

## ***The Ecumenical Patriarchate; a Historical, Political, Legal and Religious Analysis*** **Event Summary and Review**

On May 24, 2011, Istanbul Policy Center (IPC) hosted a special panel discussion on Cengiz Aktar's new book, *Dini, Siyasi ve Hukuki Açından Ekümenik Patrikhane* (The Ecumenical Patriarchate: A Historical, Political, Legal, and Religious Analysis). Chaired by the author, the panel featured the distinguished scholars Paraskevas Konortas (University of Athens), Elçin Macar (Yıldız Technical University), Samim Akgönül (University of Strasbourg), Kürşat Demirci (Marmara University) and Cem Sofuoğlu (İstanbul Bar Association), who were also contributors to the book.

Aktar's multifaceted work on the past and present legal and political battles that the Patriarchate has waged for its survival offers compelling chapters from nine experts. It informs the Turkish public about the Ecumenical Patriarchate; its relationship with the Ottoman Empire and the Turkish republic; its legal position within the state; and on the generally distorted portrait that is painted about the Patriarchy.

Bartholomew I, Archbishop of Constantinople, New Rome and Ecumenical Patriarch gave a short speech highlighting the presence of a wide array of propagandist accounts written on the Orthodox Patriarchate within Turkey. Elaborating on the Patriarch's remarks, Aktar attested to the fact that apart from a handful of objective academic accounts, most of the literature on the Orthodox Patriarchate was as the Ecumenical Patriarch stated, biased.

The controversy surrounding the Ecumenical Patriarchate highlights the tension between the pre nation-state model of relations between the *Ottoman Empire* and the Patriarchate, and the nation-state model of relations between the *Turkish republic* and the latter. Although the formation and maturation of nationhood has had sufficient time to internalize territorial considerations, a sort of obsession is still visible with regards to the role the Patriarchate occupies within Turkey.

At the heart of this persistently unproductive disagreement on the "Ecumenical" nature of the Patriarchate is the fact that the term has only recently become popularized within public consciousness and seems to be a new development, a new term ascribed to the Orthodox Church and its leader. The reality is that the term "Ecumenical" has been in circulation since the sixth century. In fact, the rejection of the ecumenical claim of the patriarchy is a cause for ridicule abroad and a source of violence and embarrassment at home. According to the terms of history, of law, of religion or politics, it is impossible to expect a different reaction.

### **Historical Considerations**

Before addressing the issues raised by the contributors, it is important to elaborate on a couple of key terms that are central to the way this article sees the framework of history. Within what can be broadly referred to as the post-structural understanding of history, the terms *continuity* and *discontinuity* occupy a central position. From the perspective of history seen through a post-structural lens, the shift in the meaning and place of the Ecumenical Patriarchate from the Ottoman Empire to the Turkish Republic can be explained through a discontinuity in terms of history.

As Michelle Foucault explains in *The Archaeology of Knowledge*, discontinuity and continuity reflect the flow of history and the fact that some "things are no longer perceived, described, expressed, characterized, classified, and known in the same way" from one era to the next.

In other words, the fundamental codes which a culture uses to create its basis of knowledge determine the empirical orders and social practices of each particular historical era. Some of the discourses would be regular and continuous over time as knowledge steadily accumulates and society gradually establishes what will constitute truth or reason. In a transition from one era to the other, however, there will be overlaps, breaks and discontinuities as society reconfigures the discourse to adapt to the new environment.

When we look at the Ecumenical Patriarchate in this light, we can draw a line between the ways the Patriarchate was received within the Ottoman *millet* system as opposed to its place within the framework of a nation-state such as the Turkish republic.

### **The Empire – Patriarchate relationship within the Ottoman Period**

Paraskevas Konortas concentrates his research on the relationship between the Ecumenical Patriarchate and the Ottoman administration. His aim is to find the economical and political basis upon which the relations and issues that defined their interrelation for centuries was founded upon. The key word of his contributions in this book concerning the relationship is *coexistence*. After all, these two institutions were based in the same city.

