>school</td>
<td>Evros: 9,638</td>
<td>320 'Christian' teachers</td>
</tr>
<tr>
<td>1971</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Xanthi: 116 (7 not</td>
<td>Xanthi: 7,140</td>
<td>437 'Muslim' teachers</td>
</tr>
<tr>
<td>operational)</td>
<td></td>
<td>[126 prosontouhoi and 311 non-prosontouhoi]</td>
</tr>
<tr>
<td>Rodopi-Evros: 181 (7</td>
<td>Rodopi-Evros:</td>
<td></td>
</tr>
<tr>
<td>closed)</td>
<td>Evros: 9,474</td>
<td></td>
</tr>
</tbody>
</table>

For many decades, use of Latin or Arabic, and observance of Sunday or Friday as a non-school day marked the division between schools controlled by Modernists and those controlled by Islamists within the community. However, it was not always easy to identify pro-Turkish or pro-Islamic stances. Indeed, in the 1950s, many schools both used the Latin script and respected Friday as a non-school day. The Latin script was favoured in the city schools, while the Arabic alphabet was taught mostly in rural areas. Reflecting the ideological nature of choice of alphabet was the prohibition of school signs in Turkish, (although the reference to ‘Turkish schools’ in Greek was acceptable in terms of Act of 1954).

Grosso modo, the schools of Komotini and Xanthi were under control of the Modernists, while the rural areas expressed a resistance to nationalistic ideals of Kemalism. The distinction between Kemalists and Islamists was taken into consideration by the Greek education authorities as two clear-cut categories. Indicatively, in a 1972 report of the education authorities, there were in Rodopi 41 ‘New Turkish’ schools, 20 Pomak, and 20 ‘Old Turkish’ schools. According to this division, the Pomak schools become a separate category, distinct from the Islamist and Modernists, even though Pomak villages especially during that period belonged to the conservative

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154 Directorate of Minority Schools of Xanthi, Table, Table on staff and schools, 3.4.1972, MSA F. 32.
155 Inspector of Turkish schools of W. Thrace, Report to the Directorate of Political Affairs, 26.5.1956, F. 90, MSA.
156 President of CCT, Report to the President of the government and the minister of Education and Foreign Affairs, Athens 1.8.1966, MSA, F. 10.
Islamist trend. Furthermore, during 1950, two night schools (one for the Kemalists, one for the Islamists) opened for just a few months for the teaching of the Greek language. Echoes of these cleavages of the past can be detected even today in a few cases (infra, Section 17.4.5.).

Setting up a new minority school was quite rare, though one such case was the establishment of the elementary school of Kalkantza, a Gypsy/Turkish village on the outskirts of Komotini. The school was established in 1948 in a building offered by the Greek authorities and in 1953 became a minority school. The local authorities financed this school, as if it were not a vakf. Another similar case regards an elementary school in Komotini which was set up unofficially in 1966. Initiated by the Union of Muslims of Greece with the support of the Greek authorities, it catered to the Islamist faction within the minority only for a few years.

In 1961, a group of parents, who had settled in Xanthi from the mountainous areas of the region, requested the establishment of a new minority school. The school would be under the influence of the conservative wing, so the Greek administration agreed to set it up in view of fuelling intra-minority divisions. The school is still operational under the name ‘Second Minority School of Xanthi’. However, a year after its creation, and in order to keep a political balance between the two minority factions, the Greek authorities recognized the merging of four minority elementary schools into the First Muslim School of Xanthi—a move undertaken under the influence of the modernists.

17.3.2.2. The Medrese

In addition to the elementary and secondary minority schools, several medreses, that is, Islamic seminaries, were also in operation. From 1947 to

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157 First Educational Constituency of Minority Schools, Xanthi, Concise study and planning of operational needs, Xanthi 15.2.1972, MSA F. 41.
158 General Directorate on Aliens, Report on Muslims living in Greece, AP 421/2/20/4, July 1952, MSA F.95.b, 10–11. This school was established in terms of Act 3094/1954 (FEK A 252), which allows the establishment of night schools of private character. According to G. Mavrommatis (2007), the school should have closed down due to lack of new students. The night school of Komotini was operational again in 1968 until 1971.
159 Memorandum of 4.1.1961 by ‘Muslim inhabitants of Xanthi’ to the Inspector of Minority Schools, MSA F. 88.
161 For the medrese under the Ottoman Empire in Thrace, see S. Soltaridis, 1997: 142. On the establishment of a medrese under the Cretan Autonomy see Act 88/1899, Talos, vol. 6,
1956 and from 1966 to 1968, a three-year private medrese run by Hafiz Ali Resat (who ran the school of Oraio during the inter-war period) operated in Komotini and for a certain period of time in Fylira with state authorization. The Hayriye of Komotini was founded in 1949 by the religious group Intibah, which broadly speaking was less hostile towards Kemalist reforms than other Islamist cadres. The school used both the Arabic and Latin scripts and offered a brand of religious instruction\(^{64}\) that was not opposed to Turkish national ideology. It (\textit{infra}, Section 174.2.) operated as four-form schools but in the 1960s were upgraded into five-form\(^{65}\) educational institutions.

The medrese of Ehinos/Şahin was established in 1903 and burned during the Civil War, in 1948. It was operational again by 1956 due to the initiative of Ali Resat and the Union of Muslims of Greece. By 1957, the CCT decided that the school would be financed by the state, following the pro-Islamic policy of the right wing government of Konstantinos Karamanlis. The premises of the medrese were managed by the local vakf committee which was appointed by the Moufti of Xanthi.\(^{166}\)

It is noteworthy that inhabitants of Ano Vyrsini (Rodopi) requested in 1955 the opening of a medrese as provided for by Act 3065/1954. However, in order to avoid strong reactions from the modernists and to keep a good relation with the Moufti of Komotini, the Inspector suggested that ‘although it would be otherwise nationally profitable, to avoid the opening and, instead, strengthening the teaching of religious matters in the local elementary school’.\(^{67}\) Thus, the school never opened. Last, the 1955 request filed by the inhabitants of Kotyli, Dimario, Pahni, and Aimonio (Xanthi) to reopen a medrese which was operational in Pahni before the war met a similar end.

In 1967 strong demands by the Mouftis and to a certain extent the local administration sought to turn the medreses it into at least five-form schools or, ideally, into six-form schools.\(^{68}\) During this period, the medrese of Ehinos was deemed outside the influence of the Turkish consulate of

\(^{65}\) As the medrese of Ehinos was considered to be under the control of the Turkish consulate and the Moufti of Xanthi and his son, it was decided not to upgrade the medrese in 1967, President of the CCT, Report to the Minister of National Education, Department of Followers of other Cults, Athens 16.8.1967, MSA, F. 11.
\(^{67}\) Inspectorate of Turkish Schools of W. Thrace to the Prefecture of Rodopi, On the establishment of a medrese in Ano Vyrsisi, Organi, Komotini 6.7.1956, AP 50, MSA, F. 90.
Komotini. For this reason, 'the students of Ehinos should not move to Komotini, so they can not bring back into the Pomak areas ideas formed under the influence of the consulate'. A year later, the curriculum was taught in Turkish except for the courses in Greek, History, and Geography. In 1969, by Ministerial Decision 137786/1969 (FEK B 69), a fifth class to the medrese of Ehinos was added. However, still in 1971 (Ministerial Decision 99566/1971, FEK B 700), the medrese was acknowledged as equal to the elementary schools.

17.3.2.3. Funding

With regard to economic resources, there are no reliable statistical data regarding the economic support provided to minority schools. The economic dependency of these schools created grounds for political interventionism on the part of both the Greek and the Turkish State: at first, through the community structures and, after the 1960s, in a more direct fashion.

Small and poor communities which could not afford teachers' salaries were more vulnerable to political and clientelist dependencies, as the schools were not financed in a standardized manner. Interestingly, this meant that Turkish funds were sometimes welcomed by the Greek authorities as the minority villages who were supposed to contribute to the school's operations were economically burdened; such occasions served to balance the ambivalence felt regarding Turkish interventions in minority issues on so many others.

A report of 1965 on the economic resources devoted by Greece and Turkey to the minority schools of the area of Xanthi reveals that allocation was moved by institutional and ideological considerations. It divides the minority area of Xanthi in two parts: a 'Pomak area', and an 'area inhabited by other Muslims', and breaks down the expenses denominated in Greek drachmas as follows:

a. Salaries paid by the communities (per year): 546,000
   Expenses paid by the communities for school premises: 45,000

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170 For an overview of financial aids granted to the minority schools in the post-war period by Greece and Turkey, see Ş. Hurşit, 2006: 96–100.
172 Inspectorate of Muslim Schools of Xanthi. report to the General Inspector of Foreign
Salaries paid by the Greek State (per year): 83,000
Expenses for reparation and establishment of school premises (1957–1964): 2,750,000

b. Allowances paid the Greek State to selected teachers: 296,000
Salaries paid by the Muslim communities: 814,000
Expenses covered by the Greek State (1957–1967): 695,000
Allowances paid by the Greek State (per year): 24,000
Aid provided by the Turkish consulate (1957–1965): 1,657,000
Expenses undertaken by the Muslim communities: 450,000

17.3.24. ‘Muslim Teachers’

With regard to teachers’ education, it has already been noted that Muslim teachers were poorly educated. In time, they received education in Turkish high schools for teachers. To facilitate this process, in the mid-1940s, Turkey began granting scholarships to students for teacher studies, yet the majority of these teachers did not return to Thrace. Implementing the Agreement of 1951, Turkey institutionalized the possibility for graduates from elementary minority schools to receive a scholarship in Turkey and, later, to be appointed as teachers. As a result, about 12 Muslims a year from Thrace (and in some cases from Rodos) went to study in teachers’ schools in Turkey. In 1953, 24 pupils and in 1954 another 20 were granted scholarships. Interestingly, by a ministerial decision of 1955 on the qualifications of the Muslim teachers, the graduates from four-year medreses were no longer eligible for appointment at the minority elementary schools of Thrace. This decision, which enhanced the position of the modernists, was a result of Greek-Turkish rapprochement (despite the pogrom against the Greeks of Istanbul). However, in many cases this regulation was not applied in practice, as only medrese graduates were appointed as teachers and imams in the local mosque. At the dawn of the Greek-Turkish rapprochement of the 1950s, a special department for the Muslim teachers as designated to be attached to the Pedagogical Academy of Alexandroupolis. The accord was not implemented but it did inspire the idea – ten years down the road – for the establishment of the notorious Special Academy of Thessaloniki (EPATH, infra, Section, 17.4.3.).

Muslim teachers were hired by school boards or the Committees for the Management of the Muslim Property. The qualifications for the Muslim teachers according to ND 3065/1954 were set out first by Ministerial

Decision of 8 October 1955, which was amended a few years later (8 January 1959). A diploma from the teachers' academy or teachers' school or another high school, such as the medrese of Komotini or gymnasium was required. If it was not possible to find qualified candidates, graduates from six-form elementary schools of Komotini, Xanthi, and Hrysa who had a teaching experience were preferred.

The teachers were hired on private contracts with the Management Committee for Muslim Property of Xanthi or the local school board. The list of teachers was sent for approval to the General Inspector of Minority Schools. However, their salary, paid in goods or in money, was in all cases ‘insufficient’. Meanwhile, health insurance for all minority teachers was legally provided by the state for the first time in 1972 (ND 1109/1972, FEK A 17). Its implementation was postponed as the local administration protested: ‘The State cannot grant allowances to those who are not nationally aligned’.

Out of consideration of ‘national’ sensitivities, teachers of ‘Turkish descent’ were not appointed in the Pomak villages for decades, according to a ruling of the Inspectorate of Minority Schools. The general status of the Muslim teachers was set again in 1972. According to LD 1109/1972 (FEK A 17), which amended article 6 of LD 3065/1954,

The teaching of subjects in the Turkish language is assigned to native minority teachers, graduates from National Pedagogic Academy or of a respective equivalent school abroad, following the recognition of their degree, or to High school or religious-school graduates, possessing the general qualifications specified by the provisions on the appointment of public servants. The teaching of subjects in the Greek language is assigned to instructors of public education. The teachers working to contract should know the Greek language. An ad hoc Committee established following a decision of the Minister

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177 Directorate of Political Affairs to the MFA, Statistical data regarding the education of the W. Thrace Muslim minority, Komotini 29.11.1963, MSA F.2. In 1953, 250–280 Muslims teachers were hired by the School Boards, A. Papaevgeniou, memorandum on the book ‘The Turkish minority of Western Thrace’ by Andreadis, Thessaloniki 3.2.1956, F. 95.a, MSA.
178 Director of elementary minority schools of Rodopi-Evros, Athens 10.12.1968, MSA, F. 43.
of National Education and Religious Affairs ascertains the knowledge of the Greek language. A similar decision specifies the procedure for ascertaining this knowledge.

All appointed teachers were to be fluent in Greek (*infra*). The appointment was approved by the Governor General of Thrace upon agreement with the Inspector General of Foreign and Minority Schools. In effect, however, the requirement for proficiency in the Greek language was lifted by Ministerial Decision 15809 of 2 February 1962, triggering reactions within the administration,¹⁸⁰ and set again by the Ministerial Decision 49420/14.3.1964 (FEK B 163).

On many occasions, the appointment of certain Muslim teachers was annulled for ‘national security’ reasons, very often as a counter-measure or triggering counter-measures on the other side of the border. Such instructors were replaced by teachers deemed loyal to the state and the nation (*ethnikofrones*). Measures along these lines were applicable until 1974, when discriminatory policy against communists or any other individual deemed ‘non-loyal to the nation and the state’ was abolished in the context of the quest for a consolidated democracy in Greece following the ousting of the colonels.

17.3.2.5. *Muslim Teachers’ among Greco-Turkish Antagonism*

Muslim teachers became a field of applied negative reciprocity in the 1960s. Especially, the *prosontouhoi* teachers (those who have studied in Turkey) were often ‘used’ as a field for applying counter-measures against Turkey’s policies towards the Greek minority of Istanbul. By early 1960, minority teachers who studied in Turkey returned to Thrace and sought employment in the minority schools to the discontent of the Greek authorities, who saw this new situation as a threat.¹⁸¹ Intensive intelligence surveillance of the teachers was established. After the closure of the Greek schools in Gökçeada/Imvros and Bozcaada/Tenedos and the events of 1964 in which thousands of Greek citizens living in Turkey were expelled, special reprisal measures were considered targeting, among others, minority teachers educated in Turkey or *prosontouhoi*. Thought to be disseminating Turkish propaganda, the teachers were often targeted by discriminatory measures. In order to avoid the appointment of these

¹⁸⁰ Directorate of Political Affairs of Thrace to the First Political Directorate, MFA, AP 64, Komotini 31.1.1964, MSA F.2.
¹⁸¹ Agorou, Director of Intelligence to the vice Minister of education, Athens 14.10.1964, MSA, F. 2.
teachers without vexing Turkey, the Greek administration applied excessive criteria in the exams for Greek language skills or fired them for purportedly conducting anti-Greek activities.\textsuperscript{182}

To fire minority teachers stigmatized as ‘under the influence of the Consulate’ or as ‘acting against the national interests’ was a common practice until the mid-1970s, and it was all too often undertaken in the frame of negative reciprocity with Turkey. Only in 1968, in the context of a short-lived improvement in bilateral relations were some fired teachers reappointed. But, again, in 1969, Greece and Turkey fired 19 teachers as part and parcel of the logic of negative reciprocity. By 1970, a group of \textit{prosontouhoi} were appointed by the Greek authorities in order to achieve the appointment of Greek teachers in Istanbul. The following year, the total number of the \textit{prosontouhoi} teachers working in Thrace was 128.\textsuperscript{183} However, as the graduates from EPATH became qualified for appointment, the \textit{prosontouhoi} began to lose their status and function and the loyal EPATH graduates were preferred\textsuperscript{184} for vacant posts by the Greek authorities. Loyalty was coupled with the perception that these instructors were more professional – and both characteristics were considered means to eliminate any Turkish influence.\textsuperscript{185} The appointment of teachers was very often correlated to political and ethnic divisions and especially to a struggle between Greek and Turkish authorities to influence the Pomak villages:

The line of the Turkish Consulate is to achieve a penetration through its own persons into the Pomak area. [...] we have to avoid the raise of the \textit{prosontouhoi} and guided teachers by the Turkish consulate at the mountainous Pomak area, a fact that will contribute the most to the winning over of the inhabitants of the region in favour of the Turkish Consulate engendering thus negative national consequences for us.\textsuperscript{186}

\textsuperscript{182} President of the CCT, report to the MFA, 27.9.1965, MSA F.10 and Ministry for Foreign Affairs to the Ministry of Interior, doc. 4.10.1965, MSA F.2.\
\textsuperscript{183} G. Mavrommatis, 2007a: 380.\
\textsuperscript{184} This preference was of a political nature; it was established by the junta authorities and sought to minimize the number of teachers under Turkish influence, see First Educational Constituency of Minority Schools, Xanthi, Concise study and planning of operational needs, Xanthi 15.2.1972, MSA F.41. Actually, the preference was legally established by Act 695/1977, Art. 3-7.\
\textsuperscript{185} The Moslem minority in Western Thrace, British Embassy, Athens, 2.10.1964, FO/371/174836 and First Educational Constituency of Minority Schools, Rodopi-Evros, Report-Planning, Komotini 6.4.1972, MSA F.44. According to the latter “all staff of minority schools, from the teachers to the inspectors, should be recruited among experts on minority issues, in order to eliminate for ever the self-planning, awkwardness, experimentalism on the minority education”.\
\textsuperscript{186} Inspectorate of Muslim Schools of Rodopi-Evros, doc. to the General Inspector of
Muslim teachers’ proficiency in Greek, as noted above, also became a means of applying pressure on the staff of the minority schools. In the 1960s (as in the 1930s), testing instructors’ command of the official language once again became a powerful tool for the education authorities to control minority teachers. The Greek authorities implemented the law on this question “in order to disqualify the teachers who were trained in Turkey and exerting pressure on Turkey and offering relief to the unhappy Greeks of Istanbul”. The issue gained special importance for the Greek authorities, as

> The question of proficiency of the Greek language by the Muslim teachers is not only a matter of implementation of the law and minimum prestige of the state but elementary measure of defense and cautiousness against not only a possible but a certain national danger.

Good command of the Greek language was set in 1956, by implementing the Act 2517/1940 as a prerequisite for the appointment of Muslim teachers. Language exams for the Muslim teachers became a more important tool by 1961, when the prosontouhoi started arriving in Thrace, since their knowledge of Greek was very poor. Exams were held for another two years with poor results. By 1964, the explicitly political nature of the language controls became transparent in the context of rising bilateral tensions over Cyprus and measures applied by the Turkish authorities against the Greek schools of Istanbul and Imvros/Tenedos. In 1965, the CCT proposed to rescind the teaching licenses of teachers deemed to lack loyalty to Greece; the decision was made in light of a report sent by the Greek Consulate of Istanbul on similar measures applied against the Romioi teachers of Turkey. By ministerial decision, 20 graduates from Turkish teachers’ schools were not appointed as a reprisal. Although the CCT proposed to exclude the prosontouhoi teachers from any appointment procedure in general, the issue came under a bilateral diplomatic consideration in light of the principle of reciprocity. Thus, in 1965, it was agreed that

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187 President of CCT, Report to the President of the government and the Minister of Education and Foreign Affairs, Athens 1.8.1966, MSA, F. 10.
188 President of the CCT, Report to the Minister of National Education, Athens 3.6.1967, MSA, F. 11.
190 D921-140/20.9.1965, see G. Mavrommatis, 2007a: 340. It seems that this is the beginning of applying counter-mesures against the minority in relation to the Turkish measures applied against the Romioi.
17 Romioi teachers would be appointed in Istanbul and also the 20 Muslim prosontouhoi teachers in Thrace.¹⁹²

Ultimately, the authorities appointed even those who failed the Greek language test in order to protect the Greek teachers in the minority schools of Istanbul.¹⁹³ In the meantime, as an alternative strategy, Greece decided to open a Centre for Learning the Greek language by 1965. In this context, and again, for 'national reasons', the Greek authorities proclaimed a language exam requirement for teachers, though, after strong reactions on the part of minority deputies and the Turkish Consul, the exams were cancelled and an significant number of prosontouhoi were appointed. Thus, interestingly, the dependence of the fragile government of Athens to minority deputies in the parliament contravened the tendency to invoke negative reciprocity in minority affairs. One result was that in 1964–66 the Turkish government offered lessons in the Greek language to Muslims of Greek citizenship who were studying in Istanbul to become candidates for positions back in Greece. While exams on the Greek language were held in 1969, 1970, and 1973, the opening of EPATH eventually reduced the need to test the level of teachers' proficiency in Greek language and institutionalized the control of the Greek authorities over the minority teachers. Thus, by 1970, 28 candidates out of 74 were deemed to successfully meet the criteria of 'national loyalty'. This did not stop LD 1109/1972 from resetting the language prerequisite. By this time, however, command of the Greek language was taken as given, as the graduates from EPATH were deemed to have a solid knowledge of Greek. Thus, the issue of the language proficiency gradually lost its importance as an instrument for exerting power and control over minority schooling.

From the beginning of the 1960s, Turkey granted allowances, mostly to Pomak-speaking teachers. In 1963, the Greek authorities attempted to counterbalance such Turkish 'interference' by granting allowances to conservative teachers.¹⁹⁴ Allowances targeted Muslim teachers with low salaries, and were granted upon request by school boards. A year later in 1964, the CCT proposed to hamper the allowances granted to some teachers by the Turkish consulate. The MFA replied that this would not be possible since Greece had provided similar grants under the principle of

reciprocity to the Romioi of Turkey long before Turkey had done so. “Instead, an incorporation of the minority teachers into the national educational system would be more adequate measure”, suggested the Consul of Greece in Istanbul.\footnote{General Consul in Istanbul, letter to MFA, 7.2.1964, MSA F. 10.} Finally, an allowance was granted by the Greek State to “those Muslims who were not willing to betray their religious beliefs”, while another allowance was granted by Turkey to those with pro-Turkish sentiments.\footnote{169 Muslim teachers were granted an allowance by Turkey while 175 teachers received allowances from Greece, Inspectorate of Muslim Schools of Xanthi, report to the General Inspector of Foreign and Minority Schools, Xanthi 2.11.1965, MSA F.2.} Gradually Greece granted pensions to those who fulfilled the years of service required by the law – this also allowed it to preserve the allowances to the conservative teachers. In some cases, both states granted allowances to the same person (a practice which is not unknown even today, 2011). Assessing this situation, state officials mobilised for an even higher degree of effectiveness in their policies.\footnote{CCT, Session 35 of 23.7.1964, MSA F. 10.}

Scholarships were granted to graduates from elementary schools in order to continue their studies in middle-schools in Turkey\footnote{In 1965, Turkey granted scholarships for 29 pupils from the minority, Directorate of Political Affairs, Report on scholarships granted by Turkey Muslim pupils, to the MFA, Komotini 9.12.1965, MSA F.2.} under the watchful eye of the Greek authorities, who reported that a ‘considerable number of Turks from Western Thrace attended the Ortaköy school of Istanbul’\footnote{Greek Consulate in Istanbul to the MFA, AP 3208, 23.11.1966, MSA F.3.} in order to return and work in minority schools. Their numbers were 180 in 1964–65, 105 in 1965–66, and 45 in 1966–67. This trend diminished with the establishment of the Special Pedagogical Academy of Thessaloniki (EPATH) and the preferential treatment of its graduates by the Greek authorities.

After long discussions about the complications and obligations entailed by the bilateral agreement of 1951, a special pedagogical school was legally founded by AN 129/1967 (FEK A 163) in Alexandroupolis, but without ever having operated was abolished by Ministerial Decision 131996/1968 (FEK B 535) because of ‘lack of interest by the Muslim students’.\footnote{RD 31, 10.10.1968 (FEK A 8, 1969) on the establishment of the Special Pedagogical Academy of one department in the city of Thessaloniki.} Then, the notorious EPATH was established in 1969\footnote{Bureau of Political Affairs, Session of 15.2.1971, MSA, F. 11. According to a proposal of the head of the Inspectorate of Minority Schools, the teachers’ school should be located far away from the influence of the Turkish consulate. As such, he proposed a three-year school in Serres and one year (re-)training in Larissa for those who had already studied in Turkey.} in order to “serve a national
scope, and render its students a vehicle, at the most possible, of the Greek spirit". The graduates from the Academy were qualified to be appointed as teachers in the minority schools of Thrace and entitled to teach the subjects of the Turkish language curriculum. However the curriculum of EPATH was taught in Greek except for the subjects of 'mother tongue' and Islam, which were taught in Turkish. It was decided that the Turkish language should be taught in the curriculum for two reasons. The first was to neutralize Turkish propaganda, and the second was to improve the Turkish language skills of the Pomak students. The selection of students took place after a written examination, and their number set at 40. Students were chosen predominantly from medrese graduates from the Pomak villages who were considered more open to Greek influence; prospective students were, nevertheless, required to obtain a recommendation from the national security services until the late 1980s.

In terms of the response such policies engendered, Tzounis, a high-level Greek diplomat noted in 1968:

I cannot see what interest and scope is serving the appointment by our administration of teachers who would be rejected by the whole population of the villages and the school boards. These actions are far from ensuring the prestige of the state and surely would entail a series of negative results regarding our minority policies.

Indeed, the Turkish consulate reacted to the establishment of the EPATH. By 1970, many teachers, obedient to the Turkish influence were attempting to enter EPATH. The Greek authorities intensified their intelligence in turn further fuelling Turkish reactions. Until 2012 EPATH constituted the only school for minority teachers and became a controversial and contentious issue (infra, Section 174.3.).

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203 Ministry of Northern Greece, Directorate of Political Affairs to the MFA, D' Political Directorate, Thessaloniki 16.7.1969, On the teaching of the Turkish language in EPATH, MSA F. 20.


207 Report by ZL, teacher at the minority school of Ehinos on 'The entering of Turcophile teachers at EPATH' to the Director of Minority Schools, Ehinos 18.5.1970, MSA F. 20.
The struggle between Greece and Turkey to train the Muslim teachers and thus orient them as much as possible towards their own national viewpoints characterizes the period after the war until the 1980s. This meant that the minority was divided between those who were responsive to the Turkish Consulate of Komotini’s calls for trainees and those attracted by the Greek Ministry of Education. Seminars (\textit{epimorfosi}) took place under the auspices of the EPATH during summer time,\textsuperscript{208} according to the Ministerial decision 55087/1879/1972 (FEK B 303).

Thus, even back in 1954, the training of teachers was based on the cooperation between the two countries according to the agreement of 1951; high-level Greek officials sought to avoid the dispatching of minority teachers for training in Turkey. They accordingly proposed the dispatching of trainers from Turkey to Greece during summer holidays as the Greek teachers in minority schools in Turkey were reluctant to attend such seminars.\textsuperscript{209} In the summer of 1955, 51 teachers and another 85 in 1956 were sent to Turkey, after being selected by the Turkish consulate and the minority deputies in the framework of the Greek-Turkish agreement of 1951 and the application of the reciprocity principle. To the discontent of the Greek authorities, it seems that Islamists and ‘non-aligned’ teachers were targeted in these seminars.\textsuperscript{210} Despite the fact that it was reported that no anti-Greek propaganda was conducted during the seminars, the Greek authorities were very concerned about the outcome of the visit of the minority teachers to Istanbul. The returning teachers were seen as ‘dangerous, as they were poisoned with hatred against anything Greek’.\textsuperscript{211} In general, the minority teachers who had gone to Turkey were selected in Greece by the state authorities on the basis of their perceived loyalties, personal sympathies, or national affiliation. That said, the degree of influence exerted by the Greek and Turkish authorities on both groups of teachers can not be easily assessed.\textsuperscript{212}

\textsuperscript{208} Inspector of Minority School, AP 231, Komotini 15.7.1970, Doc. to the Ministry or National Education, AP 285, MSA, F. 27. In the frame of ND 143/1973 (FEK A 216) a group of 69 Muslims teachers would be trained for a month at the expenses of the Greek government.

\textsuperscript{209} Governor General of Thrace, letter to the MFA, 13.12.1954, MSA F. 92.

\textsuperscript{210} Inspector of Minority School, AP 65, Komotini 20.7.1956, Doc. to the Ministry or National Education, MSA, F. 90.

\textsuperscript{211} Inspector of Minority School, AP 291, Komotini 7.3.1957, Doc. to the General Inspector of Minority Schools, AP 285, MSA, F. 907.

\textsuperscript{212} In 1960 and 1961, 223 Muslim teachers had been trained in Greece and 186 in Turkey, and 46 in both countries, for one, two or three years, General Inspectorate of Minority Schools. Table on the teachers in Muslim schools. Thessaloniki 6.3.1961. MSA F.88
After the pogrom that the Romioi/Greeks of Istanbul suffered in 1955, the Greek authorities considered that "the so-called training aims at disseminating fanaticism among the Turkish teachers trained in Turkey. Due to this fanaticism the feelings and the position of the Turkish minority have today been completely changed towards the Greek state." From 1958 to 1963, the Greek authorities also organized summer seminars in Thessaloniki attended monthly by prosontouhoi teachers. They ultimately had to end the program due to inter-ethnic clashes which took place in Cyprus. Seminars were held again in 1970, 1971, and 1972 for the non-prosontouhoi on the premises of EPATH. In 1957, 1960, and 1961, Turkey also offered training in summer seminars for 40 non-prosontouhoi. After that year, the seminars stopped, as the graduates from Turkish teachers' schools returned to Greece deemed to be sufficiently qualified to work at the minority schools.

17.3.2.6. 'Christian Teachers'

Meanwhile, the 'Christian teachers' of the Greek curriculum were hired by the Prefect after a proposal by the Inspector for Minority Schools; these instructors were also paid by the Muslim communities. In some cases in the 1950s, graduates from pedagogical schools taught in minority schools in remote villages with vacant posts as part and parcel of their military service. By the late 1950s, such Greek teachers taught the Greek Language, Geography, and History in the main cities' schools. Until the 1960s, the small minority communities were unable to hire Greek teachers due to lack of financial means. It was only in 1964 that the state authorities began to undertake the burden of appointing and financing 265 teachers' posts all over Thrace, so that the minority schools would be 'qualified in order to satisfy the needs of their national tasks, would strengthen the Greek

and General Inspectorate of Minority Schools, Report to the Inspector of Minority Schools, Thessaloniki 7.5.1960, MSA F.88. In September 1960, the Union of Turkish Teachers expressed 'its gratitude to the Greek authorities for the training they offered to the teachers which would ameliorate the education of the children of the Turkish minority,' G. Sabrioglu, 2006: 30.

The Minister of Northern Greece to MFA, letter of 15.5.1956, MSA F.90.

