SACRALIZATION OF THE STATE AND SECULAR NATIONALISM: FOUNDATIONS OF CIVIL RELIGION IN TURKEY

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This Article will illustrate how secular nationalism has been introduced as a source of collective identity and as a founding ideology of the Turkish state vis-à-vis the Islamic legacy of the Ottoman Empire. This Article will also locate religion in the process of laying the foundations of civil religion and examine how religion has been sidelined, marginalized, and reconfigured by the state ideology. Finally, in the context of Turkey-EU relations, this Article will analyze how the Turkish state has repositioned itself with regard to Islam, non-Muslims, and freedom of religion.

I. SACRALIZATION OF SECULAR NATIONALISM

A. *Secular Reforms*

Following the collapse of the Ottoman Empire, a new nation was established on secular grounds and has since created its own myths, symbols, rituals, shared memories, and objectives.[1] The Republic of Turkey was established in 1923 after a war of liberation against the Western occupying forces, which had literally carved up the Ottoman Empire and led to its disintegration.[2] The war of liberation was an important constitutive element of a nation-building process. Indeed, it was the starting point of civil religion even though the war of liberation was described not only as a national duty to preserve the integrity and independence of the country but also as a religious obligation against the infidel enemies during the war in which religious figures were deeply involved.[3] Mustafa

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1. YONAH ALEXANDER, EDGAR H. BRENNER & SERHAT TUTUNCUOGLU KRAUSE, TURKEY: TERRORISM, CIVIL RIGHTS, AND THE EUROPEAN UNION 4–5 (2008).

2. DOUGLAS A. HOWARD, THE HISTORY OF TURKEY 1 (2001).

3. Hasan Kayali, *The Struggle for Independence*, *in* 4 THE CAMBRIDGE HISTORY OF TURKEY: TURKEY IN THE MODERN WORLD 124, 129 (Resat Kasaba ed., 2008) [hereinafter CAMBRIDGE TURKEY].

Kemal[4] (1881–1938) led the war of liberation. Kemal was later named *Atatürk*, which means "the Father of Turk."[5] Modern Turkey was established as a secular nation-state based on the western political model.[6] On a small scale, western and secular oriented reforms began in the late period of the Ottoman Empire especially under the reign of Mahmut II and during the Tanzimat between 1839 and 1876.[7] Nevertheless, the founding fathers of Turkey deemed it necessary to disconnect the new state and the nation from the imperial legacy, which was thought to be heavily influenced by Islamic symbols and cultural values. Therefore, the ruling elite launched large scale and sweeping reforms to build a new nation-state on the pattern of the West, inspired by secular nationalism and modernization.[8] Three main areas were identified to establish a secular state and a nation: The first area to undermine traditional strongholds of Islam was secularization of state, education, and law. The second target was the replacement of religious symbols with the symbols of European civilization. The third area was the secularization of social life and removing the impact of popular Islam in everyday life.[9]

All reforms during the formative period of the Republic were aimed at undermining the legacy of the Ottoman social, political, and cultural influence to establish a modern and secular framework to define the new Turkish nation. In an attempt "to eliminate every symbol that had a relationship with the Ottoman-Islamic heritage" and to radically "break from the Ottoman era,"[10] earlier reforms included abolition of the Caliphate (1924), closure of religious shrines (türbes) and the dervish lodges (tekkes) (1925), abolition of the Ministry of Religious Affairs and Pious Foundations (1924), removing an article from the constitution which declared Islam as the state religion (1928), "Turkification" of the call to prayer (1932), and change of the alphabet from Arabic to Latin

4. Mustafa Kemal (1881–1938) is the founder of Turkey who led the war of independence against the allied forces (1919–1922) and became the first President of the Republic of Turkey established in 1923. For a comprehensive biography of Atatürk, see generally ANDREW MANGO, ATATÜRK (1999).

5. Andrew Mango, *Atatürk*, *in* THE CAMBRIDGE HISTORY OF TURKEY, *supra* note 3, at 165. R

6. ALEXANDER, BRENNER & KRAUSE, *supra* note 1, at 4. R

7. *See* M. SÜKRÜ HANIOGLU, A BRIEF HISTORY OF THE OTTOMAN EMPIRE 55–67 (2008); Carter Vaugn Findley, *The Tanzimat*, *in* THE CAMBRIDGE HISTORY OF TURKEY, *supra* note 3, at 12; ERIC J. ZÜRCHER, TURKEY: A MODERN HISTORY 39–49 (1992). R

8. Kayali, *supra* note 3, at 145–46. R

9. ZÜRCHER, *supra* note 7, at 194–95. R

10. SENA KARASIPAHI, MUSLIMS IN MODERN TURKEY 10 (2009).

(1928), which meant a complete disconnection from cultural and literary products of the past.[11] The Turkish language for the state elite was to be purified, and therefore was cleansed of its Arabic and Islamic influences deemed to counteract inculcation of a secular identity through literature, education, and the media. With the introduction of the Latin alphabet, books, magazines, newspapers, and official documents were placed in the archives for years to come. Other major reforms between 1924 and 1935 included the acceptance of the Western style of clothing, the adoption of the Gregorian calendar (1926), the introduction of Western music in schools, the change of the weekly holiday from Friday to Sunday, adoption of the Swiss civil and Italian penal codes, and the adoption of laws pertaining to the unification of education[12] (1924), which facilitated the emergence of secular myths, symbols, and rituals.

Several institutions, such as Society for the Study of Turkish History (1931) (today known as the Turkish Historical Society) and Society for the Study of Turkish Language (1932) (today known as the Turkish Language Association) were established to bolster Turkish pride and provide a narrative to justify sacralization of the state.[13] The Turkish Historical Society's main objectives were at least two-fold: first, it aimed to lay the foundations of historical continuity and homogeneity of a nation that inherited the legacy of past civilizations and spread them wherever Turks migrated; and second, by promoting the *Turkish History Thesis*, it aimed to show the world that Turks were a great nation capable of European-like achievements in founding and flourishing cultures and civilizations.[14] In order to draw an ethnocentric framework to write a history of Turks, a series of history congresses were held. For example, the participants in the First Historical Congress, which was convened in 1932 under Atatürk's direction, "generally agreed that Turks had created a rich civilization in Central Asia in prehistoric times, and this was the fount of all civilizations in human his-

11. Serif Mardin, Religion, Society, and Modernity in Turkey 234 (2006).

12. Ahmet Kuru, Secularism and State Policies Toward Religion: The United States, France and Turkey 222 (2009); Ümit Cizre-Sakallioğlu, *Kemalism, Hyper-Nationalism and Islam in Turkey*, 18 Hist. Eur. Ideas 255, 258 (1994).

