

Aspects of legal communitarianism in Greece: between *Millet* and citizenship

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Tsitselikis, K., 2012. Aspects of Legal Communitarianism in Greece: Between *Millet* and Citizenship. *Oñati Socio-legal Series* [online], 2 (7), 106-118. Available from: <http://ssrn.com/abstract=2050345>



Abstract

Legal and political percepts pertaining to ethnic belonging in Greece are closely linked to the ideological understanding of Greekness, a legacy of the Ottoman Greek-Orthodox millet system. Complementary to this image of the national self, minority protection law on Muslims and Jews was and still is partially formed through millet-like paradigms. Greece's territorial expansion made all inhabitants of the annexed provinces Greek citizens en masse: in addition to those that were deemed eligible to belong to the Greek nation, Jewish and Muslim communities also acquired Greek citizenship. For these communities the self-autonomy of the Ottoman millet structure in education and religious matters was transformed into minority protection, through special rights (community schools, Moufti's jurisdiction, Muslim foundations, military conscription) attributable through religion to citizens of the state.

Key words

Islam; citizenship; Greece; minorities; immigrants.

Resumen

En Grecia, la interpretación ideológica del carácter griego está estrechamente relacionada con los preceptos legales y políticos relativos a la pertenencia étnica, legado del sistema *millet* otomano griego-ortodoxo. Como complemento a esta percepción de la identidad nacional, la ley de protección de las minorías musulmanas y judías estuvo, y todavía está parcialmente formada por paradigmas *milletianos*. La expansión territorial de Grecia convirtió de forma masiva a los habitantes de las provincias anexadas en ciudadanos griegos: entre los que se consideró que reunían los requisitos necesarios para pertenecer a la nación griega, se encontraban las comunidades judías y musulmanas. En ambos casos, la autonomía en temas de educación y religión que disfrutaban dentro de la estructura milletiana de los otomanos, se transformó en protección minoritaria, a través de derechos especiales (escuelas de la comunidad, jurisdicción Moufti, fundaciones

This article was originally presented at the workshop "Legal pluralism and democracy: When does legal pluralism enhance, and when does it erode legitimacy of and trust in democratic institutions", held in the International Institute for the Sociology of Law, Oñati, Spain, June 9-11, 2011. International Institute for the Sociology of Law, Oñati.

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musulmanas, el reclutamiento militar) atribuibles a los ciudadanos del estado a través de la religión.

Palabras clave

Islam; ciudadanía; Grecia; minorías; inmigrantes.

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1. Introduction: the minority protection based on Millet-like percepts

What makes Greece an interesting case for minority studies is the survival of elements of the Ottoman *millet* system turning religious divisions into political and legal categories. The legal status of Islam in Greece accommodates pre-modern Ottoman elements with the modern schemes that citizenship entails. This "neo-*millet*" system applies *de jure* only to the Turkish/Muslim minority of Thrace, and encompasses only a few internal institutions of the minority which constitute a relative exception to the strictly uniform Greek legal order (Tsitselikis 2007). What I call a "neo-*millet*" consists of a minority protection system which keeps alive pre-modern legal divisions based on religion and uses them along with modern citizenship. Some of these characteristics have become obsolete with time, such as political representation quotas, community councils and exemptions from military service. Others remain in force under the form of minority rights, as it is the case with the bilingual minority schools, the jurisdiction of the muftis and the self-administration of the *vakıfs* (pious foundations).

Muslims in Greece enjoy a special minority status that evolved in three stages, in 1881, 1913 and 1923 in accordance with Greece's territorial annexations. With time, and due to the modernisation and the democratisation of state structures, communitarian elements have been softened, albeit without losing their main institutional and ideological features. The survival of such institutions is not due to a contemporary trend towards legal pluralism but the outcome of a convenient inertia resulting from the antagonism between Greece and Turkey. The legal framework of this minority protection status stems from international commitments instrumentalised by both states.

As already said, the legal status of Muslims of Greek citizenship encompasses specific minority rights in parallel to the nexus of rights that citizenship entails. The most critical issue remains the limits to be set between multicultural integration and preservation of the minority's linguistic and religious identity or, in other terms, the relation between individual and collective rights. However, one of the minority protection fields, namely the special jurisdiction of the Moufti on family and inheritance disputes (there are three Islamic courts in Thrace for the Muslims of Greek citizenship who reside in the region) contradicts current European legal standards of human rights such as gender equality and the right to a fair trial. On the other hand the preservation of the minority status seems to be of a major importance for the survival of the identity of the Turkish/Muslim minority in Thrace.