General Directorate on Aliens, Report on Muslims living in Greece, AP 421/2/20/4, July 1952, MSA F.95.b: 8, and General Inspectorate of minority schools, Table showing data of Muslim schools of W. Thrace, staff and pupils, 13.12.1969, F. 32, MSA. In 1959, 33 of of 196 'Greek teachers' were paid by the communities (mostly in the area of Xanthi), according to the High Governorate of the Gendarmerie of Thrace, Data on Muslim schools of 1958–1959, [Komotini, 1959], F. 90, MSA.
presence in the area, supervise the processes and prevent unwanted events'.215 It seems that the appointment of the Greek teachers was quite difficult to implement. In 1966, in 96 minority schools (of which 50 were in Pomak areas), the Greek language was not taught at all.216 Even in 1969, the Greek language was not in practice offered in all minority pupils, as there were 30 minority schools with no Greek language teacher and the rest of the curriculum in Turkish.217 As a measure of reciprocity vis-à-vis Turkey, it was decided that the ‘Christian teachers’ should be appointed as vice-principle of the minority school.218 The measure was applied after 1966.219

17.3.2.7. School Boards

As school boards were controlled by the management committees for the vakf, the Greek State gradually put them under the general law on the schools. The members of the school boards were legally designated as the founders of the school. Notwithstanding ND 3065/1954, which provided for election of their members, the Ministry of National Education ordered that the law should not be implemented220 out of ‘fear of predominance of the Kemalists and the Turkish consulate’.221 Only since 1964 did the Greek authorities organize elections of the school boards. As set forth by article 12, Act 2345/1920, article 5 ND 3065/1954 on minority education and in tandem with the RD of 1949 on the Management Committees of the vakf, the committees were responsible for minority schools located in central areas but not for remote ones. This meant that with the exception of the former, minority educational institutions were managed by their own school boards.222 Gradually, however, the direct control of the schools

215 Director of Political Affairs to MFA, letter of 26.2.1964, MSA F.4.
216 President of CCT, Report to the President of the government and the minister of Education and Foreign Affairs, Athens 1.8.1966, MSA, F.10.
218 President of CCT, Report to the President of the government and the Minister of Education, Athens 18.11.1963, MSA, F.10.
219 President of CCT, Report to the President of the government and the Minister of Education, Athens 18.11.1963, MSA, F.10.
220 President of CCT, Report to the President of the government and the Minister of Education and Foreign Affairs, Athens 1.8.1966, MSA, F.10.
221 Director of Political Affairs to MFA, letter of 26.2.1964, MSA F.4.
222 President of CCT, supplement to the report on ‘Fundamental problems of the Muslim minority of Thrace’ to the President of the Government, the Minister of National Education and the Minister for Foreign Affairs, AP 419, Athens 13.8.1966, and President of the CCT, Doc. on ‘election of Muslim minority school boards’ to the Prefect of Xanthi, AP 285, Athens 29.11.1962, both documents in MSA, F.10.
by community bodies passed to school boards. In this way, the 'hiring Muslim teachers for schools of the Muslim minority' came to be "done directly by the school boards of the schools as representatives of the village or the quarter where the school operates; any involvement of the state administrative and educational authorities" was, in theory and for a short period of time, excluded.\footnote{223 Inspectors of the Turkish Schools of W. Thrace, Komotini 20.12.1955, Doc. to the Prefect of Rodopi, AP 942, MSA, F. 92.}

In a number of schools in 1966, elections took place – a gesture to 'balance' comparable measures then being taken by Turkey \textit{vis-à-vis} the Rum minority schools in Turkey. However, as Greek-Turkish tensions rose in the context of escalating problems in Cyprus, the Greek authorities selectively supported members of those school boards who were 'pro-Greek'. With the advent of the military junta in 1967, the minority school boards were appointed for obvious 'national' reasons (Min. Dec. 79264/1967). That said, the influence exerted by the Greek State was often deflected by the intensive involvement of the Turkish consulate.\footnote{224 General Inspectorate of Foreign and Minority Schools to the Secretary General of the Minister of National Education, 'School boards of the Muslim Schools of W. Thrace', AP EP 131, [Athens 1969?], MSA, F. 11.}

According to a court decision (\textit{Eirinodikeio Xanthis}), a minority school board was not obliged to pay salaries to teachers who were not proposed by the school board. This decision pushed the Greek authorities even during the junta to exceptionally allow school board elections according to Act 3065/1954.\footnote{225 The Turkish curriculum representing more than double hours per week compared to the Greek one, MFA to the General Directorate of Muslim Schools, doc. 21.4.1965, MSA F.2. See G. Mavrommatis, 2007a: 278–290.}

17.3.2.8. \textit{Curriculum and Textbooks}

The schools followed a completely bilingual curriculum only in the cities, while instruction in the schools in rural areas was confined to writing and reading, basic mathematics, and the Koran. In general, the teachers improvised according to their capacities and skills. Finally, after a series of proposals by the minority teachers' boards, the Turkish curriculum was standardized by ministerial decision 149251/28.11.1957 (FEK B 162, 1958). It seems that by this time History and Geography along with the Greek Language were taught in Greek,\footnote{226 See G. Mavrommatis, 2007a: 232.} when a Greek teacher was available. Promoting Greek in the minority schools constituted a major aim for the Greek authorities, because in their view 'for Muslims not to learn Greek
hampers the creation of consciousness of Greek citizen.' The Minister of Northern Greece suggested that the textbooks for the Greek curriculum should be adapted to the linguistic needs and capacities of non-Greek-speaking pupils of the minority schools, a proposal which only bore fruit 40 years later. Meanwhile, by 1964, the Greek authorities hardened their positions and attempted to curtail the Turkish curriculum; a move predictably undertaken in parallel with the policies of Turkey towards the Greek minority schools in Turkey.

In 1947, textbooks were offered by Turkey for the Turkish curriculum. These were distributed in the minority schools after being censored of Turkish national symbols. Implementing the bilateral agreement of 1951, the Mixed Committee met in 1954 and 1955 and decided which textbooks would be distributed in the minority schools in Greece and Turkey. These textbooks were finally made available in 1956. However, Geography and History were taught in Turkish in schools where pupils were not able to understand Greek until the end of 1950s.

A proposal drafted by the Greek authorities in 1960 to print books in Arabic appears never to have been implemented. As such, textbooks were imported from Turkey until 1963 for the subjects of Nature, Mathematics, and Geometry. However, during the 1960s, the textbooks suffered from the application of negative reciprocal measures on the part of the Greek and Turkish authorities. Another attempt to print textbooks in Turkish by the Greek authorities but in Arabic script was initiated by conservative Muslim teachers who elaborated a series of textbooks. In 1968, the 'Union of Muslim teachers graduates from medress' undertook the task to distribute these textbooks for free – an initiative which continued until the early 1970s. In parallel, the Greek authorities approached the Kemalist wing of the minority teachers and, in 1970, members of the Union of Turkish Teachers of Rodopi-Evros were assigned to elaborate Turkish textbooks in Latin script, albeit without any real outcome.

Teaching minority languages other than Turkish was out of question, since the beginning of the establishment of minority education. It seems

227 Conclusions of the meeting held by the General Governorate of Thrace, 1-2.12.1949 on minority schools, F. 89, MSA.
228 Meeting conclusions held by the Minister of Northern Greece on the education of the Turkish minority of Western Thrace, 9.8.1956, F.95.a, MSA.
231 President of CCT, Report to the President of the government and the Minister of Education and Foreign Affairs, Athens 1.8.1966, MSA, F. 10.
232 For the textbook used in the minority schools until 1974 see G. Mavrommatis 2007.
that attendance of pupils in the Pomak villages was very low until the 1950s. The Turkish delegate during the negotiations of the ‘Report of Two’ proposed that the Greek government incorporate the Pomaks into the minority schooling system and allow Turkish teachers to be appointed. The Greek delegate reassured his counterpart that both propositions would be considered, but the discussion ended there.233

17.3.2.9. High Schools

Lack of secondary education curtailed social and economic advancement for graduates of Muslim elementary schools:

The result of this is that young Moslems, on completing their elementary education at the age of 12/131 are debarred from admission into the Greek State Secondary Schools as, owing to their insufficient knowledge of Greek, they cannot sit for the entrance examination.234

That said, at a brief juncture when bilateral relations were particularly good, the ‘Celâl Bayar High School’ was founded in Komotini in 1952 in the context of the Greek-Turkish rapprochement. The first minority high school, it was made possible by LD 2203/1952 (FEK A 222) promulgated by the government of Prime Minister Nikolaos Plastiras, under the auspices of the Queen of Greece and in honor of the President of the Turkish Republic. According to the decree, the school is equal to ‘the other private high schools operating in the State’ and should be directed by a school board whose Principle is a Muslim of Greek citizenship. The Minister of National Education and Religious Affairs was responsible for the supervision of the school and exerted this power through the General School Inspector of Secondary Education in Komotini. The entry, promotion, and final exams of the high school were conducted in the same manner and at the same time as the exams in the other private high schools. The legal status of the school was modified and complemented by LD 2567/1953 (FEK A 240), which allowed for the creation of preparatory classes in the Greek language and which regulated matters dealing with textbooks and professors. The operation of the high school was postponed for a year, as there were no pupils competent in Greek.235 Since 1960, Turkey has

233 Z. Kuneralp, 1997. A claim for the teaching of the Pomak/Bulgarian is expressed after the late 1980s.
234 British Vice-Consulate of Cavalla to Consul General Salonica, Cavalla, 27.1.1950, FO/371/88009.
contributed to the expenses of the school, to the extent that Greek authorities later ‘admitted that the school became completely Turkish’.²³⁶

The high school (gymnasium and lyceum) of Xanthi was founded in 1964 as a private school in the name of Muzaffer Sahhoglu.²³⁷ Its purpose was to meet the overwhelming needs of the minority for middle-school education. The Greek Prefect offered an old tobacco factory and depot, once owned by a rich Muslim, to host the school. As far as its organizational structure was concerned, the school was subject to the general pattern that governs minority schools. According to the law,

[T]he Principal of the above High School should be Muslim in origin, Greek citizen and professor of Secondary Education. For lack of such a person, an instructor of Secondary Education of Greek citizen and origin shall be appointed as Principal.

The school soon became enmeshed in Greek-Turkish antagonisms, and the founder of the school eventually lost the favour of the Greek authorities as he was deemed to be acting pro-Turkish.²³⁸ According to the acts establishing the two minority high schools, the subjects of Greek language (modern and ancient), History, and Civic Education, and Geography had to be taught in the Greek language by public instructors of Secondary Education, who were appointed by the Ministry of Education. In addition to the subjects of Religion and the Turkish language, which were obviously taught in Turkish, the subjects of Physics, Mathematics, French or English, Drawing and Music were taught in Turkish too by instructors of Muslim origin and Greek citizenship.

Table 3. The balance between ‘Old Muslims’ and ‘Turks’.

<table>
<thead>
<tr>
<th>Year</th>
<th>Schools in Rodopi</th>
<th>Schools in Xanthi</th>
<th>Schools in Evros</th>
</tr>
</thead>
<tbody>
<tr>
<td>1953</td>
<td>45% Arabic script</td>
<td>25% Arabic script</td>
<td>35% Arabic script</td>
</tr>
<tr>
<td></td>
<td>0% Latin script</td>
<td>10% Latin script</td>
<td>65% Latin script</td>
</tr>
<tr>
<td></td>
<td>50% Mixed script</td>
<td>10% Mixed script</td>
<td>35% Mixed script</td>
</tr>
</tbody>
</table>

(Continued)

²³⁸ Bureau of Political Affairs, Session of 30.11.1972, MSA, F. 12.
²³⁹ Report by Bakalbasis, Komotini 25.5.1954, MSA, F. 95.
Table 3. (cont.)

<table>
<thead>
<tr>
<th>Year</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1955</td>
<td>142 schools of 'Old Muslims' attended by 5,142 pupils and 130 schools of Modernists attended by 7,637 pupils teaching in quite a few cases both the Arabic and Latin scripts.</td>
</tr>
<tr>
<td></td>
<td>In the Xanthi area, Latin script was used in 48 schools, Arabic in 25 and mixed in 42 schools.</td>
</tr>
<tr>
<td>1959</td>
<td>23 schools in Rodopi-Evros region where the Koran was written in Latin script deemed as stronghold of the Modernist-Kemalist influence.</td>
</tr>
<tr>
<td>1969</td>
<td>149 schools with non-school day on Friday, 138 schools with non-school day on Sunday</td>
</tr>
<tr>
<td></td>
<td>Using Latin: 104, using Arabic: 75, using both: 104</td>
</tr>
<tr>
<td>1972</td>
<td>In the early 1970s, the Arabic script was in use by the remote schools of the mountainous area of Rodopi: 10 'Pomak schools' were using the Arabic exclusively and 8 both Latin and Arabic. 'Turkish schools' were using both scripts, while in the plain the 'Turkish minority schools' were using the Latin exclusively (36) or both (11) and only two only the Arabic script.</td>
</tr>
</tbody>
</table>

17.3.2.10. Bilateral Cooperation and Educational Issues

The first bilateral agreement dealing with educational exchanges between Greece and Turkey was signed in 1951 (ratified by Act 2073, FEK A 103). The cultural agreement established a mixed committee whose task would be the strengthening of the cultural cooperation between the two countries. Implicitly it would deal with minority education issues as well. In 1954, the committee convened for the last time. The representatives of Greece and Turkey agreed to proceed to certain common arrangement regarding

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240 Inspector of Turkish schools of W. Thrace, Report to the Directorate of Political Affairs, 26.5.1956, F. 90, MSA.
241 Inspectorate of Minority Schools of Xanthi, Report to the Directorate of Political Affairs, Xanthi 2.4.1957, MSA F. 90.
242 Inspectorate of Minority Schools of Rodopi, Report to the Inspectorate of Minority Schools, Komotini 8.2.1957, MSA F. 90.
243 Directorate of Minority Schools, Table, Data on Muslim schools of W. Thrace, Athens 13.12.1969, MSA F. 32. Similar are the data for 1972 (Table on staff and schools, 3.4.1972, MSA F. 32).
244 First Educational Constituency of Minority Schools, Rodopi-Evros, Report-Planning, Komotini 6.4.1972, MSA F.44.
minority schools, although the move yielded few results. After a long period of inertia, the agreement was abolished explicitly by the new bilateral cultural agreement signed in 2000 (ratified by Act 2929/2001, FEK A 142). However, article 10 of the latter stipulates that the agreement does not affect the legal status of minority education, namely the teaching staff who remain part of reciprocal exchanges.

According to letters which were exchanged between the Greek and the Turkish governments on 10 and 21 November 1952 (in the application of the Agreement of 1951), a certain number of teachers and professors were dispatched from Turkey (metaklitoi) and worked in minority schools in the framework of exchange of school staff taking place every year reciprocally between Greece and Turkey. Quite often, these teachers were thought to influence the prosontouhoi Muslim teachers, as well as to disseminate Turkish propaganda under the supervision of the Turkish consulate in Komotini. The number of the exchanged school staff was initially 25 in 1953, and rose to 35 in 1955 in elementary and secondary minority schools. In 1966, the Greek Consul in Istanbul proposed that Greece denounce the exchange of teachers, as 'it is no longer necessary'. Of course, minority policies were built around the logic of the 'national interest', which could not enhance Greek-Turkish cooperation. Such policies often entailed internal contradictions. For example, while in 1964, the Greek authorities attempted to revoke the appointment of teachers from Turkey, at the same time, they proposed that a Greek teacher be appointed as Director of the Minority Schools in Thrace. The rationale offered was that “he knows well the situation of the minority schools in Turkey, where he had developed national activities by giving lectures and for whom the Patriarch and the Consul General have a positive opinion”. Ultimately, the Greek authorities hardened the requirements for accepting the list of proposed teachers, causing significant delays in their appointment at the minority schools. They also were generally put under close surveillance and their appointments carefully decided, though the teaching

247 In 1952, there were 25; in 1955, the two governments agreed to increase the number to 35. In 2004, there were 16 teachers and middle-school instructors.
250 CCT, 35th session of 23.7.1964, MSA, F. 10.
assignments were not revoked altogether for fear of reprisals on the other side of the border.

Positive measures which were applied with reference to the principle of reciprocity included the re-opening of minority schools in Imvros and Tenedos in the early 1950s and the establishment of the minority high schools in Komotini in 1952 and in Xanthi in 1965. In the context of the short-lived improvement in Greek-Turkish relations of early 1968, the two governments appointed one representative each (I. Tzounis and A. Bulak) to discuss and find solutions on minority questions. After meeting in Athens and Ankara, and visits to each of their kin-minorities in April 1968, the two delegations convened in Vienna for 12 days where they signed a memorandum of agreement on 31 May 1968 (infra, Section 8.3.). The 'report of Vienna' activated the Mixed Committee on Education. It was used as the basis of a bilateral Greek-Turkish Agreement that was finally signed after three meetings in Ankara and Athens on 20 December 1968 by the ministers Kitsaras and Bilgen. The agreement dealt with the language taught in the minority schools, educational materials, textbooks, and school libraries. Furthermore, Section V guaranteed the “respect of the religious, the racial and the national consciousness” of the pupils in these schools, an unprecedented recognition of the national identity of the minority students.

17.4. CONTEMPORARY MINORITY EDUCATION (1977–2011): A PENDING MODERNIZATION

After the fall of the colonels and the restoration of democracy, Nea Dimokratia led by Konstantinos Karamanlis came to power. By the end of his government's first term, a new law which codified and to some extent modernized the previous legal framework was adopted. Since then, bilingual (Greek/Turkish) minority education system has been based, above all, on articles 40 and 41 of the Treaty of Lausanne (infra, Appendix 1.) concerning private and public minority schools as applied and interpreted in the context of the educational reform of 1977. In addition, a general law, namely Act 1566/85 'on the organization of the General Education', as well as a special law252 implemented through a series of decrees of the Minister

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252 Act 694/1977 (FEK A 264) on Minority Schools of the Muslim Minority in Western Thrace and Act 695/1977 (FEK A 264) on the settlement of issues concerning the teaching and supervisory staff of Minority Schools and the EPATH.
of National Education govern the structure, organization and content of the minority education of Thrace.

Minority education is only accessible for Muslims of Greek citizenship residing in Thrace and thus retains a strict *millett*-like character. Attendance in minority schools is forbidden to 'ethnic Greeks' or 'Greeks by origin' (*Ellines to genos*). This division between 'Greeks by origin' and 'non-Greeks by origin' reflects lawmakers' perception of 'Greekness', which creates and renders mutually incompatible a vision of Greek and Turkish 'national descent' as a function of Christian and Muslim affiliation.

Turkish, as the dominant language within the minority together with the official Greek are taught in minority schools for an equal amount of time. Minority education comprises mainly elementary schools and in some cases high schools (gymnasia/lycea and *medrese*). In addition, Islamic instruction is guaranteed in all minority schools in Turkish plus in five, special, secondary schools in the mountainous area of Xanthi and Rodopi.

No kindergarten has been established for minority-oriented education, although in the past there were such schools. In 1947, for example, a Muslim kindergarten operated in Didymoteiho until it was shut down in 1972 as 'it was not provided for by the Protocol of reciprocity.' Muslim children of pre-school age can attend normal Greek-speaking kindergartens where no Turkish language instruction is provided. As of 2007, 28 such schools were operational in minority areas in which the teachers were exclusively Greek. The same goes for the minority Muslims who live in Thessaloniki or in Athens. However, after 1998, a series of non-official 'children's houses' (*çocuk kulüpleri*) were set up by the Association of University Graduates where minority teachers are hired. By 2007, kindergarten attendance became compulsory for all pupils in Greece although no special regulation has been provided for minority pre-school education.

The aim of the minority school is "to ensure the physical, intellectual and moral development and progress of the students according to the purposes of the general education in Greece and the determined

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253 Article 10 paragraph 1, PD 483/1977 (FEK A 149).
principles of the curriculum of the respective public schools of the
149251/1957, "the educational purposes and aspirations of Muslim schools
aim at the correct speaking, reading and writing of the mother tongue and
the correct speaking, reading, writing, and love of the official language of
the State". Minority schools are deemed equal to public schools, and yet
they are also legally viewed through the prism of the principle of reciprocity in Greek-Turkish relations.

The legal character of minority education lies in a sui generis combination of legal regulations on private and public schools. Minority schools are considered private schools governed closely by the law on public schools. This paradoxical situation is expressed in an official document signed by the vice-minister of finance, which states 'The minority schools are private schools but they have public character too, as they are financed by the state and then only regarding their establishment are private schools'. The mixed legal character of minority schools raises technical issues which, in turn, contribute to the problematic situation in Thrace. This is because, gradually, as the role of the state became more and more interventionary, the semi-public status of the schools made them vulnerable to fluctuations in bilateral relations with Turkey. At the same time, the private character of the minority education was a long established tradition. As stressed previously, the Inspector for Minorities (supra, Section 17.3.1.i) had said in 1930:

It's to our interest and legitimate to maintain the Muslim schools as private ones. For not violating the Treaty of Lausanne it would be appropriate to dismiss the 3 teachers, who were appointed by the General Governorate. They may be hired by the School Board and until then to be granted an allowance by the State.

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256 Article 1 paragraph 1, Act 694/77. The determination of the private or public character of the minority schools is the core issue of a case pending before the Council of State, dealing with the legal status of the schoolteachers, Dioikitiko Efeteio Komotinis, 189/2000.


258 Legal Opinion of the Legal Council of the State 664/25.6.1957 according to which the minority schools are of private legal character, and the Greek comments on the Turkish Act 625/1965 on private schools including minority schools whose the administrative autonomy had been curtailed, General Greek Consulate in Istanbul to the MFA, 16.7.1965, MSA F.4.

259 K. Stylianopoulos, 1929b: 31 and 68.
Over the years then, the character of the minority schools has shifted from pure private into semi-private with strong state/public involvement. This situation permitted recourse to legal means to appeal against state control only recently. Yet, strikingly, according to the High Administrative Court, Thrace’s minority schools are of private character, governed by special rules which legitimize differential norms on special issues (e.g., teachers’ age of retirement).260

A ‘Co-ordination Office’ (Syntonistiko Grafeio), which replaced the ‘Inspector for Foreign and Minority Schools’, was established in 1983 (Min. Dec. D4/225/4/1983, FEK B 98) and based first in Kavala and then in the town of Komotini. The Office constitutes the supervising mechanism and implementing authority of minority education policy in Thrace.261 The purpose of this office is “the co-ordination, organization and harmonious functioning of the minority schools of primary and secondary minority education in Thrace”. A teacher of primary or secondary with experience of at least five years in minority schools is appointed as head (so, the ‘Co-ordinator’) of the Coordination Office.262 The Co-ordinator has the authority in the name of the Minister of Education to hire and fire temporary school staff, to appoint the principals and the vice-principals, and to handle other matters related to the status of the Muslim teachers.263 For years the Co-ordinator was seen by the minority as an authoritarian agency representing the Greek State interference in the domestic affairs of the minority. It has to be stressed that indeed the Co-ordination Office implemented policies of state control to some extent to the detriment of minority educational autonomy, without consideration of any alternative policies.

261 The Co-ordination Office of the Minority Education (Mr Lambakis was appointed as first Co-ordinator) was based in Kavala until 2002. Until 1983 the Educational District (Perifereia) of Minority Schools was operational in Thrace, perhaps offering the administrative apparatus to the Inspector to fulfil his mandate. By Min. Dec. F.247.8/124895/1976 (FEK B 1371) the base of the Educational District (Perifereia) of Minority Schools was moved from Komotini to Kavala. By February 1969, the military junta set up a General Inspectorate of the State’s Minority Schools based in Athens (General Inspectorate for Minority Schools, letter to the National Printing House, AP 116, 20.5.1969, F. 14, MSA). This Office may be the ancestor of today’s Directorate for Foreign and Minority Schools integrated into the Ministry of National Education and Cults.
For the selection and appointment of schoolteachers in Thrace and the control and supervision of their competence a disciplinary board (Service Council of Minority Education, YSME) has been established.\textsuperscript{264} Also, the local offices of elementary and high schools have administrative authority over the minority schools and their teachers. In 2011, in the reorganization framework of the administration of education as designed by the Ministry of Education the abrogation of the Co-ordination Office and the transfer of special duties to the local Offices of Education were considered.

The public financial support for the minority schools' boards in Thrace is provided by the state budget as set forth by Act 2817/2000 (article 9, paragraph 19). According to Ministerial Decision 13520/2008 (FEK B 368) and Act 3194/2003 (article 4 paragraph 3, FEK A 267) the minority school boards are granted a percentage of the state budget that is allocated to the local authorities. By the late 2000s, minority schools were granted about 1.3 million Euros.\textsuperscript{265} It is not clear whether the state financial contribution to the minority education is proportionate to the amount allocated to general education in Greece: according to article 40 of the Treaty of Lausanne, the financing of the minority schools should be on equal terms to the rest of the educational institutions. A constant flow of financing was guaranteed in the 1960s, 1970s, and 1980s,\textsuperscript{266} but it seems that it was not in proportion to the rest of the country schools. The poor situation of the minority schools and the relevant claims and complaints testify to the disadvantages faced by minority pupils. Perhaps recognising this, in the late 1990s, local authorities like the Municipality of Komotini or the Prefecture of Rodopi took the initiative to grant considerable funds to minority schools.

Last but not least is the question of minority instructors' prospects regarding teaching at mainstream Greek schools. After all, they are hired not as 'Muslims' but as teachers. At the beginning of the 2000s, there were only some ten minority teachers working in 'Greek' public elementary and high schools. There are also two or three Muslim teachers who teach the Greek curriculum in minority schools (as of 2008). It seems that this is the


\textsuperscript{265} National Committee for Human Rights, 2009: 249.

\textsuperscript{266} For analytical data on public funds to minority schools, see Economical issues, F. 75 (1982–87), F. 76 (1988–92), F. 77 (1988–89), MSA.
first time that the division between ‘Muslim’/‘Christian’ has been transcended and minority teachers entered the area of the predominant language, possibly entailing better results for their pupils, as they can use Turkish as a bridge language for teaching Greek.

17.4.1. Primary Education

Elementary schools constitute the backbone of minority education. Since the 1970s, their number is decreasing due to internal migration from villages to urban centers of Thrace or elsewhere and emigration to Turkey or abroad. In 2003, five minority schools were declared non-operational. As of 2005, out of 211 elementary schools, 164 had two classes 90 of which operated with 1–15 pupils and 60 of which had 1–10 pupils. These numbers illustrate the fragmentation of the schools into mini-units in small villages, where there is not a sufficient number of pupils to support a high standard education. Still, as of 2009, and as a legacy of the old cleavage between ‘Kemalist’ and ‘Islamist’, there were 12 villages which operate two schools with a very small number of pupils. In the frame of the educational reform undertaken all over Greece by 2012 regarding the reorganization of the schools which led to merger of hundreds of schools and lively reactions, 13 minority elementary schools were abolished or merged with ‘school centers’. The student population in minority schools is also decreasing, because there has been a trend since 1995 of minority students beginning to attend mainstream Greek primary schools. In 2009, 32.5 percent of minority pupils attended Greek public elementary schools. It is worth mentioning that a high number of Roma students also attend Greek public schools, especially when they do not have access to minority education. In 2007, for instance, there were 996 Muslim Roma students in Greek public schools, mostly in Drosoro (Xanthi). This represents an exceptional case in which a very high number of Muslim Roma attended a mainstream elementary school.

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267 The Coordinator of minority schools, Decision F. 8.1/28 (FEK B 427, 2003) regarding the elementary schools of Glyfada, Kovalo, Monahoi, Nymfaia and Kamous, all in Rodopi.
268 MD AS.392/60933/Z2/2011, FEK B 1105. The schools which were merged are the 2d school of Arriana, the 2d school of Fillyra, the 2d school of Lykeio, the school of Agra, the 2d school of Arisvi, of Dikella, of Galini, Osmanyye Komotinis (in Rodopi), and the schools of Kato Thermes, Kotinou, Grigoriou and Vanianou (Xanthi).
Table 3. Minority pupils in elementary minority and Greek schools.

<table>
<thead>
<tr>
<th>Year</th>
<th>Minority Schools</th>
<th>Min. pupils in min. schools</th>
<th>Min. pupils in public Greek schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000–01</td>
<td></td>
<td>7,046 [Xanthi: 3,287, Rodopi: 3,238, Evros: 520]</td>
<td></td>
</tr>
<tr>
<td>2002–03</td>
<td>208</td>
<td>6,668 [Xanthi: 3,104, Rodopi: 3,033, Evros: 531]</td>
<td>12.3 percent of minority pupils</td>
</tr>
<tr>
<td>2007–08</td>
<td></td>
<td>6,668 [Xanthi: 3,104, Rodopi: 3,033, Evros: 531]</td>
<td>1,429</td>
</tr>
<tr>
<td>2009–10</td>
<td></td>
<td></td>
<td>32.5 percent of minority pupils</td>
</tr>
</tbody>
</table>

For more detailed data, see Appendix 6

As stated earlier, the legal framework governing elementary minority schools is articulated through a labyrinth of provisions of different legal value (international treaties, the constitution, laws, and ministerial decrees) and sometimes of contradictory content. By 1977, there was an attempt to clarify and codify the legal status of the minority schools. One of the most important legal texts is Act 694/1977 (FEK A 264) on Minority Schools of the Muslim Minority in Western Thrace, according to which the Minister of National Education and Religious Affairs has the authority to inspect and supervise the minority schools. The minority schools are subject to the principle of reciprocity applied in relation to Turkey's treatment to the Greek-Orthodox minority schools. Furthermore, the establishment and the mode of operation of the minority primary schools are shaped by the law on private general education. In this way, the institution of daycare (oloimero sholeio) was introduced to a growing number of minority schools keeping a balance of 'Muslim' and 'Christian' teachers. In 2009, in Thrace, there were 95 elementary minority schools offering daycare.

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270 LD 1109/1972 (FEK A 17, 1972) and Act 694/1977, article 5.
To establish a minority school (a quite theoretical question), an application needs to be submitted to the local inspector of minority schools signed by the parents or guardians. The signatories must be Greek citizens and residents of the town, village, or quarter of the local district for which the school is requested. The permit is granted by order of the Secretary General of the Region and approved by the Minister of Education. In the permit, one of the applicants is specified as the ‘founder’ of the school.

Each elementary minority school has its own three-member school board (Sholiki Eforeia),\(^{273}\) which is elected from the parents of the pupils (article 9, paragraph 18, Act 2817/2000)\(^{274}\) and, in principle, ensures the operation of the minority schools. Elections were held according to the Min.Dec. 52447/1978 sporadically (1979, 1983) in some schools, and consistently after 2000, according to the new law, every three years.\(^{275}\) However, the Secretary General of the Region selects the members of the board from the list of those elected which contain five to fifteen names of parents; the Secretary General thus retains the power to control the process. In practice, school boards have little chance to act as genuine body of private character as they often face a lack of means and encounter political obstacles.\(^{276}\)

The competence to manage the real property of the schools is generally attributed to the local vakf committees, in case the school building in question is part of a vakf. All issues regarding maintenance and repair of the school buildings and their financial management are governed by decisions by the Ministry of Education (article 4 paragraph 1.d.4, Act 2621/1998, and Ministerial Decision 62092/2002). Nevertheless, in the case that a school constitutes a vakf, the management has to be carried out in accordance with article 19 of Act 3647/2008 on the vakf, so that the School Board manages and supervises the real property of the school, while being monitored by the Association of the Parents. However, as the school boards are under the tight control of administration, it is unclear how the law would be dully implemented. Last of all, the autonomy of the minority school regarding the management of its own affairs has been constrained

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\(^{275}\) Ş. Hürşit, 2006: 153. For the reactions of the Consultative Committee of the Turkish Minority, \textit{ibid}.

\(^{276}\) By October 2007, the school board of the third minority school of Komotini protested that it did not even have enough meaningful authority to fire a cleaning lady, ‘Trakya’nın
in many cases, as they are obliged to seek a special permit for any kind of activity held on school premises.\footnote{277}{Greek Ombudsman, case4578/2003.}

The students of the schools pay annual tuition fees set by the founder of the school and approved by the local Prefecture. The tuition fees are set according to the economic condition of the parents;\footnote{278}{Articles n and 14 respectively of the Ministerial Decision 55369/1978.} in effect, they do not exceed 90 Euros a year. Ministerial Decree 55369/1978 (FEK B 501) provides that pupils can transfer from a minority school to public primary schools, to another minority school, if and when the student's family moves, or if there are other reasons. It also allows transfers from public or private schools to minority schools. This option was not allowed until 1999.

The schedule and curriculum of the minority schools were set in 1957 (\textit{supra}). However, a few changes have been introduced concerning the time allocated to the Greek and Turkish curricula in favour of the former. If in 1923 the Turkish language prevailed, nowadays, the portion of curriculum taught in the minority schools is almost equal between the two languages. The last shift from the Turkish to Greek language in a given subject took place in 1985 when the subject of environment (\textit{pragmatognosia}) began to be taught in Greek instead of Turkish.\footnote{279}{See also Ministerial Decree G2/15, 9.1.1985 (FEK B 20, 1985) which introduced the new subject of Environmental Studies to minority primary schools. It was taught in Greek two hours per week in the forms A, B and C. In 1975, the division of the curriculum of the minority elementary schools was as follows: In Greek: Greek Language, History, Geography, Civic Education (43\% percent of the time); in Turkish: Turkish Language, Religion, Mathematics/Geometry, Natural History, Environment, Gymnastics, Singing, Drawing (57\% percent of the time), Prefecture of Rodopi, Directorate of minority schools, Circular 4, A.P. 33273, Komotini 18.2.1975 (unpublished).} Today, Muslim teachers teach the following subjects in Turkish: Turkish Language Proficiency, Religion, Mathematics, Physics, Chemistry, Gymnastics, and Drawing; and Christian teachers teach the following subjects in Greek: History, Greek Language Proficiency, Geography, Environment, and Civic Education. This pattern is followed in all classes, from the beginning to the end of the school year. Moreover, English has been added as an extra subject – part and parcel of an attempt to harmonize the curriculum of the minority schools with that of public schools (Min. Dec. 103672/Z2/As 781/2008 (FEK B 1859).

