

Legal aspects of religious and linguistic otherness in Greece
Treatment of minorities and homogeneis* in Greece: Relics and challenges

Dimitris Christopoulos & Konstantinos Tsitselikis

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Hellenism contested?

The content of the term Hellenism - an ideological term par excellence - has constantly readjusted itself depending on the national needs or expectations. Originally, Hellenism was exclusively culturally defined, as a term of the German romanticism and idealism in the beginning of the 19th century. It referred exclusively to the history of ideas and the radiance or importance of the Greek antiquity for modern history and the universality of the Greek classical heritage. However, after the second half of the 19th century, the term turned from a collective historical reference of Western Modernity, into the geopolitical stake of Greek nationalism, through its use by the Greek historians and intellectuals. In particular, it became the national cause of contemporary Greece: according to the country's leading historian of the 19th century, Paparrigopoulos, in political terms, Hellenism reflected the inability of the Greek nation to confine itself to the borders of the liberated territory and the need to protect the homogeneis who lived abroad[1]. The term signified and legitimised the liberation of the 'enslaved' Greeks for the sake of their historic destiny or duty, in Greece. However, the internal function of the term was rather different. The view on nation, which was schematically identified as 'French' -the plebiscite[2] according to Renan- developed a certain practical value for Hellenism and its internal aspirations. In the beginning of the 20th century there were still Christian Orthodox populations in the process of forming their national consciousness both in Greece and the other Balkan countries. Greek nationalism, through Hellenism, did not stop to consider those populations as its own,[3] either through their will to participate in the nation or through the nation's historical continuity, or simply by way of statistical tricks.[4]

In this context, Greek national ideology came face to face with regulating the fate of its minorities, i.e. to protect the non-orthodox faith and non-Greek-speaking populations. In this text we will examine how the Greek national ideology is presented in legal texts dealing implicitly or explicitly with minorities, i.e. parts of the population on the outskirts of the leading perceptions making up the national stereotype[5]. Attempts to regulate the criterion for defining citizenship date back to the very establishment of the Greek State: in the beginning, were defined as "Greeks" the Christian Orthodox inhabitants of Greece. However, Greek citizenship was also acquired by people of other religions whose status was legally established in 1830[6]. Since that time, the issue of minorities has been either regulated or ignored, depending on the circumstances. In general, the respective legal regulations have primarily dealt with other religions, whereas any minority languages have been treated as

consequences of religious beliefs. There since, the actual treatment of the Turkish speaking population of Thrace and the Ladino speaking Jews, exclusively as religious groups, is the relic of such a state pattern.

Greekness: a non-inclusive category

The outdated structures and expressions of the Greek official attitude to minorities fall into two categories: from the one hand, the general unwillingness to recognise any type of minority entity and, from the other, the involvement of the Greek-Turkish relations in the legislation protecting the Thrace minority. The only exceptions to this are the few regulations regarding language and religion of the Jewish and Armenian communities.

The content of the legal norms aiming the treatment of minorities in the country,[7] forms a privileged area of Greek national ideology, shaping the perception of this issue by the attempts of its legal regulation. Surely the biggest impasse of the Greek minority legislation is the failure to rule on groups claiming to have a different ethnic or national character. In the course of the 20th century, Turks, Macedonians, Chams, Romanian Vlachs, Bulgarians, Armenians and Jews have claimed their national character or have been recognised as national minorities:. Today no national minority is recognised as such. The disregard for ethnic diversity also concerns the use of minority languages spoken by Greek citizens: the Vlach, Albanian, Slav-Macedonian, Romany and Pomak languages.