The conquest of Constantinople was also a time in which the Orthodox Church was experiencing inner divisions between unionists and non-unionists. A minority of the clergy within the Byzantine Empire were protagonists of the union between the Catholic and Orthodox Churches. Because he had left the city two years before as a partisan for the union of the two churches, there was no Patriarch in Constantinople at the time of the fall. To understand the beginnings of this *coexistence* between the Ottoman administration and the Patriarchate, in other words, we have to bear in mind the friction between the unionists and non-unionists.

The sultan took an initiative and chose the first emperor after the fall of the Byzantine emperor as the leader of the Orthodox fraction. The sultan can therefore be said to have contributed to the coexistence of the two institutions. In fact, the sultan “re-founded” the patriarchal throne *ex nihilo*. The sultan also advocated and helped to extend the Ecumenical Patriarchate’s geographical jurisdiction. In many parts of the Aegean and the Mediterranean, the sultan frequently interfered in negotiations between the Patriarchate and occidental forces. For example, the Venetian authorities prohibited the existence of the Orthodox clergy within their jurisdiction in Crete, Cyprus, and in many other Aegean islands. When the Ottoman state expanded to include these territories, we see the reestablishment of Orthodoxy in those regions.

In conclusion, we see the Orthodox Church and the Ottoman Empire cooperating against the common enemy of the occidental Catholic forces. The basis for coexistence was therefore forged on this relationship.

In terms of the relation between religion and politics, stretching as far back as the Roman Empire, worldly considerations have always held precedence over religious ones. In line with the definition of “Caesaropapism,” the ultimate power was held by the Caesar, or the Kaiser as the Ottomans referred to it. Seen from this angle, the fact that Constantinople/Istanbul was the Ecumenical; in other words, universal religious center is not coincidental. It is clear that Ottoman sultans desired to use the Orthodox Church as a political tool in expansionist policies. This is another basis upon which coexistence between the two institutions was formed.

### **The Patriarchy – state relationship within the Turkish republic**

The Patriarchate’s political and religious place and authority within the Eastern Roman Empire was prolonged until the inception of the Turkish republic. It was only annulled with the secular nature of the republic. As a result of the Lausanne negotiations dated January 10, 1923, the Patriarchate’s Ecumenical status, and therefore its religious responsibility and authority, were kept intact as a gesture of goodwill as long as it did not interfere with the mechanisms of the centralized Turkish state. The institution remains in Fener.

Within the republic, both the institution and the Patriarch have become “the other” in political, religious, and ideological terms. By extension, the Greeks of Turkey (*Rumlar*) grew to be seen as the “fifth arm of the Greek enemy within the newly blooming Republic.” In terms of its religious

authority, the Patriarchate is seen as a backward force that is at odds with the secular makeup of the state. The Patriarchate and its religious authority have been replaced by a discourse that runs parallel to the caliphate as the beacon of a non-secular force within a secular state.

The Lausanne Treaty holds the key to the debate on the legitimacy of the title “Ecumenical.” Contributing author Elçin Macar explained that in the Lausanne Treaty minutes, the Patriarchate is consistently referred to as “the Ecumenical Patriarchate.” Though this should suffice to stifle the debate, critics of the title paradoxically reference the Lausanne Treaty in support of their own claims. Author Kürşat Demirci elaborated further by referencing Ottoman Bank archives which contain copies of bank deposits that belong to the “Ecumenical Patriarchate” that date back to the Ottoman period and to the republican period. This proves that the use of the title is not a new one.

Macar summarized the context in which the Patriarchate was discussed during the Lausanne Treaty negotiations. The Turkish delegation requested the Patriarchate to be exiled from Turkish national borders. Beyond this point, there are contending theories as to how the issue came about and how it was resolved. As stated in Alexis Alexandris’ article, however, on January 10, 1923, the following conclusion is reached: “The Patriarchate, which is a heritage of the Ottoman Empire will remain within Turkish borders provided that it is stripped from worldly duties (such as political leadership over its *millet*, judicial authority, right to education) and will only retain its religious identity.”