One result of bilingual instruction in tandem with other factors, such as financing, teacher's training, and status of languages commanded, is that
the graduates from the minority elementary schools tend to be more competent in Turkish, and many pupils ignore basic Greek terminology and are unable to express elementary thoughts in Greek. At the same time, their command of Turkish is also poor. Indeed, many minority schools – especially those in mountainous area and those that have fewer than three classrooms and three teachers are, for various reasons, unable to follow the official curriculum. This means that a part of the minority children finish the school year with impoverished instruction on subjects taught both in Greek and Turkish.

The minority schools observe Muslim religious holidays in addition to public primary school holidays. In practice, the bulk of the minority schools follow the Christian weekend. Only 17 schools in the area of Rodopi retain Friday as the weekly non-school day instead of Sunday. According to MD 55369/1978, which retained certain regulations of PD 1109/1972, the minority schools follow the public holidays for Easter and Christmas plus the religious Muslim holidays, for kurban and şeker bayram and the four kandil. This also means, thanks to MD 80033/C2 of 2006 (FEK B 1286), that pupils of Muslim faith attending vocational high schools (Epaggelmatika Lykeia) have the right to take a non-school day in the two Eids, as well as on the eves of these two major religious holidays. It seems that in all public schools the Muslim students are allowed not to attend courses during important Muslim holidays.

17.4.1.1. *Textbooks for the Turkish Curriculum*

As previously mentioned, according to the Greek-Turkish agreement of 1968, Turkish language textbooks must be prepared by Turkey and distributed to the schools following the approval of the Greek Ministry of National Education and Religious Affairs. Only these textbooks can be used in the minority schools.

In the early 1990s, after decades of inaction on the part of Turkey and a consequent lack of books, the Greek Ministry of Education took the initiative to print and distribute a new textbook for the Turkish curriculum of the minority schools (1992–93). It did so without any contribution

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281 Also by MD 166194/2010 (FEK B 1106).
from the minority, whose members refrained from collaborating with the Greek authorities. In effect, the quality of the ‘Greek made’ textbooks was seriously contested. Backed by the Turkish consulate in Komotini, the parents and teachers denied receiving the textbooks and in some cases burned them publicly. A representative committee paid a fruitless visit to the Minister asking for the withdrawal of the books.

On 18 January 1993, the Minority Schools Office of the Prefecture of Rodopi called all the Muslim teachers of the minority schools to attend an educational meeting. The aim of the meeting was to present new books for the teaching of the Turkish language which would be delivered to the directors of the schools. A similar order was issued by the Schools Office of the Prefecture of Xanthi. On 26 January 1993, the ‘Consultative Committee of the Turkish minority’ issued a statement that the content of these books ‘was in breach of the autonomy of the Muslim Turkish Minority of Western Thrace’. The Muslim teachers were called upon not to collect these books and the Muslim pupils not to attend school between 1 and 5 February 1993. The Union of Turkish Teachers of Western Thrace supported the boycott of the minority schools, declaring that all those ‘who felt Turkish’ and who wanted to learn or teach the Turkish language would take part in the boycott. The elected Moufti of Xanthi also called upon teachers not to go to the official presentation of the books. Penal and correctional prosecution of the Muslim teachers followed the boycott, and some were fired for a year (infra, Section 17.4.5.) The ‘textbook war’ ended in 1997–8, when Turkey sent adequate textbooks concerning 17 different subjects of primary education. The books were approved by the Greek government, but only after a long period of examination. They were distributed to the pupils in February 2000. In some schools, the ‘Greek textbooks’ of 1992 were used unofficially until the books from Turkey arrived. After tensions calmed down, the most representative bodies of the minority demanded improvement of both Greek and Turkish textbooks. Since, textbooks for the secondary minority schools are approved and distributed on a regular basis. By 2008, new textbooks were sent by Turkey for all minority schools.

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284 The one who is not recognised by the State, see infra, Section 8.4.1.
285 Association of University Graduates of the Minority of Western Thrace and Union of Turkish Teachers of Western Thrace, 2002.
17.4.1.2. Textbooks for the Greek Curriculum

Due to chronic lack of interest from both the Greek State and the minority elite, it was only in the late 1990s that Greek textbooks became a central concern. This was a function of increasing recognition on the part of the minority of the importance of proficient Greek for social prospects and status. At this juncture, the Greek government also expressed a will to invest in the Greek portion of the curriculum of minority education. The upshot was a project which has had a major impact since 1996. Undertaken by the University of Athens\(^{286}\) and financed by the European Commission, it published a series of specially improved Greek textbooks for the minority primary and secondary schools. Furthermore, in the framework of the same program, teachers were trained for the usage of these textbooks and special Centres of Support and Education of Muslim Children (KESPEM) operate in Thrace since 2003 for the purpose of teaching Greek to minority children and women. The main goal is to improve their chances of social inclusion; instruction is based on a well-considered intercultural approach.

A third, much needed pole was thus operational in the minority milieu among the polarized rigid agents of Greek and Turkish nationalism.\(^{287}\)

17.4.1.3. The Teachers

As the curriculum comprises two parts (LD no 9/1972), the Greek-language and the Turkish-language, ‘Muslim’ teachers have to teach the Turkish curriculum and ‘Christian’ instructors the Greek (\textit{supra}, Section 17.3.2.). Muslim teachers still are graduates from the EPATH, while their Christian colleagues are graduates from the University Schools for Primary Education.\(^{288}\)

‘Muslim’ teachers still belong to different legal categories. To the detriment of the fundamental principle of equality, EPATH graduates ‘were preferred’ to any other candidate for posts in minority schools, according to Act 695/1977 (article 3.7). Graduates from a relevant Turkish School or University were not appointed, despite the fact that in some cases they

\(^{286}\) N. Askouni, 2004: 313–324.


obtained a higher university degree than their colleagues who all graduated from the Special Academy of Thessaloniki. Another group of teachers consisted of the graduates from Turkish teacher schools hired before the establishment of EPATH (prosontouhoi). By 2008, they had all retired. The legal status of these categories comprising Muslim teachers is not uniform. Some of them are paid a salary by the Greek State as civil servants, others work on the basis of private contracts paid by the school board, and sometimes even by Turkey, albeit unofficially. In 2005, of 411 'Muslim' teachers engaged in the minority elementary schooling, 354 were EPATH graduates. According to the law, in 2008, 330 civil servant positions were available for Muslim teachers. By 2009, all Muslim teachers were EPATH graduates. In 2006 and 2007, about 140 out of them were appointed on a one-school-year basis (anaplirotes). The inequality of status between Christians and Muslims and between Muslims teachers themselves creates and perpetuates social and economic problems between the school staff undermining the overall quality of minority education. Furthermore, today, there are 7 metaklitoi teachers dispatched from Turkey and appointed in the minority elementary schools every year. Their special work and residence permits are issued on the condition that they do not constitute a threat to 'public order and security'.

It seems that the Greek political and administrative authorities are reluctant to reconsider and readjust the law. The following case illustrates this unbalanced situation among teachers, a situation which is related to the ambiguous semi-private, semi-public character of the minority schools. For instance, Mrs Belgin Hakki applied for the post of teacher of the English language in the First elementary minority school of Komotini (Idadiye). Although the school board has the competence to proceed to a private contract (Ministerial Decisions Z2/219/1993 and Z2/141/1994), the Inspector for Minority Schools undertakes the private contracts of the Muslim teachers allowing no room for the conclusion of a private contract between the minority schools and the teachers. By way of contrast, English language teachers are considered as part of the Greek language curriculum,

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289 Act 694/77, article 7 paragraph 1 a, b and c and Ministerial Decisions Z2/141/1994 (FEK B 464, 1994). See StE 3448-51/2002, StE 1748/1987. On legal disputes over the age of minority teachers under private contract as to when they should receive their pension, see StE 2226, 2227 and 2228 all of 2003.
290 Ministerial Decision Z/3291/1979 (FEK B 400).
so the teacher should be a ‘Christian’. Notwithstanding the will of the school board to conclude this contract with Belgin Hakki, the Prefect and the Coordinator for Minority Schools rejected the application. Belgin Hakki appealed before the Greek Ombudsman who upheld the applicant’s position. She further appealed to the Court to overturn the refusal of the school administration to approve her contract. By its decision 8/2004, the Administrative Court of Appeal of Komotini upheld that posts for teachers of the English language in the minority schools are supposed to be of public character and do not belong to the discretion of minority school boards under private contracts. Thus, according to a narrow interpretation applied by the Komotini’s Court, teachers of English could never be hired by minority schools by private contract to the detriment of the educational autonomy provided by article 41 of the Treaty of Lausanne. The issue was not solved as Hakki was appointed as permanent staff in public schools and then transferred to minority schools, in effect to a 'Christian' post. This is one of the rare cases that broke with the divides based on millet precepts. Also, 64 non-permanent staff were hired to teach English, some 45 of which belonged to the minority (data from 2005). Very few are graduates from a Turkish university.293

In each minority school, a Principal and a Vice-principal are appointed by decision of the Secretary General of the Region upon recommendation of the Coordinator of Minority Schools.294 The Principal of the Schools has to be a ‘Muslim’ teacher and the Vice-principal has to be a ‘Christian’ teacher appointed on the basis of reciprocity between Greece and Turkey.295 Nonetheless, the tasks and duties of the vice-principal provided by the law still render the ‘Muslim’ Principal of minor importance compared to the ‘Christian’ Vice-principal – a legacy of the 1960s. As such, the self-management capacities of minority schools are minimised and the old fashion of millet-like distribution of tasks resists modernization.296

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293 In 2007, three Muslim teachers, graduates from a Turkish university (of English language), were appointed, National Committee for Human Rights, 2008: 368.
295 This measure was first applied from 1939 to 1949. It was then abolished but re-established in 1963 with a short interval of inaction in 1967–68. On the appointment of Greek vice-principles in Muslim schools of western Thrace, MFA letter to the Ministry of Education, 21.10.1966, MSA F.3, and CCT, Report by the Chairman to the President of the Government, 28.1.1967, AP EP 39, MSA, F. 11: 5.
296 In one rare case when the Muslim teachers reacted to this peculiar situation, the government did not respond, Association of the graduates from EPATH, Memorandum to the Minister of National Education, Komotini 21.6.2001.
The only noteworthy educational intervention which aims at the upgrading of the educational skills of both Muslim and Christian teachers regards the training conducted in the frame of the previously-mentioned 'Muslim Pupils Program' from 1998–2008 and after 2010. Not surprisingly these efforts have faced a series of political and ideological resistance from both sides.297

*Thracian Muslims who settled outside of Thrace* during the 1980s and 1990s, especially in the area of Gazi, Votanikos, and Metaxourgio (in Athens), have a very low rate of attendance at elementary school and also a very high illiteracy rate.298 Apart from a limited and short-lived private initiative in the mid-1980s in the framework of which lessons in the Turkish language were offered,299 no special school has been established for them. In only one case, was a public school transformed into an ‘intercultural school’ with an extended school program (day-care school/oloimero sholeio). Although the relevant law (*infra*, Section 17.6.1.) would permit teaching the mother tongue or religion, no such measure has been taken. In this context, language, citizenship, and religion become issues of an everyday makeup fostering new identities for Muslim schoolchildren.300

17.4.2. *Secondary Education*

Secondary minority education is not guaranteed for all minority student graduates from primary schools. The number of students who have the opportunity to follow a minority high school is related to the limited number of the latter. As noted earlier, two minority high schools were established, one in Komotini and one in Xanthi, during the new impetus to education after the 1950s (*supra*, Section 17.3.) and as a result of diplomatic efforts undertaken by Turkey.301 In addition, there are two operating Islamic Seminaries (*medreses/ierospoudastiria*). These schools suffered from a series of problems during the 1980s, especially when the students had to pass exams only in Greek. Thus, a great number of students continued their studies in Turkey.

The high school (gymnasium and lyceum) of Xanthi is still using the old premises, which are not adequate given the increasing number of

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300 For an in depth discussion, see V. Lytra, 2007.
301 V. Aarbakke, 2000: 133.
students. A claim on this matter was filed by the school administration to the Ministry of Education asking for permission to build a new sports centre on a vakf plot; it was not considered by the Ministry of Education.302

The Celâl Bayar high school of Komotini, however, has been able to extend its premises.

Table 4. Minority pupils in secondary schools.

<table>
<thead>
<tr>
<th>Year</th>
<th>In minority high schools</th>
<th>In public secondary schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>1947</td>
<td>Celâl Bayar: 50</td>
<td>6 all in Komotini</td>
</tr>
<tr>
<td>1952</td>
<td>Celâl Bayar: 82 [7 girls]</td>
<td></td>
</tr>
<tr>
<td>1955</td>
<td>Celâl Bayar: 146</td>
<td></td>
</tr>
<tr>
<td>1972</td>
<td>M. Salihoglu: 72</td>
<td>59</td>
</tr>
<tr>
<td>1973</td>
<td>M. Salihoglu: 146</td>
<td></td>
</tr>
<tr>
<td>1999-00</td>
<td>M. Salihoglu: 373</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Celâl Bayar: 400</td>
<td></td>
</tr>
</tbody>
</table>

(Continued)

302 Personal interview with Rıza Kırlidökme, Xanthi, 10.12.2007. See also question to the Minister of Education submitted to the Parliament by MP Çetin Mandacı (PASOK), Question No. 1365-31/10/2007.
Table 4. (Cont.)

<table>
<thead>
<tr>
<th>Year</th>
<th>In minority high schools</th>
<th>In public secondary schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002–03</td>
<td>M. Salıhoğlu: 300, Medrese of Ehinos: 10 (only of Gymnasium)</td>
<td>Xanthi: 1,237</td>
</tr>
<tr>
<td></td>
<td>Celal Bayar: 357, Hayriye: 178 (only of Gymnasium)</td>
<td>Rodopi: 852</td>
</tr>
<tr>
<td>2005</td>
<td>Hayriye: 77 Gymnasium, 40 Lyceum</td>
<td>2,527 gymasia</td>
</tr>
<tr>
<td></td>
<td>Ehinos: 13 Gymnasium, 22 Lyceum</td>
<td>1,583 lycea-TEE</td>
</tr>
<tr>
<td>2006–07</td>
<td>In all: Gymnasia: 1004 Lyceum: 418</td>
<td>Gymnasia: 2,632</td>
</tr>
<tr>
<td></td>
<td>M. Salıhoğlu: Gymnasium: 301 (whose 176 girls), Lyceum: 132</td>
<td>Lyceum +TEE: 1,699</td>
</tr>
<tr>
<td></td>
<td>(whose 62 girls) [18 'Muslims', 12 'Christian' teachers]</td>
<td></td>
</tr>
<tr>
<td>2007–08</td>
<td>M. Salıhoğlu: Gymnasium: 301 (whose 164 girls), Lyceum: 131</td>
<td>Gymnasia: 2,573</td>
</tr>
<tr>
<td></td>
<td>(whose 82 girls) [18 'Muslims', 12 'Christian' teachers]</td>
<td>Lyceum: 1,032</td>
</tr>
<tr>
<td></td>
<td>C. Bayar: Gymnasium: 418 (whose 203 girls), Lyceum: 182</td>
<td>EPAL: 858</td>
</tr>
<tr>
<td></td>
<td>(whose 98 girls)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hayriye: 304 Gymnasium, 131 Lyceum</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ehinos: 12 Gymnasium, 13 Lyceum</td>
<td></td>
</tr>
</tbody>
</table>

For more detailed data, see Appendix 6.

As the places available in the minority high schools are insufficient to take all the graduates from minority elementary schools, a lottery takes place among the candidates.317 Chances for enrolment have improved, however, with the building of improved facilities. The class schedule of the subjects taught in the minority lyceum was reformed as late as 2000,318 and the

315 National Committee for Human Rights, 2008: 370 and archives of the Xanthi minority high school, I thank Rıza Kırıldökme for the data.
317 Ministerial Decree G2/152/22.5.1996 (FEK B 422) 'Registration procedure of school-boys and schoolgirls in the first form of Minority High schools'.
A2. Compulsory Subjects in the Turkish Language: Religion, Mathematics, Physics, Chemistry, Gymnastics and Turkish Language.
A3. Optional subjects: The European Civilisation and its origins, Psychology, Computers
reforms retained the division between Greek and Turkish curricula and followed the basic lines set forth by the establishing acts of the two minority high schools. It is also worth noting that until 2002, textbooks for religion were elaborated by religious notables of the minority. Since 2004, textbooks imported from Turkey are distributed to the pupils of the two minority high schools. Only in the latter is Islam taught by teachers who graduated from a religious school in Turkey. The Islam course in the medrese and the five public schools of Xanthi and Rodopi is taught by minority teachers, graduates from Arabic countries.\textsuperscript{319}

The two medreses,\textsuperscript{320} one in Komotini (Hayriye) and one in Ehinos (in Xanthi prefecture), provide education as middle-schools (for the period before the war, \textit{infra}, Section 17.3.2.iii) with special courses of religious character. The medrese became a field of confrontation between Greece and Turkey, as each sought to use it to influence minority education, namely via the role played by teachers in the medrese. In this context, Greece attempted to foster Greek-friendly feelings and Turkey to attract minority students in order to undermine the pro-Greek mechanism of EPATH. Indeed, from the mid-1950s until the mid-1970s, a number of contradictory policies and measures were applied, all of which were characterized by fear of growing Turkish influence among the minority. The upshot was that the real needs of minority schooling were given short shrift. Tellingly, in 1976, Greece attempted for the first time to subsidize the medrese as well to grant pensions to retired teachers of religious education who had declared themselves to be 'Muslims' and not 'Turks'.

Meanwhile, in 1982, the curriculum for the medrese was reformed when the five-day week was introduced to all schools in Greece, and Saturday became the weekly non-school day. 'Muslims teachers' teach the Turkish and Arabic languages and the Koran and all the rest of the curriculum is taught in Greek by 'Christian teachers'.\textsuperscript{321} It was only in 1998 that the medrese were converted into six-form religious schools;\textsuperscript{322} although the Inspector for Minority Schools had submitted a proposal to this effect as early as in 1969.\textsuperscript{323} Muslim students, who are graduates from primary

\textsuperscript{319} Tz. Haseki, 2008.
\textsuperscript{321} General Inspectorate of Minority Schools to Ministry of National Education, Directorate of Minority Schools, Kavala 25.5.1982, AP 50, MSA, F. 72.
\textsuperscript{322} Act 2621/1998 (FEK A 136).
\textsuperscript{323} General Inspectorate of Minority Schools to Minister of National Education,
schools have the right to enter the medrese. The school of Komotini is more popular, receiving as many as 410 students, of whom 60 attend the boarding school (as of 2008). Only 24 students attended the Ehinos medrese in 2008. Students in both schools used to be only boys. Girls enrolment began in 2000 in Komotinis' medrese, and they have attended Ehinos' medrese since 2008. The two seminaries are considered to be private schools under the supervision of the Ministers of Education and Religion through the senior clerk of the Co-ordinating Office of Primary and Secondary Minority Education. The timetable for forms A, B, C of Gymnasium and A, B, C of Lyceum of both schools was set in 1999. Accordingly, the curriculum is taught in Greek except for Arabic and Turkish Language and Koranic Education. As an example, the timetable of the form C of the Lyceum comprises the following subjects:

**Ca) Compulsory subjects of General Education:** Foreign Language, Gymnastics, Greek Literature, Modern History of Greece, Mathematics and Statistics, Physics, Biology, History of Sciences and Technology.

**Cb) Compulsory subjects of speciality:** Religion, Koran, Arabic Language, and Islamic History.


The degrees awarded by the religious schools to the graduates from the first three forms are equivalent to the degrees of the public ecclesiastical gymnasia. According to the Islamic tradition, the founder the medrese should be the local Moufti who should have the spiritual authority over the school. However during the recent decades the two institutions are increasingly seen as integral parts of the minority school system. This meant that it was only by 2002 that the positions of the Muslims teachers in the medrese were set: Ministerial Decision 58334/Ζ2/2002 (FEK 1128) provides for five teachers of Theology and two teachers of the Turkish Language in Komotini: in Ehinos, meanwhile, there are two Theology instructors and one Turkish Language teacher.

The legal status of the medrese was until recently ambiguous for the following reasons: first, the school boards do not function according to the

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324 Ministerial Decision C2/5560 of 1999 (FEK B 2162) on the timetable of religious schools.

law; the status of the Muslim teachers regarding matters like salaries and social security was not defined; third, although the Moufti was long deemed the founder and the spiritual authority of the medrese, today the medreses are supervised and managed by the public authorities and the curriculum is set without consultation of the local Moufti.

The medrese graduates (and not only their students) were enmeshed in the political confrontation between Islamists and Modernists as the Greek State channelled Islamists into teaching positions in the minority elementary schools. As these students came predominantly from the mountainous Pomak areas and had limited proficiency in Turkish they were deemed loyal to the Greek authorities. As such, for years up until the 1980s, it was exclusively medrese graduates who entered EPATH.

On the contrary, the education of the imams should have been carried out by a special Islamic school. According to article 8 of Act 1920/1991 a School of Islamic Religious Ministers should have been established in order to improve the training of the imams and muezins serving in the mosques. The School has not been founded so far. This is the second time that an Islamic School which should have been established: according to article 13 of Act 2345/1920, a Religious Islamic School of high education should have been established in Athens, at the expenses of the state budget, but this was never realised.326

Except for the aforementioned minority middle-schools, today there are five Greek public high schools where Muslim students are taught Turkish and the Koran in the Turkish language and the rest of the curriculum in Greek. By the late 1970s, a debate over setting up secondary schools in the mountainous areas began. Initially, the plan was to set up gymnasias/lycea in Sminthi, Ehinos, Glafki, Ano Thermes (Xanthi), Organi, Kehros, and Fylira (Rodopi). However, the last two schools were never established. The role played by such schools has been to give Greek language education to those Pomaks or Pomak speaking Muslims (although Organi is a Turkish-speaking village) who had been close to Turkish influence. It seems that in the first period of their functioning they followed a sui generis program.327 The schools were set up in 1982 under the general legal framework of secondary education and not as minority

327 The school of Organi had a boarding service in 1987 with a very tough daily program, according to ‘Daily program of boarding school of Organi’, document issued by the school principal, Organi 1.10.1987, MSA, F. 72.
schools according to PD 581/1982 (FEK A 106). The establishment of the gymnasia in the mountainous area triggered strong reactions by the minority, but such voices were not heeded by the Greek authorities. In 1983, there were just 22 pupils attending all of these schools, though figures were up to 325 in 1997.

These schools seek to establish their legitimacy, often through unusual methods. For example, as late as 2005, the schools welcomed the involvement of the Greek Army in matters of material assistance. Illustrating this, a thank you-letter signed by the students, the parents, and the teachers of the Gymnasium of Sminthi was sent in 2005 to the 4th Corps of the Army regarding the organization of festivities before the beginning of the New Year's holidays. More recently, it was announced that a new high school would be built in Fylira by 2009 — a move which would have been in accordance with the original plan. The project, however, divided the minority elite and engendered political animosity, since the school would have been non-minority in character.

The rate of gymnasium attendance by the minority pupils has quadrupled in less than 15 years. While drop-out rates from compulsory education are still very high, and serious problems remain in the field of education, the trends are promising, especially as regards pupil attendance: the increase in gymnasium attendance was 76.9 percent for girls, compared with 19.6 percent for boys by the mid 2000s.

More and more mainstream, public high Greek schools attract the interest of the minority, as parents consider that fluent command of the Greek language offers better prospects for their children. Over the years, this trend has become stronger, and the rate of minority students enrolled in Greek schools has increased. In 2002 to 2003, for instance, in public lyceia the ratio of Greek to minority students was 75 to 25. As more children enrol in the Greek secondary school, the number leaving for Turkey

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328 For relevant complaints and proposals on the institutions transformation into minority schools, see Union of Turkish teachers of W. Thrace & Association of scientists of the minority of W. Thrace, Report, Komotini 12.12.1987 (unpublished): 'These state schools should turn into minority institutions in accordance with the Treaty of Lausanne'.

329 Such reactions were publicly expressed in the Report on the problems of education of the Turkish minority of W. Thrace, drafted by the 'Union of Turkish Teachers of W. Thrace' and the 'Association of University Graduates of the W. Thrace minority', Komotini, 12.12.1987.


331 Gymnasium of Sminthi, to the 4th Corp of the Army, Sminthi 10.1.2005, F.31/3.


333 G. Mavrommatis 2004: 76.
to pursue secondary school studies is also declining. In 2009, 76 percent of the minority pupils attended Greek public lyceae and gymnasia. Moreover, by Ministerial Decision 61539/G2/2006 (FEK 867 B), the Turkish language had been introduced as a subject in five public gymnasia of Thrace as a foreign language course in order to promote ‘multiculturalism in schools... in view to get in contact with the official language of neighboring Turkey’ and ‘taking into consideration that part of the Greek population has Turkish as mother tongue’.

According to the provision, the textbooks and other educational material should be produced by the Pedagogical Institute (Ministerial Decision 10654/23.5.2006, FEK B 947) at two levels, advanced and elementary, obviously addressed to native Turkish and Greek speakers, respectively. However, moves to apply the decision in the schools of Thrace engendered a strong reaction in Greek nationalistic circles that feared the upgrading of the status of the Turkish language in the region as well as the ‘Higher Committee of the Turkish Minority’. The Committee denounced the lack of dialogue with the government on the issue and expressed fear that drop out from the minority to the Greek public schools would increase. As a matter of fact, by 2009, only 45 students from the minority opted for Turkish in public gymnasia.

17.4.3. University Education

For the minority, access to university education was not just a tool for social success and professional promotion; it also constituted a burning political issue from at least the 1970s until the late 1990s. University attendance by minority students was quite limited until 1998. There were, however, a few sporadic cases. It is worth noting that the earliest known reference to minority university students is from 1874, when two Muslims studying at the University of Athens were seen as a quite unusual phenomenon.

Today, Islam is related to university education in two ways. The first is as a subject dealing with religion or civilization, mostly through the dimension of language. In this case, the Department of Balkan, Slavic and Oriental Studies (of the University of Macedonia, Thessaloniki), the Department of Balkan Studies (University of Western Macedonia in

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336 Speech of G. Makas delivering the rectorship to P. Rombotis on the 17th November 1874, (in Greek), Printing house of Perris brothers, Athens 1875: 5.
Florina), the Department of Mediterranean Studies (University of the Aegean Sea, Rodos), the Department of Black Sea Studies (University of Thrace, Komotini), the Department of Turkish and Asian Studies (University of Athens), the Department of Translation and Interpretation (Ionian University, Corfu) and the Theology Schools at the Universities of Athens and Thessaloniki provide special subjects on Islam, Arabic or Turkish language. That said, very few Muslims either from the minority or from immigrant communities are students at these schools.

A second way through which Islam is visible at the university level is through Muslim students. Special quotas or scholarships enable students from the minority to pursue university studies mainly in Greece, Turkey, and even a series of Middle East countries (Egypt, Saudi Arabia or Jordan offer scholarships for Muslim and non-Muslim students from Greece).

However, the road to success for university graduates has never been easy for minority students. Except for the case of teachers who graduated from Turkish pedagogical schools, graduates from other Turkish universities for a certain period of time were unable to have their diplomas approved in the Greek labour market. The hunger strikers of January 1988, who successfully protested against DIKATSA (the Greek State authority to recognise foreign diplomas), raised a whole series of questions along these lines, as did the cases of the pharmacists before the courts closed this period of uneasiness (*supra*, Section 6.2.).

In order to stop the flow of minority students to Turkey, which was encouraged by scholarships granted by Turkey, the Greek administration sought to facilitate attendance for minority students in Greek universities and technical schools. Institutionalized in 1996, such measures included a special quota in favour of Muslim high school graduates from the minority for 0.5 percent of the available seats in tertiary education.

Beneficiaries of the quota are Muslim students in minority or Greek schools who are registered in the Civil Registration Offices of Thrace by birth, according to article 10.5, Ministerial Decision F152/B6/198 of 2000.

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337 Average about 200 students per year follow their university studies in Turkey. It seems that this number is decreasing, see A. Houseinoglou, 2012: 229.

338 The legal framework of this special quota is set by article 2 paragraph 1 Act 2341/1995 (FEK A 208), article 2 paragraph 5 and 7 Act 2525/1997 (FEK A 188), amended by article 6, paragraph 5.b Act 2749/1999 (FEK A 186) and article 14 paragraph 36 Act 2817/2000 (FEK A 78) and by Decision of the Minister of Education F.152.11/B3/790, 28.2.1996 (FEK B 129). The modalities for the implementation of this measure are set by the joint Decision by the Ministers of Education and Economy F.152/B6/108/4.4.2000 (FEK B 472).
They are entitled to enrol in Higher Education Institutions (AEI), Technological Educational Institutions (TEI), Higher School of Technology Engineers (ASETEM)/School of Vocational and Technical Education Instructors (SELETE) except for Theological Schools (article 12.5). Moreover, they are exempt from the threshold set by Act 3404/2005 (article 13 paragraphs 1–3, FEKA 260 amending article 2A of Act 2525/1997, FEKA 188) that a student has to obtain at least a 10/20 grade in the national exams. Another ministerial decision (F.151/17104/B6 of 2006, FEK B 259) set the technical requirements for the selection, identifying as candidates members of the Muslim minority of Thrace along with other groups.

According to the introductory report to the law, the legality of this favorable quota for Muslim students is based on article 4 of the Constitution, which suggests that substantial equality can be achieved by addressing dissimilar situations through dissimilar measures. In effect, the law attempts to make up for the lack of perfect knowledge of the Greek language by the Muslim students who attended bilingual minority schools but does not provide any measures for improving the language deficit.

A group of Christian inhabitants of Komotini appealed against the law on the grounds of religious discrimination against ‘Christian’ pupils. The Council of State decided that the appellants had no legal interest and rejected the appeal, avoiding comment on the substance of the critique of positive discrimination measures in favour of minorities. The Court nevertheless said that, even in case of the abrogation of the law under consideration, the complaining Christians would not have benefited, as the special quota set for Muslim students does not affect the total number of spaces in the universities. Basically, due to socio-economic and language fluency issues, less than half of the positions made available by the quota were occupied by the Muslim students entitled to enrol. Gradually, however, this percentage is rising. Since 1996 about 4,000 students from the

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339 In a case adjudicated by the StE (290/2002, Section 6th, <www.dsanet.gr>), a Muslim of Greek citizenship dwelling in Thessaloniki was denied the right to use this special quota, as ‘he is not descended from the Muslims of Thrace’, (Supra, Section 3.3.2.).


minority entered Greek universities. Despite the fact that Muslim students from the minority take advantage of the special quota and enter the Greek universities, it seems that after more than ten years of affirmative action, they have difficulty attaining the same average as their Christian counterparts, illustrating the enduring impact of persistently poor minority education.

A complementary measure for facilitating access to university education for minority students is the special programme for scholarships launched by the Foundation of State Scholarships (IKY). The foundation announced 10 scholarships for post-graduate studies for students from the minority of Thrace preferably for social studies. Only four students managed to fulfill the requirements, two of them after the intervention of the Greek Ombudsman (Reports Nos 5413/06 and 6590/06).

As stated above, EPATH, since its establishment in 1969, constituted a field of confrontation between Greece, the minority and Turkey. Attendance to EPATH used to be linked to ethnic background (i.e., a preference for Pomak students), a consideration which was itself related to perceptions of loyalty. The main concern of the Greek government was to reduce the number of the teachers who had been educated in Turkey and to raise the number of the teachers who had graduated from EPATH. Thus, Greek policies curtailed the influence Turkey once exerted in the elementary minority schools to the detriment of the quality of education. In many domains, EPATH was under the tight surveillance of the Greek intelligence. Comments made by the latter in 1982 regarding the 'national suitability' of each of the candidates was deemed crucial for appointment to minority schools. The same reporting system was applied to the graduates from medreses. Qualification was all about 'proven loyalty to Greekness' and suspicion permeated the atmosphere. For example, a report of 1979 says: 'H.R. is mediocre student, obedient and disciplined. He looks mostly grecophile but in depth he is turkophile'. Yet, all relevant reports reveal...

