

## Developments in AKP Policy Toward Religion and Homogeneity

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### Abstract

Critics of the Turkish interpretation of secularism, *laiklik*, describe it as authoritarian and repressive. Indeed, rather than establish state neutrality toward religion, *laiklik* historically entailed state control of Islam, the religion of the vast majority of the Turkish population, and the exclusion of religion from the public sphere in an effort to control religious belief and identity. Many, including leaders in the ruling AKP, assert, though, that recent reforms herald a move away from this model of control toward a secularism defined by state neutrality toward religion. To determine whether this transformation is actually occurring, I evaluate, based on Turkish language sources, the recent reforms under the AKP using the framework of the secularized state described by the German legal scholar Ernst-Wolfgang Böckenförde. Because of its significant role in implementing Turkish policies toward religion, I evaluate these reforms by analyzing developments in the programming and messaging of the Directorate of Religious Affairs (Diyanet) under the AKP. I find little evidence that *laiklik* is transitioning to a state neutrality toward religion. Rather, the AKP has coupled a greater presence of religion in the public sphere with expanding state authority in religious programming and messaging. Although these reforms reflect a transformation in Turkish nation-building policies, they maintain the state control of religion that separates *laiklik* from neutral secularism.

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## A. Introduction

Reforms introduced under the Justice and Development Party (*Adalet ve Kalkınma Partisi*, hereafter AKP) have inspired debate concerning the character of *laiklik*, the Turkish state's interpretation of secularism, and the direction in which it is progressing. *Laiklik* has often been described as an "assertive secularism" that entails state control of religion and exclusion of religion from the public sphere.<sup>1</sup> But to many, the rise of the AKP in 2002 and subsequent loosening of restrictions on religious expression indicate a shift in the Turkish state's interpretation of secularism, toward one defined by openness and neutrality toward religion. Reflecting on these reforms, for example, Elizabeth Shakman Hurd predicted that a "refashion[ing]" of *laiklik* would follow what she considers a "contestation of an authoritative secularist tradition,"<sup>2</sup> while James Warhola and Egemen Bezci claim that "*laiklik* has been slowly, subtly, but significantly shifting in the direction of a 'passive secular' type of state-religion relations."<sup>3</sup> Even the AKP supports this supposed transformation, demonstrated by president Recep Tayyip Erdoğan's consistent presentation of *laiklik* as a state neutrality toward religion.<sup>4</sup> Taken at face value, such statements and reforms certainly suggest a move toward neutral secularism.

A number of ongoing issues cast doubt on this supposed transformation, however. While reforms, such as the lifting of restrictions on the headscarf, benefit members of the Sunni majority, the Alevi population, the largest religious minority in Turkey, continues to be denied state recognition and remains marginalized in society.<sup>5</sup> Despite claims by the AKP

<sup>1</sup> AHMET T. KURU, SECULARISM AND STATE POLICIES TOWARD RELIGION: THE UNITED STATES, FRANCE, AND TURKEY 168–80 (2007).

<sup>2</sup> Elizabeth Shakman Hurd, *A Suspension of (Dis)Belief: The Secular-Religious Binary and the Study of International Relations*, in *RETHINKING SECULARISM* 168 (Craig Calhoun, Mark Juergensmeyer & Jonathan VanAntwerpen eds., 2011).

<sup>3</sup> James W. Warhola & Egemen B. Bezci, *Religion and State in Contemporary Turkey: Recent Developments in Laiklik*, 52 *J. OF CHURCH & STATE* 453 (2010).

