TURKEY'S CULTURAL INTEGRATION WITH THE EUROPEAN UNION
(RELIGION AS A FACTOR)

A Master's Thesis

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September 2007

To my family

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(RELIGION AS A FACTOR)

The Institute of Economics and Social Sciences
of
Bilkent University

by

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I certify that I have read this thesis and have found that it is fully adequate, in scope and in quality, as a thesis for the degree of Master of Arts in International Relations.

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ABSTRACT

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Turkey's integration with the European Union has been investigated through different lenses. When Turkey gained candidacy status in 1999 Helsinki Summit, the discussion about Turkey's cultural/religious dissimilarity with the Union became more noticeable. In this context, Turkey's compatibility with the European norms, with specific reference to different religion, needed an attentive investigation. Turkey's fidelity to laicism in the existence of a majority Muslim population is of great significance in Turkey's cultural integration with the EU. The fundamentality of religion factor for the European identity and potential contribution of laic Turkey to this identity with its different religion/culture are the major issues that are tried to be analyzed. This thesis also tries to display what laic Turkey will bring into the EU in cultural terms in the case of its full membership. It is concluded that Turkey's integration with the EU is at a bottle neck because of its different cultural/religious tradition. Nevertheless, it is not a deadlock. This impediment can be overcome with proper understanding of each other and with willingness for integration that embraces both European and Turkish cultures.

Keywords: Religion, Turkey and the European Union, Culture, Identity

ÖZET

TÜRKİYE'NİN AVRUPA BİRLİĞİ'NE KÜLTÜREL ENTEGRASYONU
(DİN FAKTÖRÜ)
Gürçel, Tuğba
Yüksek Lisans, Uluslararası İlişkiler
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Türkiye'nin Avrupa Birliği ile entegrasyonu değişik yaklaşımlarla incelenmiştir. Ancak, 1999 Helsinki Zirvesi'nde adaylık statüsünü elde etmesiyle, Türkiye'nin AB'den kültürel ve dini açılardan farklılığı ile ilgili tartışmalar her zamankinden daha çok gündeme gelmiştir. Bu bağlamda, Türkiye'nin Avrupa normlarına uyumu konusunda, özellikle dine atıfta bulunulduğunda, özenli bir inceleme gereksinimi doğmuştur. Türkiye'nin, çoğunluğu Müslüman olan bir toplumla laiklik ilkesine bağlı kalması, AB ile kültürel entegrasyonunda dikkat edilmesi gerekenlerin başında gelmektedir. Din faktörünün Avrupa kimliği içindeki önemi ve Türkiye'nin farklı dini/kültürüyle bu kimliğe potansiyel katkısı bu tezde araştırılmaya çalışılan başlıca konular arasındadır. Bu tez, laik Türkiye'nin faklı dini/kültürel geleneği ile AB normlarına uyum sağlaması konusunda bir analiz sunmayı amaçlamaktadır. Tezin sonucunda, Türkiye'nin AB ile entgrasyonunda kültürel/dini farklılıklar nedeniyle bir dar boğazdan geçmekte olduğu ancak bunun aşılamaz bir kördüğüm olmadığı yönündedir. Bu engel, tarafların kimlik tanımını ortaklaşa yeniden yapılandırma istekleriyle aşılabilir.

Anahtar Kelimeler: Din, Türkiye ve Avrupa Birliği, Kültür, Kimlik

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CHAPTER I

INTRODUCTION

Turkey is considered as a civilizational outsider to the European identity by many Europeans. The long journey of Turkey[1] for full membership to the EU has been ruptured many times. After the candidacy status of Turkey in 1999 Helsinki Summit, the light at the end of the tunnel was more brilliant than ever. Unfortunately, optimism for further integration with the EU is shattered with the reluctance of some European leaders as well as European people to accept Turkey's membership. The rationale behind this unwillingness was mostly derived from cultural and civilizational concerns because of Turkey's different religion. While Turkey was working hard to satisfy Copenhagen Criteria[2], it had to fight in another

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[1] Turkey's relations with the EU started on the basis of a partnership regime established by the Ankara Agreement which was signed with the European Community on 12 September 1963. For more information on the history of the EU-Turkey relations, please visit:
http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/TurkeyAndEU/EUHistory.htm

[2] The related part of the Copenhagen Criteria is "the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union". Copenhagen Political Criteria implies "the stability of institutions guaranteeing democracy, the rule

battlefield. Turkey was faced with a pseudo-criterion[3], namely cultural difference, which needs to be overcome for European membership.

The cultural difference of Turkey; especially its religion, is started to be perceived as an invisible barrier for further integration between Turkey and the EU. For some Europeans, Turkey's identity was so different from European identity that the integration of Turkey would lead to an end of the EU[4]. Nonetheless, there is no a priori reason for excluding a country on the basis of its religion (Netherlands Scientific Council for Government Policy, 2004: 6). Still, religion has arisen as the prominent difference of Turkey from the European culture.

This thesis aims to display the scope of European identity and Turkish identity with specific reference to the place of religion in order to reach a conclusion on the compatibility of Turkey with the EU despite her different religion. Many Europeans argue that despite its secular nature, inclusion of a large Muslim population will have implications (Delanty and Rumford, 2005: 48). Here the fear is that the Islamic tradition will be very visible in the Community and will not be integrated. This does not necessarily indicate that Turkey constitutes a danger for

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of law, human rights and respect for and protection of minorities". For more information, visit: http://ec.europa.eu/enlargement/enlargement_process/accession_process/criteria/index_en.htm

[3] In common parlance, the prefix pseudo is used to mark something as false, fraudulent, or pretending to be something it is not. Here, this saying is used for implying that the EU put a criterion before Turkey that does not exist in real.

[4] For example, Valery Giscard d'Estaing is a French centre-right politician who was President of the French Republic from 1974 until 1981. He also worked for the formation of the Draft Constitution of the EU. Giscard d'Estaing is also known for his strong opposition against Turkey's membership to the EU. He argued that Turkey was not part of Europe.

European identity given the prominent slogan of the EU; "diversity in unity". The thesis argues that there is no prescribed religious criterion for the EU membership; thus there is no concrete impediment for secular Turkey for its membership. The difference of culture/religion may simply bring cultural diversity to the EU instead of breaking its unity.

The thesis tries to draw a general picture of the place of religion in Turkey with debated issues/institutions as well as the rise of political Islam. Existence of such issues causes the reluctance of the EU for further integration with Turkey. This is mostly based on the idea that Islam being a religion which has more implications in social life of people. In this sense, this thesis also tries to underline the secular character of Turkey in the purpose of highlighting the fact that Islamic tradition would enhance the cultural diversity while contributing to the civilizational project of the EU.

In the EU-Turkey relations a controversial point is where to place Turkey; in Europe or in the Middle East. It has also been a matter of debate on Turkey's domestic scene. The question of perceiving Turkey as a part of West or of Muslim world is an idea-monger both for Turkey and the EU. Therefore, Turkey's relations with the EU have always suffered an eclipse of identity-culture dilemma. It is plausible to state that Turkey neither belongs to Judeo-Christian tradition nor to the Arab Islamic culture (Bozdağlıoğlu, 2003: 68). Turkey seems to have chosen its

place in the 19th century with its prominent Western inclination. This tendency became a *façon d'etre*[5] for the modern Republic of Turkey in accordance with the strong will of its founder; Mustafa Kemal Atatürk.

With the foundation of the Turkish Republic, Atatürk set the principles for modernization of the country. In the 1920s laicism became the founding principle of the Kemalist project of nation-building (Yavuz and Esposito, 2003: xx). Kemalist laicism does not only involve separation of politics and religion but also displays a positivist stance in restructuring society. Laicism has always been a privileged concept within the debate of Turkey's stance towards religion.

This thesis tries to explore Turkey's cultural integration with the EU from two perspectives. First, it investigates the identity question in the EU and the place of religion in the scope of European identity. Second, it displays the place of religion in Turkey. It then discusses Islam in Turkey's laic system and explores the issues that concern many Europeans.

The thesis is composed of five chapters; the first chapter is the introduction. The second chapter refers to the constructivist approach for providing a perception of European identity. In this chapter, identity question is put at the center of investigation in order to demonstrate that identities can be redefined. In this

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[5] Way of existence.

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context, Turkey with its different cultural/religious background may lead to a relaxation of the definition of the European identity.

The third chapter explores how the EU and its member states deal with religion. It questions if there are common practices in the EU member states in state-religion relations while investigating the legally binding documents of the EU for a clear understanding of the references to Christianity. In the search of fundamentality of Christianity within the European identity, the chapter reaches a conclusion on the place of Christianity in the shared values of the EU. This conclusion is utilized for determining if there are requirements for the position of religion in the member states.

After presenting the EU side, the fourth chapter touches upon state-religion relations in Turkey. In order to have a proper understanding of those relations, the fundamentals of modern Turkish Republic are tried to be investigated in terms of Kemalist principles. The two dissimilar concerns of the EU about the laic character of Turkey that directly affect state-religion relations are evaluated. The first stems form a notion of laicism that leads to a strong state control over the institutions to protect them from Islamism. This attitude is criticized by Europeans claiming that it restricts religious freedom. The second concern relies on the belief that there will be a rise of Islam in Turkey and in the case of full membership; Turkey will bring Islamism as a threat to European culture. The first criticism is examined by

evaluating laicism in Turkey in comparison with the rather similar practice in France in order to provide an assessment on Turkey's affinity with an important case of European practice. The second concern of Europeans is discussed in the following chapter that entails the freedom of religion in the context of Islam in laic Turkey.

The fifth chapter preludes the place of Islam in Turkey by laying down the rise of Islam and the controversial "religious" issues. This chapter aims to discuss the concerns of the EU from Turkish side in terms of being too religious and bringing this extensive religiosity to the Community. The chapter argues that the state authority over religion and rise of Islamism reached equilibrium in Turkey.

Finally, the thesis reaches a conclusion on Turkey's compatibility with the EU despite her different cultural/religious tradition. The secular character of Turkey being at a fine equilibrium between rise of Islam and space for religious freedom, offers enrichment of the EU identity by her full membership. Relying upon this assessment, this thesis aims to demonstrate that Turkey can integrate with the EU, without endangering its own culture or European identity.

CHAPTER II

IDENTITY QUESTION IN TURKEY'S INTEGRATION TO THE

EU (DIFFERENT RELIGION FACTOR)

A CONSTRUCTIVIST APPROACH

This thesis argues that Turkish and European identities can integrate with each other. In order to demonstrate this, it will try to deal with religion as a factor that seems to be the most controversial issue in cultural integration, for both parts. Before proceeding with religion, I would like to draw a general picture of the identity question from a Constructivist perspective on the road of integration of Turkey and the EU.

Will the Turkish identity be a 'fringe' or an indispensable constituent of European identity? At this point, the identity concept requires an examination of whether it is exogenously given or socially constructed. The constructivist approaches argue the

latter and give insight on how identities are constructed and reconstructed. For Turkey's cultural integration to EU with its different religion, constructivist theories provide a valuable understanding. In this first chapter, it will be tried to be investigated Turkey's cultural integration with the EU from the theoretical outlook provided by Constructivists.

2.1 Constructivist Theory

Constructivism assumes that identities are socially constructed. The "social construction" implies for constructivists that social reality does not fall from heaven, but that human agents construct and reproduce it through their daily practices (Risse, 2004: 2). Constructivists do not believe that there is an external reality that exists independent from the knowledge or understanding of the subject. On the contrary, they argue that social reality is to be made by the human agents. By moving from this argument it is possible to end up with the idea that a new identity can be formed according to the new conditions and new environment.

For constructivists, identity and culture are independent variables but they are employed in accordance with the conceptions of people. According to Adler (1997: 324) "… the identities, interests and behavior of political agents are socially constructed by collective meanings, interpretations and assumptions about the

world". In addition, identities are mostly determined with the understanding of self and other. In his work, Gürbüz (2004: 17) underlines two characteristics of identity: First, as the product of social and political interaction which is formed due to a collective understanding and second, as a dynamic concept. Identity is dependent on the agents that constructed it. Therefore, it can be reconstructed in the new social context by the agents.

This argument constitutes the basis of my perception on Turkey's cultural integration with the EU with its different religion. The main assumption here is that the European identity is constructed by the human actors. This is also the case for Turkish identity. According to the famous argument of Huntington, it is very difficult, if not impossible, that these identities integrate with each other. There are also some prominent figures who oppose to this view (1996: 74). Walter Hallstein[6] claimed that "Turkey is part of Europe" in 1963 Ankara Agreement, at the very beginning of Turkey-EU relations (Bozdağlıoğlu, 2003: 70). The fact that Turkey's full integration with the EU is indicated in the Ankara Agreement as the final objective, displays the initial view of the EU.

This thesis tries to point out that a new identity can be formulated in the case of the willingness of the both sides; the EU and Turkey. In this new identity, both the EU and Turkey will bring their authenticities. In order to comprehend whether such a

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[6] He was the first President of the Commission of the European Economic Community (EEC).

collective identity can be constructed, the thesis will explore the authenticities of the EU and Turkey in terms of their different religions in the following chapters.

2.2 Turkey's Cultural Integration with the EU: Identity Question in Constructivism

As mentioned in the previous part, the main assumption of this thesis is that identity is not given and it is not fixed (Hopf, as cited in Gürbüz, 2004: 25). Therefore, identities are constructed and they can be modified. The thesis firstly tries to assess the EU identity, on the basis of how the EU defines self and other.

First of all, European identity is constructed in a way that revolves around who can and who cannot be considered as 'European' (Buzan and Diez, 1999: 41). This identity has been built since the very beginning of the foundation of European Community by settling down a civilizational project. When the essence of the settlement is investigated, it can be observed that the economic integration is just seen as a means that serves the realization of a common political identity. Besides, the foundation of such a political unity was primarily intended to build peace within Europe. For achieving this end, there had been a need to create a European identity which will unite Europe under a peaceful umbrella.

In order to construct such an identity, European countries counted a set of notions which do have the ability to bind them. This combination is defined by Öniş (1999: 109-110) as: "To an outside observer, a number of powerful notions are associated with the idea of a European identity. These typically include social Europe, Europe as a promoter of democracy and human rights, Christian Europe, and Europe as a global power". This shows why the EU can be called as a civilizational project. In the work of Delanty and Rumford it is asserted: "[…] the idea of a European civilizational constellation rather than a single and narrowly defined civilizational model is a more appropriate notion" (2005: 30). Thus the enrichment of such civilization is possible by increasing its diversity.

At this point, it seems that the five attributions of European demos, defined by Jurgen Habermas, clarify what European identity is constituted of: "The neutrality of authority, embodied in the separation of church and state, trust in politics rather than the capitalist market, an ethos of solidarity in the fight for social justice, high esteem for international law and the rights of the individual and support for the organizational and leading role of the state" (as cited in Tekin, 2005: 290). These characteristics are utilized in order to formulate a meaningful identity that will be attributed to the EU for the purpose of considering it as a political unity.

In general terms, constructivist theories argue for the importance of culture and identity affinity between Central and Eastern European Countries (CEECs) and the

EU fifteen by giving reference to their smooth transition to full membership. Furthermore, they explain the EU ambivalence towards Turkey in terms of her differing identity. However, it is argued in this thesis that Turkey does not necessarily have to be detached from her cultural heritage, thus from her identity, for the purpose of becoming an EU member. On the contrary, the different identity of Turkey has become indispensable for the EU. It is so not only for enriching the mosaic of the European culture but also for strengthening the meaning of famous slogan; 'diversity in unity'. This integration will provide a liaison between West and Muslim world.

