

Human Rights, Religious Minorities, and Sovereign Responsibility:
A Turkish Conversation

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Abstract: Turkey has the opportunity to minimize the exclusivist privilege of secularism and to acknowledge pluralism, fostering religious liberty. Mustapha Kemal Ataturk's revolutionary Turkification reforms for national unity encoded authoritative secularism as a repressive, privileged ideology. Privileged secularism harbors structural violence towards religious adherents in the public realm. Secularism, however, can be reinterpreted with pluralistic connotations to provide for religious liberty without privileging a specific ideology. This paper analyzes religious components of human rights in Turkish constitutions through Ninian Smart's dimensions of religion. By redefining its concept of secularism more pluralistically, Turkey may diminish polarized fear of oppressive secularism and Islamist empowerment.

Keywords: Turkey, secularism, politics, pluralism, liberty

Sovereign states have treated the Universal Declaration of Human Rights (UDHR), a seemingly minimum standard of protection for basic human dignity, as a mere recommendation.¹ These states may acknowledge the rights of a particular group, but regardless of intentionality, others may be marginalized. Modern Turkish governance has overlooked religious identity through the nationalist facilitation of a Turkish civil religion unity. Mustapha Kemal Ataturk, the founding father of modern Turkish governance, utilized the constitution and legislative reforms to strictly privatize religion and promote secular nationalism instead during the 1920s and 1930s. The era after the conception of the UDHR should have seen a push towards

¹ "Universal Declaration of Human Rights," United Nations, adopted 10 December 1948, <http://www.un.org/en/documents/udhr/index.shtml>

greater inclusivity and recognition of human rights for all, but Turkey's constitutional evolution became more restrictive of religious freedom. The Turkish Constitutional Reconciliation Commission must make an intentional effort to include protection for other distinct, overlapping, and often perceived as conflicting identities, particularly acknowledging religious adherents within a secular state. Turkey has a duty to protect human rights. This means recognizing the degrees of marginalization associated with categories of social identity in order to minimize structural violence through plurality in inclusivity.

Marginalization occurs when power and privilege align as blind governance with a certain ideology, which in Turkey is Ataturk's civil religion of nationalism, secularism and Westernization. Turkey has considered itself a republic since 1923 and, as such, it privileges the elite in governance rather than the quantitative majority.² At the conclusion of World War I, military hero Mustapha Kemal Ataturk paternalistically transformed Turkey from an Islam-dominated, theocratic empire to a Western-oriented, secular republic. In addition to ethnic purification with Turkification, Ataturk's reforms fit within the language of the secularization thesis by privatizing religion into the public disappearance of religion for the sake of Western progress.³ Turkey has an overwhelmingly Muslim population, but owing to

² In Plato's *Republic*, the philosopher king is he who was most educated and therefore best equipped to rule the Republic.

³ Religious, ethnic and other social minorities were either killed or forced to migrate in the years leading up to World War I. The Greek Orthodox and Armenians were particularly persecuted in what came to be labeled the Armenian Genocide, which Turkey has yet to recognize formally. For more on the secularization thesis and the privatization of religion/goodness, see Taylor Roberts, "Toward Secular Diaspora: Relocating Religion and Politics," in *Secularisms*, ed. Janet R. Jakobsen and Ann Pellegrini (Durham: Duke University Press, 2011), 283–292 and Alasdair MacIntyre, "The Privatization of the Good," *The Review of Politics* 52, no. 3, (Summer 1990): 344–377.

Ataturk's reforms, religion has been privatized and forbidden from politics. However, the country's strict adherence to the principle of secularism and reverence for Ataturk has created a religion in itself. The ideological privilege of secularism in Turkish governance and political affairs inhibits the realization of Article 18 of the UDHR, which protects the freedom of religion and belief.

Modern Turkey has relied on constitutions written by the secular, militaristic elite to safeguard Ataturk's reforms.⁴ These reforms, Kemalism, are six general ideas codified throughout the 1920s and 1930s that were permanently added to the Constitution in 1937, distinguishing Turkey from the rest of the former Ottoman territories.⁵ These political philosophies—republicanism, secularism, populism, nationalism, isolationism and reformism—have repressive implications for the position of religion in Turkish society. They have remained unchanged other than extensive affirmation. However, after the Constitutional Reconciliation Commission convened in 2012 and military authority significantly diminished, secularists feared Kemalism may not be preserved. Such fear is due to religious groups pushing against the extreme secularization of the public square in search of legitimacy and a political voice. Their voices have not disappeared, but they were silenced through Kemalism. The secularists fear that deprivatization of religion into public life, through Islamization, would threaten the power of the military, upset the legacy of

⁴ "The generals, known widely by their Ottoman title of 'Pasha,' traditionally saw themselves as the guardians of a secular order." Al-Jazeera-Europe, "Turkey puts former military ruler on trial," <http://www.aljazeera.com/news/europe/2012/04/2012440046366904.html> (accessed 4 Apr 2012).