How can the "Greek nation" be defined by referring to objective and subjective criteria? The Greek Constitution, in its first Article (par. 3) differentiates between the "nation" and the "people"⁷. While the second term denotes the Greek citizens, the first seems to be related to the concept of "genos", i.e. the race. Although "genos" is basically linked to racial criteria, it could be subsidiary associated with the expression of Greek national consciousness, i.e. the belief of a person that he/she belongs to the Greek nation. The State Council (Decision 57/1981) attempted to define the rather tricky term "allogenis" ("Greek citizen of non-Greek descent"), interpreting the infamous and now abolished Article 19 of the Greek Code of Citizenship, by making use of both subjective and objective criteria: "Greek citizens of non-Greek descent" are those "whose origin, whether distant or not, is from persons coming from a different nation and who, by their actions and general behaviour have expressed sentiments testifying the lack of Greek national consciousness, in a way that they cannot be considered as having assimilated into the Greek nation". The Greek nation, according to the State Council, consists of the persons who are related by way of "common historic traditions, desires and ideals". Therefore, a person who is considered as belonging to a race other than the Greek one, can be seen as belonging to the Greek nation only if he/she has been assimilated, i.e. has acquired Greek national consciousness⁸. This interesting combinative approach is inversely reflected in the legal category of the "alien of Greek descent" who is a citizen of another country and, as a person of Greek origin, can acquire Greek citizenship by virtue of special procedures. For instance, Law 517/1948 regarding the Annexation of the Dodecanese, stipulated that the Italian citizens of Greek origin who lived abroad could get Greek citizenship, excluding, in this way the Turks-Moslems and

Jews from Dodecanese who lived abroad. Law 2790/2000 sets out special terms for the acquisition of Greek citizenship by aliens of Greek descent, coming from the former USSR. In addition, according to Art. 21 of the Greek Code of Citizenship, aliens of Greek descent can acquire Greek citizenship in case of repatriation, under more favourable terms compared to other aliens. Finally, according to the Ministerial Decision 106841/1982, repatriation permission was granted to political refugees that had lost Greek citizenship after the Greek Civil War (1946-1949), provided that the applicants belonged to the "Greek genos" (race). The hidden aim of this Decision was to exclude Slav-Macedonian refugees. In the above examples, the Greek law - without referring to minorities - has introduced inclusive categories for the recipients of the respective norms on the basis of an objective racial relationship, a concept a priori incompatible with the fundamental principle of non-discrimination, as it has been established in the Constitution and the international conventions for the protection of human rights.

Moreover, the formulation of minority protection is directly linked to the international circumstances, as the change of borders that resulted in the gradual enlargement of the Greek state between 1830 and 1947 brought about international obligations for the protection of minorities. The co-negotiators of Greece in the drawing up of the international treaties were the Great Powers involved and the neighbouring countries. In this complicated interrelation of powers, Greece was winning in terms of territories, but was, at the same time, bound by the obligation to protect minorities in its New Territories ("Nees Hores"). Therefore, the territorial gains, invested in the so-called "Great Idea" of the nation, were connected to the mass minorisation of populations that would not assimilate easily into the Greek phenotype. Hundreds of thousands of Turks and Bulgarians found themselves "hostages" in the expanded Greek territory. However, in less than a decade, things changed dramatically. Greece and Bulgaria agreed on a (theoretically) optional mutual exchange of populations, in accordance with the Pact of Neuilly (1919). Greece and Turkey agreed on an compulsory exchange of populations in accordance with the Treaty of Lausanne (1923), resulting in the diminution of Turks in Macedonia and the islands. In 1944, the Albanian Chams were violently expelled from the region of Thesprotia in Epirus. During the Civil War, a large number of Slav-Macedonians were expelled from Northern Greece. The Nazis exterminated the Sephardic Jews of Salonika and the Jewish communities of other Greek towns. The shrinkage of minorities allowed for the gradual formation of today's ideological pattern attitude: the manifestation of the phenomenon is de-naturalised and considered as an anomaly within the national homogeneity. It is not a Greek novelty however, that absolute national homogeneity becomes a natural historical fact and a normative guidance for the future. "National ideology presents as self-evident, positions that have been repeatedly called into question, both by the history of ideas and geo-politics[8]".

A deadlock of minority protection: the case of the Western Thrace minority

An area where national ideology is unconditionally and directly transformed into legal norm is the minority education in Thrace. Not by surprise, since education is the most productive ideological mechanism, as nationalism determines both the form and its content, in accordance with the main regulatory performances of the

state-nation. Article 16 of the Constitution safeguards "freedom of teaching" and stipulates that the purpose of education is the development of the national and religious consciousness of the pupils¹⁶. However, even if the content of the national and religious consciousness is not defined *expressis verbis*¹⁶, no doubt should exist that the aim of the Greek constitutional legislator is the exclusive development of the Greek consciousness, and not of any national consciousness.