If religion (which has connotation to ethnic origin) becomes the criterion for participating in the community of the minority/majority (so Islam, Orthodoxy), attribution and loss of citizenship regulates the terms of participation to the community of citizens. Islam is often perceived ideologically and legally as a non-compatible feature vis-à-vis the politically prevailing Greek Orthodox Christian and European identity. For both, Greek Orthodox Christian majority and Muslim minority religion becomes a political marker defining a political community for which ethnic origin or religion underplays unconditioned equality through civic citizenship. In some cases it seems that even religious freedom operates through a hegemonic point of view which is rooted in the above mentioned neo-*millet* perceptions or ignores political realities. Participation to the Muslim community (which has a strong connotation of participation in the Turkish nation) is considered as leading to a deficient civic citizenship. In a few cases until 1998 even law applied discrimination on the basis of ethnic origin, as Muslims (and other minority) are considered as of non-Greek origin or *allogeneis*.

The issue reflects a larger discussion about the position of Islam in Europe, which is interconnected with the way Europe considers its multiple identities and envisages to accommodate them at the political and legal levels. In Greece, the difficulty and the reluctance to define the limits between fundamental human rights and specific minority rights, which at times collide with each other, are most obvious when

discussing the place of the Shari'a within Greek and European legal order. What is at stake is to find the way to accommodate a non-liberal minority internal order (such as based on religious norms) within a liberal legal context. It means that a series of questions requires elaborated answers: what is the content of the Greek *ordre public* as defined by the Constitution and the other founding acts of the Greek legal order? Which rules of the Shari'a can be considered as contradicting the domestic *ordre public* as set by pertinent European instances such as the European Court of Human Rights? The emerging European legal order itself associates a strong discourse on human rights with an ambiguous approach to minority rights. Therefore, the compatibility of the Shari'a and the Greek/European legal order remains under question. But the reluctance to discuss and regulate these issues undermines the principle of equality, an important pillar of the rule of law, and puts into question the legal security of the Muslims themselves.

2. Greek citizenship for Muslims

The Greek citizenship law is closely linked to the ideological perception of "Greekness" which, in the tradition of the Greek-Orthodox *millet*, is largely attributed on the basis of religion. The notion that there was continuity in the Greek *genos* (race/descent) and that this was transmitted via religion was one of the building blocks of Greek citizenship¹ ever since the inception of the Greek Kingdom. As soon as the state was internationally recognised (1830), Muslims (and Jews and Catholics) acquired Greek citizenship, although this was seen as an exception to the purity of the nation.

The ethnic/national homogeneity of Greece is built upon the elements of religion (Greek-Orthodox), language (Greek), national consciousness, and an ambiguous conceptualisation of 'Greek descent' which gives rise to a division among Greek citizens, as well as among aliens on grounds of descent. Thus there are the *omogeneis* (of Greek descent) and *allogeneis* (of non-Greek descent) (Christopoulos 2006). As Greece's territorial expansion in 1881, 1913, and 1920/1923 brought the Muslim population within state borders, the attribution *ipso jure* 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.

After the annexation of the New Lands in 1913², a series of problems emerged regarding the implementation of the legal norms which reflected the ambiguities and realities that Muslims who had opted for Ottoman citizenship faced. By the time of Greek entry in the First World War on the Allied (and anti-Ottoman) side in the summer of 1917, further problems arose regarding the conscription of Muslims. 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 for Smyrna. This spurred a number of Muslims to evade conscription illegally until anticipated measures dismissing them from military obligations would be passed. The upshot was that a great number of "Ottoman" citizens had abandoned Greek territory (Glavinis 2009, p. 108).

The ultimate catalyst for loss of Greek citizenship by Greece's Muslims *en masse*, however, was the population exchange whose provisions were drawn out by the Convention of Lausanne and affected Muslims. The population exchange also prescribed exemptions for several groups. These included all Muslim inhabitants of Western Thrace and the Muslims of the Dodecanese islands, which have been

¹ This linkage is well illustrated by the work of E. Vogli (2007) and D. Christopoulos (2012).

² As a result of the Balkan Wars, Greece annexed Macedonia, Epirus, East Aegean islands and Crete (New Lands) in 1913 according to the Treaty of Bucharest.

annexed in 1947³. Another group who retained Greek citizenship were the Muslims of Albanian origin scattered all over Greece and mostly settled in Epirus (Chams)⁴. Lastly, Greek citizenship was granted in specific cases to Muslims, such as anti-Kemalist Circassians who settled in Greece after 1922.

