



Religious Diversity
and Secular Models
in Europe
Innovative Approaches
to Law and Policy



CHALLENGES OF RELIGIOUS ACCOMMODATION IN FAMILY-LAW, LABOR-LAW AND LEGAL REGULATION OF PUBLIC SPACE AND PUBLIC FUNDING.

TURKISH SOCIO-LEGAL RESEARCH REPORT

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Executive Summary

With an overwhelmingly Muslim population and a historically complex interrelationship between religion and state, Turkey provides an interesting case among the countries involved in RELIGARE where the constitutionally guaranteed secularism is interpreted in a way leading to strong involvement of the state in religious affairs. This report, based on sociological research in 2011, presents the perspectives of 29 respondents from political parties, belief groups and NGOs on a variety of issues connected to the four main areas of the project (family, workplace, public space, public funding).

The basic tensions treated under this study are related to regulations on religious symbols in education and state offices mainly as manifested in the example of the headscarf-ban, clientelism based on religion at the workplace, the permission to construct places of worship, the secularization and transformation of religious sites into museums. The issue of public funding spans all areas: from direct funding of religious services to various forms of subventions or privileges, from support to places of worship or media programs to religious education and training and presents a non-transparent and deterritorialized patchwork of funding that favours a majority group while disadvantageing other groups to different extents.

The main contribution of this work is to underline the tensions and different viewpoints, which help transcend the picture of a homogeneous Muslim Turkish society that is often represented in Turkish state discourse. Furthermore, this study sheds light on argumentations of advocates of restrictions on religion as well as defendents of a more liberal stance of the state towards religion. It argues that these can only be understood against the historical background of the Republic of Turkey and by taking into account the differential treatment of different religious groups by the state as well as the sharp discrepancy between official rights and their implementation in practice, which is more than often random, depending more on personal relations and preferences than on the constitutional principle of equal citizenship.

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INTRODUCTION

Methodology

In the framework of the RELIGARE project, 30 semi-structured interviews were carried out in 2011. Instead of a rigid questionnaire, a list of main issues to be treated was used during those interviews (see Annex II). This final report is based on 29 approved and translated transcripts of expert interviews with respondents representing different positions in the field of religion and state interaction.

In these 29 approved interviews, we included the head of the Foreign Relations Department of the Directorate of Religious Affairs (DIB), the President of the Turkish Religious Foundation/Diyanet Foundation (TDV), the director of the Center for Women's Activities of the Turkish Religious Foundation (TDV-KFM) and the former president of the Capital City Women's Platform (BKPD) as experts representing the majority Sunni-Hanefite Muslim believers. Two labour unions of Diyanet employees also do have Sunni background: Diyanet-Sen represents the majoritarian Hanefite law school and DIVES the Shafi law school. The second largest religious group in Turkey by population, the Alevis, is represented through Alevi Bektashi Federation (ABF), Alevi Cultural Associations (AKD), Alevi Institute (AL-EN), Alevi Associations Federation (AVF) and Pir Sultan Abdal Culture Association (PSAKD).

Representatives of the Istanbul Protestant Church Foundation (IPKV), the Jewish Community of Turkey, the Bahai Community of Turkey, the Greek Orthodox Ecumenical Patriarchate of Constantinople, the Yeşilköy Armenian School and the Midyat Syrian Culture Association were interviewed as opinion leaders of minority religions in Turkey.

In terms of political orientation, seven members of political parties, including the governing Justice and Development Party (AKP), and the opposition parties Republican People's Party (CHP), Nationalist Movement Party (MHP), Peace and Democracy Party (BDP), Democratic Party (DP), Democratic Left Party (DSP) and Equality and Democracy Party (EDP) were interviewed.

Members of Atatürk Thought Association (ADD) and Support for Modern Life Association (CYDD) are included as representatives of more secularly oriented ideological viewpoint. Furthermore, interviews were carried out with the representatives of the Education and Science Workers' Union (EGITIM SEN), the Ankara Branch Office of the Organization of Human Rights and

Solidarity for Oppressed People (MAZLUM-DER) and Sami Mihellemi Dialog between Religions, Languages and Civilizations Association (Mihellemi).

In spite of numerous reminders and requests, the interview by one representative of the Directory of Religious Affairs (DIB) is still not approved and thus not included in this report.

For more detailed information on the respondents and the represented institutions/associations/religious groups see Appendix 1.

Comments on Methodology

Throughout our fieldwork (of the 30 interviews conducted) we came across certain patterns, which may be of importance to point out. We suspect that some of these patterns are due to the current political context in Turkey. As a general observation, our respondents were very careful, perhaps indicative of a precarious political environment.

- In most cases, it was relatively easy to get an appointment with the members or representatives of minority religions, and their participation with the interview process were more open and willing. In contrast, we met with significant resistance from institutions directly related to the current government. In particular the Directorate of Religious Affairs and institutions closely connected to it were far less reachable. Our attempts at reaching the Directorate of Religious Affairs were met with clear resistance; many of our prospective respondents either turned us down, or asked us to come back to them in a few weeks time. In a certain case one of the prospective respondents stated that such issues (i.e. the theme of the RELIGARE Project) were beyond their expertise. Such an answer is most unexpected from an institution which defines itself as the primary office regulating religious affairs in the country. As a result, the main state institution in charge of religious affairs is only represented by one representative in this research, the head of the Foreign Relations department. A second interview was held with the head of the Strategic Planning Department, but the transcript submitted in April 2011 is still not approved. We could neither obtain an interview from the President of the Diyanet, nor the head of the Department for Religious Services, nor the head of the Department for Educational Services.
- In most interviews conducted, respondents did not reply to all questions, which was something that we expected. When we sent the transcriptions of the interviews to our respondents, in

many cases it took them a very long time to send it back to us, sometimes a prolongation up to several months. In several cases, the “edited” versions of the interviews were much shorter than the original we sent to the respondent. Significant chunks of the transcriptions were deleted or replaced by eloquent additions smoothing or eliminating earlier critical remarks.

Notes concerning legal background

The Turkish team does not have a group of legal experts. Thus, to supply feedback for case-law, we collected related cases that have appeared in the Turkish media. This collection of cases will provide a general picture related to the types of cases that are currently deemed important and appeared in legal practice in Turkey. This media survey will complement the sociological data. This being said, we would like to underline some peculiarities of the Turkish case in relation to the questions/themes related to the RELIGARE Project.

Records of court cases in Turkey are highly inaccessible, especially for those who are not legal experts or professionals working in the legal system. Thus, even though a media-survey provides us a general framework of some patterns appearing in society, it should not be considered as a comprehensive picture of the legal cases in the country. It is, however, very important to highlight that such cases, when made public, create further interest in the country and provide a basis for developing further nation-wide discussion. These points of discussions in some contexts become defining concepts in developing basic-tensions in the country.

One of the most prominent problems we encountered while preparing the case-law template was the non-existence, non-availability, or non-accessibility of case law in some of the defined basic-tension areas of the RELIGARE Project. The lack of legal cases related to these basic tensions should not be considered as the non-existence of conflicts and disputes in such areas. We suspect the reasons for this can be summarized as follows:

- a. Turkey is not a litigate society. Most cases are either resolved out of courts or left in a state of non-resolution by parties involved. Especially in areas that may be considered more private cases may not be brought to court. People may choose not to openly acknowledge their religious backgrounds, thus cases of religiously-based discrimination may not be visible in the legal system. The individuals of discriminated

minorities might face further discrimination in their personal or private lives, and may therefore choose to not apply to courts.

- b. In Turkey, cases related to labour law rarely make it to the courts. Although such tensions and disputes are frequently attested, parties choose to settle such problems out of the legal system. This could be because lack of trust or lack of necessary legal underlining structure, or the fact that the legal system is very slow and ineffective in the Turkish case.¹
- c. Even in the cases that there are adequate laws in the legal structure related to some tensions; it is observed that these are not applied. Because of the lack of practical application or enforcement even if the harmed party might win the legal battle, it may not change the negative effects of the situation on the effected party.

¹ cf. Gabriela Knaul, “Preliminary Observations by the Special Rapporteur on the Independence of Judges and Lawyers: Visit to Turkey (10-14 October),” *United Nations Office of the High Commissioner for Human Rights*, October 14, 2011.

Table 1: Abbreviations used in this report

ABF	Alevi Bektashi Federation
ADD	Atatürk Thought Association
AKD	Alevi Cultural Associations
AKP	Justice and Development Party
AL-EN	Alevi Institute
Armenian	Yeşilköy Armenian School
AVF	Confederation of Alevi Foundations
Bahai	Bahai Community in Turkey
BDP	Peace and Democracy Party
BKPD	Capital City Women's Platform
CHP	Republican People's Party
CYDD	Association for the Support of Contemporary Life
DIB	Directorate of Religious Affairs
Diyanet	see DIB
DIYANET-SEN	Labour union of DIB employees
DIVES	Labour Union of DIB and Diyanet Foundation employees
DP	Democratic Party
DSP	Democratic Left Party
Ecumenical Patriarchate	The Ecumenical Patriarchate of Constantinople (Greek Orthodox)
EDP	Equality and Development Party
EGITIM-SEN	Education and Science Workers' Union
IPKV	Istanbul Protestant Church Foundation
Jewish Community	Foundation for the Beyoğlu Jewish Rabbinate
MAZLUM-DER	Organization of Human Rights and Solidarity for Oppressed People, Ankara Branch Office
MHP	Nationalist Movement Party
Mihellemi	Sami Mihellemi Association of Dialog Between Religions, Languages and Civilisations
PSAKD	Pir Sultan Abdal Culture Association
Syrian	Midyat Syrian Culture Association
TDV	Turkish Religious Foundation
TDV-KFM	Turkish Religious Foundation / Centre for Women's Activities

THE TURKISH NATIONAL CONTEXT: HISTORY, LEGAL BACKGROUND, BASIC TENSIONS

The Turkish Case: A Historical Introduction

The state – religion relationship in Turkey today should be analyzed within the framework of both the continuities with and ruptures from the Ottoman system. The Ottoman state derived its legitimacy first and foremost from Islam and more specifically, Sunni Islam. When the Republic was established in 1923, as a nation-state, the founders had a critical attitude vis-a-vis Islam. The new state was to be based on the principle of Turkish nationalism and state and religion were to be separated² leading to the radical secularizing reforms such as the abrogation of the Caliphate, the unification and secularization of education, the constitutional amendment abrogating Islam as the state religion, the change to Latin alphabet etc. However, for the early republican elite, secularism was not incompatible with a heavy control over and regulation of religion, including religious foundations and state funding for the training of the religious personnel and maintenance of mosques, mainly through the establishment of the Directorate of Religious Affairs (DIB/Diyanet) in March 1924, as an administrative branch of the government, linked to the prime ministry.

The Lausanne Treaty of 1923 defined a designated group of the non-Muslim population as legal minorities, giving them internal administrative autonomy. In practice this meant the traditional non-Muslim millets of the Ottoman Empire, Jewish, Greek Orthodox and Armenian Orthodox, leaving out other religious groups³. The Lausanne minorities have enjoyed some privileges such as the right to establish religious schools, religious foundations and maintenance of their places of worship. These communities receive also some state subsidies for utilities related to their religious services⁴.

This legalistic definition of minorities at the same time excluded a considerable number of non-Sunni Muslims (Alevi, Caferi, Shafii, etc.) from being considered as minorities and thus from access to minority rights; but instead subsumed them under a homogenous image of a Muslim majority ignoring their particularities.

² Niyazi Berkes, *The Development of Secularism in Turkey* (London: Hurst & Co, 1998); İřtar B Gözaydın, *Diyanet: Türkiye Cumhuriyeti'nde Dinin Tanzimi* (İstanbul: İletişim, 2009).

³ Baskın Oran, *Türkiye'de Azınlıklar, Kavramlar - Teori, Lozan, İç Mevzuat, İçtihat, Uygulama* (İstanbul: İletişim, 2004).

⁴ *Elektrik Piyasası Kanunu Ve Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun. Kanun No. 5784, 26 July 2008*, accessed November 16, 2011.

In the Turkish context, three different religious groups can be distinguished in the area of the current state-religion relationship: (1) Sunni-Hanefite Islam as majority religion, supported and enforced through a variety of state institutions, above all the Diyanet (2) recognized religious minorities (Jewish, Greek and Armenian Orthodox) that have certain privileges (3) other religious groups that lack recognition and support (Alevi, Caferi, Keldani, Syriac Christians, Bahai, Yezidi, etc.). Among the latter, especially Muslim but Non-Sunni-Hanefite religious groups, feel confronted with intolerance and assimilation attempts by the majority population.

Table 2: Religious Demography of Turkey according to the US Freedom of Religion Report 2010 (The Turkish Statistics Institute (TUIK) does not provide a listing of the religion or religious denomination of the citizens)

Religion	Population
Muslim	99 percent of the population (according to the Turkish government)
Alevis	15 - 20 million
Shiite Caferi Muslims	500,000
Armenian Orthodox Christians	60,000
Jews	23,000
Syrian Orthodox (Syriac) Christians	20,000
Bahais	10,000
Yezidis	5,000
Jehovah's Witnesses	3,600
Protestant sects	3,500
Iraqi Chaldean Christians	3,000
Greek Orthodox Christians	2,500
Bulgarian Orthodox	not specified
Nestorian	not specified
Georgian Orthodox	not specified
Roman Catholic	not specified
Syriac Catholic	not specified
Maronite Christians	not specified

VI. Freedom of Religion and Conscience

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. No 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. Education and instruction in religion and ethics shall be conducted under State supervision and control. Instruction in religious culture and moral education shall be compulsory in the curricula of primary and secondary schools. Other religious education and instruction shall be subject to the individual's own desire, and in the case of minors, to the request of their legal representatives. No one shall be allowed to exploit or abuse religion or religious feelings, or things held sacred by religion, in any manner whatsoever, for the purpose of personal or political influence, or for even partially basing the fundamental, social, economic, political, and legal order of the State on religious tenets.

The Constitution of the Republic of Turkey; Article 24

Legal Background and Basic Tensions

WP3: The Family

- **Marriage**

Points of tension concerning marriage are whether or not religious marriage should be recognized by the state, i.e. the partners married by religious marriage given a legal status, leading to the issue of polygamy, where Turkish legislation and Islamic law diverge. Whereas Islamic law permits a man to marry up to four women, in Turkish legislation, polygamy is prohibited and a religious ceremony can only be held after the civil marriage. Homosexuality is not mentioned in Turkish legislation, thus not prohibited; but homosexual marriages are not allowed. Divorce is not among the basic tensions in the Turkish context; both, state legislation and Islamic law allow divorce.

WP4: Workplace

Several laws are designed to protect employees against any discrimination on the basis of their beliefs, whether those beliefs are of religious, philosophical or spiritual nature. At the same time, there is no right of the employee to religious dress at the workplace, to take time off for prayer, or to get leave on religious holidays other than the Muslim holidays recognized as official holidays in Turkey. According to Turkish legislation, it is at the discretion of the employer whether or not they grant such rights. The employee has to respect the rules of clothing the employer may impose on them, even if this is against the way of dressing in the individual's belief.

According to the report *Religious Discrimination at the Workplace* by Ius Laboris⁵, legislation securing non-discrimination at the workplace are mainly a result of the EU accession process and less of demand. Court cases related to faith based discrimination do exist. Different reports and researches, as well as media accounts suggest that the number of discrimination experiences is significantly higher than the few available court cases. It appears that only a few groups actually apply to courts for claiming their rights and conflict resolution⁶. As already mentioned in the introductory explanations,

⁵ Ius Laboris, *Religious Discrimination in the Workplace* (Brussels: Ius Laboris, 2010).

⁶ For critical remarks on the Turkish judiciary see Turkey Progress Report 2012 by the European Commission, pp.18-35 and 70-75.

solving conflicts out of court using personal relations is more common in Turkey and seems to be the first choice of most persons confronted with discrimination.

WP5: Public Space

- **Education**

The Turkish Constitution provides for religious education classes in the curriculum. From 4th to 12th grade, Religious Culture and Knowledge of Ethics classes are compulsory for all students, except for children of parents who are officially registered as being Christian or Jewish, meaning that children of atheists, agnostics, not registered Christian and Jews, Islamic faiths other than Sunni-Hanefite Islam and other religious groups are obliged to take this class. Its content is prepared by the Ministry of Education and - although claiming to provide an objective general knowledge about Islam - mainly based on the State's interpretation of Sunni Islam. Following the decision in the case of *Hasan and Eylem Zengin v. Turkey* (Application No 1448/04, Judgment 19.10.2007) by the ECtHR, the curriculum was slightly changed, but the main criticism persists. Different belief groups in the country regularly criticise and voice their opposition to the compulsory Religious Culture and Knowledge of Ethics classes on the basis that the class is compulsory and presents a biased interpretation.

Additionally to those mandatory Religious Culture and Knowledge of Ethics classes, among a variety of elective courses, three courses with religious content were introduced in the curriculum with the changes in the education system starting in the 2012/13 school year: "Quran", "the Life of the Prophet", and "Basic Religious Knowledge". Especially the first two led to controversies as parents complained that schools exerted pressure on them to choose those two classes.

In Turkey, institutions in the sense of "private religious schools" do not exist. The Law of Unification of Instruction in 1924 ended and prohibited a differentiation between religious and secular education and organized a formal education system centrally under the control of the Ministry of National Education. Within this education system religious schools exist in the form of Imam Hatip schools, state financed, therefore not private, schools originally designed with the purpose of training Sunni Hanefite imams and hatips (preachers). The enrolment to Imam Hatip schools is not restricted for future religious personnel, and the students who graduate can enter the university exams to choose another occupation.

The Lausanne Treaty provides Non-Muslim minorities with the right to run their own schools. Those schools are registered as “Private Minority Schools” and follow the general state curriculum⁷. They are restricted to members of the respective faith and not financed by the state. As only Greek Orthodox, Armenian and Jewish communities are included in the Turkish interpretation of “religious minority”, other religious groups, as for example Syrian Orthodox Christians are refused the right to open their schools⁸.

- **Dress Codes – The “Headscarf-Issue”**

Regulations on religious attire have been an issue for decades and especially since the military intervention of 1980. Different laws since then permitted or prohibited the display of religious symbols, mainly referring to the Islamic headscarf and several court decisions and (ongoing) law suits bear witness to the different perspectives on the headscarf from being seen in the context of freedom of religion to being opposed as political symbol and also the changes in the (legal) discourse over the last years.

- **Political Parties**

The Political Parties Act (Law No. 2820) states that political parties cannot engage in activities or have goals that violate the constitutional principle that all individuals are equal without discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations (Article 83 of the Political Parties Act)⁹.

- **Places of worship**

In Turkey, mosques, mesjits, churches and synagogues are considered as places of worship. The zoning plan of a settlement allocates defined spaces for places of worship. In the Turkish case, these are almost exclusively reserved for mosques. Places of worship for other religions are not allocated any space in the zoning plans, and cannot apply for construction permits. Moreover, alterations in the zoning plan are not possible. Places of worship are exempted from paying water and electricity costs, but as there is not enough budget, not all expenses for all places of worship can be covered.¹⁰ The churches and synagogues which currently benefit from exemptions are almost always

⁷ Including the obligation to offer “Quran” and “the Life of the Prophet” as elective courses.

⁸ AGOS, “Süryanilere Anadilde Eğitim Reddi: ‘Azınlık Değilsiniz Yabancı Dilde Eğitim Yapamazsınız’,” August 17, 2012.

⁹ Ela Anıl et al., *Turkish Civil and Penal Code Reforms from a Gender Perspective: The Success of Two Nationwide Campaigns* (Istanbul: Women for Women’s Human Rights - New Ways, February 2005).

¹⁰ Diyanet İşleri Başkanlığı, “Analitik Bütçe Uygulama Talimatı,” 2008.

already existing structures or institutions that had been in the possession of the minorities at the time of the Lausanne Treaty.

Cemevis, the places of worship of the second largest belief group in Turkey after Sunni Hanefites, do not have a legal recognition as places of worship, thus cannot benefit from the above mentioned water and electricity cost exemption and more important face problems in obtaining permits for constructing and maintaining cemevis. The decision in October 2011 by a Court in Ankara to reject the closure request against a foundation for the construction of a cemevi with the reasoning that Alevi's needs also have to be respected was seen by some as a first step towards official recognition. The 7th Chamber of the Supreme Court of Appeal (Yargıtay) nevertheless annulled the decision in July 2012 stating once more that (based on the advisory opinion of the Diyanet) only mosques and mesjids can be recognized as places of worship in Islam¹¹. Following the local court insisting on its earlier decision, the final decision will be by the Supreme Court's General Assembly of Civil Chambers¹². As a report by the Federation of Alevi Foundation states, most cemevis depend on whether or not the respective head of the municipality tolerates them or not. They are in a precarious situation without legal status, and thus protection, and might be subject to closure or demolition if the municipality decides to do so. This is also a situation that is shared by some church institutions. In such cases, this situation seems to be a symptom of long and complicated bureaucracy and arbitrariness in state office's decisions in applying for and obtaining official permits.¹³

- **Cemeteries**

In Istanbul, 255 cemeteries are registered as Muslim, 65 as non-Muslim cemeteries¹⁴; in other places (ex. Mersin and Muğla/Bodrum) Muslims and non-Muslims share the same cemetery.

A recent issue is the Decree Law 651 that foresees the restitution of property in the records of 1936 registered as belonging to Non-Muslim foundations but expropriated by the state afterwards. Cemeteries would make up for a considerable part of this property but as they were not officially registered are not among the property to be returned

¹¹ Hurriyet Daily News, "Court Rejects Cemevis as Houses of Worship," July 26, 2012.

¹² Radikal İnternet, "Mahkemenin Cemevi Israrı," November 21, 2012.

¹³ Özge Genç and Ayhan Kaya, *Belief Groups in Turkey: A New Framework Aimed at Issues and Demands* (Istanbul: Alevi Vakıflar Federasyonu, 2011); see also Ergün Kayabaş and Özgür Mehmet Kütküt, *Türkiye'de Din Veya İnanç Temelinde Ayrımcılığın İzlenmesi Raporu* (Istanbul: İstanbul Bilgi Üniversitesi. İnsan Hakları Hukuku Uygulama ve Araştırma Merkezi, 2011).

¹⁴ İstanbul Büyükşehir Belediyesi, "İstanbul Mezarlıkları," accessed August 26, 2012, <http://www.ibb.gov.tr/tr-TR/SubSites/CenazeHizmetleri/Pages/istanbulMezarliklari.aspx>.

WP6: Public funding to Religion

The emergence of the current eclectic system of public funding has been piecemeal and gradual, and is defined both through the legacy of the former Ottoman system as much as the radical break from it at the creation of the secular Turkish Republic.

The current regime can be best described as a patchwork of practices, laws/ bylaws and regulations and institutional arrangements, based on differentiated treatment, decentralized and diffused across different institutions, actors, services; disguised and bundled in many subcategories and cannot be disaggregated, thus it is very difficult to track, measure, and therefore difficult to hold accountable. Based on this, it is important to note that the current regime of state financing of religion in Turkey cannot be understood necessarily as state support for religion. That is, in some cases state financing might have the objective to assimilate members of some citizens to the majority Sunni-Hanefite Islam¹⁵. Therefore, state financing, rather than support, ends up being a liability for some groups of citizens.

