The Management of Religion in Turkey

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Foreword

I am delighted to present the Turkey Institute's first publication, written by Professor İştar Gözaydın and Ahmet Erdi Öztürk and focused on the management of religion in Turkey. The Turkey Institute offers high-quality analysis of the society and state in Turkey with special emphasis on domestic and foreign policy and the economy; provides objective updates, and organizes high-level discussions on current issues, especially in relation to democratic governance, human rights, the rule of law and constitutional reform. As a part of that mission, Turkey Institute will produce analytical papers to inform readers of the pertinent issues in Turkey.

This paper is on the relationship between religion and politics in a Muslim-majority country; this relationship has wider implications for the neighbouring region due to Turkey's secular state structure with a majority Muslim populace. In addition, the implications for minorities, state-control of religion, and freedom of religion or belief have great significance not only for academic research and discussion but also for day-to-day political decision making.

The topic of this analysis paper is highly relevant to recent developments in Turkey, governed, as it is, by the AKP (Justice and Development Party), which uses religious rhetoric and appeals to the public with and through religious sensitivity. Last but not least, the management of religion in Turkey also has an impact on Turkey's democracy, human rights, equality and good governance. In that sense, it will be closely monitored by the European Union, as stated in its recently published progress report on Turkey.

It is in this context that we offer this report to readers hoping that it contributes to well-grounded and well-reasoned discussion on Turkey. I thank the authors of the publication and colleagues who contributed to it through their valuable feedback and comments.

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Executive Summary

We consider the current government's recent policies targeting issues like abortion, artificial insemination, C-section, and population growth as examples of a social engineering project aiming to transform the social body of Turkey into one with 'conservative' values nourished by religious sentiments. This project of social engineering towards an imagined social body where the 'good' has already been designed and pre-determined is very similar to the practices of the early Republican elite of Turkey in the 1920s and 30s to achieve their own 'good' for the people.

Thus, both with the internal dynamics and changing paradigms in the world, we think that religion should be considered, at the legal level, within the framework of the two higher constitutional principles in the Turkey of the 2000s, which without any doubt has a very different setting from that of 1924. One of these principles is freedom of religion and belief (including conscience) and the other is laicism. While the freedom to adopt and manifest a religion is fundamental, freedom from religion must also be afforded the same level of respect and protection. We believe that society must strive to achieve this balance for the sake of liberty and equality however challenging that continues to be.

Introduction

This report discusses legal regulations and political issues regarding religion in Turkey and focuses on the role, historical foundations and legal structure of the Presidency of Religious Affairs (Diyanet İşleri Başkanlığı – hereinafter 'Diyanet'), an administrative unit founded in 1924 'to organize the religious affairs' in a secular state apparatus. In order to contextualize the issue, concepts of '*laicité*', 'secular', 'secularizations', 'secularisms', and 'post-secular' are explored. The triangle of state, society and religion, with a special focus on a decade of successive AK Party (Development and Justice Party) governments, is scrutinized in the light of the right to freedom of religion and belief in Turkey.

Historical Foundations of Religion and Politics in Turkey

Scrutinizing the institutional dimensions of the relations between state and religion, one may observe that there exist both continuity and ruptures in various institutional bodies from the office of Sheikh ul-Islam to the Şer'iye ve Evkaf Vekâleti (Ministry of Religious Affairs and Pious Foundations) and finally to the Presidency of Religious Affairs.

Analyzing the relations between religion and state in Turkey, just like other structures of Turkey's Republican era, is not possible without making comparisons with the Ottoman period and determining the points of rupture and continuity between the two eras. Scrutinizing the institutional dimensions of the relations between state and religion, one may observe that there exist both continuity and ruptures in various institutional bodies from the office of Sheikh ul-Islam to the Şer'iye ve Evkaf Vekâleti (Ministry of Religious Affairs and Pious Foundations) and finally to the Presidency of Religious Affairs. While in Ottoman times Sheikh ul-Islam held judicial, legal, scholarly, administrative and political duties as well as religious ones, the Şer'iye ve Evkaf Vekâleti, founded by the Ankara government on 4 May 1920, was an institution responsible only for religious matters and

pious foundations, but this very effective institution was at the ministerial level as far as its place in the administrative hierarchy was concerned. The founding political authority of the Republican era preferred to configure the institution of Presidency of Religious Affairs as an administrative unit under the Prime Ministry.