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, 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 domiciled before 10.6.1940 in the islands acquire automatically Greek citizenship. Moreover, those of Greek descent domiciling 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.

3. Citizenship deprivation: the exit for Muslims

If minorisation through the acquisition of Greek citizenship subjects Muslims 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. The loss of citizenship became one of the most important ways of exercising pressure against the 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 key 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 – thought to be intrinsically *allogeneis* – are deemed somehow deficient as citizens whose loyalty may be suspect. Practices of citizenship deprivation regarding Muslims – among other minority groups – are revealing.

Presidential Decree of 12.8.1927 constituted the first legal basis for these deprivations. Then the Code of Greek Nationality adopted in 1955 contained the infamous article 19⁵ on citizenship deprivation for those deemed *allogeneis*. The administration proceeded in abusing this provision, affecting the lives of more than 46,000 Muslim Greek citizens⁶. The first victims of article 19 were Muslims who, just after World War II, fled to Turkey. The dictatorship of 1967 to 1974 and the governments of the 1980s and mid 1990s regularly abused article 19 (as well art. 20, providing for deprivation of citizenship with no descent differentiation), although this contradicted fundamental human rights standards. The Turkish invasion of Cyprus in 1974 put the minority of Thrace in a fragile position, and article 19 was used as a counter measure, or as a means of political intimidation harming hundreds of Muslims in early 1990s.

³ The Muslims of the Dodecanese islands are not submitted to the Treaty of Lausanne minority protection status.

⁴ Chams massively have been pushed to Albania in 1943/44 by Greek guerrillas (right wing) during the struggle against the German occupation forces. Very few remained in Greece afterwards.

⁵ "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, pp. 81-93) and D. Christopoulos (2012, p. 81).

⁶ 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 deputy minority Ilhan Ahmet of the Nea Dimokratia party, the government stated that 46,638 Muslims from Thrace and the Dodecanese had lost their citizenship in the period up to 1998.

On a few occasions the issue was brought before the European Court of Human Rights without success for most of the applicants.⁷ 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 discrimination (art. 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 between citizens and non-citizens in these circumstances was tantamount to discrimination.⁸ Moreover, the Court illustrated the circumstances in which article 19 was used by the administration for excessive deprivation of citizenship:

La Cour note, en outre, que, [...] la famille de la requérante a été privée de la nationalité grecque à l'occasion d'un voyage qu'elle avait effectué en Turquie. Cette décision, qui n'a jamais été notifiée à la requérante, ni à aucun autre membre de sa famille, précisait se fonder sur un rapport de police selon lequel la famille de la requérante avait définitivement quitté le territoire pour s'installer en Turquie. Elle a été prise en vertu de l'article 19 du code de la nationalité, qui visait « toute personne d'origine étrangère », et a été systématiquement appliqué pendant une longue période aux ressortissants grecs de confession musulmane, comme la famille de la requérante [...]. (para. 48).

It was only after 1992 that the number of citizenship deprivations on the basis of article 19 started fading out.⁹ Finally, in 1998, article 19 was abolished by Act 2623/1998. This occurred following strong domestic and international criticism and pressure – especially by the European Parliament, the Committee of Ministers 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 (Sitaropoulos 2004, p. 212). So the results of a provision, which were finally acknowledged as contradicting fundamental legal principles of human rights, remained active.

As noted, very few cases of revocation of denationalisation 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 (*Symvoulio tis Epikrateias*: 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, never moved abroad (StE, 101/2006).

A severe effect of the deprivation of citizenship is the phenomenon of statelessness. Today a few dozens of Muslims in Thrace remain stateless (and about 1,000 in Turkey), most of whom, on legitimate grounds, seek restoration of their citizenship. Meanwhile, a limited number of Muslims have had their citizenship reinstated after long procedures through a naturalisation process, which is quite 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 rights law – nature of the act of deprivation. 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

⁷ ECtHR, Applications 17309/90 *Salahedin Galip v. Greece* and 34372/97 *Zeibek (family) v. Greece, Fikretoglou v. Greece*, 28003/07, all found inadmissible or ill-founded by the Court.

⁸ ECtHR, *Zeibek v Greece*, 46368/06. Moreover, the Court (para 50) noted that the High Administrative Court of Greece (*Symvoulio tis Epikrateias*) 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.

⁹ 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 (2003, p. 63).

statelessness, (Hammarberg 2009, para 26)¹⁰ 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 denationalisation 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).