⁵ "Atatürk, Ghazi Mustapha Kemal (1881–1938)," in *Encyclopedia of European Social History*, ed. Peter N. Stearns, vol. 6: Biographies/Contributors (Detroit: Charles Scribner's Sons, 2001), 8-9, <http://go.galegroup.com/ps/i.do?id=GALE%7CCX3460500280&v=2.1&u=callutheran&it=r&p=GURL&sw=w> (accessed May 21, 2012). Regions with Ottoman roots include Southeast Europe, the Middle East and Northern Africa.

Ataturk, and ultimately convert the Turkish Republic into a theocracy. These fears have a degree of legitimacy in that the Kemalist reforms took a positivist stance in creating a national identity strictly juxtaposed with previous governance and potentially divisive ethnic/religious identities.

Four Kemalist principles have provided the foundation for the evolution of the Turkish Constitution since 1923: republicanism, secularism, nationalism and reformism. Republicanism codified authoritarianism while it verified the “ending of the Sultanate” and “adoption of Napoleonic law codes in 1926.”⁶ This reorientation from the Arab world to the West is structurally significant to secularization because Ataturk, and therefore Turkey, then looked toward France with religion ousted from the public square, versus toward the former Ottoman Empire with integrated religion and politics. Kemalist secularism, implemented by pushing religious convictions and their manifestations to the fringes of public society, included abolishing the caliphate, switching to the Gregorian calendar, closing dervish monasteries, mausoleums and convents, forbidding polygamy and instituting the Hat Law.⁷ Ataturk furthered populism and orientation towards the West by transposing the Turkish language into a phonetic alphabet and mandating state-driven education, including for religious scholars. Kemalism replaced religious identity with national and cultural unity. The principle of nationalism as unity promulgated pride and patriotism for the Turkish people.⁸ Lastly, reformism

⁶ Ataturk GALE, 8–9

⁷ Ibid. and The Turkish Republic, Committee of National Unity, Article 153. “The 1961 Turkish Constitution,” trans. Sadik Balkan, Ahmet E. Uysal and Kemal H. Karpat (Ankara, 1961), <http://www.anayasa.gen.tr/1961constitution-text.pdf> (accessed June 4, 2012).

⁸ Ibid

provided “the continual revitalization of the movement to avoid the leadership’s turning conservative and stagnating.”⁹ The military took responsibility for reformism throughout the internal revolutions whenever it felt instability or believed reformism threatened legitimacy in Ataturk’s Turkey. Kemalism has been sustained through all three of Turkey’s constitutional periods as a type of civil religion, particularly in terms of reverence for Ataturk and devotion to secular nationalism. However, Turkey is not immune to evolution rooted in its Islamic past. Likewise, it is not immune to a reconciliation of secularization with the deprivatization of religion, known as Islamization in Muslim-majority countries.

Any attempts by the Muslim majority to gain a religio-political voice were squelched by the Constitutional Court and/or military on the grounds that the majority was violating the principle of secularism and threatening Kemalism. From the plight of Muslim Turks to wear headscarves in state schools to the 1970s Islamist movement rejecting Kemalism as a whole, Turkey has struggled to balance the religious identity of its people and territorial national unity. Challenging Ataturk’s reforms calls to question the political definition of Turkishness and the governmental authority of what can or cannot contribute to the identity. Does a headscarf interfere with non-biased education, or does its banishment ignore a key component of livelihood? Does Kemalism mediate the political discourse by outlining a set of ideals, or does it suffocate voices that prioritize faith in their identity and political ambitions? Turkey has the opportunity to diffuse some of Kemalism’s authoritative impositions with the Constitutional Reconciliation

⁹ Ibid

Commission by acknowledging the religiosity of its people while simultaneously maintaining a national, political identity distinct from religion.

I. Current Political Climate

Contrary to previously expelled, openly religious political parties, the Justice and Development Party, *Adelet ve Kalkınma Partisi* (AKP), has survived threats of dissolution, succeeded in limiting the paternalistic military with the 2010 Constitutional Referendum, and is directing a Constitutional Reconciliation Commission for a citizen-built constitution.¹⁰ In 2008, following an attempt to pass legislation to lift the ban of headscarves for women in institutions of higher education, the Constitutional Court narrowly voted that the AKP was not violating the principle of secularism, although the court did sanction a funding reduction of fifty percent.¹¹ This ruling “seems to have softened the sharp polarization that had formed between parts of Turkish society—those who want a more openly religious society and those who fear that too much space for Islam will end up curbing secular lifestyles,” and it has allowed the AKP as the governing party to reexamine historical Islamist roots and reaffirm commitment to the principle of secularism.¹² The AKP was elected to a third term in 2011 following a constitutional referendum that limited the power of the military and promised a new citizen constitution to engage the Turkish democracy with pluralism.

¹⁰ Minimal but steady progress through 2013 on the Constitutional Reconciliation Commission began in 2012.