It seems that the Turkish Republic's founding elite designed the new Turkish state as a modernity project and therefore spared no means to achieve this goal. In fact, the radical program of reform and Westernization that the Republican cadres pursued in the 1920s and 1930s had earlier started within the Ottoman Empire in the mid-nineteenth century, especially with the reception of Western codes and political principles. The main objective of the Ottoman modernization process appears to have been to sustain the 'state', so betterment of the superstructure was targeted. However, the purpose of the new leadership in this period was to secularize and modernize not only the state and the 'political', but also to transform society into a modern body. Thus, in our view, the biggest difference between Republican and Ottoman Westernizations was the spectrum of their *telos*; and laicism was one of the pillars for the Republican founding elite.

Laic(ité), the Secular, Secularizations, Secularisms, Post-secular

Laicité/laicism/laic is the term used for the state's control of religion in the public sphere as opposed to secularism, which implies the separation of state and religion; and *laiklik* (*laicité*) is the concept that is preferred by Turkey's Republican decision-making elite in all legislation and other legal regulations which actually shape its substance. However, since every society has different socio-political circumstances, the interpretation of secularism and laicism in political and thus legal systems exhibits differences as well. These concepts are socio-political constructions; thus, various secularizations, secularisms, and laicisms emerge in different socio-political climates.

The formations of the secular follow different historical trajectories and have different religious genealogies in different places too, yet they are closely interconnected with hegemonic impositions of Western modernity and colonialism. Talal Asad focuses on genealogies of power, characterizes 'the secular' as an epistemic category, 'secularism' as a 'political doctrine', and

'secularization' as a historical process.[1] Both religion and the secular for Asad are 'processual' rather than fixed ideologies.

It was Jürgen Habermas who first introduced the term 'post-secular' in the German Peace Prize lecture in 2001, and he further elaborated on it in his later writings. Habermas labels the present era as 'post-secular', and he has been increasingly stressing the importance of cultivating a stance that both reckons with the continuing global vitality of religion and emphasizes the importance of 'translating' the ethical insights of religious traditions with a view to their incorporation into a 'post-metaphysical' perspective, or in other words, into a secular idiom.[2] For Habermas, we live in a post-secular society, where the classical assumption of the secularization thesis, whereby religion would disappear from the public sphere has been shown to be wrong. Two important elements – within the societal context of Germany and Western Europe – have refuted the theory of secularization: first, the appearance of public normative debates, such as abortion and stem cell research, which involved clerical institutions as legitimate public actors. Second is the visibility of Islam in Europe and its claim for Muslims' rights within the frame of citizenship-based rights.

Ahmet Kuru coins the terms 'passive secularism' and 'assertive secularism', the former implying a state's neutrality toward various religions by allowing their public visibility; and the latter a state's confining of religion to the private sphere.[3]

In this context, José Casanova's related remarks may provide a suitable hint to answer the question, 'to what extent has Turkey been a secular country?': Turkey is seen as 'too secular for the Islamists, too Sunni for the Alevis and too Turkish for the Kurds'.[4] Fuat Keyman adds, 'for non-Muslim minorities, Turkey is too Muslim.'[5]

The Diyanet

In order to understand religion, politics and the politics of religion in Turkey, as an initial step, a governmental organization, namely the Diyanet İşleri Başkanlığı (Presidency of Religious Affairs hereinafter the Diyanet) should be scrutinized. The Diyanet is a secular/laic administrative unit in the Republic of Turkey; it was established in 1924 to execute services regarding Islamic faith and practices, to enlighten society about religion and to carry out the management of places of prayer.

Instead, by assigning religious affairs to an administrative unit, the ruling elite both took religion under their control and at the same time tried to break the potentially sacred significance of the Diyanet.

