

## INTRODUCTION

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## I

## Rethinking State Policies toward Religious Minorities

On May 21, 1903, as a gesture of goodwill, the Ottoman sultan Abdulhamid II joined the Greek Orthodox patriarch Joachim III to celebrate the grand opening of the Büyükada Greek Orphanage, which housed Greek orphans of both the late Ottoman Empire and modern Turkey until 1964. When Turkey developed tensions with Greece over Cyprus in 1964, the state's General Directorate of Foundations (GDF, Vakıflar Genel Müdürlüğü) closed down the historic 20,000-square-meter wooden orphanage, which is located on an island in the Sea of Marmara that was popular with tourists. The GDF did not repair the building after that and left it to dereliction. In the 1990s, the Greek Orthodox patriarchate started a legal process against the Turkish state to register the ownership of the property under its name. The Turkish state denied the claim and argued that the GDF had the right to seize the property because it had not fulfilled its original function for more than ten years. When the Council of State, the supreme administrative court in Turkey, dismissed the patriarchate's claim in 2003, the case was carried to the European Court of Human Rights (ECHR). In 2010, the ECHR ruled in favor of the Greek Orthodox patriarchate and transferred the ownership of the property to the patriarchate.<sup>1</sup>

In October 1989, Leila and Fatima Achaboun and their cousin Samira Saidani were expelled from Gabriel-Havez high school in Creil, a suburb of Paris, for wearing headscarves on the school premises. The school principal, Eugène Chénier, claimed that he expelled the girls to implement the constitutional principle of secularism. Their expulsion drew extensive media attention, but very few supported the girls' dismissal from school.<sup>2</sup> The students returned to the school after the Council of State, the highest administrative court in France, decreed that the principal had overstepped his authority. In its decision, the council stated that the school could dismiss the girls only if they disrupted order at the school. To the court, wearing a headscarf in itself was not incompatible with the principle of secularism.<sup>3</sup> This ruling would set the

<sup>1</sup> Yorgo Kırbaki, "AİHM: Rum Yetimhanesi Patrikhane'ye Verilsin," *Hürriyet*, June 16, 2010.

<sup>2</sup> *Libération*, "Le Port du voile heurte la laïcité du collège de Creil," October 4, 1989.

<sup>3</sup> Avis du Conseil d'État No. 346.893, November 27, 1989.

precedent for headscarf cases for the next fifteen years until the passage of a new law in 2004, which banned the wearing of ostentatious religious symbols at public schools.

The story of the Büyükada Greek Orphanage is just one of many cases in which the Turkish government discriminated against the Christian minority. This case illustrates the traumatic consequences of Turkey's nation-building process for minorities. The official Turkish national discourse, based on a vision of a homogeneous society defined by secularism and nationalism, made life difficult for minorities. In France, the story of the three Muslim girls at Gabriel-Havez high school is one of many cases in which the French courts protected Muslims' religious freedoms when their rights had been violated. Despite its unfriendly stance on religion compared to other European countries, French secularism provided religious minorities with religious freedom, including students' manifestation of religious symbols at schools.

However, by the early 2000s, state policies toward religious minorities were taking a different trajectory in both Turkey and France. Between 2000 and 2010, Turkey implemented new reforms that expanded the rights of religious minorities while France passed new laws that restricted religious freedoms for Muslims. The international context played a significant role in these policy changes in both countries. While Turkey was implementing new laws under the pressure of its European Union (EU) membership bid, France was enacting new restrictions within the context of rising Islamophobia in Europe in the wake of the terrorist attacks of September 11, 2001. These developments raise a significant question: How does the international context influence state policies toward religious minorities? To answer the question, I examine shifting state policies toward the Christian minority in Turkey and the Muslim minority in France between 2000 and 2010.