¹¹ Sabrina Tavernise and Sebnem Arsu, “Turkish Court Calls Ruling Party Constitutional,” *New York Times*, July 31, 2008, <http://www.nytimes.com/2008/07/31/world/europe/31turkey.html>

¹² *Ibid*

Although constructing a citizen constitution is preferable for human rights advocates as it may mitigate the military's ability to strip governmental detractors of their liberties, the Kemalist elite is fearful the religious right will abrogate Ataturk's secular reforms. Under the watchful eye of the military, Turkey's 1961 and 1982 constitutions have increasingly acknowledged the importance of religious convictions for the Turkish people. However, when measuring the affirmation and negation of concepts, religiosity was stifled while the advocacy of secularism, Kemalism and democracy significantly increased. The constitutions contain safeguards to secularism and Kemalism with reverence for Ataturk through the inalienable Kemalist reforms engrained in Turkish politics since 1937. Sheltered with paternalistic intentions, the reforms cherished by the secular elite actually are quite repressive for religious Turks, as will be explained below. However, Ataturk legislated in an era dominated by Kemalist fears and failures of the declined Ottoman Empire. He had witnessed how religion can become manipulated by power, and he saw opportunities for progress in relations with the West, not as a colony, but as a rising, self-determined and autonomous nation. The reforms may have been necessary at the time they were written, but now Turkey has an opportunity to minimize the oppression of intersectional identities by allowing Turks to embrace publicly their religious identities without compromising their Turkish identity.

II. Methodological Framework

Analyzing individual and collective freedoms with regard to freedom of religion and conscience has implications for the language of democracy and

secularism. One useful rubric for critiquing the codification of freedoms is by utilizing the 1948 UDHR as a minimum standard for freedoms. Religion, however, generally emphasizes the corollary of rights as duties. Thus, freedoms pertaining to religion are contingent upon the freedom to perform certain public religious duties without excessive restriction. Ninian Smart's Seven Dimensions of Religion provide a comprehensive understanding of religious identity conducive for analyzing the religious component of human rights in Turkish politics.¹³ Three dimensions in particular are most applicable: 1) the practical and ritual dimension; 2) the ethical and legal dimension; and 3) the social and institutional dimension. Three articles of the UDHR call for certain religious liberties that should remain uninhibited by public governance: 1) freedom of conscience; 2) freedom of opinion and expression; and 3) freedom of assembly and association. The dutiful dimensions of religions and rightful freedoms outlined by these two documents correlate in addressing important aspects of religious life.

Regarding freedom of conscience and the practical and ritual dimension of religion, conscience is a foundational motivation for human action in the world. Religious practices and rituals are manifestations of conscience. Such manifestations are private matters, but they become public knowledge when certain laws impose structural limitations on their observance. The practical and ritual dimension includes questions of particular concern in Turkey, incorporating modes of dress, prayer, seasonal or calendric rites, and spiritual ritual. Can women wear their hijab or burkha in public? Are men's beard or hair length monitored? Are people

¹³ Ninian Smart, *The World's Religions*, 2nd ed. (Cambridge: Cambridge University Press, 1998)

permitted to break for prayer at work or school? Are holidays prescribed by a particular religious tradition observable? Are the whirling dervishes able to worship outside capitalized tourism performances? The conscience that motivates religious action also inspires normative decisions regarding values of lifestyle choices and civic engagement.

Opinion—the freedom to voice concerns and engage with others in support or dissent—has implications for those who publicly take ownership of their critical conscience. Regarding Smart’s ethical and legal dimension of religion, is there a public presence or influence of religious law in governance? Do citizens have the ability to observe religious law privately? The degree to which freedom is preserved along the public-private spectrum is a key point of contention when religion and politics intersect. The greater the freedom in the private realm, the more religious values may be exercised and implemented at the individual level. The greater freedom in the public realm, though, the more religious values may compete for power and interfere with other conscience competitors, often as a community.

Due to the communal nature of some religions, the social and institutional dimension of religion relies on the freedom of assembly and association to live out religious values in the public sphere. Structural limitations are most visible at this level of civic engagement. Philosophies and ideologies may organize in the form of congregations, academic institutions, social justice organizations, political action committees and political parties, to name a few along the public-private spectrum. The UDHR stresses that the freedom of assembly and association is a human right protecting everyone’s right to act in community with others. With qualified liberties

for religious minorities, do members of these religions have permission to organize publicly? Does the government excessively regulate their operations? The power of community is the strength gained through acting harmoniously in concert with one another; whether or not it is for spiritual or political benefit remains open to interpretation.

The three UDHR articles compliment Smart's dimensions of religion with regard to their interaction with governance and the principle of secularism. Expressed thought motivates practice and ritual, and the social realm is composed of groups who assemble as a result of shared thoughts and practice. Additionally, many opinionated associations become public advocates for certain ethical and legal discrepancies. Smart's dimensions and the UDHR's rights are not restricted to the religious because even secular ideologies and non-religious philosophies function within Smart's model. However, in Turkey, authoritative secularism has monopolized the ritual, legal and institutional dimensions of public religious life, inhibiting Turks from enjoying their rightful freedoms.