4. Muslim immigration: new entries in Greek citizenship?

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. Preferential regulations apply both with regard to terms of acquisition of citizenship and a series of domains such as health insurance, residency permit, university education, and housing. Ideological arguments implied legal bonds between the ethnic homogeneity and the Greek citizenry. However, the legal foundation for state endorsement of discriminatory ethnonationalism contradicts a series of fundamental principles. 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" (Greek Ombudsman 1999, p. 31).

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."¹¹ The problem this dichotomy creates impacts the possibility of aliens to naturalise as Greek citizens and thus 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 "not pure Greek-Orthodox" having access to Greek citizenship through naturalization.

After long discussions on challenging racial references in the content of Greekness, the 2009-2011 government of PASOK, passed a series of new regulations and amended the Code of Citizenship (Act 3838/2010) that rendered naturalisation by far more reasonable for those immigrants with sustainable ties to the country (requiring legal residence of 7 years). Moreover second generation immigrants have access to citizenship through objective parameters of residence and school attendance. Right to participate in local authorities' election of immigrants, the obligation to provide justification in case of rejection of the application for naturalisation, 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 migrant children.

Although the new law did not abolish the division between *omogeneis/allogeneis*, 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

¹⁰ See as well National Commission for Human Rights.

¹¹ EComHR, *East Asians v. the UK*, 14.12.1973, Decisions and Reports 78-A 1994, paras 207-208. See as well ECtHR, *Cyprus v. Turkey*, 10.5.2001, para. 302-311, <http://www.echr.coe.int/ECHR/EN/Header/Case-Law/Decisions+and+judgments/HUDOC+database>

continuously contested ground. Thus Islam was seen as “an alien element impossible to assimilate into Greek society”, or predicted that “60 extremist Muslim deputies will fill up the Greek parliament to the satisfaction of Ankara”, and much more of the like.¹² Against this xenophobic discourse arguments in favour of social dynamics of inclusion that already de facto has been on its way were also voiced and the need for legalisation to regulate cultural contact between Greeks and immigrants was highlighted. Gradually voices proposed “you are both born a Greek and become a Greek”¹³ in contradiction to the nationalist slogan “you don’t become Greek you are born Greek”, broadening the traditional views referring exclusively to blood kinship. However, the new regulations on the acquisition of the 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 *jus sanguinis* is prevailing in the Greek Constitution ensuring the continuity of the Greek nation (StE 350/2011). The final decision on the matter would be adjudicated by the plenary of StE in 2012.

The right to citizenship should put common requirements regardless of ethnicity enhancing societal bonds, accommodating vulnerable groups. “Indeed a fully integrative citizenship must take these needs into account” (Kymlicka 1996, p. 181). The policies providing rights and even citizenship to immigrants who wish to be included as Greek citizens of equal value and with an equal share in societal networks and the Greek polity, are complementary rather than alternative. The immigration experience may and must be put to good use for a critical/reformative contemplation of the national self. Offering civil rights to immigrants requires a reinvention of Greek citizenship (Tsitselikis 2006). And maybe the contribution of the new law on citizenship put in force during 2010 is of great importance as introduces elements of *jus soli* and facilitates immigrants to acquire the Greek citizenship regardless of their religion or ethnic origin.

5. Conclusion

Overlapping belongings, first to the state, through civic citizenship, and then to the nation, through religion or language, created inclusion and exclusion schemes that determined two communities with antithetical inner and outer frontiers: this of the Greek citizens vs aliens and that of the ethnic Greeks vs non-ethnic Greeks though the dividing legal categories of *omogenis* (of Greek descent) and *allogenis* (of non-Greek descent). Citizenship law regarding Muslims Greek citizens reflected this ambivalent situation in which a part of Greek citizens were seen as a distinct, millet-like, community with deficient access to full civic citizenship.

A new view on Greek citizenship should regard both the ideological nucleus of nationality —which until recently suffered from outdated fixations of national-religious purity— and fair access to social and civil benefits for excluded and minority social groups. The introduction of elements of *ius soli* in the new citizenship law tempering the absolute domination of the *ius sanguinis* is of major importance. Thus 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, are given a chance to prevail over “blood based affiliation” which in many aspects privileges the “community of the nation” over the “community of citizens.”

¹² 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 S. Karatzaferis. Similar views, with a less extreme wording though, were expressed by the Nea Dimocratia main opposition party. See also K. Tsitselikis (2012).

