State, Islam, and Religious Liberty in Modern Turkey: Reconfiguration of Religion in the Public Sphere

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I. INTRODUCTION

Turkey occupies a unique place among the modern nation states. Not only from a geopolitical point of view but also from cultural and religious points of view; Turkey lies at the crossroads between Eastern and Western interests. The political and cultural identity of modern Turkey emerged under the influence of domestic and external forces that existed in and around Turkey throughout the centuries. Since modern Turkey was established on the ruins of the Ottoman Empire, periods of conflict and cooperation between Turkey and other political entities, such as Europe and the Middle East, have led to the development of the modern Turkish state and influenced its move toward modernization.

The establishment of a modern Turkey based on Western political models was a watershed in Turkey's history as an Islamic empire. The early republican elite distanced themselves from the cultural and ideological heritage of the Ottoman Empire and laid the foundational elements of modernization and westernization.[1] These foundational elements were vastly embraced and expanded by the early republican elite circles in the formative period of modern

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1. *See* ANDREW DAVISON, SECULARISM AND REVIVALISM IN TURKEY 87, 107 (1998); NIYAZI BERKES, THE DEVELOPMENT OF SECULARISM IN TURKEY 432, 437–38 (1998). *See generally* Enzo Pace, *The Helmet and the Turban: Secularization in Islam*, *in* SECULARIZATION AND SOCIAL INTEGRATION 165, 168–70 (Rudi Laermans et al. eds., 1998).

Turkey.[2] Successor states inherited and adopted some of the ideas and practices of the old regime. However, even today, the Ottoman political culture and state traditions continue to influence politics, though in a modified form.[3]

Nevertheless, modern Turkey continues to struggle to find an appropriate balance between religion and secularism in a nation that is almost entirely Muslim. Consequently, Turkey offers an excellent case study for those seeking answers to the following questions: Can Islam and democracy coexist? How far can religion and secularism be reconciled? To what extent can religious liberty, particularly freedom of religious expression, be extended in a secular state with a majority Muslim population? How does a Muslim majority address the problems of non-Muslim minorities? These and other similar questions should be answered within the context of the global spread of democracy and the rise of religion.

This paper provides a context for addressing these questions by providing a historical overview of religion's role in the public life of Turkey in Part II. Part III then looks at the role of religion in Turkey's current political situation. Part IV concludes that while it is still progressing towards finding an ideal balance between religion and politics, Turkey shows how Islam and modern democracy can peacefully coexist.

II. THE OTTOMAN EMPIRE'S LEGACY

Because centuries of the Ottoman dynastic rule created a legacy that no successor regime could afford to disregard, a consideration of how modern ideas entered and shaped Turkish political culture during the Ottoman Empire is imperative to understanding the country's current attempts to reconcile religion and secularism.[4] This section will begin by discussing the political reforms that occurred during the Ottoman Empire. It then explains the millet system, the system of religious law that operated during that time.

2. *See, e.g.*, TARIK Z. TUNAYA, TÜRKIYE BÜYÜK MILLET MECLISI HÜKÛMETININ KURULUSU VE SIYASÎ KARAKTERI 20–22 (1958), *quoted in* BERKES, *supra* note 1, at 438.

3. Ergun Özbudun, *The Continuing Ottoman Legacy and the State Tradition in the Middle East*, *in* IMPERIAL LEGACY: THE OTTOMAN IMPRINT ON THE BALKANS AND THE MIDDLE EAST 133 (L. Carl Brown ed., 1996) [hereinafter IMPERIAL LEGACY].

4. FEROZ AHMAD, THE MAKING OF MODERN TURKEY 15 (1993). For a detailed examination of the imperial legacy's effect on the Turkish Republic, see MICHAEL E. MEEKER, A NATION OF EMPIRE: THE OTTOMAN LEGACY OF TURKISH MODERNITY 3–81, 372–96 (2002).

A. Modernity and Reforms

The Ottoman Empire was an Islamic state in which the head of the state served as a caliph who held both temporal and spiritual authority.[5] The traditional political culture of the empire, as well as its administrative machinery, continued with little change as long as the state preserved its military might and economic power. However, beginning in the late sixteenth and early seventeenth centuries, the Ottoman Empire entered a period of military and economic decline.[6] New ideas emerged regarding the necessity of reforms in political, economic, educational, and military fields.[7] Consequently, Ottoman leaders found it necessary to introduce reforms into the empire's political, economic, educational, and military structures.[8]

The resulting modernization and secularization of the Ottoman Empire occurred in several phases that were ushered in by significant events. The earliest efforts at modernization and the incorporation of Western influences can be traced to the impact of the French Revolution in 1789. By the late eighteenth and early nineteenth centuries, the Ottoman State started losing control over the empire's periphery. As the state lost wars, tax revenue declined. Eventually, the state fell into a fiscal crisis.

Military defeats, loss of territory, and a weakening influence on international politics during the last two centuries were all significant reasons for instigating reforms. The first wave of reforms started under the reign of Selim III (1789–1807), who introduced the *Nizam-i Cedid* (New Order) in an attempt to strengthen the central state against internal and external threats.[9] His rise to power coincided with the French Revolution, which was based on the idea of "liberty, equality and fraternity." Selim III invited French experts and teachers to train a newly created military unit of 30,000 individuals.[10] The flow of Western ideas that began with the arrival of

5. For background information on the caliph's role in ancient Turkey, see BERKES, *supra* note 1, at 9–10, 13–14.

6. *See id.*

7. *See id.*

8. *See, e.g., id.* at 24, 30, 33–36, 42–45.

9. ERIK J. ZÜRCHER, TURKEY: A MODERN HISTORY 23–26 (1993); *see also* BERKES, *supra* note 1, at 72–81 (discussing reforms instituted during the New Order).

10. *See* BERKES, *supra* note 1, at 75.

the French trainers continued through Turkey's decision to open permanent embassies in London, Berlin, Vienna, and Paris.[11]

Selim III fell from power in 1807,[12] and in 1826, after Mahmut II came to power, he carried the reforms forward.[13] Mahmut II set the direction of later reforms in the Ottoman Empire and modern Turkey and succeeded in reducing the power of the traditional learned elite known as the *Ulema*.[14] He also introduced secular education by establishing new schools such as the Army Medical School (1827), where medicine, biology, and physics induced rationalist and positivist thinking among its students.[15] The opening of the School of Military Music (1831) and the Military Academy (1834) with foreign instructors,[16] as well as the establishment of schools for ten to fifteen-year-old boys,[17] followed as part of Muhmut's reform project.

After Mahmut II's death in 1839, his successor, Sultan Abdulmejid, introduced a new era of reforms known as the Tanzimat.[18] The Edict of the Rose Garden (*Gülhane Hatt-i Serifi*), declared in 1856, was central to Sultan Abdulmejid's reforms.[19] The edict transformed many common cultural practices by requiring reforms in the military, central bureaucracy, and judicial procedures[20] and by introducing secular education and secular laws to Turkish society.[21] Almost all of these modernizing reforms had some bearing

11. *See* DONALD QUATAERT, THE OTTOMAN EMPIRE, 1700–1922, at 79 (2000).

12. *See* BERKES, *supra* note 1, at 82–83.

13. *See id.* at 97–128 (describing Mahmut's secularization of education); STANFORD J. SHAW & EZEL KURAL SHAW, HISTORY OF THE OTTOMAN EMPIRE AND MODERN TURKEY 36–50 (1977) (discussing Mahmut's policies and reforms); ZÜRCHER, *supra* note 9, at 33–35.

14. *See* Uriel Heyd, *The Later Ottoman Empire in Rumelia and Anatolia*, *in* 1 THE CAMBRIDGE HISTORY OF ISLAM: THE CENTRAL ISLAMIC LANDS 354 (P.M. Holt et al. eds., 1970) [hereinafter THE CAMBRIDGE HISTORY OF ISLAM].

15. ZÜRCHER, *supra* note 9, at 46.

16. *See* BERKES, *supra* note 1, at 111 (opening of Military Academy).

17. *See id.* at 106.

18. *See* ZÜRCHER, *supra* note 9, at 52–74; *see also* BERKES, *supra* note 1, at 155–88 (following the historical progress of the *Tanzimat*).

19. *See* BERKES, *supra* note 1, at 152 (referring to the document as the Reform Edict (*Islahat Fermani*)). The Gülhane Charter, another document prepared in 1839, "proclaimed the principles of the Tanzimat." *See id.* at 145 (describing its contents).

20. SHAW & SHAW, *supra* note 13, at 61 (concluding that the edict formalized the state's responsibility to offer protection of the laws, regardless of religion).

21. SELÇUK AKSIN SOMEL, THE MODERNIZATION OF PUBLIC EDUCATION IN THE OTTOMAN EMPIRE 1839–1908, at 42–54 (2001).

on the relationship between state and religion, as they influenced the Islamic character of the state structure, the legal system, the educational establishments, and the political culture in Ottoman Turkey.