Things get even more complicated when education concerns the Turk-Muslims of Western Thrace. Here, the religious criterion cannot but lead to the exclusive teaching of Islam, whereas the languages of teaching are both the minority language and the official language of the State (Turkish and Greek). How is the constitutional provision regarding the development of the national and religious consciousness to be implemented in the case of the minority education in Thrace, which is established by the terms of the Treaty of Lausanne (Art. 40 and 41)? In accordance with Art. 2, Law 694/1977, the aim of the "minority school" is to "provide the spiritual and moral development of the students in accordance with the basic purposes of general education and the principles governing the curricula of the corresponding public schools of the country". It could legitimately be argued that education promotes the Greek national consciousness to all students, and therefore minority education has to wipe out any ethnic differences. However, the provisions of the 1968 Bilateral Greco-Turkish Cultural Protocol¹⁸, Section (V), which is titled "Respect of the religious, race and national consciousness", establish the principle of non-offence regarding the ethnic identity and religion of Moslem students, provided that they abide by the Greek laws. The provision clearly implies the manifestation of a different ethnic identity by Moslem students. Having expressly stipulated that minority school students should be taught the Moslem religion, they are also considered to have a different national consciousness, which even if it is not expressly mentioned, it is not to be offended. However, the impasse underlies the critical question: if education aims, in accordance with the Constitution, not only to promote the Moslem religion¹⁹ but also to promote an ethnic identity, and if the minority expresses a consciousness other than Greek, then which consciousness is this - in accordance with the law - and how is it to be promoted? This is where can be located the deadlock of the minority education law to create viable and productive structures of social integration. After all, the failure to set out the limits between the promotion of the Greek or/and the Turkish national ideology through minority education has been the cause of the observed stagnancy in the educational procedure.

The definition of the students who have the right to enrol in minority schools in Thrace is indicative of another major failure of legislation *vis-à-vis* the previous ideological deadlock. Minority education is addressed to Moslem students, setting as the criterion their religion, and not, as one would expect, language²⁰. In this highly problematic context, minority education is optional for the Moslem inhabitants of Thrace, who are Greek citizens, and therefore Moslem students may also enrol in Greek schools in their place of residence. However, the students of "Greek *genos*"²¹ are explicitly not allowed to enrol in minority schools. This provision reflects the idea endorsed by the legislators, discriminating and regulating the participation in the national imaginary through education: "Greeks" ought to enrol in "Greek" schools, where they can enjoy their own national education. Minority schools are prohibited to them, as

they provide linguistic, religious and, in the end, national ideals that are not accepted by them. Finally, the distinction between "Christian" and "Moslem" teachers is indicative of the persisting outdated models, the legal grounds of which could not easily stand up to a thorough legitimacy test. On the other hand, Moslem students have their own education, but are free to attend, if they want, Greek schools - which in practice, offer by far better education - and therefore to participate in the Greek ideals.

Minority names: one more battlefield

Since the time of the Greek dictatorship, but mainly since the period following the Turkish invasion of Cyprus, i.e. 1974 onwards, the minority of Thrace has been the field of an unorthodox conflict: the war of names has taken the proportions of a major problem, as Greece and Turkey insist on the religious or the ethnic character of the minority in a totally static way. The obvious manifestation of Turkish national affiliation has been ignored and even persecuted by the Greek side. On the other hand, Moslem faith has been played down by the Turkish side. Indicative of the situation is the transfer of the diplomatic controversy to the Greek courtrooms, which ideologise the use of the term "Turk/Turkish", or "Macedonian" distorting the legal content related to the right to association. Thus, the war of names, apart from its symbolic value, recycles the extreme tendencies of both sides. The respective judgements of the Greek courts are indicative of a really astonishing and persistent ideological use of law[9]. In some cases, these judgements have even caused the conviction of Greece by the European Court of Human Rights[10], indicating the future of any such judgements issued by Greek judges. In one case, the use of the term "Turkish minority" was penalised, while in most cases the respective trials concerned the right to set up an association.[11] In one other case the Three-member Penal Court of Athens denied the existence of any lesser-used language in Greece, despite of the officially institutionalized use of Turkish in Thrace. The court on its session dated 2 February 2001 found guilty the accused for dissemination of false information[12]. The accused had distributed leaflets of the European Bureau of Lesser Used languages mentioning the minority languages used in Greece. The Court of Appeal examined the case on 18 December 2001 and finally found him not guilty.