III. Conceptual Analysis

Emphasizing certain principles in the Turkish constitutions illuminates limitations to religious freedom with the UDHR minimum standard and Smart's dimensions of religion as lenses of qualitative analysis. Since 1876, Turkish politics has had four major constitutions, and the fifth is under discussion. Each version is similar in content, but each reflects evolving degrees of emphasis on concepts of religion, secularism, Kemalism and democracy. Kemalism and democracy provide the structure within which secularism and religion may function according to

conscience, restricting the manifestation of human rights and religious duties. Although the constitutions recognize the importance of religious convictions, they structurally privilege secularism and affirm the inerrancy of Kemalist principles while proclaiming the intent for democracy.

Disregarding Turkey's initial unsustainable constitutional attempts in 1876 and 1921, the first legitimated and respected constitution in Turkish history was adopted by Ataturk in 1924 and led to a series of Kemalism reforms for the next thirteen years. This is when Kemalism codified the most structurally violent policies against religious minorities. Concepts emphasized in this constitution, however, were not as indicative of the political climate regarding views on religious freedom due to the later legislation of Kemalism. The principle of secularism had yet to be codified into the national conscience in the 1924 constitution.¹⁴ While references to religiosity were explicitly acknowledged, its affirmation in the form of protecting religious freedom was qualified with only half as much affirmation as religiosity was referenced.

Much of Kemalism dealt with suppressing religion for national identity through Turkification—Ataturk's method of defining Turkishness and transforming the newly bordered state into a cohesive, Western-focused nation. A common theme of sovereign development is the active establishment of a civil religion or sacred ground rooted in founding documents, founding principles, charismatic leaders, national language and other symbols of national unity drawing a conceptual border

¹⁴ Edward Mead Earle, "The New Constitution of Turkey," *Political Science Quarterly* 40, no. 1 (March 1925), <http://www.jstor.org/stable/2142408> (accessed February 21, 2012).

around identity in addition to the geographic, physical border.¹⁵ With fabricating a national identity, though, Turkish governance and military relied on authoritarianism to impose this identity. After Ataturk died and his successors assumed responsibility for parenting the adolescent country, such paternalism became too authoritarian for the newer generations. A group of young military men overtook the country from their superiors.¹⁶ Those born into Turkish nationalism applied a stricter evolutionary interpretation to Kemalism, their coup inspiration and motivation rooted in Ataturk's Turkish civil religion.

The new leadership revamped Turkey's civil religion in the 1961 constitution with codified reverence for Ataturk, safeguarded references to religiosity, and increased affirmation of the principle of secularism. Explicit conceptual reference and affirmation of the principle of secularism, while intentionally limiting religious freedom, upholds the authoritarian and structurally violent nature of Kemalism. However, the positive addition of the term "democracy" to the constitution is indicative of an intent to confront authoritarianism with popular governance. The 1961 constitution exemplifies the tension between freedom of religion and nationalistic civil religion with respect to the spiritual continuity of the population and the rigid structural imposition of national identity.

The affects of the 1961 constitution are amplified in Turkey's 1982 constitution. The 1982 constitution maintains the largest gap between the

¹⁵ McGraw, Barbara A. "Introduction to America's Sacred Ground." In *Taking Religious Pluralism Seriously: Spiritual Politics on America's Sacred Ground*, edited by Barbara A. McGraw and Jo Renee Formicola, 1-25. Waco, TX: Baylor University Press, 2005. See also Robert N. Bellah, "Civil Religion in America," *Daedalus* 96, no. 1 (Winter 1967).

¹⁶ Nicole Pope and Hugh Pope, "The Army Shows Its Hand," in *Turkey Unveiled: A History of Modern Turkey* (Woodstock: Overlook Press, 2004), 94-108

conceptual count and the degree of affirmation. In other words, authoritarianism and regulation are intentionally codified as structurally substantial to Turkish civil religion. Although the principle of secularism is only mentioned eight times, it is affirmed thirteen degrees.¹⁷ More disheartening is the fact that religiosity is referenced twenty-five times but affirmed only to six degrees. In other words, religious freedom is heavily limited for the benefit of secularism. Such emphasis on secularism as a national ideal is propelled with reference to Ataturk increasing four-fold, and his affirmation more than doubled. Increased reverence of Ataturk implies fear of diminishing Kemalism by constitution writers. The tendency of Turkish politics to stray from its founder's path threatens the Turkish civil religion so foundational to national identity. Democracy's conceptual count and affirmation degree only increased by one and two, respectively, since 1961, so the emphasis of constitutional change did not weigh as heavily on democratic principles. The call for democracy is still prevalent, though, in public discourse. Prominent Turkish columnist for Hurriyet Daily News, Mustafa Aykol, confirms, "What we really need is to constrain power with liberal principles, and decentralize it with democratic mechanisms."¹⁸ The intent and promise for democracy is among the most consistent responses to authoritarianism.

In the spirit of intent and progress, several phrases that attempt to rectify the previous constitutional period emanate throughout the 1982 constitution. These

¹⁷ Degrees were measured by the total sum of positive affirmation of freedom or rights minus the negation of the rights through qualifications or limitations.