The current financing framework works through a wide range of institutions, services, staff, expenditures and privileges and is not limited to the national boundaries but has an important transnational dimension through the organization and funding of mosques outside Turkey through DITIBs.¹⁶ The mosque that was built in Ashkhabad, Turkmenistan, the Turkish Educational Centre in Dortmund, Germany, and the Auburn Mosque in Australia are just a few examples for international financing.¹⁷

The two main characteristics of the current regime arguably are its patchwork character and the differential treatment of different religious groups.

- **Patchwork**

The defining characteristics of the variety of funds available for religious functions and services are that they come from a multitude of different channels and sources, and are embedded in the budgets of state institutions in multiple ways, making it almost impossible to disaggregate them. To start with, major funds are channelled through the budgets of state institutions, including the Diyanet (Directorate of Religious Affairs), the Ministry of Education, the Ministry of Culture, the Ministry of Foreign Affairs, the Directorate of Religious Foundations, Turkish Radio and Television (TRT), the Prime Ministry, and State Universities). Furthermore, they are under the regulation of and

¹⁵ İřtar B Gözaydın, “Diyanet and Politics,” *The Muslim World* 98, no. 2-3 (April 1, 2008): 216–227.

¹⁶ Gözaydın, *Diyanet*; Zana Çitak, “Between ‘Turkish Islam’ and ‘French Islam’: The Role of the Diyanet in the Conseil Français Du Culte Musulman,” *Journal of Ethnic and Migration Studies* 36 (April 2010): 619–634.

¹⁷ For further detailed info see: www.diyanetvakfi.gov.tr (23 July 2007).

subject to a wide range of laws, by-laws, and regulations and emerged over time as part of a series of unconnected arrangements.

- **Differential treatment**

Concerning the provision of funding, the very institution of Diyanet has been at the source of this differential and discriminatory treatment. “Originally conceived as a mere administrative branch of the government with no sacred significance attached to it, the founding Kemalist elite created an institution with a very weak status and prestige within the new national state.”¹⁸ However, in time, the Diyanet has grown in its budget and the number of civil servants employed and solidified into a solely Sunni-Hanefite institution though there was a failed attempt in 1960s to establish an office of sects (mezhepler dairesi), which would have transformed this institution to a more inclusive one. It is this exclusively Sunni-Hanefite dimension of the Diyanet that constitutes the basis of the differential treatment of the current state financing regime in Turkey.

As a state institution, it employs a large number of civil servants including imams, muezzins, vaiz/vaizes etc. According to its yearly report, it employed 121.752 persons in 2010.¹⁹ These personnel serve a multitude of functions for the practitioners of the Sunni-Hanefite faith by building and maintaining mosques, running Quran recitation schools, organizing conferences on religious issues, operating call centres, etc. All of these functions are paid by the taxes collected from all citizens of Turkey, Sunni-Muslim, non-Sunni-Muslim and non-Muslim; practicing or non-practicing alike. This differential treatment is based on and results in a hierarchical relationship among citizens of different faiths, with adherents of Sunni-Hanefite belief at the top.

- **Public funding and Media**

The Lausanne treaty provides religious minorities with the permission to publish in their own languages. The 2001 constitutional amendments²⁰ removed the restrictions on the use of any ‘language prohibited by law’ in expressing and disseminating ideas in print and broadcasting media.²¹ Minorities excluded from the Treaty of Lausanne rights have been banned from using their languages in schools and in media, and from fully exercising their religious rights.

Today, it is the RTUK (Radio and Television Supreme Council) that decides on permissions for opening radio or TV channels.

¹⁸ İsmail Kara, *Cumhuriyet Türkiye’si’nde Bir Mesele Olarak İslam* (Istanbul: Dergah yayınları, 2008), 62–3.

¹⁹ Diyanet İşleri Başkanlığı, *Faaliyet Raporu - 2011*, 2011.

²⁰ Law on the Amendment of Some Provisions of the Constitution of the Republic of Turkey, No. 4709, 3 October 2001, Official Gazette, no. 24556, 17 October 2001.

²¹ *Ibid.*, Art. 9, amending Article 26 of the Constitution.

Most religious groups do have their radio and TV channels, that are controlled by RTUK under the lead of Vice-PM Bülent Arınç.

Law no 6002 of 1 July 2010 "On the Establishment and Duties of the Presidency of Religious Affairs", tasks the DIB and its department on religious services to "enlighten the citizens concerning religion using radio and television" and to close down internet sites if they do not approve of the content. The same law also "allows the Diyanet to establish its own radio or television channel. National radio and TV frequencies will be provided free of charge to the Diyanet by the RTUK."²² In summer 2012, Diyanet TV started as cooperation between Diyanet and TRT.²³

§8 of the Law no 6112 on Radio and Television prohibits to "incite hate based on race, language, religion, gender, class, region or denomination" and to "broadcast content that is discriminatory or defamatory concerning race, colour, language, religion, nationality, gender, disability, political and philosophical thought, denomination or similar reasons".²⁴ It is further forbidden to include any publicity in the broadcast of religious celebrations (§10) and to accept financial support for news and programs on religious ceremonies (§12). The Turkish Penal Code 216 prohibits discrimination, insulting of religious values and offending public peace.

The report on hate speech by the Association for Social Change that monitored Turkish newspapers, finds that hate speech is widespread and that after ethnic identity, religion and faith is the most prevalent target of hate speech.²⁵

In 2002, RTUK decided a 24h broadcast stop penalty for Radyo Shema (Imaj Radyo) of the Protestant Church Association because of programs propagating Christian belief and not complying with "justice and impartiality". The Court accepted the appeal by the Association, found it not guilty and annulled the penalty.²⁶

There are some references in newspapers on lawsuits for "insulting religious feelings" against authors of print and online media²⁷, for which we were nevertheless not able to find case law; or cases of hate speech that were not followed by lawsuit.

²² Mine Yıldırım, "Turkey: The New Constitution Drafting Process and Freedom of Religion or Belief," *Forum 18 News* (November 30, 2011).

²³ mms:\\95.0.159.138/tv5; an earlier version of Diyanet TV and radio started in 2007 not attached to the DIB as then state institutions were not allowed to open their own channels, but to the Diyanet Foundation; <http://www.haber7.com/haber/20070910/Diyanet-TV-bugun-yayina-basliyor.php>

²⁴ *Radyo Ve Televizyonların Kuruluş Ve Yayın Hizmetleri Hakkında Kanun. Kanun No. 6112*, 2011, http://www.rtuk.org.tr/sayfalar/IcerikGoster.aspx?icerik_id=5a3cac1e-b6d9-4b23-bc7a-8dcd671fceb.

²⁵ Sosyal Değişim Derneği, *Ulusal Basında Nefret Suçları: 10 Yıl, 10 Örnek* (Istanbul, 2010).

²⁶ Çankaya Cemevi Yaptırma Derneği (case no 2010/492) (Ankara 16. Asliye Hukuk Mahkemesi 2011); Radyo Shema v. RTÜK (case no 2002/1641) (Ankara 7. İdare Mahkemesi 2003); Radyo Shema v. RTÜK (case no 2005/588) (Danıştay 13. Dairesi, İdare Mahkemesi 2005).

²⁷ HABERTÜRK, "Karikatürist Baruter Hakkında 1 Yıl Hapis İstendi!," September 28, 2011; ntvmsnbc.com, "'İllallah' Davası Devam Ediyor," January 12, 2011; Gazetevatan.com, "Ekşisözlük'te Dine Hakarete 1,5 Yıl," November 16, 2011.

RESULTS OF THE SOCIOLOGICAL FIELDWORK

WP3: The Family

3.1 Marriage

Turkish legislation requires several preconditions to be able to register a marriage, among others the full and free consent of the couple getting married (Articles 126 and 127 of the Civil Code), having attained the minimum age of 18, under special conditions lowered to 16 and not being married to another person. The latter means that polygamy is not permitted in Turkey, if one of the spouses does not fulfil this condition, the marriage will be considered null and void. After a proof of the necessary preconditions is submitted, the official wedding ceremony is conducted by a state official of the marriage registry and both spouses to be have to declare their free will to marry each other in the presence of two witnesses. Within this ceremony, the wedding is officially registered and the couple receives a family certificate, which serves as wedding certificate (Articles 142 and 143 of the Civil Code).

If a religious ceremony is desired, it can only be held after the civil marriage, according to the Civil Code and the family certificate needs to be shown as a proof. In the case of a religious marriage conducted in the absence of a civil marriage, the spouses as well as the person holding the ceremony are in breach of the penalty code. As the religious wedding is not officially registered and thus does not confer any legal rights to the woman, she cannot claim alimony or heritage in case of divorce or death of husband.

In a case brought to the European Court of Human Rights, the applicant alleged that, having lived in a “religious marriage” (*İmam Nikâhı*) with her partner, with whom she had six children, she had been unable to claim retirement benefits (survivor's pension) or health insurance (social security) cover on her partner's death in 2002. The ECtHR decided that there is no obligation for the state to recognize religious ceremony as official marriage. The Grand Chamber noted that States enjoyed a certain margin of appreciation in providing for differing treatment depending on whether or not a couple was married, particularly in the areas affected by social and fiscal policy, such as liability for tax, pensions and social security benefits.²⁸

²⁸ Case of Şerife Yiğit v. Turkey (Application no. 3976/05), Judgment (European Court of Human Rights; Grand Chamber 2010).

Islamic law differs in several aspects from the state's regulations concerning marriage: mutual consent is a precondition in both systems, however arguably most discussed aspect is that *İmam Nikahı* in practice might allow men to marry up to four women under the condition that all wives are treated equally and consent to it²⁹. Homosexuality is not mentioned in Turkish legislation, thus not prohibited; but homosexual marriages are not allowed.³⁰

There is no legal restriction on intermarriage between different religious groups in Turkey for civil marriages. Such restrictions might nevertheless be applied by religious communities for religious ceremonies. The Armenian Orthodox community for example announced in October 2012 that for a religious marriage, both spouses need to be members of the community, a measure not implemented for the last ten years but now reinstated as necessary to protect the customs of the small Armenian Orthodox community³¹.

For the time being, there is no case law in Turkey directly related to same-sex marriages. The court case on the closure of Lambda Istanbul refers to homosexuality as “endangering the family and morality”, therefore excluding homosexual couples from the right to be considered as family.³²

Divorce is not among the basic tensions in the Turkish context; both, state legislation and Islamic law allow divorce.

One of the basic tensions regarding Family Law in the Turkish case was the varying attitudes towards civil union and religious marriages. Our respondents stated differentiated attitudes towards civil marriage, religious marriages (*İmam Nikahı*, which is a religious wedding ceremony conducted by an imam commonly practiced by Sunni-Muslims, is by law only permitted following a civil marriage), polygamy, and same-sex marriages.

- **Civil Marriage and Religious Marriage**

Most of our respondents underlined the importance of civil marriage, as it is the official ceremony where the union of the couple is legally registered and that provides the spouses with legal rights and obligations towards each other. There is a general acceptance of civil marriage as an important union defining the legal status of the relationship between individuals. In the Turkish case the number of couples who solely conduct a religious marriage ceremony without getting a legal one is high. Since these marriages are not officially recorded, it is very hard to get a precise number. However, there are some important researches that provide estimations of the rate of *İmam Nikahı* in

²⁹ see also Türkiye Diyanet Vakfı, *İlmihal II İslam Ve Toplum*, vol. 2 (Ankara: Türkiye Diyanet Vakfı Yayınları, 2004).

³⁰ Anıl et al., *Turkish Civil and Penal Code Reforms from a Gender Perspective: The Success of Two Nationwide Campaigns*.

³¹ Hurriyet Daily News, “Armenian Church Decides to End Blessing Mixed Marriages,” October 11, 2012.

³² case no 2007/190 (Beyoğlu 3. Asliye Hukuk Mahkemesi).

Turkey. One of the reliable researches concerning *İmam Nikahı* is carried out by Hacettepe University Institute of Population Studies.³³ The reports based on researches implemented in 1988, 1998 and 2003 mention that 7.1%, 7.0%, and 5.8% of the respondents were married only by *İmam Nikahı*.³⁴

A recent research carried out by İlknur Yüksel Kaptanoğlu and Banu Ergöçmen in 2011, academics at Hacettepe University's Population Research Institute found that religious marriages are most common in central-eastern Anatolia, followed by south-eastern and north-eastern provinces. A total of 452,139 women have been married only in non-legally binding religious ceremonies, which are most common among uneducated people or people who graduated only from elementary school.³⁵

It is a common occurrence that such marriages may end in legal disputes, because the female party in the marriage cannot, in most cases, claim legal rights of inheritance or alimony, and in the cases that the female is abused, she cannot get necessary protection from the authorities. In some cases, the husband can marry again without getting a divorce from his first wife with whom he is only united through *İmam Nikahı*. In some cases, these marriages can become polygamous.

In terms of attitudes towards *İmam Nikahı*, most of our respondents stated that it should be up to the individuals, and should not be a compulsory procedure. It can be an additional, voluntary procedure which should follow the civil union of individuals. The president of ADD, for instance, stated that thousands of women live solely with religious marriages and that if the husband dies or divorces them they do not have any rights. Similarly, the representatives of CYDD, PSAKD, TDV-KFM, and EGITIM-SEN, also stress its importance in ensuring women's rights.

“If persons find spiritual satisfaction in İmam Nikahı, the ones who wish should be able to do so. But it must not ever be an alternative to a civil marriage.” (MHP)

“Civil marriage is to ensure the protection of women.” (PSAKD)

IPKV, the Jewish Community and the Patriarchate of Constantinople see it as the step preceding the traditional religious ceremony and do not perceive such an application as conflicting with their religious practice.

³³ Hacettepe University Institute of Population Studies, *2003 Turkey Demographic and Health Survey TDHS-2003* (Ankara, 2004).

³⁴ Yaprak Civelek and İsmet Koç, “Türkiye’de ‘İmam Nikahı’,” *Nüfusbilim Dergisi Hacettepe University* no. April (2007).

³⁵ Hurriyet Daily News, “Report Sheds Light on Widespread Polygamy in Turkey,” January 11, 2011.

“The religious wedding on its own is not enough. We conduct both of them. First the civil marriage is done and afterwards a religious wedding. We do not see it sufficient to do only the religious wedding.” (Jewish Community)

Recent years’ public debates on national TVs reflect diverse opinions on whether the state should recognize *İmam Nikahı* as a marriage and whether or not such a regulation leads to polygamy. Several respondents like the respondents from the Armenian Church in Istanbul, BDP, DIB, DIYANET-SEN, DIVES and BKPD offered that the authority of officially registering a marriage could also be given to a wider range of civil servants, including imams and priests, opening thus the way for a combined civil and religious wedding under the control of government bodies.

“If you look at it from the perspective of Islam, there are specified criteria for a wedding. The most important among them might be to announce being together; this is done at the civil marriage at the municipality. It is not a must that an imam does this ceremony. Not only imams, I think that mayors can also be given this authority. Maybe this will make the issue a little bit easier. Marriage cannot be performed every 15minutes like the religious sacrificing of animals. The authority could also be given to imams and priests. Why shouldn’t it?” (BKPD)

“There isn’t anything like official or religious wedding. The important thing is that it is the wish of the persons who marry and the approval by the state. This problem just started after the foundation of the Republic. In the times of our Prophet, once the spouses accept each other, the authority registered them. There is no “İmam Nikahı”. All religions do have marriage; who can register them is specified by the respective legislation. We propose that the authority to register marriage should also be given to the DIB and to muftis. If the mufti is not available one day, he can, like the head of the municipality, pass on this right to other persons. Those who want to marry can go to the mayor, to the Diyanet or to the municipality, as they wish. I do not accept any marriage that is not also accepted by the state, because there is the problem of treating women as slaves. We need to get rid of an understanding of ‘take them whenever you want, throw them away whenever you want.’” (DIYANET-SEN)

The authority of the state in registering marriages is acknowledged as being accepted by the people and – as by others above – described as important in case of divorce or death of one spouse, by the respondent from the Diyanet Foundation. He criticizes the in the current practice *İmam Nikahı* is often misused and points out that “[t]he important thing is the responsibilities towards God.” (TDV)

- **Polygamy**

Polygamy presents a basic tension in which state legislation and Islamic religious law shows divergence. According to Turkish Statistical Institute (TUIK), the rate of polygamy is 2%.³⁶ The research implemented by İlknur Yüksel Kaptanoğlu and Banu Ergöçmen in 2011 has revealed that though polygamous marriages are not legally recognized in Turkey, more than 186,000 women share their husbands with a second wife, a practice that is particularly common in the country's east. It found that men in polygamous marriages often seek a second wife if the first one is unable to bear them a child, particularly a male one. Polygamy is particularly common in the Kurdish south-east, where second wives are married in religious or cultural ceremonies and thus have little legal protection, the study claims.³⁷

“Islam in Turkey did not turn to the 21st century. Does polygamy conflict with the universal principles and values of justice and right? If you have two wives, one very beautiful and very young woman, and the other one aged by time and you do not take much pleasure anymore, how can you ensure justice among them? Polygamy is misused by many Muslims; they use Islam as a tool [to justify polygamy]. At the time of the prophet, there was no limit to marriage, some took 50, 60 wives. Quran limits this first to four, but then says “you cannot ensure justice between them, therefore you should have only one wife”. Look, again, we get stuck in seeing only the shape. Not the shapes but the ethical principles, this umbrella principles are what is important in Quran. You cannot convincingly explain polygamy to younger generations, as you cannot explain the principle of equality, a principle of enlightenment, to 7th century people.” (DP)

“Polygamy is backward. We do not accept it.” (DSP)

“I really do not understand polygamy. Why does a man marry with four women? I do not understand it in today's reality. Let's look at the psychology: if a man cannot cope with one wife, how should he cope with four? Polygamy is not acceptable.” (Patriarchate of Constantinople)

³⁶ Özgür Arun and Zeynep Diker, *Güneydoğu Anadolu Yoksulluk Profili Batman Sosyoekonomik Durum Araştırması Sonuçları* (Ankara, January 2009).

³⁷ Hurriyet Daily News, “Report Sheds Light on Widespread Polygamy in Turkey.”

There are also different attitudes towards polygamy in terms of ideal and practice: as our informant from the BKPD stated:

“when we look [at the situation], we see that the practice in Turkey is not like that. Without giving any right [to the first wife] to voice her opinion, without her even knowing about it, he goes and brings a second wife. There is nothing like this in Islam, in Islam, first it needs the consent of the first wife. Men just call their mistresses “second wife”. (..) It is important that the first wife is not unjustly treated and the second wife should also not be put at a disadvantage, she should have all the rights that the first wife also has. The first one is by official, the second one by religious marriage. If the husband dies the latter does not have any rights; that is bad for her. Therefore, the legislation may need to consider this reality. Those who want [to be polygamous] should be able to do so.” (BKPD)

The executive member of the Capital City Women’s Platform criticizes that many religious marriages do not comply with the Islamic laws of marriage and ignore the rights of women; an issue which was also brought forward by TDV. As a second point of criticism she points out that those women do not get legal rights as their marriage is not recognized by law. This is also reflected in recent years’ public debates on national TVs whether the state should recognize *İmam Nikahı* as a marriage, whether or not it leads to polygamy. Most of the respondents oppose polygamy; however, some stated their opinions in terms of defending the fact that the legal system should recognize polygamy and imam marriage because it is a lived reality in Turkey. For instance, the coordinator of the Women's Activities Centre of the Religious Foundation of Turkey (TDV-KFM) and the representative of the Capital City Women’s Platform – both themselves women – stated that as long as a woman consents to a second or third wife, a man can marry three or four women, and nobody including the state has the right to intervene.

“There are people accepting such a concept. This, I think, is not limited to Islam, Mormons also have polygamy; but what I consider essential here is that as a precondition the first wife must know and accept the second wife. I think that if a woman accepts this and can agree with respect to her inner, to her religious conviction, and then nobody has the right to intervene.” (BKPD)

“Polygamy is a reality. We think that if we legalize polygamy, everyone will go and marry three or five women... people cannot even marry with one. That is another fear in society. Working in the family office, we were confronted with very different cases. They encounter serious problems when they get children. I think that polygamy will decrease if it is legalized.

For example, a man is legally married to one woman, but has a child with another woman to whom he is married by İmam Nikahı. The latter comes to us and asked us “What will happen with my child?” There is no possibility to register it. He [the husband] has to choose one of the wives. We also favour this approach. It is the right way, monogamy is the essential one. Will you pay alimony to your official wife or find another agreement; that is your choice. The two wives need to be reconciled. If it was legal, the majority would stay away from polygamy; it is mostly misused in our society.” (TDV-KFM)

CHP, the leading opposition party while stressing the legal definition of marriage between two people, adds that:

“Turkish citizens and residents should not be allowed to marry legally more than one person at any given moment. This principle, however, should not be used as a pretext to criminalize or outlaw adultery.”(CHP)

- **Same-sex Marriage**

A legal recognition of homosexual marriages at the same time means the recognition of homosexuality/ homosexual identity. In the Turkish case, as also elsewhere, different discussions and reports show that this is a very sensitive issue with polarized opinions. The respondents in our research present varying attitudes changing from strict repudiation to clear acceptance. Looking at the majority of statements, it is apparent that homosexuality does not only face a lack of legal but also of social recognition.

Homosexuality is, for instance, harshly criticized by the representatives of TDV and Diyanet-Sen. They both see homosexuality and same-sex marriage as something dishonourable for humans and a disease. The term sickness is also used by MAZLUM-DER and DSP. The lack of offspring is given as reason for opposing same-sex marriages by the representative of DIB and the president of the Mihellemi Association. The representatives of the Jewish Community and of IPKV both consider homosexuality as a sin, but whereas the first one sees this as a reason to also disapprove of same-sex marriage, the latter points out that if the state decides the legalization of such a marriage, this should be respected as “[i]t would be wrong to deprive an individual of basic rights because of his/her sexual orientation.” (IPKV)

DSP presents a similar opinion and also the Patriarchate of Constantinople states support for a legal recognition by the state, while at the same time opposing a religious marriage as ‘meaningless’.

“I am not against setting up a contract between men, or women, there are also lesbians, to give them a legal status. But I find it meaningless that an imam or a priest confirms this relationship by a prayer. One of the prayers in Christian weddings is “according to your will, give as many children as possible to these young wife and husband”. How should I read this prayer? There is no possibility for it, I am also against them adopting children; it is not right for the child. But an official recognition is possible to ensure the rights of each other.”
(Patriarchate of Constantinople)

These statements show that among those rejecting or condemning homosexuality, some oppose religious marriage of homosexual couples because of what they see as religious or moral norms, but approve of or even support the state providing same-sex couples with a legal status in the name of individual human rights. Besides the above mentioned, DIVES and Syrians, limit their opposition on a ban of homosexuality to ‘from religious perspective’.

Avoiding taking any clear position, the heads of ADD and CYDD, who define themselves as secular, approach to homosexuality and same sex marriage more cautiously. They do not express strict opposition, but claim that the society is not ready to tolerate and respect such a marriage or relationship. An evasive answer is also given by the Democrat Party with “it is a difficult issue”.

“Homosexual marriages are a phenomenon only accepted after a long time even in Western countries. Our society would not accept this. I would be sad if my child had such a tendency, but at the same time I wish him/her to be happy but it is very difficult.” (ADD)

“Society is not ready for this. Same sex marriage is a little bit too much for us. Maybe homosexuality is a natural disposition. Nevertheless, even in Europe homosexual marriage struggled to be accepted.” (CYDD)

Clear support comes from EGITIM-SEN, representatives of the political parties CHP, MHP, EDP and BDP, the Capital City Women’s Platform and the five Alevi representatives. They all approve of same-sex marriage in a perspective of fundamental human rights.