Scholars have explained state policies toward religious minorities by referring to several factors, including modernization processes that undermined the power of the majority religion, historical legacies shaped over extended periods of time, competition over ideology, and strategic interaction among religious and political actors. Although these approaches provide valuable insights to explain the Turkish and French cases, they cannot account for the importance of the international context, which played a crucial role in the passing of new regulations in both countries. I argue that given structured relationships among sets of domestic groups competing over different policies, the presence of an international context that can favor particular groups over others shifts the domestic balance of power, making some policies more likely to be implemented than others. The adoption of new policies depends on the presence of strong domestic actors who would benefit from the international context and support the reforms due to either their material interests or their normative commitments. The international environment structures domestic politics through actors that mediate between external factors and domestic policies.

Reforms in Turkey became possible because of the emergence of strong domestic actors who would benefit from the reforms required to join the EU. For Islamic actors with relatively large social bases, the repressive political environment dominated by the military in the late 1990s left no option but to devise strategies through which they could enhance political space at the expense of the authoritarian bureaucracy. They utilized Turkey's relations with the EU and supported the implementation of reforms to decrease the power of the military in Turkish politics. The government instituted religious rights for Christians as part of its democratizing agenda to bring Turkey closer to the EU. Liberal groups, social democrats, and some Islamic groups contributed to this outcome by justifying pluralism through their civil society activism. In short, international norms on religious freedoms diffused into the Turkish political system only after strong domestic actors facilitated their adoption, either instrumentally or normatively.

Similarly, the restrictive policies toward Muslims in France were an outcome of the interaction of international context and domestic politics. The proponents of restrictive policies in France utilized the rise of Islamophobia in the wake of the September 11 terrorist attacks in 2001. Due to the rise of anti-Muslim sentiments globally, the proponents of the headscarf ban were able to portray the wearing of headscarves as a symbol of antirepublicanism and antiseccularism in France. By doing so, they could more easily engender strong popular support for their policy agendas. The rise of the far right in France led centrist parties to embrace anti-Muslim rhetoric. As a result, a social coalition emerged to pass the headscarf ban in the French parliament.

In the rest of this chapter, I first present the research puzzle that I address in this book, with a brief background on Christians in Turkey and Muslims in France. I then review previous explanations of state policies toward religious minorities, identifying their strengths and weaknesses. Next, I provide my own explanation, which combines international contexts and domestic politics. I introduce strategic and normative mechanisms that connect international contexts to domestic politics. Finally, I discuss the methods of analysis through which I demonstrate this argument. I explain the case selection, basic concepts, variables, and their measurements. I present the methodologies of comparative case studies and process-tracing with the justifications of why I chose them for my analysis.

#### THE PUZZLE: CHRISTIANS IN TURKEY AND MUSLIMS IN FRANCE

##### Christians in Turkey

The Christian presence in Turkey dates to the early era of Christianity. Anatolia was home to numerous apostles and saints in the Christian tradition. Under the Ottoman Empire, Christians, along with other religious minorities, were organized according to the *millet* system, whereby they were protected by the

Sultan in return for their loyalty to the empire. Under the *millet* system, religious minorities had freedom of belief, implemented ecclesiastical law in civil matters such as marriage and inheritance, and ran autonomous courts for deciding judicial issues among their own members. Christians, though, were required to pay a special tax to the state for these protections (Barkey and Gavrilis 2016, 25).

With the increase of influence of foreign powers over the Ottoman Empire in its later centuries, the *millet* system was reformed. The first blow against the *millet* system was the increasing role of foreign powers in the protection of Christian minorities in the Ottoman Empire. With treaties known as “capitulations,” the Ottoman Empire granted privileges to European countries and their nationals in economic, religious, and commercial areas. The first capitulation treaty was concluded with France in 1535. This was followed by other treaties signed with Britain (1583), Austria (1615), Russia (1711), Spain (1782), and other European countries (De Groot 2003). While capitulations started with mutual consent in the earlier years, “major European powers increasingly used coercion to secure rights for Christians” (Krasner 1999, 77). As the empire got weaker, foreign powers used minority issues to exert influence over the Ottomans and in their diplomatic relations with the Ottoman Empire. In 1774, the Ottoman Empire granted substantial rights to its Orthodox subjects and made the Tsar of Russia the protector of the Orthodox Christians in the Ottoman lands (Türkmen and Öktem 2013, 465). The Russian ambassador became the legal representative of Christians in the Ottoman Empire (Krasner 1999, 86).