The Ottoman legal system was based on the Sharia, the Islamic legal code. As an important part of the modernization and westernization process, the state introduced secular laws, although the fundamentals of the Sharia were protected and codified.[22] This secularization began even before the establishment of the secular Turkish Republic. As part of these reforms, the state adopted the Commercial Code from France in 1850[23] and the Maritime Commerce Code in 1863.[24] The government also created new secular courts called *Nizamiye* in 1869.[25] Secularization also affected education. For example, professional teaching colleges for the army and the bureaucracy were opened for secular education. The School of Civil Service (*Mekteb-i Mülkiye*) was opened in 1859, and regulation of public education appeared in 1869.[26] These reforms culminated in the adoption of the constitution in 1876 as a new step towards a more liberal regime.[27]

While institutional reforms took place, cultural changes also began to take hold in society. Educated Turks began to wear new styles of clothing and the elite adopted foreign customs and languages. The period between 1913 and 1918 marked the last period of the Ottoman Empire. During that period, *Seyhülislam* was removed from the cabinet (1916), and the judicial system became more secularized through the subordination of Sharia courts to the secular Ministry of Justice in 1917.[28]

22. *See* BERKES, *supra* note 1, at 145–47 (describing how the Gülhane Charter severed the temporal and religious world from one another), 160–69 (describing secular lawmaking under the edict); *see also id.* at 132 (describing Mahmut II's previous introduction of secular laws).

23. SHAW & SHAW, *supra* note 13, at 118–19.

24. *See id.* at 118.

25. *See* ZÜRCHER, *supra* note 9, at 64.

26. *See* SOMEL, *supra* note 21, at 50–52; ZÜRCHER, *supra* note 9, at 65; Carter Vaughan Findley, *Knowledge and Education*, *in* MODERNIZATION IN THE MIDDLE EAST: THE OTTOMAN EMPIRE AND ITS AFRO-ASIAN SUCCESSORS 127 (Cyril E. Black & L. Carl Brown eds., 1992).

27. Heyd, *supra* note 14, at 367.

28. *See* BERKES, *supra* note 1, at 169, 171–72. In Medieval times, the *Seyhülislam* was the highest ranking *mufti*, a graduate of a religious institution called a *medrese* who was appointed as a juristconsult. *See id.* at 15. Because of his high rank, "[h]is official statements related not only to matters of religious policy, but also [sic] such major concerns of the state as declarations of war, relations with non-Muslim states, taxation, and innovations . . . and the introduction of

Traditional institutions of learning (*medrese*) also came under the control of the Ministry of Education, which modernized the curriculum. A noticeable change regarding the status of woman also took place during the last decades of the Ottoman Empire. As part of the empowerment movement, primary education for girls became compulsory in 1913, and some university courses were opened for women in 1914.[29]

World War I marked the end of the Ottoman Empire. However, on October 29, 1923, Mustafa Kemal Atatürk, the leader of the Turkish Republic, proclaimed that there was "a sufficient social base for establishing a secular republic."[30] The establishment of modern Turkey opened a new chapter in history for all Turkish people, including non-Muslim minority communities. The Lausanne Treaty of July 24, 1923,[31] which recognized the establishment of Turkey, had an important effect on the recognition, rights, and liberty of religious minority communities in modern Turkey.[32]

To understand the changing conditions of non-Muslim minorities during Turkey's transition from an Islamic empire to a secular nation state, a study of Turkey's history will be essential. Such an analysis will help explain how a homogenizing nation-building process, which disregarded ethnic, religious, and linguistic differences, redefined the status of non-Muslims.

B. Non-Muslims Under the Ottoman Rule: The Millet System as a Mechanism of Accommodation

The Ottoman state defined its subjects according to their religious affiliation. This system of categorization, called the millet (nation) system defined each religious community as a separate nation.[33] The Ottoman conquest of Istanbul (Constantinople) in 1453, during the

inventions." *Id.* Notably, Mahmut II had previously recognized the *Seyhülislam* as a leader that stood "above all other temporal and religious officeholders in the traditional system," and therefore had relegated his power to only religious affairs. *See id.* at 97–98.

29. ZÜRCHER, *supra* note 9, at 126.

30. *See* AHMAD, *supra* note 4, at 8.

31. Treaty of Lausanne, July 24, 1923, U.K.-Turk., arts. 38–40, *reprinted in* 2 THE TREATIES OF PEACE: 1919–1923, at 959, 971–72 (1924), *available at* http://www.lib.byu.edu/~rdh/wwi/1918p/lausanne.html (last visited Feb. 15, 2003).

32. Today, the terms and conditions of the Lausanne Treaty are still valid. Therefore, problems facing religious minorities in Turkey are still subject to this treaty.

33. *See* BERKES, *supra* note 1, at 11–12.

early years of Mehmet II's reign (1451–81), was a historical turning point in Turkish history. The conquest affected the Turkish presence in Europe and the consequent relations between the Turks and the Europeans. Mehmet II's treatment of individuals in Istanbul at the time of its fall and his policy of reconstruction were historical examples of tolerance and acceptance of the "others" in terms of race, religion, language, and culture.[34]

Arguably, Istanbul constituted an early model of a multi-racial and multi-cultural society where differences did not lead to conflict or repression. Mehmet II "sought to make his capital a microcosm of all the races and religious elements in the empire."[35] He issued imperial decrees to protect the lives and properties of Istanbul's inhabitants, regardless of their racial, religious, cultural, or linguistic backgrounds. Mehmet II's policy of accommodating various religious persuasions attracted many Muslims, Armenians, Jews, Greeks, Slavs, and others to settle in Istanbul as early as 1452. "Istanbul became the centre of Muslim-Christian co-existence which lasted for over five hundred years."[36]

Ethnic and cultural diversity thrived under Ottoman rule by adopting a policy of recognition and toleration for other cultures. The Ottomans "became particularly tolerant and conciliatory toward Christians and Jews."[37] Maintenance and nourishment of ethnic diversity to promote a multi-racial society were not only encouraged, but such diversity was also protected by imperial decrees from within. The Ottoman bureaucracy succeeded in

34. *See generally* FRANZ BABINGER, MEHMED THE CONQUEROR AND HIS TIME 103–04, 412 (Ralph Manheim trans., 1978). After the fall of Istanbul, resettlement measures were taken to replenish the population by bringing back former inhabitants and by newly settling others. For example, Greeks driven from Morea were placed in the Fener quarter, while many Jewish families were brought from Thessaloniki to restore the prosperity of the city. *See id.* at 103–04. Mehmed II undoubtedly had religious tolerance, as Isaac Sarfati wrote in letter in 1454 to the Jews of central Europe that the Ottoman Empire was a paradise for non-Muslim subjects, especially Jews. While the situation for Jews in the middle of the fifteenth century was particularly wretched and they were subjected to constant persecution because of their beliefs, in the Ottoman Empire no one was molested for his or her religious conviction. *See id.* at 412.

35. 1 STANFORD SHAW, HISTORY OF THE OTTOMAN EMPIRE AND MODERN TURKEY 59 (1977).

36. ALEXIS ALEXANDRIS, THE GREEK MINORITY OF ISTANBUL AND GREEK-TURKISH RELATIONS 1918–1974, at 21 (1983).

37. Halil Inalcik, *The Meaning of Legacy: The Ottoman Case*, *in* IMPERIAL LEGACY, *supra* note 3, at 17, 24.

dealing with ethnic groups by devising an administrative system that would allow and preserve ethnic diversity.

It is noteworthy to make a brief analysis of the rationale behind the millet system and how it operated. Such an analysis proves relevant to contemporary debates on ethnic and religious minority groups in multi-racial and multi-religious societies. However, given the millet system's religious based divisions, its value should be judged by fourteenth and fifteenth century standards rather than modern standards of liberty and egalitarianism.[38]

As noted earlier, Mehmet II adopted an original policy designed to establish a heterogeneous but harmonious society in Istanbul. The millet system had a "socio-cultural and communal framework based, firstly, on religion, and, secondly, on ethnicity."[39] This framework in turn reflected the linguistic differences of the millets.[40] The millet system was divided into communities according to religious affiliation. Each religious community formed a "millet" and the collection of millets formed the millet system.[41] "Each *millet* established and maintained its own institutions to care for the functions not carried out by the Ruling Class."[42] Individual millets governed institutions such as "education, religion, justice, and social security."[43] Many currently existing schools, hospitals, hotels, and hospices for the poor and the aged have their origins in the individual millets.[44]

The millet system has been an important administrative apparatus to nurture and sustain the multicultural and multi-religious nature of society throughout Ottoman history. As a well-known historian points out

> The *millet* system emerged gradually as an answer to the efforts of the Ottoman administration to take into account the

38. For recent debates on religious minorities, see Jorgen Nielsen, *Contemporary Discussions on Religious Minorities in Islam*, 2002 BYU L. REV. 353.

39. Kemal H. Karpat, *Millets and Nationality: The Roots of the Incongruity of Nation and State in the Post-Ottoman Era*, *in* 1 CHRISTIANS AND JEWS IN THE OTTOMAN EMPIRE: THE FUNCTIONING OF A PLURAL SOCIETY141, 141 (Benjamin Braude & Bernard Lewis eds., 1982) [hereinafter CHRISTIANS AND JEWS IN THE OTTOMAN EMPIRE].

40. *See id.* at 141–42.

41. 1 SHAW, *supra* note 35, at 151.