In this manner, the enlargement process of the EU has to be examined very attentively in terms of identity problem. The rationale behind the uncomplicated acceptation of full membership of the CEECs to the EU should be questioned. While doing so, an interesting "coincidence" can be taken into account for a better understanding about the significance of European identity in membership question. Öniş (1999: 108) reaches a point from the inconsistency in EU's attitude towards CEECs and Turkey. He argues that the emergence of the Central and Eastern European countries during the 1990s, and the relative ease of their membership in comparison to Turkey, strengthens the view that the EU essentially a civilizational project. This attitude is an appropriate instance of EU being an identity-based community.

From a constructivist perspective, it seems obvious that the difference of attitude to CEECs and to Turkey strengthens the argument of EU being culture or civilization based formation. Provided that CEECs and Turkey are more or less at the same level of economic and political development, there has to be another strong factor leading to the unequal treatment per se (naturally). What makes Turkey so 'different' from the EU in terms of identity? In other words, why is Turkey seen as an 'exclus'[7] in the eyes of Europe?

In the case of full membership to the EU, Turkey is expected to be a civilizational outsider to the European identity and as a result, it will be seen as an 'exclus'. From the other side of the coin, the possibility that Turkey tries to preserve her identity, thus stays authentic, will make the EU feel threatened. The fear is based on the idea that the integration of Turkey to the EU will cause the dissolution of the unity. Because of this fear, EU tries to keep Turkey away from itself, to do what has been done to Meursault[8] in the end of Camus' famous novel[9].

However, this was not the case since the beginning of the relations between Turkey and the EU; they did not always perceive Turkey as a threat since the establishment of the relations. In fact, at the beginning of the relations between Turkey and the

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[7] *'Exclus'* is the French word for outsider.
[8] The name of the main character of the novel.
[9] Albert Camus, *L'étranger*. At the end of the story, society decides on the execution of the main character. The author points out that it is not just because he killed someone, but because he preserved his authenticity. Camus convinces the reader that society makes such a decision because of fear from the one who is not like them. Thus the reason of such a radical exclusion is the fact that society feels threatened because of the denial of their values by a part of them.

Community in 1963, the cultural dissimilarity of Turkey was not that important. In other words, Turkey's cultural and geographical distance from Brussels was not as prominent an issue as it would later become. But then, the Community realized her difference in terms of identity and started to be afraid of Turkey; which is 'different', 'other' or 'exclus', no matter how it is identified.

It seems plausible to take into account the self-definition of the EU which shapes its relationship with Turkey to a great extent. Buzan and Diez (1999: 42) argue: "First, the old game between the EU and Turkey (…) has been played too much according to strict 'inside/outside' understandings about which relationships are possible and desirable within the EU framework. Putting too much emphasis on being wholly 'in' or 'not in' has narrowed political visions in an unhelpful way…". There is no reason to narrow the meaning of self-definition by limiting it with the self-definition of another entity. In other words, to define oneself according to what one is not consisted of or what one is different from, is to restrict the definition. If the EU could integrate with the CEECs, it would not be that hard to 'absorb' Turkey. Delanty and Rumford affirm that Turkey's integration will not cause to clash of civilizations by making reference to the membership of the CEECs: "The differences between the ten new member countries and older fifteen member states fall within the extremes that already exist within the latter group" (2005:49). This argument can be put in this way; if the EU could integrate with the CEECs, then it can integrate with Turkey without trouble.

The identification of Turkey as other is a prejudice. Wendt (1995: 75) underlines: "All observation is theory-laden in the sense that what we see is mediated by our existing theories […] The world is still out there constraining our beliefs, and may punish us for incorrect ones". Therefore, the EU may be mistaken in its perception of Turkey. Then, what would be the consequence of this incorrect understanding of the EU? It would be to exclude Turkey from European identity; which has many vital consequences for the future of both sides.

Furthermore, it is pointed out by some that a further integration between Turkey and the EU threatens the social and political self-identification of each to an unsustainable degree (Buzan and Diez, 1999: 46). At this point, the constructivist arguments clarify how self-identification of both sides can be revised. As self-identification is not given but constructed, it can be redefined. According to Risse (2004: 3), identity can be modified via daily practices of human agents who actually create and reproduce it. In fact, this account provides an optimistic view about redefinition of identities. However, it does not necessarily imply that Turkey and the EU have to be detached from their culture but that they can redefine their identities in order to achieve further integration. It will be a reciprocal interaction where identities will be redesigned.

In the changing conjuncture, where a need for revising the self-definitions arose, a constructivist would recommend to the EU to make such a revision by taking into account the contemporary developments. In this sense, Delanty and Rumford (2005: 30) claim that 'East' is very influential in shaping European identity. They also believe that 'East' is primarily represented by Turkey. It is inevitable to give credit to this argument, given the change in the conjuncture is the rise of Islamic terror concept after September 11. In the overall picture, the strategic importance of Turkey is more obvious in the sense that it has the capability to lead a rapprochement between the West and Islamic world. Turkey is unique in the Muslim world with its secular character. As Tapper (1993: 9) mentions: "Of Muslim countries other than those with oil-based economies, Turkey is the most industrially and technologically advanced, and the closest economically and culturally to Europe and European Community". In this sense, a rapprochement of the EU with Turkey can create favorable ties with the Muslim world.

Another contribution that Turkey's membership can provide for the EU in terms of her Islam religion is to show that EU is not a Christian club as many argue. In other words: "…Turkey's inclusion will highlight the fact that Europe has been home to people with religious/cultural backgrounds other than the Judeo-Christian tradition" (Tekin, 2005: 297). Delanty and Rumford (2005: 40) agree with this statement and claim that a transcontinental European civilization that includes Islam has the same roots as the Judeo-Christian civilization. This important issue of religion is also

highlighted by the former Foreign Minister of Turkey: "Turkey's EU membership will mean that Europe has achieved such maturity that it can incorporate a major Muslim country into its fold and demonstrate that the EU stands for common values and institutions rather than a common religion" (Gül, 2004: 2). This illustration explains very clearly what Turkey can offer to the EU in terms of her different religion.

In this chapter, it is tried to be analyzed identity question in Turkey's membership to the EU from a constructivist approach. The rationale of such an investigation was to rely on constructivist perspective in arguing Turkey's compatibility with the identity of the EU. What can be deduced from this part is that identities are constructed and they can be reshaped according to the new environment. Therefore, the EU and Turkey can revise their identities in the purpose of enrichment in many terms.

The following chapter entails the state-religion relations in the EU member states. This thesis recognizes religion as an important constituent of identity and conducts the study of Turkey's integration with the EU by referring to its different religion. In order to make a decision if Turkey's Islam religion poses a problem for the European identity, the thesis will first try to assess the religious norms of the EU and question if there is a common practice.

CHAPTER III

THE EUROPEAN UNION AND THE STATE-RELIGION

RELATIONS

The role of Christianity in the European identity is of great significance in the context of Turkey's cultural integration with the EU. "Despite its apparent secular nature, the EU in fact rests on very Christian cultural assumptions" (Weiler as cited in Delanty and Rumford, 2005: 48). This chapter will firstly try to analyze the freedom of religion and conscience in the binding legal documents of the EU. Furthermore, the State-Church relations in the EU member states will be examined. It shows that the member states display a considerable variety on this issue. In this respect, this part also touches upon the new members and the position of Central and Eastern European Countries (CEECs).

Consequently, the fundamentality of Christianity for European identity will be discussed. And finally, this analysis will reach a conclusion in order to provide an understanding of whether religion is an impediment before Turkey's membership.

3.1 Religion in the Binding Legal Documents of the EU

Almost all European countries are a subjected to several international treaties that constitute the conditions concerning religious freedom. These conditions have direct or indirect binding impacts upon their judges (Shadid and Koningsveld, 1995: 7). The documents to which the thesis will refer are; Universal Declaration of Human Rights[10] and European Convention on Human Rights (ECHR)[11]. These are important documents since both are legally binding and set the fundamentals that EU member states are bound with[12]. The Draft Constitution of the EU[13] is also important and indicative in this regard but its future is uncertain. From thereon, the thesis will firstly refer to the Universal Declaration of Human Rights.

[10] On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights.
[11] The "European Convention on Human Rights" opened for signature by the members of the Council of Europe in Rome, on 4 November 1950 and entered into force in 3 September 1953. It sets forth a number of fundamental rights and freedoms and all members of the European Union are signatories to this Convention. It is also a pre-condition for membership to the EU. Turkey signed the Convention in 1950. Total number of the signatories is 46.
[12] Credit should be given to the "Declaration concerning the Elimination of all forms of Intolerance and Discrimination Based on Religion and Philosophy of Life" of 1981in putting stress on religious freedom, Shadid and Koningsveld, 7.
[13] The Draft Constitution for Europe is signed in October 2004. Following the rejection of the European Constitution by France and the Netherlands in 2005 and a two year period of reflection, on the 23rd of June 2007 the EU leaders agreed on a detailed mandate for a new Intergovernmental Conference. The task of this Intergovernmental Conference will be to draw up a Reform Treaty by the end of 2007. For detail please visit: http://europa.eu/institutional_reform/index_en.htm

The first document, the Universal Declaration of Human Rights asserts that

> Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance (Article 18).

The assertion of freedom of conscience and religion as fundamentals in one of the most significant documents for the spirit of the EU shows that freedom of religion is a major issue in the EU context. According to this article, each EU citizen has right to freedom of religion but it does not indicate that this religion should be Christianity. Besides, this article recognizes right to live one's own religious belief in private or community, in addition to the right to teach or manifest it freely. This means that whichever religion one belongs to, one can practice it freely in the EU member states. This is also mentioned in the ECHR (Article 9). The statements on freedom of religion are similar to the ones of Universal Declaration of Human Rights. In the ECHR there is no specific reference to Christianity but to freedom of thought, religion and conscience (Article 9.1). So, the inevitable question here is: Are there any indications about Christianity in the main documents of the EU?

This is the source of the debate about the specific reference to Christianity in the Preamble of the Draft Constitution for Europe. There is an ongoing debate on where to put religion in the European integration. In one hand, some (for example, Weiler, 1999) declare that Christianity is one of the universal values that attach

member states. On the other hand, for some (for example, Menendez, 2005) Christianity does not have such a role. To what extent Christianity has influence on the formation of European identity is still a matter of controversy. According to Menendez (2005: 179), considering individual and collective identities of Europeans being shaped by Christian values in an inevitable manner is a simplistic approach which limits us in a premature relation among history, memory and identity. Even if it is obvious that Christianity constitutes a valuable ingredient of European identity, there seems to be no concrete reason for mentioning it in the Preamble of the Draft Constitution for Europe. To decide whether Christianity is a sine qua non for European identity that should explicitly be mentioned in the Preamble, there should be common or shared values and practices. Therefore, it should be questioned if there is a common practice for Christianity in the EU member states.

3.2 State-Religion Relations in the EU Member States

This part will try to evaluate the state-religion relations in the member states for deciding if there is a common practice for religion in the EU. It is important to make an evaluation of state-church relations because: "To understand the political importance of religious actors, we need to comprehend what they say and do in their relationship with the state" (Haynes, 1998: 6). The first assumption while

studying state and church relations in the European context is the fact that state-church separation displays a variation among the member states. However, from a general point of view, as Haynes (1998: 8) mentions, in traditional European-centered perspective both church and state have equal power in relation to each other. According to Cullinan (2003) this variation is based on cultural and historical background of the member states: "Ultimately at issue are the idiosyncratic church-state arrangements shaped by particular historical circumstances in every European state". Halman and Draulans (2006: 266) also state that the contemporary church-state relationships are grounded in country-specific historical-political developments. In such an environment of variety, this chapter concentrates on the search for common values and practices in religion for the member states of the EU. Therefore, the thesis will deal with all the members of the EU in terms of state-church relations. For the first step, it will refer to some general remarks and comparisons between member states in the matter of religion.

According to the work of Netherlands Scientific Council for Government Policy (2004: 31): "Only the Netherlands, France and, until the fall of communism, most Central and Eastern European countries can be classified as states that have cut the constitutional ties between the dominant religion or church and the state..." In contrary, England has a state church led by the head of the state. Denmark and Greece also have state churches (Delanty and Rumford, 2005: 48). In the countries like Poland, Greece, Ireland, Bulgaria and Romania religion stayed remarkably

dominant (Netherlands Scientific Council for Government Policy, 2004: 31). This situation gives an idea about the lack of a common practice for state church relations among the EU member states.

Another general assessment comes from Haynes (1998: 64). He states that the relations between State and Church in Protestant societies like England and Denmark are shaped by "de facto co-option" of state by religion. Furthermore, it is argued that for Catholic France, this relationship between state and church was observed as "hostility and partial repression" (Haynes: 1998: 64). Lastly, Haynes (1998: 64) evaluates that in Catholic Spain since Franco and in Italy after World War I, state and church have been "allies". This grouping by Haynes (1998) draws a general layout; however it might be better to scrutinize state-religion relations in these countries in more detail.

It seems fair to start with the founders of the EU and analyze Benelux countries. Belgium does not have a state religion in the Constitution[14]. The neutrality of the state in religious matters is clearly indicated. In addition, the financial relations between state and religion are regulated in the Constitution. In Netherlands, the relations between state and religion are prescribed in the Constitution in three principles. These principles are religious freedom, non-discrimination based on religion and freedom of education (Shadid and Koningsveld, 1995: 18-19). Similar

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[14] For the English version of the Constitution of Belgium: http://www.fed-parl.be/constitution_uk.html

to Belgium, in Netherlands the confessional schools can get financial aid from state if they fulfill legal requirements. Religious freedom in the Constitution of Luxemburg[15] is prescribed in 1868 well before than other countries. In Luxemburg, the subsidies to private religious schools are provided as well as there is the opportunity for religious education in public schools. Thus, it can be stated that among the Benelux countries, Luxemburg is the one where the state finances religion the most. Besides, among the founders of the EU, Germany and France are of sui generis feature in terms of State and Church relations.

The work of Netherlands Scientific Council for Government Policy (2004: 31-36) indicates that Germany has strict neutrality among religions but the state has a positive approach towards churches. The German Constitution guarantees the freedom of religion and the relation between the state and religion is prescribed in many articles (for example, Article 4)[16]. The most significant ones are the separation of state and religion which also prohibits the existence of a state church, neutrality of state towards different religions and the right to self-determination for the religious communities (Shadid and Koningsveld, 1995: 12). Actually, this does not necessarily mean that state does not acknowledge the importance of religious activities. Haynes (1998: 73) analyzes this phenomenon as: "The reunification of the two Germanies led to the churches becoming relatively politically marginalized

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[15] For the English version of the Luxemburg Constitution:
http://www.servat.unibe.ch/law/icl/lu00000_.html
[16] For the English version of the German Constitution: http://www.vescc.com/constitution/germany-constitution-eng.html

in the 1990s". Thus, religion in Germany is regulated with neutrality of the state; however, church has tenure in the eyes of the State. Nonetheless; for France, which is one of the founders of the EU, it is not the case.