13. Soner Cagaptay, Islam, Secularism, and Nationalism in Modern Turkey: Who is a Turk? 50 (2006); Metin Heper & Nur Bilge Criss, Historical Dictionary of Turkey 315–16 (3d ed. 2009).

14. Ayse Gül Altinay, The Myth of the Military-Nation: Militarism, Gender, and Education in Turkey 20 (2004); Umut Özkirimli & Spyros A. Sofos, Tormented by History 96 (2008).

tory."[15] The Turkish Language Association, on the other hand, was assigned a mission of promoting *Sun Language Theory* with the aim of proving that Turkish and Indo-European languages were related and that they all originated from Turkish.[16] Moreover, the association was expected to produce convincing evidence and arguments that the Turkish language was the most influential source of inspiration and the leading factor in the development of all world languages including Sumerian, Hittite, Egyptian, Aegean, Cretan, and Etruscan civilizations.[17]

B. *Cult of Kemalism*

During the single party political period and immediately thereafter, ardent followers of Atatürk, either out of their respect and admiration for him or in search of legitimating the preservation of the status quo, laid down the foundation of a civil religion that would survive without being seriously questioned until today. To build a nation-state—through a nationalist ideology and its inculcation in all sites dominated by the state—new cults, myths, symbols, and rituals were created. One striking example is what one might call the Cult of Atatürk and Kemalism. Until his death in 1938, Atatürk played a major role in redefining the Turkish state and the Turkish nation by introducing "a new set of symbols to mark the shift from Islamic to Western civilization."[18] Today, he is deeply respected as a leader of the war of liberation and founder of the Republic and is viewed as the "Republic's symbol, pictured on stamps, coins and banknotes, portrayed on the walls of offices and homes, quoted in and out of season to buttress arguments, presented as a guiding star, an ideal to inspire and follow."[19] In fact "the transformation of Atatürk into a cult hero personifying the nation had already begun in his lifetime. Public spaces, squares, schoolyards, and parks throughout the country were rapidly filled with statues of Atatürk sitting, standing, on horseback, in military outfits, or in civilian clothes, and every public building dis-

15. Resat Kasaba, *Kemalist Certainties and Modern Ambiguities*, *in* RETHINKING MODERNITY AND NATIONAL IDENTITY IN TURKEY 29 (Sibel Bozdogan & Resat Kasaba eds., 1997); ZÜRCHER, *supra* note 7, at 199. **R**

16. GEOFFREY LEWIS, THE TURKISH LANGUAGE REFORM: A CATASTROPHIC SUCCESS 57 (1999); Ahmet Yildiz, *Kemalist Milliyetçilik*, *in* 2 MODERN TÜRKIYE'DE SIYASI DÜSÜNCE: KEMALIZM 229 (Ahmet Insel ed., 2001).

17. CAGAPTAY, *supra* note 13, at 50; ZÜRCHER, *supra* note 7, at 198. **R**

18. HAKAN YAVUZ, SECULARISM AND MUSLIM DEMOCRACY IN TURKEY 26 (2009).

19. Mango, *supra* note 5, at 147. **R**

played busts and portraits of the national hero."[20] The Turkish Parliament passed a law in 1934[21] to give "Atatürk" as a surname to Mustafa Kemal, and reserved this name for him only, making its adoption in any form by anybody unlawful as a sign of reverence for his cult.[22] After his death, Atatürkism became a dogma without its own theory, epistemology, or methodology.[23] Atatürk was turned into an infallible figure by his close associates who also created an ideology called Kemalizm, which also became a state ideology during the single party period.[24] "Kemalizm emerged as a political and societal cult, embedding itself in the foundations of Turkey. The authoritarian etatist wing facilitated the dogmatization of this model, helping to develop its own norms, procedures and institutions."[25] After the foundation of the Turkish Republic "the ruling cadre mobilized the limited resources of the new state to create and disseminate the Atatürk cult as the new symbol to unify the nation."[26] In the following passage, Esra Özyürek beautifully illustrates how Atatürk as a founding figure and a model became to symbolize the new nation:

> Since the early days of Atatürk's rule, statues of the leader and their countless replications started to decorate every city and town center in the country. Laws and regulations were set up to maintain that Atatürk was represented in every public office, classroom, courthouse, prison and police station. State funded artists, the State Supplies Office, and privately owned businesses satisfied the great demand from state institutions.[27]

In recent years, production of Atatürk icons and figures has become a major industry in Turkey, akin to the production and sale of religious icons and materials in areas where there are sizeable Catholic and Orthodox populations and shrines,[28] and thus his image has been commercialized and even used in large scale advertising campaigns by private companies.[29]

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20. SIBEL BOZDOGAN, MODERNISM AND NATION BUILDING: TURKISH ARCHITECTURAL CULTURE IN THE EARLY REPUBLIC 283 (2001).

21. Kanun No. 2622, R.G. 24.12.1934 Sayı 2888, Kabul Tarihi 17.12.1934 [Law No. 2622, R.G. Dec. 24, 1934 No. 2888, enacted Dec. 17, 1934].

22. CAGAPTAY, *supra* note 13, at 62. **R**

23. Murat Belge, *Mustafa Kemal ve Kemalizm*, *in* 2 MODERN TÜRKIYE'DE SIYASI DÜSÜNCE, *supra* note 16, at 38; Mango, *supra* note 5, at 165. **R**

24. YAVUZ, *supra* note 18, at 27. **R**

25. SINAN CIDDI, KEMALISM IN TURKISH POLITICS: THE REPUBLICAN PEOPLE'S PARTY, SECULARISM AND NATIONALISM 28 (2009).

26. ESRA ÖZYÜREK, NOSTALGIA FOR THE MODERN: STATE SECULARISM AND EVERYDAY POLITICS IN TURKEY 95 (2006).

27. *Id.* at 96.