The Diyanet was established by the Act dated 3 March 1340 (1924) no. 429 'on the Abolition of the Ministries of Şeriyye (Religious Affairs) and Evkaf (Pious Foundations).' By abolishing the Şeriye Vekaleti (Ministry of Religious Affairs), a new administrative unit called the Diyanet İşleri Reisliği (Presidency of Religious Affairs) was constituted. In other words, the new regulation assigned the management of religious affairs to the hands of an administrative bureau, not to a ministry in the cabinet. In terms of administrative law, a ministry is hierarchically the highest position in the central administration, and it is a political unit. Not to place the institution of 'religion' in a political body was a key part of the overall policy of the founding, political decision-making elite of Turkey, who wished to establish a secular state and to transform society into a modern one. They did not want to have a unit within the cabinet dealing with religious affairs. Instead, by assigning religious affairs to an administrative unit, the ruling elite both took religion under their control and at the same time tried to break the potentially sacred significance of the Diyanet.

The absence of a clergy in Islam[6] has been a means of legitimizing the state's intervention in religion, and categorizing it as a public service.[7] If public services are defined as activities managed by public legal entities or by private entities supervised by the state for the purpose of meeting a shared and general need which has acquired a certain importance for the people, the state's involvement in religious affairs, in our opinion, does not conflict with laicist/secularist principles. An assessment of the duties of the Diyanet in this context reveals that duties such as 'the management of places of prayer' and 'providing correct publications of the Koran' are indeed public services that may be justified as fulfilling a collective need. However, the state makes use of the Diyanet as an administrative tool to indoctrinate and propagate official ideology regarding Islam while fulfilling duties like 'enlightening society about religion' and 'religious education'. An interesting point here is the differing policies of administrations over time. Certainly, institutions are organs constituted by human agents that process their own dynamics according to their agendas, thus sociologically and anthropologically it is

However, the state makes use of the Diyanet as an administrative tool to indoctrinate and propagate official ideology regarding Islam while fulfilling duties like 'enlightening society about religion' and 'religious education'.

interesting to scrutinize texts produced by various authorities of the Diyanet.

It has been agreed by various authorities of the Diyanet over the years that production and transmission of religious knowledge is a prominent task of the institution. 'Religious' in this context refers predominantly to Islam. Professor Ali Bardakoğlu, a former president of the institution, has emphasized this mission on many occasions. He states that 'the Diyanet has a particular role in the production and transmission of religious knowledge.[8] Bardakoğlu suggests it 'provide(s) sound religious information.'[9]

A preference for using adjectives like 'sound', 'authentic', 'true'[10], 'healthy'[11], 'objective and true accurate'[12] indicates an essentialist approach that produces categories of legitimate and illegitimate religions. This may be read as a predictable outcome of the legal and political construction of religion in the Republican epoch of Turkey. As for Islam, it has been the task of the Diyanet to define, represent, organize, and regulate its public forms. Religious activities outside the oversight of the state are still perceived as a threat. What is interesting is to observe the state reflexes thereto. There appears to be a lot less difference than may be expected between the early Republican era with its strong Kemalist rhetoric, and the last decade with a series of pro-Islamic AK Party governments, as regards religious activities outside the oversight of the state.

Efforts at balancing gender equality and Islamic principles by the Diyanet through *khutbas* (Friday sermons delivered by Diyanet Imams who read from the 'official' text sent each week by the Diyanet) and in expanded services to women under the generic of family guidance within the last decade is an interesting process in order to read especially the continuities and ruptures of patriarchal mentalities of not only the Turkish state over time but also of society.

Currently, the Diyanet is a significant international actor in the Turkish Islamic sphere due to the Turkish state's financial and organizational

Currently, the Diyanet is a significant international actor in the Turkish Islamic sphere due to the Turkish state's financial and organizational support. Whereas until the military coup of 1980 the Diyanet's access had been limited to Turkey's Muslims, after the coup the Diyanet expanded its activities into countries with Turkish immigrant populations.

support. Whereas until the military coup of 1980 the Diyanet's access had been limited to Turkey's Muslims, after the coup the Diyanet expanded its activities into countries with Turkish immigrant populations. Since the early 1980's the Diyanet has sent imams to Europe to counterbalance the influence of other Islamic communities on Turkish Muslims and to maintain their loyalty to the Turkish state. To counter undesirable Islamic influences, the Diyanet is to propagate the 'correct' Sunni Islam through the mosques and compulsory classes on Islam, with a strong emphasis on ethics, human rights, and each citizen's duties towards state and country. However, the Diyanet's claim in international affairs is not limited to migrants with a Turkish background; it also claims a role as an actor in regions like the Balkans and the Caucasia.