France, in this thesis, needs a more detailed investigation since it is the only country where the principle of laicism has a special scope. Hence, in the following parts, French laicism will be re-examined. In France, the Article 2 of the Constitution prescribes the relations between state and church. As the French Republic is a "laicist" state, it stays neutral in religious affairs. Like in many other Western countries, France has the freedom of conscience and religion guaranteed by the constitutional tradition. However, France has specificity in this matter as Shadid and Koningsveld (1995: 13) comment: "Contrary to the situation prevailing in many other West-European countries, the principle of laicism implies that the State neither recognizes nor finances or subsidizes any religious cult". In addition, the French State does not permit religious organizations to serve in any other field than the religious ones (Shadid and Koningsveld, 1995: 13). In this way, the engagement of churches in social life is restricted.

The Stasi Commission Report[17] makes laicism more visible in the French Republic. This report highlights the laic character of France by giving reference to the

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[17] Commission de Réflection is installed by President Jacques Chirac in 3 July 2003 in order to make reflection about the application of laicité in France. Since the Commission is headed by Bernard Stasi, the Commission is also called as Stasi Commission. The Commission has prepared a Report on this specific issue.

separation of state and church with a law dating back to 1905. As a matter of fact, this principle is a historical tradition that found its place in the Constitution. Therefore, France explicitly declares *laicité* as a constitutional tradition for the French Republic.

When it comes to Italy, it has passed a long and complex road for the establishment of the state-church relations. At the end, with the conclusion of a new concordat with the Roman Catholic Church in 1984, a new era for this relationship has been approved (Shadid and Koningsveld, 1995: 16). The Concordat states that Catholic religion is no longer the official religion of the State. This was a remarkable turning point for the place of religion for the Italian State.

Table 1: State-church Relations in the EU Fifteen[18]

Belgium	Belgium does not have a state religion in the Constitution.
Netherlands	The state-religion relations are prescribed in the Constitution.
Luxemburg	Religious freedom is prescribed in the Constitution in 1800s.
Germany	There is strict neutrality among religions but the state has a positive approach towards churches. The Constitution guarantees the freedom of religion and the relation between the state and religion is prescribed in many articles.
France	The Article 2 of the Constitution prescribes the relations between state and church. The French Republic is a "laicist"

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[18] The founding members of the EU are previously evaluated in the text.

	state and it stays neutral in religious affairs. It has the freedom of conscience and religion guaranteed by the Constitution.
Italy	There is no prescribed state religion indicated in the Constitution.
England	The Church is the national Church established by law and it is represented in Parliament. The Queen of England is the constitutional head of State and formal head of the Anglican Church[19]. Since there is no written Constitution, the principle of religious freedom is guaranteed with special laws and international treaties. In England, neither the State Church nor the other churches or religious communities get any financial aid from the State[20].
Ireland	In becoming member of the European Community in 1973, it rejected the clause in the previous Constitution recognizing the "special position" of the Roman Catholic Church. There are close historical ties between State and Church so that Catholic Church is still very influential in many respects in social life.
Denmark	Evangelical Lutheran church is the national church; therefore state is not neutral in religious affairs. The freedom of religion is guaranteed in the Constitution.
Greece	Orthodox Church is determined as the dominant religion in 1975 Constitution. Other confessional denominations are considered as "known" religions. The dominant Church is involved in public life to a great extent. It is also argued that the Orthodox Church operates both in law and in actual life as the State religion.
Portugal	Churches are independent from state and the principle of freedom of religion is guaranteed by the Constitution for everyone regardless of their convictions.
Spain	In the Spanish Constitution, the State is defined as non-confessional and laic. The State should be at equal distance to every religion and should treat equally believers and non-believers. State can also cooperate with churches and religious denominations in the purpose of guaranteeing the freedom of religion of citizens. But this cooperation should not violate the laic nature of the State. Yet, it is a Constitutional obligation that the king is a Catholic Christian[21].

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[19] Haynes, Jeff. 1998. *Religion in Global Politics*. London and New York: Longman.
[20] Shadid W.A.R and Van Koningsveld P.S. 1995. *Religious Freedom and the Position of Islam in Western Europe: Opportunities and obstacles in the acquisition of equal rights*. Netherlands: Kok Pharos Publishing House. pp. 11-17.
[21] *Dünyada Din-Devlet İlişkileri: Ülkeler Arası Karşılaştırmalar*. Gazeteciler ve Yazarlar Vakfı Yayınları: 12. İstanbul: 2002. p.9.

Austria	Freedom of religion is provided by the Constitution. The State is secular; however, the Roman Catholic Church is the predominant religion so that the religious holidays are also government holidays[22].
Finland	The Evangelical Lutheran Church and the Orthodox Church are the state churches. Freedom of religion is guaranteed by the Constitution[23].
Sweden	The Constitution provides for freedom of religion. Since the separation of church and state in 2000, eight recognized religious denominations, in addition to the Church of Sweden, raise revenues through member-contributions made through the national tax system[24]. The references to religion in the Constitution were omitted but the king still has to be Lutheran Christian[25].

Belgium, the Netherlands, Austria and Germany have no state church. Contrary to France; they support religious pluralism in many fields (Netherlands Scientific Council for Government Policy, 2004: 37). In contrast to these countries, England has a state church under the command of the head of state, as a constitutional tradition (Delanty and Rumsford, 2005: 48). Thus, it seems very plausible to argue that the constitutional traditions vary from one member country to the other in terms of state-church relations.

Now, it is reasonable to deal with the ten new member states[26] of the EU, in other words, the state church relations in the Central and Eastern European Countries

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[22] http://www.state.gov/g/drl/rls/irf/2006/71367.htm

[23] http://www.state.gov/g/drl/rls/irf/2006/71379.htm

[24] http://www.state.gov/g/drl/rls/irf/2006/71410.htm

[25] *Dünyada Din-Devlet İlişkileri: Ülkeler Arası Karşılaştırmalar.* Gazeteciler ve Yazarlar Vakfı Yayınları: 12. İstanbul: 2002. p.9.

[26] In 2004, the EU underwent a historic enlargement to 10 countries of Central and Eastern Europe and the Mediterranean: Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovakia and Slovenia. It was a unique, historic enlargement which signified the re-unification of Europe after decades of division by an Iron Curtain. See also: http://ec.europa.eu/enlargement/enlargement_process/past_enlargements/index_en.htm

(CEECs). This investigation will enlighten the way that the EU treats against new members in terms of their legal, administrative and social practice in religion[27]. Among the ten new members, only Estonia has a separation between state and church. Besides, Malta has a state religion; Roman Catholicism. For the rest, there are some who are more flexible against different religions and some who are strict. In such an environment, it is plausible to state that they have varying approaches to the freedom of religion and conscience in their national constitutions. As a matter of fact, the EU has welcomed the CEECs with their variety of state-religion relations. Since there are no related criteria with religion of the member states, there was no emphasis on how religion is being practiced in those countries[28]. The CEECs are evaluated according to Copenhagen Criteria and found compatible with the EU norms.

While deciding which country is compatible with the European norms, the EU has to be certain about its shared values. In other words, Europeans need to recognize what constitute their civilizational association. In this sense, the place of religion among the principles that stick European people with each other can be better analyzed from a broader perspective. The EU conducts research activities in order to explore the shared values.

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[27] See Table 1, Table 2 and Table 3 in the Appendices.

[28] Copenhagen Criteria and their applicability to Turkey is investigated in the working paper. The related part is the Copenhagen Political Criteria which is composed of stability of institutions guaranteeing democracy, the rule of law, human rights and respect for protection of minorities. See http://www.oeies.or.at/PolKrit_englisch.pdf

3.3 Shared values of the EU-*EuroEthos*

This part displays with the consequences that can be deduced from this sample research. *EuroEthos* is a specific targeted research project[29] that aims to explore the Scope for a Shared European Pluralistic Ethos and to make a comparative investigation of religious and secular ethically-derived requests for exemption from the law in an enlarging Europe. It is expected that the study of such issues provides indications on how European societies try to handle a plurality of values. The plurality of values is of great significance in the membership question of Turkey. This project can be evaluated as an inner search for shared values of Europe. Turkey's taking part of this project will lead to acknowledge whether it shares the same values with the EU. This is why, this project is tried to be evaluated under the scope of this thesis.

There are four main objectives of the project:

1. to develop and organize knowledge on cases in which religious and ethical secular values lead to the definition politically relevant claims
2. to raise historical awareness of the relationship between plural values and political stances

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[29] Under the "Sixth Framework Programme Priority 7; Citizens and Governance in a Knowledge Based Society". The project's dissemination activities include conferences and a publication strategy aiming to communicate results to an academic and non-academic public. The researchers involved are from different areas of expertise in order to provide a nuanced outlook on the issue. The description of the work has been prepared by 28 September 2006. The *Euroethos* Project is supervised by the Commission of the EU.

3. to analyze the influence of diverse cultural heritage on the political views of citizens in the enlarging Europe

4. to study the scope for a European ethos as a precondition for political integration.

In order to achieve these objectives, "the project will compile a database of cases of requests for exemption from the law, and run a comparative analysis focusing on the two case studies"[30]. Based on this analysis, normative guidelines will be developed regarding the specific forms in which pluralistic European ethos should be realized. For this thesis, the potential place of Turkey is considered in such a pluralistic European ethos.

For the first step of the project, it is tried to provide a better understanding of the fundamental concepts that constitute the basis of the exemption from law. In other words, the ethically-derived reasons of the requests for the exemption from law are evaluated. A database[31] is formed. It contains cases of demands of exemption from the law (including cases of conscientious objection, civil disobedience and legal protest) on religious and secular ethical grounds in some EU countries. In particular, the sample of countries includes long-established Member States (Italy, Spain, France, Germany, United Kingdom), countries that have fairly recently joined the EU (Czech and Slovak Republics), and an Associate candidate State

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[30] EuroEthos Annex I-Description of Work p.3

[31] The cases in the database, have been compiled through a review and analysis of secondary literature and media, the screening of laws, court cases and churches' official documents so as to identify both qualitative and quantitative data sources (at national, regional and European levels) on the topic. See website: http://euroethos.lett.unitn.it/home.php?database

hoping to be included in the future (Turkey). It will be the main source of information for all the research activities carried out in the project.

The collection of data also displays variance among the EU countries in terms of the value-basis of the law questioned, the reasons of the requests for exemption from law and the legal response. This divergence indicates that European societies do not embrace a common position in their interaction with ethical values, neither do the states. In the search of shared values of Europe, the diversity of attitudes of societies and states as well as the dissimilarity of the controversial issues confirm that there are no prescribed ethical values that are common to the member states. Nonetheless, this does not necessarily indicate that there are no similarities among the member states in terms of ethical values. What can be underlined here is that the similarities are mostly based on geographical proximities and sharing the same history.

In the project, it can be observed the similarity between Germany and France on the issues put in question as well as the state responses to them. That was also the case for Czech Republic and Slovak Republic. Provided that they share the same Soviet past, societies and states act in similar ways in terms of the requests for exemption from law. Therefore, it can be realized that shared values of the EU are not out there waiting to be discovered but they are being constructed. In this sense, new

members and Turkey do not seem to have difficulties in complying with European values.

When it comes to the value-added of Turkey, it is stated in the "Description of Work" that "the presence of Turkey in the sample is of paramount importance, given the unique nature of its internal composition combining a solid secular democratic tradition with the widespread presence of committed Muslims"[32]. Turkey's being part of the project also gives the opportunity to "identify the areas of overlap between Christian and Islamic value systems, and between the European and Turkish process of secularization"[33]. It is also expected that due to this investigation, an analysis can be made about "the problems faced by Muslims when confronted with the demands of a secularized integration process"[34]. This will also lead for the EU to have a better understanding on how Muslim minorities can be integrated to the European society.

The first impression that I got from the unfinished *EuroEthos* project is that Turkey is not that dissimilar in terms of its responses to the requests for exemption from law on the basis of religion and secularity. The next step of the project is to select two countries to compare with each other in terms of the requests and responses for the exemption from law in religious terms. It seems to me that Turkey will be grouped with France since these cases display similarity. Here, what makes these

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[32] Euroethos Annex I-Description of Work p. 9
[33] Euroethos Annex I-Description of Work p. 9
[34] Euroethos Annex I-Description of Work p. 9

two countries proximate is the resemblance of their conception of laicism. Even if the responses of the states do not match, the points raised by French and Turkish societies are similar. It will be significant to compare Turkey and France in the next step for a healthier understanding of how societies and states perceive the similar problems and how they react. In this way, Turkey's compatibility with the European ethical values will be illuminated.

3.4 Christianity as a Fundamental Factor to European Identity- Question of Common Practice

This part will evaluate if Christianity is one of the defining elements of European identity. There are divergent views on Christianity being a fundamental for European identity. For some politicians and scholars, European identity is inseparable from Christianity. Jacques Delors, the president of the EC in 1989 indicated that "Europe was a product of Christianity, of Roman Law and of Greek humanism" (Kütük, 2006: 276).

It is not very astonishing for Pope Jean Paul II to highlight the significance of Christianity for the unity of Europe. It is still reasonable for the Pope to perceive Christianity as a gluing factor among EU member states. According to his opinion: "A united Europe is no longer only a dream. It is an actual process, which cannot

be purely political or economic. It has profound cultural, spiritual and moral dimension. Christianity is at the very roots of European culture" (as cited in Tekin, 2005: 293). Therefore, Christianity is naturally considered to be a sine qua non for the Pope and for some others. For example, Wooden (2007) states:

> Many church leaders and Catholic activists had criticized the proposed constitution for failing to make an explicit reference to the Judeo-Christian roots of Europe and a commitment to ensuring that EU policies would reflect Judeo-Christian values.

From the point of view of this group, Christianity requires more apparent reference in the Draft Constitution for Europe.

According to some scholars and some political leaders (for example, Giscard d'Estaing, Angela Merkel and Nicolas Sarkozy) Christianity is so powerful in the European integration process that it leads to differentiation of Europe from the Muslim world. This claim explains why Europeans refer to Christianity in an inevitable manner while they bring up their ethical values (Menendez, 2005: 185).

For Valery Giscard d'Estaing, Christianity is the basis for EU membership. What is more, Cullinan (2003) appreciates Giscard d'Estaing for putting forward the issue of religion in the membership and enlargement question; which is the concern of many people in Europe whom he calls as *bien-pensants*[35]. Thus he believes that Giscard d'Estaing is worthy of special thanks: "In any case, Giscard himself

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[35] With this French word, Cullinan means the ones who reflect; "well-thinkers", in other words; the intellectuals.

deserves credit for putting in play the issue of religion and the EU constitution, though one suspects this was a wholly unintended consequence". These are the remarks and concerns of some scholars and politicians on the importance of religion in the EU that should be kept in mind while retrieving conclusions.

To conclude this part, there are no explicit expectations from the member states to have the same standards for religious norms and their place in the national constitutions. Therefore, it would be nonsense to set such criteria for the late-comers. On the contrary, each and every document that EU members are subject to, explicitly stresses the freedom of religion and conscience. Furthermore, there is no cultural, historical or religious background prescribed for the member countries or for the potential members. According to Netherlands Scientific Council for Government Policy (2004: 38):

> All the same, its political-civic union of values assumes the existence of a state that guarantees the autonomy of church and state and protects general religious freedoms and rights. How this autonomy and protection are implemented, and the exact status of religion, varies widely in practice from country to country.