¹³ 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”, <http://www.hlhr.gr/list.php?ct=22>

If one is to suggest various ways to make the position of Muslims in Greece (or in Europe) compatible with inclusive citizenship, first we would have to rethink the self administration patterns that is guaranteed by the Treaty of Lausanne or any legal instrument that governs otherness through religion, and then incorporate into minority protection core elements of an active civic citizenship; to eliminate any state of exception that sustains deficiencies in civic citizenship; to facilitate anyone, member of a minority or a majority to freely formulated his/her wishes and be given a real opportunity either to live according to the traditions of his/her group of origin or to get assimilated into any other group or community.

However, the Greek legal order seems remaining apt to cater to national interest and ideologies and downplaying minority affiliations. On the other hand, the very same legal order has to face effectively new phenomena that recent immigration has brought in as economic, political, ideological or pragmatic aspect of what is called "globalization". These overlapping situations quite known in the European experience, touch:

- the core elements of citizenship and the relations between the nation and the state
- the eternal quest for a 'just society'
- the patterns of hegemonic political, economic and normative management of otherness

Actually what is at stake, are the terms of political participation in our society and considerations on the antithesis between *participation through citizenship* vs. *participation through national and religious kinship*. A question that modernity still attempts to solve.

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Comments on Konstantinos Tsitselikis, "Aspects of legal communitarianism in Greece: between *Millet* and citizenship"

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Since the famous lecture in February 2008 by the Archbishop of Canterbury, Dr. Rowan Williams, on the Shari`a in the context of the Civil and Religious Law in England, the legal situation of the Muslim immigrants in the European Union has drawn a good deal of attention. Muslim immigration is a fairly recent phenomenon in most countries of the European Union. In Greece, by contrast, we find a non-immigrant Muslim community with deep historical roots stretching far beyond Greek independence in 1831. Independence transformed the Greeks from a religiously autonomous minority, the Greek Orthodox *millet* of the Ottoman empire, into citizens of a sovereign nation, while reversing the status of the Muslims (Turks and Circassians) who remained or settled after territorial alterations in 1881 and 1913 and the massive repatriations between 1920 and 1923 between Greece and the Turkish Republic according to the Treaty of Lausanne into a protected minority, a *millet, de facto*.

The Ottoman *millet* system was a classic case of legal pluralism in the imperial setting without citizenship and political participation. The granting of a similar *millet*-like status to the Muslims settled in Greece, though justified in the Treaty of Lausanne as a provision for the protection of minority rights, has resulted, as Tsitselikis shows, in their deficient citizenship. This deficient citizenship is mainly due to the fundamental distinction between the *homogeneis* (of Greek descent) and *allogeneis* (of non-Greek descent) in the national ideology which historically underlies the conception and laws of citizenship in Greece. Indeed the existence of the distinction made it possible for the 1955 Greek Code of Nationality not only to exclude the latter category from many benefits of national citizenship but also to revoke the citizenship of those deemed *allogeneis*.

Although the focus of the paper is on citizenship, a more extensive discussion of the Muslim court system in Greece would also have been relevant. Greek Muslims have the right to apply to both Greek secular and Muslim Moufti courts (mostly in Western Thrace), though Muslims are pressured by their community to use the latter and secular Greek judges, too, can refer their cases to it. The Moufti courts were recognized in the Treaty of Lausanne. However, it appears that Greek secular judges could in theory declare the majority of Moufti judgments unconstitutional, but they refrain from doing so to keep the state purely Greek and the Muslim citizens safely ghettoized.

The papers also raises a number of important questions. How has the distinction between *homogeneis* and *allogeneis* survived the incorporation of Greece into the European Union? The answer appears to be that the EU did not scrutinize the legal system of the old states but only those of the new applicants after its expansion. ECHR does not deal with citizenship cases, and in the case discussed in the paper, it was dealt with indirectly and as a property case. The EU Parliament, however, did pressure for the annulment of article 19 of the Greek Nationality Code of 1955 that allowed for the deprivation of citizenship of the *allogeneis*. The impact of the EU has thus been minimal, if any. This would lead one to question the allegedly supra-national legal globalization that is assumed to become pervasive through the EU.

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Tsitselikis also points out that the citizenship law of 2010 has for the first time introduced elements of *jus soli*, though without discarding the *omogeneis/allogeneis* dichotomy. This change, one hopes, may lead to further developments. The issues raised by it, however, require a more general discussion of the EU jurisprudence, if any, on *jus sanguinis* versus *jus soli* as the basis of citizenship as the former applied to Germany as well as Greek, and changes in the direction of the latter have recently been made in both countries.