### **Perceptual Shortcomings in Patriarchy – Turkish Republic Relations**

The break that occurred from the Ottoman period to the nation-state period resulted in a reinterpretation of historical occurrences and changed the perception of the Patriarchate for the worse.

As a supranational institution that transcends national borders, the Patriarchate is seen to constitute a threat to a secular nation-state whose aim is to create a homogenized society where a ‘common identity’ can be forged. Since its inception, the Turkish state has attempted - and failed - to assimilate its Kurdish citizens. Concurrently, a legitimate space for their cultural differences exists, albeit a narrow corridor that is widening after years of oppression.

Given the difficulty Turkey’s largest minority has faced against the onslaught of a propagandist discourse from Turkish authorities; it is hardly surprising the Patriarchate (as a smaller and weaker minority) and its vested benefits have been misrepresented also over the years.

Throughout history, we find numerous cases of the Patriarchy being perceived as the ‘other’ or as a threat to the Turkish republic. For example, Turkish literature on the Mora uprising that took place between 1821- 1829 and the Greek state inception process agrees that the Patriarchate was a factor in the rebellions that aided the Greek cause. Another example is in relation to the Patriarchate’s involvement against the state during the Turkish Independence War and the Greek assault. Turkish popular opinion also draws a link between Greek Cypriot nationalism and the Patriarchate. It is said that “Makarios was a graduate of a seminary.”

As also discussed in the book, most of the literature on the political, economical, sociological or religious aspects of the Patriarchate and its implications on the Turkish state are not well researched or referenced accounts. Research conducted since the 1990s, on the other hand, exhibits a clear break from old habits. There is a growing generation of social scientists, historians and theologians who have sought the education needed and learnt the languages required for a more accurate approach to the research.

It is vital for objective accounts of the Patriarchate to be written for its perception within the common consciousness of Turkish society to change. Samim Akgönül summarized some of the major flaws in the way the Patriarchate is approached in Turkey by beginning his speech with a translation of a French saying: “History is the today of yesterday, the today of the past.” In other words, every day we

take history, interpret it, rename it, reinterpret it and present it to the public and filter it into the common consciousness of society.

Due to the interpretation of the Patriarchate as an extension of Greece, for example, reciprocal aggression between Turkey and Greece is formed on the basis of a reinterpretation of the function of the Patriarchate. Whenever the term Patriarchate is uttered by the Greek, the condition of the Turkish Muslim minority in western Trachea is presented as a trump. Of course, neither in terms of the law, politics or any other human principle can the concept of reciprocal aggression be accepted.

Another problem is a cost benefit analysis approach to the Patriarchate issue. The primary question is never: Will the approval of the Ecumenical title of the Patriarchate and the opening of seminaries benefit the Patriarchate; Will it be beneficial for Orthodoxy or for the Orthodox citizens of the Turkish republic? The fact that such considerations are secondary only after the question “What’s in it for Turkey?” suggests that there is a hierarchical relationship where Turkey’s gains from the issue takes precedence over what the citizens or the church will gain.

Even in intellectual circles, the debate is seen through an advantages/disadvantages nexus. Those in favor of the Patriarchate being derecognized and for the seminaries to remain closed refer to reasons that they see as detrimental for Turkey in a *realpolitik* manner. Those in favor of relaxing measures that suffocate the Orthodox Church argue along similar lines, namely, in the best interest of Turkey.

The primary critique with regards to Turkish State interference in Patriarchate affairs should simply be that the state is meddling in inner affairs of the church. They are religious affairs, and the Turkish state has no right or jurisdiction to meddle in the first place.

## **Q & A Session**

Following the speeches given by the contributing scholars, the audience had the opportunity to ask the panelists questions with regards to specific issues. Cem Sofuoğlu had talked about the Patriarchate within the Turkish legal framework. With this point in mind, someone from the audience asked the year the Patriarchate’s jurisprudential identity dated back. Sofuoğlu stated that the Patriarchate had been granted legal stature in 1903 when it was officially registered by the Ottoman administration. Moreover, he made the point that currently, if the Patriarchate so desired, it was legally entitled to buy whatever property it wishes.