42. *Id.*

43. *Id.*

44. *Id.*

> organization and culture of the various religious-ethnic groups it ruled. The system provided, on the one hand, a degree of religious, cultural, and ethnic continuity within these communities, while on the other it permitted their incorporation into the Ottoman administrative, economic and political system.[45]

Under the millet system "[e]ach religious community maintained its own courts, judges, and legal principles for the use of coreligionists."[46]

The millet system allowed minority subjects to develop and maintain their ethnic identity. Greek Orthodox Christians became the first major millet, and the Greek Orthodox Patriarchate was recognized within the millet system.[47] The patriarch could apply Orthodox law in secular and religious matters to the followers of the Orthodox Church in Istanbul.[48]

Similarly, the millet system allowed the Jews to form their own ethnic community and to establish independent religious institutions in Istanbul.[49] The autonomy available to minorities under the Ottoman Empire attracted large numbers of displaced Jewish communities who were among the victims of persecution in Spain, Poland, Austria, and Bohemia.[50] While in Jewish communities located in Russia, Romania, and most of the Balkan states suffered from constant persecution because of pogroms, anti-Jewish laws, and other vexations, Jewish communities established in Turkish territory enjoyed an altogether remarkable atmosphere of tolerance and justice.[51] Along with the Greek Orthodox and Jewish

45. Karpat, *supra* note 39, at 141–42.

46. QUATAERT, *supra* note 11, at 175. For the legal status of non-Muslims in the Ottoman Empire, see M. Macit Kenanoglu, Osmanli Devletinde Millet Sistemi ve Gayrimulimlerin Hukuki Statuleri 1453–1856 [Millet System and the Legal Status of Non-Muslims in the Ottoman State] (2001) (unpublished Ph.D. dissertation, Marmara University) (on file with author).

47. 1 SHAW, *supra* note 35, at 151.

48. *Id.* at 152.

49. *See* ARYEH SHMUELEVITZ, THE JEWS OF THE OTTOMAN EMPIRE IN THE LATE FIFTEENTH AND THE SIXTEENTH CENTURIES: ADMINISTRATIVE, ECONOMIC, LEGAL AND SOCIAL RELATIONS AS REFLECTED IN THE RESPONSA 14–19 (1984) (discussing Jewish autonomy within the Ottoman Empire); *see also* STANFORD J. SHAW, THE JEWS OF THE OTTOMAN EMPIRE AND THE TURKISH REPUBLIC 37–97 (1991).

50. *See generally* SHAW, *supra* note 49, at 1–36; Avigdor Levy, *Introduction* to *id.*, at 1–21.

51. Paul Dumont, *Jewish Communities in Turkey During the Last Decades of the Nineteenth Century in the Light of the Archives of the Alliance Israélite Universelle*, *in* 1 CHRISTIANS AND JEWS IN THE OTTOMAN EMPIRE, *supra* note 39, at 221, 221–22.

communities, the Armenians also gained millet status.[52] This achievement in turn led to the recognition of the Armenian patriarch as a leader over his followers. Such status paralleled that given to the Greek patriarch and the Grand Rabbi.

The development and practice of a tolerant administrative system under the Ottoman Empire made the coexistence of different religious, racial, and ethnic communities possible. This system was widely accepted by the Balkan nations, and it remained in practice until the nineteenth century when, under nationalistic fervor, the Bulgarians, Serbs, and Greeks began to revolt with a view to establish their own respective states.[53] Here one can ask the following question: How were Muslim Ottoman subjects treated in comparison to non-Muslims? In response to this question, the 1893 testimony of the Jewish community in Ottoman Salonica is an interesting example:

> There are but few countries, even among those which are considered the most enlightened and the most civilized, where Jews enjoy a more complete equality than in Turkey [the Ottoman empire]. H. M. the sultan and the government of the Porte display towards Jews a spirit of largest toleration and liberalism.[54]

According to one scholar, "this statement likely represents the sentiments of large numbers of Ottoman non-Muslim subjects, Christian and Jewish alike during the eighteenth and nineteenth centuries."[55] Nevertheless, the rise of nationalism among both Muslim and non-Muslim subjects in the nineteenth century led to independence movements which involved communal strife and

52. VARTAN ARTINIAN, THE ARMENIAN CONSTITUTIONAL SYSTEM IN THE OTTOMAN EMPIRE, 1839–1863, at 15–18 (1988); Kevork B. Bardakjian, *The Rise of the Armenian Patriarchate of Constantinople*, *in* 1 CHRISTIANS AND JEWS IN THE OTTOMAN EMPIRE, *supra* note 39, at 89, 89–100.

53. Halil Inalcik, *The Turks and the Balkans*, 1993 TURKISH REV. OF BALKAN STUD. 9.

54. QUATAERT, *supra* note 11, at 177 (quoting Dumont, *supra* note 51, at 221). The Jewish community opened its first school in 1867, and within a few decades, its number of schools reached more than fifty. *Id.*

55. *Id.*

conflicts.[56] These movements led to the collapse of the Ottoman Empire.

III. MODERN TURKEY

The establishment of a modern nation-state in Turkey crystallized the ideological orientation of the republican elite aimed at reshaping the state and its institutions on the basis of a secular model inspired by the West.[57] Political, social, and religious developments in modern Turkey were influenced by the ideals of modernism and secularism.[58] Since its foundation, "Turkey's political elites voluntarily attempted the most radical secularization among the Muslim countries. The principle of democracy was secondary to that of state secularism."[59] This section will begin by providing a brief overview of the modern process of secularization in Turkey. It will then consider the continued influence of religion in politics, in particular the influence of Islam in numerous political parties.

A. Modern Secularism

Inspired by the principles of modernization, Mustafa Kemal Atatürk, the first president of modern Turkey, introduced sweeping changes in Turkish society. Atatürk's main aim in the process of modernization during the early years of the Turkish Republic was to change the basic structure of Turkish society[60] and to redefine the political community. He tried to remove society from an Islamic framework and introduce society to a sense of belonging to a newly defined "Turkish nation."[61] To achieve this goal, Atatürk

56. *See generally* Fatma Müge Göçek, *The Decline of the Ottoman Empire and the Emergence of Greek, Armenian, Turkish, and Arab Nationalisms*, *in* SOCIAL CONSTRUCTIONS OF NATIONALISM IN THE MIDDLE EAST 15 (Fatma Müge Göçek ed., 2002); Sükrü Hanioglu, *Turkish Nationalism and the Young Turks, 1889–1908*, *in* SOCIAL CONSTRUCTIONS OF NATIONALISM IN THE MIDDLE EAST, *supra*, at 85.

57. Kemal H. Karpat, *Modern Turkey*, *in* 1 THE CAMBRIDGE HISTORY OF ISLAM, *supra* note 14, at 527, 553.

58. DOUGLAS A. HOWARD, THE HISTORY OF TURKEY 96–106 (2001).

59. Nilüfer Göle, *Authoritarian Secularism and Islamist Politics: The Case of Turkey*, *in* 2 CIVIL SOCIETY IN THE MIDDLE EAST 17, 19 (Augustus Richards Norton ed., 1996).

60. BINNAZ TOPRAK, ISLAM AND POLITICAL DEVELOPMENT IN TURKEY 39 (1981).

61. S.N. Eisenstadt, *The Kemalist Regime and Modernization: Some Comparative and Analytical Remarks*, *in* ATATÜRK AND THE MODERNIZATION OF TURKEY 3, 9 (Jacob M. Landau ed., 1984).

launched a movement of cultural westernization to provide the Turkish nation with a new worldview that would replace its religious worldview and culture.[62] Atatürk viewed the separation of religion and politics as a prerequisite to opening the doors to Western values.[63] Therefore, secularism became one of the central tenets of Atatürk's program to accomplish modernization.[64]

As a part of this secularization policy, Atatürk launched a major campaign against the Islamic institutional and cultural basis of society. This attempt to disestablish Islam as the state religion would prepare the climate for the introduction of secularism in the Turkish Constitution[65] during the single-party period of the Cumhuriyet Halk Partisi (Republican People's Party) ("RPP").[66] Secularization reforms, which were undertaken during the first decade of the new republic, founded in 1923, aimed at minimizing the role of religion in every walk of Turkish society. The motive behind the secularization program was to reduce the societal significance of religious values and to eventually disestablish cultural and political institutions stamped by Islam.[67]

This program was implemented through a well-planned policy comprised of three phases. These phases were (1) symbolic secularization, (2) institutional secularization, and (3) functional secularization. Symbolic secularization enforced changes in various aspects of national culture or societal life that had a symbolic identification with Islam by transforming the perception of Islamic symbols from sacred to profane.[68] The most significant secularization reform in this sphere, the changing of the alphabet

62. Serif Mardin, *Religion and Secularism in Turkey*, *in* ATATÜRK: FOUNDER OF A MODERN STATE 191, 212 (Ali Kazancigil & Ergun Özbudun eds., 1981).

63. *See, e.g.*, BERKES, *supra* note 1, at 443–46 (describing Atatürk's program of nationalism).

64. WALTER F. WEIKER, THE MODERNIZATION OF TURKEY: FROM ATATÜRK TO THE PRESENT DAY 105 (1981); Sabri M. Akural, *Kemalist Views on Social Change*, *in* ATATÜRK AND THE MODERNIZATION OF TURKEY, *supra* note 61, at 125–26.

65. Ilter Turan, *Religion and Political Culture in Turkey*, *in* ISLAM IN MODERN TURKEY: RELIGION, POLITICS, AND LITERATURE IN A SECULAR STATE 31, 34 (Richard Tapper ed., 1991) [hereinafter ISLAM IN MODERN TURKEY].

66. Turkey was originally established as a single party state and the multi-party democratic system was introduced later.