“A person should have the right to live the way he or she wants to live. If I want to marry with a woman, I should be able to do so. What happens if they cannot marry? They live together anyways, but they do not have any official right towards each other. This means that we deprive them of their rights. That is what it is. In my opinion they should be able to marry.”
(BKPD)

“Turkey should take all necessary measures to act in accordance with the emerging global regime of fundamental rights and freedoms that emphasizes equal treatment of all human beings and prevention of discrimination and intolerance. Turkey, therefore, should take the necessary steps to legalize same-sex civil partnerships and ensure that same-sex couples enjoy the same rights and freedoms that heterosexual couples have.” (CHP)

It is striking how harshly some representatives condemn homosexuality, also those who concerning other questions present themselves as tolerant towards difference and wanting to promote the recognition of plurality and equal rights. Representatives of the main religious institution in Turkey (Diyamet) still did not approve the transcripts of their interviews, but the statements by the closely related members of the Diyanet Vakfi strictly condemning homosexuality as well as the refusal of the representative of the governing party AKP to answer this question is alarming.

WP4: Workplace

Article 5 of Turkish Labour Law No. 4857³⁸, Discrimination Convention No.111 and the Employment Policy Convention No.122 of the International Labour Organization prohibit the discrimination of employees for reasons of religion or belief. The law should protect employees against any discrimination on the basis of their beliefs, whether those beliefs are religious, philosophical or spiritual.

Employees are subject to the Regulation on the Dress Code of Personnel if they are employed by public institutions. They have to comply with the dress code outlined in that regulation. A section of this regulation states that they are not allowed to cover their head at the workplace³⁹. Dress code directives for staff in education institutions repeat this prohibition of covering one's head⁴⁰. Breaches of these regulations, that might at times be interpreted as extending to the way to and from work and to ID cards⁴¹, can be considered as reasons for dismissal⁴².

In private workplaces according to Turkish legislation it is at the discretion of the employers whether or not they give employees the permission to wear religious clothing at the workplace, to take time off for prayer, or to give leave on religious holidays other than the Muslim holidays recognized as official holidays in Turkey, but they are not obliged to do so. The employee has to respect the rules of clothing; the employer may impose on them, even if this is against the way of dressing in the individual's belief.

The 2010 report by Ius Laboris mentions that

“[a]t present there have been no published religious discrimination court cases on the basis of Labour Law No. 4857 (adopted in 2003). The main impetus and objective of the discrimination prohibition in Article 5 is to ensure harmonisation of Turkish legislation with European Union law, rather than the actual needs of employees for protection. For these reasons, claims made to the Labour Courts under Article 5 are expected to be very rare.”⁴³

³⁸ *İş Kanunu. Kanun No. 4857, 22 May 2003*, accessed November 16, 2011, <http://www.tbmm.gov.tr/kanunlar/k4857.html>; for the official English translation *Labour Law [Turkey], Law No. 4857, 22 May 2003*, accessed November 16, 2011, <http://www.unhcr.org/refworld/docid/4c446f4c2.html>.

³⁹ *Kamu Kurum Ve Kuruluşlarında Çalışan Personelin Kılık Ve Kıyafetine Dair Yönetmelik*, 1982, http://mevzuat.meb.gov.tr/html/17849_0.html.

⁴⁰ *Milli Eğitim Bakanlığı İle Diğer Bakanlıklara Bağlı Okullardaki Görevlilerle Öğrencilerin Kılık Kıyafetlerine İlişkin Yönetmelik*, 1981, <http://mevzuat.meb.gov.tr/html/52.html>.

⁴¹ Case of A. Kılınç (Danıştay 2nd chamber; case no 2004/4051, decision no 2005/3366) who was prevented from entering the school she was supposed to start working at because of not presenting an ID with bareheaded photograph and consequently dismissed from her position.

⁴² Eg. Case of Z. Zeybel (Danıştay 8th chamber; case no 1998/5912, decision no 2000/4951) and case of K. Sönmez (City of Sakarya 2nd Administrative Court; case no 2001/14, decision no 2001/2854) a telephone operator at university and a primary school teacher, both dismissed for wearing a headscarf at their workplaces.

⁴³ Ius Laboris, *Religious Discrimination in the Workplace*.

Media articles, different reports and researches, suggest less a lack of need of protection against discrimination but rather that only a few groups actually apply to courts for claiming their rights and for conflict resolution. As already mentioned in the introductory explanations, solving conflicts out of court using personal relations is more common in Turkey and seems to be the first choice of most persons confronted with discrimination. Two examples for court cases relating to faith based discrimination apart from above mentioned headscarf-issues are listed by a report by Bilgi University⁴⁴: Dr. Müslüm Doğan was dismissed from his position as doctor. Claiming that he was dismissed for wanting to improve health services for Alevis, Doğan filed a lawsuit. Sema Nur Tokmaz filed a lawsuit for being insulted and physically attacked because of being an Alevi by her boss who was encouraged by the director of the hospital she worked at. Another example is Taylan Çakır who filed a complaint for being dismissed from the tutoring institute he was working at after speaking up against distributing prayers to students and verbal insults against Alevis. The difficulty in such cases seems to be proving superiors' discriminatory attitude and that a certain action was linked to one's religious identity. In the case of Çakır, his former employer filed two lawsuits against him for defamation, showing that complaining against discrimination carries a certain additional risk for victims of discrimination.

The questions asked to the respondents nevertheless concern more general attitudes towards selecting employees than actual legal procedures and implications.

4.1 Religious Background or Religious Affiliation as a choosing criterion in the employment process

We asked our respondents whether or not religious background or affiliation should be considered as a criterion in two different cases: in one the employer is a religious group, and in the other the employer is within the private sector. Regarding both cases, the opinions were clustered around three arguments: (1) those who are completely opposing the consideration of religious background/affiliation as a criterion, (2) those who accept only if the job-definition is directly related to religious practice, and (3) those who accept this practice under the principle of freedom of choice on part of the employer.

⁴⁴ Kayabaş and Kütküt, *Türkiye'de Din Veya İnanç Temelinde Ayrımcılığın İzlenmesi Raporu*, 20–21. The second case is also mentioned by a member of the parliament in the session of 5 Nov 2009:

http://www.tbmm.gov.tr/develop/owa/Tutanak_B_SD.birlesim_baslangic?P4=20483&P5=H&PAGE1=1&PAGE2=49

- **Discrimination in any case**

The representative of CYDD completely opposes religious background/affiliation to be considered a factor in any process of choosing employees. In her opinion this is an unacceptable act of discrimination:

“Such a thought creates discrimination; it is not acceptable.” (CYDD)

DSP and MAZLUM-DER also oppose such a practice as discriminatory, the latter stating that their association is confronted with complaints not only by members of minorities of not being employed because of their identity but also women wearing headscarves, who are refused positions because of their headscarf.

“The freedom of expression of every belief group is not only a right but also a responsibility. What is this responsibility? The only way, the state might intervene is to impose the idea that different groups should live peacefully next to each other. The state should not allow any campaigns like “let’s not buy from Jews”. In a climate of tolerance such a problem would not occur, but today’s situation is harmful to our pluralistic structure, it splits up our society.” (BDP)

- **Acceptable if directly connected to religious practice**

Some of our respondents distinguish between jobs directly connected to the religious practice of a religious group where a requirement of belonging to the respective faith might be acceptable, versus other jobs offered by the respective groups, such as secretary, driver, IT support, cleaning personnel, etc. for which positions the only requirement should be respect to the community. (AL-EN, ABF, AKP, DIB, DIVES, Jewish Community, Patriarchate of Constantinople)

“This question needs to be explained in different aspects. Employing a religious attendant might be handled different from employing an IT-technician by a church association.” (AKP)

“Concerning religious services, institutions should of course have the right to chose. An imam must not be appointed to a church and a priest not to a mosque for example. But apart from this, the principle of employment should not be religion or ideology but qualification. All persons living in this country should have the same access to employment.” (DIB)

“Such a practice is acceptable as long as the work is directly concerned with the religious group, i.e. personnel of cemeteries or churches; but not as general criteria at the labour market. Especially in public institutions choosing according to religion would be discrimination and needs to be prevented by the state.” (AL-EN)

The head of Diyanet’s Foreign Department further extends, that employing only persons from ones own faith and closing the labour markets for others would bring a danger of proselytism, inciting unemployed persons to convert in order to get a job.

Alevi Associations, the Patriarchate of Constantinople and the Jewish Community emphasize that in their associations, members of other faiths are also employed.

“We do not make a difference; of course the situation of religious personnel is not the same as of a secretary or a driver. A person fulfilling religious duties must of course be respectful to our belief, to our religion and someone who accepted and approved our religion. For a secretary or cleaning personnel, as long as they are respectful to our religion, everybody can work and as a matter of fact we have many people from other religions working in our institutions.” (Jewish Community)

“In a place that requires specialists I disapprove of an “only from one religion” regulation. It would also be against Christian philosophy. We cannot say “we only employ Christians here”. But we want persons who have duties in our religious services to be Christian. Our gardener for example is Ali Bey, an Alevi. We were looking for a gardener, not specifically for an Alevi gardener – he is a hardworking friend and we like and respect him very much. Those in the kitchen are all Muslim, from Bolu. One of our electricians is Muslim, from Adana. Nevertheless, working with persons who do not show respect for religious issues causes difficulties.” (Patriarchate of Constantinople)

- **Acceptable as part of freedom of choice**

Most of the respondents find religion as a choosing criterion for employment in FBOs acceptable. The main reason behind this seems to be a consideration for the general work environment, that people belonging to that particular religious affiliation/background would be better fitting in that particular job.

“If this is not used as a reason for discrimination in practice, then the employer as well as the worker should be able to work in an atmosphere that suits them.” (Mihellemi)

This being the case, however, for the prevention of discrimination, EGITIM SEN emphasizes the role of the state as balancing instance ensuring equal opportunities for all citizens:

“Faith based organizations should have the right to chose the persons they employ if their faith requires so. But the state in such a case needs to take balancing measures against situations creating discrimination and unjust treatment.” (EGITIM-SEN)

In accordance with the general attitude presented in other responses, the representative of TDV stresses that the state should not interfere with the rights and freedoms of the individual. Thus employers should have the right to choose employees according to their religion. He backed up this argument with historical references to the Ottoman practice:

“I think it should. This was common in the Ottoman era. Qualification/Suitability was important when a Catholic employer, a Muslim employer chooses the personnel. The important thing is to not measure people according to their religion but according to their work.” (TDV)

“A priest in a church should of course be a graduate from a priest seminar. Concerning other services, technician, plumber, driver, there shouldn’t be an intervention. The state should not impose anything; the civil society organizations should work with those who they think can provide them with good services.” (DIYANET SEN)

The Capital City Women’s Platform points out that such a practice openly exists in other countries, but in Turkey expressing that one is looking for an employee of the same faith is not even dreamt of. In her opinion a more tolerant approach would help diminish discrimination at the labour market against women wearing headscarf who are only reluctantly employed as employers are afraid of being associated with Islam.

“In my opinion it should be allowed. Why shouldn’t it? When I first went to Australia in 1992 and looked for job-announcements in the newspaper, it attracted my attention that in a very natural way, Catholic schools were looking for Catholic teachers and Protestant schools were explicitly looking for a Protestant teacher. That was the first time that I encountered something like this. In Turkey we would not even dream about it, especially at those times. True, I do not know, what would have happened here. Women are not employed because of their headscarf, because employers want to avoid being considered as part of the “green

market” [market dominated by some religious powerful Sunni groups]. Their wives might cover their heads, but they do not want to employ women wearing headscarf and if they do just for the kitchen, for work in the background. In the visible part, there are more miniskirt-women. Think about how obstructive this is!” (BKPD)

“Me for example, because of our disadvantaged position, I would first of all look whether he/she is Armenian. This cannot be called discrimination. This is a desire to work together with persons who are similar to oneself. ... As long as it is not too extreme, I am not against it. ... For example some businesses close on Friday for two hours for Friday prayer. What about Christians there, about their needs? What should they do? If some persons want to be together with other persons of the same faith, then this should be respected.” (Armenian)

“As long as inequality and distrust persist, everyone will have to show a defence reaction. As a Christian oppressed for years in a Turkish and Muslim country, I would not adventure myself into employing a Sunni.” (Syrian)

The representative from CHP stresses that if the FBO’s are not funded through public funds, they should have a freedom of choice in their employment practices:

“Faith-based organizations who do not receive any public (state or municipal) funding, and who provide non-profit services of a religious nature should have the right to employ adherents of their respective faith.” (CHP)

- **Religion as a criterion for employment in state offices**

Some of our informants referred to the employment procedures of the state offices. In such instances they were against the inclusion of religious background/affiliation as a criterion for employment, and it should not be permitted.

“In the employment of persons working in the state administration or in state offices the qualifications of persons definitely need to be considered.” (MHP)

“In regard to the principle of plurality and impartiality, state institutions should not consider religion.” (TDV-KFM)

At the same time, the president of ADD explains that in such institutions *“being close to religious communities and having the same religious point of view is more important for career than qualification. And that even as state policy.”*(ADD)

“We think that first of all, we should fight the discrimination in state institutions and afterwards in the private sector.” (MAZLUM-DER)

- **Religion as criteria for employment in the private sector**

The follow-up question asked the opinion of our respondents in terms of religion being a criterion in choosing whether or not an individual is employed in the private sector. In accordance with the answers stated above, some respondents approve of such a practice, some approve of it under certain circumstances and some completely oppose such a practice as discriminatory.

Additionally aspects that were brought up concern economic factors and transparency: the representative of the Mihellemi association correlated the “suitability” of the workplace with the efficiency of the company, therefore bringing an economic argument in favour of choosing employers not only according to their qualification but also whether their ideologies, philosophies or religious convictions suit the working environment. The member of MHP adds, that however an employee is chosen, the company has to carry the consequences if he/she is not suitable.

“If they believe that this way they will be more effective, I do not see any harm.” (Mihellemi)

“For their own private companies the state should not intervene. If we look at it from economic side, there is a gain or loss relation. If they find a suitable person considering the belief, it is them, who will profit, if they do not, it is again them who will have a loss.” (MHP)

“Our religion says “give work to your people [ehl]”, therefore it is important to employ your people and at the same time not discriminate against others. If there is such a religious practice, they might want to employ persons belonging to their own religious or faith group.” (DP)

“In my opinion the state should not interfere much in such matters; it should also not be exaggerated. People will not be unemployed just because of this. It is not necessary to turn everything into paranoia.” (TDV-KFM)

The Turkish Diyanet Foundation defends the position that if a company is funded by a religious group, it should be allowed to employ according to their preferences. Explaining that a

practice of choosing employees according to their religion or belief already exists anyways, the Capital City Women's Platform, approves of the possibility to openly state if an employer is looking for someone of a specific faith, as this would increase transparency.

“Isn't it better if they say this openly? “No, thank you, I want to work with people from my own faith”. Isn't this more honest? Now they also do it, but do not say it openly. The result does not change at all, they will not employ a person they don't like. The same is true for politics: rightists do not want to work with leftists, and leftists do not want to work with rightists. In bureaucracy it is again the same. Therefore I think that something existing anyways would become more transparent.” (BKPD)

The IPKV, the Jewish Community, ABF, DIVES and DSP expressed their opposition for religion as being considered as a criterion for employment in the private sector. They join the viewpoint of ADD labelling such a practice as discrimination in this case.

“I do not approve of this. As long as it is not about synagogues or churches, I think this is not acceptable. Private institutions should not be allowed to do so, they should choose according to job-related criteria.” (IPKV)

“This is contrary to our constitution and laws and a crime; this is discrimination. We do not find it correct and we do not approve of it.” (Jewish Community)

“Although [employing only adherents from ones own faith] might seem an innocent statement at first view, it is an unacceptable demand.” (DIB)

“This is discrimination, exclusion and dividing society. By creating discrimination among citizens, you will divide society. In Turkey such hospitals, factories, workplaces exist. An Alevi citizen faced such discrimination last year in Inegöl/Bursa. The headmaster of a school told the teacher “you are a good teacher and your students like you a lot; but we cannot renew your contract because the other teachers say that they do not want to earn money from the same budget as an Alevi ... They can directly say things like this ... Or Telekom [Turkish Telecommunication Group] opens a course in Erzincan to educate officers who will afterwards work all over Turkey. Within the first week, as soon as it is understood that some of the apprentices are Alevi, they are dismissed right away. Such practices are not only found with private companies – state institutions do the same. There are many examples.” (ABF)

“It might be prohibited for persons who are not directly involved in religious services. For special cases there might be permission.” (Patriarchate of Constantinople)

Instead of correlating religion as choosing criterion and discrimination, the AKP-member differentiates between them:

“An employer in the private sector should be able to employ whoever they want, but they should not just do it for pleasure. If there is discrimination the state should intervene and the individual should demand his or her rights.” (AKP)

“The state should not interfere in such issues. Many people with different roots live in Turkey, if we distinguished between them, how could we live together? You cannot separate society into Kurdish citizen, Turkish citizen, Circassian citizen; you should not split them into those wearing headscarf and those not wearing headscarf.” (DIYANET SEN)

- **Dilemma between discrimination and freedom of choice**

As in the citation by the representative of AKP above, several members advocating that employers should have the right to choose their employees freely, at the same time state that there should be no discrimination, but there seems to be no clear rule where freedom ends and discrimination starts.

“It is difficult to answer this question. I think there are two different perspectives. On the one side the employer might want to employ the person he/she wants to work with. The preoccupation is to increase the profit or quality of the work. Maybe if the employer chooses according to qualification, he/she would employ someone from a different religion or belief. On the other side, employing according to the religion or belief of a person is discrimination.” (DP)

“Freedoms are not without limit. Employing personnel according to religious conviction is not acceptable. Belief groups do not have the right to define the economic space only according to their values and criteria. In such a case, the state has to intervene. Other religions and beliefs also do have the right to exist. Therefore, religious freedom and discrimination need to be separated. Maybe these two got mixed up in Turkey. In Turkey we do have freedom of belief. Some people complain that they do not enjoy freedom of belief in this country because the state is not structured according to their belief – but such an

understanding does not mean freedom of belief, it would render the state ineffective. This would not mean freedom of belief but dominance. Whether private or public sector, if you do not employ some people because of their belief, this means that you deprive them of the right to live their lives.” (DSP)

- **Difficulties in employing religious personnel**

In Turkey, some religious groups are not allowed to train their religious personnel, as religious schools and training facilities are either not allowed or cannot feasibly function within the existing system. These groups commonly send their members abroad for higher religious training or choose to employ foreigners. Concerning the latter, the Istanbul Protestant Church Foundation reported bureaucratic obstacles in obtaining an accepted legal status for religious personnel. CHP believes that legal solutions for such problems should be provided.

“If we want to employ a religious person [priest], we have to employ foreigners, as our local friends here are not able to reach the necessary level of education, but the labour regulations are very restrictive. A foreign family giving voluntarily religious services in Izmir for example was deported from Turkey as they did not have a work permit. If you do not accept the concept of voluntary work, then you have to make the access to the labour market easier.” (IPKV)

All human beings, whether they are Turkish citizens or not, should have the right to provide or receive religious services within their religious communities. Those who want to be gainfully employed by their religious communities to provide religious services in Turkey should have relevant work and residence permits. The provision of work and residence permits should not be carried out in a manner that is discriminatory to minority groups.” (CHP)

4.2 Religious symbols in state offices

Religious symbols in offices representing the state are mainly seen negatively and interpreted as a sign of the state favouring one part of society, thus contrary to the principle of equality and same treatment of all citizens.

“This is against the principle of laicism. This situation is also not conforming to the founding philosophy of the republic.” (Jewish Community)

“Permitting the public use of religious symbols, would mean that the state favours one religious group; but as a personal choice, without the aim of displaying oneself, it should be the freedom of the individual.” (IPKV)

The Chairman of the Mihellemi Association sees an increased tolerance towards and acceptance of difference as a precondition for a change in the legislation restricting the use of religious symbols, especially the headscarf.

“I do not think that people in Turkey are ready for this yet. In Turkey such things might be easily used for provocation. First the paradigm of respect towards difference and accepting others as they are, needs to be accepted by the people. Once this is achieved, everyone should be able to use whatever symbol or arguments wherever they want.” (Mihellemi)

“If you ask symbols in general; me and my family wear crosses, this cross is either visible or invisible and it shows my religion. I consider it my right to wear this cross in and outside the public. If I go for a hearing to court, I would not want them to tell me to take off my cross. But I find it unnecessary to display religious symbols in the institution.” (Patriarchate of Constantinople)

“In my opinion it should be possible to wear the turban freely. However, in some places, especially in security and health state institutions, it should not be allowed to wear religious symbols such as cassock, turban or other religious head-covers.” (AVF)

Hinting at the political and legal developments towards a loosening of the headscarf ban in education institutions and state offices, the respondent of AVF predicts that one day headscarf will be allowed everywhere:

“However much we say “you will not be able to not work as a judge or a public prosecutor”, we will see that they will work in all these positions.” (AVF)

“As long as it does not alienate other people, everyone should be able to freely use the public space.” (BDP)

“In the context of religious freedom, state officers should be allowed to wear a headscarf in state offices.” (DIB)

WP5: Public Space

5.1 Religious Education at Public Schools

One of the most controversial issues in Turkey is the question of religious education by the state. The reason is clear; while the state has a secular structure, the majority of the population is Sunni-Hanefite Islam and their religious needs must be met. Because of this irony, religious education has become a serious question, and this situation has been harshly criticized by religious minority groups in the history of the Republic of Turkey.

An education reform in 2012, increased compulsory education from eight to twelve years⁴⁵ Concerning religious education, the constitution provides that *“Education and instruction in religion and ethics shall be conducted under State supervision and control. Instruction in religious culture and ethics shall be compulsory in the curricula of primary and secondary schools. Other religious education and instruction shall be subject to the individual’s own desire, and in the case of minors, to the request of their legal representatives.”*(Article 24)

From 4th to 12th grade, Religious Culture and Knowledge of Ethics classes are compulsory for all students, except for children of parents who are officially registered as being Christian or Jewish, meaning that children of atheists, agnostics, not registered Christian and Jews, Islamic faiths other than Sunni-Hanefite Islam and other religious groups are obliged to take this class. Its content is prepared by the Ministry of Education and mainly based on the State’s interpretation of Sunni Islam. This particular issue is currently debated and causes a wide range of criticism⁴⁶. End of 2007, the ECtHR found the compulsory classes a violation of article 2 of Protocol no 1 (Hasan and Eylem Zengin v. Turkey; 1448/04; Chamber judgment 9 October 2007), not agreeing with the State’s argumentation that it is a class providing objective, general knowledge on (Muslim) religion. “Having examined the Turkish Ministry of Education’s guidelines for lessons in religious culture and ethics and school textbooks, the Court found that the syllabus gave greater priority to knowledge of Islam than to that of other religions and philosophies and provided specific instruction in the major principles of the Muslim faith, including its cultural rites. While it was possible for Christian or Jewish children to be

⁴⁵ *İlköğretim ve Eğitim Kanunu ile Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun*, Law no 6287, 30.03.2012; and Directive no 2012/20, 09.05.2012.