The concept of homogeneia: the historical passe-par-tout of Hellenism

Although the subjective criterion of nationhood, the so-called "French" school, has been invoked so that aliens can become naturalized as Greek citizens, it has also been used in order to exclude from citizenship any Greek citizens who are believed not to have Greek national consciousness. It is difficult to attribute another content to the notion of the Greek of non-Greek descent, the 'allogenis', as the national legal order -which rules out the existence of national minorities- cannot by definition accept a Greek citizen who is not of Greek descent. Employing this civil status of 'allogenis', a contradiction in terms, was the most basic means for depriving Greek citizenship from minority Turks of Thrace and to a lesser extent ethnic Macedonians during the second half of the 20th century.

Article 108 of the Greek Constitution stipulates that '1. The State shall be concerned with the Greeks residing abroad and the maintenance of their ties with

the motherland'. The second paragraph of the Article amended in 2001 expressly consolidates the constitutional position and role of the World Council of Hellenes Abroad (SAE), 'the mission of which is the expression of Greeks throughout the world', leaving no doubt regarding the explicitly worded intention of the constituting legislator to intervene in issues concerning residents, and often citizens, of other countries.

What justifies the transition from the historical continuity to geopolitical aiming of Hellenism implies, ultimately, the obligation to care for and protect those who, out of a historical accident or need, reside outside Greece, but are genealogically tied with it with bonds of common descent. The concept covering all these populations is the term *homogeneia*, a term based on pre-political, mostly imaginary ties, common references and obvious consequent exclusions based on the static criterion of race. This criterion, however, although absolutely necessary in most cases, is not always sufficient, as the lack of enough genealogical evidence may activate the subjective element of 'Greek national consciousness', which, in its turn, returns to a community of language, religion and traditions.[13] In any case, the two approaches on nationhood, as expressed through the concept of *homogeneia*, are not equally distributed. The *ius sanguinis* holds a hegemonic position for the certification of Greekness, whereas recourse to the inferred will of the subject is rather auxiliary. In all cases, the use of the term has functioned as a regulator of the Greek irredentist aspirations and discriminating practices for the benefit of persons under the status of *homogenis*, in or outside Greece, regarding the following population categories:

- a) Greek Diaspora in the Balkans, Eastern Mediterranean and the Black Sea[14].
- b) Greek minorities in Turkey, Albania and, at a smaller scale, Bulgaria, after the exchange of populations in 1923. The "non-liberated" Greeks of the "lost motherlands" who found themselves outside Greece practically comprise the main part of the Greek *homogeneia* and theoretically legitimise the constitution of the nation's irredentist arsenal.
- c) Greek immigrant communities mainly in the USA, Australia and Germany, the biggest immigration wave of the Greeks for economic reasons during the 20th century[15].
- d) Greek communities of the ex USSR Republics, comprising Greek and Russian-speaking people from the Black Sea [16].
- e) Political refugees who left for the Eastern and Central Europe, after the Greek civil war[17].

The settlement of *homogeneis* in Greece during the 20th century: privileges and expectations

This long-lived idyllic historical period characterizing the relationship between the motherland and the *homogeneis* started at the moment the Greek state took its final form in terms of 'New Territories', gaining much but also parting with certain expectations during the territory changes in the inter-war period. In addition, during the 20th century the *homogeneia* outside Greece also dwindled. Cities belonging to the historic settlements of Greek communities in the Black Sea and Egypt were abandoned by the Diaspora. Its settlement in Greece or their direct migration to other European countries was a historical process where no blood was shed, and with no serious repercussions in Greece or on the symbolisms associated to *homogeneis* by the nation. This was due to the class

origin of these populations, their cosmopolitan character, and the nature of their relationship with the locals that did not allow conflicts as well as the smooth parting process. Even the uprooting of the Greek minority in Istanbul, which has been virtually pushed to migrate to Greece during the 1950s and 1960s by the Turkish authorities, did not give rise to extended tensions regarding the relations between the two countries. Greece, as motherland, proved to be inadequate to negotiate and keep its minority in Turkey, but compensated this inadequacy by showing generosity to the Greeks from Turkey and putting those who did not have Turkish citizenship, under an extremely odd citizenship status.