343 In 2008 499 Muslim students from Thrace entered Greek universities. However, 230 posts remained vacant, see A. Chouseinoglou, 2012: 221.
344 See the interesting comment by Fatih Nazifoglou on the need for the special quota, 'Azmlıkça', October 2010.
347 Principal of the medrese of Ehinos to Director of Minority Schools, Ehinos 7.6.1979, Report on the graduates from the medrese of Ehinos, MSA F. 63.
that the EPATH did nothing or very little to foster strong pro-Greek feelings among the students. As an institution then, EPATH revealed the persistence of millet-like perceptions. Teachers of the Turkish curriculum in minority schools were supposed to be Thracian Muslims, preferably not of Turkish origin. In a very interesting case, a Muslim from Konitsa (Epirus) who graduated from EPATH in 1979 provoked a furious reaction on the part of the Principal of EPATH when the latter learned that a student ‘of Turkish-Albanian origin without any relation to Thrace’ had graduated from EPATH with the right to be hired in the minority schools.348

According to Act 695/1977, the examination for all the aforementioned categories of students is set by the decisions of the Minister of National Education and Religious Affairs. Law set the detailed curriculum and the subjects taught in 1969.349 The quality of the training has not been reformed, since the period of the junta and reflects all the ideological and methodological (mis)conceptions of that era. These include a curriculum which, with the exception of the Turkish language itself, was taught in Greek, despite the fact that the teachers are going to work exclusively in the Turkish language. Furthermore, the length of the course offered by the Academy was two years which was the length of all Greek pedagogical academies at the time of the establishment of EPATH; elsewhere across Greece today, four years is the minimum number of terms for all University Teachers’ Schools in Greece. The ‘Christian’ teachers at the minority schools are graduates from mainstream university schools and therefore have a four-year education. More importantly, the fact that students are eligible to enrol in EPATH solely on the basis of their religion raised serious legal questions related to protection of personal data as well as pedagogical issues, as it linked language and teaching skills to a certain religion.

348 EPATH, letter to the Coordination Office of Minority Schools, Thessaloniki 5.7.1984, MSA, F. 63.
Reactions against the appointment of EPATH teachers were continuous and in many cases expressed by the elite of the minority. In many villages also EPATH teachers were not welcome at all. By the end of the 1970s, even among the EPATH students, there were spirited reactions demanding better quality instruction of Turkish. When EPATH graduates started, by 1980, to obtain permanent positions in minority schools further tensions were engendered at local level. As a reflection of these tensions, in 1981–82, EPATH students refused to attend lessons, and 15 were ultimately expelled.

It used to be only graduates from the two medreses who could become students at EPATH. However, by the mid-1980s, more and more graduates from minority and public high schools began to enter EPATH. There was also a class taught since 1968 for students who were not graduates from sixth-form middle-schools (like the old five-grade medrese). Ministerial decision 76/102/22/17.7.2002 (FEKB 963) regulated entrance to the school from the sixth-form medrese afterwards. It is also worth noting that girls first entered EPATH in 1993. The students enjoyed a special right to free accommodation and food in the student dormitories in Thessaloniki. By 2008, 60 percent of the Muslim students were graduates of lycea, while the rest were from medreses.

For years, discussing the deficient value of the EPATH diploma was not an easy thing to do. In some cases, to question the professional and scientific qualifications of the EPATH graduates publicly could result in penal prosecution, as two well-known journalists from Komotini learned

Table 5. Students of EPATH.

<table>
<thead>
<tr>
<th>Year</th>
<th>Preliminary form</th>
<th>First year</th>
<th>Second year</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1972</td>
<td>23</td>
<td>31</td>
<td>24</td>
<td>78</td>
</tr>
<tr>
<td>1986</td>
<td>17</td>
<td>19</td>
<td>14</td>
<td>50</td>
</tr>
<tr>
<td>1992</td>
<td>17</td>
<td>18</td>
<td>19</td>
<td>54</td>
</tr>
<tr>
<td>2009</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>60</td>
</tr>
</tbody>
</table>


\(^{351}\) Data retrieved in the archives of EPATH.
in the early 2000s.\footnote{Abdulhalim Dede, an activist minority journalist, after having called a teacher from EPATH ‘moron’ and the diploma of EPATH ‘fake’ and ‘invalid’ was sentenced to five months of imprisonment, convertible into a monetary penalty, Court of Appeals of Thrace, 964/2002. Damon Damianos, then president of the Municipality Council of Komotini, reiterated the same accusations, seeking to illustrate the low quality of the EPATH and the biased positions of the courts on such issues at a conference organized by KEMO/LMV on minority education (December 2004). He was also prosecuted.} In an interesting exception with regard to a call for a post of civil servant, two graduates of EPATH were eliminated even though they were properly qualified, as the Ministry of Interior upheld that ‘their diploma was not equivalent to the university diplomas’. The Greek Ombudsman examined the cases and illustrated the reluctance of the Greek administration to upgrade EPATH so that its diploma is equivalent with other university diplomas.\footnote{Synigoros tou Politi, AP 11362, Athens 22.10.2007.} On the matter, the Administrative Court of Athens (644/2009) verified that the diploma of EPATH could not be equal to a four-year university school.

EPATH represented a key issue in the discussion about the minority within the minority itself, as it obstructed progress in education and reproduced an old-fashioned form of disciplining the community. Demands for the reform of EPATH have been put forth by minority teachers and minority deputies, as well as international organizations.\footnote{Association of the graduates from EPATH, Memorandum to the Minister of Macedonia-Thrace, Komotini 7.6.2001 and questions to the Minister of Education submitted by MP Çetin Mantaci (PASOK) 5309/29.01.2008 and 2661/29.11.2007. The Parliamentary Assembly of the Council of Europe urged the Greek authorities to guarantee that EPATH provides high-quality education in both Greek and Turkish languages, so as to provide appropriate training for future teachers who will work in the schools of the Muslim minority in Thrace, paragraph 18.2., Resolution 1704 (2010) and relevant Report, Doc n860, see Hunault, 2009.} For it seems that EPATH was intentionally structured to turn out inferior educators.\footnote{L. Baltsiotis, 2008: 127.} The government has promised to upgrade the Academy to a regular University School on many occasions, especially in the early 2000s. All of this has led to the ironic outcome, in which EPATH graduates since the mid-2000s increasingly express Turkish nationalist feelings, even though EPATH was conceived as a mechanism for fostering pro-Greek sentiments. This speaks once again to the different ways Greece and Turkey have sought to control or influence minority institutions to the detriment of the minority and the local society. It was only in June 2010 that the Ministry of Education organized a conference in Komotini on the future of EPATH at which all point of views were expressed.\footnote{Thaleia Draga, special secretary on multicultural education of the Ministry for Education, announced that the Turkish curriculum of the minority schools should be
on, it was decided (by Circular AP 95403/30.7.2010) that no students would be entering EPATH for the 2010–11 academic year, generating a range of emotions from all sides.

The last legal norm regarding EPATH promulgated in 2011: Article 59 para. 10, Act 3988/2011 (FEK A 118) foresees the abolition of EPATH by 31st August 2013, thus putting an end to a notorious itinerary of 45 years of controversy and ambivalent results that have marked minority education. After 2013, teachers for the Turkish curriculum of the minority schools will be graduates of the Pedagogical School of Elementary Education of the Aristotle University of Thessaloniki and especially those who will hold a diploma comprising specific matters regarding minority education. This institutional change meets fundamental pedagogical requirements that were lacking for decades from policy-making regarding minority education. No matter what the fate of these minority schools will be, no doubt higher standards will govern the education of future teachers.

17.4.4. The Controversial Balance of Minority Education

17.4.4.1. The Burden of Reciprocity

The problems of the Muslim education of Western Thrace are closely related to the respective ones of the omogeneia of Istanbul, as the status of both minorities is governed by the Lausanne Treaty. Consequently, any restrictive or other measure that the Turkish authorities would take in the detriment of the omogeneis in Istanbul forces the Greek administration to apply counter measures against the Muslims of W. Thrace so that the Turkish authorities are obliged to recall these measures or to refrain of adopting such measures in the future.357

In the area of education, reciprocity had direct negative multifaceted effects. It has been applied in the following issues: mutual prohibition of Turkish and Greek textbooks and the redistribution of these textbooks on an absolutely reciprocal basis;358 the firing of Muslim teachers from their posts as counter-measures to the dismissal of Romioi teachers in Turkey;359

upgraded and EPATH could not continue to be as it is, 'Azînlikça', 12/2010. On upgrading EPATH see interview of the principal of EPATH Mr Molohidis and Aydin Veli, professor of Turkish, both in 'Azînlikça', 12/2010.

359 Directorate of Muslim Schools of Rodopi-Evros, Letter to the Ministry of Northern Greece, Komotini, 9 October 1969, MSA F.8 and MFA, Letter to the General Directorate of
the change of Turkish place-names into their Greek version on the
diplomas of minority teachers who had studied in Turkey as a mirror prac­
tice to measures applied by Turkish authorities towards the Romioi teach­
ers. Furthermore, the signs of the minority schools were changed from 'Turkish' or 'Muslim', and both states had to maintain the same number of teachers who demonstrated command of the official language of the state, the same number of pupils who failed middle-school entrance exams, and the same rate of use of the official language in the curricu­lum. Requirements regarding minority schoolteachers also became a fertile field for negative measures between Greece and Turkey.

After 1936, proficiency in the official language was set by Turkish law as a requirement; and Greece replied through the adoption of similar mea­ures (supra, Section, 17.3.1.). Lastly – but perhaps most importantly – reciprocity played into the mixed private or/and public legal status of minority schools, allowing the authorities in both Greece and Turkey to manipulate their respective minorities and infringe upon community autonomy.

A turning point in the application of reciprocity in the field of education was in 1964, after developments in Cyprus which also triggered the massive deportation of the Greek citizens of Istanbul. The Greek Consul in Istanbul proposed a series of measures that the Greek educational author­ities ought to implement in light of reciprocity. A few months later, the Greek Minister applied this proposal ‘due to the repressive measures applied against the Greek schools in Istanbul’ and the need to apply ‘counter measures’ so the Turkish authorities would revoke or abolish these measures. To give an example, the Greek authorities were

363 Telegram from the General Greek Consulate in Istanbul to the Ministry for National Education, 12 July 1975, MSA F. 49.
364 Infra, p. 510.
368 Confidential letter, Ministry for Foreign Affairs to the Ministry of Education, Athens
concerned about the fact that the Turkish authorities were firing the same number of minority teachers as they themselves did in Greece due to failure in the official language exams. 'In spirit of counter measures,' it was decided in 1966 that even those aspiring teachers who failed the language exams could not be fired in order to ensure that the Romioi teachers in Istanbul would stay in office (supra, pp. 464–472).

Even the opportunity of students to participate in plays organized by minority clubs or sporting events was a function of strict reciprocity: in 1967, for example, a few days before the establishment of the junta in Greece, the Chairman of the CCT prohibited such events in the main minority schools of Xanthi after the implementation of similar measures in the minority school of Istanbul.

Although the Treaty of Lausanne grants the state the right to introduce the teaching of the official language along with the minority language in a language course, gradually Greece and Turkey augmented the teaching time in their own language respectively, as well as for other subjects. They did so not in the frame of pedagogical needs but as a counter-balance to similar measures taken on the other side of the border. The increase in the amount of time devoted to the official language to the detriment of the minority language occurred even in the immediate wake of the Treaty of Lausanne. In Turkey, Turkish Language, History, and Geography were taught in 1925 in Turkish while in Greece, after 1945, the central minority schools in the towns of Komotini and Xanthi taught the same subjects in Greek for the higher forms. The teaching of these subjects in Greek was extended to all minority schools in the 1970s.

All signs appearing in Turkish had to be removed inside and outside minority schools in Thrace, according to the circular 30/1967 issued by the Inspector of Minority Schools. The measure triggered reactions among

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569 General Inspectorate of Foreign and Minority Schools, Exams on knowledge of Greek language, AP EP 175, Doc of 7 December 1964, MSA, F. 2.
570 Ministry for Foreign Affairs (D Political Directorate) to the Ministry of National Education, Athens 5 January 1965, MSA, F. 23.
571 CCT, Chairman, Circular to the Prefects of Xanthi, Rodopi, Evros, AP EP 71, Athens 1 April 1967, MSA, F. 11.
572 I. Sarioglou, 2004: 90. As of 1930, various subjects were added to the curriculum of the Greek/Rum minority schools only in Turkish language (such as civic education, sociology, military education), although this measure had been deemed — justifiably — as a violation of the Treaty of Lausanne (General Greek Consulate in Istanbul to the MFA, 2 March 1965, MSA, F. 4.), the Greek authorities gradually increased the rate of the subjects taught in Greek language in the curriculum of the minority schools of Thrace.
the Turkish authorities, who called for the removal of signs appearing in Greek from nine minority schools in Istanbul. After that, the Greek Coordination Council for Thrace decided ‘to apply the measures not by violent means but as smoothly as possible, expecting further reactions by the Turkish authorities in Istanbul’.\textsuperscript{374} In 1972, the Directorate of Education in Istanbul ordered the destruction of a marble script in Greek in the ‘Great School’ (\textit{Megali tou Genous Sholi}). In response, the Directorate of Political Affairs of the Greek Ministry for Foreign Affairs declared that ‘in order for this Turkish measure to not remain unanswered, we ask you [the relevant authorities in Thrace] to take care for the abolition of all written signs referring to ‘Turkish school’\textsuperscript{375} According to Baskın Oran, it was in fact the removal of the Ottoman inscription on the Clock Tower of Xanthi, which had major symbolic importance for the local community,\textsuperscript{376} which triggered the action taken in Istanbul which had led, in turn, to the afore-mentioned order regarding school names.

The appointment of Principals and Vice-principals in minority schools still depends on reciprocity with Turkey. The legal arrangement in force (\textit{supra}, Section 174.1), which obviously does not rely on modern methods of school management, is an example of the type of reciprocity which occurred first in 1939 and again in 1962. Ministerial decision 62092/2002 provides that the minority school boards manage the school property ‘under reciprocity’ and that ‘equality of minority schools to public schools is set under reciprocity’ (article 5.6, Act 694/77).

\textbf{17.4.4.2. From Millet-Like to a Modern Education?}

Thrace’s minority education system has roots in the Ottoman Tanzimat-era reforms, which aimed to maintain and reproduce the fundamental elements of community identity based on language, religion, and ethnicity. When Turkish national ideas penetrated the minority whereas Greek nationalism was already established among the Christian majority. Gradually, the modernist elite of the minority attempted to ‘\textit{de-milletise}’\textsuperscript{377}

\textsuperscript{374} CCT, 51st session of 27 March 1967, MSA, F. 11: 7.
\textsuperscript{375} MFA, letter to Ministry of National Education, Athens 3 March 1972, MSA F.4. and Bureau of Political Affairs, Session of 24 March 1972, MSA, F. 12. The inscription had to be replaced by signs ‘M/kon’ (standing equally for ‘minority’ or ‘Muslim’). Previously, in 1969, by order of the MFA all script in foreign letters, such as Latin or Arabic had to be replaced by Greek, MFA, letter to the Prefects of Rodopi and Xanthi, Athens 3.5.1969, MSA, F.4.
\textsuperscript{376} B. Oran, 1991: 125.
\textsuperscript{377} S. Katsikas, 1999: 44.
the community and adopt Turkish identity. Meanwhile, Greek policies attempted to eliminate influence from Turkey and control the minority. In the meantime, the majority of the population, especially teachers, began to adopt a view of the minority tinged by attribution of oriental Otherness all the while affirming the Western-ness of Greek Christians. The upshot was that, over the course of decades, the national myths and policies of both Greece and Turkey were reflected in minority classrooms through textbooks and teachers. Thus, minority education in Greece and Turkey may be perceived as an ideological apparatus of ‘indirect cultural hegemony’ in Gramscian terms.

Ideology plays a key role in the use of education as a tool for the consolidation of national consciousness and religion, a role sanctioned by article 16 paragraph 4 of the Greek Constitution. This gives rise to a paradoxical situation in the case of minority education, which is that national education (Greek) is tasked with promoting the national ideology (Turkish) and religion (Islam) of an antagonistic nation-state. This tension is currently reflected in the legal framework and practice of the entire system of minority education. The variety of names the law has used for the minority schools from 1881 up to the present is evocative of the awkwardness which prevails regarding, for instance, the appellation of the Muslim minorities. Thus, throughout the legal history of Muslim education, minority schools have been named in a variety of ways such as: ‘Turkish’ (Act 1013/1882, LD 3065/1954, Min. Decis. 49420/1964), ‘Ottoman’ (Act 568/1914), ‘Muslim’ (Act 1618/1919, Act 2781/1922, LD 4242/1962) and ‘minority’ (Mandatory Act 2029/1939, and all legal texts from the times of the junta and onwards). One of the most eloquent examples of the shifts in naming the minority is represented by the Orders issued in 1954 by the Governor General of Thrace Fessopoulos. It was addressed to educational authorities according to which:

[F]ollowing directions of the president of the government from now on please use the term ‘Turkish/Turk’ instead of the term ‘Muslim’. Consequently you should take the necessary measures in your area of responsibility to replace inscriptions as ‘Muslim school, Muslim community’ etc. by ‘Turkish’. This directive was in keeping with the change of minority policy decided on by the Prime Minister Marshal Papagos at the beginning of 1954 and

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378 N. Bozatzis, 2009: 446.
which was not welcome by the local Greek authorities in Thrace. Soon, the MFA issued an order according to which the only correct name of the minority is ‘Muslim’. By 1972, the term ‘Turk’/ ‘Turkish’ which still appeared in school inscriptions and seals was completely replaced by ‘Muslim’ or ‘Minority’. After the Turkish invasion of Cyprus in 1974, the use of the term Turk/Turkish was penalised and administratively sanctioned (infra, Section 17.4.5.).

Until the rise of Kemalism, the Greek State did not place importance on use of the Turkish language in Muslim schools. Community schools were granted a high degree of autonomy, with the only obligation to introduce Greek language courses. The establishment of modern Turkey and the decisive intervention of Kemalism in Turkey’s traditional structures affected Greece’s Muslim minority, which remained divided between a Kemalist progressive wing and a religious Muslim wing until the late 1960s. Today, the confrontation is reflected at two different levels – Greek nationalism versus Turkish nationalism, and progressive ideologies versus traditional religious structures. It is perpetuated due to the individual interests and strategies of the minority elite and minority politicians. The protagonists in this confrontation do not appear to care a great deal about the quality of minority education. The institutional setting, moreover, neither enhances the quality of instruction nor contributes to better perspectives for the minority students.

The main cause of the poor quality of minority education is due to the potential conflict between opposing nationalisms spurring the authorities to devise a range of ideological and political controls imposed on the minority. An example of how such strategems negatively impact education is the fact that the subjects of History and Geography are taught in Greek (and in Turkey’s Greek minority schools in Turkish), so that students learn the mainstream majority’s history. In short, textbooks reflect neither the minority’s history nor their geography.

Another significant problem regards the competence of teachers and professors, many of whom command only weak Turkish and/or Greek and

\[380\] However, it was stated also that ‘the minority institutions are Muslim institutions unless they have been officially recognised under a different name’, MFA, Directorate of Turkey and Iran, Athens 1.7.1957, to the Ministry of Education, MSA, F. 90.

\[381\] Inspectorate of elementary schools, B’ regional office for Muslim schools, Rodopi and Evros, letter to the Ministry of Education, sector of Muslim Schools, 24 April 1972, F. 44, MSA.

who receive insufficient training, particularly those who are graduates of the notorious EPATH. As the UN rapporteur also noticed in 2009:

A commonly stated problem is the absence of bilingual kindergartens. This would allow better knowledge of both Turkish and Greek from an early age therefore providing benefits in terms of integration, and enabling greater choice of whether to go to minority or Greek public school.\(^{383}\)

As earlier mentioned, Thrace's minority schools belong to a *sui generis* legal category combining both elements of private and public institutions. To date, no private schools have been set up by individuals belonging to the minority that include a curriculum that takes into consideration the linguistic and religious specificities of the minority. The right to establish private schools is safeguarded by the ECHR, namely by article 2 of its First Protocol.\(^{384}\) As the Court of Strasbourg upheld,\(^{385}\) the provision guarantees the right to run a private school, as a special aspect of the wider right to teach. This right is applicable to persons belonging to a minority as to any other citizen. According to the ECtHR, education is "the whole procedure whereby adults endeavour to transmit [...] their culture [...] to the young".\(^{386}\) Since language is part of a minority culture, there can be no doubt that article 2 of the First Protocol ECHR guarantees the right of members of national minorities to teach their language in private schools.\(^{387}\) However, the opportunity to establish such schools has not materialised for lack of economic means as well as due to political constraints.

Estimates made in the late 1950s placed the Muslims of Thrace at the top of those (with Roma) that suffer from illiteracy in Greece.\(^{388}\) While this record had improved by early 2005, minority education still suffers from structural and pedagogical deficiencies when compared to mainstream Greek schools. Low-quality education and low economical standards result in high drop-out rates. Consider that drop-outs constitute 1.5 percent of the schools in Greece, 13.4 percent of the schools in Thrace, versus


\(^{384}\) Article 2, Protocol 1, reads as follows: "No person shall be denied the right to education. In the exercise of any functions which assumes in relation to education and teaching, the State shall respect the right of parents to ensure such education teaching in conformity with their own religious and philosophical convictions".


\(^{387}\) S. Stavros, 1997: 8.

\(^{388}\) Y. Christidis, 1996: 150.
an average of 23.5 percent in the minority schools. The schools attended mostly by Roma/Gypsy pupils, like one in Kalkantza (Ifaistos, Komotini), where the drop-out rate was 51.5 percent in 2004, have a particularly dismal record. Indeed, during the period between 1985 and 2000, no student achieved a complete nine-year attendance.

In 1997, drop-out rates from compulsory education were obviously high, but there were no exact figures. A study conducted by the project on ‘Muslim schoolchildren’ (1996–2003) revealed that almost half of the children who finished primary school did not enrol in the gymnasium, and, out of those who did, only one in three managed to complete the nine-year compulsory education. The drop-out rate was almost 65 percent, compared with the national mean of 7 percent. The problem was particularly acute in the case of girls, whose drop-out rate amounted to 80 percent compared with boys’ 54 percent. These data are connected to and mirror the low socio-economic status of the parents. After 15 years, the drop-out rates decreased considerably reflecting an improvement in the position of the minority among the local society and an increase in socio-economic participation.

As noted, high drop-out rates are particularly salient among the Muslim Roma community. The Office of the Greek MFA in Xanthi, accordingly, has begun to focus on the situation of the Roma communities of Thrace. By 2005, special classes were offered in Alexandroupoli, Komotini, and Xanthi (three in each town), addressing local Roma Muslim children who were not attending their school (supra, Section, 10.3.1). However, these classes operated outside normal school time in a gray zone of legality, as they were not institutionalised according to the law. This educational intervention appears to have lowered illiteracy but triggered political reactions among minority circles, as the education has a pure Greek orientation and excludes the minority character. In a sort of ‘domino effect’ the local municipalities have also not welcomed these educational interventions with a view to keep good relations with their political clientèle.

Meanwhile, the Greek response to Turkish involvement, be it legitimate or excessive, quite often takes the form of a simple denial of any positive action, which also precludes any grounds for cooperation. The following official statement regarding minority education is characteristic:

389 G. Mavrommatis, 2005: 158.
The Greek State spares no effort to upgrade the educational level of the Greek Muslim minority. It is continuously promoting important improvements at all levels of education. These efforts would be more effective if there were no adverse interventions from abroad for reasons unrelated to education.311

However, this position is not persuasive, as it ignores the realities of minority education in Greece and the extant legal status, which permits cooperation with Turkey on technical issues, such as school textbooks and teacher exchanges. Moreover, the consideration of Greek and Turkish as of equal value in official ceremonies and national days in minority school is a question that makes Greek authorities feel uncomfortable.392

Another ideological and controversial question regarding minority education regards the possibility of teaching Pomak/Bulgarian in minority schools and the eventual formation or consolidating of such an ethnic identity. Although there is no legal obstacle to teaching other languages than Turkish as provided for by article 40 of the Treaty of Lausanne, such a possibility does not seem to be realisable: Turkey does not recognise the existence of a Pomak-speaking population, a strong part of the Pomaks conceive of themselves as having a Turkish identity which would not allow enhancing the teaching of another language (even their own mother tongue), and the Greek authorities do not wish to open a new minority issue with Bulgaria. Thus, Pomak continues to decline, lacking social esteem. In this respect, the Treaty of Lausanne recognition of ‘the language of the minority’ has been interpreted to be solely the Turkish language. After all, “if a language group is systematically discriminated against and if it can have access to meaningful choices only by abandoning its language and learning how to function in the majority language, the chances of it surviving over time are slim”.393

Taking into consideration the above comments, the following questions emerge: How can social exclusion be abolished through education? How

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392 For example, the Special Secretary on Intercultural and Minority Education of the Ministry for National Education decided in early 2008 that only the Greek language is to be used in the celebration of the National Days of 25 March and 28 October in minority schools. Circular of 7.2.2008, on National and other celebrations, Marousi, Attica, published in Trakya’ın Sesi, 6.3.2008.

can a member of the minority invest in ways to ameliorate their status compared to the rest of the society? Which philosophical approaches would improve the educational system: those based on communitarian values or on egalitarian liberalism? The questions of course regard not only education but also many aspects of minority issues in general. One option is to replace education aimed at stimulating national sentiments with a school system which would enhance values such as humanism, inter-culturalism, and inclusive citizenship. As the ECtHR states, “in a democratic society, only pluralism in education enables pupils to develop a critical mind with regards to religious matters in the context of freedom of thought.” The fact that genuine inter-culturalism is not today promoted by any school in Greece, minority or otherwise, means such a perspective is only a distant possibility.

The minority has made some efforts at least to discuss to improve the quality of education. For example, the first Educational Congress of the Minority on the Education was organised by the Union of Turkish Teachers of Western Thrace and the Association of the University Graduates of the Minority of Western Thrace in Komotini on 26 and 27 November 2005, while the prime concerns regarding education were also discussed in Istanbul in 2006 in the framework of the 5th International Assembly of Western Turks, organised by the Solidarity Association. At these conventions, however, only members of the minority participated. The final declaration addressed educational issues. In the same period, a report on the minority education prepared by the Federation of Western Thrace Turks in Europe appeared. The main proposals were:

- That the Greek authorities collaborate with Turkey;
- To open bilingual minority kindergartens;
- To train minority teachers on the new textbooks;
- To replace EPATH with a new school for teachers;
- That school boards be empowered to hire the teachers of their own choice;
- To teach the new subjects of the curriculum in Turkish and not in Greek;
- To avoid unilateral initiative (by the Greek authorities), so both the Greek and the Turkish curriculum be modernised;

395 ECtHR, Zengin v Turkey, 1448/04, judgment of 9 October 2007.
- To raise the number of the teachers from Turkey (*metaklitoi*) to 35, so they could be appointed in the schools of the villages;
- That the minority schools should have the possibility to organise cultural and other events;
- To extend minority secondary education and incorporate the *medreses* into the mainstream minority schooling and to open a school for imams;
- To modernize the infrastructure of the minority schools; and
- To revert to the appellation of the schools from ‘minority’ or ‘Muslim’ to ‘Turkish’ schools.

There is no doubt that these proposals are legitimate; however, they were drafted with no reference to previous studies on the matter and based on a vague interpretation of the relevant legal framework. The contributors to the report – who lacked expertise on these matters – nevertheless stressed that the proposals were ‘correct’ and the only ones worth elaborating. Thus, no criticism emerged regarding the patterns of representation, the organizational structures of the minority, the legal capacity to possess schools as a community, or the question of what ought to be the role of reciprocity, and whether elements of the Lausanne framework ought to be revisited. The discussion, moreover, was politicized and no dissent was solicited.397

Linguistic and educational politics regarding the minority are formed on the basis of a fragile equilibrium of institutional and ideological factors.398 Political aspirations, linguistic nationalism, and the instrumental use of law create a nexus in which language politics as well as perceptions of the value of the language determine the viability of the latter. Bilingualism is an advantage rather than a deficit and being educated in one’s first language provides skills to those who learn a second language.399 The terms of coexistence of different languages depend on a very delicate factor, namely the balance between political planning for language integration and policies of assimilation; the latter can result in infringement of traditional conceptions of minority education rights. The shortcomings of the minority education system can also push minority pupils towards the mainstream Greek education system. This means that the legitimate goal of social integration may only be achieved through practices that

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399 S. Mav. 2002: 144.
contradict minority protection law and the right to have autonomy in education. On the other hand the chronic division between 'Christian' and 'Muslim' teachers, as has been already said, reflected for long years the deep segregation of the society in Thrace. It was only in 2011 that 'Muslim' and 'Christian' teachers mobilised together to lobby against the likelihood of losing the special 'allowance of minority schools'. Whatever may be the solution to improving minority schools, nationalism creates tensions as illustrated by the controversy surrounding the symbolic question of the appellation of the minority. On the one hand public Greek schools failed to accept and integrate minority identities and on the other minority schools themselves failed to provide their students with quality education in both languages. The upshot has been deadlock on radical reform in minority education. Abolishing the EPATH and improving the qualifications of the teachers for the Turkish curriculum after 2013 may open the road for substantial improvements and normalization of a series of questions that tantalised minority education for decades.

17.4.5. *To be (or not) a Turkish Teacher? A Conflict of Nationalisms in the Battlefield of the Courts (Part IV)*

The active participation of teachers of Turkish national identity in matters that are closely related to the character of the minority schools triggered a series of problems that were brought before the Greek courts. Of course, legal ramifications of the issues could have been easily avoided and solved, but the hidden issue for both sides was the accommodation of national affiliation (Turkish) within an intolerant, majority ideology (Greek). Another core issue was the negative attitude towards any aspect of cultural assimilation with Greek society displayed by Turkish communalism. The following cases depict the crises which erupt at the interstices of spasmodic expressions of Turkish national identity and the awkward reaction of the Greek courts which tend to use their jurisdiction to penalize such displays. The European Court of Human Rights could not adjudicate the merits of these cases as they were couched in improper legal terms.

17.4.5.1. *The 12 Teachers' Case*

The condemnation of 12 Muslim teachers who were members of the Union of Turkish Teachers of Western Thrace and had actively participated in

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demonstrations against the schoolbooks prepared by the Greek State for the minority schools in 1991 is related to the previously-mentioned associations' cases (supra, Section 11.3.iii). The Union had incited teachers and schoolchildren to abstain from their duties for a week (28 March to 2 April 1994) as a reaction to MD Z2/219/1993 concerning the procedure for hiring Muslim teachers on a temporary basis.

The case was brought before the Misdemeanour's Court of Agrinio in 5 June 1997, as the Union was not recognised officially, because its statute referred to 'Turks of Thrace'. According to the Court's reasoning, participation in such an association constituted an illegal act per se. Thus, in its judgment, the Court found the accused to have violated article 188 of the Greek Penal Code on participation in illicit associations and sentenced them to eight months imprisonment in suspension (Administrative Court of Agrinio, 990/1997).

The Patras Court of Appeal acquitted the accused because of reservations about the indictment. However, in its decision the Court reiterated (Efeteio Patron, 1426/2001) that,

The existence of Turk students, schoolchildren or schools in Western Thrace is not true because the Treaty of Lausanne refers to a Muslim minority. [...] This false information could provoke social discord and hatred among Christian and Muslim population of the area.

17.4.5.2. The Imam and Others Case

A group of teachers participated actively in the 'textbook' war' (supra, Section 17.2.1.) reacting against the new textbooks prepared by the Greek government. Imam and his colleagues participated in the boycott of the minority schools and refused to attend a meeting organised by the local office of minority schools for the presentation of the new books. As a result, the school administration took disciplinary measures. On 20 February 1993, the Regional Disciplinary Board of Rodopi ordered an inquiry and decided provisionally to suspend Imam and his colleagues from their duties for a year. The Ministry of Education confirmed this decision and the Administrative Court of Appeal (Dioikitiko Efeteio) of Athens rejected Imam's appeal.