<sup>4</sup> Erdoğan has described *laiklik* in such terms at various points. Notable examples include his September 2011 remarks to countries experiencing political change during the Arab Spring that "a secular state is an equal distance from all faith groups" (*laik devlet her inanç grubuna eşit mesafededir*) and his April 2016 statement, following controversial comments from an AKP parliamentarian that a new constitution should not include secularism, that "[t]he reality is that the state should have an equal distance from all religious faiths . . . [t]his is laicism." Selçuk Şenyüz, *Bir Müslüman laik ülke yönetebilir*, *HÜRRİYET* (Sept. 16, 2011), <http://www.hurriyet.com.tr/gundem/bir-musulman-laik-ulke-yonetebilir-18743956>; Erdoğan says 'state should have equal distance from all religious faiths' after secularism row, *DAILY SABAH* (Apr. 26, 2016), <https://www.dailysabah.com/legislation/2016/04/26/erdogan-says-state-should-have-equal-distance-from-all-religious-faiths-after-secularism-row>; Kubilay Aydın, *Erdoğan: Laiklik ateizm değildir, korkmayın*, *SÖZCÜ* (Apr. 26, 2016), <https://www.sozcu.com.tr/2016/gundem/erdogan-laiklik-ateizm-degildir-korkmayin-1202212/>.

<sup>5</sup> Unlike for many Sunni Muslims, the headscarf is not a practice among Alevis, who, estimates suggest, comprise between 10 and 25 percent of the Turkish population. A definitive number does not exist because the Turkish census does not account for Alevism and many Alevis hesitate to disclose their religious identity due to

that reforms will address the needs of religious minorities, at best only superficial changes are made, and even then such changes are rare. Actual demands are met with failed discussions and empty promises.<sup>6</sup> After over a decade of AKP rule, the Directorate of Religious Affairs (*Diyanet İşleri Başkanlığı*, hereafter Diyanet), the institution that administers Islam to the population, remains one of the largest institutions in the Turkish state, even though it recognizes only one interpretation of Sunni Islam, rejecting Islamic pluralism and excluding religions outside Islam. But do these issues disprove claims of a transformation of *laiklik*, or do they simply reflect the slow and uneven pace of change?

In this Article, I seek to determine whether recent developments in Turkish policies toward religion truly indicate a move toward neutral secularism, a secularism grounded in the separation of religion and state rather than the control of religion by the state. Despite the presence of Jewish, Christian, and other non-Islamic populations within Turkey, in this Article, I focus on Turkish policies toward Islam because the Diyanet, the directorate through which the Turkish state implements *laiklik*, has historically concerned itself with state management of only Islam. Because the Diyanet serves as the primary institution through which the Turkish state interacts with religion, my analysis focuses on developments in the Diyanet under the AKP.

To conduct this analysis, I turn to the works of the German legal scholar Ernst-Wolfgang Böckenförde to develop a framework of neutral secularism to evaluate Turkish policies toward religion. Böckenförde's works on what he calls "open neutrality" are particularly instructive here as his analysis focuses on only those features necessary for the state to achieve neutrality toward religion, allowing for a minimalist framework sensitive to both variations in the applications of neutral secularism and the potentially slow process of reform. As this framework rests on three fundamental features, it permits a careful analysis of the precise ways in which Turkish policy is or is not moving toward neutral secularism. Further, the emphasis Böckenförde places on neutrality as the fundamental feature of the secularized state reflects the rhetoric employed by those heralding the

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discrimination. Bedriye Poyraz, *The Turkish State and Alevi: Changing Parameters of an Uneasy Relationship*, 41 MIDDLE E. STUD. 503 (2005); Gürçan Koçan & Ahmet Öncü, *Citizen Alevi in Turkey: Beyond Confirmation and Denial*, 17 J. OF HIST. SOC. 475–76 (2004); Fethi Açıkel & Kazım Ateş, *Ambivalent Citizens: The Alevi as the 'Authentic Self' and the 'Stigmatized Other' of Turkish Nationalism*, 13 EUR. SOC'Y 714 (2011).