The Diyanet as an institution has produced its own dynamics in spite of the official ideology which tried to shape it. Thus, it has taken on a meaning and significance that renders virtually meaningless the suggestion that the institution should be abolished and the religious realm left to the religious communities. Moreover, the extensive network of the Diyanet all over Turkey and abroad, which no other administrative body enjoys in the Turkish system, is a great opportunity for all Turkish governments, regardless of their positions on the political spectrum. However, the institution should not cling to its status and should be reorganized in accordance with the demands of the interested actors. It is not possible for those who use political power in a contemporary democratic state and present themselves as the representatives of society to ignore the wishes of the social corpus. Thus, those that seek to be represented in the Diyanet should be given the opportunity. Also, those that demand to have similar institutions should be legally facilitated.

The Scope of Freedoms of Thought, Conscience and Religion

The principle of equality, construed as 'equality in blessings and burden' by the Turkish Constitution of 1982[14], requires that all persons eligible for a public service should be able to benefit from such service in a free and equitable manner. The first problem that arises in Turkey when the subject of a public service is religion is that the state is focused on a single religion rather than on services including all religions in the territory. As concerns our present subject matter, this problem is relatively easy to deal with, because Islam is the religion of the majority of the people and services related to other religions are provided by the respective communities according to the provisions of the Lausanne Treaty. However, problems emerge in services to be offered to non-Muslim groups that are not recognized by the Lausanne Treaty, such as the Protestants, Bahai Faith groups, Jehovah's Witnesses, Yazidis or the Assyrians/Syriacs that belong to churches such as the Syriac Orthodox, Syriac Catholic, and Chaldean Catholic, and to other Islamic understandings with different practices such as the Alevis.

The Diyanet claims that Alevis and Sunnis are not subject to discrimination because, except for certain local customs and beliefs, there are no differences between these two interpretations regarding basic religious issues; this indicates a denial of a separate 'Alevi' religious identity. The fact that Sunnis constitute the majority appears to justify in the eyes of the Turkish Republican laic elite this denial of Alevi rights, as the state disregards other sects.The Diyanet's pretence of being unaware of the religious belief of the Alevi population, and its building of mosques in so-called 'Alevi villages', is a pressure exerted by the state to implant the Sunni belief in this section of society.

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Legal recognition of religious group autonomy and places of worship is a pillar of religious freedom. A state that denies a religious community the very opportunity to establish and operate a place of worship is surely under a severe burden to

justify it. The European Court of Human Rights has taken a dim view of such matters. In *Manoussakis and others v. Greece*, the state was held to be 'restricting the activities of faiths outside the Orthodox church.'[15] In *Hasan and Chaoush v. Bulgaria*, the applicants complained that the state had interfered with their right to organize their faith. The Court maintained that "the personality of the religious ministers is undoubtedly of importance to every member of the community".[16] In 2001 a similar violation of Article 9 was found by the European Court of Human Rights regarding the Moldavian government's refusal to recognize and register the Metropolitan Church of Bessarabia.[17] The common theme held by the Court in these cases is that no State is capable of arguing against definitions of rituals or places of worship of a faith group. In Turkey, the state institutions including the Diyanet have continued to be reluctant to accept *cemevi*s (gathering houses), which Alevis define as their places of worship. This case has not been taken to the international human rights' judicial field yet; however, in the light of the above-mentioned decisions, it is clear that no state is capable of arguing against definitions of rituals or places of worship of a faith group.

In 2004, a member of the Alevi religious community unsuccessfully applied to the judiciary in Turkey requesting that his identity card feature the word 'Alevi' rather than the word 'Islam'. It was obligatory in Turkey for the holder's religion to be indicated on an identity card until 2006, when the option was introduced to request that the entry be left blank. His request was refused on the grounds that the term 'Alevi' referred to a sub-group of Islam and that the indication 'Islam' on the identity card was thus correct.

The European Court of Human Rights found a violation of Article 9 which had arisen not from the refusal to indicate the applicant's faith (Alevi) on his identity card but from the fact that his identity card contained an indication of religion, regardless of whether it was obligatory or optional. The Court underlined that the freedom to manifest one's religion had a negative aspect, namely the right not to be obliged to disclose one's religion.[18]

On 23 February 2001, Hasan Zengin, stating that he was of the Alevi faith, submitted a request to the Provincial Directorate for National Education in Istanbul, seeking to have his daughter exempted from the compulsory religious culture and ethics classes in school. This demand on the part of the applicant was rejected on the grounds of Article 24 of the Constitution, which states 'Instruction in religious culture and moral education shall be compulsory in the curricula of primary and secondary schools' and Article 12 of the State Education Act.