In this context, the Ministerial Council in a decision dated 1.3.1976, classified as 'highly confidential' stated that 'taking into consideration that many homogeneis do not have proper passports and therefore face insurmountable difficulties abroad as regards their traveling, residence and work rights; that their naturalization is not possible and that their passport is not always proof of nationality, but only an evidence thereof. Decided that may acquire Greek passports, but this does not mean that they will also become Greek citizens: ... b) The homogeneis coming from Turkey who were deprived of Turkish citizenship c) the homogeneis coming from Turkey who have resided in Greece for more than five years and are not holders of Turkish passports'. [18] Whereas the difficulties faced by the citizens without nationality abroad are fully understandable, it is rather curious, on a first reading, that the Greek Government legislator hurried to diagnose that the naturalization of these people was not possible, but still granted them with Greek passports, which expressly did not give them Greek citizenship. The aforementioned Ministerial Decision actually creates a third category of individuals, somewhere in between the status of citizen and that of the alien or non-native. The historically unsuspecting reader may still wonder why the Greek state did not allow the naturalization for the Greek minority from Turkey who lived in Greece. The answer is that the motherland prefers, in order to keep its minority population statistically alive in Turkey, to classify the homogeneis under this monstrous status of quasi-citizenship, whatever this might mean for those people.

The Greek minority from Albania, i.e. the so-called "Vorioipirotes" (from 'Northern Epirus'), were classified under the same category, according to the above-mentioned Ministerial Decision. However, there was no requirement for not having the Albanian citizenship, because the Albanian government never used the measure of citizenship deprivation to a great extent, unlike the Greek or Turkish state. [19] As a result, a small number of people, who cannot be estimated exactly, certainly not negligible, classified under those two categories of homogeneis, are still like hostages under this odd citizenship status. This fact is really outrageous, if we consider that even now in Greece there are people who were born in the country during the 1940s, 1950s and 1960s by Greek parents from Albania, and still have the Albanian citizenship, although their bonds with Albania are non-existent. The position of the Greek state until the end of the 1990's is definitive: 'no citizenship to the homogeneis'; The homogeneis wonder what is going wrong and cannot be naturalized as Greek citizens. Although this status gives them an advantage over the aliens (and, in the case of welfare benefits, even over Greek citizens) their reasonable suspicions that they have become an instrument used to put pressure on bilateral relationships with Albania and Turkey, have caused the first chasm in their sentimental identification with the motherland.

Despite the above, the peculiar relationship between homogeneis and the motherland, although morally arguable, still holds the prerequisites for its perpetuation, as the material conditions on which it was based are still effective. The homogeneis, despite feeling deceived at heart, content themselves with a relationship of mutual compromises with the state, based on exclusive welfare benefits, the most important of which being that they can become civil servants. Accessibility to the public sector and all the consequences, i.e. employment, benefits, allowances, permanent work posts, social security, etc. are the most important reward offered by the Greek state to those quasi-citizens. In this way, the above-described regime -surely not exclusively of Greek inspiration - was crystallised, granting the homogeneis the same rights as those of the Greek citizens, except for one: citizenship. The motherland, with its welfare benefits, counterbalances the unwillingness of their naturalization by employing this kind of affirmative action for their benefit. However, the romantic and heroic symbolism pertaining to the status and concept of homogenis has already been deeply wounded in the minds of the people themselves, but also, little by little, in the perception of the Greek State, which has also started to feel resentment. The homogeneia has already set out for its historical journey of moral disdain.

The prospering Greece of the after-war period, helped by the gradual decline or pragmatist abandonment of its irredentist visions and the introduction of foreign labour, started to witness its status as a motherland to fade away. Having acquired a comparative advantage due to its accession to the European Communities in 1980, it gradually started to identify itself as a country lagging behind, but also as a safe and integrated member of the European capitalist metropolis.

The point signaling the end of this affaire between homogeneis and the motherland, coming as an outcome of the former historical procedures taking place in the Greek society, was the fall of the socialist regimes. This historical moment, at the turn of the 20th century, signified the repatriation or migration of a major part of the Greek minority in Albania, hundred of thousands of Albanian citizens, repatriating Greeks and other people from the ex-USSR, tens of thousands of Romanians and Bulgarians, and many other people to Greece. Among other things, the change of the country's demographic map has brought what we can roughly name as the shifting of the institutional regime and the social perception of homogenis from a quasi-Greek to a quasi-illegal alien. The quasi-citizens fall into a lower status not per one but per two categories. They are not considered aliens, but illegal aliens under a informal status of tolerance. What differentiates them from the aliens of illegal status residing in Greece is the oral reassurance that they are not going to be expelled.