28. BOZDOGAN, *supra* note 20, at 282. **R**

29. ÖZYÜREK, *supra* note 26, at 119–22. **R**

In order to consolidate the place of Atatürk in the heart and mind of the nation as a founder and source of inspiration, the Turkish Parliament made a decision in 1938 to build a monument in his memory in Ankara, completing the "Atatürk's elevation to the status of 'deity.'"[30] The Atatürk's Memorial Tomb (Anitkabir), what Michael Meeker calls "a shrine of Kemalizm," became a great ceremonial site for the new nation after its completion in 1953. According to Sibel Bozdogan:

> Since that time, the memorial tomb has served as a site for rites of commemorating the founder of the Turkish republic. Official ceremonies are conducted there on the anniversary of Atatürk's death, during visits to Turkey by foreign heads of states, and on other official occasions of the state. Members of private and public associations-including school teachers, schoolchildren, military officers, business executives, municipal officials, and club members- may assemble at the tomb to pay their respects to Atatürk.[31]

Bozdogan describes the Memorial Tomb as "the ultimate nationalist state monument of the republic," the "monument to the casting of the nation as secular religion, the nationalist substitute for a space of religious ritual, prayer and spirituality," and argues that "the mausoleum of Atatürk is still the "holiest" site of modern Turkey."[32] As shown in the table below, millions of people visit this site each year.[33]

NUMBER OF VISITORS TO ATATÜRK'S MEMORIAL TOMB[34]

Year	Number of Turkish visitors
2005	3.658.122
2006	8.022.506
2007	12.301.779
2008	5.628.963

There is no doubt that national heroes and leaders are often attributed high status and that their legacy is respected depending on the level of appreciation by the society. Sometimes they are

30. BOZDOGAN, *supra* note 20, at 284. R

31. Michael E. Meeker, *Once There Was, Once There Wasn't: National Monuments and Interpersonal Exchange*, *in* RETHINKING MODERNITY AND NATIONAL IDENTITY IN TURKEY, *supra* note 15, at 170. R

32. BOZDOGAN, *supra* note 20, at 282, 286. R

33. *See Daily Number of Visitors to Anitkabir*, ANITKABIR, http://www.tsk.tr/eng/Anitkabir/guncel/faaliyetler/ziyaretcisayilari.html (last visited Jan. 7, 2011).

34. *Id.*

glorified; however, it is unusual to introduce legislation to enforce their ideas on younger generations. In this context, the following questions seem to be relavant: Should nations legally protect their important leaders from the leaders' opponents? Do past national figures enjoy legal protection in the United States or Europe? Atatürk does, not because he wanted it during his lifetime, but because his Kemalist followers chose to do so. The Cult of Kemalizm has been fortified in several other ways as well. In 1951, a law[35] was passed by parliament with the objective of protecting Atatürk's legacy, personality, memories, and views from being disrespected, ridiculed, and despised based upon some attacks on his statues at the time. The law made explicit insulting and cursing Atatürk's legacy a crime punishable by one to three years of imprisonment, while damaging, breaking, and defiling his statues, monuments, busts, and tomb was made punishable by one to five years of imprisonment.[36] Today, Atatürk's photographs are hung in all public offices, school classrooms, courtrooms, and military establishments. Additionally, special "Atatürk Corners" were established in schools where his photographs, posters, and books about him are displayed. His statues can be found in all towns and cities in Turkey as a constant reminder of his reforms and leadership.[37] Furthermore, Atatürk's speeches and addresses were published as books, which became a major source of ideological inspiration for Kemalists who distributed thousands of copies to all schools in the country. All new students, for example, receive a book entitled *Nutuk* (Address), which contains Atatürk's important speeches, at the time of their registration with the Marmara University. It is reported that 20,000 copies were distributed in 2005 and 2006 as part of "A Nutuk for Each Student Campaign."[38]

Since the late 1980s and early 1990s, many Kemalist civil society organizations were established for the purpose of consolidating secularism and Kemalist hegemony and defending it against what are perceived as social and political threats. The Association for Kemalist Thought (Atatürkçü Düsünce Dernegi), the Association for the Support of Modern Life (Çagdas Yasami Destekleme

35. Kanun No. 5816, R.G. 31.7.1951 Sayı 7872, Kabul Tarihi 25.7.1951 [Law No. 5816, R.G. July 31, 1951 No. 7872, enacted July 25, 1951].

36. *See id.*

37. Mango, *supra* note 5, at 147; Hasan Ünder, *Atatürk Imgesinin Siyasal Yasamdaki Rolü*, *in* 2 MODERN TÜRKIYE'DE SIYASI DÜSÜNCE, *supra* note 16, at 138; ÖZYÜREK, *supra* note 26, at 93. R R R

38. MARMARA ÜNIVERSITESI, 2007 YILI İDRAE FAALIYET RAPORU 70 (2008), *available at* http://sgdb.marmara.edu.tr/iysdosya/2007_faaliyet_raporu.pdf.

Dernegi), the Foundation for Kemalist Thought (Kemalist Düsünce Vakfi), the Kemalist Thought Clubs (Atatürkçü Düsünce Topluluklari), and the Association of Contemporary Jurists (Çagdas Hukukçular Dernegi) are among well known neo-Kemalist organizations dedicated to the promotionof Atatürkism and encountering "reactionary" movements which, they believe, try to undermine secular reforms.[39] A coalition of Kemalist and secularist associations whose leaders and clientele are inspired by the ideals of Kemalizm and authoritarian interpretation of secular principles have organized what they called "Republic Meetings" (Cumhuriyet Mitingleri) in protest of policies of the ruling AK Party, accused of Islamicizing the country. Organizers and participants have visited the Memorial Tomb to show their strong loyalty to the founding ideals of Kemalizm and the state. Kemalizm in this context is viewed as "the Turkish equivalent of Enlightenment; guiding philosophy which brought Turks out of their dark age onto the road to modernity."[40]

A recent documentary film about Atatürk's life, released in 2008, written and directed by Can Dündar, caused a huge controversy in Turkey and disturbed the Kemalists who heavily criticized its script writer and the director. The film, entitled "Mustafa," portrays Atatürk from his childhood until his death. In the film, "he is shown as wandering his residences in Ankara and Istanbul in boredom and frustration, drinking and smoking heavily, sometimes drifting off and sometimes crying with emotion at what he describes in his diaries as tedious dinners with the same old crowd."[41] The documentary features Atatürk, not only as a national leader and a hero, but also as a human being with his emotional ups and downs, his relations with women, and his smoking and drinking habits.[42] Kemalists strongly rejected the claims in the film arguing that Atatürk was portrayed as having interest in women and fond of smoking and drinking. In their opinion, such a narrative not only damaged the memory of Atatürk, but also insulted his legacy. Some radical secularists went even further, describing the film as

39. Necmi Erdogan, *Kemalist Non-Governmental Organizations: Troubled Elites in Defense of a Sacred Heritage*, *in* CIVIL SOCIETY IN THE GRIP OF NATIONALISM 251–52 (S. Yerasimos, G. Seufert & K. Vorhoff eds., 2000).