The decision on principles, priorities, and conditions in the Accession Partnership with Turkey includes the requirement that Turkey guarantees 'in law and practice' the full enjoyment of human rights and freedoms by all without discrimination on grounds of religion and belief.

The applicants (Hasan Zengin and his daughter Eylem) alleged in the subsequent case before the European Court of Human Rights that the classes in religious culture and ethics were not conducted in an objective, critical or pluralist manner, and they claimed that the lessons were taught from a Sunni interpretation of the Islamic faith and tradition.[19] The Court concluded that the instruction provided in the school subject 'religious culture and ethics' cannot be considered to meet the criteria of objectivity and pluralism and, more particularly in the applicants' specific case, to respect the religious and philosophical convictions of Eylem Zengin's father, a follower of the Alevi faith, on the subject of which the syllabus is clearly lacking. In accordance with the ECtHR judgement, the Turkish government has made some improvements in the educational curriculum, though problems still persist.

In 1999, when Turkey officially began its bid to enter the European Union, relations between the state and religion started to take a democratic turn. The decision on principles, priorities, and conditions in the Accession Partnership with Turkey includes the requirement that Turkey guarantees 'in law and practice' the full enjoyment of human rights and freedoms by all without discrimination on grounds of religion and belief. Some steps taken by the government, such as in the ownership of some minority foundations and in religious education, seem promising; however, there still seems to be a long way to go.

Concluding Remarks: Recent Developments

States should not make choices as regards what should be for the good of their citizens' lives, instead leaving that choice to the individuals concerned. The liberal state is not to do anything intended to favour or promote any particular comprehensive doctrine over another, nor to give greater assistance to those who pursue it.

However, the recent practices of the AK Party government reveal that their understanding of the state in Turkey is not a liberal one. For example, Recep Tayyip Erdoğan, the current President of Turkey, when he was the prime minister, on May 25, 2012, in his speech at the closing ceremony of the International Parliamentarians' Conference on the Implementation of the International Conference on Population and Development (ICPD) Programme of Action that took place in Istanbul, Turkey stated, 'I am against C-section and I perceive abortion as a murderous act. Either kill a child in the mother's womb or kill him/her after the birth. No difference at all.' Thus, an intense debate on the issue emerged in Turkey. Indeed, religion and conservatism are constructed, interpreted, reinterpreted, and employed according to contextual and political circumstances. We read the current government's recent policies targeting issues like abortion, artificial insemination, C-section, and others such as population growth ('three children for every family') as bricks of a social engineering project aiming to transform the social body of Turkey into one with 'conservative' values nourished by religious sentiments. This project of social engineering towards an imagined social corpus where the good has already been designed is very similar to the practices of the early Republican elite of Turkey in the 1920s and 30s to achieve their own good for the people.

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Thus, both with the internal dynamics and changing paradigms in the world, we think that religion should be considered, at the legal level, within the framework of

the two higher constitutional principles in the Turkey of the 2000s, which without any doubt has a very different setting from that of 1924. One of these principles is freedom of religion and belief (including conscience) and the other is laicism. While the freedom to adopt and manifest a religion is fundamental, freedom from religion must also be afforded the same level of respect and protection. We believe that society must strive to achieve this balance for the sake of liberty and equality, however challenging that continues to be.