67. Serif Mardin, *Religion and Politics in Modern Turkey*, *in* ISLAM IN THE POLITICAL PROCESS 142 (James P. Piscatori ed., 1983).

68. TOPRAK, *supra* note 60, at 40–41.

from Arabic to Latin script, took place in 1928.[69] Because the new regime regarded language as a connection with history, culture, and sacred scripture, changing the alphabet was an "effective step towards breaking old religious traditions" and weakening the link with the past.[70] Additionally, the acceptance of the Western hat and Western styles of clothing, the adoption of the Gregorian calendar,[71] the introduction of Western music in schools, and the change of the weekly holiday from Friday to Sunday[72] facilitated symbolic secularization in Turkey.

Institutional secularization, on the other hand, aimed at reducing the institutional strength of Islam and its influence on the political affairs of the country.[73] The basic goal of the Kemalist elite was "to completely free the polity from religious considerations. Islam was not supposed to have even the function of a 'civil religion' for the Turkish polity; Islam was not going to provide a transcendent goal for the political life."[74]

Thus, the first step of institutional secularization was abolishing the caliphate on March 3, 1924.[75] In the same year, the state also abolished the office of *Seyhülislam*,[76] and the Ministry of Religious Affairs and Pious Foundations took its place.[77] Thereafter, the state transformed the *Ümmet* (or *Umma*, the "Community of Believers") into a secular national entity in order to eradicate religion as a common bond of solidarity. Finally, the Sufi movements (*Tarikatlar/Tasavvufi hareketler*)[78] and their activities were outlawed in 1925. The *Tekkes* and *Zaviyes* of widespread Sufi movements such

69. *See* BERNARD LEWIS, THE EMERGENCE OF MODERN TURKEY 277 (2d ed. 1968); G.L. Lewis, *Atatürk's Language Reform as an Aspect of Modernization in the Republic of Turkey*, *in* ATATÜRK AND THE MODERNIZATION OF TURKEY, *supra* note 61, at 195 (supporting the alphabet reform); Karpat, *supra* note 57, at 535.

70. SHAW & SHAW, *supra* note 13, at 386.

71. Both of these events took place in 1925. *See* DAVISON, *supra* note 1, at 150.

72. Both of these events took place in 1935. *See generally* TOPRAK, *supra* note 60, at 45; Akural, *supra* note 64, at 37.

73. TOPRAK, *supra* note 60, at 46.

74. Metin Heper, *Islam, Polity and Society in Turkey: A Middle Eastern Perspective*, 35 MIDDLE E. J. 345, 350 (1981).

75. *See* Karpat, *supra* note 57, at 533.

76. For further information on this office, see *ESAD EFENDI (Seyhülislam)*, *available at* http://www.osmanli700.gen.tr/kisiler/e5.html (Turkish) (last visited February 15, 2003).

77. *See generally* SHAW & SHAW, *supra* note 13, at 384.

78. The Sufi Brotherhoods is one school of law in the Islamic religion.

as the *Mawlawi*, the *Bektashi*, the *Nakshbandi*,[79] and the *Qadiri*[80] were closed.[81] With the abolition of the caliphate and other religious institutions, the principles of political legitimacy were changed to replace Islam with loyalty to the state as the source of political legitimacy.[82]

Functional secularization was the third phase of the secularization program in Turkey; it involved two stages: legal and educational.[83] Legal secularization was designed to firmly establish modernization reform in Turkish society. Secularization of the court system through the adoption of Western codes was the first step because the Sharia Law was regarded as an obstacle to the westernization program.[84] By eliminating the Sharia Law, which governed the personal affairs of the Islamic community,[85] the pro-westernization elite could reduce the functional influence of Islam in the community.

The second stage of functional secularization was implemented in the educational system to establish a program of functional differentiation of institutions.[86] Under the Law for the Unification of Instruction (*Tevhid-i Tedrisat*), enacted in 1924, all educational establishments came under the strict control of the state.[87] Finally,

79. For an analysis of this order, see Serif Mardin, *The Nakshibendi Order of Turkey*, *in* FUNDAMENTALISMS AND THE STATE: REMAKING POLITICS, ECONOMICS, AND MILITANCE 204 (Martin E. Marty & R. Scott Appleby eds., 1993). *See also* Serif Mardin, *The Naksibendi Order in Turkish History*, *in* ISLAM IN MODERN TURKEY, *supra* note 65, at 121; Hakan Yavuz, *The Matrix of Modern Turkish Islamic Movements: The Naqshbandi Sufi Order*, *in* THE NAQSHBANDIS IN WESTERN AND CENTRAL ASIA 129–57 (Elisabeth Özdalga ed., 1999).

80. For the current influence of this order, see Sencer Ayata, *Traditional Sufi Orders on the Periphery: Kadiri and Naksibendi Islam in Konya and Trabzon*, *in* ISLAM IN MODERN TURKEY, *supra* note 65, at 223.

81. SHAW & SHAW, *supra* note 13, at 384.

82. Nevertheless, despite the abolition of the caliphate, the Constitution of April 20, 1924, preserved Islam as the state religion. *See id.* at 534.

83. TOPRAK, *supra* note 60, at 48.

84. Legal secularization was accomplished by the adoption of a new civil code based on a Swiss cantonal code in 1926 as a replacement of Sharia law. *See* 2 SHAW & SHAW, *supra* note 13, at 385.

85. Sharia Law covered such issues as marriage, divorce, and inheritance.

86. This differentiation primarily involved the medreses, Islamic theological schools. *See* REPUBLIC OF TURKEY: MINISTRY OF FOREIGN AFFAIRS, HISTORY OF TURKS AND TURKEY, http://www.mfa.gov.tr/grupc/ca/cab/ (last visited February 15, 2003).

87. Michael Winter, *The Modernization of Education in Kemalist Turkey*, *in* ATATÜRK AND THE MODERNIZATION OF TURKEY, *supra* note 61, at 183, 185–86; BERKES, *supra* note 1, at 477.

Atatürk's successors during the one-party period of Turkey's early history also implemented reforms that "introduced a certain mobility into political, institutional and cultural life, but [they came] at the cost of a serious break with Islamic heritage."[88]

Despite the secularization efforts and the restrictions on religious practices, Islam has remained one of the major identity references in Turkey and it continues to be an effective social reality, shaping the fabric of Turkish society. The equation between being Turkish and being Muslim is a hallmark of Turkish identity. As Bernard Lewis points out, despite the striking changes that Turkish society has faced, the Islamic imprint still remains alive:

> Islam has profound roots among the Turkish people. From its foundation until its fall the Ottoman Empire was a state dedicated to the advancement or defence of the power and faith of Islam. Turkish thought, life, and letters were permeated through and through by the inherited traditions of the classical Muslim cultures, which, though transmuted into something new and distinctive, remained basically and unshakeably Islamic.
>
> After a century of Westernization, Turkey has undergone immense changes—greater than any outside observer had thought possible. But the deepest Islamic roots of Turkish life and culture are still alive, and the ultimate identity of Turk and Muslim in Turkey is still unchallenged.[89]

Ninety-nine percent of Turks are Muslims, and to varying degrees, they practice the prescribed rituals such as daily prayers and fasting in *Ramazan* (the month of fasting). Additionally, Islamic moral values are vigorously upheld within the patriarchal structures of traditional Turkish families.[90] In sum, Islamic values are deeply rooted in Turkish society.[91]

88. Mohammed Arkoun, *Positivism and Tradition in an Islamic Perspective: Kemalism*, DIOGENES, No. 127, at 97 (1984).

89. LEWIS, *supra* note 69, at 424.

90. JENNY B. WHITE, MONEY MAKES US RELATIVES: WOMEN'S LABOR IN URBAN TURKEY 37 (1994).

91. For a discussion of common and widespread religious practices, see ILDIKÓ BELLER-HANN & CHRIS HANN, TURKISH REGION: STATE, MARKET & SOCIAL IDENTITIES ON THE EAST BLOCK SEA COAST 159–93 (2000); ADIL ÖZDEMIR & KENNETH FRANK, VISIBLE ISLAM IN MODERN TURKEY 78–169 (2000).

B. Religion and Politics

Turkey's transition to multi-party politics in the late 1940s[92] marked a turning point in relaxing the official attitude towards religion, thus ending the era of radical secularism set forth by the RPP that was originally in power.[93] This section will provide an overview of how Islam has returned to the public sphere through the mechanism of political parties.

1. The Democratic Party

In 1950, the Demokrat Parti (Democratic Party) ("DP") won the first election after the transition to the multi-party system, ousting the RPP.[94] While some scholars suggest that the "autocratic rule" of the RPP during the single-party period contributed to the emergence of an opposition that favored further democratization and liberalization,[95] others attribute the DP's election victory to the tolerant attitude of the party officials towards religion and to the party's response to the pragmatic needs of the population, including its religious needs.[96] In any event, this event underlined the centrality of Islam in Turkish society and its potential force in shaping the political behavior of the community.

In that first multi-party general election, religious groups sought to influence parties by giving them support.[97] The influence of religious groups that supported the DP was seen shortly after the DP's election into power, and religion resurfaced more openly in social life.[98] For example, the DP government extended religious education to all schools with the possibility of opting out if parents

92. *See generally* KEMAL H. KARPAT, TURKEY'S POLITICS: THE TRANSITION TO A MULTI-PARTY SYSTEM (1959).