⁴⁶ Recep Kaymakcan, “Religious Education in Modern Turkey in the Context of Freedom of Religion or Belief,” in *Teaching for Tolerance and Freedom of Religion or Belief. Report from the Preparatory Seminar Held in Oslo December 7-9, 2002* (Oslo: Oslo Coalition on Freedom of Religion or Belief, 2003), 50–55.

exempted from religious culture and ethics lessons, the lessons were compulsory for Muslim children, including those following the Alevi branch.”⁴⁷

For the school year 2011-2012 substantial changes in the textbooks were promised, meaning a more inclusive presentation of Islam, including information on for example Alevis and Caferis.

After an examination of the parts on Alevi faith in the new textbooks that were just made public at the opening of the school year, member of the parliament Hüseyin Aygün stated that “so many mistakes cannot be explained by innocence”⁴⁸. Aygün prepared a detailed list of sections that misrepresent or defame Alevi belief in the current textbooks in his “Alevis and AKP” report⁴⁹. A similar critique of text book contents was voiced by the Assyrian Christians (Suryanis) referring to history books, where they were presented as being against the state⁵⁰. Whereas a wider scope and improved inclusiveness of what is taught in classes, might be a first step,

“[s]olving the problem of violations of freedom of religion or belief in the education system is not just a matter of changing textbooks and curricula. The attitudes of teachers and conditions in the classroom are crucial in addressing the issue. If these reflect respect for everyone's freedom of religion or belief, the education system can become a powerful factor in addressing issues of human rights and tolerance in Turkish society. Turkey has to seriously rethink the role of the state in providing religious education (and other religious functions such as those of the Diyanet) to be in line with ECtHR judgments obliging the state to remain neutral and impartial.”⁵¹

Above mentioned reform of the education system furthermore provided for additional elective courses with religious content: with the educational year 2012/13, “the Life of the Prophet” and “Quran” started to be offered as elective courses in all schools from grade 5 on. Although those classes are declared as elective, scepticism was voiced on its implementation. Points of critique mentioned by parents are on the one hand that group-pressure would not allow for other choices and on the other hand that schools announced that there are no available teachers for most elective courses and with this claim reduced the choice to religious courses. According to a spokesperson from the Ministry of Education, “Quran” ranked third among the elective courses after “Mathematics” and “Foreign Language”⁵².

⁴⁷ European Court of Human Rights, Press Unit, “Factsheet - Freedom of Religion,” November 2012.

⁴⁸ Akşam, “Kitapta Alevilik tanımı yanlış” (Ankara, September 27, 2011).

⁴⁹ Hüseyin Aygün, “*Alevis and AKP*” Report (Ankara, 2011), 3ff.

⁵⁰ haberler.com, “Deyrulzafaran Manastırı’ndan Ders Kitabı Açıklaması,” February 10, 2011.

⁵¹ Mine Yıldırım, “Turkey: Education Should Facilitate, Not Undermine, Freedom of Religion or Belief,” *Forum 18 News* (May 1, 2011): 5.

⁵² Hürriyet, “En Çok Matematik Dersi Seçildi,” September 25, 2012.

In the sociological research carried out before this reform, the content of the Religious Culture and Moral Knowledge class and the fact that it is compulsory for all seems to be one of the basic tensions in terms of family law, as many of our respondents stated their concerns related to the upbringing of children in the family.

The major points of discussion and disputes brought up in the interviews are

- 1) the fact that these classes are compulsory,
- 2) they focus almost solely on Sunni-Hanefite Islam, and promote Sunni-Hanefite sect to the young ones and
- 3) there are no alternative classes teaching religion/religious training provisioned in the official curriculum for religious groups other than Sunni-Hanefite.

The main demand therefore is to make religious education optional. Furthermore, the content should be changed to fit the name of a general religious knowledge and ethics class and/or to offer additional religious classes based on other religions and beliefs and created by the respective communities if they wish that their children learn about this religion or belief. The fact that these classes are part of the state schools' curriculum, and they are paid by the taxes collected from all belief groups within the country presents another significant basic tension, which will be discussed under WP6, State Funding.

- **Religious classes should not be mandatory**

Almost all of the respondents agree that religious classes should not be mandatory. Although the majority religion in Turkey is Islam, Turkey presents a great diversity in terms of religions and beliefs that should be respected in the education system.

“The Religious Culture and Ethics classes should not be compulsory. There should be other options for students and parents. The content of the course should represent plurality of the country. This current course represents just the theology of Sunni-Hanefite perceptions. But there are other religions, beliefs in Turkey.” (AVF)

“In our opinion, this class should not be compulsory, the content should be prepared by the belief groups [...] and the state should not have the right to question it. If the state is a laic state, then it should not impose its own curriculum.” (BDP)

CHP's representative is of the opinion that compulsory religious education not only should be elective, but also the content should go under significant changes:

“Compulsory religious instruction is against human rights and confessional freedoms. A similar view is also pointed out by the European Court of Human Rights in the Hasan & Eylem Zengin case. The Turkish state should immediately take necessary measures to comply with the Court's decision. I believe that the current course should be replaced with a secular and non-sectarian ethics course. All religious communities should be allowed to teach their faith in elective courses. They should have the right to decide on teachers and textbooks in these elective courses.” (CHP)

For members of recognized religious minorities in the Lausanne Treaty, it is possible to apply for an exemption for their children from religious classes. Nevertheless, as in other issues mentioned above, there are problems in the application of this policy, as the statement by the representative of the Istanbul Protestant Church Foundation shows:

“The Turkish Union of Protestant Churches Association prepares a report on this issue every year. (...) Not sending the children to religious class causes problems. Nobody should be forced to openly announce his or her religion, or even worse, the religious teacher makes the students say the kelime-i şehadet⁵³; or forces them to participate in the courses. They also threaten to make them fail the class.” (IPKV)

- **“Religious Culture and Ethics” classes should be more inclusive**

The respondents stated that although the name of the class is ‘Religious Culture and Ethics’ its curriculum focuses only one religion and one sect of it, Sunni-Hanefite sect in Islam.

“What is criticized is not the class itself but its content. [...] The main problem was to not prepare a suitable curriculum for the class, to not include other religions and faiths and general ethical values defining a good person. Today's structure of the class presents a religious class based on Sunni belief, where the students are often even brought [to mosques] to practice this belief. That's what some citizens criticize and some parents filed complaints at national and international courts that decided in their favour. Therefore, we think that either

⁵³ The statement in Sunni Islam vowing ones acceptance of the faith, in Arabic.

the 24th article of the constitution needs to be adjusted or the content of the class needs to be changed to suit its name.” (DSP)

“The curriculum of Religious Culture and Moral Knowledge classes ignores principles of plurality and objectivity. However much it pretends to not only present one view; the religious education class, taking reference to the words of the Prophet and the Quran, propagates the Islamic understanding of God as the only truth and explains other religious groups and beliefs out of this understanding. Throughout the Ottoman era, the general aim of education was to get “good Muslims”, “good vassals”. The only explanation why this mentality, which leads to assimilation, continues protected by the constitution into the 21st century can be that the aim is creating obedient instead of modern, productive and critical individuals.” (AKD)

At the time the interviews were carried out, the textbooks for the 2011/12 school year had not been published, therefore caused some concerns about how religious groups other than Sunni-Hanefite would be presented:

“When we come to religious lessons, we do not have new religious lessons books yet. We will see its content when the schools open on September 19, 2011. We hope that the content of the textbooks for the compulsory Religious Culture and Ethics lessons will present a more positive attitude towards Alevis.” (AVF)

“The state confuses something here; religious education and information on religion in general got mixed up.” (MAZLUM-DER)

- **Alternative Religious Education Classes**

According to the representative of BKPD ideas and demands of belief groups and parents should be taken into account when curriculum is prepared. She suggests that in every public school there should be different classes according to parents’ demand or a universal class on religious culture, moral knowledge, and history of religions, which covers all religions and belief groups:

The name is Religious Culture and Ethics, but the content again is mostly on Sunni Muslim practice, as far as I know the others are only mentioned superficially in the curriculum. In my opinion there should be a religious course, because it is acknowledged in most parts of the world now, and I also agree with this idea, that whatever form belief takes (maybe except for Satanism, I don’t know) it keeps humans away from bad and harmful habits and therefore

protects for example from AIDS. But it is the very right of parents that their children get education on the religious system they want. Therefore in every school there should be different classes according to the demand or a really very universal class on religious knowledge, somehow ensuring an “umbrella education”. (BKPD)

A similar claim is made by the TDV-KFM proposing a differentiation between a very general class on history of religions and ethics that could be mandatory and a more practice oriented, faith specific class for those students whose parents want them to get religious education.

Notwithstanding the critics voiced by most of the respondents, supported by among others the ECtHR judgment, the head of Diyanet’s Foreign Department considers the current Religious Culture and Knowledge of Ethics class as comprehensive and inclusive, but proposes additional faith specific religious education classes, where students can learn about and practice their belief:

“In this class the students do not only learn about the religion and culture of Islam, but also about Christianity, Judaism, Buddhism, Hinduism, etc and different denominations present in Turkey like Caferis and Nusayris or traditions of mysticism [tasvvuf] like Alevism. It provides them with information on main religious and cultural traditions in Turkey and worldwide, information that is as necessary as mathematics, physics, and social sciences. Therefore I think that like maths, physics and social sciences it should be part of the mandatory curriculum. A part from this class, we should consider specific classes on Islam, Christianity, etc provided on students’ demand. There should be a possibility for parents who want their children to learn more about their religion to choose such additional classes.” (DIB)

- **State Control of Religious Education**

The representative of the Turkish Religious Foundation (TDV) states that the state is responsible for teaching religion in a “right” or “correct” way to the pupils. Concerning religious education, the state has to ensure that the “right” religious education is given and not individual interpretations. As such, there is only one interpretation of “religion”:

In my opinion some persons do not know the essence of religion. Religion needs to be taught in a very clear form. If the state does not teach this, others will come to teach. They will say: “This is what I understood”. And they will teach it that way. I think that needs to be prevented. (TDV)

Members of some secular groups also defend that the state should control what is taught, but their argumentation is not based on a fear of endangering the “true” understanding of Islam, that those close to the Diyanet presented, but rather on a fear that powerful religious groups would teach more radical Islam. Thus, there seems to be two camps of argument: one side defends that if the state does not control the content of classes on religion there would be a decomposition of “right” Islam, whereas the other side predicts that the general attitudes would shift towards a more conservative, fundamental version of Islam, towards *sharia*. Therefore, although for different reasons and perceptions, both sides seem to be defending the position of the state in providing and controlling classes in school curricula.

“As a state we are afraid of teaching something. We want them to learn only within the limits that we decide and that we can control. First, you do not provide a chance for a free development of the personality and then you wonder why their personality is not developed.

Religious communities institutionalize even if the state does not want, even if the state provides one specified religious education. As citizens would express it: Would I not want my child to become a hafız [somebody who knows the Quran by heart] just because the state does not want it? Would I not teach the Quran to my child just because the state does not want it, forbids it? That is nonsense! As far as I know there will be a legal solution these days. A fear that afterwards everyone will make their children learn the Quran by heart in primary school is ridiculous and misplaced.” (TDV-KFM)

5.2 Dress code and religious symbols – The “Headscarf issue”

A first legislation to regulate dress was the Headgear Act of 28 November 1925 (Law no. 671), in the very first years of the Turkish Republic, which treated dress as a modernity issue and a few years later the Dress (Regulations) Act of 3 December 1934 (Law no. 2596) banned the wearing of religious attire other than in places of worship or at religious ceremonies. In this context, “unveiling marked the commitment of women to the republican reforms particularly to its new secular regime, principles of gender equality, and development, hence became the sign of western modernization while veiling was the sign of the rejected Ottoman past”⁵⁴.

⁵⁴ Gül Çorbacıoğlu, “Feminist Discussions on the Headscarf Problem in Turkey: Examination of Three Women’s Journals” (METU, 2008).

Although regulations on headscarf have been an issue for decades, they turned into heated discussions especially after the military intervention of 1980, when a regulation imposed by the military “prohibited employees while on duty in public agencies, offices, and institutions from wearing, in the case of men, moustaches, beard and long hair, and in the case of women, miniskirts, low neck dresses and headscarves”⁵⁵. In 1989, the Constitutional Court decided that wearing a headscarf in educational institutions is contrary to secularism and thus to the constitution⁵⁶ and confirmed this in 1991: “In institutions of higher education, it is contrary to the principles of secularism and equality for the neck and hair to be covered with a veil or headscarf on grounds of religious conviction. In these circumstances, the freedom of dress which the impugned provision permits in institutions of higher education ‘does not concern dress of a religious nature or the act of covering one’s neck and hair with a veil and headscarf’”⁵⁷. Special importance in arguing for the headscarf ban is attributed to decision on the Leyla Şahin v. Turkey case by the ECtHR⁵⁸. The Court ruling specifies the background of the Islamic headscarf in education facilities as

“a recent phenomenon which only really began to emerge in the 1980s. (...) Those in favour of the headscarf see wearing it as a duty and/or a form of expression linked to religious identity. However, the supporters of secularism, who draw a distinction between the *başörtüsü* (traditional Anatolian headscarf, worn loosely) and the *türban* (tight, knotted headscarf hiding the hair and the throat), see the Islamic headscarf as a symbol of a political Islam. As a result of the accession to power on 28 June 1996 of a coalition government comprising the Islamist Refah Partisi, and the centre-right Doğru Yol Partisi, the debate has taken on strong political overtones. The ambivalence displayed by the leaders of the Refah Partisi, including the then Prime Minister, over their attachment to democratic values, and their advocacy of a plurality of legal systems functioning according to different religious rules for each religious community was perceived in Turkish society as a genuine threat to republican values and civil peace.”

In consideration of the national context, the ECtHR ruled that “the regulations on the Islamic headscarf [...] pursued, among other things, the legitimate aim of protecting order and the rights and freedoms of others and were manifestly intended to preserve the secular nature of educational

⁵⁵ Olson, 1985: 163 in: Ibid.

⁵⁶ Decision by the Constitutional Court published in the Official Gazette of 7 March 1989.

⁵⁷ Decision by the Constitutional Court published in the Official Gazette of 31 July 1991.

⁵⁸ Case of Leyla Şahin v. Turkey (Application no 44774/98), Judgment (European Court of Human Rights 2005).

institutions.”⁵⁹ In 2008 the Constitutional Court once more upheld the ban of headscarves at universities.⁶⁰

In the last few years the political discourse has changed significantly. Currently, students wearing a headscarf are not prevented from entering university. The announcement by the Council of Higher Education (YÖK) recommends not preventing students wearing headscarf from entering campus or classes. In September 2012, the 4th Criminal Court of Izmir convicted a university professor to two years and one month prison sentence for blacklisting students wearing a headscarf and preventing them from attending classes, thus violating their right to education.⁶¹ The professor appealed the decision.

According to the information by the Ministry of National Education, the headscarf is prohibited at schools, except for *Imam Hatip Schools*, where female students are allowed to cover their head during Quran courses.⁶² In practice, however, as İren Özgür who did her PhD on Imam Hatip Schools states in an interview, most female students and teachers wear a headscarf at those schools and this situation is widely tolerated.⁶³ With the new Regulation on the Dress Code in Schools attached to the Ministry of National Education published November 27, 2012, female students are explicitly allowed to cover their head during Quran courses in regular public schools and during all courses in Imam Hatip Schools⁶⁴.

The Education and Science Employee Union, or Eğitim-İş, filed a criminal complaint in 2010 against the Higher Education Board, or YÖK, over its move to allow students wearing headscarves to take national exams. In its petition to the court, the union objected to YÖK’s revision of its booklet on the ALES (Academic Graduate Education Exam). The new version no longer included a statement banning students from wearing headscarves during the exam.

Applying to annul the move, Eğitim İş said the change contradicts decisions issued by the European Court of Human Rights and Turkey’s Constitutional Court and Council of State, as well as national regulations on the issue.

The Council of State’s 8th Department halted the execution of the regulations with a consensus decision. The decision said the regulation doesn’t have any judicially accepted basis. YÖK objected to the decision of the Council of State in February.

⁵⁹ For criticism of the Ruling see p.e. Fatma Benli, *European Court of Human Rights Under the Light of Leyla Şahin Decision* (Istanbul: Akder, 2010).

⁶⁰ Human Rights Watch, “Turkey: Constitutional Court Ruling Upholds Headscarf Ban,” *Human Rights Watch*, May 6, 2008, <http://www.hrw.org/news/2008/06/05/turkey-constitutional-court-ruling-upholds-headscarf-ban>.

⁶¹ HABERTÜRK, “Pekünlü Profesöre Hapis Cezası!,” September 13, 2012.

⁶² Information communicated to us through a phone conversation, 01.12.2011.

⁶³ Milliyet, “İmam Hatiplere Ağır Misyon Yükleniyor,” September 16, 2012.

⁶⁴ Milli Eğitim Bakanlığına Bağlı Okul Öğrencilerinin Kılık ve Kıyafetlerine Dair Yönetmelik; Official Gazette no 28480 published on November 27, 2012.

In July, the Council of State approved YÖK's objection, therefore female students are now allowed to enter those exams wearing a headscarf.⁶⁵

In regard to religious dress other than the headscarf, the ECtHR judgment of 23 February 2010 (Ahmet Arslan and Others v. Turkey - 41135/98) found the conviction of 127 members of a religious brotherhood because of wearing religious gear in public space a violation of Article 9.

“The Court found a violation of Article 9, holding in particular that there was no evidence that the applicants had represented a threat to the public order or that they had been involved in proselytism by exerting inappropriate pressure on passers-by during their gathering. The Court emphasised that in contrast to other cases, the case concerned punishment for the wearing of particular dress in public areas that were open to all, and not regulation of the wearing of religious symbols in public establishments, where religious neutrality might take precedence over the right to manifest one's religion.”⁶⁶

Most of our respondents mentioned headscarf as one of the main religious symbols, and it is very much interlinked with the dress code in the public sphere. The attitude of different groups and the state towards headscarf in public space caused extensive ongoing discussion mainly between secularists, liberals, and conservatives. As the issue is not, as a respondent phrased it, discussed “in a neutral space” solutions could not yet be offered, neither on the political nor on the legal level. Especially in the last two decades, there is a heated debate over whether or not the headscarf ban should be removed from universities and the public sector. Our current research draws attention to some of the main tensions and discussions to provide some insights concerning what is going on in the “headscarf issue” today in Turkey.

- ***Başörtüsü* and *Türban* – Different concepts of covering the head**

We would like to first highlight the two different terms used by our respondents in discussing the issue. Many differentiate between *başörtüsü* (literally head cover, meaning the traditional loosely bound headscarf, usually used by more rural population) and *türban* (a tightly bound version that is mostly considered as “political headscarf”). *Başörtüsü*, which is considered to be a traditional/rural way of dressing oneself is approached more positively, whereas the latter, *türban*, seems to be in the centre of discussions and it seems to be where the ideas diverge.

“Our problem is not the türban or the headscarf. If it hadn't been presented as a political symbol, it would not have turned into this big, unsolvable problem.” (AVF)

⁶⁵ Eğitim-İş v. YÖK (case no 2010/8496) (Danıştay 8. Daire 2011).

⁶⁶ European Court of Human Rights, Press Unit, “Factsheet - Freedom of Religion.”

“Recently a friend told me ‘the türban is in fact an object of freedom for women. The father, or the male in the household, tells the woman that she is not allowed to leave the house without wearing the türban. If she wants to go to the market, to school, she needs to cover her head. The headscarf is used as a condition of allowing women to leave the house’. Therefore, this issue is a very complex one and as long as you cannot change the way of thinking of the head of the household or the father, you cannot discuss it. For some persons the headscarf therefore means freedom, for others it means the danger of submission of women to men.”
(Bahai)

- **Political Symbol**

Representatives of ADD, IPKV, AL-EN and MHP all refer to the *türban* as a political symbol that as such symbolizes a danger for the secular system in Turkey. The coordinator of the Alevi Institute specifies that *“headscarf is not seen as citizens’ right but in relation to other big issues. There is the underlying fear that it endangers laicism.”*

“After the 70s those religious communities that use religion as a tool (Our constitution prohibits the political use of religion) tried to perforate the laic education system. At that step the türban emerged – according to their own wording – as a political symbol. (...) Using young women this politics were applied at universities.” (...) The türban is a totally political symbolical way of binding and not at all comparable to the villagers’ traditional headscarf. (...) Türban is a political tool; the aim is not freedom but changing the laic system. (ADD)

According to the representatives of the Alevi Institute and the ADD, the state should thus distinguish between a “politically used” headscarf and a headscarf worn for reasons of religion, tradition or fashion and restrict only the first “political” version. Nevertheless, there was no proposition on how such a differentiation could be made in practice. Therefore the MHP member adds that allowing the headscarf would be more suitable for a democratic country, but due to the use of religion by leading powers it is not yet possible in Turkey.

“The core issue is that religious conservative women now request being present in the public space, at university, want higher education. Before 1980 this was not the case. When women started to be more visible through modernization, the reaction was “what is going on?” But they were always there, they just became more visible. And not with the traditional headscarves, but in a fashion that emerged with modernity. This change became a very

ideological discussion topic in politics. I think that it has been corrupted by politics. Today, the headscarf is still used for politics.” (TDV-KFM)

The respondent from the Bahai community, by contrast, points out that differentiating whether one is using the headscarf as a political or as a religious symbol is impossible and therefore the discussion is meaningless.

- **Personal Freedom**

The respondent from the Diyanet Foundation does not agree with the perception that regards headscarf as a danger and request that if this is the case, the state should clearly explain how and why the headscarf is dangerous. In his opinion, the interventions by the state are responsible for the continuation of the problem. If it were up to the individual’s decision; there won’t be any issue, only free choice:

“My understanding is that if we behave naturally, suitable to our nature (fitra) then there is no problem. [...] In my opinion if you do not impose anything on people, then the problem would solve itself. It does not work with impositions. It does not work to say: “You have to do like this, you have to do like that”. Telling a covered woman to take off her headscarf does not solve the problem. People now are strong and mature. From whatever perspective you look at it, let’s not impose anything for ten days and the problem will be solved. In public places, those who want will cover their head, those who do not, will not.” (TDV)

“In the context of freedom of religion, there should be no obstacle preventing a Muslim woman from covering her head. In regard to impartiality of the state it is necessary that it respects the will of the individuals. [...] As long as it does not harm the freedoms of others, everyone should be able to dress as he/she wants.” (DIB)

“As a part of freedom of religion headscarves can be in the public space. But there is a fear of the black chador, meaning that they show the worst example. At the moment those women wearing the black chador are not the ones who think of working in state offices anyways, they won’t work. I am a theologian and both my daughters are university graduates and can work. We are not against it, why do you interfere? Oh, the headscarf. Of course the headscarf is a modern understanding and way of dressing. No, the binding should be this way or that way ... stop this! Let’s not think like this. We also do not tell uncovered women how they have to comb their hair. A woman should be able to dress the way she thinks makes her beautiful without us interfering. The constitution provides for such a freedom. - The state should not

interfere, but at the same time we also should remain within the limits of morality, ethical understandings.” (Diyanet-Sen)

The representative of Diyanet-Sen advocates more space for discussion, where everyone can express freely their opinion, and is not immediately judged. He illustrates the lack of freedom of discussion in Turkey by a case in February 2011 when a university professor’s statement of “*women wearing décolleté should not be surprised if they are raped*”⁶⁷ received harsh criticism.