<sup>6</sup> For example, although the AKP initiated an "Alevi opening" (*Alevi açılımı*) in 2007 to address the grievances of the Alevi population, the Turkish state has continued to ignore or reject the central demands of the Alevi movement, such as official recognition of Alevi houses of worship (*cemevleri*) similar to that of mosques, while implementing superficial reforms, such as the renaming of a university after an Anatolian mystic important in the Alevi tradition. As recently as late November 2015, the state has promised a "fresh" Alevi opening, acknowledging the failure of past efforts. See Deniz Zeyrek, *Fresh 'Alevi opening' high on AKP's roadmap*, HÜRRIYET DAILY NEWS (Nov. 19, 2015), <http://www.hurriyetdailynews.com/fresh-alevi-opening-high-on-akps-roadmap-91358>; İltür Turan, *Democratization from Above: Erdoğan's Democracy Package*, THE GERMAN MARSHALL FUND OF THE UNITED STATES (Oct. 22, 2013), <http://www.gmfus.org/>; Talha Köse, *The AKP and the 'Alevi Opening': Understanding the Dynamics of the Rapprochement*, 12 INSIGHT TURK. 143–64 (2010).

supposed transformation of *laiklik*. Examined through Böckenförde's framework, *laiklik* as historically implemented by the Turkish state is not a neutral secularism, and no secularism at all, if secularism is understood to require the non-interference of the state in questions of religious dogma. Rather, it has served as a method of supporting state efforts to impose modernization policies and construct an ethnically and religiously homogeneous nation, a purpose I illustrate through a narrow review of the development of the Diyanet. Having established this framework of neutral secularism and reviewed the historical application of *laiklik* against it, I evaluate changes in the Diyanet under the AKP. Reviewing developments in the programming and messaging of the Diyanet, I find little to indicate a move toward neutral secularism. Rather, I find evidence that suggests a transformation of the type of nationalism that *laiklik* has historically helped shape.

## B. The Secularized State

To Böckenförde, the fundamental character of the secularized state is the state's separation from and neutrality toward religion. The secularized state "has no religion and does not represent one," he writes, and religion's "acceptance, organization, and exercise are no longer a state matter, nor is religion guided and directed by the state. The secularized state . . . foregoes any form of religious sovereignty, and it no longer lends its power to enforcing religion or religious demands."<sup>7</sup> The secularized state adopts a separation from and neutrality toward religion, neither directing its development nor amplifying its reach.<sup>8</sup> Rather than derive legitimacy from religion, the secularized state finds legitimacy in its worldly functions, its capacity to guarantee the peaceful and orderly conditions in which civic and individual life may flourish and, with growing importance, defend human rights.<sup>9</sup> This neutrality has two consequences. First, separated from the state, religion only "unfolds within civic society"; that is, the strength of religion and its ability to shape society rests in its organization and success among the population. Second, religion enjoys no official position in the state.<sup>10</sup> Although religion may shape the policymaking of the secularized state through its influence on popular will, its power over the state reaches no further. The state's separation from and neutrality toward religion cannot be dismantled without compromising the secularity of the state.

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<sup>7</sup> ERNST-WOLFGANG BÖCKENFÖRDE, *The Secularized State: Its Character, Justification, and Problems in the Twenty-First Century*, in 2 RELIGION, LAW AND DEMOCRACY: SELECTED WRITINGS (Mirjam Künkler & Tine Stein eds., forthcoming 2018).

<sup>8</sup> Note that Böckenförde always speaks of the secularized state that has "emancipated itself from the embrace of religion" and in which religion "no longer constitutes the binding foundation and leaven of the state order." *Id.*

<sup>9</sup> *Id.*; ERNST-WOLFGANG BÖCKENFÖRDE, *The Rise of The State as a Process of Secularization*, in 2 RELIGION, LAW AND DEMOCRACY: SELECTED WRITINGS (Mirjam Künkler & Tine Stein eds., forthcoming 2018).

<sup>10</sup> BÖCKENFÖRDE, *supra* note 7.

Proceeding from this principle of separation, Böckenförde develops a three-part framework detailing the minimal features necessary to establish neutral secularism. First, the state does “not identify with any religion or religious community and its desires;”<sup>11</sup> that is, the state neither directs religion, represents religion, nor legitimizes itself on religious grounds. Second, indicating that it is not sufficient that the state simply separate itself from religion, the state “grants religion space for its own development.”<sup>12</sup> Neutral secularism, therefore, guarantees free religious organization and activity, and cannot flatly prohibit all religious activity. Third, despite this space for religious development, the state “denies religion access to state institutions and offices, and blocks the overthrow of the principle of the state’s own religious neutrality through, for example, the formation of a majority-based political will.”<sup>13</sup> To ensure that the secularity of the state is not compromised, the state must safeguard its institutions from being overtaken, its neutrality from being overthrown, and its separation from religion from being dismantled. The secularized state may neither control religion nor permit religion to control it, but it must allow space for the free development of religion.