93. *See* Feroz Ahmad, *Politics and Islam in Modern Turkey*, 27 MIDDLE E. STUD. 3 (1991).

94. HOWARD, *supra* note 58, at 119.

95. SHAW & SHAW, *supra* note 13, at 402.

96. Turan, *supra* note 65, at 45.

97. Of these, a well-known example of an alliance between the political leadership and a religious group is the Nurcu movement and its support of the DP in the interest of Islam. *See* Jacob M. Landau, *Islamism and Secularism: The Turkish Case*, *in* STUDIES IN JUDAISM AND ISLAM 361, 374–75 (Shelomo Morag et al. eds., 1981); AHMAD, *supra* note 4, at 11. *See generally* SERIF MARDIN, RELIGION AND SOCIAL CHANGE IN MODERN TURKEY: THE CASE OF BEDIÜZZAMAN SAID NURSI (1989).

98. Saban Sitembölübasi, Aspects of Islamic Revival in Turkey: 1950–1960 (1990) (unpublished Ph.D. dissertation, University of Manchester) (on file with author).

so wished.[99] The government also established seven *imam-hatip* schools in 1951 to educate religious functionaries.[100] The DP government allowed religion to enter society on other fronts as well. For example, the government replaced the Turkish language with Arabic in the call to prayer[101] and allowed religious magazines and journals to appear in the public domain.

Nevertheless, although political ideologies inspired by the religiously oriented worldview began to enter the public domain towards the end of the 1960s, such an accommodation of religiously-based political ideologies was against the ideals of modernization and secularization. Consequently, the tension and controversy over the expression of Islam through a political front grew.[102]

2. The National Order, National Salvation, and Motherland Parties

The role of Islam in political parties continued to be an area of particular concern. In 1970, Necmettin Erbakan founded the Milli Nizam Partisi (National Order Party) ("NOP"), but the Constitutional Court banned it in 1971 following a military ultimatum.[103] The court found that the party's use of religion for political purposes violated Turkey's fundamental constitutional provisions requiring secularism.[104]

99. HALIS AYHAN, TÜRKIYE'DE DIN EGITIMI, 1920–1998 [RELIGIOUS EDUCATION IN TURKEY, 1920–1998] 125–35 (1999).

100. By 1958, their number had increased to eighteen. *See* Bahattin Aksit, *Islamic Education in Turkey: Medrese Reform in Late Ottoman Times and Imam-Hatip Schools in the Republic*, *in* ISLAM IN MODERN TURKEY, *supra* note 65, at 145, 146–47; *see also* Elizabeth Özdalga, *Education in the Name of "Order and Progress": Reflections on the Recent Eight Year Obligatory School Reform in Turkey*, 89 THE MUSLIM WORLD 414 (1999) (analyzing the development of Turkish education). In 1997, compulsory education was extended to eight years, *see* Haldun Gülalp, *The Poverty of Democracy in Turkey: The Refah Party Episode*, NEW PERSP. ON TURK., Fall 1999, at 35, 52, which led to the closure of nearly all the middle level imam-hatip schools. *See* SHAW & SHAW, *supra* note 13, at 409.

101. SHAW & SHAW, *supra* note 13, at 409.

102. For a sociological analysis, see Nuri Tinaz, *Religion, Politics, Social and Intellectual Change in Modern Turkey*, 14 HAMDARD ISLAMICUS 67 (1991).

103. *See* Niyazi Öktem, *Religion in Turkey*, 2002 BYU L. REV. 371, 395–96.

104. Mustafa Erdogan, *Islam in Turkish Politics: Turkey's Quest for Democracy Without Islam*, CRITIQUE, Fall 1999, at 25, 36.

Thereafter Erbakan established a new party, the Milli Selamet Partisi (National Salvation Party)[105] ("NSP"), which held the same political ideology as the former NOP.[106] After the 1973 general elections, the NSP played a key role as a coalition partner since neither the right-wing party nor the left-wing party had a sufficient majority to establish the government alone. Nevertheless, after its brief success, the NSP was once again dissolved, this time by the military regime that came to power in 1980.[107]

The NSP's contribution to Turkey's political development ranged from instilling ideological principles in society, to the implementation of its policies as a coalition partner in the government. Its political stand, named National Vision (*Milli Görüs*), was rooted in the traditional, religious, and moral values of Turkish society.[108] One of the party's principle tenets was opposition to the dissemination of Western materialist ideas, which the party thought would shake the fabric of society in terms of the religious, moral, and family life of the nation.[109]

The military intervention on September 12, 1980, suspended Turkey's fragile democracy and caused a breakdown in party politics by banning all political parties and sending their leaders to trial.[110] The first election after the military coup in 1983 was a turning point in Turkish political history, and the election results and subsequent government policies under Turgut Özal's premiership changed the course of Turkish political culture for

105. On the development and role of the NSP in Turkish politics, see ALI YASAR SARIBAY, TÜRKIYE'DE MODERNLESME, DIN VE PARTI POLITIKASI: MSP ORNEK OLAYI [MODERNIZATION, RELIGION AND PARTY POLITICS IN TURKEY: A CASE STUDY OF THE NSP] (1985); TOPRAK, *supra* note 60; Jacob M. Landau, *The National Salvation Party in Turkey*, 11 ASIAN & AFRICAN STUD. 1 (1976); Ergun Özbudun, *Islam and Politics in Modern Turkey: The Case of the National Salvation Party*, *in* THE ISLAMIC IMPULSE 142 (Barbara Freyer Stowasser ed., 1987).

106. ZÜRCHER, *supra* note 9, at 272.

107. HOWARD, *supra* note 58, at 158. All political activities of the NSP, along with those of other parties, were outlawed. The NSP leaders were banned from involvement in politics.

108. *See generally* MARVINE HOWE, TURKEY TODAY: A NATION DIVIDED OVER ISLAM'S REVIVAL 24–26 (2000).

109. *See id.*

110. AHMAD, *supra* note 4, at 181–89; HOWARD, *supra* note 58, at 156–65. Ironically, although the military was known for their staunch secularity, the generals who had instigated the coup decided to make religious education compulsory in primary and secondary education. For the nature of religious education in Turkey, see Ali Murat Yel & Omer Faruk Harman, *The Science of Religions in Turkish History*, *in* MODERN 245, 245–57 (J.G. Platvoet & G.A. Wiegers eds., 2002).

decades to come. Turgut Özal's center-right, liberal-conservative[111] Anavatan Partisi (Motherland Party) launched a liberalization and democratization policy in Turkey,[112] which facilitated the expression of Islam in the public sphere to a greater degree than before. As part of its policy, the government deleted articles 141, 142, and 163 of the constitution[113] to lift obstacles to freedom of thought. The Motherland Party also adopted a free market economy through a large-scale privatization movement.

3. The Welfare Party

As soon as the referendum lifted the political ban imposed by the military regime in 1980, Necmettin Erbakan returned to politics with the same political discourse but under a new party name, the Refah Partisi (Welfare Party) ("WP").[114] The WP had a modest start in 1984, and its vote share gradually increased, reaching nineteen percent in the 1994 local elections.[115] This victory gave the WP control over Turkey's two largest cities, Istanbul and Ankara, as well as party control over many other provincial centers.[116]

The general elections on December 24, 1995, were a turning point in Turkey's modern political history. The elections resulted in the reconfiguration of religion and politics in the public sphere. The political developments soon after the elections,[117] as well as the efforts of the WP to form a government, preoccupied the Turkish citizens regardless of their political preference or their degree of religiosity. The victory by the WP marked the first time since the foundation of the Turkish Republic that an Islamist party had claimed a majority. The rise of the WP meant that the political

111. While Turgut Özal had a liberal economic policy, he was conservative in traditional social values.

112. For an analysis of the Motherland Party and its reform policies, see HOWARD, *supra* note 58, at 165–71; ZÜRCHER, *supra* note 9, at 298; Üstün Ergüder, *The Motherland Party, 1983–1989*, *in* POLITICAL PARTIES AND DEMOCRACY IN TURKEY 152, 153–69 (Metin Heper & Jacob M. Landau eds., 1991).

113. ZÜRCHER, *supra* note 9, at 305.

114. *See* HOWE, *supra* note 108, at 26.

115. *See id.* at 27.

116. ERGUN ÖZBUDUN, CONTEMPORARY TURKISH POLITICS: CHALLENGES TO DEMOCRATIC CONSOLIDATION 87 (2000).

117. *See generally* M. Hakan Yavuz, *Political Islam and the Welfare (*Refah*) Party in Turkey*, COMP. POL., Oct. 1997, at 63 (analyzing governmental policy's effect on the Islamic political identity).

rhetoric of an Islamic-oriented party received large popular support.

TABLE 1: PARLIAMENTARY ELECTIONS AND THE RISE OF THE WELFARE PARTY IN TURKEY BETWEEN 1987–99[118]

PARTY	1987 (VOTE %)	1991 (VOTE %)	1995 (VOTE %)	1999 (VOTE %)
Welfare Party	7.2	16.9	21.3	15.41 (The Virtue Party)
True Path Party	19.1	27.0	19.1	12.01
Motherland Party	36.3	24.0	19.6	13.22
Democratic Left Party	8.5	10.8	14.6	22.19
S .D. P. P.	24.8	20.8	-	-
Republican People's Party	-	-	10.7	-
Nationalist Action Party	-	-	-	17.98

Table 1 shows that the WP steadily increased its votes during the last three general elections. Since there was a national threshold of ten percent in the 1987 elections, the WP could not win any seats despite its 7.2% share in the results. In order to avoid such a result in the 1991 elections, the WP leadership negotiated with the Milliyetçi Hareket Partisi (Nationalist Action Party) ("NAP"), which also sought an electoral partner to beat the ten percent threshold.[119] As soon as the elections were over, the electoral coalition, which had allowed both parties to enter parliament, ceased and the WP assumed its own particular stance in Turkish politics.