One of the conclusions that can be deduced is that the EU member states do not have standards for religion. Therefore, no a priori conditions can be imposed to the candidate countries on these subjects (Netherlands Scientific Council for Government Policy, 2004: 38). In other words, Christianity does not seem to have a formal role in European polity but it is often utilized for legitimizing the existing

institutional arrangements (Delanty and Rumford, 2005: 48). This is one of the most significant conclusions that can be derived from this part.

The debate on special reference to Christianity in the Preamble of the Treaty establishing a Constitution for Europe was an instructive one. Ferrari (2005: 1) asserts:

> Now a brief survey of relations between democracy, secularity and religion in Europe can lead to the following observation: not only do the religions continue to conserve an important political role but, above all, this role depends precisely on the features of European constitutionalism...

Furthermore, another conclusion can be to highlight that the explicit reference to religion in the Draft Constitution for Europe seemed to be unnecessary at some point. One of the reasons is that a reference to Christianity may cause to favor a group over another, within the Union as well as in its relation with the countries outside of the Community. In other words, expressing religion in such documents may lead to the formation of "in-group" "out-group" within the Union since there is a variety of practice in member states in means of state-church relations. Menendez (2005: 183) declares that such explicit references can come out the differences and jeopardize unity of the Community by causing Europeans "to remain others to each other".

Furthermore, in the external relations of the EU will be more shaded by the "Christian Club" image. This also indicates that such a reference to religion would

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affect the external relations of the Union by leading to a cliché against the EU. At the end, the EU members decided not to make reference to religion in the Preamble of the Draft Constitution. This is the most concrete indicator about the standpoint of the EU in the context of religion.

In the next chapter, the state-religion relations in Turkey will be evaluated. They are of *sui generis* character, which is different from other secular countries. This character will be studied by first referring to the fundamental principles of Turkish Republic laid down by Atatürk and then, laicism in comparison with the French understanding of *laicité*. The thesis will try to also analyze Turkey as a Muslim country in order to display the recent situation of Turkey in terms of interaction among secularism, Europeanization and Islamism.

CHAPTER IV

STATE-RELIGION RELATIONS IN SECULAR TURKISH REPUBLIC

Outlook to History of Modern Turkish Republic

Turkey's adventurous modernization process is used to be perceived as the institutional reforms since the 19th century. However, the history of modern Turkish Republic began as the sum of reforms and principles set by the founder and the leader of the Turkish Republic; Mustafa Kemal Atatürk. For this reason, the republican revolution can be defined as the change of values (Mardin as cited in Tapper, 1993: 6). After the War of Independence, for the new country that he founded Atatürk laid down fundamental principles. Mustafa Kemal was aware that the principles on which he founded the state should have been preserved in order that Turkey could live after the death of its founder.

For Mustafa Kemal, modernization in terms of achieving the level of Western civilization was one of the main aims. Berkes (1964: 464) mentions that Atatürk was strict for achieving this end: "A recurrent theme of his speeches in 1924 was the absolute determination to achieve an unconditional transformation to Western civilization and to destroy all forces of reaction". Atatürk set six main principles in order to provide the continuity of the state with the notions that first gave its birth. These principles are republicanism, nationalism, populism[36], étatism, laicism and reformism.

Atatürk aimed to save the country and to create a new state. In this new state, the traditions and authenticity were going to be preserved whereas the regime was going to be totally different. Mustafa Kemal believed that the period of modernization was a must for the new regime. In his view, modernization was supposed to be a dynamic process in which Turkey would turn its face to the West whereas it would consciously keep its roots. In the Kemalist perception of modernization, Westernization was considered as the way to reach the level of contemporary civilizations. Huntington underlines that Atatürk was aware of the need of Westernization for Turkey:

> In embarking to this course, and rejecting the Islamist past, Atatürk made Turkey a "torn country," a society which was Muslim in its religion, heritage, customs, and institutions but with a ruling elite determined to make it modern, Western, and at one with the West (1996: 74).

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[36] It means being for the people; *halkçılık*.

In this way, Atatürk pursued a "third choice" by combining modernization with the preservation of the authentic culture of Turkey with fundamental values, practices and institutions (Huntington, 1996: 74).

The driving motive behind Turkish modernization movement was Kemalist radical reform process (Kili, 2003: 143). In other words, Atatürk was the force for modernization with his strong belief in Turkey's honorable place in the future. To these ends, he abolished the sultanate and the caliphate, which he saw as the symbolic and substantive sources of Turkish degradation. These far-reaching reforms and the decisiveness of the leader who set the principles constituted the skeleton of Turkish modernization as well as the future of the Republic.

Principles of Atatürk

The fundamental principles determined by Atatürk constitute the basis for a proper understanding of state-religion relations in Turkey. In the Ottoman era, the governing tradition of the state was left in the hands of Sultanate who was seen as the delegation and the reflection of the will of God. Ottoman heritage of personal will on governing the state was converted to national will; sovereignty of the people (Kili, 2003: 298). Thus, due to the abolishment of Sultanate on 1 November 1922 and the proclamation of the Republic on 29 October 1923, Turkish nation

gained the right to govern itself. In the next part, it will be referred to some of the fundamental principles of Atatürk. Nationalism and laicism are important in the scope of this thesis for evaluating Turkey's compatibility with the European norms.

Nationalism

The principle of nationalism is one of the prominent notions indicated in the 1924 Constitution of the Republic of Turkey[37]. In the Constitutions of 1961[38] and 1982[39] the principle of nationalism is designated both in the Preamble and in many other articles. One of the important characters of nationalism in Turkey is that sovereignty is left in the hands of Turkish Nation (Feyzioğlu, 1992: 282).

There are three important notions in Kemalist nationalism; these are "sharing the same territory", being "subject to the same laws and united in morals and language" (Mango: 2002: 24). What is more, nationalism in Kemalist ideology was "unique" in the sense that it did not look like the other practices in the world and that it served well for the formation of a peaceful national identity. Kushner (1997: 222) states: "The basis of the new republic was to be found in loyalty both to the homeland Anatolia and to the Turkish nation which inhabited it". As a result,

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[37] Article 2 of the 1924 Constitution of the Republic of Turkey:
http://www.tbmm.gov.tr/anayasa/anayasa24.htm
[38] 1961 Constitution: http://www.tbmm.gov.tr/anayasa/anayasa61.htm
[39] 1982 Constitution: http://www.tbmm.gov.tr/Anayasa.htm

people who are living within the borders of Turkey; i.e. the citizens of the Turkish state, are considered as Turks. As a matter of fact, such an understanding of nationalism does not contradict with modernization. On the contrary Kemalist view underlines the importance of modernization while staying attached to nationalism. Kushner (1997: 222) refers to the Kemalist doctrine by highlighting that the main purpose of Turkey is the "attainment of contemporary civilization" which means the western civilizations for Atatürk. The reason that it is mentioned in this thesis is that one way for Turkey to be at the same level of civilization with the West is to integrate with the EU.

Indeed, Mustafa Kemal was not the only one who was making the distinction between attaining the level of contemporary western civilization and attaching robustly to the authentic culture of Turkey. Atatürk was affected by the thoughts of Ziya Gökalp, an important Turkish thinker, who differentiates between culture and civilization.

Nationalism and Ziya Gökalp

Ziya Gökalp has been very influential in the nineteenth century with his arguments about modernization/Westernization of Turkey. The distinction that he makes

between the two concepts, culture and civilization[40], is still being utilized as an impulse for understanding the blurred line between modernization and authenticity. In the work of Berkes (1959: 269) the definition of civilization according to Gökalp is given as the sum of certain institutions, of certain ways of thinking and acting. And he differentiates culture from civilization by asserting that culture is the sum of institutions peculiar to particular nation (Berkes, 1959: 269). Ziya Gökalp asserted that the characteristics which fall under culture should be preserved while civilization and technology that are developed in the West should be followed. According to his view, culture is specific for each and every nation but civilization can be common to all and be pursued by each state.

This very thought preludes the relations of a nation state with the rest of the world. Nationalism that excludes other nations and isolates oneself contradicts with Kemalist understanding of nationalism. Berkes (1959: 283) refers to the statement of Gökalp: "Our national life means living our own national culture. Our international life consists of our participation in international civilization, on the one hand, and in several unique and original cultures, on the other". Gökalp believes that modernization and participation to the international environment leads to the guardianship of the international society over the states (Heyd, 2001: 67). In other words: "The existence of the national culture of a nation does not preclude its participation in an international civilization" (Berkes, 1959: 281). Moreover, in the

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[40] Hars ve medeniyet.

view of Gökalp the only way to combine nationalism with "cosmopolitism" is the "moral patriotism" (Heyd, 2001: 67).

Berkes (1959: 269) tries to clarify Gökalp's specific argument about states having different religions sharing the same civilization:

Societies foreign to each other from the point of view of culture or of religion may belong to the same civilization. Just as differences in culture do not necessarily bar sharing the same religion, so differences in culture and in religion do not prevent association within the same civilization.

In his view, the movements of modernization have failed in the Ottoman Empire because they just tried to imitate European civilization in appearance (Berkes, 1959: 270). However, in Kemalist perception of nationalism, which is affected by the sound argument of Gökalp to a great extent, modernization seems to be compatible with the preservation of culture. As Kushner (1997: 222) states, "a proud member of the Turkish nation" should possess both nationalism and western notions in his character.

Laicism[41]

Atatürk was for leaving the future of the state to the hands of the Turkish people and to their sovereignty. In order to do so, the shadow of Sultanate and Caliphate should have been eliminated since they were very influential on behalf of people. If these institutions had continued to exist, sovereignty of people would have never worked efficiently. Atatürk saw this fact very rationally and concluded that this was to be made with coercion, if necessary. Atatürk was very strict on this issue and he mentioned that everyone should accept that sovereignty will be given to Turkish people and that otherwise coercive measures will be taken (Berkes, 1964: 450).

Laicism constitutes an essential part of modernization of Turkey. Tapper (1993: 2) asserts that laicism has emerged as "one of the key principles of Atatürk's new state". In accordance with this view, "religious expression came under strict government supervision and control" (Tapper, 1993: 2). Moreover, as Kili (2003: 352) claims, Atatürk's conception of laicism is a multifaceted principle covering a large space in Turkish state: "Atatürk laicism did not merely mean separation of

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[41] There is a confusion of definitions for *laicité* (in French), *laiklik* (in Turkish) versus *laicisme* (in French) and "*laikçilik*" (in Turkish). These might be obvious to French people or to an English native whereas in Turkey these concepts are matters of controversy among politicians, scholars and even journalists. The reason here is the concept of *laicité* being imported from France. İnce (2007) underlines the term "*laikçilik*" should not exist in Turkish because it does not reflect the meaning of the French word; *laicisme*. İnce (2007) claims that this word is used in Turkey by some people, similar to despotism. However, in this thesis laicism (or *laicisme* in French) is used as the "doctrine of *laicité*" as it is defined in the dictionaries. In this thesis, secularism is mostly used for European countries, *laicité* and laicism for France; *laiklik*, laicism and secularism are used for Turkey. In the 1982 Constitution of the Republic of Turkey it is stated 'secular' but since Turkey followed the notion of laicism that is similar to France, *laiklik* or laicism are also utilized.

state and religion, but also the separation of religion from educational, cultural, and legal affairs". Thus the supremacy of religious institutions and ideas over others was going to be eliminated in this way. To express it in another way, modernization was not just limited to the governance of the state but also daily institutions that people were in interaction with. Only the full implementation of laicism in education, policy-making and administration of society could lead to a state where rule of reason and science would appear as the driving force behind modernization.

A controversial point that is still debated in contemporary Turkey is the relationship between laicism and atheism (Yavuz and Esposito, 2003: xx). For Islamists, Kemalist laicism was the abolishment of Islam from Turkey. It is true that Atatürk supported the elimination of religion in the governance of the state with all its institutions that are opposed to modern state. In other words, Kemalist laicism was for reducing Islam to "a personal negotiation between the self and God" whereas the organization and regulation of the state affairs were left to the hands of "human actors" (Shankland, 2005: 49). Mustafa Kemal was well aware of the fact that during the War of Independence, the mobilization of the people could not be realized in the absence of religious feelings (Kramer, 2000: 57). Yet, this effort in laicism was often perceived as an anti-religious movement or the foundation of an atheist regime.

Laicism in Turkey has been formulated in terms of Kemalist principle. Kili (2003: 356) accentuates this principle: "… the Atatürkist principle of laicism did not involve abolition but de-emphasis of Islam. The Atatürkist principle of laicism was not against an enlightened Islam but rather against an Islam that was opposed to modernization". The reforms aimed to restrict Islam into the private life of individuals (Tapper, 1993: 6). When this decision is evaluated under the conditions of the day, where the exploitation of religious feelings was the main threat for the new republic, it is inevitable to give credit to the decisions of Atatürk. In today's circumstances it should not be the case since laicism should have been digested by Turkish society. Nonetheless, it became a reflex for 'secularists' to perceive religion in public space and in politics as a threat.

The principle of laicism that is determined by Atatürk as a source for freedom of religion and conscience will be investigated in the following parts. With this feature, laicism seems to be the key for Westernization of the country by providing an environment of tolerance. The freedom of religion is protected by laws very strictly on the basis of respect to different religious beliefs. Moreover, the implementation of this notion can be said to constitute the very essence of Turkey's integration with West; in other words, its modernization. In the upcoming chapter, laicism principle will be evaluated in the constitutional context by comparing this notion in Turkey and in France.

Laicité in France and *Laiklik* in Turkey

Constitutional references to laicism are among the indications of the significance of this principle for the country. By relying on this statement, this thesis will refer to the articles of the Constitution of the Republic of Turkey where laicism is mentioned. It is assumed that this knowledge will be adequate in comparing Turkey and France in terms of laicism. Laicism in the West will enlighten to situate France in the overall picture of secularism in Western understanding. France, which is perceived as the heart of laicism in Europe will be investigated separately. These three indicators will be utilized in order to compare laicism in Turkey and in France.

4.3.1 Laicism in the Constitution of the Republic of Turkey

The principle of laicism[42] is mentioned in the Constitution of the Turkish Republic in several articles. This underlines the significance of laicism for Turkish Republic. What is more considerable is that this principle is depicted both in the Preamble

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[42] What should be reminded here is that in the translation of the Constitution in English, the word 'secular' or 'secularism' is used for '*laik*' in Turkish. This is important for this thesis since Turkey's *laik* character is similar to the one of France. This differentiation in wording also indicates the special position of the Republic of Turkey in religious matters.

and under the provisions that cannot be amended or proposed to be amended[43]. In the Preamble it is indicated:

> The determination that no protection shall be afforded to thoughts or opinions contrary to Turkish National interests, […] and that as required by the principle of secularism[44], there shall be no interference whatsoever of sacred religious feelings in State affairs and politics[45].

Article 2; which is one of the non-amendable articles of the Constitution the principle of laicism, asserts: "The Republic of Turkey is a democratic, secular and social state governed by the rule of law…" With this article, it is clearly indicated the characteristics of the Republic and laicism is one of these important and irrevocable provisions.