It is therefore obvious that in the 90's the crisis raging at the heart of the concept of homogeneia takes on endemic characteristics leading to the gradual elimination of its positive implications that carried since the beginning of the 20th century. The reason is simple: the Greek state has managed to respond fairly easily to the social expectations of some tens of thousands of homogeneis settled in Greece until 1990. However, the rapid increase of this population during the last decade of the century, and, mainly, its even more rapid shifting to a lower class, has brought about the terms for the final historical abandonment of the historical type of homogeneia as we knew it. Therefore, we can refer to an apparent crisis of benefit granting: the motherland does not

want -neither can- provide the crowd of desperate strangers of a disputed Greek origin with the privileges granted to a limited number of bourgeois or middle class people from Egypt, Istanbul and even Albania. This welfare crisis has, in its turn, created the prerequisites for a major confusion in the Greek legal order. The Greek state, without being able to set out rules in order to differentiate the first from the second generation of homogeneis, has basically followed a kind of policy that took on endemic characteristics during the 90's, mainly regarding the relationship between Greece and her Balkan neighbors. Since the beginning of the crucial decade, the Greek State has been constantly putting off the regulation of the overwhelming immigration phenomenon to the distant future, leaving all aliens that do not have legal papers, including those of Greek descent, in an absolute legal uncertainty.

The same period, it becomes a common secret in the Greek society that the Greek consulates in Albania, Georgia, Russia and other countries have become lucrative businesses issuing Greek origin certificates to the crowds of desperate aliens cramming their yards and hoping that the issuance - rather, the purchase - of the Special Identification Card of Homogeneis will solve their vital problems. An indicative result that can only cause hilarity: according to a study[20], official estimates and results bring the number of the homogeneis from Albania who are settled in Greece to approximately two hundred thousand people. [21] A similar number, slightly below two hundred thousand, has been mentioned by the Minister of Macedonia and Thrace for the palinnostountes (repatriated) from the ex-Soviet Union, who have settled in Greece.[22].

Minorities and homogeneis in the era of immigration

Historically, legal attitude to religious and linguistic diversity in Greece has been determined by different factors that have changed over time depending on the ideological content of the Greek national phenotype, the political context and Greece's foreign relations, both bilateral and multilateral, especially following conflicts and changes in its borderlines. National ideology has already been expressed in the concepts of "people" and "nation" found in the first constitutional texts of the Greek War of Independence[23]: Greeks are defined as the Christian inhabitants of the Greek territory. "Eterochthones" (non-natives) were the Christians coming from the Ottoman Empire or elsewhere that have settled down in Greece. Later on, the term will be replaced by "allodapoi homogeneis"[24] (aliens of Greek descent), which was established in contrast to the Greek citizens of non-Greek descent.

The expression of the Enlightenment message had already been distorted, initially by a post-Ottoman perception of millet followed by a theory for the racial continuity of the Greek world based on the "Greek race". It should not be regarded as a surprise therefore, that for Greek nationalism, it is easier to accept or assimilate the non Greek speaking Orthodox populations (Vlachs, Albanians, Slav-Macedonians) than the populations of different religious faith, i.e. Moslems and Jews. It could be argued that the latter are the groups that are somewhat axiomatically considered to be more distant from the identity of the national phenotype, constituting groups by definition not susceptible to participate in the Greek nation. The non-Greek-speaking Christians became the target of assimilatory policies²³, whereas people of different religions are either expelled or placed outside the scope of national idol.[25]

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Recently, in the area of social theory in Europe, the view that minorities are defined more with relation to the distance separating them from the politically organized power, than to any cultural differences distinguishing them from the majorities seems to gain ground. In any case, the intensity of the immigration phenomenon throughout Europe, including Greece, towards the end of the 20th century seems to have set the preconditions for a shift in the social significance of multicultural phenomena and diversity. There has been a transition from addressing the problems facing the modern nation-states relating to the historical forms of national minorities, to managing, both qualitatively and quantitatively, much more complex versions of social exclusion or inequality exacerbated by immigration.

Greece belongs to the category of countries that have left unresolved issues with the traditional minorities within their borders. As far as the migrating population that has arrived recently, the self-regulating mechanisms of the dominant market liberalism have offered solutions and created problems, while the rule of law was absent. The material - class prerequisites for incorporating the immigrants into the present-day Greek society, seem to take away from the already problematic distinction between homogeneis and allogeneis any serious legitimating content. The repatriated/immigrating homogeneis from the Greek communities of Albania and the ex USSR (along with the other immigrants) have unquestionably become new minorities in Greece, for reasons that are related to the real preconditions of their incorporation into the Greek labour force. Integrating diversity and managing minority problems in a way that is compatible to a modern interpretation on the rule of law and human rights is a complicated strategy costing both in economic and political terms. However, to take on this cost seems to be the only viable and just perspective for the Greek State.