On 22 June 1995, the Council of State again rejected the applicants' appeal, considering that the inquiry ordered on 10 February 1993 satisfied the requirements of the law and that the Board had not failed to examine any witnesses proposed by the applicants. The StE considered that Imam
and his colleagues’ failure to attend the meeting of 1 February 1993 in order to participate in a strike between 1 and 5 February 1993 amounted to a disciplinary offence and serious disobedience under Civil Servants’ Code. In its judgment, the Council found that the punishment imposed was appropriate given the circumstances in which the offence had taken place. In connection to the latter, the StE referred to a series of statements made by the Coordination Committee of the Highest Council of the Turkish Minority, the Union of Turkish Teachers of Western Thrace, and the elected Moufti of Xanthi, which called on all the teachers who considered themselves Turkish not to attend the educational meeting of 1 February 1993. Thus, StE stated that the applicants’ failure to comply with the order to attend the educational meeting was associated with the aforementioned statements of “organizations which claim to represent the self-proclaimed ‘Turkish’ minority of Western Thrace”. Seen in light of the above, the “Imam’s actions had resulted in disruption in the functioning of the minority schools in Western Thrace in which the State was particularly interested”. According to the Court,

These actions also resulted in social unrest among the Muslim minority of this sensitive region. This in turn could have resulted in dangerous albeit unwarranted disruption of the friendly relations among Greece and neighbouring countries and in the disruption of the harmonious coexistence between the Greek citizens, Muslim and Christian, who lived in Thrace.

The case was ultimately brought before the ECtHR\(^4\) and examined by the European Commission on Human Rights on 20 October 1997, which declared it inadmissible, because the applicants had not exhausted domestic remedies. \textit{Inter alia}, they had not invoked before the Council of State the right to educate their children in conformity with their own religious and philosophical convictions and had not submitted the complaint to the Commission within the six-month period provided for in article 26 of the Convention.

A series of cases connected to the same events and alleging similar legal grievances has been brought without success before the Court of Strasbourg.\(^5\)

\(^4\) ECtHR, \textit{Imam v Greece}, Application No. 29764/96.
\(^5\) ECtHR, applications Ismet Toutziar, Retzep Karabouyouklou, Ritvan Ouzoun, Mehmet Deli Hatzoglou, Molla Houssein and Sali Kehagia, all rejected by the ECtHR as ill-founded, Na. 63949/00, 63824/00, 63976/00, 67754/01, 63821/00 and 67115/01 respectively.
17.4.5.3. Other Cases

Adnan Raif complained that he was punished for using the word 'Turkish' and alleged that the domestic authorities, in imposing a suspension measure and ignoring his minority status, discriminated against him on the basis of his ethnic origin and language. He claimed the Greek authorities had violated article 6 (right to a fair trial) and 14 (clause of non-discrimination). The Commission found that the applicant’s right to fair trial had been violated but not in conjunction with article 14. The Committee of Ministers endorsed the report of the Commission.403 The same applicant brought his case to Strasbourg once more for violation of the right to education and to a fair trial. The case was struck from the list in 2000.404

A final relevant case involves Mehmet Ago, who applied to the Council of State against a series of court decisions. In its decision of 30 October 1995, the Council found that the applicant, by participating in the Turkish Teachers Association, committed a particularly inappropriate behaviour in the exercise of his duty, warranting discipline. M. Ago brought the case before the ECtHR405 evoking violation of articles 6 (right to a fair trial), 9 (freedom of religion), 10 (freedom of expression), 11 (freedom of association) and article 2 of the 1st Protocol (right to education). The European Commission of Human Rights declared the application inadmissible for not having exhausted domestic remedies.

17.5. Schools for the Muslims of the Dodecanese Islands

Political complications in Greco-Turkish relations and the non-application of Treaty of Lausanne (after 1947) curtailed Muslim’s educational rights in the Dodecanese. Nonetheless, the Italian and British administration of the islands provided special schools for the Muslims before 1947, and the Greek government did so from 1947 until 1972.

After the islands were occupied by Italy in 1912, community education was respected in the terms of the millet system, so that each community oversaw its own schools (for Greek Orthodox, Muslims, and Jews).

403 Case Raif, application no. 21782/93, Committee of Ministers resolution DH (99)16.
404 Case Adnan, application 33738/96, ECtHR decision of 27 June 2000. See the relevant decision StE 3597/1995.
405 Case Mehmet Ago, application 3117/96, ECtHR decision of 20 October 1997.
Community schools on the Dodecanese islands operated until 1937, when they were assimilated into the Italian mainstream state educational system (by Decree 149/21.7.1937), which imposed a common Italian-language curriculum.

The British administration of the island brought back millet-like community schools (1945–1946). The British permitted the re-opening of the community schools, implementing the principle of non-discrimination on the ground of race or religion (article 6, Declaration No. 1 of the British Occupation Governorate) and thus, seven schools operated in Rodos (and an unknown number in Kos) at the expense of the Muslim community.

In 1947, when Greek education was established for the whole population according to the general terms of annexation of the islands to Greece, the community system was abolished and common education was provided to all. Nonetheless, the Muslim communities of Rodos headed by the Moufti requested that the Greek administration retain schools where the teaching of the Turkish language and the Koran would be ensured. Thus, a special program attended by Muslim pupils was determined through agreement between the Moufti and the Inspector of Education of Rodos. Moreover, the Moufti and the Inspector agreed that the schools would celebrate the major Muslim religious festivals.

In 1947, 12 schools for Muslim pupils were in operation in the Dodecanese islands. Such elementary schools were settled in the city of Rodos (six-form school, seven Muslim teachers), and in the villages of Rodos island: Sgouro (one); Kritika (one); Ixia (one); Kandili (one); Kizil-tepe (one); Kani-Ahmet (one); Salakos (one); and Kattavia (one). On Kos island, there were schools with an important concentration of

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406 In terms of Decree 1/1.1.1926, Italian Administration of the Dodecanese. At first there were one school for boys and one for girls in town of Rodos. Later on, Muslim schools were set up in four villages. Significant numbers of Muslims pupils attended the Italian and French schools, too, F. Kladaki-Menemenli & A. T. Freris, 2002: 116–7. According to G. Vergotis, 1997: 103, during World War II, the Koran, Islamic ethics, Turkish grammar, Arabic, sciences, mathematics, history, geography, and Italian were taught.


408 Document of the Inspector of Education to the Military Governorate of the Dodecanese, 12.12.1947, [Timetable for elementary schools attended by Muslim pupils], F. 92.c, MSA.


Muslim pupils in the city of Kos (three Muslim teachers), in Konidari-Pylio (one),\textsuperscript{411} and in Kermete (two).\textsuperscript{412} It is also noteworthy that a kindergarten for Muslim pupils\textsuperscript{413} was established in Rodos in 1948 and in Kos in 1955. According to the agreement between the Moufti of Rodos and the Governorate General of the Dodecanese, the ‘Muslim’ teachers taught the largest part of the curriculum in Turkish, while their Greek ‘Christian’ colleagues taught the Greek Language, Geography, and History.\textsuperscript{414} This division of the curriculum was related to political considerations. Tellingly, in 1955, the Inspector for Foreigner and Minority Schools suggested that the curriculum should remain as such, and changes in favour of the Greek language would be adopted only if political relations with Turkey \textit{vis-à-vis} the Cyprus issue permitted.\textsuperscript{415}

These schools were not recognised as minority schools but rather as public schools with a special curriculum for Muslim pupils. While Turkey sought to call them ‘Turkish minority schools’, the Greek authorities firmly labelled them as ‘public Muslim schools’,\textsuperscript{416} as they did not recognise any minority in the Dodecanese. The status of the Greek minority in Istanbul, the oppressive policies exerted by Ankara in Imvros and Tenedos, and the intercommunal tension in Cyprus engendered a high sensitivity over the Turkish/Muslim community of the Dodecanese. For, once more, legal regulations and official rhetoric diverged with social reality. This meant that the national affiliation of the Muslims of the Dodecanese was a common secret shared between locals and authorities. Suggestively, in 1955, the Inspector of Elementary Schools of Rodos reported, ‘as regards the matter

\textsuperscript{411} Decision, 26266/13.8.1947. Gazette of the Military Governorate: 412. This schools has been abolished in 1953, RD of 6 February 1953, FEK A 41.


\textsuperscript{413} Decision 21693/3.4.1948, Gazette of the Military Governorate, 103/1948. The inspector on Foreigner and Minority Schools suggested in 1955 that kindergarten should be established in Kos too, A. Papaevgeniou, Report of 1 June 1955, F.92.c, MSA.


\textsuperscript{415} Report by A. Papaevgeniou, 1 June 1955, F.92.c, MSA. On the contrary, in his report, the Inspector of Elementary Schools of Kos proposed the abrogation of the special curriculum agreed by the Military Governorate of the Dodecanese and the application of the general curriculum in order to constrain the influence exercised by the Muslim teachers over their pupils, Report to the General Inspector on Minority Schools, 28 August 1953, F. 92.c, MSA.

\textsuperscript{416} In 1951, the Chief of the Centre of Aliens of Dodecanese renounced the fact that Turkish authorities used the term ‘Turkish’ when referring to the Muslims of the islands, and especially the term ‘Turkish schools’ instead of the term ‘Greek elementary schools for Muslim children’, report of 8 September 1951, F. 92.c, MSA.
of the existence and activation of a Turkish minority in Rodos, this does exist and operates actively.\textsuperscript{417}

A drop of 20 percent in the student population among the Muslim pupils was observed after 1946 within a four-year period up until 1951–52.\textsuperscript{418} The drop in the student population is proportional to the drop in the Muslim population of the Dodecanese, as many fled to Turkey.

The schools were supervised by the inspection authorities of mainstream elementary education and not by the Directorate of Minority and Foreign schools. The Muslim teachers were under the supervision of a special Council that was comprised of the Prefect, the Moufti and the

<table>
<thead>
<tr>
<th>Year</th>
<th>Schools</th>
<th>Pupils</th>
<th>Teachers</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Kos: 370</td>
<td></td>
</tr>
<tr>
<td>1951–52</td>
<td>Rodos: 9 (2 not op/nal)</td>
<td>481</td>
<td>17 Mus. + 15 Chr.</td>
</tr>
<tr>
<td></td>
<td>+ 1 kind/ten.</td>
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<tr>
<td></td>
<td>Kos: 3</td>
<td>239</td>
<td></td>
</tr>
<tr>
<td>1952–53</td>
<td>Rodos, 1st dis: 4</td>
<td>356</td>
<td>7 Mus. + 5 Chr.</td>
</tr>
<tr>
<td></td>
<td>+ 1 kind/ten</td>
<td>37</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rodos, 2d dis: 3</td>
<td>114</td>
<td>3 Mus. + 3 Chr.</td>
</tr>
<tr>
<td></td>
<td>Kos: 2</td>
<td>268</td>
<td>5 Mus. + 3 Chr.</td>
</tr>
<tr>
<td>1953–54</td>
<td>Rodos: 7</td>
<td>418</td>
<td>10 Mus. + 8 Chr.</td>
</tr>
<tr>
<td></td>
<td>Kos: 2</td>
<td>265</td>
<td>5 Mus. + 4 Chr.</td>
</tr>
</tbody>
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(Continued)

\textsuperscript{417} Inspector on the Elementary Schools of the Dodecanese to the General Inspector on Minority Schools, 1.7.1955, F.92.c, MSA.

\textsuperscript{418} Ministry of National Education, Directorate of Elementary Schools to the MFA, Document of 22.3.1955, F. 92.c, MSA. The school of Konidari (Kos) was abolished by RD in early 1953 (FEK A 41). The Muslim school of Kattavia had not been operational since 1953 for lack of sufficient pupils, Inspector of Elementary Schools of Rodos to General Inspector of Minority Schools, [non-dated], F.92.c, MSA.

\textsuperscript{419} Report on the Muslim schools of Rodos to the Inspector for Foreign and Minority Schools, 5.12.1947, F. 92.c, MSA.

\textsuperscript{420} Report of A. Papaevgeniou on the Muslim Schools of the Dodecanse, 19.6.1952, F.92.c, MSA.

\textsuperscript{421} Report of 30 September 1953, AP 2/3/3/552, Centre of Aliens of the Dodecanese to the General Inspector on Minority Schools, F.92.c, MSA.

\textsuperscript{422} Report of 22 March 1955, Athens, AP 3503, Ministry of Education, Directorate of Elementary Schools to MFA, Section on Turkey and Iran, F.92.c, MSA.
Table 6. (Cont.)

<table>
<thead>
<tr>
<th>Year</th>
<th>Schools</th>
<th>Pupils</th>
<th>Teachers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1956–57</td>
<td>Rodos, 1st dist.: 4</td>
<td>309 (39 Tr. cit.)</td>
<td>8 Mus. + 10 Chr.</td>
</tr>
<tr>
<td></td>
<td>+ 1 kind/ten</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>1956–57</td>
<td>Rodos, 2nd dist.: 3</td>
<td>120 (15 Tr. cit.)</td>
<td>3 Mus. + 3 Chr.</td>
</tr>
<tr>
<td></td>
<td>+ 1 kind/ten</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>1971–72</td>
<td>Rodos: 2, Kos: 2</td>
<td>250 (3 Tr. cit.)</td>
<td>5 Mus. + 4 Chr.</td>
</tr>
</tbody>
</table>

Inspector of Elementary Schools of the Dodecanese under article 3 of Act 1750/1951 (FEK A 109).

In this context, Turkish/Muslim teachers were appointed for the first time during the Military Governorate of the Dodecanese for teaching religion (the Koran) and Turkish Language, or other subjects according to the specific needs in each school. The appointment was conducted through an exceptional procedure, which did not comply with the qualifications required by the law. Gradually new teachers were hired by the Prefect, according to the opinion of the Moufti of Rodos and the Elementary Schools Council. In most of the schools, the Muslim teacher acted as principal, though lack of knowledge of Greek language minimized communication possibilities with the authorities. Such figures held permanent state posts, although they were under-qualified according to the standards elaborated at the time for teachers, and underpaid compared to

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423 Report, Inspector of elementary schools of Rodos (A district) to the General Inspector of Foreign and Minority Schools, Rodos 10 August 1957, F.92.c, MSA and Report, Inspector of elementary schools of Rodos (B district) to the General Inspector of Foreign and Minority Schools, Rodos 20 August 1957, F.92.c, MSA.

424 Inspector of Schools of Kos to the General Inspector of Minority Schools, doc of 26 June 1957, F. 92.c, MSA.


427 The Chief of the Centre of Aliens of the Dodecanese complained to the Ministry of Interior, General Directorate of Aliens, about the Muslim teachers, who were not able to communicate with their Greek colleagues. He also claimed that they were open to the Turkish propaganda, document of 20 March 1953, F. 92.c, MSA.
their Christian colleagues.\textsuperscript{428} By way of contrast, the teachers of the Greek curriculum in the Muslim schools were granted a special allowance.\textsuperscript{429}

Teachers soon became targets of the Greek-Turkish antagonism. Gradually, Turkey attracted most Muslim teachers to attend teachers' schools in Turkey and then return to the Dodecanese. Greece attempted to hamper this flow. According to Greek intelligence, at a meeting of the council of the Muslim community at the house of the Moufti in Rodos on 30 June 1966, the Consul said that Turkish policy must change and that the Turkish government will offer scholarships to the Muslims of the Dodecanese for study at Greek teachers' schools so they could be appointed successfully at the local schools.\textsuperscript{430}

Furthermore, in Rodos, the Turkish Consulate's granting of scholarships to graduates of elementary schools in the Dodecanese for middle-school education in Turkey triggered tension between Greek locals and the Turkish consular authorities and a split among the members of the Muslim Community of Rodos. The president of the latter renounced the activities of the Consulate and any anti-Greek positions.\textsuperscript{431} At the same time, a letter was addressed by the Muslim teachers of the schools of Rodos which was also signed by the Moufti of the island; the letter expressed their gratitude to the Inspector of Elementary Schools of Rodos for his good offices promoting the friendship between Christians and Muslims in schools.\textsuperscript{432} This position was stigmatized in Turkey, and a major newspaper described the Moufti of Rodos as a ‘traitor’, for having contacted the medrese Hayirye in

\textsuperscript{428} The Inspector for Foreign and Minority Schools reported in 1955 that Muslim teachers should be paid fairly and that their complaints were legitimate. A. Papaevgeniou, Report of 1 June 1955, F.92.c, MSA. Thus, by common decision adopted by the Ministers of the Economy and National Education (19552/29.5.1956, FEK B 107), their salary was doubled from 700 to 1,500 drachmas (Inspector on Elementary Schools of Rodos to the General Inspector on Foreign and Minority Schools, 30 June 1956, F. 92.c, MSA) and then raised again to 7,931 drachmas by Min. Dec. 109406/4666/14.9.1978, FEK B 851.

\textsuperscript{429} The allowance was set by RD 394/1966 (FEK A 102).

\textsuperscript{430} High Governorate of Police of Dodecanese to Minister of Public Order, General Directorate of National Security, AP 125/6/53ib, Rodos 8 February 1966, Activities of the Turkish Consul in Rodos on Education Issues, MSA F. 3.

\textsuperscript{431} Chief of the Centre of Aliens of the Dodecanese to the Ministry of Interior, General Directorate of Aliens, Document of 2 July 1953, F. 92.c, MSA. In his report, the Inspector of Schools of Kos to the General Inspector of Minority Schools refers to the overall anti-Greek feeling of the Muslims of Kos, especially after incidents in Cyprus, doc of 26 June 1957, F. 92.c, MSA.

\textsuperscript{432} Letter of 3.7.1954, F. 92.c, MSA.
Komotini with a view to bring ‘reactionist’ (anti-Kemalist) teachers from Thrace to teach in Rodos.\textsuperscript{433}

The Muslims initially reacted against this system in which the state controlled the community schools and the Greek language was used. At the end of the first year, however, opposition faded.\textsuperscript{434} Turkey’s official request to send teachers from Turkey\textsuperscript{435} and the aforementioned initiative of the Moufti to recall graduates from the medrese from Thrace had no concrete effects. ‘Hiring teachers from Turkey would mean one more channel for the dissemination of the Turkish propaganda and one less possibility for the Greek administration to control the education for the Muslims’.\textsuperscript{436} An unofficial Greek-Turkish agreement concluded during the visit of the Greek MFA, Evaggelos Averof, to Turkey in August 1962 even allowed for the provision of Turkish textbooks to the Muslims of the Dodecanese. This move faced serious resistance from the Greek opposition (\textit{Enosis Kentrou, Center Union}) and was never enacted (\textit{supra}, Section 8.3).

As the Muslim community gradually declined and emigrated, the Muslim pupils increasingly attended mainstream Greek schools. Thus, special lessons for religion and language were taught in the late 1960s in two schools in Kos and in another two in Rodos, where a significant concentration the population was still Muslim. In September 1972,\textsuperscript{437} the administration of the junta decided to shut down these Muslim schools, the last one in Rodos being the ‘Süleymeniye Medresesi’.\textsuperscript{438} This decision was in response to the closure of Greek schools by the Turkish government in the islands of Bozcaada (Tenedos) and Imroz (Imvros) in 1964 and the Halki Greek Orthodox seminary in 1971. The Muslim teachers were granted indefinite paid leave until the age of retirement. The school students who attended the former ‘special’ schools were left with just one

\textsuperscript{433} Translation of article written in ‘Hürriyet’, Greek Embassy in Turkey to MFA, Athens, Report of 20 January 1955, F. 92.c, MSA.
\textsuperscript{434} Th. Chrysanthopoulos, 1983: 36.
\textsuperscript{435} MFA, Directorate A, Political Affairs to the Ministry of Education, Directorate on non-Greek Orthodox Cults, Athens 7 January 1955, F. 92.c, MSA.
\textsuperscript{436} Information on the Muslim schools of the Dodecanese, General Inspectorate of Foreign and Minority Schools to the Ministry of National Education and Cults, Thessaloniki 24 January 1955, F.95.b, MSA. The Inspector of Foreign and Minority Schools reported in 1955 that ‘Turkish propaganda disseminates wrong information about oppression of the Muslims of the Dodecanese’, and consequently ‘to have teachers from Turkey would ease such a propaganda’, A. Papaevgeniou, Report of 1 June 1955, F.92.c, MSA.
\textsuperscript{438} E. Macar, 2006: 41.
(Christian) teacher until the mid-1980s. After the reaction of some parents to the low education standards, these schools were restaffed with an adequate number of teachers as 'mainstream Greek public schools'. In the period from 2001 to 2002, there were as many as 142 Muslim pupils attending 21 elementary schools and another 145 attending 21 secondary public schools in Rodos. The number of the Muslim pupils attending Greek schools in Kos was around 65 in 2008. A limited number of pupils also attend private courses in Islamic education in Platani offered by the local imam since 1994. The case of the public school in Platani where the teacher was keeping the Muslim students in class while teaching the Christian religious course was taken to the Greek Ombudsman. After intervening to solve the issue, its report stressed the possibility that Islamic religious course could be taught in regular schools where Muslim students are present, as was the case in the past.

Despite the interest expressed by local associations and individuals for the re-introduction of Turkish as a language subject in schools for Muslim students, no measures have been taken by the Greek authorities. The issue was put forward in a report submitted before the Parliamentary Assembly of the Council of Europe.

17.6. Education for Immigrant Muslims and the Challenge of Inter-Culturalism

The maintaining of national traits and customs, and especially the passing on of language or religion, often constitute a significant issue for immigrant communities. Education thus can play an important role for the maintenance of group identity traits or enhance assimilation patterns. Yet, for social, economic, or linguistic reasons, immigrant children in Greece have significantly high non-attendance rates and a high rate of drop-out. The second generation seems to be more integrated and children born in Greece have less serious problems. Most Muslim schoolchildren attend Greek public schools, whereas only a small elite can afford private schools in Athens.

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439 Personal interview with Housein Tle, secretary of the Vakf Organisation of Kos, 31 October 2008 and 'Sundays Zaman', 10 August 2008. For a petition related to religious freedom of the Muslim students, see supra, Section 5.1.
The question of school attendance for immigrants is well-elaborated at the international level. According to article 30 of the UN Convention on the rights of the migrant workers entered into force in 2003 (which Greece has not signed):

Each child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment with nationals of the State concerned. Access to public pre-school educational institutions or school shall not be refused or limited by reason of the irregular situation with respect to stay or employment of either parent or by reason of the irregularity of the child's stay in the State of employment.

In terms of positive law, immigrant students have the right to freely enter elementary and middle-school. Those who are graduates from a Greek high school like the Greek students, also have the right to apply for entrance exams at university and technical schools (act 3386/2005, article 72, paragraphs 1 and 5).

17.6.1. Public Schools

Since the 1990s, first- or second-generation immigrant students are increasingly attending public schools. In the early 2000s, 1,500 Muslim pupils of non-Greek citizenship from Asia and Africa were attending Greek public schools.442 Although Act 2910/2001 (article 40) established the obligation of immigrant children to attend compulsory education, school authorities very often had to solve problems, such as the acquisition of lawful residency permits in order to enrol a migrant's child. After a temporary uneasiness on the part of the authorities regarding enrolling pupils without adequate residency permits, the issue was solved through the intervention of the Greek Ombudsman in 2003.443

Act 2413/1996 (FEK A 124) introduced 'intercultural education' into the national educational system. According to article 34 of the law, "intercultural education aims at organizing and functioning of primary and secondary schools for the education of young people with educational and social problems". These schools are to apply the curriculum of the public schools adapted to the special cultural, social, or educational needs

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442 This figure does not comprise Albanians. There are 50,000 pupils from Albania, a significant percentage of whom were Christian. In 2000–2001 there were 65,546 non-Greek citizens as pupils in elementary schools and 16,475 in secondary schools, see 'To Vima', 5 November 2000: A48. In 2008–2009, there were in total 19,815 non-Greek citizens in elementary and high schools, National Committee for Human Rights, 2009: 269.

443 G. Mavrommatis & K. Tzitsolikis 2004: 124
of their pupils. Any public school could be turned into an intercultural school by a decision issued by the Minister of National Education. Furthermore, according to Act 3386/2005, article 72, paragraph 4, special subjects like language and civilization can be available in schools with a significant number of immigrant students. The act is not precise as to whether the intercultural schools are open to any pupil or only to those who would require special treatment, as determined by the law. To date, however, no instruction in ‘special subjects’ with regard to language and religion have been implemented and certainly no mother tongue of a strong immigrant community has been taken into consideration, except for Russian.

Governments of both PASOK and Nea Dimokratia were reluctant to implement or to improve the law, which does not deal with the core elements of intercultural education, namely the communication and exchange of knowledge between different cultures.

By 2001, however, 13 primary and 11 secondary public intercultural schools had been established throughout Greece. They target all children with special needs, such as Romas, ‘returnees’ of Greek origin coming from states of the former-Soviet Union (palinnostountes), immigrants, and refugees. According to article 35 paragraph 4 of the aforementioned act, intercultural schools can be established in the name of: first, local authority bodies; second, church institutions; and third, pious non-profit associations. In this respect, the law excludes the immigrant associations, which are likely to wish to be the most involved from the possibility of setting up and managing an intercultural school. Overall, the legal framework aiming at regulating inter-culturalism in Greek schools can be seen as failing to follow new realities, challenges and emerging needs engendered by the increasing presence of different languages, religions and cultures within the educational space.

Non-Greek-Orthodox pupils are exempt from the subject of religion, which has an explicit Orthodox content. Non-Orthodox pupils have to attend but do not have to participate in the morning Greek-Orthodox

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446 Ch. Katsikas & E. Politou, 1999.
prayer with which every school day begins (supra, Section 5.1). It is
unknown to what extent Muslim immigrants actually exercise their right
to exemption from Greek Orthodox religious instruction. So far, the state
does not provide Islamic education to schools where a significant concen­
tration of Muslims is present. On the other hand, Muslim parents have not
requested such a provision.

The problem for immigrants to provide their children with a suitable
education depends on two crucial points: the selection of competent edu­
cators and developing criteria for assessing degrees that are acceptable to
both Greece and emigration countries.448 As such, Muslim communities
do not seem willing to make collective demands regarding education,
which would encompass Islamic instruction or language courses for their
children. However, there are a series of reasons determining or under­
mining the maintenance and the transmission of the mother tongue. As
Gogonas states:

Regarding ethnolinguistic vitality [...], numerical strength is not a factor that
accounts for language maintenance: despite the numerical superiority of
the Albanian group vis-a-vis the Egyptian migrant community, the latter
fares better in terms of language maintenance. The main reason for this was
found to be the Egyptians' better social status ascribed by the Greek society
as compared to the Albanians who have been suffering stigmatization.449

The Greek government seems to be very reluctant to consider the possibil­
ity of cultivating immigrant cultures as an auxiliary field of education.
Although Greek society is in the midst of transition and social change due
to migration, national ideology is still resistant in the field of education.450
On the other hand, immigrants are reluctant to raise the question. This
stance is based partially on the expectation of eventual repatriation on the
part of the immigrants who see themselves returning to their home coun­
tries in the immediate future and who think of the reintegration of their
children into the mother country's educational system.451 The economic
crisis of the 2010s made this issue resurface.

17.6.2. Private Schools

Private education for Muslims, which is very limited, does not depend on
any initiative taken by the communities themselves. The first effort to

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448 N. Gousgounis, 2002: 137.
451 S. Chtouris, section 4.
establish a private school undertaken by the Iraqi Embassy failed when the school closed in 1979.

Currently, one state school, run by Libya (the ‘7th April School’) since 1979, exclusively gathers pupils from Arab countries. Arabic and English are the languages of instruction. Islamic education is also provided. There are two more schools frequented by Arab pupils. In a private Lebanese school (‘Green Hill’), the curriculum is taught in English and Arabic. Lebanese pupils also attend a French State school in which the curriculum is taught in French and partly in Arabic. The Egyptian Embassy in Athens also offers Arabic courses.452

A day nursery operates at the expenses of the Pan-African Association of Greece, and children’s religion is not taken into account. The poor economic condition of most of the Muslim immigrants means few can afford or establish Islamic instruction through private initiatives. However, to a very limited extent, some individuals among the Muslim communities have taken the initiative to organise private lessons about Islam at the premises of a mosque. Most such efforts fail due to practical reasons or lack of means. The longest-lived program was held in the mosque of Goudi from 1988 to 1991. Meanwhile, the Greek-Arabic Cultural Centre, established in Athens in 2007, offers free private Arabic courses along with Koranic courses, so children of Arab descent can maintain links to their parents’ culture and language.

452 N. Gogonas, 2007: 120.
CHAPTER EIGHTEEN

CONCLUSIONS: MUSLIMS BETWEEN CITIZENSHIP AND COMMUNITY

Greece, like the other newly-established Balkan states in the 19th and 20th centuries, “attached [herself] to territorial bonds of secular citizenship and historical memories while [her] group identity, internal cohesion and socio-political values as a nation were determined by [her] long experience in the millet system”.

In this way, the ideological and legal perception of the ‘national self’ or ‘Greekness’ was defined as ‘Greek-speaking Orthodox’, and excluded Muslims (or Jews). The persistence of the legal category of ‘alogenis’ (of non-Greek descent) in the Greek law is a powerful illustration of this perception. This gave rise to a gap between citizenship and nation when it comes to the status of Muslims in Greece.

Today, Muslims are divided into two legal categories which distinguish between Greek and non-Greek citizen. Muslims of the first category belong to a traditional minority which enjoys special rights by law. Muslims of the second category have the legal status of aliens. Minority and immigrant Muslims also express multiple, evolving identities and affiliations linked to a variety of institutions and ideologies that are invisible to the law. Domestic law has shown strong resistance to accommodating these emerging realities as well as a range of burgeoning international norms regarding minority rights.

Thus, political rhetoric and considerations have obfuscated the multifaceted history of Islam in Greece. The ‘politics of security’ or perceived ‘special circumstances’ have caused a permanent ‘state of exception’ which shapes law-making and the interpretation and implementation of legal regulations on minority issues. Minority ethnic difference is subjected to processes of erasure, rendering it invisible in the public sphere or a matter of politicizing folklore or folklorizing ethnic identities as illustrated by the ‘war of associations’ in Thrace. Particularly during the second part of the 20th century, Muslim Greek citizens were seen as part of an

\[\text{K. Karpat, 1982: 141.}\]
‘untouchable’ community who were ‘protected’ and granted special rights under law that in fact permitted strict political controls. Questions such as whether this group and its sub-groups constitute part of a multicultural society, and what would be an adequate and liberal legal framework to govern that society, have only recently begun to be discussed in Greece.

Since the establishment of the Greek state, and especially after 1881, Muslim communities found themselves in a special legal category. From ‘first class’ Ottoman citizens they became a minority within a national – and from their perspective a ‘foreign’, legal order. Thus, religion became a political criterion of great importance, a marker of ethnicity. Greek law and administrative structures tried to fit Muslim identity into the general legal framework. At the same time, there was a need to be attentive to international treaties aimed at guaranteeing legal protection for the Muslim communities, where a high degree of communal self-administration existed – an inheritance from the Ottoman millet system. In 1913, the Muslims of the New Lands were put under pressure by military operations and those who were exempt from the population exchange of 1923 became a field of confrontation between Turkish and Greek national interests. The legal position of the minority acquired characteristics of both citizenship (equality before the law, civil and political rights, military service) and communitarianism (community education, community property, religious jurisdiction) in a genuine ‘neo-millet’ synthesis.

Today, this ‘neo-millet’ conception is still visible as far as the status governing the Turkish-Muslim minority of Thrace is concerned. The law attempts to reconcile elements of community self-administration on the basis of religion inherited from the past and liberal human rights, while ignoring problems related to exclusion on ethnic and socio-economic grounds. In this way, the interests of the majority are advanced through the elevation of the Greek-Orthodox nation within the legal order and the concomitant establishment of categories invisible to the law which keep the minority in a disadvantageous position. This situation is compounded by the minority’s hybrid legal status – neo-millet and liberal – with limited prospects for change. It also makes the minority receptive to manipulation by both the state of citizenship (Greece) and the kin-state (Turkey). National ideology from both sides makes this phenomenon seem ‘natural’ and reform is only cosmetic.