As it describes only the minimal features of neutral secularism, this framework accommodates different implementations of secularism. Böckenförde finds space for variation in the second feature, in “the scope and boundaries of the developmental space for religious liberty within the framework of the state’s legal system.”<sup>14</sup> Böckenförde presents two interpretations of secularism in particular. First, the model of “distancing neutrality tends toward consigning and confining religion to the private and private-social sphere.”<sup>15</sup> In contrast, the second model, “encompassing open neutrality,” allows space for religion in the private sphere and “accords it room to develop in the public sphere, for example in the school, education institutions, and in what is summarily referred to as the public order.”<sup>16</sup> While distancing neutrality “shapes the legal system in a purely secular way and turns away religious aspects as irrelevant and private,”<sup>17</sup> open neutrality “seeks to create a balance, in that affirming and leading a life in accordance with religion, to the extent that it is compatible with the secular goals of the state, is permitted also within the public sphere by the legal system and is incorporated into the latter.”<sup>18</sup> Despite these

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<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

differences in the space provided for religious development, both models respect the state's separation from and neutrality toward religion by neither directing religion, nor granting it control of state institutions. Without these three features, a state's policies toward religion cannot constitute neutral secularism.

The application of Böckenförde's three-part framework of neutral secularism to the Turkish case illustrates the conceptual confusion that arises when phrases such as "assertive secularism" are used to describe *laiklik*. Such descriptions muddle an understanding that religion-state relations in Turkey do not constitute a secularism at all, but rather a subordination of religion to the state.

### C. *Laiklik* and the Development of the Diyanet

With this framework of neutral secularism, I now examine *laiklik* as historically implemented by the Turkish state prior to AKP rule to offer an understanding of policies that have distinguished *laiklik* from neutral secularism. As policies toward religion often intersect with and complement Turkish nation-building and modernization efforts—a vast topic in its own right—a comprehensive review of religion-state relations in Turkey is far beyond the scope of this Article. Accordingly, I limit my review to developments necessary to understand the Turkish state's historical conceptualization of *laiklik* and how that interpretation shaped the Diyanet. Such an approach will provide the most useful context for interpreting the changes presently occurring under the AKP. Turkish policies toward religion and the Diyanet experienced significant shifts in four periods: first, the early years of the republican state; second, the period of democratization; third, the 1980 military coup; and fourth, the 1997 military intervention, often referred to as the "postmodern coup."

The Diyanet was established during the reforms under the early republican state aimed at severing ties between the new Republic and the fallen Ottoman Empire. Equating modernity with Western culture, unitary nationalism, and Jacobin anticlericalism, these reforms dissolved the Ottoman religio-political institutions of the caliphate, office of the *Şeyhülislam*, and Ministry of Religious Affairs and Pious Foundations;<sup>19</sup> abolished religious courts and adopted close translations of European civil, penal, and commercial codes; closed Islamic schools<sup>20</sup> and brought all education, including religious education, under the Ministry of National Education; and introduced social reforms that sought to eliminate Islamic religious influence from the public sphere by restricting access to Ottoman and Islamic language, culture, and history and imposing practices seen as Western, such as

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<sup>19</sup> *Şeriye ve Evkaf Vekaleti*.

<sup>20</sup> *Medreses*.