The WP had 21.3% of the votes and 168 seats in the 1995 elections.[120] After an initial failure to form a coalition government,

118. Statistics obtained from the Higher Electoral Board of Turkey.

119. This was only an electoral coalition, not a coalition to form a government. In order to overcome the ten percent electoral threshold, WP and NAP decided to enter the elections with a single ballot.

120. *See* HOWE, *supra* note 108, at 118.

the WP eventually succeeded in becoming an important government partner in June 1996, following the fall of the Motherland Party ("MP")–True Path Party ("TPP") (*Dogru Yol Partisi*) coalition.[121] As an Islamist politician, Necmettin Erbakan became the new Prime Minister of Turkey.[122]

The WP's achievement resulted from its integration into the political culture of Turkey and its respect for Turkey's republican principle and legal system as well as its advocacy of the market economy.[123] Although factors such as these may have been marginally significant, the true force behind the WP's rise to power was its Islamist views.[124] The Islamic revival or "return of Islam" is a much more complex phenomenon that involved social, economic, and political developments, both past and present. Because Islamic movements and Muslim politics do not have a monolithic nature, the Islamic revival should be viewed within the context of a current global revival of religion, which has not been limited to the Muslim world.[125]

121. *See id.* at 118–19.

122. *See id.* at 119.

123. *See* Eric Rouleau, *Turkey: Beyond Atatürk*, FOREIGN POL'Y, Summer 1996, at 70, 76–77.

124. For instance, the party used religious symbols and language as well as anti-Western discourse. It also made promises to solve problems such as the headscarf ban at the universities.

125. It is worth noting here that the concepts referred to as revivalist Islam, resurgent Islam, and fundamentalist Islam drew the attention of politicians, journalists, and scholars to the global phenomenon of rising Islamic awareness. A plethora of semi-scholarly and scholarly literature examined different aspects of Islamic revivalism and movements of return to religious values. Especially after the Iranian Revolution of 1979, numerous publications appeared with differing approaches to understanding and explaining the nature of Islamic resurgence in Muslim societies. *See generally* Talip Kucukcan, *The Nature of Islamic Resurgence in Near and Middle Eastern Muslim Societies*, *in* 14 HAMDARD ISLAMICUS, *supra* note 102, at 71–74. Along with many other Muslim societies, Turkey also witnessed the revival of religious values among different segments of the society.

The westernized elite in Muslim countries seem to have failed to establish a viable economic and political system during their long stay in power after the establishment of independent nation-states. Moreover, they did not succeed in providing workable solutions to the problems prevalent in Muslim societies such as poverty, unemployment, inadequate education, and unequal political participation. In the grip of these unresolved problems, Muslim intellectuals began to question the value and viability of the regimes in their countries.

Islamic movements appealed to a large segment of society because they suggested that the Western-inspired regimes had all failed to produce and sustain an acceptable process of development. Muslim intellectuals also promoted the idea of seeking alternative sources of development and progress in the social, economic, and political reconstruction of Muslim

After the establishment of a coalition government with the center-right TPP, the secularist-Islamist divide in the political spectrum became more visible to the public. This was due in part to the lack of trust between the two camps. Although Erbakan changed some of his hostile discourses towards the West and Israel, he failed to convince the secular elite, the military, and many of the secular civil societies in Turkey of the virtues of his policy disfavoring the secular state. His foreign policy preferences were also a source of discontent among the secular elite in Turkey.[126] Erbakan's first visit was to Libya and his second was to Iran, followed by visits to

societies. This meant a return to the Islamic idioms and root-paradigms and to the rediscovery of Islamic ideology as a world-view rooted in Qur'anic paradigms.

The revival of Islam in Turkey gathered momentum after the 1980s. As mentioned earlier, Islamic values are deeply rooted in Turkish society and despite the striking socio-political changes resulting from modernization and secularization, the Islamic imprint on the fabric of society still remains alive. Some scholars attribute the revival of Islamic values to the failure of the secular elite's effort to replace religion with totally modern secular values. They suggest that secularization and westernization could not perform the metaphysical function of a religion. New reforms from the top could not provide a system of beliefs and practices that would enable people to overcome the ultimate problems of life. Heper, *supra* note 74, at 361. The early republican elite's ideology seemed to have some shortcomings in its approach to religion. It failed to realize how deeply realism was rooted in Turkish society and it attempted to undermine the role of Islam for Turks in building a national identity. Mardin, *supra* note 67, at 229–30. The radical secular culture attempted to change the country's habits, cultural values, and language. Yet these changes failed because they left gaping holes in the areas of habits and culture and "provided no equivalent for the widely used Islamic idiom." Serif Mardin, *Islam in Mass Society: Harmony Versus Polarization*, *in* POLITICS IN THE THIRD TURKISH REPUBLIC 161, 164 (Metin Heper & Ahmet Evin eds., 1994).

To this day, Atatürk's intention to make religion purely a private concern in an individual's life has not materialized because the boundaries of private daily life have assumed a wider role in Turkish society. While private daily life increasingly gained new variety and richness, religion acquired a more effective role and a central focus in society. Private religious education, the development of Islamic fashion and dress, the production of religious music, and the publication of Islamic journals as aspects of the privatization wave made Islam more pervasive in modern Turkish society.

The spread of universal education in Turkey and the rapid developments in communication technology transformed the message of the *Sufi* Orders into mass religious movements. These movements can be described as faith movements, having new distinctive characteristics. These developments have resisted the forces that attempted to make religion a private matter. Social changes such as migration from rural to urban settlement areas, rapid demographic change, multi-party politics, and economic and industrial developments have all affected the revival of Islam in Turkey. *See* Naci Sevkal, *An Overview of Turkey's Urbanization*, *in* TURKEY SINCE 1970: POLITICS, ECONOMICS AND SOCIETY 77–78 (Debbie Lovatt ed., 2001).

126. *See* HOWE, *supra* note 108, at 157–58.

Indonesia and Malaysia.[127] These visits were interpreted as a departure from the modern world.[128] In domestic politics, Erbakan's somewhat inciting speeches and practices as head of the government made him highly unpopular with the armed forces.[129]

On February 28, 1997, Turkey's National Security Council "recommended" to Erbakan in ultimatum form a number of stern measures to guard the secular nature of the state, which Erbakan eventually signed after several days' resistance.[130] Erbakan's own political downfall began with his resignation from office in June 1997.[131] The Turkish Constitutional Court abolished the Welfare Party in January 1998, again finding constitutional violations of secularism.[132] The court also banned Erbakan and five other party leaders from political activity for five years.[133]

4. The Virtue Party

After the dissolution of the WP, the ex-members of the outlawed party formed a new group called the Fazilet Partisi (Virtue Party) ("VP").[134] This party adhered to a political ideology identical to that of the WP. However, on March 22, 1999, the Attorney General filed an indictment for the ban of the VP, claiming that it supported anti-secular opinions and represented the ideologies of a banned party.[135] Despite this reaction to the rise of the VP, none of the long-running problems regarding religious liberty came to an end during the party's existence or during the coalition government's term in office after the 1999 elections.

127. *See generally id.*

128. *See, e.g.*, *Turkish Press Scanner: "Supporter of Terrorism,"* TURKISH DAILY NEWS (Mar. 17, 1999), *available at* 1999 WL 5566304.

129. Öktem, *supra* note 103, at 398–99.

130. *See* HOWE, *supra* note 108, at 139. For a critique of the February 28 process, see M. Hakan Yavuz, *Cleansing Islam from the Public Sphere*, 54 J. INT'L AFF. 21, 37–42 (2000).

131. HOWARD, *supra* note 58, at 179. This resignation occurred under pressure from the armed forces. *See* Haldun Gülalp, *Globalization and Political Islam: The Social Bases of Turkey's Welfare Party*, 33 INT'L J. MIDDLE E. STUD. 433, 433 (2001) (discussing the Welfare Party's contribution to the Islamic political identity).

132. The court based its ruling on articles 68 and 69 of the constitution and sections 101(b) and 103(b) of Law number 2820 on the Regulation of Political Parties.

133. Öktem, *supra* note 103, at 396.

134. *Army Chides Kutan Remarks*, TURKISH DAILY NEWS, Dec. 1, 1998, *available at* http://www.turkishdailynews.com/old_editions/12_01_98/dom.htm#d2.

135. Öktem, *supra* note 103, at 396–97.

Although the VP remained out of government office, the court case and debates about the party ideology continued, as did its appeal to the masses through a discreetly religious rhetoric. Through these discussions, the public sphere became more exclusive of religion in general and the expression of Islam in particular.