The modernization reforms that the Ottoman sultans implemented in the nineteenth century, especially the Tanzimat Edict of 1839 and the Islahat Edict of 1856, brought equality among the subjects of the Ottoman Empire. These reforms, which made non-Muslims equal to Muslims, replaced the *millet* system of the traditional era. The Treaty of Berlin of 1878 provided religious minorities with international guarantees of equality in social life, access to public service, freedom to worship, freedom to travel, and freedoms to exercise ecclesiastical authority (Türkmen and Öktem 2013, 465).

When the Ottoman Empire collapsed and the Republic of Turkey was established in 1923, the new elite recognized the rights of religious minorities in the Treaty of Lausanne. Turkey recognized Greeks, Armenians, and Jews as official minorities and gave them civil and educational rights. However, at times of political crises, the minorities were discriminated against. For example, in November 1942, the state implemented a capital tax for two years and taxed non-Muslim minorities with high rates. Some minorities were not able to pay the taxes and were deported to eastern Turkey for forced labor (Bishku 2017, 41). Similarly, when Turkey underwent a political crisis with Greece over the island of Cyprus in the 1960s and 1970s, Turkey put pressure on Greek minorities, forcing many to migrate to Greece (Toktas 2005: 410).

Today, Christians constitute less than 1 percent of the Turkish population. No accurate statistics on Christians have been recently produced by the Turkish state. According to the estimates of the United States Department of State's 2016 international religious freedom report, the largest Christian minority in Turkey is Armenian Orthodox Christians with a population of 90,000, of which 30,000 are illegal immigrants from Armenia. Catholics constitute the second-largest minority with a population of 25,000, including a large number of immigrants from the Philippines and from African countries. Syriac Orthodox Christians constitute the third-largest Christian group with a population of 20,000. Due to recent immigration from Russia, there are about 15,000 Russian Orthodox Christians in Turkey. The report also estimated that Turkey has 5,000 Jehovah's Witnesses, 7,000 members of various Protestant denominations, 3,000 Chaldean Christians, and up to 2,000 Greek Orthodox Christians. In addition, there are small numbers of Bulgarian Orthodox, Nestorian, Georgian Orthodox, Ukrainian Orthodox, Syriac Catholic, Armenian Catholic, Anglican, Maronite Christians, and Mormons.<sup>4</sup> In 2012, the Turkish state reported that there were 349 active Christian churches in Turkey.<sup>5</sup> Christian minorities in Turkey encountered problems in republican Turkey such as state seizure of their property, restrictions in religious education, limitations on the opening of houses of worship, and the lack of legal personality. The extent of discrimination increased at times when Turkey had political crises with Greece and Cyprus (Yannas 2007, 58).

Between 2000 and 2010 the Turkish parliament passed laws enhancing the liberties of religious minorities in areas such as property rights, religious education, and the construction of houses of worship. The parliament passed laws to return the properties that the state had expropriated from non-Muslim foundations over several decades; laws that increased opportunities for non-Muslims by legalizing education, broadcasting, and publication in their mother tongues; and laws that made it easier for non-Muslim minorities to open houses of worship.

Although these recent reforms stopped far short of addressing all the issues concerning Christian minorities in Turkey, their passage is still puzzling to many observers in the context of previous trends. First, for decades, the Turkish state had discriminated against Christian minorities in religious, economic, and educational domains. In the early years of the republic, Turkey and Greece undertook large-scale population exchanges to homogenize their respective societies (Aktar 1996, 10–12; Gökaçtı 2004). In the late 1960s, while Turkey disputed with Greece over Cyprus, the Turkish state expropriated properties owned by non-Muslim community foundations and closed down

<sup>4</sup> US Department of State, "International Religious Freedom Report 2016: Turkey," 2016, available at [www.state.gov/documents/organization/269120.pdf](http://www.state.gov/documents/organization/269120.pdf) (last accessed on April 8, 2018).