40. CIDDI, *supra* note 25, at 6. R

41. Suna Erdem, *A Lonely Drinker With Weakness for Women*, SUNDAY'S ZAMAN, Nov. 9, 2008.

42. *See* Sabrina Tavernise, *Turkey's Hero, Behind the Bronze Veneer*, N.Y. TIMES, Nov. 13, 2008, *available at* http://www.nytimes.com/2008/11/13/world/europe/13iht-13ataturk.17780999.html.

part of a "Western-backed plot to weaken Turkey's Kemalist army."[43] On such accusations, Can Dündar, the director, had to testify and defend himself in court.

1. Legend of Sacralizing the Flag

As previously mentioned, the war of liberation was the foundation of civil religion, producing myths, symbols, and narratives to consolidate it. One symbol that was created as a result of the war was the new Turkish flag. After the war, the Turkish state adopted the current flag as one of the fundamental symbols of independence. The color of the Turkish flag is red, which represents the blood of Turkish fighters who lost their lives against the infidel occupying forces and became martyrs.[44] In the middle of the flag, there is a crescent and a star.[45] A popular Turkish myth is that the Turkish soldiers lost so much blood during the fighting that their blood was spread all over, and the crescent and the star were reflected on the pool of blood. This story is the symbolic basis of the Turkish flag.

The Turkish flag is not only respected but also publicly displayed on national days. In fact, all shops and office buildings, whether public or private, are legally required to display or hang the flag on their windows. Moreover, although there is no legal requirement, many people hang the Turkish flag from their apartments and houses as a sign of solidarity and belonging. The flags are most often displayed on national holidays, when there are soccer matches, and at times when terror attacks claim lives in Turkey. Visibility of flags in recent years has considerably increased all over the country. For example, under the pressure of Kemalist journalists, even the Directorate of Religious Affairs felt obliged to hang Turkish flags at some mosques in fifteen cities.[46] Today, on the hilly parts of many cities and towns, large Turkish flags can bee seen from miles away as a constant reminder of national pride and sacredness of soil. Due to its symbolic significance, the Turkish

43. Nicholas Birch, *Mustafa the Movie Divides Turkey with a Portrait of the "Real" Ataturk*, INDEP., Nov. 7, 2008, *available at* http://www.independent.co.uk/news/world/europe/mustafa-the-movie-divides-turkey-with-a-portrait-of-the-real-ataturk-998232.html.

44. *See* SAM KAPLAN, THE PEDAGOGICAL STATE: EDUCATION AND THE POLITICS OF NATIONAL CULTURE IN POST-1980 TURKEY 181 (2006).

45. *See* Türk Bayrağı Nizamnamesi, Kararnamesi No. 2/7175, 28.7.1937 [Turkish Flag Regulation, Decree No. 2/7175, July 28, 1937]; TÜRKIYE CUMHURIYETI ANAYASASI [CONSTITUTION OF THE REPUBLIC OF TURKEY] (1982).

46. *Camiler Bayraklarla Donandi*, HÜRRIYET (Oct. 29, 2006), http://hurarsiv.hurriyet.com.tr/goster/haber.aspx?id=5335174&tarih=2006-10-29.

flag is considered to be almost sacred.[47] Thus, the Turkish flag represents the sacralization of a national symbol that is protected by law. As such, symbols of the Turkish flag cannot be used for any other purposes. On the contrary, in the United States one might see the U.S. flag design sold on underwear or T-shirts. In Turkey, this is not only unthinkable and unacceptable, but also a punishable crime.

2. Liberation Days

There are constitutive events, episodes, and moments in a nation's history, often marked by dramatic experiences which evoke strong feelings such as wars, victories, mass migrations, revolutions, and collective pain and so on. The War of Liberation (1919–1922) against invading forces including Greece, France, Britain, and Italy as a constitutive moment remains in the collective memory of Turks as the beginning of a new era for the nation. Each and every town that was occupied by European allied forces has a "Liberation Day" to celebrate. Celebrations are official moments that all state officials, notables, and people of that particular city or town attend. All schools are closed on the Liberation Day and students are taken to the celebrations. Events at the celebrations include patriotic speeches, poems about the bravery of soldiers and fighters, and theatrical performances of the war and the victory of the Turks. The national days are celebrated all over Turkey and ceremonies are broadcast live both on state and private televisions.

In addition to liberation days, there are additional national days with their own rituals, organizational structure, costumes, sentiments, and ceremonial dimensions, which serve to consolidate belonging to a nation. The important national days are also celebrated all over Turkey and ceremonies are broadcast live on state and private televisions.

The following table lists main national days celebrated en masse and often broadcast live, not only on state-owned television channels, but also on private television channels. Many newspapers, on these days, give supplements of large Turkish flags or Atatürk's portraits.

47. HANS-LUKAS KIESER, TURKEY BEYOND NATIONALISM: TOWARDS POST-NATIONALIST IDENTITIES 79 (2006).

CONSTITUTIVE DAYS AND EVENTS IN MODERN TURKISH HISTORY

Date	Days / Events
23 April (1920)	Opening of the National Assembly
23 April (1920)	National Children Day
29 October (1923)	Republican Day (Cumhuriyet Bayrami)
19 May (1919)	The Youth Day
30 August (1922)	Victory Day
18 March (1918)	Dardanelles Victory Day
10 November (1938)	Commemoration of Atatürk's death

Modern Turkey inherited a multiethnic, multi-religious, and multilingual legacy from its predecessor state, the Ottoman Empire. There were Turks, Kurds, Greeks, and many other ethnic groups, as well as Muslims, Christians, and Jews as far as religious diversity is concerned.[48] Yet, founding ideals and policies pursued during Turkey's formative years caused a serious rapture with such a heterogeneous past. Modern Turkey was established on the ideals of a secular nation-state, which by its nature is a homogenizing political entity and construction. It was a challenging task for the founding leaders of Turkey to build a nation in the face of such diversity.[49] Creation and circulation of myths, symbols, ceremonies, and rhetoric and several reforms in the areas of culture, language, education, law, bureaucracy, and religious institutors were aimed at building a homogenous nation-state. In this context, the state sought to limit the autonomy of religious institutions first and ultimately remove them from the public sphere by taking religion under its umbrella.