“In regard to the public space, we do not have a specific position. For example I give classes at university. All the girls attending my classes cover their head, they say concerning Islamic rules, they have to cover their head. I respected this. Our legislation has to change.” (Jewish Community)

“As a party, we advocate freedom of the headscarf, meaning that it should be up to the preference of the individual. If a person wants to study at university wearing a headscarf, then the state should not prevent this. This interference is comparable to imposing the colour of the shirt. It should not be the state who decides how one should live. For the time being, the state created a structure telling you how to live from the cradle to the graveyard. [...] The state should ensure individual freedoms as long as they do not restrict the freedoms and lives of others. If wearing the headscarf comes to a point, where others get disturbed, then the state might intervene. If wearing a headscarf leads to differential treatment, then the state should not allow it. [...] I didn’t see any fight over the headscarf among neighbours, only at school, in university. If the state did not interfere, we would see that there is no fight.” (BDP)

- **Reason of discrimination**

Less positive are the consequences of lifting a headscarf ban seen by the representative of the Pir Sultan Abdal Cultural Association. Her arguments explain that there is an underlying fear related to the headscarf issue. Some respondents appear to see a possibility that the *türban* might lead to further discrimination due to group pressure, no matter how tolerant, democratic, human right defender the state claims to be.

⁶⁷ Hürriyet, “Prof. Orhan Çeker’e Dekolte Soruşturması,” February 17, 2011.

“If there was not this fear, which comes from lived experiences, Alevis would not bother others wearing religious practices or signs, because they believe that the god-individual relationship is important as long as the individual shows human values.” (PSAKD)

“In fact none of the belief groups in Turkey has the türban as a symbol. It was brought up as a national vision in the last 30 years and presented as a religious symbol, but there is no such a concept neither in the Quran, not in Turkey’s culture. In the last years it first became a symbol and then was imposed. The Prime minister said in Madrid “Even as a symbol, what would happen?” When you look at it sociologically, it is a phenomenon that does not harm anyone, but after a while the now victimized türban will turn into an object that is imposed on people. In fact this pressure already exists: it is known that there are some special scholarships for girls who wear the türban.

The field of education is just a first step. Once the türban enters education, it will also enter public institutions. You cannot tell a judge, doctor or teacher candidate to take off her headscarf after she was allowed to wear it at university. Then they will ask ‘why did you accept me for university studies, if I do not have the right to work like this?’ [...] So what are advantages and disadvantages of the türban? It doesn’t have any advantages, but many disadvantages: After some time it will be an instrument to exert pressure. Those who impose it have big economic power.” (DSP)

- **Differentiation between providers and receivers of public services**

When distinguishing between person providing public services (for example teaching personnel) and persons receiving them (for example students), the latter wearing headscarves are seen more positively, whereas for those giving such services, whether in state offices or in education. Many respondents stated that restrictions should exist as they do represent a state authority (CYDD, EGITIM SEN, EDP and AL-EN).

“Concerning those giving education, I do not find it suitable for them at any level to wear a headscarf as they provide services in the name of the state.” (EGITIM-SEN)

“This [ban of religious symbols in buildings providing services to the public] should only be the case for state bureaucracy. I support for example members of parliament being able to wear a headscarf. But I do not like the idea of a general director wearing a headscarf. A member of the parliament is a civilian, but a general director is not. There, symbols reflecting state ideology should be avoided. Therefore a university student can wear a headscarf, but a dean or teaching personnel not; the same way as a dean cannot wear a red star.” (AKP)

“When persons receiving education or giving public services wear a headscarf, it is perceived as a reason for discrimination by those who do not wear a headscarf.” (MHP)

“Those providing public services should not put forth religious symbols, because a public servant has to provide equal support to everyone and represent every part of society in the same way. As a personal choice someone might wear a religious symbol. Concerning headscarf (türban) there is a special aspect of touching the borders of gender discrimination.” (IPKV)

“Except for those who provide public services and have power of decision in public concerns, everyone should have freedom of dress.” (Syrian)

- **The Headscarf in education**

In line with the arguments given above, from the perspective of individual freedoms, the perception towards headscarf is generally positive; but by those who experience it as a political symbol or as expression of power of one religious group over others, restrictions on the wearing of headscarf are supported.

“I approach headscarf (başörtü) as an issue of freedom; I do not approach it as a religious obligation. As here is a laic country, university students should have freedom of dress. I think it is necessary that they can go to university wearing the clothes that they want.” (CYDD)

“Even in primary school, however much regulations and bans you put, parents will transmit their religious values to their children. Therefore, I think that there definitely should not be any headscarf ban, neither in primary-, nor in high school, university or anywhere else in the public space.” (TDV-KFM)

- **University vs. Primary education**

In terms of discussing whether or not the university students should be allowed to wear türban during their education, many of our respondents stated that this is an issue of individual freedom, and should be permitted. AKP, BDP, CYDD, EDP, EGITIM SEN, IKPV and TDV explicitly approve of a removal of restrictions on dress-code at universities, seeing students as mature enough to decide for

themselves what and how they want to dress. For children up to the age of 18, many state that the restrictions should remain⁶⁸.

“I do not find interfering in the appearance of university students a correct attitude. Concerning the field of education, I do not see the headscarf suitable for those in primary and secondary school, meaning those who are internationally recognized as ‘child’.” (EGITIM-SEN)

“I do not consider this [headscarf in primary education] appropriate because it would influence young children as they take their teachers as role models. In my opinion it is definitely not suitable. On one side you might see this as freedom of religion and provide for an exception here and an exception there, but where would this lead to? There are nurses who treat only female patients and refuse to treat male patients. Where would the limits be? As soon as you say ‘this is because of my belief’ it becomes problematic. It is a very complex issue.” (Bahai)

“I am for being natural. The state should not interfere in the personal life of its citizens. At primary school the children are young; there they do not need to wear it. There, basic information about religion can be taught. Starting from secondary education, after high school, the age is 18. At that age we give responsibilities. Legal rights are given; they can decide themselves concerning marriage. In primary education this could be unsuitable. There would be a lot of intervention. It would be problematic. There, some rules could be implanted. But with higher education, this topic does not need interference anymore. This is what 40 years of experience show me.” (TDV)

The representative of AVF states that students wearing a headscarf should be well aware of whether or not there are headscarf-restrictions in the jobs they aim at before they start their studies, therefore pointing out, that permitting headscarf at university will not solve the question of the regulations in state institutions.

“Ok, you can or cannot enter university with türban; what will happen to those persons after they graduate in 4 or 5 years? Should these women stay at home after all this education? Won't she work in the public sector? If she is not allowed to work there, the state should warn her before she enters university.” (AVF)

⁶⁸ Restrictions that were to a large part removed in November 2012, see above.

- **Private vs. Public Schools**

The Law on Unification of Education was put into force on 3 March 1924. In this new design the "Ministry of National Education" decides about the curriculum of all schools and thus foresees same regulations for public and private schools. Officially, no religious private schools exist in the Turkish education system.

“There should be no differentiation between private and public schools [concerning permission of wearing headscarves]” (Midyat Syrian Culture Association)

“Looking at it at a national level, it might cause some problems and also from legal perspective it would be difficult to put into practice.” (Bahai)

“In my opinion, such a system would divide society both in regard to culture and class.” (BDP)

“This way you would accord religious freedoms only to those who can afford it.” (TDV-KFM)

“In my opinion religious communities wishing to open their own schools should be allowed to do so. [...] But it seems meaningless to allow wearing the headscarf in one institution and prohibit it in another.” (DIVES)

“Concerning education there can't be a distinction between general and private. Private schools are under the control and observation of the Ministry of National Education and cannot take decisions on their own. That's it. Some things in Turkey have political reasons. Imam hatip high schools in Turkey opened their doors to give more people access to qualified religious services. Although in Islam there is no possibility for girls to become imams, they stubbornly fill up those schools with girls. There is no planning of education. The parents, who politically profit from this, do not send their children to those schools. It is exploitation of belief of poor people for the own political profit.” (DSP)

- **Lack of discussion**

“People should have the freedom to decide about what they wear. The underlying reason of today's headscarf issue is that there is not enough discussion of ideas. Just look at what happened to those who presented different approaches in the last years. [...] In my opinion,

the headscarf is in fact a tradition, and most of the traditions we practice are in fact no obligations in Islam. They are practices that became traditions, like holidays or the circumcision of men. Ignoring tradition, the practice of wearing the headscarf cannot be understood. Unfortunately, we transformed this practice in a way that it seems like a sixth pillar of Islam today. [...] Yes, I support freedoms, but I want to shout that what actually is limited is the mind and thoughts. They are not free, people are not allowed to talk freely. If we discussed openly, the points of view would change a lot. That's what I always defend in the programs I participate in. Most of the theologians do not have any system; they always talk about tradition and hadithes. "At the time of the prophet, women covered like this" they say. Are there any photos from the time of the prophet? In fact, those times were a lot more freedom-oriented [than nowadays]." (DP)

5.3 Religious Denomination on National ID CARDS

One of the basic tensions in relation to state's involvement in the religious affairs appear to be the discussion on the explicit statement of one's religious affiliation on the ID cards issued by the state. Currently the Turkish State requires its citizens to state their religious affiliation on ID cards; if the individual provides a written request to leave the field blank, the authorities theoretically have to accept this request. After the ECtHR judgement *Sinan Işık v. Turkey* (21924/05) on 2nd February 2010 that found that mentioning religion on the ID is a violation of Article 9 of the Convention, new possibilities were discussed and a pilot project for a new version of IDs was launched in Bolu (district/city between Istanbul and Ankara), but as it turned out, the new cards again include a field on religion.⁶⁹

A major problem in this regard is the fact that the Turkish state does not recognize all religions, and many sects under Islam are defined only as "Islam." In other words, an Alevi citizen cannot state his religious affiliation on the state ID card as such, but is currently classified under "Islam". On the issue of the 'Religion' section on identification cards many critics and complaints were voiced by the respondents. The representatives presented two different positions on how to solve the issue: (1) the option of leaving the field blank or (2) complete removal.

- **Possibility of leaving the field blank**

⁶⁹ Bianet, "Yeni Kimliklerimiz Yine 'Dini' Yine 'Medeni!'," August 12, 2011; confirmed also by a research assistant working at Abant İzzet Baysal University in Bolu (01.12.2011).

The first approach is that this can be optional. Everyone should have the right to choose whether to have religion marked on the ID card or not. One of the defendants of this approach specifies that until the age of 18, parents should decide for their children:

“Until a child reaches the age of 18, this should be decided by the parents. Afterwards the decision should be left to the individual” (MHP).

The representative of TDV again pleads to leave such decisions to the individual without the state interfering.

“We created a structure of rules and barriers. There is a religion that needs to be lived freely. Apart from this there is another religion created in our heads; a structure where the state authorities define how religion should be lived by the public. (...) Religious denomination on the ID is similar. What is the problem here? The state wants to know the religion of the citizen. Do not intervene. It will be solved easier. No obligation. Let’s not say, it should be taken off, let’s leave it to the choice of the citizens.” (TDV)

“Everyone should be able to write their religion they way they want on their IDs. Those who want should be able to have it written, those who do not want can leave the field blank. The more freedoms you provide in the field of religion, the more faith based discrimination will decrease.” (TDV-KFM)

“It can be written or not, but I do not approve of having different denominations like Alevism or Shafism marked. Alevism is Muslim.” (DIYANET SEN)

“When a person reaches the age of 18, he/she should be able to write whatever he/she wants into this field. When he/she is mature, she/he should be able to say “that is what I am”. That is the only way to have freedom of belief. Personally, I prefer leaving this field blank, but if someone really wants to have the religion marked there, if he/she says “I am proud of it” then this should also be respected.” (DSP)

The representative of MAZLUM-DER says that if someone wants to have religion written on the ID, the state should provide for this possibility, but she does not consider it a necessary field, on the contrary points out, that it causes discrimination in some cases.

- **Complete removal**

The second approach defends that this section being optional is not a solution; it needs to be removed completely because in practice individuals experience discrimination in different spheres of everyday life if anything else than “Islam” is marked on the ID. Referring to court decisions by the ECtHR that give the right to leave that field blank, a representative of the Alevi belief group claims that this would not prevent discrimination:

“Having religious denomination on identity cards is discriminatory. The state has no right to ask, record, and document citizens’ religious affiliation. This principle has also been indicated by the relevant decision of the European Court of Human Rights in the Sinan Işık case. The Turkish state should take immediate action to remedy this issue.” (CHP)

“Leaving it blank again opens the way for some problems; you might be discriminated against or attacked. Therefore, leaving it blank will cause you being treated unequal” (AL-EN)

“Is it necessary to write Islam, Christian, Alevi there? What about atheists? They do not want to write Islam there, but due to social pressure they have to. Me personally, I support the complete removal of the field. Nobody becomes a better believer by writing the religion there. [...] Unfortunately people in this country were forced for years to hide their religious and belief identities. There should not be anything that causes problems for the individual; therefore I think the best would be to completely remove this field.” (DP)

Therefore, members of the ADD, ABF, AVF, CYDD, DP, Jewish Community, Syrians, EGITIM SEN, and PSAKD voiced their opinion that in order to prevent discrimination caused through identification cards, this field should not be optional but needs to be completely removed.

“I do think that there should not be such a field. I do not agree with the saying “99% Muslim” for this country and I think that there is a connection between these two. I am also against writing religion just on demand.” (AKP)

“According to paragraph 24 of the constitution ‘no one shall be compelled to worship, or to participate in religious ceremonies and rites, to reveal religious beliefs and convictions’. The state that says this, writes Islam, Jewish or Christian on my ID card. This information should not be required by the state. I see it as something causing discrimination and therefore it should be removed.” (ABF)

“As long as people do not know how to approach persons from different faiths in a tolerant way, as long as they do not have this ability, religion should not be marked. If the officer providing you public services does not show this tolerance, he/she might – looking at your religion or your birthplace – complicate your process or refuse to provide you services at all. Therefore the field on religion should be removed because it might cause discrimination. The field on religion neither causes someone to become Muslim nor atheist nor adherent of any other religion. Now, it writes ‘Muslim’ on the ID cards of atheists. Does this make them Muslim just because it writes so on their ID? No.” (DIVES)

The representative of the Armenian Church in Istanbul supports that it should be completely removed and that keeping records of religious belonging should be done by the respective religious communities. He furthermore criticizes that in the present situation the given choices do not reflect the differentiations within the religions.

In addition to this, there seems to be serious concerns about whether or not one can change the religion stated on the ID cards. Individuals do not necessarily belong to a single religion for the entirety of their lives, but might choose to convert to another religion, as our respondents from BKPD and IPKV noted. The existing situation does not allow or account for such changes through an individual’s lifetime.

Furthermore, the respondent from the Capital City Women’s Platform adds the detail that for the time being the only field that is left blank on ID cards in Turkey is the maiden name of women.

“I find it absurd, because belief is not something genetic, it is not something passed from parents to child. I do not understand why it is there. And it is insisted on. Why is the field for the maiden name left void at women’s identity cards? Did you know about this? On the very bottom of the backside of the pink IDs [for female citizens], at an easily overlooked place, there is the field for the maiden name. This field is the only field left void at the ID. I think this is something important.” (BKPD)

The Chairman of the Alevi Association Federation stated that in a TV show he was confronted with the question of how authorities can learn according to what belief a person’s funeral should be organized in case of his/her death if there are not relatives or friends who can provide this information and the religion is not marked on the ID.

“In a TV show, lawyer Şevket Kazan asked me “If a person dies and has no relatives, how should we organize the funeral?” and I answered “So now we are at the point of discussing

how the dead person should be treated, as if while this Alevi citizen was alive, the state respected his/her wishes.” You do not allow me to live as an Alevi, and then, you want to have my religious denomination marked on the ID to provide funeral services accordingly after my death?” (AVF)

“Does this field still exist? It shouldn’t.” (Patriarchate of Constantinople)

- **Problems in Application**

The respondent from the Istanbul Protestant Church Foundation reports problems in the application of the right to change one’s religion or leave the field blank, due to a lack of acceptance of religious difference by some state officers:

“For example when a citizen goes to change the field on religion on the ID card, it depends on the state officer whether the religion can be changed or not. Legally, they have to change it, but there is an education problem that makes them not consider persons who what to write Christian as normal citizens. Therefore, there is a need for special education for state officers, civil servants, police officers teaching them that all persons have the same rights also if they are different from them.” (IPKV)

- **Hiding religious conviction is a European problem**

A single respondent from the Foreign Relations Department of the Directorate of Religious Affairs had a strikingly different perspective than the rest of our respondents:

“This issue was brought up in Turkey within the EU-accession process. As a result of a history of long-lasting religious wars people in Europe hide their religious identities. They decided to solve the problem of discrimination and distrust between members of different faiths by not displaying religious symbols and identities in the public space. [...] Our tradition is the exact opposite; we have a tradition of openly displaying our religious symbols and identities. The way of dressing and the colours show to which specific faith group the wearer belongs. In a society where every person’s religious freedoms and rights are guaranteed by law, this is not a problem. On the contrary, [in Turkey] members of religious groups are glad to display their religious and cultural belonging in the public; a way that is practiced and approved of for centuries. Apart from this, I do not believe that hiding ones identity can prevent discrimination and as a matter of fact it doesn’t. [...] Would we in consequence have to hide the real names of persons or even to use the same name for everybody in the name of conformity and integration? Wouldn’t this mean a threat of gradually erasing different identities?” (DIB)

5.4 Places of worship

In regard to places of worship, the respondents were asked about their opinion on whether or not all religious groups should have the right to build their places of worship; whether citizens should be consulted concerning where and how to build places of worship; whether or not they should be considered as public or private spaces; and who should be in charge of them.

- **Right of all religious groups to build their places of worship**

Most of our respondents agree that religious groups should have the right to build places of worship.

“It is definitely the right of those groups to define what their place of worship is, where it will be, how it will be constructed and how it will be financed.” (AL-EN)

“Building places of worship is of course a right. The only condition is to respect other places of worship.” (ABF)

“That is something that is necessary in a democratic laic republic. They need to have the right to construct their places of worship without creating hierarchy or pressure on each other no matter how big or small those groups are.” (MHP)

“It [constructing religious buildings and places of worship] is a right because Allah created people this way. This is very natural. They live with Allah’s will. They can make their places of worship. It is their and their children’s right. (TDV)

EGITIM SEN acknowledges this right, but also adds that they should be financed by the religious groups’ own budget and not by the state. A similar opinion was voiced by our respondent from the CHP:

“It is neither state’s responsibility nor right to build places of worship. All aspects of the building activity should be the sole right and responsibility of religious communities as long as the activity is in accordance with building codes and zoning regulations.” (CHP)

- **Recognition and Realization**

Notwithstanding the seeming agreement on the right to construct places of worship, in practice most religious minority groups encounter serious problems in the realization of this right. In the Turkish legal system, many belief groups other than Sunni Islam have problems when and if they wish to construct a place of worship for their own congregations. The lack of a legal status and recognition for religions and belief groups other than Sunni Islam is stated as one of the most critical issues by the representatives of FBOs.

“The building we are in is the first church officially recognized in the Republic. It was founded in 1999 and recognized as church after 2006. But the church was already active before. This means a lot in a country with religious freedom. The city planning laws are left to the municipalities and they do not provide any space [for churches], but for mosques there is always some space. On paper there is the possibility to open places of worship, but in reality this is very difficult. For some part of society some laws are not applied and they are not restricted, but for other associations, the laws are used to block them.” (IPKV)

Officially, the state, through funds of the Diyanet, is required to pay the electricity and water for the recognized places of worship (mosques, mesjids, churches, synagogues). But, as a communication⁷⁰ by the DIB states: as there is not enough budget, not all expenses can be covered.⁷¹

Cemevis (places of worship of Alevis) are not legally recognized as places of worship. Requests and demands for the recognition of Cemevis are refused referring to an official statement by the Diyanet saying that “it is not possible to recognize any places of worship other than mosques and mesjits in the tradition of Islam”⁷².

In October 2011, a First Instance Civil Court in Ankara dismissed a demand to close an association for “presenting cemevis as places of worship” and decided that understanding cemevis as places of worship is not in breach of the constitution or any other law. The Diyanet’s statement which indicated that there can be no other place of worship in Islam apart from mosque or mesjit, was contradicted by the court, which stated:

“Our constitution does not define one common religion. All individuals, societies and communities do have freedom of religion and belief. Apart from the different thoughts, religious practices accepted in our society and their places of worship [mosques, churches and

⁷⁰ Communication no B.02.1.DİB.0.65.03-842.99-

⁷¹ Diyanet İşleri Başkanlığı, “Analitik Bütçe Uygulama Talimatı.”

⁷² MAZLUMDER, *Türkiye’de Dini Ayrımcılık Raporu 2008* (Istanbul, 2010), 333.

synagogues], the places and practices of worship of Alevis and Alevism also have to be satisfied. Alevis preferred places named cemevis as their places of worship and cemevis are known in the public for years as the places of religious services of Alevis.”⁷³

However, this decision was annulled in July 2012 by the Supreme Court of Appeals backing the Diyanet’s opinion of only one possible form of place of worship in Islam. An opinion that is also shared by our respondent from Diyanet-Sen who regarded cemevis not as a place of worship but rather cultural centres:

“Nowadays, the government organizes an Alevi Opening, which talks shows very different approaches but also that it is a school, a brotherhood, a way within Islam. 3-5 persons bring forth a different idea, but we don’t share it. Cemevis are cultural centres where people chant and worship. Allah said ‘you all chant on Earth, I gave you a place for worship’, meaning that the true place of worship is the mosque.” (Diyanet-Sen)

The demands of the Alevi community have been very clear in relation to the recognition of cemevis as places of worship. The Preliminary Report on the Alevi Workshops⁷⁴ included a number of concrete demands from the Turkish Government. One of these demands was granting cemevis the same rights and privileges as for mosques.⁷⁵ Cemevis, as not being recognized as places of worship and currently cannot make use of those privileges.

Alevi respondents repeatedly stated that the state still does not recognize *cemevis* (literally “house of cem”, the major worship space for Alevis) as a place of worship although they have been struggling to obtain a legal status for years. They advocate that it should not be up to the state but to the members of the respective faith to define what, where and how a place of worship should be.

The refusal to recognize Alevis’ places of worship is partly explained by a different attitude of the state towards religious minorities and other belief groups. The general secretary of PSAKD claims that whereas religious minorities such as Christians and Jews as recognized religions by the Lausanne

⁷³ Çankaya Cemevi Yaptırma Derneği (case no 2010/492) (Ankara 16. Asliye Hukuk Mahkemesi 2011).

⁷⁴ The Alevi Workshops were a series of workshops organized between June 2009 and January 2010 by the Turkish Ministry of State, results of which were presented in 10 publications. These activities (also referred to as “*Alevi Açılımı / Alevi Opening*”) brought attention to problems Alevis are confronted with and created a platform for discussion. A major point of criticism nevertheless was a very singlehanded selection of actors to participate in those workshops, systematically excluding or marginalizing government-critical voices, causing biased conclusions and “consensuses”. This bias also supports the reproach that the workshops are not designed to take the situation of Alevis serious, but a tool to legitimize and enforce the government’s perception of Alevism.

⁷⁵ T.C. Devlet Bakanlığı, *Ön Rapor Alevi Çalıştayları* (Ankara, 2010), 28.

Treaty have the official right to their places of worship and are seen more favourable, Alevis in contrast are perceived as destroying religion, as group that moved away from “right” religion; thus there is much less tolerance for them and they experience more pressure.