The legal status of the Turkish-Muslim minority in Greece is the result of a series of elements in Greek and Turkish law and politics, such as the clause of reciprocity, the Cyprus question, the emergence of the European human rights legal order, and the claims of the minority elite. It is a fairly
rigid status which has been instrumentalized time and again in the context of rocky Greek-Turkish relations. For about a century, there was controversy between Islamists and Kėmalists, nationalists and moderates, pro-Greeks and pro-Turks, those who promoted a division within the minority and those who wished for it to be unified. The minority has been trapped in this situation as local elites have proved unable to open their horizons to broader societal questions. They cater to national Turkish ideology and use traditional ties to Islam to safeguard their own political positions. The human rights discourse which the minority has developed is overly narrow and indexed to the Treaty of Lausanne. Nevertheless, strategic litigation at the ECtHR has raised awareness of a series of legal problems and put the minority issue of Thrace in international fora. Here too, minority elites often instrumentalize human/minority rights to enhance their own political agendas rather than seeking legal solutions to the minority’s problems. On the Greek side, the legal order at times resists and at times accommodates Turkish (and any other national or ethnic identity); on other occasions, it remains indifferent. When considering general human rights (freedom of speech, right to association, etc.) or special minority rights (self-administration of the vakf, election of the Mouftis, etc.), law-makers and the judiciary often abandon, or seem to be very reluctant to implement, fundamental principles and norms that are supposed to constitute the basis of modern Greek law in favour of extra-legal considerations.

Muslims have never been a target for assimilation, as they were not considered capable of becoming members of the ‘Greek’ community. Although they were ‘locals’, they were seen as ‘strangers’. In effect, holding Greek citizenship was of minor importance as far as inclusion was concerned especially vis-à-vis national security’ matters. The population exchange of 1923 illustrated this on a grand scale. Since then, the question under consideration has been whether and to what extent Turkey’s influence should be allowed. In the modern history of the Muslim-Turks of Greece, a series of policies created, maintained, or erased divisions within the minority in light of the ‘Turkey factor’ and Greece’s presumed interests. Turkey too was a player in these battles for power within the minority, especially since Islamists (especially those from the Pomak sub-group of the minority) have gradually come to espouse Turkish nationalism. If a Turkish national identity is consolidated among the minority, but denied by the Greek courts and policies, sub-minority identities such as the Pomak and Roma remain at a latent stage of eventual ‘revival’, hampered by Turkish ideology and policies.
Today, the status of the Mouftis, minority education, and the management of the vakf constitute fields in which ongoing antagonism is reflected and which resist the rule of law. Two competitive, Greek and Turkish 'governmentalities', which may be understood as interactive and mediated processes of establishing hegemony, define citizens in both the majority and the minority. So do techniques of law-making and the exercise of power through which the modern state is institutionalised. Institutions, ideology, education, and economic interests foster and form perceptions and attitudes, especially those regarding citizenship and the position of minority/majority citizens. Local political and economic interests and clientelism have also enhanced patterns of control by both Greece and Turkey. A multitude of contradictions of political and economic character have entrapped minority schools, foundations (vakf), and the institution of the Moufti since the early stages of their establishment.

In these hierarchical divisions, immigrants too are placed in the outer circle of the citizenry and remain vulnerable to ideological and economic hegemony. Muslim immigrants are forced to deal with traditional (mis)conceptions about Islam which are informed by the state of Greek-Turkish relations. The view of Islam as alien to Greece thus also informs the way immigrants' citizenship is perceived: children of Muslim immigrants, for example, are also considered to be 'foreigners', although they have become 'locals'.

Both Muslim Greek and Muslim non-Greek citizens represent minority groups in Greek society in a variety of contexts, and they experience discrimination in multiple modes through both official policies and informal practices. At the same time, the alterity of each group's religious identity, though a field of protection under law, is situated in differentiated structural and ideological formation such that there is an 'Old' and a 'New' Islam in Greece. Both are nevertheless subject to the ways Greco-Christian nationalism can shape legal regulations and govern inter-communal relations in complex ways that are perpetuated over time. The upshot is that in Greece, and from a human rights perspective, minority and migration issues are either sources of consternation or indifference,\(^2\) to mainstream Greek society and the state. Minority activism, meanwhile, suffers from the fact that its agents have been entrapped within frames of reference espoused by their own elites, who have tended to monopolize the discourse on human rights. For members of the 'New' Islamic

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CONCLUSIONS

Communities, 'Islam' becomes an umbrella referent that makes it possible to ignore other issues such as economic exploitation, the role of nationalism in excluding migrants from meaningful participation in the political body, and attributions of social inferiority. Thus, 'Islam' serves as a catch-all category shadowing social and economic issues.

As far as the 'traditional' Turkish-Muslim minority of Thrace is concerned, the separation of Christians and Muslims on the grounds of religion (minority schools or sharia courts) could be regarded as an anachronism and as an impediment to the minority's social development. On the other hand, these regulations could be considered as measures of multiculturalism in which members of the minority possess the right to dissent. However, religion is also a marker of the confrontational nationalisms of Greeks and Turks, placing serious constraints on this right to choose. At the same time, it reinforces the purported dichotomy between the 'European Christian world' and the 'regressive and dangerous Muslim third world'—a discourse which gained salience after 11 September 2001 and the global 'war against terrorism'. Such attitudes towards Islam testify to the new ways in which security can be envisaged within a state governed by rule of law. The Swiss referendum, held in 2009, on the minaret issue, as well as the law on the hijab in France, illustrate the tendency to protect what is deemed intrinsically European from what is deemed alien Muslim culture.

Defining the European rule of law, the EctHR has stated, 'The role of the authorities is not to remove the cause of tension by eliminating pluralism, but to ensure that the competing groups tolerate each other'. However, Greek law and jurisprudence do not seem very eager to find solutions to discrepancies between the implementation of the Treaty of Lausanne and the need to respect fundamental human rights. The law concerning Muslims in Greece reveals a series of pitfalls, as it provides an elaborate series of regulations for the traditional 'Old Islam' and ignores the immigrant 'New Islam'. And regardless, conservative Greeks (of Greek Orthodox background) perceive both 'Islams' as an unwanted challenge to national homogeneity. These perceptions perpetuate the division between 'us' and 'them', which are construed along the lines of the Schmittian categories of 'friend' and 'enemy'. If, on the other hand, ethno-religious boundaries could become a matter of indifference, de facto heterogeneity could help

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in the elaboration of new understandings of pluralistic citizenship based on participation in the *demos*⁴ and not in the nation.

In any case, adherents of the 'New' and the 'Old' Islam share common expectations for a fairer participation in Greek society and a more equitable position within the Greek legal order. After all, they find themselves in comparable situations which should have similar regulations, especially when these regulations would enhance social equality and justice, absorbing political tensions which emanate from intolerance towards ethno-religious otherness. Greek lawmakers nevertheless remain entrapped within narrow ideological perspectives which inhibit the revision and modernization of minority law. In effect, all the parties involved fuel one each other's inability to face their changing circumstances and to consider a series of outstanding questions: How should the laws which regulate ethno-religious otherness evolve? Should legal pluralism be endorsed by tolerant and pluralistic Western democracies? Should Greece accommodate or ignore 'Old' and 'New' Islam? Should citizenship prevail over ethnicity? And last, how might the law mitigate the economic, political and ideological hegemony exercised by the state over minority groups and sub-groups?

If cultural pluralism constitutes a precondition for societal and political pluralism, then development of bonds of solidarity through taking an innovative approach through normative flexibility to human and minority rights could serve social progress without resulting in exclusion. Safeguarding a series of rights could be the condition for inclusion within the political community (e.g., citizenship) and the emergence of what one might term 'inclusive otherness'. Unfortunately, the European legal order seems a long way away from achieving such a condition. Nonetheless, important moves to bring together different legal orders through elements of inter- and multi-culturalism have occurred. In that context, a 'multi-juridical society'⁵ would not necessarily violate democracy or pluralism. In such a situation, the state should remain neutral or indifferent, allowing inter-cultural mobility to members of the society. Is this feasible or acceptable? The Greek case shows that pluralism of legal regulations exists as an exceptional situation within a legal order where Islamic law is applied only to a community within a given territory. This transpires within the

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⁴ For a relevant discussion see Ch. Mouffe, 1999.
historical framework of bilateral Greek-Turkish relations, and is seen as a negative phenomenon (for instance, sharia courts and appointment of teachers on the basis of religion) by the standards of domestic constitutional and international law. Yet, for the past eighty years, law-makers have avoided contemplating the revision of an outdated form of legal pluralism inherited from the Ottoman administration in Thrace.

Cultural, religious, or ethnic dialogue is difficult in a climate of intolerance and societal isolation. Law could play a vital role in helping us understand evolving cultural, ethnic, and social realities. Political issues which overlap – such as the role of ethnic, religious, or linguistic identities – cannot be reduced to a set of unchanging cultural determinants to which persons and groups are subject by virtue of their nationality or religion. As procedures to incorporate immigrants into Greece are still in their initial stages, the creation of a parallel society or ghettos based on loopholes within the Greek legal order remains a strong possibility. To avoid this, the law has to find the balance between indifference to immigrant alterity and assimilation. Immigrants should be able to preserve the culture and religion of their homeland and be able to navigate the tension between ‘assimilation’ and ‘integration’. Yet, a religious conservatism, with reference to ethnicity, coming from majorities and minorities alike, hampers any integration process. Some cultural and normative aspects of Islam do reinforce the isolation for Muslims, at least as long as they act as members of an Islamic community, and in this respect it is the ‘Old’ rather than the ‘New Islam’ in Greece which raises the most pressing questions regarding ‘multiculturalism’. Meanwhile, despite new policies, theories, practices, and legal norms at the international level, the Greek response to multicultural realities is still ‘introverted’ rather than ‘extroverted’. The upshot is that traditional readings of cultural otherness and recent immigration represent the same challenge for the Greek political, social, and legal order: namely, one of how to re-determine the status of Greeks and non-Greeks, and, ultimately, to normalize the latter’s access to the political, social, and economic order as a legitimate right. Western Europe has faced similar challenges for a long time. Does the ‘common cultural heritage’, as set by European law, encompass Islam as a religion, or as a culture, including Muslims’ various languages? Will Islam be part of the new Europe or will the difference demarcated by religion become (or remain) a field of conflict?

6 The terms are used by N. Gousgounis, 2002: 141.
This raises a further question. Is it intolerable to ask a national/religious minority to reorganize its community according to ‘our’ liberal principles regarding individual rights? Imposing liberal principles without the consent of the community in question is a form of paternalism and would engender resistance. There must be different ways to strengthen mechanisms for respecting minority rights in a consensual fashion, without imposing liberal views on a traditional and conservative society like the minority of Thrace. It is important not to prejudge the illiberal nature of a particular minority culture, as discussions around Islam often do. The 'liberalness' of a culture is a matter of degree and context. Imposing laws, however 'emancipatory', without dialogue creates a series of new problems. Likewise, the sense of in-group solidarity nursed by a minority will just disappear go away. A viable way to promote ties between Greek-Orthodox and Muslim citizens as well between the new Muslim immigrants must involve accommodating rather than subordinating national identities, cultures, and religions that have previously been conceived of as antagonistic. For even in the case that there is legal protection, there is no guarantee that a minority will not be isolated or treated as an alien element vis-à-vis the broader society. In short, minority rights must respect two constraints: they should not allow one group to dominate other groups, and they should not allow a group to oppress its own members. Legal protection by itself cannot serve the cause of ‘justice’ for minorities and migrants.

All of this raises crucial questions: what are the limits of freedom of choice to opt for a legal system or to belong to an ethnic group; to what extent should the law define ethnicity? As Žižek recognizes, both liberalism and Islamic fundamentalism dictate ways of behaving. If Islamic dogma demands that members of a community behave in a certain fashion, liberal dogma tolerates ‘otherness’ on the basis of group rights in a way which may, in the case that members of the group seek exit, violate those very individuals’ rights.

Beyond the question of where to set the limits of freedom, the law should remain neutral or indifferent to issues related national and religious self-identification, unless belonging to a certain minority or having a particular identity entails inferior status in the society in question. The wish to self-identify constitutes the core of human dignity. If a democratic legal order internalizes human and minority rights that accommodate

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7 Ch. Rozakis, 1997: 22.
8 S. Žižek, 2005.
shocking ideas ‘as expression of pluralism, tolerance and broadmindedness without which there is no democratic society’;\(^9\) then why should one care about extra protection of ethnic diversity? After all, why would minority rights be needed if difference is a matter of indifference?

Having explored the position of Islam in Greece, I have dealt with a series of issues that have deep roots in history. The legacy from the past, in turn, has determined national ideology, policies, and law. Islam is often perceived – and treated legally – through *neo-millet* frames which ignore other realities such as the ethnic and ideological dimensions of the minority experience. Historical legacies are also framed so as to reflect the priorities of the politically dominant Christian and ‘European’ identity of Greece. Yet, the Greek legal order, even in its attempt to adjust to European standards, seems to suffer from inertia and is all too eager to service old-fashioned readings of ‘national interests’ and ideology while downplaying minority grievances. The very same reflexes are evident in attempts to deal with new phenomena associated with recent immigration. As such, participation in the body politic through the bonds of citizenship as opposed to participation through nationhood and ethnic kinship is still being negotiated. This contest, which is also witnessed in other European contexts, touches upon core elements of the components of citizenship and the relations between the nation and the state as well the eternal quest for a ‘just society’ in light of prevalent patterns of managing ‘otherness’.

If this book has not managed to offer concrete answers regarding these issues, it has sought, at least, to stimulate further discussion and identify new and pressing questions.

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APPENDICES

1. LEGAL TEXTS (INTERNATIONAL AND NATIONAL)

Protocol (No 1) on the Independence of Greece, London, 3.2.1830

Article 5: Des actes d’amnésie pleine et entière seront immédiatement publiés par la Porte Ottomane et par le gouvernement grec. [...] L’acte du gouvernement grec proclamera le même principe en faveur de tous les Musulmans ou Chrétiens qui auraient pris parti contre sa cause ; et il sera de plus entendu et publié que les Musulmans qui voudraient continuer à habiter les territoires et îles assignés à la Grèce, y conserveront leurs propriétés, et y jouiront invariablement, avec leurs familles, d’une sécurité parfaite.

Protocol of London, 27.8.1830

Article 3. Dans tous les pays qui sont encore au pouvoir des Turcs, mais qui feront partie de la Grèce, les Vakoufs Chéry ou légaux, qui étaient admi­nistres par le Grand Vezir ou le Kislar-Aga, appartiendront de plein droit au Gouvernement de la Grèce ; les Vakoufs Ady ou coutumiers pourront être vendus selon les titres des particuliers qui soit comme usufruitiers, soit comme administrateurs héréditaires possédaient un intérêt utile dans ces Vakoufs. [...].

Convention of Constantinople, 1881

Article 8. La liberté ainsi que la pratique extérieure du culte sont assurées aux Musulmans dans les territoires cédés à la Grèce. Aucune atteinte ne sera portée à l’autonomie et à l’organisation hiérarchique des communau­tés musulmanes existantes ou qui pourraient se former, ni a l’administra­tion des fonds et des immeubles qui leur appartiennent. Aucune entrave ne pourra être apportée aux rapports de ces communautés avec leurs chefs spirituels en matière de religion. Les tribunaux de Chéri locaux continueront à exercer leur juridiction en matière purement religieuse.

Convention of Athens, 1913

Article 11. La vie, les biens, l’honneur, la religion et les coutumes de ceux des habitants des localités cédées à la Grèce qui resteront sous
Ils jouiront entièrement des mêmes droits civils et politiques que les sujets hellènes d’origine. La liberté, la pratique extérieure du culte seront assurées aux Musulmans (...)

Aucune atteinte ne pourra être portée à l’autonomie et à l’organisation hiérarchique des communautés musulmanes existantes ou qui pourraient se former, ni à l’administration des fonds et immeubles qui leur appartiennent (...)

Les Muftis, chacun dans sa circonscription, seront élus par les électeurs musulmans (...)

Les Muftis, outre leur compétence sur les affaires purement religieuses et leur surveillance sur l’administration des biens vacoufs, exerceront leur juridiction entre musulmans en matière de mariage, divorce, pensions alimentaires (néfaca), tutelle, curatelle, émancipation de mineurs, testaments islamiques et successions au poste de mutévelli (Tévliét).

Les jugements rendus par les Muftis seront mis à exécution par les autorités helléniques compétentes.

Quant aux successions, les parties Musulmanes intéressées pourront, après accord préalable, avoir recours au mufti, en qualité d’arbitre. Contre le jugement arbitral ainsi rendu toutes les voies de recours devant les tribunaux du pays seront admises, à moins d’une clause contraire expressément stipulée.

_Treaty of Sevres, on Minorities in Greece, 1920_

[The Treaty of Serves was put in force in 1923 and was implemented by the Greek governments until 1940. Hence, its validity is being questioned. It secures linguistic rights for all Greek citizens that belong in national, linguistic and religious minorities, while it specifically refers to Muslims, Jews and Vlachs.]

Article 14. La Grèce convient de prendre à l’égard des Musulmans toutes mesures nécessaires pour régler, conformément aux usages musulmans, les questions de droits de famille et de statut personnel. La Grèce s’engage à accorder protection aux mosquées, cimetières et autres établissements religieux musulmans. Pleine reconnaissance et toutes facilités seront assurées aux fondations pieuses (Vakfs), et aux établissements musulmans religieux et charitable actuellement existants, et la Grèce ne refusera, pour la création de nouveaux établissements religieux et charitables, aucunes des facilités nécessaires garanties aux autres établissements privés de ce genre.
Treaty of Peace with Turkey, Lausanne, 1923

Article 37. Turkey undertakes that the stipulations contained in Articles 38 to 44 shall be recognised as fundamental laws, and that no law, no regulation, nor official action shall conflict or interfere with these stipulations, nor shall any law, regulation, nor official action prevail over them.

Article 38. The Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion.

All inhabitants of Turkey shall be entitled to free exercise, whether in public or private, of any creed, religion or belief, the observance of which shall not be incompatible with public order and good morals.

Non-Moslem minorities will enjoy full freedom of movement and of emigration, subject to the measures applied, on the whole or on part of the territory, to all Turkish nationals, and which may be taken by the Turkish Government for national defense, or for the maintenance of public order.

Article 39. Turkish nationals belonging to non-Moslem minorities will enjoy the same civil and political rights as Moslems.

All the inhabitants of Turkey, without distinction of religion, shall be equal before the law.

Differences of religion, creed or confession shall not prejudice any Turkish national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions and honours, or the exercise of professions and industries.

No restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings.

Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of their own language before the Courts.

Article 40. Turkish nationals belonging to non-Moslem minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. In particular, they shall have an equal right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.
Article 41. As regards public instruction, the Turkish Government will grant in those towns and districts, where a considerable proportion of non-Moslem nationals are resident, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language. This provision will not prevent the Turkish Government from making the teaching of the Turkish language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Turkish nationals belonging to non-Moslem minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious, or charitable purposes.

The sums in question shall be paid to the qualified representatives of the establishments and institutions concerned.

Article 42. The Turkish Government undertakes to take, as regards non-Moslem minorities, in so far as concerns their family law or personal status, measures permitting the settlement of these questions in accordance with the customs of those minorities.

These measures will be elaborated by special Commissions composed of representatives of the Turkish Government and of representatives of each of the minorities concerned in equal number. In case of divergence, the Turkish Government and the Council of the League of Nations will appoint in agreement an umpire chosen from among European lawyers.

The Turkish Government undertakes to grant full protection to the churches, synagogues, cemeteries, and other religious establishments of the above-mentioned minorities. All facilities and authorization will be granted to the pious foundations, and to the religious and charitable institutions of the said minorities at present existing in Turkey, and the Turkish Government will not refuse, for the formation of new religious and charitable institutions, any of the necessary facilities which are guaranteed to other private institutions of that nature.

Article 43. Turkish nationals belonging to non-Moslem minorities shall not be compelled to perform any act which constitutes a violation of their faith or religious observances, and shall not be placed under any disability by reason of their refusal to attend Courts of Law or to perform any legal business on their weekly day of rest.

This provision, however, shall not exempt such Turkish nationals from such obligations as shall be imposed upon all other Turkish nationals for the preservation of public order.
Article 44. Turkey agrees that, in so far as the preceding Articles of this Section affect non-Moslem nationals of Turkey, these provisions constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of the majority of the Council of the League of Nations. The British Empire, France, Italy and Japan hereby agree not to withhold their assent to any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Turkey agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these obligations, and that the Council may thereupon take such action and give such directions as it may deem proper and effective in the circumstances.

Turkey further agrees that any difference of opinion as to questions of law or of fact arising out of these Articles between the Turkish Government and any one of the other Signatory Powers or any other Power, a member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Turkish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

Article 45. The rights conferred by the provisions of the present Section on the non-Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory.

*Greek-Turkish Cultural Protocol, 20.12.1968 (Meetings of the Committee in Ankara and Athens)*

The Committee adopted the following recommendations:

1. Minority Language
2. The Committee recommends as for the existing regime on the use in minority schools of the minority and official languages, its unaltered continuation in the future. Specifically:
   a. The subjects taught to date in the official language shall continue to be taught in the same language in the future.
   b. The teaching of all the other subjects shall continue to be done in the minority language with no exception.
c. In relation to the aforementioned provisions, the Committee recommends the exchange through the channels of diplomacy of the files of the respective minority schools in the official and minority language of the taught subjects. In these files, the number of teaching hours of the subjects in each form of the minority schools of the various levels will be shown.

3. Subject to the provisions of the subparagraph (a) of the paragraph (I), the use of the minority language by the students and the teachers inside the schools is allowed with no restriction in any case, such as during the break, school activities, lectures and teachers meetings.

IV. School textbooks
For an integrated implementation of these proposals, the Committee recommends the following:

12. a) The two Delegations submitted to the Committee the attached files of textbooks. Two copies of the textbooks shown in the files should be handed over promptly through the channels of diplomacy. These files include the classification of the schools, forms and the subjects to which the textbooks are addressed.

b) The two Parties shall announce respectively their decisions by the end of February 1969. Within this deadline, the two Parties can propose alterations to the textbooks whose current texts are not accepted.

c) The textbooks resulting according to these alterations shall be handed over through the channels of diplomacy to the Party concerned by the end of May 1969. The final approval of these textbooks should be granted by the end of the school year 1968–69.

d) Formality inadequacies during this procedure shall be tolerable from both Parties. However, these inadequacies should not hinder the rapid completion of the formalities.

Greek-Turkish Agreement on Cultural Cooperation, Athens 4.2.2000

Article 10: When this Agreement is put in force, the validity of the Cultural Agreement of 1951 between the two Parties expires.

This Agreement does not interfere with previous settlements, on which the two Parties have agreed since 1952 and hence concerning minority rights on educational issues.
National Legal Framework

Act 1920/1991 on Muslim Religious Servants

Article 1. [...] b. In the position of the Moufti are appointed Greek citizens, holding a diploma of a high Islamic Theological School (of Greece or abroad), or a diploma itsazet name or having served as an imam at least for a period of 10 years, and having been distinguished for their moral and their theological proficiency and for whose there is no obstacle for appointment as set by articles 21–23 of the code on civil servants (PD 611/1977). [...].

Article 5. a. The Moufti exerts in his region duties provided by the present Act, as well the religious duties according to the Sacred Law of Islam. Appoints, supervises and fires the Muslim religious servants, celebrates or ratifies religious marriages between Muslims and issues legal opinions in matters related to the Sacred Law of Islam.

b. The Moufti has jurisdiction among Muslims Greek citizens of his region in matters of marriage, divorce, minors' emancipation, custody, Islamic testaments ab intestat succession and as far as these legal relations are governed by the Sacred Law of Islam.

c. [...]

Article 7. The service of Muftis is considered to be a public service. They shall correspond in the official language of the State, in which all deeds and documents published by the Mufti shall be written.

Act 3647/2008 on the Management and Administration of the Vakf of the Muslim Minority in Western Thrace and their Property

Article 2. A vakf is a dedicated thing according to the Islamic Law comprising immovable or/and movable property, or income in favor of a charitable, non-profit in general scope or in favor of a philanthropic pious foundation, which is existent or it is founded for a non-profit scope.

Article 3. a. Vakf property constitutes the vakf itself, as well as any other property movable or immovable, dedicated to the functioning of the vakf, or under the scope or the foundation, as defined in the previous article.

Article 4. a. The existent vakf that contains immovable property constitute, after this act is in force, distinct legal persons of private law and they are considered as charitable foundations that function to cater the scope for which they have been founded.
b. According to the previous paragraph, vakf arte considered to be the public Muslim cemeteries in the departments of Xanthi, Ropdopi and Evros.

c. They are not considered to be legal persons of private law the vakf that cater a public usage according to article 967 of the Civil Code.

Article 6. a. The vakf property by mosque or by group of mosques in Thrace out of the borders of the Municipalities of Komotini, Xanthi and Didymoteiho, is managed by the Vakf Committee. This Committee exerts its authority on the vakf property according to the practices established since the foundation of the vakf.

b. The Vakf Committee is three-member, constituted by the president (mouteveli), the cashier and one member.

Article 7. a. The Muslims of the village where the vakf belongs to elect the Vakf Committee, after the opinion of the mosque to which the vakf belongs to.

Article 10. The management and the administration of the legal persons of article 4 in the Municipalities of Komotini, Xanthi and Didymoteiho are exerted by one Management Committee in each of the three towns. The Management Committees are of 5-member. Their members are elected through secret vote by the Muslims, male and female, that are registered in the electoral registry of the Municipality, where exist the relevant vakf.

b. As an exception, the Secretary General of the Region can, by decision, according to the scope of the vakf, to decide that a group of vakf inside the administrative borders of Municipalities of Komotini, Xanthi and Didymoteiho, is administrated and managed by a special Management Committee, witch is mutatis mutandis governed by article 10 etc. of this act. The Secretary General of the Region takes into consideration the will of the donor as for the religious or pious scope of dedication of each vakf.

Article 11. The electoral system and the conduct of the elections for all Management Committees, the participation of the electorate, the supervision of the elections, the announcement of the results and the control of the elections are regulated mutatis mutandis by the code of municipal elections (Act 3463/06 article 32–74, to the exception of at. 34). By common decision by the ministers of Economy, Foreign Affairs and National Education and the Cults, the needed adaptation to electoral process are defined.

**Act 694/1977 on Minority Schools of the Muslim Minority in W. Thrace**

Article 1 – 1. The education of the Muslim Minority in W. Thrace is governed by a) the provisions of the Treaty on Peace ratified by Article 1 of the
Legislative Decree dated 25th August in Lausanne, b) Law 309/1976, “on the organisation and administration of the General Education” [nowadays Law 1566/85 “on the organisation of the General Education”] and c) this law subject to the principle of judicial reciprocity applied in any case.

2. The terms “minority”, “minority school” and “minority population” mentioned herein refer exclusively to the Muslim minority in W. Thrace.

Article 2 – The aim of the minority school is to ensure the physical, intellectual and moral development and progress of the students according to the basic purposes of the general education in Greece and the determined principles of the curriculum of the respective public schools of the Country.

Article 3 – The minority schools are subject to the inspection and supervision of the Ministry of National Education and Religious Affairs.

Article 4 – The establishment, operation, inspection and supervision of the minority schools of primary education are conditioned accordingly by the provisions in force on the Private General Education, subject to the provisions of this law.

Article 5 – i.a) for the establishment of minority schools an application form shall be submitted to the local Inspector of minority schools signed by the parents or guardians who enjoy the civic and civil rights of the Greek citizen and resident of the town, large village, village, settlement or quarter of the local district for which the establishment of the school is requested.

b) The number of the applicants is determined every time by the local Prefect taking into account the site, the number of residents interested in the establishment of the school and the principle of reciprocity between the two countries.

c) The Inspector forwards the application to the local Prefect following his recommendation.

2. The permit for the establishment of the minority school is granted by order of the Prefect approved by the Minister of National Education and Religious Affairs. In the permit, it is specified as the founder, one of the applicant parents or guardians who should be Greek citizen. A deadline, which cannot exceed the one-month, is also set for accepting his appointment as a founder.

3. In the event that the appointed person as the founder does not accept his appointment, the Prefect chooses another person from the list of the applicants and sets a deadline for accepting his appointment as specified in the above paragraph. If this person declines his appointment too, the
same procedure is followed until the list is exhausted. In that case, the Prefect appoints, according to his judgment, the most suitable person for the capacity of the founder parent or guardian.

4. The capacity of the founder ceases, when his capacity as a parent or guardian of a student of the school ceases. He is instantly replaced by another person chosen by the Prefect selected from the list of applicant parents or guardians for the establishment of the school.

In the event that the selected person declines his appointment, the procedure described in paragraphs 2 and 3 is followed accordingly.

5. The permit is revoked when, according to the Prefect's judgment, the requirements for the operation of the school cease to exist. The permit is revoked by fully justified order of the Prefect approved by the Minister of National Education and Religious Affairs.

6. The equality between the minority schools and the general education and the relevant requirements are laid down by the Minister of National Education and Religious Affairs following a recommendation of the competent inspector, preserving the principle of reciprocity between the two States.

7. The minority school is represented in its relationships with the competent educational and other administrative authorities of the State or before a court, by the Greek citizen appointed as the founder of the school, as it is laid down by the decision of the Minister of National Education and Religious Affairs.

Article 6 – 1. The minority school has its own three-member Board, appointed by the local Prefect, who selects its members from a list containing five to fifteen names of parents or guardians of this minority school. This list is formed following elections by the people who possess the right to vote and are residents of the region of the school.

– 2. Only the residents of the town, large village, village, settlement or quarter of the educational district, which the school serves, who are parents or guardians of the school's students have the right to vote, providing that they have not exercised this right for the election of a School Board in another school of the educational district.

– 3. The term of office of the School Board is four years and when it expires new elections are held and a new list is formed, as it is described in the previous paragraphs.

– 4. During their term of office, the members of the School Board shall preserve their capacity as parents or guardian of a student of the school of which they are members of the Board. The members of the School Board who cease to have this capacity are substituted by others selected by the
Prefect from the list as it is described in the paragraph I of this article. When the list is exhausted, the Prefect appoints the most suitable parent or guardian, according to his judgment, for his contribution as a member of the School Board.

This appointment is valid only until the new election of the School Board with the completion of the period of three years.

- 5. The procedure of election, the duties and the competence of the School Board are laid down by the decisions of the Minister of National Education and Religious Affairs.

Law 695/1977 on the Settlement of Issues Concerning the Teaching and Supervisory Staff of Minority Schools and of the Special Education Academy

Article 1 – 3. Knowledge of the Turkish language is particularly preferred for filling the positions of the General Inspector and the Inspectors of minority schools. The people appointed in these positions attend an intensive training organised by the Centre of Educational Studies and Training.

- 4. In the local Official Boards of Primary and Secondary Education in the Prefectures of Xanthi, Rodopi and Evros participate following elections the General Inspector and the Inspectors of minority schools, providing that issues of their competence are under discussion.

Article 3 – 7. During the employment and appointment of Muslim teacher in minority schools, graduates of the Special Education Academy of Thessaloniki are preferred.

- 8. Muslim students possessing a school certificate of the fifth form of a six-form high school or of the second form of the lyceum or graduates of religious schools enter following examinations the preliminary form of the Special Education Academy of Thessaloniki. The graduates of minority schools enter on these conditions the first form of the Special Education Academy of Thessaloniki. The examination syllabus for all the aforementioned categories of students is laid down by the decisions of the Minister of National Education and Religious Affairs. The entry qualifications in the Special Education Academy of Thessaloniki can also be specified in a different way according to the decisions of the Minister of National Education and Religious Affairs or by other means.

The specific details of implementation of this provision are also laid down by these decisions.