* Aliens of Greek descent.

[1] K. Dimaras, "History of the names Greeks, Greek nation and Hellenism", (in Greek) K. Paparrigopoulos, Prolegomena, Athens, 1970, pp. 90 and 91.

[2] According to how E Renan put it during a Sorbonne lecture in 1882, "nation is an everyday plebiscite". Renan and Fustel de Coulanges, had, on the occasion of the French-German dispute over Alsace-Lorraine, developed a theory that the notion of belonging to a nation is a matter that, ultimately, is not related to historical rights or language or the general ancestral civilization, but only to the will of persons and nothing else.

[3] The Greek constitutionalist, A. Manitakis presents concisely this ideological regression in Greek constitutional history in the chapter "Nation and People in Greek constitutional history" (in Greek, pp. 131-136), Constitutional organization of the State, Sakkoulas, Athens/Thessaloniki 2001.

[4] A favorite trick for mass acculturation process is the one extensively used by the Greek statistics in Macedonia: the argument that national identity can be diagnosed on the grounds of religious beliefs. The arbitrary classification of

all Slavophone patriarchists as Greeks by the Greek side and the equally arbitrary classification of all Slavophone exarchists as Bulgarians by the Bulgarian side 'functioned in the beginning of this century as a kind of statistical joker, able to give the much-wanted numerical superiority to the one or the other side', T. Kostopoulos, *The forbidden language*, Mavri Lista, Athens 2000, p. 24. See I. Mihalidis, "The war of statistics: traditional recipes for the preparation of the Macedonian salad" *Eastern European Quarterly*, 32/1, 1998, pp. 9-21

[5] The phenotypical stereotype or national phenotype is formed by the characteristics (language, religion) deemed as fundamental pillars of the national identity.

[6] S. Koutsoubinas, *Le peuple dans la constitution hellénique de 1975*, Presses universitaires de Nancy, 1989 and G. Karipsiadis, *The Greek case of state succession*, (in Greek), A.N. Sakkoulas, Athens-Komotini 2000, p. 247.

[7] K. Tsitselikis & D. Christopoulos, "The localization of the minority phenomenon in Greece by the legal science and the law", (in Greek), *The minority phenomenon in Greece*, K. Tsitselikis & D. Christopoulos (eds.), Kritiki, Athens 1997, pp. 415-451.

7 See D. Tsatsos, *Constitutional Law*, (in Greek), vol. B, Sakkoulas, Athens-Komotini 1993, p. 60-62. Although in the revolutionary constitutions nation was differentiated from the people, later on the two distinct notions have been identified. See G. Kokkinos, "The Greek Constitutions and the citizenship (1844-1927)", (in Greek), *Mnimon* 1997, p. 73.

8 S. Stavros, "Citizenship and protection of minorities", *Greece in a changing Europe: Opportunities and constraints*, K. Featherstone & K. Ifantis (eds), Manchester-N. York 1996, p. 121.

[8] D. Christopoulos, *Alterity as a relation of power*, (in Greek) Kritiki/KEMO, Athens 2001, p. 144.

16 Art. 16§2 of the Constitution: "Education constitutes a basic mission for the State and shall aim at the moral, intellectual, professional and physical training of Greeks, the development of national and religious consciousness and their formation as free and responsible citizens".

16 Art. 16§2 of the Constitution: "Education constitutes a basic mission for the State and shall aim at the moral, intellectual, professional and physical training of Greeks, the development of national and religious consciousness and their formation as free and responsible citizens".

18 Art. 17, Ministerial Decision 55369/78, L. Baltiotis, K. Tsitselikis, *Minority Education in Thrace* (in Greek) KEMO, AN. Sakkoulas, Athens-Komotini 2001, pp. 114 and 210.

19 cf. G. Sotirelis, *Religion and Education*, (in Greek) AN. Sakkoulas, Athens-Komotini 1988, p. 177.