¹⁸ Mustafa Akyol, "Dangerous People: Turks in Power," Hurriyet Daily News | Haber Detay, May 16, 2012, <http://www.hurriyetdailynews.com/dangerous-people-turks-in-power-.aspx?PageID=238> (accessed May 25, 2012).

repeated mantras include consistent reference to the “democratic, secular Republic and social state;” legislating and acting as “loyal to the nationalism of Ataturk;” and lastly, insistence nothing may be contrary to the “reforms and modernism of Ataturk, and that as required by the principle of secularism, there shall be no interference whatsoever of sacred religious feelings in state affairs and politics.”¹⁹ The most fascinating component of these phrases is the adjacency of democracy with loyalty, particularly loyalty to Ataturk’s definition of Turkey and loyalty to secularism.

Loyalty is not necessarily negative; however, its application lacks the human tendency to evolve and adapt, especially when pertaining to a single person’s (Ataturk’s) time-specific definition of nationalism and secularism. Turkification was implemented during mass transition and transformation in the twentieth century to cultivate a unique and independent culture free from external manipulation.²⁰ Although Turkey escaped external colonialism following World War I, unity at the national level has muddied distinctive identities, especially religious identity.²¹ Secularism as an umbrella ideology has a variety of definitions, but at present the principle of secularism prevents “sacred religious feelings” from gaining a monopoly

¹⁹ The Republic of Turkey, *The Constitution of the Republic of Turkey (Final Version, including Amendments of 1987, 1993, and 1995)*, by Erhan Yasar, series 17863 (Ankara: Legislation Profile Turkey, 1997)

²⁰ Turkification also has been regarded as a form of ethnic cleansing through mass migration and identity homogenization.

²¹ “National identity, shared values, and other symbols of solidarity typically are cast in the image of the majority. Cultural patrimony is usually controlled by the state, which may folklorize minorities in the name of diversity or inclusion.” See Thomas W. Smith, “Civic Nationalism and Ethnocultural Justice in Turkey,” *Human Rights Quarterly* 27, no. 2 (May 2005): 439-440. Applying a universalizing identity of nationality blurs the overlapping identities of ethnicity and religion, which influences language, education and cultural development. See also John Hick, “Religious Pluralism and the Pluralistic Hypothesis,” in *The Philosophy of Religion Reader*, ed. Chad V. Meister (London: Routledge, 2008).

on power politics. The rigidity of the 1982 principle of secularism has challenged Turks to be creative with regard to public religiosity in politics.

The Kemalist reforms pertaining to religious attire—the 1925 Hat Law and 1934 Prohibition to Wear Certain Garments—interfere with Ninian Smart’s “Practical and Ritual Dimension” of religion. The Hat Law “abolishes the use of religious headgear of the citizens except for the religious officials who were authorized, approved and appointed by the government.”²² Coupled with the prohibition of certain garments, the laws regulated where religious adherents could adorn headscarves, face veils, and other forms of the hijab, regardless of religion. Modern debate pertains to whether or not women may wear the headscarves in public higher education, especially because it forces Muslim women (and Jewish men) to succumb to secularism by either removing their religious attire or abandoning formal education. Some may reason that individuals can be religious without necessarily dressing a certain way, which is appropriate as an individual choice. But, negotiating a dimension of religion in public policy, while not explicitly harming oneself or society, is still an infringement of liberty. When educational pursuit is compromised, structural violence ripens by creating a metaphoric glass ceiling that limits the socio-economic potential of religious adherents.

The principle of secularism in the Turkish Constitution, mandating “there shall be no interference whatsoever of sacred religious feelings in state affairs and politics,” aligns Turkey’s loyalty to secularism rather than to a variety of sources and

²² “1925 Tree,” Republic of Turkey Ministry of Culture and Tourism, 2005, <http://www.kultur.gov.tr/EN/belge/2-15009/1925.html> (accessed May 23, 2012).

conceptualizations of goodness in general.²³ The ethical and legal dimension of religion offers recommendations for actions rooted in goodness and promoting goodness, and many rely on religion as their primary authority for determining such goodness. To deny religiously inspired voices in politics is to lose a diversity of resources and, more importantly, to silence a large portion of the Turkish population. Ironically, secularism in Turkey has evolved into a form of sacred civil religion with its authoritarian tendencies.