- 9. The graduates of the Special Education Academy of Thessaloniki are appointed as public instructors in minority schools.
2. Territorial Expansion of the Greek State and the Muslim Communities

The numbers correspond to the Moufti Offices as presented in the next table, Appendix No 3.
### 3. The Moufti Offices: Past and Present

<table>
<thead>
<tr>
<th>Office of the Moufti</th>
<th>Period of Functionning</th>
<th>Relevant Domestic Legal Instrument</th>
<th>Relevant International Instrument</th>
</tr>
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<tbody>
<tr>
<td>Halkida?</td>
<td>1833–?</td>
<td>Prot. of London 1831</td>
<td></td>
</tr>
<tr>
<td>Larissa*</td>
<td>1881–1923</td>
<td>AAH/1882, RD of 12.8.1882</td>
<td>TC 1881, CA 1913</td>
</tr>
<tr>
<td>Volos</td>
<td>1881–1923</td>
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<td>TC 1881, CA 1913</td>
</tr>
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<td>AAH/1882, RD of 12.8.1882</td>
<td>TC 1881, CA 1913</td>
</tr>
<tr>
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<td>TC 1881, CA 1913</td>
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<td>Karditsa</td>
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<td>AAH/1882</td>
<td>TC 1881, CA 1913</td>
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<td>Thessaloniki*</td>
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<td>CA 1913, TS 1920</td>
</tr>
<tr>
<td>Vodena/Edessa</td>
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<td>Elasona</td>
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<td>CA 1913</td>
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<tr>
<td>Siatista/Anaselitsa/ Leipsista</td>
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<td>CA 1913</td>
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<td>No.</td>
<td>Area</td>
<td>Period of functioning</td>
<td>Relevant domestic legal instrument</td>
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<td>-----------------------------------------------------------------------------------------------------</td>
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<td>17/18</td>
<td>Subosko/Aridaia/Enotia Karatzova/Almopia</td>
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<tr>
<td>22</td>
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<td>A. 2345/1920</td>
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<td>Pravi</td>
<td>1913-1923</td>
<td>A. 2345/1920</td>
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<td>1912-1923</td>
<td>A. 2345/1920</td>
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<tr>
<td>25</td>
<td>Kavala</td>
<td>1913-1923</td>
<td>A. 2345/1920</td>
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<td>26</td>
<td>Serres</td>
<td>1913-1923</td>
<td>A. 2345/1920</td>
</tr>
<tr>
<td>27</td>
<td>Sidirokastro/Demir Hissar</td>
<td>1913-1923</td>
<td>Order 19775/1913 Min.J., A. 2345/1920</td>
</tr>
<tr>
<td>28</td>
<td>Polygyros —</td>
<td>1912</td>
<td>Order 5581/1913 Min.J.</td>
</tr>
<tr>
<td>29</td>
<td>Kilkis/Avret Hissar</td>
<td>1912</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>Zilhna/Zilhova—</td>
<td>1912</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>Thasos—</td>
<td>1912</td>
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<tr>
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<td>Limnos</td>
<td>1912-1923</td>
<td>A. 2345/1920</td>
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<tr>
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<td>1912-1923</td>
<td>A. 2345/1920</td>
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<td>34</td>
<td>Molyvos</td>
<td>1912-1923</td>
<td>A. 2345/1920</td>
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<td>35</td>
<td>Hios</td>
<td>1912—?</td>
<td>A. 2345/1920</td>
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<td>Paramythia</td>
<td>1913-1944</td>
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<td>Moufti Office of</td>
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<td>Relevant international instrument</td>
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<td>39 Filiates</td>
<td>1913–1944</td>
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<td>40 Konitsa</td>
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<td>41 Preveza</td>
<td>1913–1924</td>
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<td>42 Pogoni</td>
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<td>43 Filipiada</td>
<td>1913–1924</td>
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<td>44 Igoumenitsa</td>
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<td>45 Hania*</td>
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<td>46 Rethymno</td>
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<td>47 Irakleio</td>
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<tr>
<td>48 Ierapetra</td>
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<td>49 Soufli</td>
<td>?–1928–?</td>
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<td>50 Alexandroupolis</td>
<td>1923–1927–?</td>
<td>A. 2345/1920, PD of 2.1.1928</td>
<td>CA 1913, TS 1920, TL 1923</td>
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<tr>
<td>54 Kos</td>
<td>1947–1960?</td>
<td>No legal status</td>
<td>CA 1913, TS 1920, TL 1923</td>
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### APPENDICES

(Cont.)

<table>
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<tr>
<th>Moufti Office of</th>
<th>Period of Functionning</th>
<th>Relevant domestic legal instrument</th>
<th>Relevant international instrument</th>
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<tr>
<td>Rodos</td>
<td>1947-today</td>
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**Temporarily under Greek administration:**

- Eastern Thrace: Adrianoupolis, Redaistos, etc. [1920–1922]
  - A. 2345/1920
  - CA 1913
- Tenedos [1912–1923]
  - A. 2345/1920
  - CA 1913
  - Dec. GA of Epirus 12035/1913
  - CA 1913
- Smyrni Region: Smirni, Aidini, etc. [1919–1922]
  - A. 2345/1920
  - CA 1913

**Key**

- : Not operational yet in 1914
- ? : Uncertain
- * : Of major importance

- A: Act
- D: Decree
- GA: General Administration
- Min.J.: Minister of Justice
- pr.gov.: provisional government (of Thessaloniki, 1917)
- TL: Treaty of Lausanne
- TC: Treaty of Constantinople
- RD: Royal Decree
- CA: Convention of Athen
- TS: Treaty of Sèvres

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\(^1\) Table showing the Mouftis of the General Governorate of Macedonia, Thessaloniki, 21.3.1914, HAMFA, F. 1914, B/150.
4. Genealogy of the Moufti Offices in Thrace

The Mouftis in Komotini

Having undertaken the administration of Western Thrace, the Greek government appointed Haci Ahmet as Moufti in Komotini after having removed Bekir Sitki Efendi in 1920. In 1922, Sevki Babalakis a Cretan Muslim was brought in office after having served as Moufti in Aidini/Aydın during the Greek Governorate of the area of Smyrni. He was replaced in 18 March 1924 by Nevzat Hafiz Mehmet due to strong reactions of the Turkish Consulate of Komotini. The new Moufti, although supported by the modernists, he took clear positions against Kemalist reforms applied in Turkey for what he was replaced in 1935 by Hafiz Hasan Hilmioğlu (RD of 18.5.1935, FEK C 72). Arif Hoca and Halil Mustafaoğlu have been respectively appointed in 1941 and 1942 by Bulgaria during the military occupation of Thrace. After this period, in 16 September 1944, Hafiz Hasan Hilmioğlu regained his office. For a short period of seven months Yusuf Sabrioglu was appointed in 1948 as Moufti deputy, as there were discussions about the applicability of the law of 1920. At last, in 1949 Hüseyinoğlu Mustafa undertook the office until 1985 when he passed away. Then Imam Rüştü Ethem was appointed ad interim by the Prefect. He remained in office just for two days and he resigned due to strong reaction by the minority. Meçô Cemali, was appointed first ad interim in 16 December 1985 and then in 6 April 1990, by Ministerial Decision Moufti of Komotini for a 10-year term according to the new Act on the Moufti (FEK C 61/1990). PD of 28.12.2001 (FEK C 2) renewed the appointment of Cemali for another 10-year term. Again by PD of 17.12.2010 his term was renewed for another 10 years.

Ibrahim Serif was elected (not recognised by the Greek authorities as Moufti of Komotini) on 28 December 1990 backed by the Turkish consulate with no legal recognition. He was also elected in 2004 for three years president of the High Consultative Committee of the Turkish Minority, when Ahmet Ilhan, then MP, denied undertaking the office.

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3 Memorandum of Muslim inhabitants of Komotini [complaining about the Moufti], to the president of the Ministerial Council, Komotini 20.2.1928, EP 3535, and Memorandum of the Moufti of Komotini [complaining about the Kemalists], 14.3.1928, AP 4565, both in HAMFA, F. 1929/B/37
The Mouftis in Xanthi

Mustafa Muharem was probably the Moufti of Xanthi who remained in office after the establishment of the Greek Governorate in Thrace. Muderris Hatzi Yakup Efendi is referred to be Moufti of Xanthi until 1924 when Hatzi Moustafa Efendi undertook the office. It is not clear when Suleyman Sirri, who eventually moved from Thessaloniki and undertook the Moufti office of Xanthi for a couple of years too. He was removed as he was expressing pro-modernity feelings. Next Moufti was appointed Sevki Babalakis who had already served first in Komotini. After being ousted from there he was living upon charities in Athens, Kavala or even Mount Athos. He was brought by the Greek authorities as Moufti in Xanthi from late 1927 until 1930 (when he was fired and then passed away) and expressed, this time strong pro-Kemalist feelings fuelling reactions by the conservative Muslims. He was succeeded by Hüseyin Hüsnü who remained in office until 4 March 1935. Ali Fehmi Efendi served until the establishment of the Bulgarian occupation (15.12.1941) when Arif Beyski, "a Pomak brought by the Bulgarian forces in view to promote the bulgarisation of the Muslims" was appointed as Moufti until the liberation. For a short period (4.10.1944-2.3.1945) Hafis Ilyas Efendi served as Moufti when Ali Fehmi Efendi came back in office. In 23 March 1946 Sabri Efendi undertook duty until May 1949 when he passed away. After him, Mustafa Hilmi Aga took office as ad interim Moufti because of political reactions. Finally he was appointed as Moufti in April 1957 until he passed away in February 1990. Then, his son Mehmet Emin Aga was appointed as ad interim Moufti

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4 According to a letter of 28.10.1922 signed by Mustafa Muharem as Moufti of Xanthi, Archive of the Moufti Office of Komotini.
7 S. Babalakis was fired from office in Komotini and later from Xanthi because of misuse of his jurisdiction, which entailed massive complaints by the Muslims inhabitants of Thrace, the Muslim Community of Xanthi and the Orphanage Council of Xanthi, K. Stylianopoulos, 1930c: 1–6.
11 Osman Nuri, deputy, was stressing that there was not election of the Moufti by the people and denounced that the Mouftis were selected by politicians, V. Aarbakke: 329 and K. Tsioumis, 2006a: 262.
and resigned later on in the context of the dispute among the minority elite, and the Greek-Turkish confrontation over the control of the Moufti offices. He was elected unofficially Moufti of Xanthi backed by the elite of minority and the Turkish consulate. Implementing the new law, the state authorities appointed Emin Şinikoğlu as Moufti of Xanthi in 22 August 1991 (PD of 20.8.1991, FEG C 143). By PD of 4.4.2001 (FEK C 119) Şinikoğlu's appointment was renewed for another 10-year term, although he was under penal persecution. Again in 2011 his term was renewed for another 10 years by PD of 3.8.2011.

The first unofficial elected Moufti of Xanthi, M. Emin Aga, passed away in September 2006 and Ahmet Mete has been elected on the 31st December 2006.\(^{12}\)

**The Mouftis in Didymoteiho**

The Moufti office of Didymoteiho absorbed the Moufti office of Alexandroupolis in 1927. In the 1920s the title of the Moufti was 'Moufti of Alexandroupolis based in Didymoteiho'. In the 1950s his title turned to be 'Moufti Office of Evros based in Didymoteiho'.\(^{13}\) Haci Veli Omer, a fugitive from Turkey, was the first Moufti by the mid 1920s until when he was fired by the General Governorate for issuing false imam certificates so people could skip military service.\(^{14}\) He was again appointed by late 1920s (?) until 1952 with an interim period (1935–1939) during which Hafiz Mehmet Nevzat –former Moufti of Komotini- took over his duties (RD of 18.5.1935, FEK C 72) until he died (in 1939). Mehmet Halil was appointed in office from 1952 until 1953. İbrahim Antikoğlu succeeded him until 1959. Then Mehmet Hoca Halil Haliloglu was appointed until 1962 when Ahmet Mehmet undertook the office for three years (1962–1965). After internal disputes, İbrahim Antikoğlu who had no religious education came back to the Moufti Office (1965–1973). He was removed from office after strong reaction by the Muslims of the area.\(^{15}\) Ahmet Şerif Damatoğlu was then ad interim Moufti from 1974 until 1986, when he was succeeded by his son Mehmet Şerif Damatoğlu who has been appointed again in 1993 and 2003 according to the new Act of 1991.

\(^{12}\) The election took place in 83 mosques of Xanthi prefecture. 9,954 male voters voted by raising hands. Ahmet Mete won 5,137 votes against 4,420 of Ahmet Hraloglu, J. Hersant, 2007:137.

\(^{13}\) According to the Moufti Office seal of 1958, Archive of the Moufti Office of Didymoteiho.

\(^{14}\) A. Dasios, 1927: 27.

\(^{15}\) S. Soltaridis: 114,1997.
### 5. Cases Brought by Members of the Minority of Thrace Before the European Court of Human Rights (partially failed, totally failed, and with a successful outcome according to the allegations)\(^6\)

<table>
<thead>
<tr>
<th>Case [italics = successful outcome]</th>
<th>Application No and year</th>
<th>Year of decision</th>
<th>Judgment by the EctHR</th>
<th>Legal or pragmatic impact on relevant cases/other comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salahaddin Galip</td>
<td>17309/90 1994</td>
<td></td>
<td>Non exhaustion</td>
<td>-</td>
</tr>
<tr>
<td>Nuriloglou</td>
<td>18545/91 1996</td>
<td></td>
<td>6</td>
<td>Very important</td>
</tr>
<tr>
<td>A. Sadik</td>
<td>18877/91 1996</td>
<td></td>
<td>[10] Non exhaustion</td>
<td>-</td>
</tr>
<tr>
<td>Adnan Raif1</td>
<td>21782/93 1996</td>
<td></td>
<td>Only for 6</td>
<td>-</td>
</tr>
<tr>
<td>A. Sadik</td>
<td>25759/94 1996</td>
<td></td>
<td>Ill founded</td>
<td>-</td>
</tr>
<tr>
<td>A. Sadik/I. Sadik</td>
<td>25758/94 1997</td>
<td></td>
<td>Not exhaustion</td>
<td>-</td>
</tr>
<tr>
<td>Agko</td>
<td>31117/96 1997</td>
<td></td>
<td>Non exhaustion</td>
<td>-</td>
</tr>
<tr>
<td>Imam</td>
<td>29764/96 1997</td>
<td></td>
<td>Non exhaustion</td>
<td>-</td>
</tr>
<tr>
<td>Zeibek</td>
<td>34372/97 1997</td>
<td></td>
<td>Non exhaustion</td>
<td>-</td>
</tr>
<tr>
<td>Serif</td>
<td>38178/97 1999</td>
<td></td>
<td>9</td>
<td>None</td>
</tr>
<tr>
<td>Adnan Raif [Oglou]2</td>
<td>33738/96 2000</td>
<td></td>
<td></td>
<td>De facto satisfaction(^{17})</td>
</tr>
<tr>
<td>Agga1</td>
<td>37439/97 2000</td>
<td></td>
<td>6</td>
<td>-</td>
</tr>
<tr>
<td>Tsingour</td>
<td>40437/98 2000</td>
<td></td>
<td>6</td>
<td>Very important</td>
</tr>
<tr>
<td>Molla Housein</td>
<td>63821/00 2002</td>
<td></td>
<td>Non exhaustion</td>
<td>-</td>
</tr>
<tr>
<td>Agga2</td>
<td>50776/99 2002</td>
<td></td>
<td>9</td>
<td>Partial</td>
</tr>
<tr>
<td>Retzep Karabouyouklou</td>
<td>63824/00 2003</td>
<td></td>
<td>Ill founded</td>
<td>-</td>
</tr>
<tr>
<td>Ritvan Ouzoun</td>
<td>63976/00 2003</td>
<td></td>
<td>Ill founded</td>
<td>-</td>
</tr>
<tr>
<td>Toutziar</td>
<td>63949/00 2003</td>
<td></td>
<td>Ill founded</td>
<td>-</td>
</tr>
<tr>
<td>Mehmet Deli Hatzoglou</td>
<td>67754/01 2003</td>
<td></td>
<td>Ill founded</td>
<td>-</td>
</tr>
<tr>
<td>Sali Kehagia l. Sadik</td>
<td>67115/01 2003</td>
<td></td>
<td>Ill founded</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>64756/01 2005</td>
<td></td>
<td>Only 6</td>
<td>-</td>
</tr>
</tbody>
</table>

\(^6\) Based on: K. Tsitselikis, 2008. For the judgments see <www.hudoc.echr.coe.int>.

\(^{17}\) De facto satisfaction for the applicant means that a case ended by a decision of the ECtHR which found that the complaints filed by the applicant have been in substance satisfied and did not find a violation.
In the following cases, soon after they were filed at the ECtHR, a relevant Greek court judgment satisfied the substance of the applicant’s complaint. Therefore, the ECtHR struck these cases out and did not communicate them to the Greek government.

<table>
<thead>
<tr>
<th>Case</th>
<th>Year of application/striking out the case</th>
<th>Ground of complaint (ECHR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Houseinoglou</td>
<td>2003/2004</td>
<td>6</td>
</tr>
<tr>
<td>Association of Imams</td>
<td>2003/2004</td>
<td>11</td>
</tr>
<tr>
<td>Alan Tepe association</td>
<td>2005/2006</td>
<td>11</td>
</tr>
<tr>
<td>Fikretoglou</td>
<td>2007/2008</td>
<td>8</td>
</tr>
</tbody>
</table>

### 6. Statistical Data

The following tables and statistical data can be helpful for understanding the magnitude of phenomena whose status law doubt on their authenticity and accuracy. Very often data of the kind can be a tool of the ideological and political goals of its source. In effect, populations, seen through their religious affiliation, can be manipulated as mere statistical data. On the other hand impersonal data can depict the existence of
the importance of population, number of schools and pupils, community foundations or Moufti Offices. Just for sake of comparison, it should be reported that the overall population of Greece according to the population censuses was 4,735,000 in 1913, 6,205,000 in 1928, 7,461,000 in 1940, and 7,633,000 in 1951.

Table 1. Muslim population of Old Greece and New Lands in 1912/1913 (approximatively).

<table>
<thead>
<tr>
<th>Region</th>
<th>Population</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Macedonia</td>
<td>475,000</td>
<td></td>
</tr>
<tr>
<td>Crete</td>
<td>28,000 [73,250 in 1881]</td>
<td>Pallis, 1925</td>
</tr>
<tr>
<td>Epirus</td>
<td>33,000</td>
<td>Kostopoulos, 2002</td>
</tr>
<tr>
<td>Aegean Islands</td>
<td>22,000</td>
<td>Baltsiotis, 2002</td>
</tr>
<tr>
<td>Old Greece and Elassona</td>
<td>6,000 [40,000 in 1881]</td>
<td>Andriotis, 2004</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>554,000</strong></td>
<td></td>
</tr>
</tbody>
</table>

Table 2. Number of refuges from Greece towards Ottoman Empire/Turkey per year of departure.

<table>
<thead>
<tr>
<th>Period</th>
<th>1923–1925</th>
<th>1921–1928</th>
</tr>
</thead>
<tbody>
<tr>
<td>From the Balkan Wars until the Population Exchange (only from Macedonia)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1912: 10,000</td>
<td>1923: 41,634</td>
<td>Through the Mixed Committees: 388,146</td>
</tr>
<tr>
<td>1913–1914: 115,000</td>
<td>1924: 275,138</td>
<td>By own means: ≈12,000</td>
</tr>
<tr>
<td>1925: 959</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total: 125,000</strong></td>
<td><strong>Total: 355,635</strong></td>
<td><strong>Total: ≈400,000</strong></td>
</tr>
<tr>
<td>Pallis, 1925: 330</td>
<td></td>
<td>Ladas, 1932: 711</td>
</tr>
<tr>
<td><strong>1912–1928: ≈525,000</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 3. Region of settlement of Muslim refugees from the Balkans and Greece.

<table>
<thead>
<tr>
<th>Region</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adana</td>
<td>8,440</td>
</tr>
<tr>
<td>Balıkesir</td>
<td>37,174</td>
</tr>
<tr>
<td>Bursa</td>
<td>34,453</td>
</tr>
<tr>
<td>Çanakkale</td>
<td>11,683</td>
</tr>
<tr>
<td>Edirne</td>
<td>49,441</td>
</tr>
<tr>
<td>İzmir</td>
<td>31,502</td>
</tr>
<tr>
<td>Kirklaresi</td>
<td>33,119</td>
</tr>
<tr>
<td>Kocaeli</td>
<td>27,687</td>
</tr>
<tr>
<td>Manisa</td>
<td>13,829</td>
</tr>
<tr>
<td>Nigde</td>
<td>15,702</td>
</tr>
<tr>
<td>Samsun</td>
<td>22,668</td>
</tr>
<tr>
<td>Tekirdağ</td>
<td>33,728</td>
</tr>
<tr>
<td>Source:</td>
<td>Ladas, 1932: 711</td>
</tr>
</tbody>
</table>
Table 4. Place of origin and departure of Muslim refugees/exchanges.

<table>
<thead>
<tr>
<th>Place of origin</th>
<th>Place of departure under the Mixed Committee of</th>
</tr>
</thead>
<tbody>
<tr>
<td>Macedonia</td>
<td>Thessaloniki 109,577</td>
</tr>
<tr>
<td>Old Greece [ = Thessalia]</td>
<td>Drama 76,047</td>
</tr>
<tr>
<td>Epirus</td>
<td>Kavala 45,527</td>
</tr>
<tr>
<td>Crete</td>
<td>Kozani 26,623</td>
</tr>
<tr>
<td>Aegean Islands</td>
<td>Kailar 30,780</td>
</tr>
<tr>
<td>From elsewhere</td>
<td>Kozani/Kailar 34,653</td>
</tr>
<tr>
<td>From elsewhere</td>
<td>Rethymno/Igoumenitsa 8,142</td>
</tr>
<tr>
<td>From elsewhere</td>
<td>Hania 2,989</td>
</tr>
<tr>
<td>From elsewhere</td>
<td>Lesvos 7,500</td>
</tr>
<tr>
<td>Total of Greece</td>
<td>Total of Greece 355,635</td>
</tr>
<tr>
<td>Total of Greece</td>
<td>Total of Crete: 23,000</td>
</tr>
</tbody>
</table>

Source: A. Pallis, 1927: 408 Ladas, 1933: 438 Fournarakis, 1929: 45

Table 5. Exempted Muslim populations from the Population Exchange, 1924–1930.

<table>
<thead>
<tr>
<th>Region</th>
<th>Population</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Epirus</td>
<td>22,000</td>
<td>[K. Stylianopoulos], 1930, p. 12</td>
</tr>
<tr>
<td>W. Thrace</td>
<td>94,723</td>
<td>Statistics of the population of W. Thrace, September 1926, undated, HAMFA, F. 1927/93.3a</td>
</tr>
</tbody>
</table>
Table 6. National census. Muslims per department and mother tongue, 1920, interim results according the census of 1920.

<table>
<thead>
<tr>
<th>Departments</th>
<th>Greek-speaking</th>
<th>Turkish-speaking</th>
<th>Albanian-speaking</th>
<th>Gypsy-speaking</th>
<th>Macedonian-speaking</th>
<th>Bulgarian-speaking</th>
<th>Vlach-speaking</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ioannina</td>
<td>8,300</td>
<td>700</td>
<td>16,500</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>19,500</td>
</tr>
<tr>
<td>Preveza</td>
<td>900</td>
<td>300</td>
<td>5,300</td>
<td>100</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>6,600</td>
</tr>
<tr>
<td>Total of Epirus</td>
<td>3,200</td>
<td>1,000</td>
<td>21,800</td>
<td>100</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>26,100</td>
</tr>
<tr>
<td>Thessaloniki</td>
<td>100</td>
<td>61,800</td>
<td>1,900</td>
<td>2,300</td>
<td>-</td>
<td>100</td>
<td>-</td>
<td>66,200</td>
</tr>
<tr>
<td>Pella</td>
<td>-</td>
<td>18,900</td>
<td>200</td>
<td>800</td>
<td>12,400</td>
<td>2,800</td>
<td>1,200</td>
<td>36,300</td>
</tr>
<tr>
<td>Drama</td>
<td>-</td>
<td>96,700</td>
<td>300</td>
<td>1,000</td>
<td>-</td>
<td>4,100</td>
<td>-</td>
<td>102,100</td>
</tr>
<tr>
<td>Serres</td>
<td>-</td>
<td>15,100</td>
<td>100</td>
<td>700</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>15,900</td>
</tr>
<tr>
<td>Kozani</td>
<td>11,600</td>
<td>54,900</td>
<td>100</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>66,600</td>
</tr>
<tr>
<td>Florina</td>
<td>-</td>
<td>17,000</td>
<td>10,200</td>
<td>600</td>
<td>600</td>
<td>800</td>
<td>-</td>
<td>29,200</td>
</tr>
<tr>
<td>Total of Macedonia</td>
<td>11,700</td>
<td>264,400</td>
<td>12,800</td>
<td>5,400</td>
<td>13,000</td>
<td>7,800</td>
<td>1,200</td>
<td>316,300</td>
</tr>
<tr>
<td>Evros</td>
<td>-</td>
<td>26,500</td>
<td>-</td>
<td>600</td>
<td>-</td>
<td>1,100</td>
<td>-</td>
<td>28,200</td>
</tr>
<tr>
<td>Rodopi</td>
<td>-</td>
<td>70,700</td>
<td>-</td>
<td>700</td>
<td>-</td>
<td>6,000</td>
<td>-</td>
<td>77,400</td>
</tr>
<tr>
<td>Total of W. Thrace</td>
<td>-</td>
<td>97,200</td>
<td>-</td>
<td>1,300</td>
<td>-</td>
<td>7,100</td>
<td>-</td>
<td>105,600</td>
</tr>
<tr>
<td>Samos</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8</td>
</tr>
<tr>
<td>Lesvos</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8,791</td>
</tr>
<tr>
<td>Hios</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>54</td>
</tr>
<tr>
<td>Total of East. Aegean</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8,853</td>
</tr>
<tr>
<td>Total of Crete</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>19,181</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>476,034</td>
</tr>
</tbody>
</table>

Source: HAMFA 1923, F.6.7 (T. Kostopoulos, 2003b)


<table>
<thead>
<tr>
<th>Census or Statistic/source</th>
<th>Total of Muslims</th>
<th>Turkish-speaking</th>
<th>Pomaks</th>
<th>Roma</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulgarian 1919 (A)</td>
<td>96,908</td>
<td>79,539</td>
<td>17,369</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Bulgarian 1919 (B)</td>
<td>98,035</td>
<td>77,726</td>
<td>20,309</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>French 1920</td>
<td>86,578</td>
<td>74,730</td>
<td>11,848</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Greek 1920 -1st version</td>
<td>93,273</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>Greek 1920 -2nd version</td>
<td>105,600</td>
<td>97,200</td>
<td>7,100</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Greek 1920 -3rd version</td>
<td>100,491</td>
<td>93,522</td>
<td>6,969</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1922 (Greek MFA 1995)</td>
<td>86,000</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>Census 1928 (official)</td>
<td>102,621</td>
<td>84,585</td>
<td>16,740</td>
<td>&lt;1,023</td>
<td>?</td>
</tr>
</tbody>
</table>

8 According to the report of 5.6.1927, Gov. Gen. of Thrace to the MFA, there were 46,842 Muslims in Komotini and Sappes, 33,326 in Xanthi, 9,614 in Orestiada and Didymoteiho and 2,076 in Alex/volis and Souflí. In total o2.808. A. Dasios. 1027. In 1926 there were in
<table>
<thead>
<tr>
<th>Census or Statistic/source</th>
<th>Total of Muslims</th>
<th>Turkish-speaking</th>
<th>Pomaks</th>
<th>Roma</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Census 1940(^{19})</td>
<td>112,535</td>
<td>?</td>
<td>18,000</td>
<td>&lt;1,200</td>
<td>?</td>
</tr>
<tr>
<td>Bulgarian 7.1941</td>
<td>79,109</td>
<td>72,971</td>
<td>6,138</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Bulgarian 3.1942</td>
<td>106,158</td>
<td>71,301</td>
<td>35,049</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Bulgarian 1942</td>
<td>?</td>
<td>?</td>
<td>20,197</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>Census 1951 (official)(^{20})</td>
<td>105,092</td>
<td>85,945</td>
<td>18,664</td>
<td>303</td>
<td>180</td>
</tr>
<tr>
<td>Andreadis, 1956</td>
<td>98,839</td>
<td>67,099</td>
<td>26,592</td>
<td>5,116</td>
<td>32</td>
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<td>Census 1961 -Alexandris</td>
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<td>18,900</td>
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<td>?</td>
<td>?</td>
<td>?</td>
<td>?</td>
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<tr>
<td>Greek MFA (1995)</td>
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<td>~60,000</td>
<td>~42,000</td>
<td>~18,000</td>
<td>-</td>
</tr>
<tr>
<td>Zeginis 1994</td>
<td>~115,000</td>
<td>~55,000</td>
<td>~36,000</td>
<td>~24,000</td>
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<tr>
<td>ELIAMEP 1995</td>
<td>120,000</td>
<td>59,000</td>
<td>39,000</td>
<td>22,000</td>
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<td>50,400</td>
<td>36,750</td>
<td>17,850</td>
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<td>Greek Academy 1995 (Gr. citizens)</td>
<td>120,000</td>
<td>?</td>
<td>?</td>
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<tr>
<td>K. Tsitselikis &amp; G. Mavrommatis 2001 (inhabitants in Thrace)</td>
<td>85,000</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>-</td>
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</table>

Main source: T. Kostopoulos, 2003b

\(^{19}\) According to the population census of 1940 there were 829 Muslims in East Macedonia, and 1278 Muslims in West and Central Macedonia.

\(^{20}\) According to the population census of 1951 there were 114,080 Muslims all over Macedonia.

<table>
<thead>
<tr>
<th>School year</th>
<th>Number of pupils</th>
<th>School year</th>
<th>Number of pupils</th>
<th>School Year</th>
<th>Number of pupils</th>
<th>School year</th>
<th>Number of pupils</th>
</tr>
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<tbody>
<tr>
<td>1962-63</td>
<td>11,880</td>
<td>1975-76</td>
<td>13,461</td>
<td>1988-89</td>
<td>9,931</td>
<td>2001-02</td>
<td>6,873</td>
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<tr>
<td>1963-64</td>
<td>12,165</td>
<td>1976-77</td>
<td>13,191</td>
<td>1989-90</td>
<td>9,468</td>
<td>2002-3</td>
<td>6,887</td>
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<tr>
<td>1966-67</td>
<td>14,276</td>
<td>1979-80</td>
<td>12,500</td>
<td>1992-93</td>
<td>9,090</td>
<td>2005-6</td>
<td>6,734</td>
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<tr>
<td>1968-69</td>
<td>16,078</td>
<td>1981-82</td>
<td>12,085</td>
<td>1994-95</td>
<td>8,627</td>
<td>2007-8</td>
<td>6,668</td>
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Source: Ministry of Education

Table 9. Minority elementary schools: number of schools and classes.

<table>
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<tr>
<th>Year</th>
<th>Schools</th>
<th>Schools per class</th>
<th></th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>2 class</td>
<td>4 class</td>
</tr>
<tr>
<td>1990-91</td>
<td>233</td>
<td>175</td>
<td>38</td>
</tr>
<tr>
<td>1991-92</td>
<td>233</td>
<td>169</td>
<td>47</td>
</tr>
<tr>
<td>1992-93</td>
<td>232</td>
<td>177</td>
<td>35</td>
</tr>
<tr>
<td>1993-94</td>
<td>231</td>
<td>174</td>
<td>37</td>
</tr>
<tr>
<td>1994-95</td>
<td>231</td>
<td>175</td>
<td>36</td>
</tr>
<tr>
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<td>231</td>
<td>174</td>
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<tr>
<td>1997-98</td>
<td>228</td>
<td>172</td>
<td>36</td>
</tr>
<tr>
<td>1998-99</td>
<td>225</td>
<td>180</td>
<td>28</td>
</tr>
<tr>
<td>1999-2000</td>
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<td>28</td>
</tr>
<tr>
<td>2000-01</td>
<td>223</td>
<td>178</td>
<td>28</td>
</tr>
<tr>
<td>2001-02</td>
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<td>178</td>
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<tr>
<td>2002-03</td>
<td>219</td>
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<td>2003-04</td>
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Table 9. (Cont.)

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<th>Year</th>
<th>Schools</th>
<th>Schools per class</th>
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<td>2 class</td>
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<td>203</td>
<td>153</td>
</tr>
<tr>
<td>2007–08</td>
<td>200</td>
<td>150</td>
</tr>
<tr>
<td>2008–09</td>
<td>194</td>
<td>144</td>
</tr>
<tr>
<td>2009–10</td>
<td>188</td>
<td>138</td>
</tr>
<tr>
<td>2010–11</td>
<td>174</td>
<td>121</td>
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<table>
<thead>
<tr>
<th>School year</th>
<th>Medreses/Ierospoudastiria</th>
<th>Minority High Schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990–91</td>
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</tr>
<tr>
<td>1991–92</td>
<td>175</td>
<td>336</td>
</tr>
<tr>
<td>1992–93</td>
<td>183</td>
<td>333</td>
</tr>
<tr>
<td>1993–94</td>
<td>176</td>
<td>367</td>
</tr>
<tr>
<td>1994–95</td>
<td>193</td>
<td>364</td>
</tr>
<tr>
<td>1995–96</td>
<td>207</td>
<td>417</td>
</tr>
<tr>
<td>1996–97</td>
<td>298</td>
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<table>
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<th>Lyceum</th>
<th>Total</th>
<th>Medrese of Ehinos</th>
<th>Gymnasium</th>
<th>Lyceum</th>
<th>Total</th>
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<tbody>
<tr>
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<td>401</td>
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<td>23</td>
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<td>404</td>
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<td>16</td>
<td>25</td>
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<tr>
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<td>393</td>
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<td>21</td>
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<td>432</td>
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<td>25</td>
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<th>Lyceum</th>
<th>Total</th>
<th>Medrese of Komotini</th>
<th>Gymnasium</th>
<th>Lyceum</th>
<th>Total</th>
</tr>
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<td>471</td>
<td>2000–01</td>
<td>157</td>
<td>71</td>
<td>228</td>
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<tr>
<td>2001–02</td>
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<td>448</td>
<td>2001–02</td>
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<td>243</td>
</tr>
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<td>2002–03</td>
<td>161</td>
<td>87</td>
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<tr>
<td>2003–04</td>
<td>287</td>
<td>175</td>
<td>462</td>
<td>2003–04</td>
<td>189</td>
<td>98</td>
<td>287</td>
</tr>
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<td>523</td>
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<td>309</td>
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<td>398</td>
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<td>2007–08</td>
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<td>109</td>
<td>413</td>
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Table 12. Teachers at gymnasia/lyceae.