20 Should an atheist minority pupil have the right to enroll in a minority school?

21 Art. 10 par. 1, Presidential Decree 483/1977 (FEK A 149, 1977).

[9] The Turkish associations cases: "Union of the Turkish Youth of Komotini", the "Turkish Union of Xanthi", the "Union of Turkish Teachers of Western Thrace" and the "Turkish women's association". The latter two are pending before the Greek courts.

[10] See D. Christopoulos, "The case *Sidiropoulos v. Greece* before the ECHR", (in Greek) *To Syntagma*, No 3-4 1999, pp. 307-324.

[11] See Applications No 18877/91 and No 25759/94 before the European Court of Human Rights, K. Tsitselikis, "The cases Sadik v. Greece", 3 Revue Hellenique de

Droit Europeen 1997, (in Greek), p. 689.

[12] Trimeles Plimeleiodikeio Athinon, 11263/2001.

[13] Z. Papasiopi Pasia, Law of the citizenship, (in Greek), A.N. Sakkoulas, Athens-Komotini, 1994, p. 45 and 93.

[14] It is known that these active trading communities of the first Diaspora before the creation of the Greek state -mainly that of Romania- played a significant part in the constitution of the Greek national movement, transferring the subversive ideas of 1789 to the territory under Ottoman rule. During the 20th century, the vast majority of these communities, each for different reasons, returned to Greece.

[15] For this population category, the granting of rights arising from the status of homogenis, means the actual or symbolic concern that the nation shows to its children that could not be kept under its custody, i.e. its jurisdiction.

[16] This population category that in Greece was seen as the second refugee wave to the motherland -the first came from the compulsory exchange of populations between Greece and Turkey- discovered the privileges of the status of homogenis in Greece as soon as they were repatriated.

[17] The incorporation of this population in the category of homogenis, actually marks the return of their most significant part to Greece, as their expulsion in reality meant that their exclusion from the Greek citizenship, in general. Despite including the political refugees, who are very few today, in the list of homogenis, it is obvious that there are more differences than similarities between them and the other groups. Besides, unlike all the above categories of homogenis, the communist refugees were the antiheroes of the after-civil-war period for the Greek State. The repatriation of the political refugees who were of 'Greek descent' and the "National Reconciliation" procedure practically meant their historical return to the category of the Greek citizen.

[18] "Subject: Issuing passports to homogeneis [of Greek descent] not Greek citizens from Turkey and Northern Epirus", Act No 22, 1 March 1976.

[19] Despite this, Albanian citizens never held passports till the beginning of the 90's.

[20] M. Pavlou, "The Greeks of Albania in Greece", (in Greek) K. Tsitselikis & D. Christopoulos (eds), The Greek minority of Albania, Kritiki/KEMO, Athens 2003, in print.

[21] This number exceeds even the most imaginative estimates of the Voroioiportes' irredentist associations concerning the total number of Greeks that lived in Albania during the 1970s and 1980s.

[22] According to the General Secretariat of Palinnostountes, Ministry of Macedonia-Thrace, the countries of origin of the repatriated homogeneis who migrated to Greece are as follows: Georgia (52%), Kazakhstan (20%), Russia (15%), Armenia (6%), Ukraine (3%) and Uzbekistan (2%), The identity of the palinnostountes homogeneis from the ex USSR, Thessaloniki, December 2000, p.51.

[23] A. Manitakis, Constitutional organisation of the state, (in Greek), Sakkoulas, Athens-Thessaloniki 2001, p. 131-136.

[24] D. Dimoulis, The law of politics, (in Greek) Ellinika Grammata, Athens 2001, p. 394-396. The aliens who were entitled to the Greek citizenship should be Greek-speaking and Christian Orthodox (art. 2, Constitution of 1823). The

criterion of the language is omitted by a new regulation (art. 6, Constitution of 1827).

23 It is indicative that the Turkish-speaking Christians, settled in Greece after the Greco-Turkish exchange of population, have never been the object of legal regulations, whereas Turkish language has been unquestionably regulated in the case of Moslem speakers. T. Kostopoulos, "Linguistic diversity and assimilatory planning", (in Greek) 36 Ta Istorika 2002, p. 75-128.

[25] As a result, even today in Greece religious beliefs are still the normative criterion on the basis of which language rights are conferred, instead of language itself. This paradox, is par excellence visible in the case of the above mentioned minority education of Thrace, as the access to the Turkish-language school is achieved through the certification of the Muslim faith!