Do sacred secular values interfere with the democratic nature of the Republic? If religious voices are silenced in the political discourse, then it inhibits Turkey's democratic pursuits and contradicts the very freedom Turkey desired in the 1920s. The means for such freedom, however, has shifted from authoritative secularism as a perceived necessity to escape authoritative religiosity, towards authoritative secularism to retain political power. The AKP has been accused of undermining the principle of secularism in politics with its public religiosity, but it successfully avoided prosecution from the Constitutional Court.²⁴ Journalist Göksel Bozkurt acknowledges, "the AKP leans toward a 'non-patronizing' definition of secularism and wants an arrangement that will exclude the official ideology from the Constitution."²⁵ Excluding the concept may not be necessary, though. Secularism can be reclaimed as cultivating pluralism and conviviality without structural

²³ The Republic of Turkey, *The Constitution of the Republic of Turkey (Final Version, including Amendments of 1987, 1993, and 1995)*, by Erhan Yasar, series 17863 (Ankara: Legislation Profile Turkey, 1997)

²⁴ "Turkish Court Calls Ruling Party Constitutional" Sabrina Tavernise and Sebnem Arsu, *New York Times*, July 31, 2008,

http://www.nytimes.com/2008/07/31/world/europe/31turkey.html?_r=1&hp&oref=slogin

²⁵ Goksel Bozkurt, "New Constitution Formula Takes Shape," *Hurriyet Daily News | Haber Detay*, May 14, 2012, <http://www.hurriyetdailynews.com/new-constitution-formula-takes-shape.aspx?pageID=238> (accessed May 23, 2012).

violence. By openly embracing the religiosity of the people without excessively interfering with the freedom of conscience for others, the AKP has the potential to mediate the secular power structure with the religious populations.²⁶

Religion is often shared, expressed and experienced in community. In Turkey, the social and institutional dimension of religion is controlled and monitored by the Diyanet İşleri Başkanlığı,²⁷ the Presidency of Religious Affairs. The Diyanet, founded early in the republican period, serves as the state's instrument for systematizing and monitoring religious education. In the English translation of the website, the Diyanet addresses the principle of secularism, stressing that religions may not interfere with governance, while affirming the right of the government to control religious rights for the sake of being "the guardian of public order and public rights." This is justified insofar as the state is a sovereign entity, but the protection of human rights calls for the inclusion of the social dimension of religion.

With the three UDHR articles as functional minimums—intellectual and conscientious freedom, expressive freedom, and associational freedom—the policies resulting from the fear of religion interfering with politics is just as repressive as the religiously-dominated system the Turks are attempting to avoid. When any religious advocacy or motivation is expressed in the political realm, perpetrators may be charged with violating the principle of secularism. This is the danger of relying upon a nationalistic civil religion interlocked with a particular ideal. The interpretation of

²⁶ To adapt to the evolving constituencies of Turkey, the AKP's main opposition, the Republican People's Party (CHP), which has historic ties to Kemalism, is appealing to ethnic minorities during the constitutional periods with cases involving the Kurds and Alevis to a smaller extent.

²⁷ Ali Barkdakoglu, "Religion and Society: New Perspectives from Turkey," Diyanet İşleri Başkanlığı, <http://www.diyamet.gov.tr/english/> (accessed May 23, 2012).

the principle of secularism is unbounded, especially when it becomes an ideology in its own, attached to a beloved, historical creator, and preserved in an un-amendable text. According to the 1982 Turkish Constitution, nothing may be contrary to the “reforms and modernism of Ataturk” or the “secular Republic.”²⁸ These principles are codified through Kemalism in the final section of both the 1961 and 1982 constitutions, and they remain immune to amendments through the current legislative process.

The AKP has championed the religio-political realm after the missteps of abolished past political parties by overcoming the Constitutional Court, but it recognizes that a new constitution would help address some of the difficulties religious citizens face when publicly engaging in politics. The Constitutional Reconciliation Commission is an opportunity to re-conceptualize the principle of secularism and to renegotiate the present-day application of Ataturk’s reforms. By interpreting the UDHR’s intellectual, expressional and associational freedoms through Smart’s practical, ethical and social dimensions of religion, the government could cultivate the relationship between freedom of religion and pluralistic secularism. With trends of secularization and politically engaged religion colliding in a seemingly global crisis of authority, the evolution of law is emerging into an era where separating the conflicting realms—the religious and the secular—causes the festering of both sides rather than providing a solution.²⁹

²⁸ The Republic of Turkey, *The Constitution of the Republic of Turkey (Final Version, including Amendments of 1987, 1993, and 1995)*, Erhan Yasar, series 17863 (Ankara: Legislation Profile Turkey, 1997)

²⁹ Secularization in some conceptualizations includes the reduction or exclusion of religion in the public sphere. This paper, however, argues that while militant secularism is detrimental, secularism can be mobilized for greater religious liberty.

IV. Theory: The Politics of Liberty in Secularism

The marriage of Turkish history and Western liberalism along with Istanbul strategically and symbolically straddling the East and West begs the question of whether wielding complete control of politics to secularism is detrimental to the social fabric of religious life. The geographic and intellectual proximity to a wide variety of global cultures allows Turkey to choose how it addresses religion and politics. Modern Turkish identity has been a balancing act as Turkey strengthens its roots and earns a prominent voice in global politics. The Turkish conversation centers on whether freedom of religion is maximized within secularism or within de-privatized political Islam.³⁰

Freedom of religion is the liberty to exercise Smart's seven dimensions of religion according to one's desired tradition or philosophy. According to Isaiah Berlin, two concepts of liberty pervade politics—positive liberty and negative liberty.³¹ Positive liberty assumes that, as rational beings, humans are able to come to similar conclusions regarding how to live in a community. However, not every person has the tools necessary to utilize his or her reason properly. Positive liberty philosophy warns, "the uneducated are irrational, heteronomous, and need to be coerced, if only to make life tolerable for the rational if they are to live in the same society."³² In public policy, positive liberty relies on the rationality that "if [the general public] were more enlightened"—which they are not "because they are

³⁰ "De-privatization" is appropriate here because Turkey did secularize its political square to reserve religion for private use when not governmentally monitored.