“We construct cemevis although they legally do not exist. All our cemevis have the status of gecekondus; the municipalities can destroy them if they want to do so.” (ABF)

In line with these arguments that state institutions reject the view of Alevism having practices of worship significantly distinct from Sunni Hanefite Islam, the head of the Foreign Department of the Diyanet states his view that:

“Bektashism is a mystic brotherhood, meaning that Bektashism and Alevism are not separate from Islam, like it is the case for example for Christianity or Judaism. Therefore it is not correct to claim that cemevis are places of worship. [...] We also know that some Alevis come to mosques for namaz [prayer], which is one of the basic forms of worship in Islam.” (DIB)

- **Places of worship should be built according to demand**

An important point that was also stressed by the respondents in the field of religion is the need to consider the demand of the respective religious group before constructing any building. The representatives of the Alevi Institute, CYDD and the PSAKD criticise the zoning procedures in the planning of new building complexes, previewing a place for a mosque without consulting the people who will live there and not leaving space for any other place of worship.

“Demands for rights and freedoms should not come from the state but from the people. As those places will be used by the people, the demand also has to come from them. Building mosques in a place of mostly Alevis is not a democratic behaviour. If Alevis want to open a cemevi and the state wants to support it, it will do so. And mosques should also at some places be built with the contribution of the local population. If there is a Jewish community, then I think that the state should provide for their needs. But I do not think that it is democratic to directly give support.” (DP)

“Places of worship should be built according to demand, those planning neighbourhoods or sites should ask beforehand – maybe the majority of the future residents are Muslim, but maybe they do not go to mosque, etc.” (PSAKD)

“The citizens need to demand it and the state should facilitate within the limits of its general principles.” (TDV-KFM)

The same critique is voiced by the respondent from the Capital City Women Platform, who, considering the number of mosques, comes to the conclusion, that there should not only be the permission to build places of worship, but also limitations:

“[A limitation] is necessary, because if you leave this issue to the people... probably one of the best examples is Mamak: I know that there are as many mosques as persons and I also know that in the school there, 60-70 students are taught in one classroom. People do not consider building schools as sacred, therefore they build mosques. This makes me very angry. When I see that a mosque is built just 200 metres away from another mosque, I feel like going there and tearing it down. Why do you build mosques? – Build schools instead! (...) That is why I think that it needs some limitations.” (BKPD)

The representative of TDV is in favour of application of some rules on where to build what places of worship, but gives a different reason:

“If a church is built next to a mosque, this could cause some negative results. That is why the state should be consulted. [there are different attitudes towards building religious buildings; with this answer he refers to Sunni Muslim groups constructing mosques by themselves – in this situation the state, or Diyanet, should be consulted]” (TDV)

- **Should places of worship be open to the public?**

The majority of statements supports that places of worship should be open to first of all the adherents of the respective faith as well as to those interested and it should be the respective religious group to decide whether and how far their place of worship is open to the public and not the state:

“Places of worship should not be nationalised. The state should not have the right to label religious places as touristic places or other places as places of worship.” (EGITIM SEN)

Some respondents stated that restrictions could be applied by the state if public life is negatively affected (AKP, EGITIM SEN, Jewish Community, MHP).

“They need to be open to the public. Not in the meaning that the faith institutions need to be public places, but they should be mediators between individuals and believers. They need to be open to those adhering to that belief and to those who want to learn about it. The state should only intervene if the public order is disturbed.” (MHP)

“I think it [the state] should respect it [whether the respective religious groups opens its place of worship to the public or not]. If there is anything falling under the penalty code, then the state can intervene. (...) There can be a religious service closed to the public; the state should not intervene in this case. The important thing is for whatever it is to get the approval of the respective religious authority there and to remain within the given legal framework.” (AKP)

The representative of ADD emphasises that *“Mosques should be open to the public; they should be considered as place of worship and not as public space.” (ADD)*

BKPD told about an example of different treatment of a Turkish citizen and foreign tourists during a mosque visit: whereas tourists entering without properly covering their heads were tolerated by the people in the mosque, one woman was kicked out and insulted because of her “inappropriate” clothing as soon as they learnt that she was Turkish. The point made with this incident is on the one side to raise the question of who can decide how to dress and behave in a mosque and on the other side that expectation of “correct” behaviour and the pressure to behave accordingly are higher in regard to local persons.

CHP’s position on this issue is to leave the control of the places of worship to the religious groups in charge of them:

“Religious communities should have the right to regulate the manner in which their religious sites and buildings are used by the public. This right includes the authority to restrict public access and use.” (CHP)

- **Turning places of worship into state property/museums**

In the early years of the Republic a large amount of property of belonging to religious foundations was nationalized and became state property. These included religious compounds of various religions, shrines, cemeteries among other buildings and estates that were formerly governed through the religious foundations. Up to recent years places of worship without an active community living and using in the area became state property. This regulation particularly affected the Greek Orthodox communities, which lost a significant amount of community after the population exchange between Greece and Turkey. Furthermore, structural reasons such as the lack of adequate training

possibilities for clergy as well as migration due to security and economic reasons increased the number of disused places of worship especially for minority religions.

An active discussion in Turkey currently revolves around the museumification and public opening of the Akhdamar church (a medieval Armenian church) and the Hacı Bektash Veli Dergahı (the most sacred shrine of the Alevi-Bektashi faith).⁷⁶

“We do not approve of nationalizing religious places. If there is no community, ok; then this can be a museum. But even if as a museum, at specific days of the year we should be able to use them for worship.” (Jewish community)

“There is no need for any discussion – Hacı Bektash Veli Dergah has to be returned to Alevi.” (AKD)

“For years there were no religious services in the monastery in Trabzon or the Akdamar church in Van. Compared to the times when this was completely forbidden, the regulation now might seem like a favour by the state. But such a permission by the state in fact should not be a favour. Why should the service be only once a year at a specific time with specified participants? Why is the Friday prayer in Diyarbakır not at 12, but at 1? Why should the people in Diyarbakır listen to the sermon in Turkish? Again, this is connected to the state’s desire to control everything.” (BDP)

“The state tried to nationalize one of our sacred places in Edirne. We opposed and fought against this decision and explained our concerns to the officials, because what was important for us was to create some consciousness and at the end we could stop the process. We avoided bringing this issue to the attention of media” (Bahai)

“This is yet another example of the sectarian and discriminatory nature of the Turkish state and regulations. All religious communities should have complete jurisdiction over their religious and historical sites, as long as they abide by rules regulating cultural heritage sites.”(CHP)

⁷⁶ In 2011, a law was adopted for restitution of some of the confiscated property to the religious foundations owning it as of 1936. Most of the interviews were held before this decision was made. Neither the Akhdamar Church, nor the Hacı Bektash Veli Dergahı seem to be likely candidates to benefit from this law, and the respective communities did not make any demand through this legal modification.

This example at the same time reveals a reluctance not only to file lawsuits but also to make conflicts public and rather prefer to find solutions out of official legal procedures as unperceived as possible using personal relationships.

- **Cemeteries**

In Istanbul, 255 cemeteries are registered as Muslim, 65 as non-Muslim cemeteries⁷⁷; in other places (ex. Mersin and Muğla/Bodrum) Muslims and non-Muslims share the same cemetery.

A recent issue is the Decree Law 651 that foresees the restitution of property in the records of 1936 registered as belonging to Non-Muslim foundations but expropriated by the state afterwards. Cemeteries would make up for a considerable part of this property but as they were not officially registered are not among the property to be returned.

The Istanbul Protestant Church Foundation reported problems with creating a cemetery: they filed a request for being assigned some space, but met with reluctance and at the time of the interview no solution was found. The Foundation sees the prejudices of the state officers as main problem and suggests the preparation of “No to discrimination” or “Yes to religious diversity”- guides for state officers and bureaucrats at all levels.

The Bahai community is for the moment not confronted with any problem concerning cemeteries, as they got assigned a place and for the moment this covers their demands. The representative underlines that it should be the responsibility of the state to provide for some space and at the same time religious communities should not act on their own, but respect the regulations by the state concerning the construction of cemeteries. He mentions a recent case in Bodrum, where a Christian tomb was transferred to another place, with among others the justification that Christians and Muslims sharing the same cemetery would not be suitable, as a bad example in regard to tolerance towards different faiths.

5.5 Attitudes towards founding faith-based political party

The Political Parties Act (Law No. 2820) states that political parties cannot engage in activities or have goals that violate the constitutional principle that all individuals are equal without discrimination before the law, irrespective of language, race, colour, sex, political opinion,

⁷⁷ İstanbul Büyükşehir Belediyesi, “İstanbul Mezarlıkları.”

philosophical belief, religion and sect, or any such considerations (Article 83 of the Political Parties Act)⁷⁸.

Issues on the interpretation of secularism, most prominently discussed around the headscarf issue, lead to the closure of several political parties. In 1997, the Welfare Party was closed by Court decision. In 1999, for the first time in Republican history two covered women were elected as members of parliament. One of them took off her headscarf before entering the National Assembly, the other one, Merve Kavakçı, did not, causing harsh reactions and resulting in the closure of the Virtue Party she was member of. More recently, AKP, the political party in power faced a charge in connection with moves to loosen the headscarf ban at universities, but was not closed down.

The idea of founding a faith-based political party causes different reactions showing different perspectives by different groups. To explain, why political faith-based parties should not be allowed, respondents put forth (1) that democracy in Turkey needs more time and legislations, meaning that Turkey is not ready for such a political party, (2) that it would cause social unrest by increasing the fear of a *sharia* state and intolerance towards other religious groups, (3) that a faith-based political party would not be able to represent all citizens equally if it comes to power, and (4) that this would be in contradiction to laic principles. Arguments in favour of allowing the foundation of such a party are (1) that this would well-conform for a democratic country and (2) that for some groups a political party is a necessary institution.

- **Opposing faith based political parties**

Some of our respondents stated their concerns in relation to the founding of faith-based political parties (CHP, BDP, CYDD, AL-EN, Jewish Community, Patriarchate of Constantinople, Syrians):

“I am definitely against this [founding a faith-based political party]. Basing the program of a political party on religion is contradictory to the principles of a laic state.” (CYDD)

“If there is the intention to found a Muslim Democrat Party, or an Alevi Democrat Party, then this would aggravate the intolerance towards religion in Turkey even more. This action would of course increase the fear of sharia. That is why this definitely needs to be opposed.” (AL-EN)

⁷⁸ Anil et al., *Turkish Civil and Penal Code Reforms from a Gender Perspective: The Success of Two Nationwide Campaigns*.

“In our opinion the founding of such a party would not be favourable for Turkey. Why? Turkey cannot yet support such a party, it is not ready for this. If you look, the discourses of some parties can in fact be interpreted as religious references; meaning that in practice they exist. But if you base a political party completely on religion, this would cause turmoil.”
(Jewish Community)

“According to the constitution, it is not suitable to base a political party on a specific religion or faith. This is true not only for religion, but also in the case of any other party representing only one opinion.” (BDP)

“Political parties should not be allowed to restrict membership, administration or leadership to members of a specific faith. Political parties should not be allowed to employ discriminatory regulations, policies, practices, and discourses.” (CHP)

- **Faith based political parties could be allowed**

Some of the respondents do support the possibility of a party based on religion (AKP, IPKV, MHP, TDV, and DIB). IPKV puts the condition that such a party does not create hierarchy or serve only one religious group but all citizens based on religious values and refers to Christian Democrat Parties that exist in other countries. The interviewed member of MHP, emphasizes the importance of tolerance towards such ideas in a democratic country; while TDV, similar to the statement of the Jewish Community above thinks that open reference to religion might cause turmoil by the population.

“If you believe in democracy you also need to be tolerant. In our country parties based on religion but not resorting to terror can be founded and actually do exist, those arguments can be vindicated.”(MHP)

“According to our understanding of laicism there is no rule against it. But my personal opinion is that people might get uncomfortable if you use Islam in the name. There are many people nowadays who would get upset. But it might be possible in the future.” (TDV)

“If there is such a demand, I think that we should provide this possibility. We do have a republic that protects our order and governmental structure. Taking some measures to protect itself, the state can permit it [the establishment of faith-based political parties]” (DP)

- **No demand for faith based political parties in Turkey**

“Even if Turkey becomes completely democratic, such demands won’t be voiced, because Islamic understanding, Islamic religion is not as conservative as other religions, like Catholicism or Protestantism.” (Diyanet-Sen)

- **Existence of faith based political parties in Turkey**

Although legally basing the program of a political party on religion is not legally allowed in Turkey, representatives of AKP, AVF, Jewish Community and MHP claim that parties based on religion actually do exist.

“It should be discussed much more; already it is clearly accepted that the current political party (AKP) that governs the country uses a particular religious group for its politics.” (AVF)

The president of ADD, a retired judge, explains that several parties were already closed down by court decision because of the constitutional ban of religious based parties and claims that pressure by the EU was the reason why AKP was not closed down in 2010.

WP6: Public funding to Religion

One of the most important areas in which basic tensions crystallized in the Turkish case seems to be the discussions around public funding of religions. One prominent outcome of our study is to show that it is “state financing”, not necessarily “state support” of religion that creates a significant inequality between religious groups and causes differential treatment of religions other than Sunni-Islam.

6.1 Should there be public funding?

The respondents presented different approaches towards public funding for religions or FBOs. Opinions diverged from the very basic point of whether there should be public funding or not; with further differentiations within those two opinions concerning the form, extent and condition of the support on the one side, and different reasons of why there should be no support on the other side.

Most of the respondents stress the importance of equality and fair support towards all religions and FBOs and put it as a condition of legitimate public funding. Many of the respondents – whether in favour of or against public funding – took reference to the principles of secularism in Turkey or to their religious belief.

- **State should support religion or FBOs**

Some representatives told that as a social phenomenon religion should be financed by the state. Among them one group defends that state funding should be continued through the Diyanet, whereas a second group advocates that there should be an autonomous organization of FBOs that administrates and controls such public funding.

“If the state is a social state and there is an understanding of encompassing the majority of the population, I do not see an inconvenience in the state providing help, because the state provides help in numerous fields anyways. Religion as a social concept should also receive support. Within suitable limits and treating everybody equally; why shouldn’t there be help for all communities?”(TDV)

“There is nothing as normal as the state providing support for religious services. All over the world states support religious services directly and indirectly in different ways, for example

directly through financial support, tax exemption or collecting tax for religious communities.”
(DIB)

It should be emphasized here, that talking about public funding for religion both, Diyanet Vakfi and Diyanet argue out of an understanding of Turkey as “99% Muslim”, meaning that they advocate public funding, but reject a differentiation between different groups within Islam and a distribution of support according to denomination.

“The state can provide support to religious groups according to the number of people they represent. After all, the state also takes taxes from the adherents of those religious groups.”
(IPKV)

“According to my belief, state should provide support to religious groups, which do not belong to the majority group, to enable them to express themselves not only concerning religious issues, but also language. If there are groups that intend to continue their cultural practices, especially minority groups, then this should be supported.” (EDP)

“The state should provide support, because it deprived them [non-Muslim communities] for decencies of any possibility to finance themselves.” (Syrian)

- **There could be support for religion or FBOs, if ...**

The need for not only distributing state financial support to one religion and its one sect; i.e. to one sect of one religion was mentioned by all participants, but emphasized differently.

IPKV, the Jewish Community and ADD stated that only an equal support for all religious groups would be acceptable. The representative from ADD further stated that public funding should be kept at a minimum, perhaps only covering costs such as water and electricity.

“If the state provides support or services to one religious group, it either must provide them to all or to none of them.” (Jewish Community of Turkey)

The interviewed representatives of AKP and MHP support the idea that the state can support religious minority groups (such as Armenians, Yezidis) if they do not have enough resources to maintain their existence. Similarly, the respondent of the Bahai community states that

“[e]very religious community should support itself through the donations by their members. Of course, in some aspects it might not be possible to cover all expenses in this way.”

Especially communities that are smaller in number and less powerful, but that organize very nice projects and activities might need some financial support, that could be met in the form of project support for example from national as well as international institutions. [...] We, the Bahai community support ourselves only by the voluntary support of our members.” (Bahai)

Considering the arbitrariness of who is considered as ‘religious community’ and the lack of differentiation between belief groups and their particular practices and needs, the suggestion to provide support to the ‘weaker communities’ raises the question of how the state would decide who is in need, i.e. how feasible such a practice would be in the given context.

Most of the respondents approve of public funding under the condition that it is equally distributed among all religions and belief groups. The representative of the Istanbul Protestant Church Foundation proposes that this public funding can be distributed according to the number of members or people they represent.

“The laic and constitutional state can provide support to social responsibility projects organized by religious associations that are civil organizations in accordance with their aim of giving social services.” (IPKV)

The Mihellemi Association additionally puts the condition that this financial support should not be used by the state as a right to prescribe what and how those FBOs work.

“The state should provide support to all FBOs without any discrimination, because most of the FBOs are in difficult financial situations. But by providing financial help, the state should not influence the direction of the association.” (Mihellemi)

- **There should be no public funding**

The claim that state should not support religion usually goes hand in hand with the opinion that state should not intervene into internal affairs of belief groups and religions unless the public order and security is disturbed. As long as the state interferes in religious affairs, i.e. religious groups receiving or depending on financial public funding, there won’t be freedom of religion. The Alevi Institute for example thus criticizes the situation in Turkey, where the state supports religion by among others Diyanet:

“We neither want the state nor the government to support cemevis, our places of worship, or to pay the salaries of our religious leaders the dedes. We are definitely against this.” (AL-EN)

“There should not be any involvement, intervention and financing by the state in the field of religion. The state needs to remain away from religious affairs. The believers, religious communities and groups should be the ones responsible for financing religious affairs, they should finance their needs, like the construction of places of worship and the salary of their personnel, themselves. [...] The Alevi transformed by and into Sunnis through the Alevi Workshops anticipate the state covering the salaries for dedes. Throughout history, our dedes did not take any money from the state; not because they did not need it, but because they did not want to stoop to that. The religious services they provide completely depend on voluntariness and cannot be measured in money. If you receive a salary, you give services to the one who pays you. Therefore, if you receive a salary or money, the budget from the state, the state will expect something from you and you will get stuck between your own free thoughts and the wishes of the state [...] meaning that by time you will become a part of the state.” (ABF)

The secretary general of the Pir Sultan Abdal Culture Association (PSAKD) stated three reasons against public funding: firstly, an involvement of the state into the belief of the people would harm the individual-god relationship, thus the state and especially financial affairs should be kept away from religion. As a second reason for opposing public funding, she explains that there is no example of objective fair public funding in Turkish history and therefore they do not believe that this could be possible. Furthermore, they do not believe that an Islamic state can be very democratic. A third reason given is the fear that if they enter a financial relationship with the state they will be forced to conform to the state’s image of them, i.e. become ‘allies’ of the state like in the example when *dedes*⁷⁹ are sent with grey passports abroad and nobody should know about it.

Another critique by those opposing public funding is that if the state supports a religion, it could easily turn into an ideological instrument. It would allow the state to control and shape that community for its own purposes. Consequently, this situation would offend and damage the secular principles of the republic.

“If the state administration is laic, it is not correct to give financial support. The communities need to support themselves.” (MHP)

“Turkish state’s funding and provision of religious services is discriminatory and sectarian. While Sunnis enjoy various right and privileges, including generous state funding, other

⁷⁹ Alevi religious guides.

communities are excluded or discriminated against. There is injustice at the level of funding, institutional practices, and official discourses. ... The main support that the state should provide is tax-exemption of religious organizations and FBOs, and non-intervention in their affairs.”(CHP)

“The state should not interfere in religious affairs and religious groups should not interfere in state affairs. Therefore I do not approve of any state support for religious associations. It is better, if they are supported by their own possibilities, by their own believers.” (Patriarchate of Constantinople)

“We think that receiving state support harms the independence of the association; if they receive funding, we think that the until then independent institutions will feel obliged to self-censor their work.” (MAZLUM-DER)

“Which associations will receive how much support according to what criteria? These are questions that the state cannot cope with. [...] In short what I want to say is that the state should not provide financial support to religious communities, associations and foundations. Such a relationship would not be favourable in a pluralistic society like ours.” (DP)

- **Other forms of support**

PSAKD and the Alevi Institute, although against the state financially supporting religious groups, both claim non-monetary support: PSAKD aims at a formal recognition and thus states that the demand by some Alevi groups that the state pays expenses such as electricity and water for *cemevis* should not be understood as financial support, but as struggle for recognition to a certain point of *cemevi* as place of worship.

The Alevi Institute distinguishes between activities concerning directly the religious practice and cultural and social activities by religious groups that are directed towards a general public. Whereas the first should not get funding, the latter can and should receive support. Furthermore, a system like the church tax would also be possible in this perspective as it means that the group is not financed by the state but via state-mediation by its own members.

In terms of defining different ways of state funding to FBO's, most participants' showed positive attitudes towards subventions for sustaining the needs of religious communities, for example for electricity and water or for specific projects, granted according to precise procedures, as well as towards tax deductions for religious institutions. The basic tension in this area seemed to be the obvious differential treatment by the state towards the needs of religious communities other than Sunni-Muslims.

“I think that the state should only control and regulate. While at the same time protecting itself, the state might provide non-financial support as long as – in accordance with the principle of laicism – it keeps the same distance to all.” (DP)

- **Suggestions concerning Public funding**

“Religion, secularism and the making of religious associations are very fundamental issues. They are not easy enough to have a reform tomorrow. (...) In Turkey if we look at religion we do not look at a civil space; we see that a problematic civil space intertwined with the official space. It is a very complicated structure and a situation comparable to the spreading of a tumour.” (AKP)

The respondents from MHP and AKD propose that research should be conducted to find out which different faiths exist in Turkey and what their population in order to create a “faith map”. Whereas the first one advocates that the different faiths should all have a representation according to their population in the Diyanet, the second one argues for a solution independent from the Diyanet.

For the AKP member an equal distribution would not be enough; considering that Sunni Islam was favoured for a long time, it needs positive discrimination over other religious groups to reinstate equality.

“In Europe, religious institutions are not financed by the state but by the adherents of the faith. The people there have the right to be atheist the same way as they also have the right to be religious conservative. Atheist won’t feel a need to and thus won’t finance such an institution, but religious conservative people might feel this need and therefore be willing to finance it. In Turkey it should also be like in Europe, where belief groups have their independent institutions. In our party program we have the demand that the Diyanet should be removed. This geography, the Middle East, was for centuries a cradle of all beliefs; you cannot ignore belief here. Religious services need to be provided; but they need to be provided by independent structures and not by the state. Once the Diyanet is removed, it should be possible to form an independent structure that includes all faith groups. It is not acceptable if the state finances religion because this means on one side that it ignores other religions and on the other side, that it will use religion as being at the service of the state. Therefore, services provided by the state should not include the field of religion; the field of religion should be independent.” (BDP)

6.2 Current situation

Irrespective of whether the respondents approve or disapprove of public funding for religion; all of them agree that there are structural and constitutional problems in its application in Turkey. Main arguments concern the institution of the Directorate of Religious Affairs (Diyanet) and take reference to a lack of acceptance for diversity, as well as the secular foundation and understandings in Turkey.