Thus, none of these rights can be in contradiction with secular character of the state. It is prolonged to the Article 14 as follows: "None of the rights and freedoms embodied in the Constitution shall be exercised with the aim of […] endangering the existence of the democratic and secular order of the Turkish Republic based upon human rights".

Therefore, the rights and freedoms cannot be exercised at the expense of endangering the integrity (Article 14) of the Turkish state by damaging the secular-*laik*- character of the state.

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[43] In the Constitution of Turkish Rebublic there are articles that cannot be amended and cannot be proposed for such an amendment. These are the Article 1 (Form of the State), Article 2 (Characteristics of the Republic), Article 3 (Integrity of the State, Official Language, Flag, National Anthem, and Capital) and in the Article 4 asserts the Irrevocable Provisions.
[44] Read as laicism.
[45] For the translation of the Constitution of the Turkish Republic visit: http://www.byegm.gov.tr/mevzuat/anayasa/anayasa-ing.htm

Another article that has been a matter of discussion and more remarkably, a matter of law is Article 68 since there had been political parties that were sued on the basis of this article. Article 68 sets the rules for organization of the political parties in the Republic of Turkey. Secularism-*laik*lik- is indicated among the other principles of Republic: "The statutes and programmes, as well as the activities of political parties shall not be in conflict with the independence of the state [...] the principles of the democratic and secular Republic....". In the next chapter, I will try to put it in a table the political parties that were dissolved by the Turkish Constitutional Court on the basis of this article.

In addition, in the Constitution of the Republic of Turkey not only political parties but also each and every person who becomes a member of the Turkish Grand National Assembly has to confirm his/her fidelity to the secular-*laik*- character of the Turkish Republic during the oath-taking. One must swear "[to] safeguard [...] democratic and secular Republic" in order to become a member of the Turkish Grand National Assembly. It is also the case for the oath-taking of the President of Turkish Republic; as indicated in Article 103 (Taking the Oath).

Another reference to the secular character of the Turkish Republic is made in the Article 136; about the Department of Religious Affairs[46]. This article is very significant in terms of determining the responsibilities of the Department of Religious Affairs in the secular Turkish Republic. It is stated in the Article 136:

> The Department of Religious Affairs, which is within the general administration, shall exercise its duties prescribed in its particular law, in accordance with the principles of secularism, removed from all political views and ideas, and aiming at national solidarity and integrity.

Article 174 (Preservation of Reform Laws) determines Atatürk's reforms for modern Turkey that should be preserved:

> No provision of the Constitution shall be construed or interpreted as rendering unconstitutional the Reform Laws indicated below, which aim to raise Turkish society above the level of contemporary civilization and to safeguard the secular character of the Republic…

These Reform Laws are of great significance in the laic character of the Turkish Republic since they are directly influential in the daily lives of Turkish people. These laws are on the Unification of the Educational System (1924), on the Wearing of Hats (1925), on the Closure of Dervish Monasteries and Tombs, the Abolition of the Office of Keeper of Tombs and the Abolition and Prohibition of Certain Titles (1925), on the principle of civil marriage according to which the marriage act shall be concluded in the presence of the competent official, adopted with the Turkish Civil Code (1926), the Adoption of International Numerals (1928), the Adoption and Application of the Turkish Alphabet (1928), the

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[46] Diyanet İşleri Başkanlığı. In the following sections, I will deal with the role and the significance of the Department of Religious Affairs in Turkey. Its settlement as well as its structure will be analyzed.

Abolition of Titles and Appellations such as Efendi, Bey or Pasa (1934) and the Prohibition of the Wearing of Certain Garments (1934).

These articles all confirm that laicism is a key concept for the Republic of Turkey which is guaranteed in the constitution. The secular-*laik-* character of the Turkish state has been determined in the Constitution of the Republic of Turkey in a way that no one can change it. This is the conclusion that can be derived from the examination of the Constitution of the Republic of Turkey. The place of laicism in the Constitution of the Republic of Turkey will be re-evaluated in the comparison of Turkish and French laicism. A broader perspective on how the West perceives laicism would be helpful in realizing where these two countries are located in the overall picture.

4.3.2 Laicism in the West

Laic state model is an artifact that can be seen in West after 18th century (Öktem, 2002: 7). Before that time all the authorities were accepted as empowered by God. *Laicité* and/or secularism came into being as significant concepts due to the revolutions that occurred in the West. With these movements *laicité* found place in the constitutions of Western countries. Due to these bourgeois revolutions, the understanding of divine authority is replaced by national sovereignty and the

republican regimes have been established (Öktem, 2002: 8). The clergy has been kept away from the political scene in the Western countries. The laic and secular state is the result of the process where state-religion relations are regulated in political and legal structure of the state. In the work of Kili (2003: 354) it is indicated that laicism means more than the separation of Church and the state. This can be considered as one of the driving forces behind the development of Western culture. In this view, the attention is directed to the struggle between the state and Church which led to keep the authority over people unrestrained.

Secularism in the West is understood as the exclusion of the religious domination over social and public life. More specifically, for Europe, secularism appeared as a solution to the wars of religion within the continent of Europe. "The separation of the state and religion became the bedrock of the European state system, and secularism became the constitutive feature of modernity" (Yavuz and Esposito, 2003: xv). This explains how secularism became a necessity for peace in Europe and why it constituted the basis of modernity. Secularization in the West is still a matter of controversy and a divisive political issue. There are still questions of abortion rights, school prayers, headscarves in the state institutions in many Western countries (Toprak, 2006: 26).

4.3.3 *Laicité* in France

The history of *laicité* in France dates back to the French Revolution and to the Declaration of Human Rights of 1789. In this declaration, French society met with the notion of laicism[47]. Burdy and Marcou (1995) highlight that in the 1790 Constitution, the concept of laicism can be seen not as a means of separation between the state and Church but as the recognition of the state by Church. The declaration of 1790 also meant the restriction of the authority of Church by the people (Coşar, 2001: 45). However, after the mid-1800s Church started to refuse the Republican system but laicism, as ideology, kept its presence due to the support of the French people to this notion.

The period that starts with 1801 and ends by 1905 is remembered with the presence of the concordat where the Catholicism is asserted as the religion of the majority of French people (Duffar, 2002: 50). By the abolishment of the concordat of 1801, the principle of *laicité* is indicated in the constitution in 1905. Separation Law of 1905 mentioned that there was neither official state religion nor privileged religion by the state (Burdy and Marcou: 1995). The two principles brought by this law can be summarized as follows: The Republic neither recognizes nor supports any religion and the Republic recognizes freedom of conscience and guarantees the freedom of worship (Duffar, 2002: 51). The principle of this law was to keep the State neutral

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[47] Article 10 of the Declaration of Human Rights please visit:
http://www.elysee.fr/elysee/elysee.fr/anglais/the_institutions/founding_texts/the_declaration_of_the_human_rights/the_declaration_of_the_human_rights.20240.html

against Churches and to prevent Churches to intervene into the political domain (Vaner, 2005: 21). Actually, Burdy and Marcou (1995) suggest that this inequality was not totally in the disadvantage of Churches. Thus, the separation was not an absolute one. On the contrary, Church; especially Catholic Church, preserved its links with the state. However, in the following years there had been inevitable struggles between the State and Pope. Church, which had lost its power to some extent, was faced with the strict attitude of the State.

In the first article of the 1946 Constitution it is clearly stated the laique character of the state, after laying down the principles of freedom of conscience and other freedoms in the Preamble (Coşar, 2001: 56). Vaner (2005: 24) states that 1958 Constitution was even more liberal in these issues; especially in the matter of State neutrality against religion by preserving the same distance against different religions and sects. With all these constitutional arrangements, the Republic of France could preserve *laicité* tradition of more than two hundred years. The fact that this principle has been on the scene since the 1789 French Revolution, makes French people more than familiar with the notion of laicism. Therefore, even if Church is still an institution that serves the spiritual life of the French people, is not influential over the political affairs as well as the administrative structure of the state.

4.3.4 Differences and Similarities of Laicism in Turkey and France

There are two significant differences between *laicité* in France and *laiklik* in Turkey. The first stems from their dissimilar historical background, and the second from the difference of the place of laicism in their Constitutions. For a general assessment with reference to Duffar (2002: 44) about the difference between laicism in Turkey and in France, the linkage with the historical background can be observed. According to his view, laicism in Turkey is contemporary with the institutionalization of the Turkish State whereas in France, laicism is contemporary with the foundation of Republican regime (Duffar, 2002: 44). In addition, the struggle for a secularized worldview in the West reflected itself in France as the struggle against organized religion (Toprak, 2006: 26). This is well before Turkey's encountering with the notion of laicism.

For the constitutional references to laicism in Turkey and in France, a comparison can be made in terms of the frequency of the articles where this principle is stated. As it is investigated in the previous section, Constitution of the Republic of Turkey refers to *laiklik* ten times. Conversely, in the Constitution of the Republic of France, in the first article the freedom of conscience and religion are guaranteed in the first article and *laicité* is indicated once in the Article II (Çakır and Bozan, 2005: 350). This does not necessarily mean that France gives less importance to

laicism but that they might be more comfortable due to their historical background. Çakır and Bozan (2005: 349) state that in France, laicism is described as the unity of Republic, as respect to plurality of religious and philosophical tradition and freedom of conscience. It can also be inferred that Turkey might need more to stress this notion in its constitution since it was a top-down adoption of the principle; enforced by law to the people who were not familiar with laicism at all. In France, it was the will of the people which is reflected in the adoption of laicism principle. This seems to be the basic difference in the constitutional context.

The similarity of laicism notion between Turkey and France is very significant since Turkey is criticized by the EU because of this understanding. "Protecting the state from religious interference is pursued almost as rigorously in Turkey as it is in France, which reconfirmed its role as undisputed European champion of *laicité* in the beginning of 2004 by banning 'ostentatious religious symbols' in public education" (Netherlands Scientific Council for Government Policy, 2004: 46). In the following part, education will be analyzed as another input for further comparison between laicism in Turkey and in France.

To sum up, the differences and similarities of laicism in Turkey and in France that are tried to be evaluated above can be summarized. There are two main reasons of difference: (a) historical background and (b) constitutional references.

 (a) **Historical Background:**

Time: French people met the notion of laicism in 1789 with Universal Declaration of Human Rights. Turkish people met laicism as an unfamiliar ideology in 1923 with the foundation of the Republic of Turkey.

Way of encountering: French people struggled to settle laicism in the state. This was a bottom-up way of achieving laicism. Turkish people recognized this notion in a top-to-bottom manner, with the decision of Atatürk.

(b) <u>**Constitutional References**</u>**:** In the Constitution of French Republic, there is one reference to the notion of laicism. In the 1982 Constitution of the Republic of Turkey, there are several references.

When it comes to the similarities between France and Turkey in the principle of laicism, their definition and application of the notion are parallel. In both countries, the naissance of the principle is primarily aimed to protect state institutions, political and social life from the effect of religion. This can also be expressed as the "divorce of public affairs, including law and education, from religion" (Toprak, 2006: 26). France and Turkey differ from other secular countries in the sense that the others perceive laicism as the guarantee of freedom of religion.

The common understanding of laicism that brings France and Turkey together is also reflected in their stance toward religion in the education system. However, France made a sudden advance for the problematic issue of religious symbols in the schools and adopted the Law on Laïcité in 2004. With this law, France resolved the

problem of religious symbols in the schools to a great extent. Turkey did not adopt such a law on laicism and the recent developments[48] seem that Turkey will move to the other side of laicism which requires more religious freedom and no ban on religious symbols. Therefore, it can be stated that the notion of laicism, which can be defined as the protection of state institutions from religion, was very similar in Turkey and in France.

4.3.5 Laicism in the Context of Education

There are similarities between Turkey and France in terms of the place of religion in the education system. This part of the thesis analyzes those similarities as well as the different ways of dealing with the similar issues. Among these controversial matters, the mandatory religion courses and the conflicts about putting religious symbols on in the public schools can be enumerated. In France, there are also other problems on religion-education line such as the deciding the day for holiday which makes the religious education possible (Çakır and Bozan, 2005: 351). Turkey, in the last decade, debated the position of the vocational high schools for the training of prayer leaders and preachers (İmam Hatip). In this part, the thesis will focus on the similar problems and the different ways of dealing with those problems. In this

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[48] Re-election of Justice and Development Party (JDP) in the elections of July 2007 showed that Turkish people support more freedom of religion and less state pressure over religion.

manner, it will be possible to make an analysis on Turkey's compatibility with the European religious norms.

First of all, it should be mentioned that both in France and in Turkey the religion of the majority is considered as the "leading conviction"[49]. The application of this principle differs in these two countries and they still cause problems. In France, there are no compulsory religion courses at the public schools at the moment, but it raised controversy until 1923 (Coşar, 2001: 71). There are private religion schools that get aid from the state. Despite the enactment of the Law of Separation in 1905, there has been a demand that the responsibilities to God should be taught in schools within the context of morality and civics. Yet, French Republic has opposed to this request, and since 1923, the religious-catholic-courses have been given only as elective courses. But now, there is an ongoing discussion about where to situate religion in the educational program; either to give it in the context of philosophy, history and literature courses or to add a new course on history of religions (Çakır and Bozan, 2005: 351).

In Turkey it is still a question in dispute since the religion courses are mandatory in the public schools. In Article 24 of the Constitution of the Republic of Turkey it is stated:

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[49] For the use of this phrase I refer to Coşar (2001: 63). She mentions that in Italy, it is called as *Cultura Dominante* which means Dominant Culture and that in Germany as *Leitkultur* for the Leading Culture

Education and instruction in religion and ethics shall be conducted under state supervision and control. Instruction in religious culture and moral education shall be compulsory in the curricula of primary and secondary schools. Other religious education and instruction shall be subject to the individual's own desire, and in the case of minors, to the request of their legal representatives.

These courses are organized in terms of the "leading" or "dominant" conviction of the people; which is considered in Turkey as Sunnite-a sect of Islam. People who have faith in Alevi Sect of Islam are opposed to mandatory religion courses for their children that do not comply with their conviction. This is one of the controversial issues in the place of religion in education.

Another key issue is conspicuous religious symbols in schools both for France and Turkey. In France, by the amendment of the law of 15 March 2004[50], the principle of *laicité*, which is also a constitutional requirement, has expanded in the scope of the existing French Code of Education. With this law, the ban on conspicuous religious symbols in primary and secondary schools came into force. In Turkey, on the other hand, in public schools, these symbols have been banned. However, headscarf in universities is still a controversial issue in Turkey[51].