The first parliamentary session after the 1999 elections was a test case for Turkish democracy because it set the limits of presence and expression of religious identity in the public sphere. The public sphere is still under the control of state ideology, rather than being an open domain for discussion regarding legitimacy and resources on the basis of mutual respect and understanding. As noted by one scholar

> In the Turkish context . . . 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.[136]

In the 1999 general elections, political alliances, and the balance of power changed dramatically. As Table 1 shows, the VP, the WP's successor, lost strength in these elections. The tension that emerged between Islamists and secularists during the WP's short term in office caused many voters to turn to the Democratic Left Party and the right-wing National Action Party, both of which kept religious issues out of election campaigns. Both parties also directly or indirectly put more emphasis on the nationalist sentiments of the masses, a strategy that earned them more seats in the parliament.

Additionally in 1999, Kavakçi was elected a member of the parliament as a veiled woman.[137] Kavakçi tried to enter the Parliament to be sworn in but faced outright resistance from Prime Minister Bülent Ecevit and deputies of his Social Democratic Party,

136. Nilüfer Göle, *Islam in Public: New Visibilities and New Imaginaries*, 14 PUB. CULTURE 173, 176–77 (2002).

137. Until that election, no veiled woman had been elected to parliament.

who saw her Islamic veiling as a challenge to the implicit rules of Parliament. Thus, Kavakçi could not take her seat in the parliament and lost her Turkish nationality on the grounds that she had become a U.S. national before obtaining approval from Turkish authorities.[138]

5. Current political parties

While the "unspoken, implicit borders and the stigmatizing, exclusionary power of the secular public sphere" consolidated its power, the Constitutional Court banned the VP on June 22, 2001, "on charges of being a center of Islamic fundamentalism" and for being a "focal point" for anti-secular activities.[139] Soon after the end of the VP, the Saadet Partisi (Prosperity Party) ("PP") began representing the traditional old ideology.[140] However, divisions of opinion within the party caused a breakdown in the rank and file of the party, ultimately resulting in the establishment of the Adalet ve Kalkinma Partisi (Justice and Development Party) ("JDP") under the leadership of Recep Tayyip Erdogan, previous mayor of Istanbul.[141] As shown in Table 2, JDP won the November 3, 2002, early elections with 34.28% of the vote and claimed a majority in the parliament. Erdogan,

138. *See* Ilnur Cevik, *It's Time We Solve the Merve Puzzle*, TURKISH DAILY NEWS, Nov. 23, 1999, *available at* http://www.turkishdailynews.com/old_editions/11_23_99/comment.htm; *Headscarf Controversy Dominates Agenda as the New Parliament Convenes*, TURKISH DAILY NEWS, May 1, 1999, *available at* http://www.turkishdailynews.com/old_editions/05_02_99/dom.htm#d5. The ban on wearing a scarf in public spaces such as universities and government offices still continues. In some instances, extreme measures ensure against women wearing a headscarf, as illustrated by an event which involved a very old female patient who was refused admittance into Istanbul University's hospital because she was wearing a headscarf. Öktem, *supra* note 103, at 397–98.

139. *Constitutional Court Bans Virtue Party*, TURKISH DAILY NEWS, June 23, 2001, *available at* http://www.turkishdailynews.com/old_editions/06_23_01/dom.htm; Chris Morris, *Turkey Faces EU Wrath as Court Bans Islamic Party*, THE GUARDIAN, June 23, 2001, *available at* http://www.guardian.co.uk/international/story/0,3604,511377,00.html; Öktem, *supra* note 103, at 398.

140. *See generally* BUREAU OF DEMOCRACY, HUMAN RIGHTS, & LABOR, U.S. DEP'T OF STATE, INTERNATIONAL RELIGIOUS FREEDOM REPORT 2002: TURKEY (2002), http://www.state.gov/g/drl/rls/irf/2002/13986.htm (last visited February 15, 2003) [hereinafter INTERNATIONAL RELIGIOUS FREEDOM REPORT 2002].

141. *See generally id.*

though, remained out of the parliament because he was banned from politics at the time of the elections.[142]

TABLE 2: NOVEMBER 3, 2002—ELECTION RESULTS[143]

PARTY	PERCENT OF VOTE	NUMBER OF DEPUTIES
Justice and Development Party	34.28	363
Republican People's Party	19.39	178
True Path Party	9.54	1
Nationalist Action Party	8.36	-
Youth Party	7.25	-
Democratic People's Party	6.22	-
Motherland Party	5.13	-
Prosperity Party	2.49	-
Democratic Left Party	1.22	-
Other and independent	9.27	7

The JDP leadership has been very reluctant to take a stand on the state-religion relationship and secularism. Party officials refrain from talking about current problems regarding restrictions on expression of religion in the public sphere to avoid increasing the tension between the secular and the more religiously oriented sections of society. For instance, Erdogan and other party officials have emphasized that the prohibition on wearing a headscarf would not be their priority in the office, arguing that this problem can only be solved through a social and political consensus, rather than by causing conflict and tension. Since the establishment of the JDP government in November 2002, the government has focused not on restriction on religion, but on broader issues, such as Turkey's entry into the European Union, democratization reforms, economic progress, and the recent regional crisis involving Iraq. The JDP government not only remained silent

142. Erdogan was banned because of his previous conviction and jail sentence for reading a poem that allegedly incited religious hatred among the people. *See* HOWE, *supra* note 108, at 192. It was only after the formation of a new government under Abdullah Gül's premiership that the parliament made the necessary constitutional amendments enabling Erdogan to run for a seat.

143. 2002 statistics obtained from the Higher Electoral Board of Turkey. *See generally* DAVID SHANKLAND, THE ALEVIS IN TURKEY: THE EMERGENCE OF A SECULAR ISLAMIC TRADITION (2003).

with regard to restrictions on Islam in the public sphere, but it has also avoided addressing problems of non-Muslim minorities in Turkey.

C. Minority Religious Groups in Modern Turkey

The basis for the legal status of religion and religious liberty as well as the nature of the state are clearly laid out in the Turkish Constitution. Article 2 of the constitution sets the nature of the state and its relation to religion. It says, "The Republic of Turkey is a democratic, secular and social State . . . ."[144] The constitution provides for freedom of religion and the government generally respects this right in practice. Article 24 of the constitution guarantees this liberty as follows: "Everyone has the right to freedom of conscience, religious belief and conviction. Acts of worship, religious services, and ceremonies shall be conducted freely, provided that they do not violate the provisions of Article 14."[145] Article 24 also provides liberty and protection for nonbelievers by stating that "[n]o one shall be compelled to worship, or to participate in religious ceremonies and rites, to reveal religious beliefs and convictions, or be blamed or accused because of his religious beliefs and convictions."[146]

1. Minority Islamic sects

Although approximately ninety-eight percent of the population in Turkey is Muslim,[147] Islam is not a monolithic religion in Turkey. The majority of the Muslim population are Sunni,[148] but current perception and practice of Islam varies from mystical to folk Islam and from conservative to more moderate Islam. This circumstance has resulted from Turkish society's exposure to various cultural currents throughout the centuries. In addition to the Sunni Muslim majority, Turkey has an estimated twelve to twenty million Alevis, a heterodox Muslim sect.[149] Alevis freely practice their beliefs and build

144. TURK. CONST. art. 2.

145. *Id.* pt. IV (Freedom of Religion and Conscience), art. 24. Article 14 sets the boundaries of these provisions, which relate to the integrity and existence of the secular state.

146. *Id.*

147. *See* INTERNATIONAL RELIGIOUS FREEDOM REPORT 2002, *supra* note 140.

148. *See id.*

149. Reha Çamuroglu, *Some Notes on the Contemporary Process of Restructuring Alevilik in Turkey*, *in* SYNCRETISTIC RELIGIOUS COMMUNITIES IN THE NEAR EAST 25, 32 (Krisztina

"*Cem* houses" (places of gathering). Many Alevis allege discrimination in the state's failure to include any of their doctrines or beliefs in religious instruction classes (which reflect Sunni Muslim doctrines) in public schools. They also charge a bias in the Directorate of Religious Affairs, which regulates the operation of the country's 75,000 mosques and employs local and provincial *imams*, who are civil servants.[150] Some groups claim that the directorate reflects mainstream Sunni Islamic beliefs. No public funds are allocated specifically from the directorate budget for Alevi activities or religious leadership.[151]

2. Non-Muslims

Several non-Muslim religious groups exist in Turkey, most of which are concentrated in Istanbul and other large cities. Since census results do not contain any data pertaining to the religious affiliation of Turkish citizens, the exact membership figures are not available. However, as Table 3 indicates, it is estimated that there are more than one hundred thousand non-Muslims in Turkey.

TABLE 3: ESTIMATED NUMBER OF NON-MUSLIMS[152]

RELIGIOUS AFFILIATION	NUMBER
Armenian Orthodox Christians	50,000
Jews	25,000
Greek Orthodox Christians	3,000–5,000
Syrian Orthodox (Syriac) Christians	15,000
Baha'is	10,000
Protestants	3,000

Kehl-Bodrogi et al. eds., 1997); INTERNATIONAL RELIGIOUS FREEDOM REPORT 2002, *supra* note 140.

Turkish Alevi rituals include men and women worshipping together through speeches, poetry, and dance. *See* ALEVI IDENTITY: CULTURAL, RELIGIOUS AND SOCIAL PERSPECTIVES (Tord Olsson et al. eds., 1998). Alevis also do not have a monolithic structure. Like the Sunni majority, the Alevi community has a diversity of interpretations and dozens of competing associations, which reflect the varieties of Islam in Turkish society. *See generally* ILYAS ÜZÜM, GÜNÜMÜZ ALEVILIGI [CONTEMPORARY ALEVISM] (1997).