II. INCORPORATION OF RELIGION IN THE STATE

A. *Religion in the State Bureaucracy*

Secularism has been enshrined in the constitution over a period of time in Turkey. The Constitution of 1924 included the following declaration: "the religion of the Turkish Republic is Islam."[50] In 1928 however, the declaration of Islam as the state religion was removed from the constitution, and secularism as a constitutional

48. Metin Heper, *The Ottoman Legacy and Turkish Politics*, 54 J. INT'L AFF. 63, 74–75 (2000).

49. TOKTAMIS ATES, TÜRK DEVRIM TARIHI 191 (2000).

50. *See generally* TÜRKIYE CUMHURIYETI ANAYASASI [CONSTITUTION OF THE REPUBLIC OF TURKEY] (1924).

principle was added to the constitution in 1937.[51] Although the Turkish state is defined as secular, it has incorporated religion in its bureaucracy by the establishment of the Directorate of Religious Affairs (The Diyanet Isleri Baskanligi), which is a constitutional public body with a mandate to administer religious affairs for Muslims.[52] The Directorate was established in 1924 when the Ministry of Religion and Pious Foundations was abolished in the same year.[53] The 1961 Constitution organized the Directorate of Religious Affairs as a constitutional institution and gave it a constitutional mandate, a set of duties, and responsibilities.[54] Thus, it is sometimes argued that the republican elite inherited and preserved an Ottoman legacy albeit in different forms and with different functions.[55] There is also a contrasting view that considers the Directorate as "an administrative tool to propagate official ideology regarding Islam"[56] in the absence of an organized body of clergy and central organization set up by Muslims. The 1982 Constitution,[57] which was accepted following the 1980 military coup, also recognized the constitutional status of the Directorate. Article 136 of the current constitution states, "The Directorate 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."[58] The particular law pertaining to the Directorate, which was passed in 1965, explains the Directorate's objectives and its scope of activities and responsibilities as follows: "to execute the works concerning the beliefs,

51. KURU, *supra* note 12, at 217. R

52. TÜRKIYE CUMHURIYETI ANAYASASI [CONSTITUTION OF THE REPUBLIC OF TURKEY] (1982) art. 136; Kanun No. 633, R.G. 02.07.1965 Sayı 1203, Kabul Tarihi 22.06.1965 [Law No. 633, R.G. July 2, 1965 No. 1203, adopted June 22, 1965]. *See generally* T.C. BAŞBAKANLIK DIYANET İŞLERI BAŞKANLIĞI [PRESIDENCY OF RELIGIOUS AFFAIRS OF THE REPUBLIC OF TURKEY], http://www.diyanet.gov.tr (last visited Jan. 7, 2011).

53. Ismail Kara, *Diyanet Isleri Baskanligi*, *in* 6 MODERN TÜRKIYE'DE SIYASI DÜSÜNCE: ISLAMCILIK 181 (Yasin Aktay ed., 2004). *See generally* Serif Mardin, *Ideology and Religion in the Turkish Revolution*, 2 INT'L J. MIDDLE E. STUD. 197 (1971).

54. *See generally* TÜRKIYE CUMHURIYETI ANAYASASI [CONSTITUTION OF THE REPUBLIC OF TURKEY] (1961).

55. Gazi Erdem, *Religious Services in Turkey: From the Office of* Seyhülislam *to the* Diyanet, 98 MUSLIM WORLD 199, 207 (2008).

56. Istar B. Gözaydin, Diyanet *and Politics*, 98 MUSLIM WORLD 216, 221 (2008).

57. *See generally* TÜRKIYE CUMHURIYETI ANAYASASI [CONSTITUTION OF THE REPUBLIC OF TURKEY].

58. *See id.* art. 136.

worship, and ethics of Islam, enlighten the public about their religion, and administer the sacred worshipping places."[59]

Over the years, constitutional mandates and duties have empowered the Directorate as a public institution that receives its entire operating budget from the state and employs approximately some 80,000 people throughout Turkey.[60] The Directorate administers all mosques in Turkey, trains Imams, and organizes religious courses for young people and adults during the summer holidays. The fact of the Directorate's mere presence in the state system as well as its provision of services only to Turkey's Muslim population raises questions as to Turkey's status as a secular state and whether the Directorate's presence is compatible with secularism. Another point of fierce discussion in Turkey is the dominantly orthodox Sunni interpretation of Islam, which informs the Directorate's main activities and excludes non-orthodox communities, Alevis in particular. In general, there are three contradicting positions as far as the secular nature of the state and the status of the Directorate are concerned in Turkey.

First, some secularists, liberals, and religious groups argue, albeit for different reasons, that the presence of the Directorate as a public institution is against the very principles of secularism, which is understood as neutrality before all religious and faith communities.[61] Some religious groups would like to see the dissolution of the Directorate in order to have more freedom and autonomy without state control. They argue that civil organizations should carry out religious activities, not a state department. Some secularists contend that the state should not fund the Directorate because it is funded by the taxes of not only Muslims but also non-Muslims, atheists, and unorthodox Muslim communities.[62] The Alevi community, which strongly opposes the existence of the Directorate and its funding by the state, falls into this category. The Alevi community argues that the Directorate is dominated by Sunni Orthodox Islam and does not serve the needs of the Alevis.[63] The Alevi

59. *See* Kanun No. 633, R.G. 02.07.1965 Sayı 1203, Kabul Tarihi 22.06.1965 [Law No. 633, R.G. July 2, 1965 No. 1203, adopted June 22, 1965].

60. *See* Diyanet İşleri Başkanlığı, *Number of Personnel* (2009), http://www.diyanet.gov.tr/turkish/tanitim/istatistiksel_tablolar/1_personel/1_1_personel_sayisi.xls.

61. RUSEN ÇAKIR & IRFAN BOZAN SIVIL, SEFFAF VE DEMOKRATIK BIR DIYANET ISLERI BASKANLIGI MÜMKÜN MÜ? 106–09 (2005); ISTAR GÖZAYDIN, DIYANET 273–300 (2009); ERIK JAN ZÜRCHER & H. VAN DER LINDEN, The European Union, Turkey and Islam 204 (2004).

62. *Sivil Anayasa Forumu -6-*, TARAF GAZETESI (June 8, 2009), http://www.taraf.com.tr/haber/sivil-anayasa-forumu-6.htm.