Cengiz Aktar, Elçin Macar and Samim Akgönül all made reference to the Lausanne Treaty. They converge on the opinion that the treaty functions as a formative myth which is provided as an explanation to many issues, yet it has been hidden from sight for at least the first fifty years of the republic. In his response to the question how the Lausanne Treaty could be so visible yet so obscure, Macar stated that the lack of academic research at the time was definitely a contributing factor. However, he also noted that the Treaty was kept hidden because it had failed to reverse the capitulations placed over the Ottoman Empire by Western powers. He conceded that explaining such conditions to the public would have been difficult: hence, its latent existence.

Samim Akgönül took a stronger stance on the matter and underscored that the state is still trying to keep the foundational treaty of the republic a secret. This is because many of the articles that grant certain rights, such as education in their mother tongue for minorities, is not granted by the republic. Terms such as *Rum*, Jewish or Armenian are not mentioned in the Treaty. The minorities are collectively referred to as non-Muslims (*gayri müslim*). Among the non-Muslims, some, for example those living in Istanbul, were granted rights whereas others in the suburbs were not treated in the same manner. Akgönül points out that most of these discrepancies were most visible in the 1940s. In other words, he contends that Turkey still does not abide by its founding Treaty and therefore it is still a relative myth. The treaty is not taught article by article in class and the citizens on the whole do not know the main principles in detail.

Ayşe Kadioğlu, Senior Fellow at IPC, reflected on parallels that exist between the nature of the Patriarchate debate and that of Islam in their mutual antagonisms vis à vis secularism. Kadioğlu stated that the years 1920-1925 were critical and formative, for the distinguished strata of society, which was in the driving seat, had disagreements that were settled decisively. The result was the silencing of a certain percentage's opinions at the expense of the rest. This point is reflected in major discrepancies between statements made by Mustafa Kemal Atatürk with regards to the Kurds or Islam in 1920, and those he made in 1925. Kadioğlu stated that she believed that the Patriarchate issue, which suffered the same fate as another example of a non- secular force within a secular republic, would be resolved as a part of the same process as the headscarf debate, or the religious education debate.

### **What future for the Patriarchate?**

As Kürşat Demirci underscored in his speech, it is incredibly rare that the morally right thing to do coincides with what is in a state's best interest. However, in this case, that balance seems to have been struck. Given a combination of, on the one hand, the political nature of the issue, and on the other, the language of social sciences which talks in terms of winners and losers, it is not a valid argument to state that *realpolitik* arguments should not be made. If it takes such considerations to realize that an open and embracive solution to the issue is a "win-win" solution, then that is what it takes.

The ECHR based in Strasbourg had made the following statement in 2007: "In a democratic and pluralist society, institutions do not have the authority to pass judgment on the legality of beliefs. It can not intervene in internal organizational matters of religious communities or in its belief systems. As long as there is no harm done to the public order, the state can not intervene in such affairs."

The court in Strasbourg has found Turkey guilty on a number of accounts over the past years vis à vis the Patriarchate. In January 2007 the ECHR ruled in favor of the Fener Greek Orthodox High School Foundation concerning two of its properties expropriated in 1996. The verdict held that the government violated the foundation's rights to property and ordered the return of the property or the payment of 910,000 Euros in compensation.

The legal hurdles still threatening the Patriarchate's existence are formidable. The church is not recognized as a legal entity under Turkish law and thus cannot own property. The government rules that only Turkish citizens can be clergymen. Consequently, the Orthodox community in Turkey has been reduced significantly. 35 years ago, by closing the Heybeliada Seminary, the government thereby denied the Patriarchate the capacity to train clergymen and threatened its continued existence.

The opening of the seminary on Heybeliada is crucial. It must be allowed to grow as a center for the training of clergymen for the Patriarchate. The importance is twofold; firstly, the Patriarchate with its centre in Istanbul has an international duty to its followers, and secondly, the Church has a responsibility towards the Orthodox citizens of the Republic of Turkey. The Turkish state therefore has an undeniable responsibility to allow the Orthodox Patriarchy to thrive.

*This event summary and review was prepared by IPC Editorial Assistant Derya Lawrence.*