<sup>5</sup> Meriç Tafolar, "Bozdağ: Türkiye'de 349 Kilise Var," *Milliyet*, October 1, 2012.

the Theological School of Halki in Heybeliada (Macar and Gökaçtı 2006, 8–9). Both the people at large and the elite in Turkey had negative perceptions about Christian minorities because of the narrative that portrayed them as a threat to national unity. Yet this legacy did not prevent the Turkish parliament from passing the laws that enhanced the liberties of religious minorities.

Second, Christians comprise less than 1 percent of the Turkish population and have never exerted substantial influence in Turkish politics. For many years, there was not a single Christian deputy in the Turkish parliament; indeed, there was no Christian representative in the parliament when the reforms on Christian minorities were passed between 2000 and 2010. Because of their small population, Christians in Turkey do not have powerful interest groups or lobbying power. Given the light weight of Christians in Turkish political life, the passing of reforms that increased freedoms for religious minorities was a significant achievement.

Furthermore, most of the reforms were passed under the rule of the Justice and Development Party (AKP, Adalet ve Kalkınma Partisi), a political party with an Islamist background. Although the AKP was critical of the secularist legacies of the Turkish state, it subscribed to the nationalist narratives of the Turkish establishment. There are diverse opinions about the status of non-Muslim minorities in Islam, but Islamists in many countries took an aggressive stance against Christians. Few would have expected that the AKP would be strongly supportive of reforms that would enhance liberties for non-Muslim minorities.

Finally, even though Turkey had maintained a long-lasting relationship with European institutions since the 1950s, it was only in the 2000s that the EU played a significant role in the passing of these reforms. European pressure on Turkey had not produced any change before the 2000s. Turkey's membership in other Western institutions such as NATO or the European Council did not make a difference in Turkey's established policies toward religious minorities until the 2000s.

### **Muslims in France**

The Muslim population reached a significant number in France after the French colonization of North Africa in the nineteenth and twentieth centuries. There had been sporadic Muslim conquests in southern France immediately after Arabs took control of France in the mid-eighth century, but Muslim groups residing in the southern territories of France were expelled in the late tenth century (Wenner 1980, 71). In 1543–1544, Ottomans, as part of their alliance with France, kept control of Nice and made Toulon a naval base (Soucek 2004, 260). Some of the Muslims expelled from Spain between 1609 and 1614 entered and stayed in France (Jonsson 2007, 196). The real encounter of Muslims with the French state starts with the colonization of the Muslim lands by France in the nineteenth century. The direct colonization of Algeria, West Africa, and



Equatorial Africa made millions of Muslims *de facto* French citizens. France's protectorate relationship in places such as Morocco and Tunisia and its mandate relationship in places such as Syria and Lebanon deepened the French state's relationship with Muslims (Hale 2008). During the colonial period, the French state established entities to rule over Muslims. Yet most of these Muslims stayed in their own territories and did not constitute the basis of the Muslim population in contemporary France.

Most of the Muslims now in France are descendants of those who moved to the mainland in the twentieth century, first as soldiers who fought for France during the First World War and then as workers after the Second World War. To commemorate the service of Muslims who served in the French army, the state opened the Paris Mosque in 1926 and the Avicenne Hospital in 1935 (Bayoumi 2000, 268). In the interwar period, the North Africans residing in French colonies were allowed to move to France basically to help meet the demand for labor. The state allowed more immigrants to move to France to help reconstruction after the infrastructural collapse of France during the Second World War. Industrial areas such as Paris, Marseille, Lyon, Lille, and Alsace received thousands of Muslim immigrants from former French colonies such as Algeria, Morocco, and Tunisia (Hansen 2003, 26–27). Although France stopped receiving new workers after the 1970s, the Muslim population substantially increased after the passage of legislation in 1976 that allowed family reunifications for immigrant workers.