63. Elizabeth Özdalga, *The Alevis – a 'New' Religious Minority? Identity Politics in Turkey and Its Relation to the EU Integration Process, in* RELIGION, POLITICS, AND TURKEY'S EU ACCES-

community would like to be recognized by the state[64] and some Alevi groups would like to receive funding from the state for their *Cemevis* (Houses of gathering for ritual purposes).[65]

Second, some people strongly support the constitutional presence of the Directorate because they see it as a mechanism of controlling religious activities. In their opinion, religious activities should be monitored and the scope of religious liberty should be drawn by the state in order to protect and preserve the secular nature of the state.[66] This view is shared largely by Kemalists, assertive secularists, and the military.[67]

Third, some people do not see any contradiction between the ideals of the secular state and the existence of the Directorate, yet they would like to see more broad-based activity of the Directorate marked by pluralism and diversity and less state control of religious affairs.[68]

As far as the Alevi community and its claims are concerned, there are some good signs of positive developments. First, Deputy Head of the Directorate of Religious Affairs has publicly declared that his institution neglected the Alevis up until the present day.[69] After this public declaration, representatives of some Alevi organizations met with officials of the Directorate to discuss their views and air their expectations. Their expectations center on the recognition of their cultures[70] and Cemevis as houses of worships like the Mosques and receiving public funds and enjoying other privileges that Mosques enjoy. It is important to note that the Alevi community is very diverse and its definition of Alevism—as well as its connection with Islam—differs considerably among Alevi

sion 190–94 (Dietrich Jung & Catharina Raudvere eds., 2008); Çakir & Sivil, *supra* note 61, at 114–17. R

64. David Schankland, Alevis in Turkey, The Emergence of a Secular Islamic Tradition 13 (2003).

65. Tahire Erman & Emrah Göker, *Alevi Politics in Contemporary Turkey*, Middle E. Stud., Oct. 2000, at 99, 102; Ilyas Üzüm, Günümüz Aleviligi 130–37 (2000).

66. Turhan Feyzioglu, *Secularism: Cornerstone of the Turkish Revolution*, *in* Atatürk's Way 188, 216 (Turhan Feyzioglu ed., 1982).

67. Mehmet Yasar Geyikdagi, Political Parties in Turkey: The Role of Islam 100 (1984); Mümtaz Soysal, 100 Soruda Anayasanin Anlami 102–03 (1969); Özer Ozankaya, Türkiye'de Laiklik 215–16 (2000).

68. Gözaydin, *supra* note 61, at 291. R

69. Mükremin Albayrak & Habibe Demircan, *Diyanetten Özelestiri: Bugüne Kadar Aleviligi Ihmal Ettik*, Zaman (Mar. 18, 2007), http://www.zaman.com.tr/haber.do?haberno=515066.

70. Erman & Göker, *supra* note 65, at 102. R

groups.[71] Some Alevi groups claim that Alevism represents a liberal and progressive interpretation of Islam; some argue that it is marked by humanism, while other Alevi groups reject any Islamic connections and argue that Alevism is a worldview with its own philosophy and rituals.[72] These groups believe that the existence of the Directorate undermines secularism, and they therefore refuse to cooperate with it. Yet, Alevi groups that see Alevism under the umbrella of Islam are engaging in a dialogue with the state in general and with the Directorate in particular in an attempt to get full recognition and equal representation.[73] The current government started, for the first time, a direct engagement with the Alevi community. Prime Minister Erdogan appointed an Alevi member of the Parliament from the Justice and Development Party (JDP) as an envoy to bring both sides around a table.[74] Furthermore, in a gesture of recognition of Alevi claims, Prime Minister Erdogan participated at dinners with the Alevi leaders, organized on ritually important days for the community.[75]

More recently, the government initiated a special series of "Alevi Workshops" to hear Alevis and non-Alevis identify problems and Alevis claims and to prepare a road map to find solutions.[76] At the time of writing this Article, seven workshops had been held in 2009 and 2010 under the auspices of state ministry responsible for the administration of religious affairs. The first workshop brought together Alevi community leaders; the next five workshops invited intellectuals and opinion leaders from all backgrounds including political scientists, historians, theologians, representatives from civil society organizations, and the media.[77] The final workshop

71. *Id.* at 100–12; SCHANKLAND, *supra* note 64, at 21–22; Karin Vorhoff, *"Let's Reclaim Our History and Culture!"—Imagining Alevi Community in Contemporary Turkey*, 38 DIE WELT DES ISLAMS 220, 240 (1998). R

72. *See* GÖZAYDIN, *supra* note 61, at 290; Vorhoff, *supra* note 71, at 220–52. R

73. *See* GÖZAYDIN, *supra* note 61, at 290; Vorhoff, *supra* note 71, at 235. R

74. *See* Yonca Poyraz Doğan, *AK Party to Expand Dialogue with Alevis*, TODAY'S ZAMAN (Jan. 15, 2008), http://www.todayszaman.com/tz-web/news-131698-ak-party-to-expand-dialogue-with-alevis.html.

75. *See* Kerım Balci, *PM Erdogan: Alevi-Bektasi Tradition at the Core of Our Identities*, TODAY'S ZAMAN (Jan. 12, 2008), http://www.todayszaman.com/tz-web/news-131514-pm-erdogan-alevi-bektasi-tradition-at-the-core-of-our-identities.html.

76. *See* Ayşe Karabat, *Alevi Workshop Submits Roadmap to Government*, TODAY'S ZAMAN (Feb. 1, 2010), http://www.todayszaman.com/tz-web/news-200249-alevi-workshop-submits-roadmap-to-government.html; Ayşe Tosun, *Political Authority Taking First Serious Steps To Solve Alevis' Problems*, TODAY'S ZAMAN (Nov. 11, 2009), http://www.todayszaman.com/tz-web/news-192572-political-authority-taking-first-serious-steps-to-solve-alevis-problems.html.

77. *See Government Consults Religious Scholars on Alevi Problem*, HURRIYET DAILY NEWS & ECON. REV. (Aug. 19, 2009), http://www.hurriyetdailynews.com/h.php?news=government-hears-religious-scholars-for-alevi-problem-2009-08-19; Yasın Kiliç & Ayşe Tosun, *Gov't Steps*

brought together a mix of participants in previous meetings on January 27–30, 2010, to formulate recommendations to the government.[78]

B. *Religious Education by the state*

Another contested issue in Turkey is the constitutional arrangement of compulsory religious education in primary and secondary schools. Until 1980, religious education was an elective course. In the 1982 Constitution, which was drafted after the 1980 military coup, instruction of religious culture and morality became a compulsory subject for Muslim children regardless of their sectarian affiliation.[79] Non-Muslim children were, however, exempted from taking these courses.[80] It is ironic to see that generals of the military coup who are strictly committed to secular ideals and consider themselves guardians of the state have introduced compulsory religion education. Arguably, the generals of the military coup wanted to control the curriculum and observe religious inculcation closely instead of leaving such an activity to independent religious groups, or pushing religious education underground. Yet one might also argue that compulsory religious education was implemented to educate young people, as religion could play a unifying role following the period of political fragmentation that led to street fighting prior to the military coup. Turks generally approve compulsory education, excluding the Alevi community and liberal organizations. Yet, when it comes to the nature of the curriculum and the content of the teaching material, a heated dispute emerges. Domestic and external factors, such as EU membership negotiations and decisions by the European Court of Human Rights (ECHR), often lead to fierce debates and court cases, which have resulted in amendments of the curriculum in 2008.[81]

on Alevi Issue "Historic," says Çelik, Today's Zaman (Nov. 12, 2009), http://www.todayszaman.com/tz-web/news-192670-govt-steps-on-alevi-issue-historic-says-celik.html.