³¹ Phillip E. Hammond, *With Liberty for All: Freedom of Religion in the United States* (Louisville, KY: Westminster John Knox Press, 1998)

³² *Ibid*, 18

blind or ignorant or corrupt”—then they would agree with policymakers deciding for them how they should act. Positive liberty is “coercing others for their own sake.”³³ Ataturk’s Kemalism and Turkification, with its authoritarian tendencies, homogenized the Turkish public for national unity’s sake.³⁴ Such “freedom to” be Turkish and “freedom to” be religious, as long as it does not interfere with “the principle of secularism” or “the democratic, secular Republic and social state,” is reflective of positive liberty.³⁵

Positive liberty cultivates an environment of structural violence where policymakers are blind to their structural privilege. Because Ataturk privileged the secular elite but failed to understand the potential contributions the rest of society might bring to the public political discourse, Kemalism inhibits the public’s liberty and stifles its capacity for success. Such blindness of the effects of ideological policy hinged on nationalism and secularism “depends on the misery of a number of other human beings, [and] the system which promotes this is unjust and immoral.”³⁶ To define positively what justice and morality entails would be an infraction on Berlin’s concept of negative liberty.

Negative liberty is the “liberty *from* [sic], absence of interference beyond the shifting, but always recognizable, frontier.”³⁷ The frontier, the extent of jurisdiction, is determined by policymakers, but the greater the frontier the greater the freedom, according to Berlin. The UDHR has “the ‘negative’ goal of warding off interference”

³³ Ibid, 9

³⁴ Turkification included ethnic homogenization, but the Turkish relationship with the Armenian, Greek and Kurdish populations are for another conversation.

³⁵ Ibid, 8. See also 1982 Constitution.

³⁶ Berlin, 5

³⁷ Ibid, 5

in the lives of people by the government and protecting the basic frontier of human rights, and Ninian Smart designates a deeper understanding of the religious component of the frontier through the Seven Dimensions of Religion.³⁸ The government has a duty to protect the frontier of the religious component of human rights, especially because Turkey so persistently affirms its democratic affiliation in the 1982 Constitution. Yaprak Gürsoy discusses the problem of polarization as a contributor to the rise of militaristic authoritarianism. He acknowledges, “the military has intervened in democracy and these actions were seen as legitimate,” but “people are now having a more liberal democratic attitude and believe that it is something that is not supposed to be supported.”³⁹ Questions of military intervention dominated public discourse during the Ergenekon trials, and those involved in military coups were accused of domestic terrorism. However, those who believe the coups are acts of terror and those who do not are split along partisan lines, predominantly AKP versus CHP and pious versus secular. Gürsoy sees this as “problematic because polarization leads to mutual distrust [and the sense] that the other side is undemocratic.” Such fear “can lead to using authoritarian methods or to supporting coup plots; in the end, it is the democracy that suffers.”⁴⁰ Negative liberty in democratic policy can help transcend the fear associated with distrust by broadening freedom within a functional framework appreciative of pluralism.

³⁸ Ibid, 6

³⁹ Yaprak Gürsoy, "Trust in Army Declining but Secular-Islamist Rift Deepening," Hurriyet Daily News | Haber Detay, May 26, 2012, <http://www.hurriyetdailynews.com/trust-in-army-declining-but-secular-islamist-rift-deepening.aspx?PageID=238> (accessed May 27, 2012).

⁴⁰ Yaprak Gürsoy, "Trust in Army Declining but Secular-Islamist Rift Deepening," Hurriyet Daily News | Haber Detay, May 26, 2012, <http://www.hurriyetdailynews.com/trust-in-army-declining-but-secular-islamist-rift-deepening.aspx?PageID=238> (accessed May 27, 2012).

Democratic duty includes both monitoring coercion by the majority and the imposition of repressive tendencies on the minority. “There is no necessary connection between individual liberty and democratic rule” due to the tendency of the majority to not legislate according to the needs of the whole.⁴¹ The Kemalists included in the 1961 Constitution and increasingly in the 1982 Constitution safeguards to freedom as loyalty to the “nationalism of Ataturk,” the “reforms and modernism of Ataturk,” and “the principle of secularism.”⁴² This defines the frontier of freedom as the freedom to be religious as long as “there shall be no interference whatsoever of sacred religious feelings in state affairs and politics,”⁴³ including anything contrary to the Kemalist reforms. Such reverence for Ataturk and his paternalism for modern Turkey threatens the fibers of liberty. Berlin asserts, “Paternalism is ‘the greatest despotism imaginable.’ This is so because it is to treat men as if they were not free, but human material for me, the benevolent reformer, to mould in accordance with my own, not their, freely adopted purpose.”⁴⁴ Ataturk and his successors were benevolent reformers who sought to normalize Turkish identity through secularism, but they were blind to the social detriment authoritarianism inflicted on Turkey’s religious populations. As uplifting and uniting as Turkification might have been for much of the Turkish people, some Turks have suffered over the past century from being blindly “loyal to the nationalism of Ataturk.”⁴⁵ The Greeks, Armenians and Kurds in particular have experienced severe ethnic crises through