- **Recognized Minorities of the Lausanne Treaty and Non-recognized Religious Groups**

Officially the few recognized religious minorities do have the right to some privileges like being exempt from paying the electricity for their places of worship. Nevertheless, the representative of the IPKV reports that their electricity is not paid anymore, since a change in legislation took paying the electricity out of the responsibility of Diyanet and moved it to the TDV:

“Why do we pay? Before, the state was paying. 15 years ago we were exempted. But the law changed. This is a manoeuvre. Why? Because the state also does not pay for mosques; but the state pays to the Turkish Foundation for Religious Affairs and the Foundation pays to the mosques. This is also discrimination.” (IPKV)

“As individuals we do not have any problem to practice our religion, but we also do not get any support for providing our religious services.” (Jewish Community in Turkey)

The respondent from the Patriarchate of Constantinople defines their main demand to that the state provides them with financial support but with the right to (re)open education facilities where they can train their clergy.

“Let’s come to the situation of Christians: The biggest problem we are confronted here in Turkey is the education of clergy. From 1844 to 1971 we had a school for theological education at Heybeliada outside Istanbul. This school was closed in a curious way in 1971; nowadays we know that it was not a legal but a political decision. We still continue the struggle to reopen this school that we founded and financed by our own means. Therefore, our demand is not for financial help, but for our very basic rights. At the moment, we cannot

educate clergy. This is a fundamental problem and we are not the only ones to struggle with it. If you ask Catholics, Protestants, Armenians, they will also tell you, it is also their biggest problem. We do not want money from state budget; we want the state to reopen our schools for theological education. This is our main demand.” (Patriarchate of Constantinople)

- **Diyanet**

The institution of the Diyanet, the Directorate of Religious Affairs was by far the most, and by many the only mentioned actor in the state-religion relationship. Throughout this survey, the Diyanet received harsh criticism for being biased, supporting and enforcing only one religion, while neglecting or even putting pressure on other religious groups, lacking transparency and receiving a disproportionately large budget. On the one hand, although those who were close to Diyanet such as TDV-KFM and DIYANET-SEN see Diyanet as a most important institution of the country for religious services, it was stated that Diyanet needs to be more democratic towards other religious groups. On the other hand, presented by some respondents as necessary institution in the beginning of the Republic, ideas about its future divert on whether it should and can be removed, or transformed.

- ***Enforcement of Sunni-Hanefite Islam***

The *Diyanet* is criticized mainly because of its unequal support and funding of religious groups, mainly because of its Sunni-Hanefite-centric perspective. The representative of the Alevi Institute for example stated that by building mosques and paying imams, the state enforces Sunni Islam. The state is also criticized for promoting a certain sect within Islam through the funding of religious education and faculties. This one sided support favours Sunni-Islam but puts other religious groups at a significant disadvantage.

“The DIB’s budget that is provided by the Turkish general budget is used to pay for the religious services of Sunni citizens. One of the functions of the Diyanet is to take this enormous piece of the state treasury and use it for Sunni, Hanefi, Maturidi citizens. At the same time it is a tool to transfer money. DIB has more than 100 thousand positions; the biggest part of the budget is spent for personnel. Among the more than 100 thousand persons working for the DIB there is not one single Alevi tea-maker, driver or cleaner.” (ABF)

“When we look to the 14th century we see that there were many different ideas, why do you impose only one form and one practice today? We do not even have the discussions they had in the 9th or 10th century, they became a taboo. Why? Because we are afraid, because when you express different interpretations you are face exclusion. It is really hard for me to

understand how ideas of the 10th, 11th, 12th century were turned into taboos. In my opinion, the most critical aspect of Diyanet is this promotion of one uniform thought, what in fact is also against the idea of Islam. I repeat: Islam has plurality at its centre; it combines various ways of thinking. We need to create a meta-language. But via the Diyanet, our pluralistic society moves towards a policy of uniform thought.” (DP)

○ ***Tool for assimilation***

The representative of the ABF, referring to the DIB’s Strategic Plan for 2009 to 2013⁸⁰, reproaches Diyanet to provoke reactions against Alevis and in fact anyone not following the ideas of DIB and points out that such policies already led to acts of violence earlier in history.

“Look, the DIB also published a strategic document, where it presents a table of those who actively work to harm religion (meaning Islam) and the institution (meaning the DIB). Among them, they list the caricatures in Denmark and the Netherlands next to persons who want to make the Religious Culture and Knowledge of Ethics class elective, meaning that they directly point at Alevis.” (ABF)

The same respondent continues with another example showing the influence of the DIB and its interpretations:

“when we open a court case to put “cemevi” in the name of an association, the local courts cannot decide and feel the need to ask the DIB. It is the same for every court: it writes a letter to the governor’s office [Valilik], the governor’s office sends it to the Ministry for Internal Affairs; the Ministry of Internal Affairs sends it to the Prime ministry; the Prime ministry sends it to the state directorate responsible for religious affairs, from where it is sent to the DIB. Then it returns the same way and the judge reads the decision ‘something called Alevism does not exist, there is nobody called Alevi, there is no place called cemevi and there is nobody called dede.’ [...] Look, a proposition at the end of the Alevi opening workshops was to change the name of dede into ‘religious leader’ and cemevi into ‘religious and cultural

⁸⁰ Diyanet İşleri Başkanlığı, “Stratejik Plan (2009-2013),” 2008; the strategic plan was revised and with January 2012 a new strategic plan for 2012-2015 entered into force. This new strategic plan contains a changed description of threats, among others “efforts by non-Islamic beliefs, thoughts and tendencies to interfere with the integrity of the Muslim consciousness”, “efforts trying to negatively affect our community and identity” and “efforts to explain views and interpretations that are within Islamic tradition through subjective understanding.” (Diyanet İşleri Başkanlığı, “Stratejik Plan (2012-2016),” 2012, 48).

centre'. They do not accept our terminology. [...] Changing the terminology is part of a process towards changing our characteristics." (ABF)

As the member of BDP emphasizes, the pressure is not only upon non-Muslim or non-Sunni groups, religious communities that see themselves as Sunnis, but with some differences in practice, are also confronted with assimilation attempts and an 'there is only one understanding of Islam' policy enforced by the state.

"Through the Diyanet, the state also controls Islam, the biggest religious group in Turkey. Providing for 80 thousand contracted imams might seem like a favour for Sunnis, but this is not the case. Sunni Hanefite Islam, the state's religion, in fact is also not free: the time of the most important prayer for Muslims on Friday is specified by the state. This means that people, instead of praying at the time they want, have to pray at the time the state specifies in accordance with the official working hours. This might not be a big problem in the Western part of the country, but in the East, especially with the summer/wintertime changes, people are forced to start the Friday prayer one hour late⁸¹. Even the time of the Friday prayer is defined by the state.

The sermon delivered at the Friday prayer by all 80 thousand imams in the 7 regions of Turkey is also defined by the Diyanet. In the Marmara region that is dominated by industry, the daily routine and problems might be different, maybe the imam should mention different things there than in Bingöl, where families mainly live from small animal husbandry. The sermon read by the 80 thousand imams is prepared by the Diyanet in Ankara. Is it really necessary that the Friday prayer is at the same time all over Turkey and that all people listen to the same sermon? The time in Muş for example is different from the time in Istanbul, but Diyanet says 'you will all listen to the same sermon at the same time'.

In fact, both, religious minorities and also the majority are under pressure. [...] The majority is also under enormous pressure. There are about 20 million Kurds living in this geography. About 30% of them are Alevi and among those who are Sunni, about 95% are Shafis. Their religious rituals are different, but the state does not acknowledge this difference. Looking from outside, it looks as if Diyanet only ignores Alevis, but it also ignores Sunnis, it tries to press them all into one shape." (BDP)

⁸¹ Prayer times are usually defined by the sun, meaning that the very East of the country would start about one hour earlier than the very West. Whereas these time differences are considered for example for the five daily prayers, the time of the Friday prayer is the same for the whole country.

○ ***“We do not want the state to do anything in our name”***

In the last years the Diyanet appears to have demonstrated some effort in becoming less exclusive, and more inclusive. One example for this is the publication by the Diyanet of selected Alevi works. Nevertheless, this is viewed by the representative of the Alevi Institute not as a positive action, but more as a justification for the Diyanet. The representative of the Alevi Institute stated that they saw a problem with that, as the state had not consulted the community in doing this. He further stated:

“We do not want the state to do anything in the name of or for any religious group in Turkey.”
(AL-EN)

A similar point is made by AVF, when criticizing that via the Diyanet the state dictates religious rules without considering diversity and different wishes and needs.

“There is a plurality in this society. This plurality reveals some contradictions. I mean that if a mosque community does not want to pray behind an imam who is member of another sect, they do not have any option to change this; the state or Diyanet does not take any such demands into consideration, but only says “you have to pray behind the imam appointed by me”. As you remember, in South-Eastern Anatolia Shafis did not want to pray behind a Sunni-Hanefite imam, because their practices and perception of Islam are different from Sunni-Hanefite understanding. The state building new mosques in villages where Alevis live can be seen as a similar example. Therefore, as long as the state does not consider demands and needs of the religious groups or communities its intentions are seen as missionary activities.” (AVF)

The representative also points at this problem of ‘commands from above’ and suggests a restructuring of the Diyanet and a democratization by assigning persons to their positions within the institution through elections and not as is the case now, assignment by the state:

“I think that the DIB can be transformed into an independent, self-administrated institution. How could this be? First of all, the president of the DIB is not assigned by the state, but elected to this position by internal elections by for example müftüs and heads of faculties of theology; mainly müftüs. The müftüs for their part could be elected by the imams, muezzins, by the clergy of their district. This would bring a more democratic structure. For example, if there is a Shafi majority in one region, there will be a Shafi müftü. Or, another example, the inhabitants of a region with a Kurdish majority in the East might want a Kurdish imam, a Kurdish muezzin or a Kurdish müftü. Nowadays, such demands are voiced and when we look at the composition of our society, it definitely needs such a [democratic] structure.” (DP)

○ **“The state should support all groups equally”**

The main criticism of the current situation lies in the distribution of public funding/ state financing. All respondents agree that the state does not treat different religions and citizens equally, but provides financial support almost exclusively to the Sunni-Hanefite belief group. There is hardly any public funding for other religious groups and they have to cover the expenses for their religious and cultural services from their own budget.

“In our constitution, religious service counts as public service. The budget for religious services is given to only one religion, one denomination. Saying it is distributed in a unjust way is euphemism or naivety. On the one hand the state recognized religions other than Islam, but did not provide a single kuruş [small Turkish money] from its budget. On the other hand, Alevis, who are considered as part of Islam in Turkey [although their religious practices differ from Sunni Islam] and who count for more than one third of the country’s population, are ignored by the national leaders. Do the concepts of just or unjust have any meaning for groups that are ignored?”(MHP)

“The Turkish state has given a lot of money to one religion, Islam. More specific this money is provided to one sect, Sunni Hanefite, of one religion, Islam. Although the Şafis are Sunni, the state does not provide them financial support. As you see, the state does not only discriminate against Alevis, but also against Şafis. This is a blatant injustice. Despite the fact that the state collects taxes from all of its citizens, it does not fund them equally.” (AVF)

○ **“There is no transparency”**

In addition to the unequal distribution of state funds to religious groups, the lack of transparency of the public funding provided via the Diyanet is criticised by many of the respondents.

(...) [If anybody] says, whether from Diyanet, Ministry or even the presidency, that Diyanet is not biased and gives services to Alevis and all religious groups, we do not believe it. [...] We do not know how much of the budget is used for Alevis, for Christians, for Suriyanis, for Nusayris. We also do not believe that there is [such a support]. If there is it is definitely not transparent. We do neither have any information, nor observe anything.” (AL-EN)

“The state needs to keep the same distance to all religious communities and if there is support for one group or activity, others in similar conditions should receive the same support. The

state needs to be very transparent in how much support it provides to whom and how this support is used and it has the possibilities to do so. If only it would apply them...” (Bahai)

“It [public funding] is not transparent in its work because it is using a multitude of different channels. The state provides significant financial means to Islamic associations via local governments for example. [...] They receive for example a budget from the state for social activities. Using them to finance ‘iftar’-tents [tents where the evening meal during Ramadan is served to those fasting during the day] in the name of the state is discrimination of Alevi and non-Muslims.” (AKD)

The secretary general of the Pir Sultan Abdal Culture Association (PSAKD) lists three different fields, where the current system lacks transparency: First, support to religion is not only provided via Diyanet but also through other ministries, ex. of SODES, a social support program that is among others used to build buildings for Quran courses or finance their maintenance.⁸²

As a second point, Diyanet has personnel working in other ministries and institutions and it is not clear where and how they are counted. Last but not least, the budget of TDV, a foundation closely connected to the Diyanet, is even less transparent and for example also involved in the construction of mosques and sending imams abroad.

The representative of this latter admitting that transparency would be desirable, nevertheless also states that Turkey is not yet ready for control-mechanisms:

“We are not ready to have what we do controlled [...] There is no problem here. I know what the expenses are.” (TDV)

The representative of the Atatürk Thought Association (ADD) names the “well-known preferences by the political powers” as the reason for why there is no control mechanism, and no efforts to increase equality or transparency.

“This is not a specific problem of the Diyanet, as other institutions are also not transparent, but it seems especially strange in this case. If you go and request an account of their expenses, they actually will give you a list of numbers, but this does not mean transparency, because you cannot verify them. - I observed the Diyanet Foundation’s budget during one or two congresses and it is apparent that there are many blind spots. Why is the authority to organize

⁸² According to the Turkish Statistical Institute, the number of Quran courses was 8.707 in the 2009/2010 educational year (TÜİK, *National Education Statistics, Non-Formal Education 2009/10* (Ankara, 2011)).

the hajj only given to one state institution? Why can first class travel agencies not provide you with this service? If you ask them, they will tell you “our yearly expenses for hajj are this and that” but they do not answer why they only have an agreement with Turkish Airlines. Aren’t there also other airlines? Why can they not give their bid? There is no transparency in the application.” (BDP)

Concerning transparency, other religious associations do have specific control mechanisms. Nevertheless, the AKP representative for example criticized a lack of voluntary effort for increased transparency not only for Diyanet, but as a general problem in Turkey:

“In Turkey, religious foundations are not transparent. If you send an inspector to a religious group, this is considered as attack on that religion, yet they should all be transparent. (...) It should not be that when a fiscal inspector comes to an Alevi association it immediately is perceived as “Oh, our Alevism is attacked” but instead it should be “please, come and check”. But here again the inspectors’ understanding of democracy is also important.” (AKP)

- ***Disproportional budget***

Two representatives, whose perspectives were more secular, ADD and CYDD pointed at the disproportionate budget of the Diyanet.

“The budget of DIB is compared to other ministries very big. Diyanet should not get that much money.” (CYDD)

- ***Transition / control mechanism***

According to respondents with more secular perspectives, state intervention in the domain of religion was necessary in the beginning of the Republic to assure a transition from centuries of Islamic rule into a laic, democratic society, but religion started to be used as a tool especially after 1950.

“There is no absolute answer to this question. There can be different solutions depending on time and society. That is what it needs. First of all we need to make this point clear. (...) When we consider the country’s history and social structure, in the beginning of the laic republic such a structure was necessary for its protection. Once the healthy transition to a laic society is assured, such an institution will not be needed anymore, then it would have been certainly removed.”(ADD)

The Diyanet is not only perceived as an institution to break with the past, but as the member of AKP adds, an institution leaning on the system of the past.

“It needs to be clear, that Diyanet is not an institution of the Republican era and cannot be seen independently from the Sheikh al-Islam [Şeyhülislam].” (AKP)

○ ***Removing Diyanet?***

The representative of the ADD defends that whereas the Diyanet was an essential institution in regard to ensuring the security of the republic in its beginning, now that some (Sunni-Hanefite) religious communities grew so much in power that they deeply influence state politics, the Diyanet urgently needs to be removed and stop the support to those religious communities that endanger the state and values of state-religion separation should be reinforced.

“[Especially after the 50ies] religion was under a certain political power again offered as opium to the people and cut the way of enlightenment; DIB was used as a tool for this politics.”(ADD)

“Concerning the existence of DIB, I do not think that it is suitable in Turkey to leave religious services to religious communities. Next to maintenance of mosques, there is also the need to send the staff that will give the religious services. Those services need to be completely under state control.”(CYDD)

“There is a demand to completely remove the Diyanet, ‘it doesn’t provide any services to me, so we should remove it’. This would open the way for religious communities to take over religious services, what again would open the way for disorder, because the average level of education is at 4,5 years in Turkey. If in Turkey, the education would rise to 12 years with increased quality and inclusiveness and the GNP per person would reach 25 thousand dollars, maybe then we can think about it, but for now such a thought is extremely dangerous. It is easy to say, but what about the application, where will religious services go? Who will provide them? In what way?” (DSP)

“In the case that the institution of Diyanet continues to exist, all faiths should have a representation relative to their population in that institution.” (MHP)

“Changing the structure of the Diyanet is very difficult as it would be met with serious opposition. An advisory board [consisting of representatives of different religions and belief

groups] would maybe contribute to a new understanding of the Diyanet. [...] Just like Islam does not change in a fast way, we do not expect a rapid change of the Diyanet either.” (Bahai)

“As an interim solution, the DIB might become more inclusive to cover all religions and beliefs, but the final aim is to completely remove it. The state needs to leave this field to the religious groups.” (BDP)

“Some Alevi civil society organizations say ‘the state should not give support to religious services from the national budget; we will remove Diyanet and bring voluntary religion tax.’ Those are very utopian thoughts.” (AKP)

“Now, the state put the rules and nobody can say anything different from state ideology. We advocate that to act freely, the Diyanet should be independent and its president elected.” (Diyanet-Sen)

To sum up, in the opinion of a vast majority of our respondents, the Diyanet needs some fundamental structural changes to include all religious groups in an equal and just manner in the short term and in the long term Diyanet may need to become an autonomous institution run by representatives of all religious belief groups and independent from the state, or be completely removed.

6.3 ‘Belief tax’ similar to church tax in some European countries

The possibility of collecting a belief tax similar to church tax is approved by several respondents as best practice, as it would mean that the members of each religious or belief group finance their services themselves (either completely independent or via the mediation of the state) what is considered as fair and suitable for a secular state (MHP). Some refer to the current financing of labour unions, as example of how it could be put into practice. Several respondents put the condition that it is optional (CYDD, IPKV) The state thus would not directly support religion but only take the role of a control instance, something that is vindicated by Alevis (AL- EN).

“This could also be possible in Turkey. This way the injustice towards Alevis, Jews, Christians and other disadvantaged belief groups would be removed.” (Mihellemi)

Concerning church/belief tax, the Pir Sultan Abdal Culture Association (PSAKD) sees a problem in group pressure. The representative voiced her concern that it would not be easy to go ahead and say openly “*I want to use my tax for Alevism*”. She also indicated that there would be similar problems for other religious groups. In line with this, the respondent from the Alevi Cultural Association puts serious changes in the current legislation as prerequisite for the feasibility of such a system.

“Under the condition that it is voluntary, I consider belief tax as a modern and democratic system that would also be important in regard to control and transparency. But first of all, we need to get rid of discrimination based on religion, belief or conviction. Religious freedom needs to be ensured for all believers and non-believers. As long as religious freedom does not prevail, a belief tax would only be used to enforce the current system of support only for a limited group openly favoured and protected by the state. In short, I approve of a voluntary tax system, but to put such a system in Turkey into practice, it first needs serious adjustments in the Constitution and other basic legislations.” (AKD)

Referring to the different context in Turkey, the representative of the ADD also states that such a church tax would not be appropriate in Turkey as it would just be misused to further enforce the most powerful religious groups. A fear of misuse is also the reason why the Support for Modern Life Association (CYDD) proposes that another term than belief tax should be used as it might be misinterpreted and misused by some sects to defraud religiously devote persons. DSP and DP as well express doubts whether such a system would be possible in Turkey pointing to structural differences between Christianity and Islam.

“The situations in Europe and Turkey are different, because there is a significant difference between Christian and Islamic understanding: In Christianity there is a clergy-class and an obligation to be part of a church. Only when you are member you are a believer. First you need to show your adherence to a church and pay fees accordingly. We do not have anything like this. There is no obligation to belong to one mosque or to one clergy class. Therefore, I do not think that such a practice would be suitable in the Turkish context because the structure is different.” (DP)

Our representative from CHP highlighted the discriminatory potential of such an application in Turkey:

“I believe that this practice could be used for discriminatory purposes. State officials and institutions should have no intermediary role or records concerning religion.” (CHP)

The respondent from Diyanet-Sen also states that a belief tax would not be suitable in the current situation, due to a lack of democracy and a in his view ‘misunderstanding’ of Alevism by some groups as different from (Sunni) Islam. Such a tax system would just be possible once there is a ‘democratic’ consensus that Alevism is part of Islam, meaning also the acceptance of mosques as the only place of worship.

“In a discussion-session, I said ‘Turkey is not yet ready for this, it needs another 25 to 30 years. Only when Turkey is really democratic, Alevism, understood not as a separate religion but as a brotherhood, a way within Islam, can be independent and a tax system could be created accordingly.’” (Diyanet-Sen)

The representative of the Midyat Syrian Culture Association supports a belief tax system, but adds that an equal distribution according to the population would not be enough considering that due to the state policy, the number of non-Sunni Muslims decreased sharply over the last century and Sunni Islam was favoured for a long time, it needs positive discrimination for other religious groups to reinstate equality. A similar measure of positive discrimination for those disowned and discriminated against by the state structure is also advocated by the representative of BDP.

Another proposition presented by some respondents is to restructure the current system of state financing by including representatives of all religious and belief groups in the Diyanet instead of introducing a new “belief tax system”. A point of critique brought forth is that if religious services are paid by the general budget, this would make atheists and agnostics pay for services they do not (want to) use.

6.4 State Television and Radio

The Lausanne treaty provides religious minorities with the permission to publish in their own languages. Today, it is the RTÜK (Radio and Television Supreme Council) that decides on permissions for opening radio or TV channels.

Most religious groups do have their radio and TV channels, that are like Diyanet TV and radio⁸³ and any other private channels controlled by RTÜK under the lead of Vice-PM Bülent Arınç.

Law no 6002 of 1 July 2010 "On the Establishment and Duties of the Presidency of Religious Affairs", tasks the DIB and its department on religious services to “enlighten the citizens concerning religion using radio and television” and to close down internet sites if they do not approve of the content. The same law also “allows the Diyanet to establish its own radio or television channel. National radio and TV frequencies will be provided free of charge to the Diyanet by the RTÜK.”⁸⁴

§8 of the Law no 6112 on Radio and Television prohibits to “incite hate based on race, language, religion, gender, class, region or denomination” and to “broadcast content that is discriminatory or defamatory concerning race, colour, language, religion, nationality, gender, disability, political and philosophical thought, denomination or similar reasons”.⁸⁵ It is further forbidden to include any publicity in the broadcast of religious celebrations (§10) and to accept financial support for news and programs on religious ceremonies (§12). The Turkish Penal Code 216 prohibits discrimination, insulting of religious values and offending public peace.

The report on hate speech by the Association for Social Change that monitored Turkish newspapers, finds that hate speech is widespread and that after ethnic identity, religion and faith is the most prevalent target of hate speech.⁸⁶

In 2002, RTÜK decided a 24h broadcast stop penalty for Radyo Shema (İmaj Radyo) of the Protestant Church Association because of programs propagating Christian belief and not complying with “justice and impartiality”. The Court accepted the appeal by the Association, found it not guilty and annulled the penalty.⁸⁷

There are some references in newspapers on lawsuits for “insulting religious feelings” against authors of print and online media⁸⁸, for which we were nevertheless not able to find caselaw; or cases of hatespeech that were not followed by lawsuit.