78. *See* Karabat, *supra* note 76. R

79. *See* Türkiye Cumhuriyeti Anayasasi [Constitution of the Republic of Turkey] (1982) art. 24.

80. Comm. on Legal Affairs & Human Rights, Eur. Parl. Ass., Freedom of Religion and Other Human Rights for Non-Muslim Minorities in Turkey and for the Muslim Minority in Thrace (Eastern Greece) 22 (Michael Hunault rapporteur, 2009); U.S. Comm'n on Int'l Religious Freedom, 2009 Annual Report 203 (2009) [hereinafter USCIRF Report].

81. *See id.* at 204–05; Hadi Adanali, *The Many Dimensions of Religious Instruction in Turkey*, Int'l Ass'n Religious Freedom, http://www.iarf.net/REBooklet/Turkey.htm (last visited Jan. 7, 2011).

Because the complete rejection of compulsory religious education is futile—as new regulations require a constitutional change, which is not possible in the current political configuration—the confessional content of the curricula became a target, especially for the Alevi community. The Alevis argue that the curriculum represents only Sunni Islam and does not incorporate any teachings of Alevi beliefs and doctrines.[82] The Alevis have challenged this policy as discrimination in the courts.[83] In fact, about 4000 cases filed by members of the Alevi community are pending in the Turkish courts.[84] In an exemplary case, after the internal legal procedures had been exhausted, the parents of an Alevi student appealed to the ECHR.[85] In October 2007, the ECHR ruled that the content of the curricula dominantly represented the Sunni Islam and urged the Turkish government to make necessary amendments to introduce a more diverse curriculum including the Alevi beliefs.[86] It is noteworthy that the ECHR did not rule against the compulsory status of religious education; rather, its ruling pertained to the content of the course curriculum. The ECHR argued that Alevism is distinct from the Sunni interpretation of Islam and that the content of religious courses did not meet the European Convention on Human Rights criteria of objectivity and plurality.[87] Following this decision, the Ministry of National Education made several changes. Notably, in March 2009, a local court in Antalya, a southern city, ruled in favor of the Alevi parents who demanded that their daughter be exempt from compulsory religious instruction.[88]

C. *Secularization of the Public Sphere and Headscarf Ban*

Expression of religion and religiosity are not allowed in the public sphere in Turkey because the public sphere is largely inter-

82. *See* John Shindeldecker, *Turkish Alevis Today*, AleviBektasi.org, http://www.alevibektasi.org/xalevis1.htm (last visited Jan. 7, 2011).

83. *See* Comm'n of the European Communities, Turkey 2009 Progress Report 21 (2009).

84. *See* Bureau of Democracy, Human Rights, and Labor, U.S. Dep't of State, *Turkey*, *in* International Religious Freedom Report 2008 (2008), *available at* http://www.state.gov/g/drl/rls/irf/2008/108476.htm [hereinafter Religious Freedom Report].

85. *See* Hasan & Eylem Zengin v. Turkey, App. No. 1448/04 (Eur. Ct. H.R. Oct. 9, 2007), *available at* http://cmiskp.echr.coe.int/tkp197/search.asp?skin=hudoc-en (type "1448/04" in the "Application Number" box and click "Search").

86. *Id.*

87. *Id.*

88. *See* Shindeldecker, *supra* note 82; Saban Kardas, *Religious Freedom Still Tenuous in Turkey*, Eurasian Daily Monitor, Feb. 26, 2009, *available at* http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=34559. R

preted and defined by the Kemalists as the domain of the state rather than that of various social, political, and religious actors.[89] Religion and religious groups are perceived by hard-line secularists as a threat to the fundamental principles of the secular state. In the name of protecting secularism from "imagined enemies," the public domain is strictly closed to religion. This attitude has been inculcated in schools and public institutions since the establishment of the republic. In a sense, a phobia has emerged in Turkish society about religion-state relations, which was mostly developed by the elite. The public sphere is still under the control of state ideology, rather than being an open domain for discussion about legitimacy and resources on the basis of mutual respect and understanding. As Professor Nilufer Göle has noted:

> The public sphere is institutionalized and imagined as a site for the implementation of a secular and progressive way of life. An authoritarian modernism—rather than bourgeois, individualist liberalism—underpins this public sphere. Religious signs and practices have been silenced as the modern public sphere has set itself against the Muslim social imaginary and segregated social organization; modern codes of conduct have entered public spaces ranging from Parliament and educational institutions to the street and public transportation.[90]

The headscarf ban should be analyzed against this background. Thus far, all attempts, including a change in the constitution, have failed to lift the ban. The ban of headscarves at universities started in 1989 by a Constitutional Court ruling.[91]

On February 9, 2008, the Turkish Parliament passed a constitutional amendment, by 411 votes to 103 votes, with the purpose of ending a long-running ban on Islamic headscarves at universities. On February 22, 2008, President Abdullah Gül approved the changes.[92] The changes to the constitution were concerned with the principle of equality and the right to education by all; lifting the ban on headscarves was not explicitly mentioned in the law. This action by the JDP government was supported by the Nationalist Action Party (MHP), which is the second largest opposition

89. *See* USCIRF Report, *supra* note 80, at 202. R

90. Nilüfer Göle, *Islam in Public: New Visibilities and New Imaginaries*, 14 Pub. Culture 173, 176–77 (2002).

91. *See* Anayasa Mahkemesi, 07.03.1989, Esas No. 1989/12, Karar No. 1989/12 (R.G. 13.05.1989 Sayı 20164) [Constitutional Court, Mar. 7, 1989, Case No. 1989/12, Decision No. 1989/12 (R.G. 13.05.1989 No. 20164)].