Because it is illegal to ask about religious affiliation in the French census, official statistical information on the Muslim population of France does not exist. The United States Department of State's international religious freedom report estimates that about 8 percent of the French population is Muslim.<sup>6</sup> The French Ministry of the Interior similarly estimates that 8–10 percent of the French population is Muslim.<sup>7</sup> The largest Muslim immigrant community in France is of Algerian descent, with a population of about 1.5–2 million. Those of Moroccan descent constitute the second-largest group, with a population of about 1–1.5 million. The two next-largest groups are of Tunisian descent with about 700 thousand and of Turkish descent with about 500 thousand.<sup>8</sup> Although they have faced social and economic marginalization, Muslims did not until recently face much discrimination regarding religious freedoms.

Between 2003 and 2010, the French state implemented new policies toward the Muslim minority. The state helped Muslim associations organize around a Muslim federation in 2003 and supported the building of large mosques in urban centers

<sup>6</sup> US Department of State, "France 2016: International Religious Freedom Report," 2016, available at [www.state.gov/documents/organization/269058.pdf](http://www.state.gov/documents/organization/269058.pdf) (last accessed on April 8, 2018).

<sup>7</sup> Michael Cosgrove, "How does France Count its Muslim Population?," *Le Figaro*, April 7, 2011.

<sup>8</sup> Michèle Tribalat, "L'Islam reste une menace," *Le Monde*, October 13, 2011.

(Laurence 2012, 133–197). Yet the state restricted Muslims’ manifestation of religious symbols in public spaces, banning the wearing of headscarves in public schools in 2004 and the wearing of veils that cover the full face in the streets in 2010. The establishment of a Muslim federation and the building of large mosques increased the state’s monitoring of Muslim organizations, and the ban on religious symbols increased state control over Muslim individuals.

Considering the political atmosphere in France in the early 2000s, the headscarf ban was expected; however, it is puzzling how France came to the point of banning headscarves in public schools. First, the number of headscarf-wearing girls in public schools was very low compared to the total number of students in France. The number of students wearing a headscarf was not more than 2,000 before the controversy erupted.<sup>9</sup> Before the law was passed, problematic cases numbered around 150.<sup>10</sup> Research conducted by the French daily *Le Monde* just before the passage of the law shows that “91 percent of all teachers in France had never even encountered a student in a headscarf at their current school” (quoted in Bowen 2006, 121). It is astonishing that this tiny number of female students became the center of public attention in France and led the parliament to ban headscarves.

Second, although the French state has a more restrictive approach toward religion compared with other European nations, it had until this point never banned the students’ wearing of religious symbols in classrooms. The state had put restrictions on teachers in the classroom, but not on students. Furthermore, referring to the French constitution and international human rights agreements, France’s highest administrative court, the Council of State (Conseil d’état), had upheld the right of girls to wear headscarves in school provided there was no disruption of public order in all of its decisions since 1989. The courts tolerated the wearing of the headscarf on the ground that the female students had the right to express their religious convictions in school. Given that established historical institutions were against the banning of headscarves in France, what motivated French policymakers to pass the law in parliament is an intriguing question.

Third, although there was no international pressure on France not to pass the law, the ban was to reflect negatively on France’s global image. Many countries including the United States, Germany, and the United Kingdom criticized the law because it would limit freedom of religion and expression.<sup>11</sup> Human rights organizations also criticized French legislators for bringing the headscarf bill to

<sup>9</sup> Xavier Ternisien, “Il n’y a que 150 cas conflictuels, selon la médiatrice de l’éducation nationale,” *Le Monde*, May 10, 2003.

<sup>10</sup> Haut Conseil à l’intégration 2000.

<sup>11</sup> For example, as a response to the headscarf bill, John V. Hanford, the Bush administration’s top-ranking official on issues of religious freedom, stated that “A fundamental principle of religious freedom that we work for in many countries of the world, including on this very issue of head scarves, is that all persons should be able to practice their religion and their beliefs peacefully, without government interference, as long as they are doing so without provocation and