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[50] For the full text of the *Loi no 2004-228 du 15 mars 2004* see: http://admi.net/cgi-bin/affiche_page.pl?lien=./20040522/MENG0401138C.html&requete=2004-228#debut
[51] It will also be evaluated in the following parts. What should be reminded here is that the headscarf issue is very problematical in recent years, especially in the days where the election of the President is being held. Headscarf in universities or from a broader perspective, in "public areas" is also a

4.3.6 Comparison of France and Turkey in the Practice of Laicism: Religious Symbols in Schools

The Table 4[52] concretizes the similarities and differences between Turkey and France in the case of a request for exemption from law on religious basis. I chose the case of headscarf that seems to cause similar problems in Turkey and in France. They followed different paths in terms of the reactions and resolutions of the cases that are subjected to the legal means. In the Turkish case, a sample is investigated since it reflects a common problem on the issue. For France, the headscarf issue is taken as a general problem. The type of action and the claim of the content are different for the two countries. The difference in the value basis of the questioned law makes the existing scene visible in the two countries. The value basis of the claim shows the difference in understanding of Turkish and French people. The value basis of the legal response determines the position of the state against such a request of exemption on religious basis. Legal outcome is of great importance since it seems to be an indicator on how state and the legal means respond and if it leads to a change in law. Social and political impact is another means of comparison for the reactions, responsiveness and involvement of Turkish and French people. These

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legal matter that will be assessed in this thesis in the context of Turkey's integration with the EU and the decision of ECHR on this issue. Case Application no: 18783/91

[52] See Table 4 in the Appendices. The subheadings according to which the cases are assessed are the original ones that are used in the collection of the cases for formation of the *Euroethos* database. EuroEthos Database, http://euroethos.lett.unitn.it/home.php?database
(accessed on: 24/07/2007).

indicators provide us some clues for a comparison in the understanding and application of the laicism principle in Turkey and in France[53].

Among the conclusions that can be deduced from this table, the most significant seems to be the legal outcome. The debates on religious symbols in Turkey and in France have been parallel in many terms. When it comes to the legal outcome of these debates, the two countries have acted differently. France enacted the law on Laicity in 2004[54] and the debates were over after this law. In Turkey, it is not the case. There are still very hot debates on headscarf issue in Turkey and such cases were brought before ECHR many times. The fact that the problem has been solved in France and not in Turkey does not necessarily mean that the principle of laicism is fully digested in France. On the contrary, it can be claimed that in France there is a state pressure over religion, for what the EU criticizes Turkey. In Turkey it is still a matter of controversy how the principle of laicism should be applied in the headscarf issue. The decisions of ECHR are in favor of Turkish Republic[55]; they indicate that Turkey is legally right in forbidding headscarf in universities.

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[53] Please see Table 4 in the Appendices.
[54] See Chapter III.
[55] It is referred to the case of Şahin v. Turkey. App. No. 44774/98 to ECHR please see the work of Cindy Skach.

CHAPTER V

ISLAM IN LAIC/SECULAR TURKEY

5.1 Turkey as a Secular-Muslim Country

Turkey being the only country that generally succeeded to combine secularism, democracy and Islam, it has always been an idea-monger for the rest of the world. How to situate Islam in the secular democratic regime of Turkey has been a critical question for Turkey's relations with the world; especially with Europe. Given that it has a 99 per cent Muslim population, Turkey seems to struggle both within the country in terms of balancing secularism, democracy and Islam, and outside in designing its relations with the West. It has always been controversial if Turkey belongs to Europe or is a part of the Muslim world. Turkey is unique with a Muslim majority society together with a legally laique political system (Vaner, 2005: 73).

In the early years of the Republic, the aim of the leaders was to settle secularism but not at the expense of abolishing religious faith of Turkish people. Kramer (2000: 57) analyses this situation as: "Although the Turkish republic was conceived as a secularist nation-state by Mustafa Kemal, a conception that has become one of the cornerstones of modern Turkey's state ideology, Islam never ceased to be important in the country's public and political life".

This was a natural reaction to the "Kemalist top-down model of cultural and political modernization" by the "marginalized Islam" that gradually re-emerged with a "bottom-up influence" (Netherlands Scientific Council for Government Policy, 2004: 49). Since secularization was a movement that people were not familiar with, and may be were not ready for, Atatürk realized this reform as well as the others in a top-down manner. Nevertheless, it should not be underestimated that the way to impose secularism to Turkish nation was also critical for the leaders since it was a sensitive issue to decide how "to conduct the relationship with religious faith" (Shankland, 2002: 83).

In the words of Kramer (2000: 60): "For many years the Kemalist principles remained alien to the majority of Turkey's population". Thus, reactions were expected but due to the decisiveness of Atatürk they were overcome for a time. However, in the following years, after the death of its founder, secularism did face

problems since the society did not digest it yet but just remained silent mostly out of fear. That is why, Shankland (2005: 50) is right in arguing that "a secularized Islam" could not be totally settled and implemented throughout the society. Nonetheless, the fact that "political pluralism in Turkey today includes political Islam" is an expected, if not prescribed, end for Turkey (Kramer, 2000: 69).

The assertion above is critical by means of constituting the very core of the investigation of Turkey's compatibility with the European norms. In other words, the rise of political Islam in Turkey is of vital significance for Turkey and for its consideration of the relations with the West. Turkey's combination of secularism, democracy and Islam, has always been a strange mixture for the Europeans. It was also difficult to sustain it for Turkish people. Therefore, it is not a surprise that in Turkey, there had been periods where Islamism has emerged strongly. Wagstaff (1990: 1) comments: "Turkey, like other countries with a largely Muslim population, is experiencing a resurgence of Islam. It extends from the private domain of personal and family life out into society and affects politics, as well as economic behavior". What can be inferred from this assessment is that Islam religion has sometimes penetrated to the private and public life via politics.

In these terms, the interference of religion in Turkish society, in the political arena and in education will be evaluated by taking into account both the divergence by the years and the role of military, the strongest supporter of laicism, in this process.

First of all, I will try to evaluate the rise of political Islam in Turkey and its effects in the social life. This seems to be one of the concerns of the EU because there is the fear that in the case of Turkey's membership, Islamism would penetrate into the Union very strongly. Furthermore, it is reasonable to continue with mostly debated issues and institutions in the context of religion in Turkey. The first is the military that is perceived as a guarantee for the laic character of the state. The second issue is the relationship between religion and education. This linkage is frequently discussed in Turkish society, politics and academia from two prominent perspectives; compulsory religion courses in primary and secondary schools, and İmam Hatip schools as another debated subject. The third controversial institution is Department of Religious Affairs (Diyanet). With an objective investigation, it will be illuminated if the living Islam in Turkey does contradict with the norms of the EU.

5.2 The Rise of Political Islam-The Role of Political Parties

The rise of political Islam is tried to be displayed in this part in order argue that it has been a matter of controversy in Turkey for many years. For this reason there had been fluctuations in Turkey's political life. In trying to demonstrate the deficiencies in Turkey's democratic life, this thesis aims to face with the problems

of Turkey that frighten Europeans. This thesis also tries to display these deficiencies are not threat to European cultural integrity.

Turkey witnessed for the first time since its foundation a military coup in 1960 which constituted a turning point in Turkish democracy. In addition to its numerous consequences, the 1960 coup can also be considered as the first pace for the appearance of political Islam on the scene. Ten years later, Necmettin Erbakan the prominent leader who has remained at the heart of the hot debates, founded first Islamic party, National Order Party (Tapper, 1993: 8). He has always been an important character in the context of political Islam in Turkey and stayed long temps on the political arena. His first party was dissolved by the decision of Constitutional Court in the following year. A year later, he established National Salvation Party (Shankland, 1999: 88). The movement which is headed by Erbakan is called as the "National View". Dağı (2005: 24) states that the issues about Westernization, identity and culture constituted the core of the movement. In this view, "the West was conceived as 'the mother of all evils'" (Dağı, 2005: 24). This party of Erbakan was supported by the people in the elections however, the 1980 military coup closed down NSP in order to impede further fundamentalist activities.

The Welfare Party (WP) that is established by Erbakan in 1983 regained the support of people (Shankland, 1999: 90). Dağı (2005: 25) analyses the success of

WP with these words: "In the early 1990s, the WP leadership came to realize the need for turning the party into a mass political movement, adopting an agenda that put stress on religious themes, using modern propaganda methods". WP came first in 1995 general elections. This is the first time where "a pro-Islamic party came to power as a major force" and it constituted also another turning point in political Islam in Turkey (Dağı, 2005: 26). Here it should be reminded that among the reasons of success of WP, the rejection of Turkey's application for membership to the European Community in 1989 represents vital importance (Dağı, 2005: 26).

However, the presence of WP in the coalition government[56] (Necmettin Erbakan as Prime Minister) brought the country to a grey area where Islamism is considered as a threat. In this environment, a "soft coup" has occurred as a result of perceived threat of Islamism in Turkey. Thus, the year 1997 witnessed another coup, with the declaration of National Security Council (NSC). Dağı (2005: 27) evaluates the decisions of NSC as being subjected "to reinforce the secular character of the Turkish state threatened by the Islamists". This assertion also reflects the view of Turkish people in majority.

The February 28 process has been initiated with the courteous intervention of the army to the rise of Islamism. With this event, the name of Erbakan has been erased

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[56] 54th Government of the Republic of Turkey. This was a coalition government of True Path Party headed by Tansu Çiller and Welfare Party of Necmettin Erbakan. The coalition government was leaded by the Prime Minister Necmettin Erbakan. For more detail please visit: http://www.basbakanlik.gov.tr/sour.ce/index.asp?wpg=kabine&did=basbakanlik.123509

from the political scene of Turkey to some extent; he had to retire from active politics. From thereon, the Welfare Party is succeeded by Virtue Party and then, by Felicity Party. However, the most prominent formation was the establishment of Justice and Development Party (JDP) by Tayyip Erdoğan; one of the Erbakan's students. In the elections of November 2002, JDP came first by receiving 34 percent of the votes with the rhetoric of "democratic conservatism" and "center of the right" (Dağı, 2005: 30). So, JDP formed the government with the understanding of "keeping the ties with Islam in the social realm but abandoning it as a political program" (Dağı, 2005: 30).

It is also accurate to highlight the divergence in the view of departure of the movement. The "National View" has changed its scope to a great extent. National view was based on consideration of West as the source of evil. The Felicity Party but especially, the JDP changed their perception on globalization, modernization and European integration. The JDP became the most prominent supporter of the RU membership. The table below summarizes what is asserted on the rise of political Islam in Turkey.

Table 2: Political Parties in the Rise of Political Islam

Name of the political party	Leader of the party (founder)	Year of foundation	Dissolution by Constitutional Court	Elections-Votes
National Order Party	Necmettin Erbakan	1969	1971	
National Salvation Party	Necmettin Erbakan	1972	1980-military coup	
Welfare Party	Necmettin Erbakan	1983	After 1997 "soft coup", dissolved by Constitutional Court in 1998	
Virtue Party [57]	Recai Kutan	1998	2001	
Felicity Party	Recai Kutan	2001		Nov. 2002-2.5 percent July 2007[58]-2.34 percent
Justice and Development Party	Recep Tayyip Erdoğan	2001		Nov. 2002-34 percent July 2007-46.6 percent

One of the most significant differences of the JDP from its original National View Movement was its sympathy towards globalization and integration with the EU. In spite of these innovations in the understanding, the secularists in the county have always been suspicious about the Islamic background of the party leaders, who are at the moment leading the country. Abromowitz[59] comments that Turkish

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[57] Division in the movement; Virtue Party is succeeded by Felicity Party and Justice and Development Party.

[58] For the election results of July 2007 please visit: http://www.gazetepark.com/secim2007/

[59] Morton I. Abramowitz was U.S. Ambassador to Turkey during the first Persian Gulf War in 1990-1991. For the interview on "Major Political Clash in Turkey between 'Secularists' and 'Islamists'"

"secularists" fear that a government headed by the "Islamist" party of Prime Minister Erdogan could turn back the clock and introduce religion into public life. These concerns reached a pick before the Presidential elections[60] of Turkish Republic because of the possibility that one of the figures who has an Islamic background[61] would become President made the secularists feel threatened. While this thesis is in progress, Turkey is witnessing important events[62] that can be perceived as the reaction of secularists to the Islamism in Turkish State. Abromovitz analyzes the role of military in protecting secularism in Turkey: "… there are many sources of secularism, but the guardian of the secular state has always been the military. That's one of their functions. They believe their duty is not just to defend Turkey, but to defend the secular regime". In the next part, the role of military in the Turkey's political life and the religion in education system will be investigated in the framework of Turkey's secular character.

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please visit:
http://www.cfr.org/publication/13211/abramowitz.html?breadcrumb=%2Fpublication%2Fpublicatio
n_list%3Ftype%3Dinterview

[60] Before the general elections of July 2007, the government tried to elect the new President but the coalition parties did not involve into the President elections. Coalition parties opposed to the candidate of the JDP and they asked for consensus. In this way, the Presidency election is ended up with a deadlock and general elections had to be held.

[61] Abdullah Gül, Minister of Foreign Affairs of the 58th Government of the Turkish Republic is proposed as candidate.

[62] There had been protest walks held by the secular camp composed of military, RPP and urban elites. The famous slogan was "Turkey is laic, will remain laic". They were opposed to the candidate of JDP since his wife wears headscarf.

5.3 Issues/Institutions at the Center of Debates

There are controversial issues about the place of religion in Turkey. The prominent concerns are mostly based on the idea that Islamism would penetrate into the social and political life of the country. This concern is shared by secularists in Turkey and by Europeans, as the fear of Turkey becoming an Islamic state. The following parts try to analyze if such concerns are accurate in the context of mostly debated issues/institutions.

5.3.1 The Role of Military in Upholding Secularism

Turkish army, dissimilar to the other institutions in Turkey, is the one which kept distance to Islamism. According to Shankland (Beeley, 2002: 93) this attitude can be called as "self-cleansing" policy of the army. The Turkish General Staff (TGS) perceives itself as the guardian of the state ideology of Kemalism (Jenkins, 2006: 185). Not only TGS but also Turkish people consider the role of military as the guardian of the secularism in the country. Karaosmanoğlu[63] underlines the fact that Turkish society perceives the Turkish Armed Forces as the most accredited institution with 80 percent. However, he also states that in the case of general elections Turkish people act opposite to what military tries to impose. Even if the

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[63] The comment of Prof.Dr.Ali Karaosmanoğlu on "*Sivil-asker ilişkileri için yeni bir fırsat*" http://www.zaman.com.tr/webapp-tr/haber.do?haberno=570652

1960, 1970 and 1980 coups interrupted democracy in the country, Turkish people have always trusted the military in terms of providing security in the case of a civil war or when the fundamental principles of the Republic are seen to be at stake.

The current developments in Turkey, the Presidential elections per se, showed once more that the shadow of the military can still be seen on the political life, contrary to what is expected by the EU from Turkey for the improvement of democracy. However, according to Göle (Hürriyet, 2007: 10) Turkish people wanted to "soften" the environment and they showed their reaction to the expected influence of the military on their votes in the General Elections of July 2007. For more concrete and objective assessment for the role of military in Turkish civil life, it is useful to refer to the Progress Reports prepared by European Commission[64].

It is indicated in the Commission Staff Working Document Turkey 2006 Progress Report (7): "There has been progress concerning the competence of military courts to try civilians". However, for the role of National Security Council (NSC) in Turkish civil life, the Report is not very positive; it states (7): "The National Security Council (NSC) has continued to meet on a bi-monthly basis in line with its revised role. It has discussed domestic and foreign policy issues such as counter-terrorism, internal security, energy security, migration, water policy and foreign aid

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[64] 2006 Progress Report Turkey. "Civil-Military relations" are investigated under the heading of "Enhanced Political Dialogue and Political Criteria": Democracy and the rule of law. Retreived from: http://www.avrupa.info.tr/Files/File/ab_turkiye_reports/tr_sec_1390_en.pdf.

policy. The NSC has submitted reports to the government, including recommendations". According to the Report, this influence of NSC can also be seen in the attitude of the Armed Forces: "The Armed Forces have continued to exercise significant political influence. Senior members of the armed forces have expressed their opinion on domestic and foreign policy issues…" (7). In addition the Report asserts: "The Turkish Armed Forces Internal Service Law remains unchanged. This defines the role and duties of the Turkish military and contains articles granting the military a wide margin of maneuver" (7-8). It is plausible to state here that according to European norms; Turkey has deficits in keeping the military distant from political life.