150. For Alevi doctrines and beliefs, see ILYAS ÜZÜM, KULTUREL KAYNAKLARINA GORE ALEVILIK [ALEVISM ACCORDING TO ITS CULTURAL SOURCES] (2002).

151. Nilüfer Göle, *Secularism and Islamism in Turkey: The Making of Elites and Counter-elites*, 51 MIDDLE E. J. 46 (1997).

152. INTERNATIONAL RELIGIOUS FREEDOM REPORT 2002, *supra* note 140.

Armenian Orthodox Christians, Jews,[153] and Greek Orthodox adherents are recognized by the government as having special legal minority community status under the 1923 Lausanne Treaty. However, Baha'is, Syrian Orthodox (Syriac) Christians,[154] Protestants,[155] Bulgarian,[156] Chaldean,[157] Nestorian, Georgian, and Maronite Christians do not have the same status. Article 39 of the Treaty of Lausanne guarantees equality among Turkish citizens regardless of their religious conviction: "Turkish nationals belonging to non-Moslem minorities will enjoy the same civil and political rights as Moslems. All the inhabitants of Turkey, without distinction of religion, shall be equal before the law."[158]

Article 40 of the Lausanne Treaty further stipulates that

> Turkish nationals belonging to non-Moslem minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. In particular, they shall have an equal right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.[159]

Article 42 reaffirms this proposition:

> The Turkish Government undertakes to grant full protection to the churches, synagogues, cemeteries, and other religious

153. For the history of Jews in modern Turkey, see generally AVNER LEVI, TÜRKIYE CUMHURIYETI'NDE YAHUDILER: HUKUKI VE SIYASI DURUMLARI [JEWS IN THE REPUBLIC OF TURKEY: THEIR LEGAL AND POLITICAL STATUS] (1996); and MOSHE SEVILLA-SHARON, TÜRKIYE YAHUDILERI [JEWS OF TURKEY] (1992).

154. For the history and current position of Syriacs in Turkey, see generally YAKUP BILGE, GEÇMISTEN GÜNÜMÜZE SÜRYANILER [SYRIACS FROM PAST TO PRESENT] (2001); YAKUP BILGE, SÜRYANILER: ANADOLUNUN SOLAN RENGI [SYRIACS: FADING COLOR OF TURKEY] (1996); and AZIZ GÜNEL, TÜRK SÜRYANILER TARIHI [HISTORY OF TURKISH SYRIACS] (1970).

155. For the recent developments in Protestant Churches in Turkey, see MUSTAFA NUMAN MALKOÇ, ISTANBUL'DAKI PROTESTAN KILISELER [PROTESTANT CHURCHES IN ISTANBUL] (1999).

156. *See generally* ELCIN MACAR, ISTANBUL'UN YOK OLMUS IKI CEMAATI: DOGU GRITLI KATOLIK RUMLAR VE BULGARLAR [TWO LOST COMMUNITIES OF ISTANBUL: GREEK CATHOLICS FROM EASTERN CRETE AND BULGARIANS] (2002).

157. *See generally* KADIR ALBAYRAK, KELDANILER VE NASTURILER [CHALDEANS AND NESTORIANS] (1997).

158. Convention Respecting the Regime of the Straits and Other Instruments Signed at Lausanne, July 24, 1923, art. 39, 2 THE TREATIES OF PEACE 1919–1923 (1924), *available at* http://www.lib.byu.edu/~rdh/wwi/1918p/lausanne.html (last visited May 26, 2003).

159. *Id.* art. 40.

> establishments of the above-mentioned minorities. All facilities and authorisation will be granted to the pious foundations, and to the religious and charitable institutions of the said minorities at present existing in Turkey, and the Turkish Government will not refuse, for the formation of new religious and charitable institutions, any of the necessary facilities which are guaranteed to other private institutions of that nature.[160]

In spite of these constitutional provisions, non-Muslim minorities in Turkey have faced property ownership restrictions.[161] On January 3, 2003, the law pertaining to the property of community (non-Muslims minority) foundations was amended, lifting strict restrictions and enabling these foundations to have more freedom in keeping, maintaining, and purchasing new premises. According to the new law ratified by the parliament, community foundations will be able to purchase new property for religious, social, cultural, and educational functions, as well as for providing health services by the permission of the Office of Foundations, under more flexible conditions.[162]

Additionally, since the adoption of the Law on Unification of Instruction in 1924, education, including religious education, has been under the supervision of the state.[163] In 1997, the state began requiring eight years of primary school education, which includes religious instruction. However, upon written verification of their non-Muslim background, minorities "recognized" by the government under the 1923 Lausanne Treaty (Greek Orthodox, Armenian Orthodox, and Jewish) are exempt from Muslim religious

160. *Id.* art. 42.

161. The Office of Foundations (*Vakiflar Genel Mudurlugu*) restricts activities such as renovation and expansion of places of worship and other institutions belonging to non-Muslim religious groups. The Office of Foundations recognizes 160 "minority foundations" including "Greek Orthodox (approximately 70 sites), Armenian Orthodox (approximately 50), and Jewish (20), as well as Syrian Christian, Chaldean, Bulgarian Orthodox, Georgian, and Maroni foundations." INTERNATIONAL RELIGIOUS FREEDOM REPORT 2002, *supra* note 140.

162. *See* Avrupa Birligi, *AB Uyum Paketi Yürürlüge Girdi* (Jan. 1, 2003) (Turkish), *at* http://www.hurriyetim.com.tr/haber/0,,sid~342@nvid~218558,00.asp.

163. Article 24 of the constitution states

> 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 subjected to the individual's own desire, and in the case of minors, to the request of their legal representatives.

TURK. CONST. pt. IV (Freedom of Religion and Conscience), art. 24.

instruction.[164] Other non-Muslim minorities, such as Catholics, Protestants, and Syriac Christians are not legally exempted; however, in practice, they may obtain exemptions.

One of the long running issues regarding organizational and educational religious liberty in Turkey for a non-Muslim community is the case of the Halki seminary on the island of Heybeliada in the Sea of Marmara. "The seminary has been closed since 1971, when the State nationalized all private institutions of higher learning."[165] "The Ecumenical Patriarch in Istanbul continues to seek to reopen the Halki seminary" to educate religious leaders and to train new clergy to serve the Greek Orthodox community.[166] To meet the training needs for Greek Orthodox clergy, Faculty of Divinity at the University of Istanbul opened a Department of Christian Theology.[167] Still today, the Ecumenical Patriarchate has not made any announcements or any arrangements regarding sending their clergy for training to this department. The Department of Christian Theology, on the other hand, remains defunct because it has not employed any experts or scholars in the field nor has it made its curricula public. It seems that the issues surrounding the seminary will continue for the foreseeable future.

IV. CONCLUSION

Turkey occupies a unique place among the modern nation-states not only because of its geopolitical place but also because of its cultural and religious heritage. Turkey's unique position is strengthened by the fact that it lies at the crossroads of the diverse cultural and religious traditions of the East and West. These multiple traditions played a major role in the construction of the political and cultural identity of Turkish society.

Modern Turkey was established on the ruins of the Ottoman Empire and inherited an imperial legacy that launched modern reforms during the eighteenth century in political, legal, administrative, educational, and cultural fields. The founders of the republic of Turkey adopted these reforms and accelerated the modernization process in Turkish society. Although some of the

164. These students may attend courses with parental consent.

165. INTERNATIONAL RELIGIOUS FREEDOM REPORT 2002, *supra* note 140.

166. *Id.*

167. *See* Öktem, *supra* note 103, at 376.

radical reforms and restrictive policies of the early republican period caused a cultural rupture, the fabric of the society preserved the resources and cultural references that make up Turkey's unique identity.

Nevertheless, despite sweeping reforms leading to the modernization and secularization of Turkey, Islamic values remained deeply rooted in Turkish society. Global revival of religion as a response to deteriorating social, political, and economic conditions began in the latter part of the twentieth century. The revival of Islam in Turkey gathered momentum after the 1980s because of the failure of the secular elite's effort to replace religion with totally modern secular values. Secularization and westernization could not perform the metaphysical function of a religion. Private religious education, the development of Islamic fashion and dress, the production of religious music, and the publication of Islamic journals as aspects of the privatization wave have given Islam a new boost and made it pervasive in modern Turkish society. Social changes such as migration from rural to urban settlement areas, rapid demographic change, multi-party politics, and economic and industrial developments have all affected the revival of Islam in Turkey.

Although Turkey has improved its democracy since its establishment, problems regarding state-religion relations still remain. For example, Turkey has no separation of state and religion as do other countries such as the United States and France.[168] The state ideology not only permeates public institutions, but it also draws the boundaries of the public domain. Certainly Turkish democracy still requires improvement to become more inclusive and accommodating of religions and to find an appropriate balance between religion and secularism in a nation that is almost entirely Muslim. Nevertheless, Turkey is an exemplary nation that shows Islam and modern democracy can peacefully coexist.

168. For instance, although the state defines itself as a secular establishment, it accommodates a large state machinery called the Directorate of Religious Affairs, whose employees are civil servants. Nonetheless, Turkish interpretation of secularization finds no problem with integrating this office into the state administrative system. Consequently, the directorate is occasionally accused of promoting "state Islam."