92. *See* Press Release, Abdullah Gül, President of Turkey, 5735 Sayili Anayasa Degisikligine Iliskin Kanun (Feb. 22, 2008), *available at* http://www.tccb.gov.tr/aciklamalar/252/61060/5735-sayili-anayasa-degisikligine-iliskin-kanun.html.

party.[93] Under heavy pressure from the staunch secularist circles and the establishment, however, the Constitutional Court—described as "the stronghold of secularists"[94]—annulled the amendments that would lift the ban at the universities the same year. The court ruled on June 5, 2008, that the Turkish Parliament had violated the constitutionally-enshrined principle of secularism by making amendments to lift the ban.[95] In particular, the main opposition party, the Republican People's Party (CHP), maintained that the JDP had a secret agenda to Islamicize the country, which is why the party made such changes.[96]

D. *Non-Muslims*

As far as freedom of religion and the role of the state in its protection or restriction of religion are concerned, the case of non-Muslim communities (all are Turkish citizens by constitutional right) is also constantly discussed. Approximately 98.8 percent of the population in Turkey is Muslim.[97] There are also several non-Muslim religious groups in Turkey inherited from the Ottoman state, most of which are concentrated in Istanbul and other large cities. Because census results do not contain any data on the religious affiliation of Turkish citizens, the exact membership figures of non-Muslim communities are not available.[98] The 1923 Lausanne Peace Treaty, which formally established the Republic of Turkey, recognizes the existence of religious minorities and makes specific references to guarantees and protections for all non-Muslim minorities,[99] "which have since been interpreted by the Turkish

93. Devlet Bahçeli, Chairman, Mıllı yetçı Hareket Partısı, Address to the TGNA on the Constitutional Amendment (Feb. 5, 2008), *available at* http://www.mhp.org.tr/gbk.php?content=431&cat=29.x.

94. Suna Erdem, *Judges Defy Government to Uphold Turkey Headscarf Ban*, TIMES ONLINE, June 6, 2008, *available at* http://www.timesonline.co.uk/tol/news/world/europe/article4076180.ece.

95. *See* Anayasa Mahkemesi, 05.06.2008, Esas No. 2008/16, Karar No. 2008/116, (R.G. 22.10.2008 Sayı 27032) [Constitutional Court, June 5, 2008, Case No. 2008/16, Decision No. 2008/116 (R.G. 22.10.2008 No. 27032)].

96. *CHP Türbanda Gerekçeli Karardan Ne Kadar Memnun?*, CNNTÜRK.COM (Oct. 22, 2008), http://www.cnnturk.com/2008/turkiye/10/22/chp.turbanda.gerekceli.karardan.memnun/497824.0/index.html.

97. *See* Cent. Intelligence Agency, *Turkey*, THE WORLD FACTBOOK, https://www.cia.gov/library/publications/the-world-factbook/geos/tu.html (last updated Jan. 3, 2011).

98. There are approximately 65,000 Armenian Orthodox, 23,000 Jews, and 2,500 Greek Orthodox in Turkey today. USCIRF REPORT, *supra* note 80, at 205. R

99. *See* Treaty of Peace with Turkey Signed at Lausanne arts. 38–45, July 24, 1923, 28 L.N.T.S. 11.

government to refer only to the Greek Orthodox, the Armenian Orthodox, and the Jewish communities."[100]

In spite of these constitutional provisions, non-Muslim minorities in Turkey have faced property ownership restrictions.[101] On January 2, 2003, the Parliament amended the law pertaining to the property of community (non-Muslim minority) foundations, lifting strict restrictions and enabling these foundations to have more freedom in keeping, maintaining, and purchasing new premises.[102] Under the 2003 law passed by Parliament, community foundations became eligible to purchase new property for religious, social, cultural, and educational functions, as well as for providing health services by the permission of the Foundations Directorate under more flexible conditions.[103] The Parliament also voted in favor of a new Foundation Law in February 2008 that expands freedoms for minority foundations in Turkey and was approved by the President Abdullah Gül.[104]

100. USCIRF REPORT, *supra* note 80, at 205. R

101. Currently, 161 "minority foundations" are recognized, including Greek Orthodox foundations with approximately sixty-one sites, Armenian Orthodox foundations with an estimated forty-eight sites, and Jewish foundations with twelve sites, as well as Syriac Christian, Chaldean, Bulgarian Orthodox, Georgian, and Maronite foundations. *See* RELIGIOUS FREEDOM REPORT, *supra* note 84. R

102. Kanun No. 4778, R.G. 11.1.2003 Sayı 24990, Kabul Tarihi 2.1.2003 [Law No. 4778, R.G. Jan. 11, 2003 No. 24990, enacted Jan. 2, 2003].

103. *Id.*

104. The changes that the law introduced can be summarized as follows: With the new law, property previously seized from non-Muslim foundations will be returned. Minority foundations have eighteen months to apply to the Foundations Council, which will decide on and manage the return of the assets. Foreigners can form new religious foundations; the directors of these foundations must, however, be residing in Turkey. New non-Muslim foundations will be allowed to open representative organizations and outlets so long as they explain their goals and aims in writing beforehand. Foreigners will be allowed to take up duties in these foundations. Non-Muslim foundations may, without specific permission, acquire land and use this land as they wish, but in the case of foundations wherein the majority of the founding board is foreign, there will be limitations set as specified by the land registry laws. Non-Muslim foundations will be allowed to both form companies and become partners in already-formed companies, provided that this helps them carry out their stated goals, and as long as the foundation informs the authorities of the profits received from such companies. Profits from such companies are not to be used outside of any goals or targets held by the foundation itself. Non-Muslim foundations will be permitted to engage in international activities as long as such plans are included in writing in the foundation's charter and as long as the activities are along the lines of the foundation's general goals and targets. These foundations will be permitted to form outlets and representative organizations abroad and to become members of international organizations; this is a right only granted to newly-formed foundations. Non-Muslim foundations will be permitted to receive financial assistance from people and organizations outside of Turkey and to extend their own assistance to other foundations, both nationally and internationally. Such financial assistance will take place through bank transfers. *See* Vakiflar Kanunu, Kanun No. 5737, R.G. 27.2.2008 Sayı 26800, Kabul Tarihi 20.2.2008 [Law of Foundations,

III. CONCLUSION

Turkey as a majority Muslim country by population and a secular state by constitution presents a unique case study as far as de-establishment of Islam and its institutions on the one hand, and sacralization of the state through legal reforms, political changes, educational activities, and establishment of new institutions on the other hand. Foundations of civil religion were carefully planned and laid down in the formative period of the Republic, and secular figures, symbols, myths, and institutions were construed. Although the state gradually declared itself a secular entity, religion has been incorporated into the state machinery by the establishment of a state-controlled institution. This top-down elite construction and imposition of civil religion through the power and institutions of the state have been a constant source of tension in Turkish society, and this will remain so for a long time if Turkey does not push forward with democratization to open up space for religion in the public sphere.

Law No. 5737, R.G. Feb. 27 2008 No. 26800, enacted Feb. 20, 2008]; *Gül Gives Consent to Minority Foundations Law*, TODAY'S ZAMAN (Feb. 28, 2008), http://www.todayszaman.com/tz-web/detaylar.do?load=detay&link=135111.