⁴¹ Berlin 7

⁴² 1982 Constitution

⁴³ Ibid

⁴⁴ Berlin, 11

⁴⁵ 1982 Constitution

forced migration, explicit denial of self-determination, destruction of cultural resources and/or, in extreme cases, elimination.⁴⁶ Both secularism and nationalism are intended to unite citizens beyond differences, but they also marginalize diversity in the process.⁴⁷ Democracies are valuable with expectations of liberty serving as a driving force for voting habits, but citizens also have a duty to uphold inclusive values attached to those liberties embodied in the UDHR.

Although human goals may be similar, they are not always guaranteed to coexist harmoniously in public policy. Secularism, however, has the potential to incorporate conflicting convictions as an umbrella political ideology similar to John Hick's notion of pluralism, rather than taking control of religion in the political discourse. Hick defines the diversity of religions as "a number of different such traditions and families of traditions witnessing to many different personal deities and non-personal ultimates" in their plight to understand the same Ultimate Reality.⁴⁸ While acknowledging many of these notions maintain some degree of "mutual incompatibility," and without completely "dismiss[ing] the realm of religious experience and belief as illusory," Hick identifies the existence of "an ultimate divine Reality, which transcends all our varied visions of it."⁴⁹ In this transcendence, such Reality is "non-personal" and unknowable, but it can still be experienced

⁴⁶ A deeper analysis of the Armenian Genocide is another conversation that expands the thesis of this research to include blind nationalism as a cause of conflict and a catalyst for genocide.

⁴⁷ See the critique of John Hick's religious pluralism in Joseph Runzo, "Religious Relativism," in *The Philosophy of Religion Reader*, ed. Chad V. Meister (London: Routledge, 2008).

⁴⁸ John Hick, "Religious Pluralism and the Pluralistic Hypothesis," in *The Philosophy of Religion Reader*, ed. Chad V. Meister (London: Routledge, 2008). 10. "Ultimate Reality" refers to Kant's notion of Reality as explained by Hick.

⁴⁹ *Ibid*, 11

empirically.⁵⁰ Despite its mysteriousness, though, the same “divine reality must apply equally to the religious experience of others.”⁵¹ Hick’s notion of religious pluralism focuses not on the diversity, but on the unity in the Ultimate Reality, depending on whatever that One may be. For Turkish politics, the ultimate reality would be the geographic boundaries straddling Europe and Asia Minor. The root of establishing a Turkish civil religion is uniting within the experienced reality—the Turkish nation. Regardless of Turkey’s Muslim majority and interfaith minority, Turkish politics rely on secular discourse for its constitutional jurisdiction. If the Turkish application of the principle of secularism reflected a more worldly approach to the reality in which Turks live their daily lives, then religious Turks would be free from governmental interference and imposition on their respective reality perspectives, and secularism would be harnessed for preventing the excessive entanglement of religion in the government.

V. Conclusion

There are two concepts of secularism—authoritative and pluralistic. Ataturk’s paternalistic approach to secularism enabled positive liberty as he privatized religion and inhibited public aspects of religious life. Such authoritarianism can be, and to a degree has been, “at times, no better than a specious disguise for brutal tyranny.”⁵² Authoritative secularism promulgated structural violence towards the Turkish religious adherents whose convictions were perceived to be at tension with the civil religion Ataturk had established. However,

⁵⁰ Ibid, 15

⁵¹ Ibid, 11

⁵² Berlin, 8

the intent of secularism in Turkey has been and continues to be to promote republicanism and democracy, not tyranny. By augmenting the concept of secularism to cease neglecting the religious component of human rights, the progress of civil society may continue in harmony with the physical Turkish country and its spiritual well being.⁵³ As Turkey approaches a new constitutional era, it has the opportunity to reconstruct a more pluralistic secularism by, first, acknowledging religious diversity and second, limiting governmental interference in the dimensions of religion that correspond to human rights.

⁵³ "To these skeptical writers religion had but little value in its own right. Its main objective was to bolster up morality, to keep people decent and respectable. Society is looked upon as a great police organization. All religion and civil authorities springs from fear and is necessary in order to keep men subservient and within bounds. It is quite evident that these men had no adequate appreciation of religion...The stages of religious growth are co-ordinate with the stages of civilization and culture. Religious development cannot be understood apart from that culture in general." See Edmund Davison Soper, *The Religions of Mankind* (Nashville, Tennessee: Parthenon Press, 1951), 15, 28.

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