It is obvious that for the EU, civilian control of the military is indispensable for Turkey's full membership. According to Narlı (2000: 107): "The military's prominent role in Turkey's political affairs has drawn criticism from EU circles and became a major obstacle to the country's integration into the EU…" The Turkish General Staff (TGS) supports Turkey's integration to EU since it considers this as the means to reach Atatürk's goal of Westernization (Jenkins, 2006: 186). In addition, the TGS believes that the membership will lead to welfare and high level of education in Turkey. In this way, people will be more attached to secularism in Turkey. What is more, the TGS is aware of the support of Turkish people for the integration with the EU, therefore does not want to contradict with the will of people. From the government's perception, the EU membership is the way to limit

the interference of TGS in politics (Jenkins, 2006: 186). Therefore, both the TGS and the current government[65] are in favor of the EU membership, with totally different considerations.

5.3.2   Religion-based issues/institutions

Education has been a very controversial issue since the foundation of the Turkish Republic. Atatürk perceived education as a part of state-building process. Bozan (2007: 7) evaluates: "During the early Republican period, the educational reforms enacted, were part of the larger nation-building and modernization efforts and contributed to the goal of undermining the role of religion in society". It is crucial to remind once more the provisions of the Constitution about the education in Turkey.

It is already mentioned that in the 1982 Constitution of the Republic of Turkey, the status of religion courses in primary and secondary schools has been converted from optional to compulsory (Mango, 1990: 16). The Article 24 on "Freedom of Religion and Conscience" as indicated previously, is of great significance especially in terms of the related paragraph[66]. However, here it might be

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[65] JDP Government for the second time.
[66] The paragraph is about the religious instruction being under the control of the state.

illuminating to refer to the official explanation of this article in the 1982 Constitution (as cited in Mango, 1990: 16):

> Religious and moral education and instruction have been placed under state supervision and control in order to prevent exploitation and abuse. This education is compulsory in primary and secondary schools. Naturally, the scope of this compulsory education does not extend to non-Muslims.

Therefore, it is argued by the Turkish state that the control over religious instruction in primary and secondary schools is aimed to protect freedom of religion and conscience. In other words, Turkish state aims to teach religion to children in order to impede the exploitation of their belief.

In investigating the education system in Turkey we should refer to the law that set the current system in 1924, Law of Unification of Educational Instruction (Tevhid-i Tedrisat Kanunu). It replaced "existing pluralist modes of education with a secular, centralist and nationalist education system" (Bozan, 2007: 7). The establishment of the Faculty of Theology and Imam Hatip Schools[67] has been realized as an outcome of this law. At that time there was not much interest in religious education and as a result İmam Hatip Schools were closed down[68]. But it was not an end to the story, just the opposite; İmam Hatip Schools became one of the controversial issues on Turkey's agenda.

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[67] The vocational high schools for the training of prayer leaders and preachers.
[68] See Tables 5 and 6 in the Appendices.

5.3.2.1 İmam Hatip Schools

The place, the importance and the role of İmam Hatip Schools have become very controversial after the 1990s; however, let us see how they evolved within the social and political scene of the country. But first, I would like to clarify why İmam Hatips became one of the most debated issues in Turkey. For this evaluation I will refer to the work of TESEV conducted by İrfan Bozan. Bozan (2007: 7) analyzes the evolution of İmam Hatip Schools in terms of their fluctuating existence in Turkey in accordance with the attitudes of the governments. The next part continues with their evolution in the political scene of the country.

İmam Hatip courses have initiated during the Republican People's Party (RPP) government in 1949 but they have been established fully during the Democrat Party (DP) rule in 1951 (Bozan, 2007: 14). As previously mentioned, these schools and the position towards them became a matter of politics. The governments of Demirel[69] extended the opportunities for the graduates of İmam Hatip Schools (Bozan, 2007: 7). Between 1960 and 1980, only the 1970s were years where junior İmam Hatip Schools and İmam Hatip High Schools became matters of controversy but this did not cause an important tension in the country.

After the 1980 military coup, there has not been an important increase in the number of İmam Hatip Schools while the number of the students who want to

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[69] There had been three Demirel Governments between 1965 and 1971.

attend to these schools has increased[70] (Bozan, 2007: 19). Kramer (2000: 61) analyzes this remarkable increment in parallel with the rise of political Islam in Turkey. By the mid 1980s the success of these schools continued to increase. Bozan (2007: 8) questions why İmam Hatip Schools became that popular. He concludes that the students who could both receive religious education from such schools, could also get financial aid in the form of scholarships. In the words of Kramer (2000: 61): "the number of İmam Hatip Schools has grown out of proportion". In this growth, a prominent figure was Fethullah Gülen with his educational program that aims "to reconcile religious and secular elements that combines Islam with modern logic" (Kramer, 2000: 62). Kramer (2000: 62) also mentions that this movement of Gülen can be considered as "the contemporary representation of the view of Turkish-Islamic synthesis"[71].

From the secularist point of view, this movement is not necessarily perceived as such a synthesis, they are rather conceived as Islamist approaches threatening laicism. Another turning point for the İmam Hatip Schools came with the "soft coup"[72] of February 28th, 1997 and they were affected negatively. The February 28 administration followed two policies for marginalizing the İmam Hatip schools (Kuru, 2006: 150). The first one is the abolition of middle-school level, which is an

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[70] For empirical data please see Table 5 and Table 6 in the Appendices.
[71] Turkish-Islam Synthesis (TIS) wished to bring supposedly traditional shared values to the surface, to peel away the false Western veneer and to recognize a national synthesis of fundamental values. For this analysis and for more, please see Richard Tapper(ed.); "*Islam in Modern Turkey*", 6.
[72] For the February 28, 1997 soft coup, is also called by some people (for example, General Çevik Bir) as "post-modern" coup.

important reform prompted by the military; weakened the position of the İmam Hatip schools in Turkish educational system (Kramer, 2000: 62). The second one is to make a revision in the university entrance system (Kuru, 2006: 151). In the one hand, these efforts weakened the position of İmam Hatip schools in Turkey. But on the other hand, there had been an increase in demand for İmam Hatip schools.

What is very significant here is to highlight once more the position of İmam Hatip Schools in the political scene of the country. Bozan (2007: 8) asserts: "İmam Hatip High Schools (IHHSs) have always been subject to cyclical politics". The supporters of laicism call these schools as the "backyard" of political Islam (Bozan: 2007: 30). This opposition constitutes the basis of the controversy on İmam Hatip Schools in Turkey. This summarizes the role and the situation of İmam Hatips in Turkey.

After investigating İmam Hatip Schools, let us finalize this part by looking to the Turkish educational system in terms of religion-education dilemma. The words of Kramer (2000: 62) summarize the contemporary situation of Turkish educational system in terms of the role of secularism: "Now Turkish children have to follow the official secularist curriculum until the ninth grade and can only become exposed to a more religious education about the age of fourteen". Thus, İHHSs might be a matter of controversy in Turkey but does not necessarily have to be an obstacle for Turkey's membership to the EU.

From thereon, the thesis will continue with the other important institution that has been at the heart of hot political debates several times. As mentioned above, the structure of the Republican regime tried to keep the institutions responsible for religion in the country out of the political life. The Religious Affairs and İmam Hatip Schools are brought at the center of very controversial debates. It is argued that these institutions are attributed political roles that are different from their original *raison d'etre*. The position of the Department of Religious Affairs in Turkey should be evaluated. Its structure as well as its role in order to see how it is placed in the overall scene of secular Turkey will be studied.

5.3.2.2 The Department of Religious Affairs (Diyanet İşleri Başkanlığı)

It is important to understand how the Department of Religious Affairs institution is situated in the secular Republic of Turkey where the majority of the population is Muslim. According to Bozan (2007: 68), the Department of Religious Affairs has been placed at the center of the relations between religion, state and society by the will of the founders of the Turkish Republic. In accordance with this decision, the Department of Religious Affairs has been regulating the religious life in Turkey for 80 years, ruling the mosques and has been accepted as the only authority in religious matters in the eyes of Turkish citizens (Bozan, 2007: 68-69).

The settlement and the evolution of the Department of Religious Affairs fit to the principles of the Republic. For the first time, the structure and the position of an institution regulating the religious life of Turkish people appeared on the scene by the proposal of 50 parliamentarians in 1924 (Yeni Yüzyıl, Türkiye'nin Sorunları Dizisi-19: 5). In the proposal it is stated that the fact that religion and military are linked with the political streams has many disadvantages. They also asserted that this reality has been proven by many civilized societies and governments as a fundamental principle. In this respect, it is plausible to leave these institutions to the sovereignty of people. To keep this institution out the rule of Council of Ministers was consistent with the laic character of the state (Yeni Yüzyıl, Türkiye'nin Sorunları Dizisi-19: 5). With the adoption of this proposal, religious affairs were left to a technical institution which is placed in a secular structure. Also, Turkish Grand National Assembly (TGNA) took the role of legislation and the law of şeriat has been totally abolished.

The provision of "religion of the state is Islam" is removed from the 1924 Constitution in 1928 (Çakır and Bozan: 2005: 14). In 1937, laicism is added to the fundamentals of the state that are prescribed in the Constitution. I have already mentioned the related Article of the 1924 Constitution of Turkish Republic. However, let me remind once more that the 1982 Constitution referred to the Department of Religious Affairs under the "Execution" part. In addition to the 1961

Constitution, the Department of Religious Affairs is given the duty of providing "national solidarity and unity" (Yeni Yüzyıl, Türkiye'nin Sorunları Dizisi-19: 6).

In order to be sure on where to place the Department of Religious Affairs in secular Turkish Republic, we should also mention its roles and responsibilities. We can put these roles under five headings: services of worship, enlightening the people on religious matters, services of Education of Religion, services on abroad and services for the foundation (Çakır and Bozan: 2005: 21).

This institution does not contradict with the European norms. The fact that the Department of Religious Affairs is a technical institution reflects the secular character of Turkey. Regulation of the religious affairs with such an institution, which does not involve in political life, is useful for a country where the leading conviction represents the great majority of Turkish society. Therefore, this cannot be perceived as an impediment before Turkey's compatibility with the European norms.

This part aimed to provide a picture on the rise of political Islam in Turkey as well as the most controversial issues in this context. Furthermore, the place of Islam and laicism in Turkish political life and education system has been discussed in this chapter. We conclude that Turkey is not far from European democracies in terms of the relative place of religion in its political life and social (educational) life.

CHAPTER VI

CONCLUSION

The place of religion in Turkey's cultural integration with the EU is a matter of European *homeostasis*[73] as well Turkey's effort to sustain equilibrium between Islamic tradition and secularism. In this context, this thesis argues that neither Turkey nor the EU has to be detached from its culture for further integration with each other. Conversely, they can bring together their differences in order to construct a new identity that embraces both Christian and Islamic tradition. In fact, it is the way to give an end to famous 'clash of civilizations' where both sides perceive each other as threat.

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[73] Homeostasis is that property of either an open system or a closed system, especially a living organism, which regulates its internal environment so as to maintain a stable, constant condition. Multiple dynamic equilibrium adjustments, controlled by interrelated regulation mechanisms, make homeostasis possible.

In Huntington's theory of the clash of civilizations, there are three requirements for a torn country to successfully redefine its civilizational identity (Huntington, 1996: 139). These are; elites being supportive for such a move; public being willing for redefinition of identity and the host civilization (the West) being eager to embrace the conversion. The two first requirements are met by Turkey with the decisiveness of Turkish people. What is matter of question here is the third stage; willingness of the EU side.

The first chapter; introduction, tries to draw a picture on how Turkey's cultural integration with the EU is perceived. It argues that Turkey is perceived as a civilizational outsider to the EU. Due to this fact, it is claimed that different identity of Turkey, with specific reference to religion factor, has been put forward as a *pseudo-criterion*. It is stated in the introduction that the thesis will be based on the search of Turkey's compatibility with the EU norms, considering the different religion factor.

In this context, the identity issue arises as one of the main reasons for unwillingness of the EU to recognize Turkey as part of Europe. The second chapter refers to the constructivist approach in order make an assessment on how identities are constructed. It also tries to answer if they are unchangeable. This chapter concludes that identities are constructed and they can be reshaped according to the will of

human actors according to the new circumstances. Therefore, a relaxation in the definition of European identity in a way that it includes Turkey can be achieved.

The third chapter is formulated to draw an overall picture of state-religion relations in the EU. It deals with Christianity being a fundamental element of European identity. When the legally binding documents are investigated, it is seen that there are no specific references to Christianity in those documents. This is one of the conclusions that can be retrieved from this chapter. Another remark is that there is no common practice for the state-religion relations in the EU member states. Therefore, in the absence of a single European model for the state-church relations, no a priori condition should be imposed to Turkey in cultural/religious terms. Consequently, it can be stated that among the shared values that are put in question in the research activities conducted by the EU, there is no value that is very strange to Turkey. It also strengthens the view on Turkey's compatibility with the European norms.

What is more, according to the European norms, secularism is the way of modernization and democracy (Toprak, 2006: 26). Hence, it is expected by the Community that member states embrace this notion. Nevertheless, bringing forward religion before secular Turkey, as a *pseudo-criterion*, does not seem to be

fair. In doing so, the EU seems say *laisse-tomber*[74] Turkey which may cause many negative outcomes for both sides.

The fourth chapter deals with the state-religion relations in Turkey which do not seem to be more controversial than in many European countries. Therefore, it is argued that demanding Turkey to resolve all religious controversies in the political and social sphere in the country is an unrealistic expectation (Netherlands Scientific Council for Government Policy, 2004: 9). This chapter also tries to bring out the Kemalist principles according to which the roots of the Republic are prolonged. Among the six arrows of Mustafa Kemal, the two notions; nationalism and laicism, which are more related to the motto of the thesis, are studied in order to reach a conclusion on their impact on Turkey's compatibility with the European norms. It is concluded that Kemalist nationalism does not contradict with the European integration since it supports the achievement of the level of advanced civilizations.[75]

The second notion; laicism, is tried to be betrayed in more detail with the controversies arose due to the understanding and application of this principle. The current system of laicism in Turkey is criticized by the EU from two paradoxical angles. First, it is asserted that the state has too much pressure over religious affairs and restricts religious freedom. Such a restriction contradicts with the core of the

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[74] Never mind.
[75] This is based on the view of Ziya Gökalp who upholds the achievement of the level of the advanced civilizations while preserving one's own culture.

EU which gives great place to freedom of religion. Second, the EU is concerned that Islam is so influential in social and political life in Turkey that in the case of full membership, a different religion will be extensively apparent in the EU. Therefore, the expectation of the EU from Turkey fails to be consistent in itself. This chapter concludes that in Turkey, the state-religion relations are formulated in a way that it cannot be converted to an Islamic state. Therefore, with this aspect, Turkey does not constitute a threat to the EU. On the contrary to what has been concerned about, Turkey is a modern republic where the principle of laicism is rooted in the essence of state due to the principles of Atatürk. Hence, Turkey's laicism displays its compatibility with the secular EU.