Concerning the broadcast of programs related to religion and belief on national TV and radio channels (Turkish Radio and Television Corporation - *TRT*), only the representative of Atatürk

⁸³ Diyanet TV and radio started in 2007 not attached to the DIB as “state institutions are not allowed to open their own channels”, but to the Diyanet Foundation; <http://www.haber7.com/haber/20070910/Diyanet-TV-bugun-yayina-basliyor.php>

⁸⁴ Yıldırım, “Turkey: The New Constitution Drafting Process and Freedom of Religion or Belief.”

⁸⁵ *Radyo Ve Televizyonların Kuruluş Ve Yayın Hizmetleri Hakkında Kanun. Kanun No. 6112.*

⁸⁶ Sosyal Değişim Derneği, *Ulusal Basında Nefret Suçları: 10 Yıl, 10 Örnek.*

⁸⁷ Çankaya Cemevi Yaptırma Derneği (case no 2010/492) (Ankara 16. Asliye Hukuk Mahkemesi 2011); Radyo Shema v. RTÜK (case no 2002/1641) (Ankara 7. İdare Mahkemesi 2003); Radyo Shema v. RTÜK (case no 2005/588) (Danıştay 13. Dairesi, İdare Mahkemesi 2005).

⁸⁸ HABERTÜRK, “Karikatürist Baruter Hakkında 1 Yıl Hapis İstendi!”; ntvmsnbc.com, “‘İllallah’ Davası Devam Ediyor”; Gazetevatan.com, “Eksisözlük’te Dine Hakarete 1,5 Yıl.”

Thought Association (ADD) did not approve of religious programs on state TV at all, as such programs can be provided by private TV.

The other representatives and experts from different religious and belief backgrounds stated that there could be such broadcasting on state media but – again in line with the argumentations above – there should be some criteria assuring equality between different religious and belief groups and preventing political misuse.

“There are many prejudices in Turkish society and it is the responsibility of the state to fight those prejudices.” (EDP)

- **Media should not be used politically**

Most of our respondents stated that TV programs on religion should be standardized and be prepared by representatives of the respective faith. They should not only report once a year and not be used for political propaganda, or only present the views of those representatives of the faith, who are close to the state.

“There might be special programs on holidays, but they should not be dominated by the official state discourse, by a nationalist discourse. Sometimes I listen to the Friday sermon, the content is incredibly nationalist; blood, violence, anger, etc. With these sermons and nationalist speech they try to boost state ideology. That is what I oppose.” (Armenian)

- **Media should not only present one religion**

Whereas the representative of Diyanet-Sen states that in a country that is said to be 99% Muslim, “*nobody will be disturbed if a channel of official state TV broadcasts religious programs*”, most respondents reproach TRT to contribute to exactly this picture of a uniform religion in Turkey by not representing diversity. A selective inclusion of some aspects of religious traditions other than Sunni Islam is criticized for aiming at assimilation and creating divides among the respective groups. The Coordinator of the Alevi Institute for example defends that the broadcast of some Alevi programs especially in the last two years, something that is welcomed by some Alevi groups, actually only reinforces the problem, as other groups (Suriyanis, Nusayris, Bahai, Christians, etc.) are again excluded.

“A part of society wants to learn about religion and religious practices. For one part of our pluralistic society this demand is also met by TRT. There are programs on belief for years that address a public of mainly Sunni Muslims. But I repeat: We see that in those programs only

one perspective within Islam is dictated and that different points of view are very rare or non-existent. - For years I am in a theological community where I can see different perspectives and approaches. When you watch the programs [on TRT] you think that all other opinions and points of view are outside Islam. Therefore, standardization is not only an issue in relation to Alevism but also within Sunni Islam. Diyanet defends one perspective and dictates it to society.” (DP)

“State television is everybody’s television. There is no problem if the state broadcasts on holy days and weeks of every religion, but if it only broadcasts on some groups and does not grant the same rights to the others then this leads to discrimination.” (DSP)

“What TRT says is “you do not know the truth, but I know the truth, therefore learn religion from me.” ... this one-religion, one-denomination, one-law school ideology presented is not to the benefit of the audience.” (DIVES)

“The important thing is to be able to do something together. [...] The president or the prime minister could initiate an advisory board consisting of representatives of different religions and belief groups. For the time being, there is nothing like this. The only existing institution is the Diyanet. The TV programs are almost exclusively directed towards Sunni. Ok, the majority in Turkey might adhere to Sunni belief, but there are also other groups, Alevis, Protestants, Christians, Bahais, Jews, the Society of Jesus, etc. Such an advisory board where they can not only voice their problems but also have the possibility to work together, to cooperate, and to communicate, would be a nice gesture.” (Bahai)

- **Media programs should be prepared by members of the respective faith**

The respondents agree that if there are programs on religion and religious groups, these should be prepared by specialists of the respective faith, or at least under their consultancy.

“There should be a space on state TV where ‘minority’ religions are not represented by others but can represent their belief themselves. All religious groups should be able to make their own programs within the principle of equality.” (IPKV)

“The programs on TRT are insincere and aim at putting pressure on other beliefs. Yes, there should be programs on other beliefs, but they need to be prepared by the representatives of the respective faiths. Otherwise, if the program is about a Muslim or an Imam explaining Christianity, it ends up in denigration or humiliation of Christianity.” (Syrian)

- **Possibility to learn about religious diversity**

“If there are religions in other countries not known here, TRT should broadcast programs related to faith to provide a chance and possibility to those groups to present themselves and – for those who want – to learn about them.” (MHP)

“Citizens might want to learn about religion from a very broad perspective, something that might also be true for atheists. This should not be the perspective of one religion or one denomination, ignoring all others, but an impartial perspective reflecting our pluralistic structure, for example by religious sociology or history of religion.” (ABF)

- **Problem of state authority**

“If the state has an ideology, the television will also follow the same direction. I do not approve of the state broadcasting on religious topics; state television should not take an educating role. Only in the form of documentaries it might be acceptable. In this case the religious authorities of the religious group the documentary is about should be asked for their opinion and permission.” (AKP)

“Our society is state-oriented. What the state says is certainly true. The people will accept state-programs, and thus the singularistic perspective presented by the state, without questioning them. When the state television TRT prepares a program, it will be accepted because the state is considered as a serious source. If the program is prepared by a belief group, people would not approach it as objective truth. - Recently some programs were broadcasted on Alevism, but they presented the state’s view and how the state would like to see Alevism. Such an approach harms Alevism and leads to a divide within belief groups.” (BDP)

“While private broadcasting corporations should be completely free concerning religious programs, public broadcasting corporations should not have any programs of a sectarian / religious nature. The current practice is that TRT caters to the needs of Sunnis while ignoring for the most part the needs of other communities. There does not seem to be a way of ensuring equal access to all religious communities. Therefore, the only remedy seems to be restricting religious / confessional programs on public broadcasting corporation.” (CHP)

- **Question of demand**

Whereas some respondents, like the respondents from MHP and MAZLUM-DER specify that programs on religion should be prepared and broadcasted according to the demand, therefore seeing citizens and religious communities as the ones who should take the first step, the representative of the Patriarchate of Constantinople for example states that the responsibility for equal representation lies with TRT.

“As far as I know, TRT works on demand. If Christians living in Turkey have such a demand, they need to tell TRT.” (MAZLUM-DER)

“I am here for eight years now; there has not been any advance by TRT. They only came one occasion, when the pope visited our church; but they came too late, after the celebrations finished. TRT participated there, but broadcasted using the shots by Italian and Greek television. It would be good if there were some proposals by TRT. If we could broadcast in Turkish or in Greek, the language we use during religious services, this would be a proof of the country’s freedom of religion. Now, we prepare programs with Italians, Germans, Greek. - You will ask whether we made a request. No, we didn’t. But it needs to come from them.” (Patriarchate of Constantinople)

6.5 Religious services to immigrants

The representative from EGITIM SEN, who already clearly distanced itself from public funding for religion, underlines once more, that the state should in no way be obliged to provide for religious services. Other more positive approaches include, that migrants can use existing places of worship (CYDD, DIYANET SEN), that their needs should be met (Jewish Community, MHP, TDV, DIB, DIVES), or even, that the expenses of their religious personnel should be covered by the state (Mihellemi). BDP specifies that they should be met, if there is enough demand.

In the context of above mentioned problems that some established religious groups are confronted with in Turkey, representatives of the Alevi Bektashi Federation and Syrian community are not very optimistic about public funding for migrants. Mentioning experiences in the special case of asylum seekers, Istanbul Protestant Church Foundation and Capital City Women’s Platform accuse state officers of being prejudiced against asylum seekers and treating them badly. Not getting *“human treatment in any respect; religious services are a very far-away issue.” (BKPD)*

“It could facilitate the contact with the respective religious group and more generally, if there aren’t any facilities to practice the belief, it should provide for them.” (TDV-KFM)

“If they stay in Turkey, there could be the possibility provided to them to worship in their own language or to learn another language of worship. The Orthodox or Catholic communities should provide for this or, if they can’t, the state.” (Patriarchate of Constantinople)

“For refugees, places of worship could be temporarily opened at their places of residence under the control of DIB.” (DSP)

“It wouldn’t be acceptable to just provide religious services to citizens and exclude those coming from outside. Leave aside religious needs, living conditions for refugees in Turkey are insufficient; they struggle to survive in very precarious conditions. There are even some who do not have a blanket for the winter.” (EDP)

“Religion is a very important sociological reality in this society. It is a force giving hope to people; this is why you cannot separate religion from society.” (CYDD)

“All human beings, whether they are Turkish citizens or not, should have the right to provide or receive religious services within their religious communities. Those who want to be gainfully employed by their religious communities to provide religious services in Turkey should have relevant work and residence permits. The provision of work and residence permits should not be carried out in a manner that is discriminatory to minority groups.”(CHP)

CONCLUSION

With a variety of issues touched upon in the sociological research, in a first step main findings of the four focus areas are summarized in the following section, before turning to observations on some more general tensions underlying the respondents' attitudes towards the complex interrelationship between state and religion.

WP3: The Family

Concerning marriage, ensuring the legal protection of rights and the condition of free-will of the spouses is emphasized by the respondents; the majority accepts religious wedding additional but not alternative to a civil marriage, although some respondents express, that the right of legally registering marriages could also be entrusted to religious authorities. The opinions on polygamy and even more same-sex marriages diverge from strict opposition to rather liberal acceptance under the condition of the already above stressed free will. Opposition to polygamy is mostly based on female rights, opposition to same-sex marriages on religious argumentation.

WP4: Workplace

For employment in state offices, the respondents agree that religion should not be a choosing criterion, but when it comes to the private sector, opinions diverge from opposing such a practice as discriminatory to allowing it as freedom of choice of the employer. In any case, it is acknowledged that in practice religion is a criterion in the selection of employees or for promotions. While it is acknowledged that for services directly connected to the religious practice only members of the respective faith group should be employed, finding adequately trained persons poses a challenge for some groups: the Istanbul Protestant Church Foundation for example reported difficulties in finding adequate personnel for their religious services due to a lack of education possibilities in Turkey and bureaucratic obstacles in the employment of foreigners.

Concerning religious symbols at the workplace, the majority of respondents do not approve of such symbols in state offices, seeing it contrary to the principle of laicism. Furthermore, in line with this principle, in persons in positions, where state authority is represented, should not be allowed to wear any symbols showing their religious conviction, i.e. a headscarf.

WP5: Public Space

In the case of religious education, main criticism of the from 4th to 12th grade compulsory “Religious Culture and Moral Knowledge” class are that they focus on Sunni-Hanefi Islam, ignoring or misrepresenting other beliefs, that they are compulsory for all students except recognised religious minorities and that there is no alternative religious education.

In discussions on banning or allowing the wearing of the headscarf in public institutions, a decisive factor is whether it is seen as a religious or a political symbol. Among those seeing it as the latter, the consensus is that it should be banned from state offices as it is contrary to the constitutionally protected secularism. Perceived as a religious symbol, on the contrary, it falls within the freedom of the individual. Impasses of the discussion lie on one side in these diverting approaches and on the other side in the impossibility of separating a politically worn from a religiously worn headscarf. Several respondents used the differentiation between providers and receivers of public services. Whereas some completely opposed headscarves in education and state offices (eg. for teachers as well as students), a majority did so concerning those providing public services, i.e. teachers and civil servants. In the field of education, another distinction is according to the age of the individuals subjected to dress codes: as maturity is seen as important factor in whether or not headscarf can be seen as worn out of free will, nearly all of the respondents disapprove of the headscarf in primary education. The specific Turkish context is referred to in the interpretation of rights and restrictions of religious dress. The emerging picture shows, that from a freedom perspective, the headscarf could be allowed, but with the experience of religion used as tool for power struggles and a reason and cause for discrimination, it is seen very sceptical in Turkey.

Concerning the field of religious affiliation on identity cards, respondents either advocate that there should be the possibility to leave the field blank or – as leaving it blank might again cause discrimination – to completely remove it. Per law, citizens are allowed to write their religious denomination or leave the field blank, but there are reports of problems in the application, when state officers do not accept to write anything else except “Islam”.

All respondents agree that all religious groups should have the right to construct their places of worship, at the same time most of them criticise that in Turkish reality, on the one side only mosques are included in city planning, even if there is no demand, and on the other side, it is hard to get permits for other places of worship, even if there is a demand. Therefore, as long as public order is not disturbed, the respective religious communities should be the ones to decide where their places of

worship should be constructed and how they want to use them. Furthermore, Alevis criticise that their places of worship, cemevis, do not have any legal recognition by the state.

The topic of faith based political parties is another issue that split the respondents into two camps: those who see it as a legitimate form of campaigning and those who oppose it as contrary to secularism and as causing conflicts. Again, both sides mention, that in practice, parties with more or less open religious affiliation do exist.

WP6: Public funding to Religions

Some representatives do completely oppose public funding to religion or FBOs, advocating that religious groups should finance themselves. Those in favour of public funding to religions or FBOs argue that as the state collects taxes from all citizens it should also support religion as an aspect of social life. An important condition of such public funding is that it is distributed in a fair way to all religious groups.

All the respondents agree that the current distribution system in Turkey via the Directorate of Religious Affairs does not meet the criteria of fairness. Concrete points of criticism towards this institution are that it only represents and supports Sunni-Hanefi Islam, that it lacks transparency and that it receives an over-proportionate budget; all these to the detriment of other religious groups and denominations. Solutions are either seen in the complete removal of the Directorate of Religious Affairs, what is also seen critically by some, or the restructuring towards a more democratic and inclusive council including representatives of all religious groups and denominations. Introducing a system similar to the Church tax in some European countries is welcomed by some, especially representatives of non-majority religious groups, but again a fear prevails, that in practice it would not work, i.e. be misused by those already powerful.

While the current distribution of religious programs on state TV are seen as another example of unequal treatment of different beliefs by the state, it is acknowledged that if programs are not used for political purposes, they can be a way to provide first hand information on different belief groups and practices that should be prepared by or in consultancy with representatives of the respective faith.

In regard to the position of immigrants, as in Turkey not even all citizens do have access to religious services and recognition, the chances for migrants and refugees to receive such services are seen very low, although the majority of respondents advocate that they should have access to such services.

General Observations

Most respondents mention a very complex, intertwined relationship between the Turkish state and Sunni Islam, the majority religion in Turkey. This relationship appears to have its foundations in the Ottoman state system, and seems to have continued into the secular Turkish Republic. This intertwined complicated relationship between Sunni-Islam and the current AKP government also seem to be stronger.

Another recurrent theme, which is related to the close ties between the Turkish state and Sunni-Islam, is the differential treatment of different religious groups by the state. The majority religion, Sunni-Hanefite Islam, receives public funding in various ways and is financed directly and indirectly by the state. The religious minority groups recognized in the Lausanne-treaty also receive recognition and enjoy a few privileges; but the rest of the religious groups are in a significant disadvantage as they lack recognition and support. This situation appears to be especially problematic for Alevis and Caferis, two religious groups that are currently subsumed under the state interpretation of Islam, and thus struggle not only for recognition of their religious practices, but also state problems related to assimilation attempts by the state.

In several cases, the respondents reported a discrepancy between theory and practice; i.e. the legal framework and its application. In theory and in certain cases in the law, freedom of thought and religion exists. However, the application appears to be problematic. The accounts of current practices show widespread biases in terms of belief-based differential treatment and discrimination.

In relation with these three points mentioned above, a lack of plurality of thought in Turkish society and a homogeneous image of “the citizen” by the state were brought up as critical issues in the Turkish case.

Additionally, a security perspective seems to be dominant in all different viewpoints that are included in our expert interviews. Many of our respondents voiced ideas concerning “protecting” and “harming” the state. On the one hand, the more secularly oriented experts defend that the state needs to be protected from groups that might end up harming it by undermining the secular foundations; on the other hand, more religiously conservative respondents advocate that religion needs to be protected from harmful changes and individual interpretations. Both arguments support state control of religion, but their driving forces are different: a fear of an Islamic, religion controlled state on the one hand, and a decomposition and dissolution of (Sunni-Hanefite) Islam on the other.

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Annex I: list of respondents

Religious / Political orientation	Organization	Title	Relevance to Study
Sunni	Directorate of Religious Affairs (Diyanet), Foreign Relations Department	Head of the Department	Responsible for religious services in the European Union and in other countries provided by the Diyanet.
Sunni	Directorate of Religious Affairs (Diyanet), Strategy Development Department*	Head of The Department & Advisor to the Minister of State - in charge of "Alevi Opening"	In addition to his position as head of Strategy Development Department of the Diyanet, Subasi was also advisor of Faruk Çelik, state minister and coordinator of the 'Alevi Opening'.
Sunni	Turkish Religious Foundation (Türkiye Diyanet Vakfı)	President	The foundation advises the Directorate of Religious Affairs on construction and maintenance needs of mosques, runs hospitals, collects alms for the poor, etc.
Sunni	Turkish Religious Foundation / Center for Women's Activities	Director	The objective of this Center run by the Turkish Religious Foundation is to organize religious, social and cultural activities to ensure that (headscarf) women take a more active role in the social sphere.
Sunni	Organisation of Human Rights and Solidarity for Oppressed People (MAZLUM-DER), Ankara Branch office	Branch Office President	MAZLUM-DER aims at the protection and improvement of human rights and freedoms of religion and belief, both in and outside Turkey
Sunni	Capital City Women's Platform (BKPD)	Former President	BKPD is an Ankara-based NGO, aiming at enhancing women's participation in social life through education, employment and political activities.
Shafi	Foundation of Religious Workers Union (DIVES)	Secretary General	Union for Diyanet and Turkish Religious Foundation Workers; oriented towards Shafi Islam; partly in opposition to Diyanet decisions
Alevi	Alevi Bektashi Federation (ABF)	President**	umbrella organization of Alevi-Bektashi foundations
Alevi	Alevi Cultural Associations (AKD)	Member	umbrella organization of Alevi associations
Alevi	Confederation of Alevi Foundations (AVF)	President	umbrella organization of Alevi foundations
Alevi	Alevi Institute (AL-EN)	Member of the Executive Board & Research Coordinator**	Research institute focusing on Alevism. It conducted a research on discrimination in 2009-2010

Alevi	Pir Sultan Abdal Culture Association (PSAKD)	Secretary General	umbrella organization of Alevi associations
Protestant	Istanbul Protestant Church Foundation (IPKV)	Pastor	works to improve religious and social services to the Protestant community in Turkey
Jewish	Foundation for the Beyoğlu Jewish Rabbinate (Jewish Community)	Lawyers of the Foundation, Secretary General	works to improve religious and social services to the Jewish community in Turkey
Bahai	Bahai Community - Turkey	Director of External Relations	works to improve religious and social services to the Bahai community in Turkey
Syrian (Süryani)	Midyat Syrian Culture Association	President	works to improve religious and social services to the Syrian Orthodox community in Turkey
Greek Orthodox	The Patriarchate of Constantinople (Greek Orthodox)	Press secretary of the Patriarchate of Istanbul & Priest	works to improve religious and social services to the Greek Orthodox community in Turkey
Armenian	Yeşilköy Armenian School (Istanbul)	Coordinator of the Education Commission & Headmaster of the Yeşilköy Armenian school	educational institution for the Armenian community
Mihellemi	Mihellemi Association of Dialog Between Religions, Languages and Civilisations	President	Midyat/Mardin based NGO aiming at spreading information on religious, cultural, linguistic diversity of different groups especially Mihellemis
Secular	Association for the Support of Contemporary Life (CYDD)	President	works among others to increase the rates of schooling all over the country
Secular	Atatürk Thought Association (ADD)	President	The main purpose of the association is to maintain and develop Atatürk's principles and secular state.
Religious Right	Labor Union of the Directorate of Religious Affairs employees (DİYANET-SEN)	President	DIYANET-SEN is the largest union of imams; close to AKP and Diyanet
Left	Education and Science Workers' Union (EGITIM-SEN)	President**	EGITIM-SEN is one of the largest union of teachers at public schools. It has a social democratic / socialist political orientation.
Center-Left	Republican People's Party (CHP)	Member of the Parliament & Member of the Party Assembly	CHP is a centre-left / social democratic political party in Turkey. It is currently the main opposition in the Turkish Grand National Assembly.
Center-Left	Democratic Left Party (DSP)	Secretary General	DSP is a minor centre-left political party in Turkey. It is not represented in the Turkish Grand National Assembly.

Socialist	Equality and Democracy Party (EDP)	President	EDP is a minor socialist and progressive political party. It is not represented in the Turkish Grand National Assembly.
Religious Right	Justice and Development Party (AKP)	Member of the Parliament**	AKP is a centre-right conservative political party. Since 2002 it is the ruling political party and today has 327 out of 550 seats in the parliament.
Nationalist	Nationalist Movement Party (MHP)	Member of the Central Executive Board)	MHP is a far-right political party and after AKP and CHP the third strongest party. It is currently the 2 nd opposition in the Turkish Grand National Assembly.
Center-Right	Democratic Party (DP)	Vice President of the Commission for women, family and disabled persons	DP is a centre-right, conservative Turkish political party. It is not represented in the Turkish Grand National Assembly.
Kurdish nationalist	Peace and Democracy Party (BDP)	Member of the Party Assembly	BDP is a Kurdish nationalist party. It is currently the 3 th opposition in the Turkish Grand National Assembly.

* interview not included in the report as not approved

** not in this position anymore as of February 3, 2012

Annex II: topic list used

WP3: The Family

Attitudes towards

- state recognition of religious and civil marriage; polygamy; same-sex marriage
- situation of nationals and immigrants in regard to religious services

WP4: Workplace

Attitudes towards

- religion/faith as employment criteria by faith based organizations and in “non-religious” workplaces (public and private)
- regulations on religious symbols for civil servants / in state offices

WP5: Public Space

Attitudes towards

- mandatory religious education courses
- religious accommodation (eg. headscarf regulations) in education institutions (primary education / university)
- permitting different regulations for public and private education
- right to construct and run places of worship; state involvement in opening of places of worship
- considering places of worship as public space
- nationalization of historical places of worship and their transformation into museums
- establishment of faith-based political parties
- religious denomination on Turkish national identity cards

WP6: Public Funding

Attitudes towards

- public funding to religions in general; Arguments for and against public funding; different kinds of support (subventions, tax deduction)
- current practice of public funding to religion/belief groups in Turkey; transparency and accountability
- religious programs on state television and radio