<table>
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<th></th>
<th>Muslim teachers</th>
<th>Christian teachers</th>
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<tbody>
<tr>
<td></td>
<td>Minority Gymnasium/Lyceum of Xanthi</td>
<td>Minority Gymnasium/Lyceum of Xanthi</td>
</tr>
<tr>
<td></td>
<td>Minority Medrese of Ehinos</td>
<td>Minority Medrese of Komotini</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>Total</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2000–01</td>
<td>13 4 3 6 26</td>
<td>11 11 10 11 43</td>
</tr>
<tr>
<td>2001–02</td>
<td>15 6 3 6 30</td>
<td>10 12 10 13 45</td>
</tr>
<tr>
<td>2002–03</td>
<td>14 7 3 6 30</td>
<td>12 16 10 12 46</td>
</tr>
<tr>
<td>2003–04</td>
<td>14 7 3 6 30</td>
<td>12 16 10 12 46</td>
</tr>
<tr>
<td>2004–05</td>
<td>15 10 3 6 34</td>
<td>12 16 10 12 46</td>
</tr>
<tr>
<td>2005–06</td>
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<td>15 19 12 19 65</td>
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<td>15 20 12 20 67</td>
</tr>
<tr>
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<td>17 11 3 7 38</td>
<td>15 20 12 20 67</td>
</tr>
<tr>
<td>2008–09</td>
<td>17 11 3 7 38</td>
<td>16 21 11 21 68</td>
</tr>
<tr>
<td>2009–2010</td>
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<td>16 21 11 21 68</td>
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Table 13. Teachers at elementary schools.

<table>
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<th></th>
<th>Teachers of the Greek curriculum</th>
<th>Teachers of the Turkish curriculum</th>
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<tr>
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<td>Permanent staff</td>
<td>On contract (anaplirotes)</td>
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<tr>
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<tr>
<td>1991–92</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1992–93</td>
<td>334</td>
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<td>1993–94</td>
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<td>81</td>
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<tr>
<td>2001–02</td>
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### Table 14. Minority students in public schools.\(^{21}\)

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<th>In kindergartens</th>
<th>Xanthi</th>
<th>Rodopi</th>
<th>Evros</th>
<th>Total</th>
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<tr>
<td>1994–95</td>
<td>69</td>
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<td></td>
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<td>471</td>
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<td>676</td>
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<td>297</td>
<td></td>
<td>844</td>
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<td>478</td>
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</table>

<table>
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<tr>
<th>In elementary schools</th>
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<th></th>
<th></th>
<th></th>
</tr>
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<td>95</td>
<td>50</td>
<td></td>
<td>145</td>
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<td></td>
<td>858</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>In gymnasium/lyceum, general and vocational (Xanthi-Rodopi)</th>
<th></th>
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<tbody>
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<tr>
<td>1991–92</td>
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</table>

**Other data [2011]**

Number of teachers of Turkish citizenship: 9 (These teachers are contracted on the basis of the Greco-Turkish agreement of 1968; the same number of teachers of Greek citizenship contracted by Turkey for the Greek minority education in Istanbul).

Teachers from Turkey at the Minority Gymnasium Lyceum of Komotini: 7

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\(^{21}\) Main source: <http://www.museduc.gr/index.php?page=1&sub=5>. Statistical data provided by the Ministry of Education, regarding Muslim students in public schools does not cover Muslim Roma/Gypsy students. An estimation can be made on data regarding Evros (which are not provided) around 10% of the total number of minority students.
7. Main Concentration of Minority Schools in Thrace (2011)

179 elementary schools [black dots],
2 gymnasias/lyceas [G/L], 2 medrese (gymnasias/lyceas) [M]
## 8. The vakf property in Thrace

<table>
<thead>
<tr>
<th>Location</th>
<th>Vakfs</th>
<th>Owned real properties</th>
</tr>
</thead>
</table>
| Xanthi   | 10 mosques, 1 school, 4 cemeteries | 1950: 150 estates (many expropriated in early 1970s)  
2007: 89 estates  
26 houses, 21 shops, 10 offices, 8 plots,  
4 rural fields, 3 warehouses, 1 Moufti office, 1 club |
| Aşağı mahalle c., Samakof c. [karsi mahalle], Sunne Mahalle c., Ahriyan mahalle c., [Palias polis], Hürriyet c., [28is Oktovriou] Muhacir Mahalle c., Servili c., Amine hanim (Pırrnalık) [Remvi], Gazane c. [Petrelaioapothikon], Medrese c., Yükarı m.c., 1st elementary school, 22 Central cemetery of Anatoliki Romylia, Cemetery of Old City, Cemetery of Pırrnalık [Remvi], A cemetery disused |
| Yenisea  | Vezir Musahip Mustafa pasa c., Kasaba c., Kirklar tekke, School, Cemetery | ? |
| Komotini | 16 mosques, 6 cemeteries, 5 mescits, 8 schools | Monthly income: 50,000 euros |
| 1        | Yeni cami | The Moufti Office and Yeni cami compound, 15 shops and 1 plot |
| 2        | Eski cami | 3 mosques, 1 cemetery, 1 plot |
| 3        | Tabak hane cami | The mosque, 12 shops, 1 warehouse, 1 flat |
| 4        | Osmanye cami | The mosque, 1 house, 1 plot, 2 shops |
| 5        | Mestanai cami | 1 house, 2 fields |

(Continued)
### APPENDICES

(Cont.)

<table>
<thead>
<tr>
<th>Vakfs</th>
<th>Owned real properties</th>
</tr>
</thead>
<tbody>
<tr>
<td>6  Kayalı cami</td>
<td>The mosque, the boarding school</td>
</tr>
<tr>
<td>7  Tekke cami</td>
<td>The mosque, 7 shops, 1 building, 1 plot</td>
</tr>
<tr>
<td>8  Serdar cami</td>
<td>The mosque, 2 shops, 1 house, 1 hostel</td>
</tr>
<tr>
<td>9  Yenice cami</td>
<td>1 mosque, 1 old cemetery, 1 plot</td>
</tr>
<tr>
<td>10 Kırımahalle cami</td>
<td>The mosque, 1 warehouse, 1 school class, 2 shops, 3 plots, 4 fields</td>
</tr>
<tr>
<td>11 Kesikbaş cami</td>
<td>The mosque, 3 plots, 1 field, 1 old boarding school, 2 shops, 1 cemetery</td>
</tr>
<tr>
<td>12 Şehreküstü cami</td>
<td>The mosque, 2 fields</td>
</tr>
<tr>
<td>13 Yeni Şehreküstü cami</td>
<td>The mosque, 1 warehouse, 1 hostel</td>
</tr>
<tr>
<td>14 Alan Kuyu mescit</td>
<td>The mescit, 1 shop, 1 warehouse, 1 field</td>
</tr>
<tr>
<td>15 Kırımahalle mescit</td>
<td>The mescit, 1 shop</td>
</tr>
<tr>
<td>16 Siıppüren mescit</td>
<td>The mescit, 1 shop</td>
</tr>
<tr>
<td>17 Arifhane mescit</td>
<td>The mescit, 1 field, 1 house, 1 shop</td>
</tr>
<tr>
<td>18 Yüksek mescit</td>
<td>The mescit, 1 warehouse</td>
</tr>
<tr>
<td>19 Kalkanca cami</td>
<td>The mosque</td>
</tr>
<tr>
<td>20 Sohtalar-Hayriye</td>
<td>School complex (2 buildings), 3 urban buildings (12 shops), 4 fields, 1 plot of 2,7 hectares</td>
</tr>
<tr>
<td>21 Cemetery Pos-pos</td>
<td>The cemetery, old cemetery, old tekke, 1 plot</td>
</tr>
<tr>
<td>22 Cemetery yenice</td>
<td>The cemetery</td>
</tr>
<tr>
<td>23 Cemetery kahveci</td>
<td>The cemetery</td>
</tr>
<tr>
<td>24 Cemetery Osmanye</td>
<td>The cemetery, one field</td>
</tr>
<tr>
<td>25 Cemetery mestanli</td>
<td>The cemetery</td>
</tr>
<tr>
<td>26 Cemetery Alan Kuyu</td>
<td>The cemetery</td>
</tr>
<tr>
<td>27 Idadiye</td>
<td>The school complex, 30 shops, 3 houses, 3 warehouses, 18 offices</td>
</tr>
<tr>
<td>28 2d minority school</td>
<td>The school complex</td>
</tr>
<tr>
<td>29 3d minority school</td>
<td>The school complex</td>
</tr>
<tr>
<td>30 4d minority school</td>
<td>The school complex</td>
</tr>
<tr>
<td>31 Mestanlı school</td>
<td>The school complex</td>
</tr>
<tr>
<td>32 Osmanye school</td>
<td>The school complex</td>
</tr>
<tr>
<td>33 Edirneyolu cami</td>
<td>The mosque</td>
</tr>
<tr>
<td>34 Boy's boarding school</td>
<td>The school complex</td>
</tr>
<tr>
<td>35 Kadıköy arası cami</td>
<td>1 mosque</td>
</tr>
<tr>
<td>Evros</td>
<td>Didymoteiho: 1 shop, 1 flat, 1 mosque, 1 school, 2 cemeteries</td>
</tr>
</tbody>
</table>
(Cont.)

<table>
<thead>
<tr>
<th>Vakfs</th>
<th>Owned real properties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alexandroupolis:</td>
<td>3 flats, 3 shops, 1 rural field</td>
</tr>
<tr>
<td>school, 2 cemeteries,</td>
<td></td>
</tr>
<tr>
<td>1 mosque</td>
<td></td>
</tr>
<tr>
<td>Region of Orestiada</td>
<td>Rural fields of 36 hectares</td>
</tr>
<tr>
<td>Region of Soufli</td>
<td>Rural fields of 2.9 hectares</td>
</tr>
<tr>
<td>Region of</td>
<td>Rural fields of 18 hectares</td>
</tr>
<tr>
<td>Region of Didymoteiho</td>
<td>Rural fields of 17 hectares</td>
</tr>
<tr>
<td>Alexandroupolis</td>
<td></td>
</tr>
<tr>
<td>Region of Soufli</td>
<td></td>
</tr>
<tr>
<td>Region of Didymoteiho</td>
<td></td>
</tr>
</tbody>
</table>
REFERENCES AND BIBLIOGRAPHY

ARCHIVES

Alexandros Pallis archive, National Hellenic Research Foundation, Athens.
Archive on the Bulgarian occupation and propaganda in Macedonia (1941–1944), ELIA Thessaloniki.
Archive of the High Commissariat of Smyrna, General Archives of the State, Athens.
Aggelos Anninos archive, ELIA Thessaloniki.
Archive of Athanasios Souliotis, Gennadius Library, American School of Classical Studies, Athens.
Archive of Konstantinos Karamanlis, Athens.
Archive of Pavlos Kalligas, Museum of the Macedonian Struggle, Thessaloniki.
Directorate of Cults, Technical, Foreign and Minority Schools Archive, Governorate General of Macedonia, General Archives of the State, Kavala.
Eleftherios Venizelos archive, Historical Archives of Benakis Museum, Athens.
Eleftherios Venizelos archive, Greek Literary and Historical Archives (ELIA), Athens.
General Archives of Macedonia, Archives of the Governorate General of Macedonia, Thessaloniki.
General Archives of the State, Athens.
General Archives of the State, Drama.
General Archives of the State, Ioannina.
General Archives of the State, Komotini.
General Archives of the State, Kozani.
General Archives of the State, Mytilini.
Harisis Vamvakas archive, ELIA Thessaloniki.
Historical Archive, Ministry for Foreign Affairs, Athens.
Ioannis Politis Archive, Historical Archives of Benakis Museum, Athens.
Istanbul District Administration Archives, General Directorate of Foundations, Istanbul [moved by 2008 to Ankara].
Moufti Office of Komotini archives.
Moufti Office of Didymoteiho archives.
Moufti Office of Xanthi archives.
Philippos Dragoumis archive, Gennadius Library, American School of Classical Studies, Athens.
Library of the Greek Parliament, Collection of Law Reports.

CASE-LAW AND LEGISLATION

MONOGRAPHS, COLLECTIVE VOLUMES AND ARTICLES

Aarbakke, V., 2000, *The Muslim minority of Greek Thrace*, vol. 1 & 2, PhD, University of Bergen.


Ahmet, S., 1989, "Grievances and requests of the Turkish-Muslim minority living in Western Thrace, Greece", 3/15 *Turkish Review Quarterly Digest*, pp. 37–46.


Altsitzoglou, F., 1941, The yaka and the plain of Xanthi, (in Greek), Agrotiki Trapeza Ellados, Athens.


Anagnostopoulou, Sia, 1998, From the Rum millet to the Greek nation, (in Greek), Ellinika Grammata, Athens.


Anagnostou, Dia, 2005, "Deepening democracy or defending the nation? The Europeanization of minority rights and the Greek citizenship", 28 Western European politics, pp. 335–357.

Anagnostou, Dia & Anna Triandafyllidou, 2005, Regions, minorities and European policies: A state of the art report on the Turkish Muslims of Western Thrace (Greece), Hellenic Foundation for European and Foreign Policy/ELIAMEP, <www.eliamep.gr/eliamep/files/State%20of%20art%20Greece%20FINAL.pdf>.


Anastasiadou, IF, 1982, Venizelos and the Greek-Turkish covenant of friendship of 1930, (in Greek), Filippotis, Athens.


Andreadis, K., 1956, *The Muslim minority of Western Thrace*, (in Greek), Thessaloniki.


Baltsiotis, L., 2009b, The Muslim Chams from their entrance into the Greek state to the beginning of the Greek-Italian war. The history of a community from millet to nation (1913–1940), (in Greek), PhD thesis, Department on Political Science and Histoty, Panteion University, Athens.


Borou, Ch., 2009, “The Muslim Minority of Western Thrace in Greece: An Internal Positive or an Internal Negative ‘Other’”?, Muslim Minority Affairs 11/9, pp. 5–26.


REFERENCES AND BIBLIOGRAPHY


Boussiakou, Iris, 2008, "Religious Freedom and Minority Rights in Greece: The case of the Muslim Minority in Western Thrace", *GreeSE Paper* No 21, Hellenic Observatory, LSE.

Bozatzis, N., 2009, "Occidentalism and accountability: Constructing culture and cultural difference in majority Greek talk about the minority in Western Thrace", *Discourse and Society*, 20/4, pp. 431–453.


Chatzivasiliou, Ev., 1999, *Eleftherios Venizelos, the Greek-Turkish rapprochement and the security problems in the Balkans (1928–1931)*, (in Greek), Institute for Balkan Studies, Thessaloniki.


Chouseinoglou, A., 2012, *The Development of Minority Education at the South-easternmost Corner of the EU: The Case of Muslim Turks in Western Thrace, Greece*, PhD, Department of International Relations, University of Sussex.


Christidis, Ch., 1967, *The Cyprus question and the Greek-Turkish issues*, (in Greek), Athens.


Dabour, I. H., 1990, *Mariage and family according to Islam*, (in Greek), PhD, School of Theology, Aristote University of Thessaloniki, Thessaloniki.


Deliyanni-Dimitrakou, Hr., 2008, *Comparative law and legal pluralism*, (in Greek), Sakkoula, Athens-Thessaloniki.


Dodos, D., 1994, Electoral geography of minorities, (in Greek), Savalas, Athens.
Doudos, G., 2004, “The legality of the Muslim marriages held through power of authorisation in the frame of the Greek legal order”, (in Greek), 1 Nomokanonika, pp. 119–133.
Doumpoyas, P., 1960, “What is the applicable law related to the Muslim ab Intestate succession?”, (in Greek), 14 Armnenopoulos, pp. 661–663.
Dragounis, St., 1916, Speech, Parliament’s Session of the 21th March 1916, [On the Muslim land property in Macedonia] (in Greek), Athens.
Eleftheriadis, N., 1921d, "Inheritance of Muslims", Themis ΛΒ', p. 141-143.
Eleftheriadis, N., 1921e, "Inheritance of Muslims in Greece", (in Greek), Themis ΛΒ', pp. 141-143.
Eleftheriadis, N., 1921g, "Vakf - taxation", (in Greek), Themis ΛΒ', pp. 461-463.
Eleftheriadis, N., 1921h "The issue of the vakf and the plots of Thasos" (in Greek), Efimeris Ellinkis kai Gallikis Nomologias, pp. 46-52.
Eleftheriadis, N., 1921k, "Vakf-taxonomy-management", (in Greek), Themis ΛΒ', p. 112.
Eleftheriadis, N., 1926a, "The issue of the Muslim cemeteries in the New Lands" (in Greek), Dikaiosyni, pp. 275-277.
Eleftheriadis, N., 1938, "Which law regulates the inheritance of the Muslims of Greek citizenship?", (in Greek), Themis ΜΘ', pp. 75-80 and 75-78.
Etairiea gia ta dikaiomata ton meionotiton, 1992, Minorities in Greece, (in Greek), Report, Athens.
Evaggelidis, T., 1913, New Greece, (in Greek), Athens.
REFERENCES


Frangisthas, Ch., 1987, "The civil law of Jews and Muslims", (in Greek), 1 *Nomikes meletes*.


REFERENCES AND BIBLIOGRAPHY

Georgiadis, I., 1941, The Greek citizenship, Athens.
Greek Bureau of Foreign Information, [undated], Statistics of the population of Thrace and Asia Minor, Hamtson Ltd, London.
Geragas, K., 1922, Memories from Thrace, (in Greek), Estia, Athens.
Giohalas, G., [1914?], On property issues in Parga. Memorandum on the solution of the agrarian question (in Greek), Athens.
Glavinas, I., 2005, "The perceptions of the Muslim minority in Greece in Greek and Bulgarian policy and strategy (1913–1923)", Etudes Balkaniques 4, pp. 157–172.
Glavinas, I., 2009, Muslim populations in Greece. Perceptions and practices of the Greek administration. Relations with Christian locals and refugees, (in Greek), PhD, Faculty of Philosophy, Department of Archeology and History, Aristotle University of Thessaloniki.
Gotovos, Ath., 1993, Migrants from Albania, (in Greek), Ministry for Finance & University of Ioannina, Ioannina.
REFERENCES AND BIBLIOGRAPHY

Governorate General of Macedonia, 1913, *Circulars and orders of the Minister of Justice as representative of the Greek government at the occupied Macedonian territories*, (in Greek), Thessaloniki.

Governorate General of Macedonia, 1914, *Compilation of circulars, orders and decisions*, (in Greek), Thessaloniki.


Hidiroglou, P., 1990, Western Thrace in the light of the national ideal of the Turks, Herodotos, Athens.
Hrysogonos, K., 2006, Civil and social rights, (in Greek), ekd. Sakkoulas, Thessaloniki.
Hourdakis, A., 2002, Education in the Cretan State (1898–1913), (in Greek), Gutenberg, Athens.
Iliadis, Hr., 2004, The national identity of the Muslim minority and the educational policies, (in Greek), Master’s Thesis, School of Political Sciences, University of Athens.


Iliadis, Hr., 2011, The Turkish-Muslim minority of Greece: 'Confidential' discourses, reciprocity and minority subjectivity during the emergence of the policies of discrimination (1945–1966), University of Essex, PhD thesis.


Institute Research Staff, 1991, "Turkish Minority in Western Thrace", 26/5 Turkish Review, pp. 5–11.


Kanakidou, El., 1994, The education in the Muslim minority of Western Thrace, (in Greek), Ellinika Grammata, Athens.


Karaghiozis, H., 1921, Collection of Greek law regarding the Muslim communities, (in Osmanli), Yeni Asir, Thessaloniki.


Kılıçdokme, R., 2005b, "The Turkish press in Thrace" (in Greek), The Greek press from 1784 to date. Historical and theoretical approaches, National Institute for Research (EIE), Athens.


Kokolakis, M., 2000, "The hawk and the hedgehog. The administrative naming of the Greek Thrace", (in Greek), Thrace: Historical and geographical approach, Ethiko Idrima Erevnon, Athens, pp. 197–204.


Kolodny, E., 1974, La population des îles de la Grèce, EDISUD, Aix-en-Provence.


Kolokotronis, N., 1953, "comment", (in Greek), Δ' Themis, pp. 628.


Konidas, I., 1999, Fundamental provisions on the relations between State and Church, (in Greek), A.N. Sakkoulas, Komotini-Athens.


Konortas, P., 2000, "From millet to nations: Formation of collective identities in Thrace (19th-20th century)", (in Greek), Thrace: Historical and geographical approach, Ethiko
REFERENCES AND BIBLIOGRAPHY


Kossyvas, H.A., 1928, Legislation on the administration of the Muslim and exchangeable land property, (in Greek), Athens.

Kostopoulos, T., 2002, "Heteroglossia and assimilation language planning: The case of Greek Macedonia after the liberation (1912–1913)", (in Greek), 36 Ta istorika, pp. 75–128.


Kotzabasi, Ath., 2003a, "The implementation field of the holy Muslim law in the family legal relations of the Greek Muslims", (in Greek), 1 Elliniki Dikaiosyni, pp. 57–72.


Krapsitis, V., [1986], The Muslim Chams of Thesprotia, (in Greek), Athens.


Ktistakis, Y., (ed.), 2001, Migrants, racism and xenophobia, (in Greek), A.N. Sakkoulas,
REFERENCES AND BIBLIOGRAPHY


Kyriazopoulos, Kyr., 1997, "Is the founding of churches and places of worship in accordance with the ECHR?, (in Greek) Iperaspisi, pp. 925–933.


Labrakis Research Foundation, 1993, Minorsities in Greece. The perception of aliens and the constitution of otherness, Athens.


Lithoxou, D., 2005, Mixed people, (in Greek), Batavia, Thessaloniki.


Loukakos, L., 1913, Legal opinions on matters regarding public and private Ottoman law, (in Greek), Ernis, Ioannina.


Lyberis, N., 1972, History of the educational district of Limnos, (in Greek), Didaskalikos Sylllogos Limnou, Myrina.


Marinellis, G., “250,000 Muslims in Greece do not have a place of worship”, *Eleutherotypia*, 14.10.2001, p. 50.


Mavrommatis, G., 2007a, *Nationalism and history of educational policy: The education of the Muslim minority of Thrace*, (in Greek), PhD, Department of Political Sciences and History, Panteion University.


Mihailidis, I., 1996, *Slav-speaking migrants and refugees from Macedonia and Western Thrace*, (in Greek), PhD Thesis, School of history and archaeology, University of
Mihailidis, Ch., 1997, "The religious minorities in Greece, especially as seen by the report of the Special Rapporteur of the Commission of Human Rights of the UN", (in Greek), The religious freedom, K. Beis (ed.), Eunomia, Athens, pp. 159–199.


Mirmiroglou, V., 1940, The dervishes, (in Greek), Athens.

Mitsis, F., 2008, Stratis Athanasakos, his life and work, (in Greek), Parisinos, Athens.


Nakos, G., 1984, On the legal status of the former public Ottoman land (1821–1912), (in Greek),


Nazarko, M., 2006, La questione del sequestro dei beni privati albanesi in territorio greco durante la seconda guerra mondiale, Facoltà di giurisprudenza, Università degli studi di Perugia.


National Statistical Service of Greece, 1961, Results of the 7.4.1951 population census, Ethniko typogtafeion, Athens.


Nikolakopoulos, I., 2004, “The route towards the autonomous political establishment of the Muslim minority of Thrace” (in Greek), Minorities in Greece, Etaireia Spoudon Neollinikou Politismou kai Genikis Paideias, Athens, pp. 119–162.


Oikonomou, Th., 1958a, “The High Court’s judgment No 569/53 and the vakf”, (in Greek), IB' Armenopoulos, pp. 577–584.


Oikonomou, Th., 1958c, “Certain issues on transactions of pure ownership plots (mulk) according to the Ottoman law”, (in Greek), IB' Armenopoulos, pp. 423–426.

Onsunoglu, I., 2002, “Minority education: In minority schools the less they learn the better is”, (in Greek), European congress on linguistic otherness, EBLUL, conference of 26.11.2002, Thessaloniki.


Ömeroğlu, A., 2000, Yunanistan'da bağımsızlık ve Müftü seçimi, Dialogos, İstanbul.


Pallis, A., 1925a, Statistical study on racial migration in Macedonia and Thrace (1912–1924), (in Greek), Athens.


Pallis, A., 1929, Compilation of the main statistics regarding the exchange of population and the refugee settlement with analysis and clarifications, (in Greek), Athens [AFD, F.11.4/doc 114].

Pallis, A., 1933, The exchange of populations from a legal and historical viewpoint and its significance for the international position of Greece, (in Greek), Speech delivered at the Panteios School of Political Sciences, Athens.

Patsalas, E., 1983, “Bastaina”: A sui generis real right in Epirus during the Turkish Rule, Communication at the 8th International Congress on Traditional Studies, Arta.


Papadopoulos, N., 2000, *The legal regime on the Muslim minority of Thrace*, (in Greek), Post graduate thesis, School of Law, Department of International Studies, University of Athens, Piraeus.

Papadopoulos, H., 2005, "Why they do not learn?" The perceptions of the educationalists about their role and the performance of the pupils in the minority schools in Thrace, (in Greek), PhD, Department of pre-school education, University of Athens.


Papanikolaou, Ant., 2001, *The relations between Christians and Muslims in Komotini from 1974 up to now*, (in Greek), Graduate thesis, School of History and Ethnology, University of Thrace, Komotini.

Papanikolaou, Ant., 2002, "The more they deny my ethnic identity, the more Turk I become": The 'Babel' of a minority identity in Thrace (Greece), MA thesis of Anthropology of Europe, University of Sussex.

Papanikolaou, Ant., 2007, "Hak verilmez, alinir" (rights are not granted are taken). The Politization of Rights in the Case of the Muslim-Turkish Minority, PhD thesis of Anthropology, University of Sussex.


Papasiopi-Pasia, Zoi, 1997, *The applicable law on the divorce in Greek and international conflict of law*, (in Greek), Sakkoulas, Thessaloniki.


REFERENCES AND BIBLIOGRAPHY


Raktivan, K., 1951, Documents and notes from the first Greek Governorate of Macedonia, (in Greek). Etairia Makedonikon Spoudon, Thessaloniki.


Rodopoulos, G., 1913, On the religious independence of the Muslims and on the administration and management of the Ottoman vakif in Greece, (in Greek), Athens.


Rozakis, Ch., 2011, "The contribution of the ECtHR in the quest for balance to the multicultural society controversies", (in Greek), Cultural otherness and human rights, Al Androussou & N. Askouni (eds.), Metaihmio, Athens, pp. 31–52.


Sadik, Ah., 1990, Situation of the Turkish minority in Western Thrace-Greece, [memorandum of 20.1.1990], Komotini.
Said, H.M., 1989, "The educational tradition of the Ottoman Empire and the development of the Turkish educational system of the republican era", 3/16 Turkish Review Quarterly Digest, pp. 13–45.


Seferiades, St., 1928, "L'échange des populations", 24 RCADI IV, pp. 311–328.

Seferiades, St., 1925, Courses of international law, (in Greek), Athens.


Service hellénique d'information, 1965, La minorité grecque en Turquie et la minorité musulmane en Grèce. Comment les deux gouvernements traitent leurs minorités, Athènes.


Sigalas, N., 2001, "The formation of the new-Greek Hellenism", (in Greek), 34 Ta Istorika, pp. 3–70.


Skoulariki, Ath., 2009, "Declarations of national beleives: The political discourse and


Skoulidas, I., 2008, "Aspects of collaboration in Epirus: the Chams in absentia condemned", (in Greek), communication at the conference Past and present of the issue of Chams in the Greek-Albanian relations, KEMO/Panteion University, Athens.


Solidarity Association to Turks of Western Thrace, 2006 Final Declaration, 5th International Assembly of Western Thrace Turks, September 2006, Istanbul.


Stamatopoulou, E., 2008, Cultural Rights in International Law, Martinus Nijhoff, Leiden-Boston.


Strupp, Ch. [1918], La situation internationale de la Grèce (1821–1917), Die Verbindung, Zurich.

Stylianopoulos, K., 1929a, Report on the Muslim Minority of Thrace, part A', (in Greek),

Stylianopoulos, K., 1930a, *Comparative study of the implementation of the minority protection provisions of the Lausanne Treaty in Greece and Turkey*, (in Greek), AEV, F.58.


Svolopoulos, D., 1922, *Thrace under Greek administration*, (in Greek), Constantinople.

Svolopoulos, K., 1981, *The decision for the compulsory exchange of populations between Greece and Turkey*, (in Greek), Eteria Makedonikon Spoudon, Thessaloniki.


REFERENCES AND BIBLIOGRAPHY


Trubeta, S., 2000a, "Reflections on the perception of the "other" and the phenomenon of racism in the Greek society", (in Greek), 101–102 *Epitheorisi Koinonikon Erevnon*, pp. 137–150.


Trubeta, S., 2003, "'Minorisation' and 'Ethnicisation' in Greek Society: Comparative Perspectives on Muslim Immigrants and the Thracian Muslim Minorities", 5 *Jahrbücher für Geschichte und Kultur Südosteuropas*, pp. 95–112.

Tsakiridi, O., 2010, "Muslim migrants in Greece: A cultural approach", *Issues of immigration and immigration policies in contemporary Greece*, (in Greek), Athens, EKKE.


Tsimbiridou, F., 2011, "Between the 'nation and the state': The renegotiation of the imperfect relation between citizen and state in Thrace", (in Greek), *Revisions of the political*, E. Papataxiarhis & E. Plexousaki (eds.), Alexandreia, Athens, [in print].

Tsioumis, K., 1994, *The Muslim minority of Western Thrace and the Greek-Turkish relations (1923–1940)*, (in Greek), PhD, School of Pedagogy, University of Thessaloniki, Thessaloniki.

REFERENCES AND BIBLIOGRAPHY


Tsioumis, K., 2002a, “Muslim minority pupils in classes of Greek kinder garden: the situation and the problems in Thessaloniki”, (in Greek), Psycho-pedagogic on pre-school age, Department of Pre-school education, Pan. Ekdoseis Kritis, Rethymno 2002 pp. 860–867.


Tsitselikis, K.L., 1926, The irregular transactions on real properties in the New lands, (Greek), Thessaloniki.


Tsitselikis, K., 2002a, “Formation and implementation of the right to teach the minority-mother tongue. From minority to intercultural school”, (in Greek), E. Tressou & S. Mytakidou (eds.), Education of linguistic minorities, School of Pedagogic, Paratiritis, Thessaloniki, Thessaloniki, pp. 446–455.


Tsouderos, E., 1927, The indemnity for the exchangeable population, (in Greek), Athens.
Tsouloufis, A., 1989, *The exchange of Turkish and Greek populations and the appraisal of the abandoned properties in both sides*, (in Greek), Enosis Smyrnaion, Athens.


Vergotis, G., 1997, *Education in Rodos during the Italian occupation*, (in Greek), DIKEMME, Rodos.


Vogli, El., 2007, "Of Greek descent": citizenship and identity in the national state of the Greeks (1822–1856), (in Greek), Penepistimiakes ekdoseis Kritis.


Yağcıoğlu, D., 2008, "The ‘Internalization’ of Reciprocity By Many Members of Greek-Orthodox and Turkish-Muslim Minorities: How Can it Be Explained? Some Initial


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