In addition, Kemalist laicism in Turkey in the context of modernization of the country is considered to be on a knife edge. However, it neither allows the state pressure on individual faith nor permits Turkey to become an Islamic state. The paradox of a secular Union expecting from a Muslim country to maintain a less laicist attitude is perceived as a deadlock in Turkey's full integration (Netherlands Scientific Council for Government Policy, 2004: 46). It seems bizarre that Turkey has to convince the EU both for its respect to religious freedom and Turkey being a secular country where *şeriat* is unthinkable. As a matter of fact, the importance of the equilibrium that Turkey has to hold becomes more apparent.

Since the general elections of November 2002; won by the conservative/pro-Islamic JDP, Turkish people wanted to soften the radical secularism as state policy. In this way, the place of Islam is re-interpreted in Turkey. In the elections of July 2007 they were once more in favor of a notion of secularism that guarantees freedom of religion and imposes less control over religion. Turkish people demonstrated that they were open for more freedom of religion, with religious symbols and diversities. They perceived the JDP not as an Islamic party but as a way for further democratization. Besides, JDP became the prominent supporter of the European integration due to the divergence in the "National View" movement. Therefore, it can be affirmed that Turkish people embraced the mosaic of culture in itself and they display their will for laic and democratic Turkey in addition to their willingness for European integration.

In this context, the fifth chapter puts forward that neither the rise of political Islam nor the controversial practices in state-religion relations implies that Turkey is not sufficiently secular. This chapter tries to stick to an objective stance toward the debated issues in Turkey in the context of extensive Islamism in the country. These issues and the institutions at the heart of debates are tried to be brought out to show that these problems do not constitute an overhanging danger for European cultural integrity. The analysis about the place of Islam in Turkey and the recent developments which are tried to be examined in this chapter confirm that secular

nature of the Republic of Turkey does not allow *şeriat*[76]to prevail over secular laws.

It is also accurate to make a last point on rise of religion as a strong figure in the world. Religion factor seems to have a crucial role in policy-making especially in the West. In such an environment, the invisible space between the EU and Turkey; caused by the cultural/religious difference, broadens to a great extent. However, this thesis tries to perceive this environment, which became noticeable after the 9/11 terrorist attacks, as an extraordinary situation. It also argues that this is a temporary "trend" and will tend to decrease in the near future. The history displays the reliability of this argument since it is full of such rise and falls of ideologies.

The thesis tried to display the difference of Turkey from the rest of the Muslim world by highlighting its secular character. In the absence of prerequisites for religion factor in the EU membership, there seems to be no prescribed impediment for Turkey's full integration. The position of the EU against Turkey will also shape its stance against the rest of the Muslim world. Keeping in mind that Turkey is the only secular country with a majority of Muslim population, it will be in advantage of the EU to play the cards right. It is now time for Europeans to decide where the cultural frontiers of the EU end. In this sense, this thesis has an optimist stance for the relaxation in the attitude of the EU in terms of cultural/religious differences in a way that it embraces Turkey.

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[76] Islamic law.

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APPENDIX A

TABLE 1: Overview of new member-states (2004)

Country	Most significant issues
Cyprus	No violations of right to freedom of religion are reported.
Czech Republic	Two tiered system of registration. A religious group may be registered with 300 adult adherents. 10-year waiting period before application for full registration is possible. Full registration requires a minimum of 10,000 members. Churches registered before 1991 are not required to meet these conditions.
Estonia	State and church are separated although this has not been interpreted strictly in administrative practice. A protocol was signed between the government and Estonian Council of Churches.
Hungary	Due to strict criteria of the tax code, only donations to large or long-established churches are tax deductible.
Latvia	The state separates between "traditional" and "new" religions. Simultaneous registration of more than one religious union (church) in a single confession prohibited.
Lithuania	Four-tiered system dividing between traditional, state-recognized, registered, and unregistered communities. Both traditional and state-recognized communities can receive state subsidies. Non-traditional communities must present their religious teachings and their aims. This opens the way to state interference in internal matters.
Malta	Roman Catholicism is state religion. Since 1991 churches of all kinds have had similar legal rights.
Poland	No compulsory registration of religious communities.

	All churches and recognized religious groups share the same privileges. Individual acts of religious intolerance take place; reportedly, they have no place in mainstream political discourse of society.
Slovak Republic	Only registered churches and religious organizations have the explicit right to conduct public worship services and other activities. 20,000 Members required for registration. Official registration means State support of pastors and office expenses. Non registered denominations apply for a civic-interest association which is usually granted although officially illegal.
Slovenia	Registration of new religions is held up by Governmental office for religious Communities. Since August 2003, five minority faiths were registered, the first such registrations since 1999. Other applications are still pending.

Source: Law and Practice. 2003 Religious Freedom in new and future EU member-states.

TABLE 2: Last two members (2007)

Romania	A communist era decree of 1948 remains the basic law for religion, although most of it nullified by the Constitution and governmental decrees. No recognition has been given after 1990 to any religious group except the Jehovah's Witnesses in 2003, but 622 foundations have been approved. The commission in charge of granting approvals for the construction of places of worship entitled to decide on the "opportuneness" of building a place of worship.
Bulgaria	The 2003 Denominations act recognizes the Bulgarian Orthodox Church, thus outlawing the Alternative Synod. Registration is compulsory. All religious institutions are to be re-registered with the Sofia City Court except the Bulgarian Orthodox Church which is recognized *ex lege*. Protestants are denied broadcasting time on public national television.

Source: Law and Practice. 2003 Religious Freedom in new and future EU member-states.

TABLE 3: Potential Members

Croatia	Concordats between the Government and the Vatican which allows state financing some salaries and personnel for priests and nuns. Other religions signed their own agreements with the state are still negotiating.
Turkey	Turkey does not fully meet the political criteria for membership. Non-Muslim religious communities face legal obstacles. They may not acquire property nor build new churches. All unofficial meetings for religious worship are considered potentially subversive. Evangelism regarded with suspicion; evangelists are sometimes arrested.

Source: Law and Practice. 2003 Religious Freedom in new and future EU member-states.

APPENDIX B

TABLE 4: Headscarf Issue in Turkey and France

TURKEY	FRANCE
Object: Headscarf in Universities	**Object**: Headscarf in School
Subject: Religious-Muslims	**Subject**: Religious-Muslims
Subject notes: Sample of a Muslim woman who demands a diploma with a photo on which she appears with headscarf	**Subject notes:** School girls wearing headscarf on religious basis and being refused the right to enter in the class
Type of action: conscientious objection contra legem	**Type of action:** legal protest
Content: individual exemption from the law	**Content:** call for legal judgment
Value basis of the law questioned: Article 130 of the Constitution- Universities consisting of various departments, having public legal entity and scientific autonomy are established by the government by means of laws, in a system based on principles of modern education and instruction	**Value basis of the law questioned:** principle of laicity
Value basis of the claim: promotion of democracy-freedom of religion and conscience	**Value basis of the claim:** freedom of religion
Value basis of the legal response: freedom of religion and conscience,	**Value basis of the legal response:** republican principle of laicity in public

wearing of headscarf	schools
Legal outcome: Administrative tribunal in Ankara decided that the practice of the University was in line with the regulations that aim to raise the youth as intellectuals, civilized and republican, so ECtHR decided that there was no violation of Art.9 of ECHR.	**Legal outcome:** 15th March 2004 the law on Laicity banning the wearing of any "ostentatious" religious sign in the schools of the Republic.
Social and political impact: It is seen that ECtHR finds no violation of Art.9 of the Convention and the case constituted a precedent. It was a significant decision in the discussion of "turban" context of "rise of political Islam in Turkey". It is seen that from the European point of view, there is no violation of Article 9 of the ECHR on ban of headscarf in the universities.	**Social and political impact:** Before and during the adoption of the law, huge debate essentially a political one on the principle of laicity, on the French Republic and its relation to religion. The debate spread all over Europe. since the passing of the law, the debate has almost disappeared in France.
Summary/ History of the claim: Application no: 18783/91 against Turkey. A Turkish national woman who terminated her studies in Gazi University in 1980 in the faculty of science education and got a certificate for graduation wanted to get a diploma with her photo on which she wears a headscarf. In January 27, 1984 she asked for such a diploma and in February 27, 1984 the administration of the faculty responded by a letter stating that the diploma has not been signed since she wears headscarf on the identity photo. Then she applied to the Ministry of Education in April 11, 1984, but by the letter of May 9, 1984 it is indicated that it was not possible to prepare a diploma unless the identity photo fulfils the requirements indicated about the regulations of dress. Then the case is brought before administrative tribunal in	**Summary/ History of the claim:** The debate started in 1989 when three girls refused to get rid of their headscarf before entering into class. After consultations with parents and students, The principal of the school ordered that they could wear the scarf at school, but not during the lessons. However the case sparkled a huge national debate. The French Upper Administrative Court (Conseil d'Etat) stated that the wearing of the headscarf was not incompatible with the principle of laicity. The government published an administrative memo which underlined the liberty for the school teachers to either accept or refuse the schoolgirls in class. From 1994 to 2003, around 100 girls were excluded from high schools for wearing a headscarf. In one case out of two, the decision was annulled by the court. But this judicial uncertainty came to an end in 2004 with the passing of a law

Ankara in the same month with the claim of freedom of belief and conscience guaranteed by Turkish Constitution and the Universal Declaration of Human Rights is restricted.

With the judgment of December 10, 1987 the Administrative Tribunal of Ankara, rejected the application of the applicant by indicating that the regulations of dress that the student should comply with during their school life are also valid for the identity photos. First instance, these regulations are established in educational establishments and in universities in order to raise the youth as "intellectuals, civilized and republican". And second instance is that these regulations require that there should be nothing on the head. In May 12, 1988 the applicant brought the case before the Council of State. She defended again her right to freedom of belief and religion and referred to the ECHR. She also claimed that she was "intellectual, civilized and republican". In the Council of State the majority decided that the decision of the university was based on laws and procedure. But two members dissented by claiming that there is no regulation about the photograph. The applicant added that the regulation on the ban on wearing headscarf in universities became valid after December 1989. In December 14, 1990 the Council of State charged the applicant a compensation of 5000 TL because of abusive application ("recours abusif"). Up until now, the procedure of national law and the decisions of the Administrative Tribunal and the Council of State are evaluated. After that an application is made to European

banning the wearing of any "ostentatious" religious signs (headscarf, kippa, big cross…)in public schools. The law was passed after several months of Parliamentary and public debate focusing on the principle of laicity. One of the most strenuous supporters of this principle was president Chirac who had initiated the law. Some political leaders defended a new approach in France that is the one of recognition of religion on the public sphere.

In public hospitals the medical staff is to respect the principle of laicity. The freedom of the patients on the contrary is recognized.

Commission of Human Rights in June 18, 1991 and was registered in September 11, 1991. It is mentioned that there was violation of Articles 5, 8 and 9 of the Convention and Article 2 of the Additional Protocol. The Commission examined the application under Article 9 of the Convention. After the investigation, the Commission decided that in the secular system, the university students are obliged to obey the rules which aim to settle respect the rights and freedoms of others. And for other reasons, the Commission decided that the there was no violation of the right guaranteed by Article 9 par. 1 of the Convention. With these motives (in addition to the others) the Commission decided by majority that the appeal is unacceptable.	

Source: EuroEthos Database, http://euroethos.lett.unitn.it/home.php?database (accessed on: 24/07/2007).

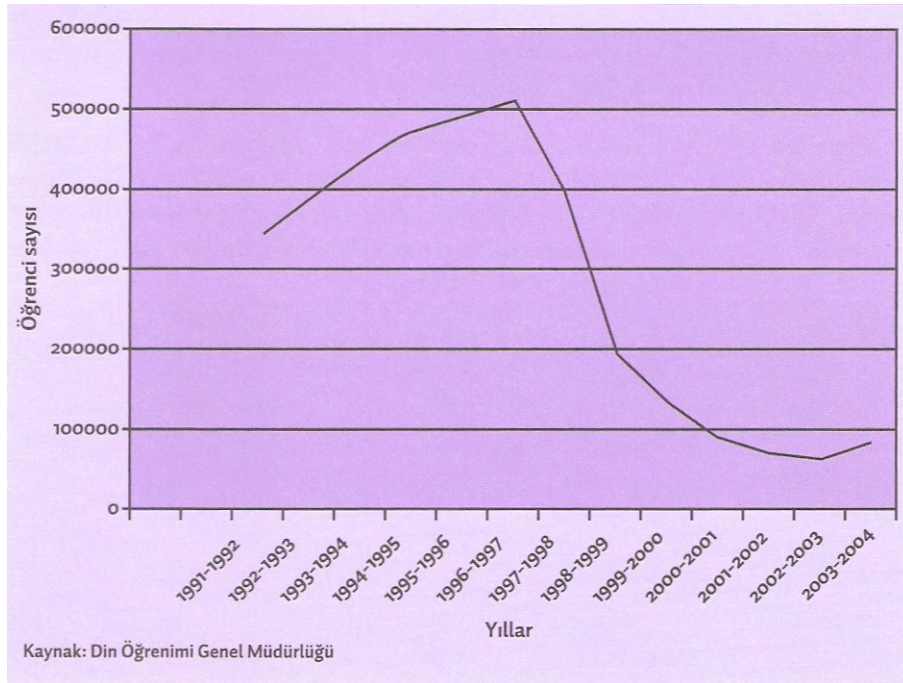**TABLE 5: Yearly Proportion of the Number of İHL Students to the Number of Students in Secondary Education**

(Yıllara Göre İHL Öğrenci Sayısının Ortaöğretim Toplam Öğrenci Sayısına Oranı-Lise Kısmı)

ÖĞRETİM YILI	ORTAÖĞRETİM TOPLAM	İHL TOPLAM	YÜZDE
1989-1990	1 329 010	92 585	6,97
1990-1991	1 426 632	100 300	7,03
1991-1992	1 582 347	117 706	7,44
1992-1993	1 580 729	142 362	9,01
1993-1994	1 954 750	162 828	8,33
1994-1995	2 007 688	173 628	8,65
1995-1996	1 716 143	186 688	10,88
1996-1997	2 072 698	192 727	9,3
1997-1998	2 065 168	178 046	8,62
1998-1999	2 013 152	192 786	9,58
1999-2000	2 019 501	134 224	6,65
2000-2001	2 128 819	91 620	4,3
2001-2002	2 316 832	71 742	3,1
2002-2003	2 435 586	64 534	2,65
2003-2004	3 587 436	84 898	2,37
Kaynak: Din Öğrenimi Genel Müdürlüğü			

Source: Bozan, İrfan. 2007. *Devlet ile Toplum Arasında Bir Okul: İmam Hatip Liseleri, Bir Kurum: Diyanet İşleri Başkanlığı*. İstanbul: TESEV Yayınları. p. 22.

TABLE 6: Number of İHL Students per Year
(Yıllara Göre İHL Öğrenci Sayısı)

Kaynak: Din Öğrenimi Genel Müdürlüğü

Source: Bozan, İrfan. 2007. *Devlet ile Toplum Arasında Bir Okul: İmam Hatip Liseleri, Bir Kurum: Diyanet İşleri Başkanlığı*. İstanbul: TESEV Yayınları. p. 23.