Notes

1 Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford, California: Stanford University Press, 2003), p. 1.
2 Jürgen Habermas, Pre-political Foundations of the Democratic Constitutional State? in F. Schuller, *Dialectics of Secularization: On Reason and Religion* (translated by Brian McNeil, C.R.V.) (San Francisco: Ignatius Press, 2005), p. 46.
3 Ahmet T. Kuru, *Secularism and State Policies toward Religion: The United States, France and Turkey* (Cambridge: Cambridge University Press, 2009).
4 José Casanova, Civil society and religion: Retrospective reflections on Catholicism and prospective reflections on Islam, *Social Research: An International Quarterly* 68:4 (2001), p. 1064.
5 Fuat Keyman, Assertive Secularism in Crisis: Modernity, Democracy and Islam in Turkey, in L.E. Cady and E.S. Hurd (eds.), *Comparative Secularisms in a Global Age* (New York: Palgrave Macmillan, 2010), p. 143.
6 "The absence of a clergy in Islam means that there is no special class equipped with holy abilities to speak on behalf of God and religion." Ali Bardakoğlu, *Religion and Society: New Perspectives from Turkey* (Ankara: Publications of Presidency of Religious Affairs, 2006), p. 11.
7 Ali Bardakoğlu, a former president of the Diyanet, states that "the Diyanet emerged as a response to a social need for the organization of religious affairs and in order to provide religious services. The establishment of the Diyanet can also be seen as a response to the problem of sustaining public stability in the area of religious affairs and as a way to meet the public demand for satisfactory religious services." Ali Bardakoğlu, Moderate Perception of Islam and the Turkish Model of the Diyanet: The President's Statement, *Journal of Muslim Minority Affairs* 24:2 (2004), p. 368.
8 *Ibid.,* p. 367.
9 *Ibid.,* p. 369.
10 TV interview, Channel 7: *Ters Köşe* hosted by Akif Beki and Fehmi Koru on 21 December 2003. For the text *see* Bardakoğlu, *supra* note 37, p. 117.
11 TV interview, Channel 7: *İskele Sancak* hosted by Ahmet Hakan Coşkun on 16 January 2004. For the text *see* Bardakoğlu, *supra* note 37*,* p. 128.
12 News titled 'Head of Religious Affairs Görmez receives members of US Religious Freedoms Commission', at the Diyanet official website (dated 7 February 2014), www.diyanet.gov.tr/tr/icerik/news, accessed 17 February 2014.

13 The head of the Diyanet referred to this role as "a prestigious referee position instead of taking sides." *See* Mehmet Görmez, Religion and Secularism in the Modern World: A Turkish Perspective, *Turkish Policy Brief Series* 2 (2012), p. 7.
14 Constitution of the Republic of Turkey, 'Preamble', paragraph 7. http://global.tbmm.gov.tr/docs/constitution_en.pdf, accessed 20 February 2014.
15 *Manoussakis and others v. Greece*, 26 September 1996, European Court of Human Rights, No.18748/91, para 48.
16 *Hasan and Chaoush v. Bulgaria,* 26 October 2000, European Court of Human Rights, No. 30985/96, para. 62.
17 *Metropolitan Church of Bessarabia v. Moldavia*, 13 December 2001, European Court of Human Rights, No. 2002/35.
18 *Sinan Işık v. Turkey*, 2 February 2010, European Court of Human Rights, No. 21924/05.
19 *Hasan and Eylem Zengin v. Turkey*, 9 October 2007, European Court of Human Rights, No: 1448/04.

Istar Gozaydın and Ahmet Erdi Oztuk, Research Fellows at the Turkey Institute, discuss the legal regulations and political issues regarding the management of religion in Turkey, focusing on the role, historical foundations and legal structure of the Presidency of Religious Affairs ('Diyanet'), an administrative unit founded in 1924 'to organize the religious affairs' in a secular state apparatus. Istar Gozaydin is a professor of law and politics and Dean of the Faculty of Arts and Social Sciences at Doğuş University in Istanbul and Ahmet Erdi Ozturk is a PhD candidate in the Political Science Department at the University of Ljubljana in Slovenia.

The topic of this analysis paper is highly relevant to recent developments in Turkey, governed, as it is, by the AKP (Justice and Development Party), which uses religious rhetoric and appeals to the public with and through religious sensitivity. The authors of this publication argue that the current government's recent policies targeting issues like abortion, artificial insemination, C-section and population growth are examples of a social engineering project aiming to transform the social body of Turkey into one with 'conservative' values nourished by religious sentiments and that this is very reminiscent of the early Republican elite of Turkey's 1920s and 30s who sought to achieve their own 'good' for the people at the time.

The issue of the management of religion in Turkey has implications for Turkey's democracy, human rights, equality and good governance. In that sense, it will be closely monitored by the European Union, as stated in its recently published progress report on Turkey. The subject-matter of this publication also has wider implications for the neighbouring region due to Turkey's secular state structure with a majority Muslim populace.

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