European dress, the Gregorian calendar, and the Latin alphabet.<sup>21</sup> As the state implemented these reforms, it endeavored to build a homogeneous nation-state atop the ruins of the ethnically and religiously heterogeneous Ottoman Empire by purging Arabic and Persian influences from the Turkish language, building a narrative of a primordial Turkish nation extending into antiquity and culminating in the new Republic, and repressing displays of ethnic difference or resistance.<sup>22</sup>

In the midst of this radically changing political, legal, and social environment, the Diyanet was established to replace the *Şeyhülislam* and the Ministry of Religious Affairs and Pious Foundations, administering affairs concerning belief and worship and managing mosques and religious officials, now civil servants.<sup>23</sup> Its name suggested a new understanding of religion's place in society, as, Mona Hassan explains, "the term *diyanet* was carefully chosen in legislative discussions to express 'religious' affairs in the sense of 'matters of personal piety' over its potential alternative *diniye*, which could have implied the new institution's religious responsibilities in the fields of economy, society, policing, and education."<sup>24</sup> Indeed, the Diyanet was deprived of much of the power of the institutions it replaced, with no authority over the education of religious officials; no legal rights over—and thus no income from—mosques, foundations, and other Islamic institutions; and no legislative or governing role.<sup>25</sup> The Islam of the Diyanet, described by the state as "true" Islam, was a Sunni Islam that was personal and eschewed public expression, committed to rationalism and dismissed mystic beliefs and Anatolian folk traditions as superstition, and exalted love of the Turkish nation and loyalty to the state and its principles.<sup>26</sup> At the same time, the Turkish state attacked Islamic institutions beyond its control with the passage of Law 677 in 1924, which closed the dervish lodges and the tombs of sultans and mystic orders, prohibited Islamic titles and dress that denoted religious authority, and forbade

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<sup>21</sup> For a more detailed discussion of political, legal, and social reforms in early republican Turkey, see Aylın Özman, *Law, Ideology and Modernization in Turkey: Kemalist Legal Reforms in Perspective*, 19 *SOC. & LEGAL STUD.* 68–82 (2010); CARTER VAUGHN FINDLEY, *TURKEY, ISLAM, NATIONALISM, AND MODERNITY* 248–53 (2010).

<sup>22</sup> For a more detailed discussion of nation-building efforts in early republican Turkey, see BAŞAK İNCE, *CITIZENSHIP AND IDENTITY IN TURKEY: FROM ATATÜRK'S REPUBLIC TO THE PRESENT DAY* 39–85 (2012); FINDLEY, *supra* note 21, at 253–57.

<sup>23</sup> Kanun No. 429, *Şeriye ve Evkaf ve Evkânı harbiye umumiye vekâletlerinin ilgasına dair kanun* (1924).

<sup>24</sup> Mona Hassan, *Women Preaching for the Secular State: Official Female Preachers (Bayan Vaizler) in Contemporary Turkey*, 43 *INT'L J. OF MIDDLE E. STUD.* 455 (2011).

<sup>25</sup> *Id.*; Ufuk Ulutas, *Religion and Secularism in Turkey: The Dilemma of the Directorate of Religious Affairs*, 46 *MIDDLE E. STUD.* 392–93 (2010).

<sup>26</sup> Candan Pinar, *Religion-State Relations in Turkey Since the AKP: A Changing Landscape? Evidence from Parliamentary Debates on the Alevi Matter*, 33 *J. MUSLIM MINORITY AFF.* 509 (2013); İftar B. Gözaydın, *Diyanet and Politics*, 98 *THE MUSLIM WORLD* 223 (2008); Yıldız Atasoy, *Two Imaginaries of Public Citizenship in Turkey: The Republican and 'Ethical' Models*, 24 *INT'L J. POL., CULTURE, & SOC'Y* 108 (2011).

tomb-keeping.<sup>27</sup> Although these reforms demonstrate a transformation of the relationship between religion and the Turkish state to one of control in which the state sought to subdue and direct religion, this relationship nonetheless violates Böckenförde's framework of neutral secularism as the Turkish state controls religion and, in doing so, identifies itself with a particular religious interpretation.

The introduction of multiparty politics in 1945, nevertheless, required political parties to compete for the support of a conservative Sunni majority in rural Anatolia that had been largely unaffected by these dramatic reforms. In response to the demands of this population, which largely consisted of concerns about the new restrictions on religion, some repressive policies enacted in earlier decades were softened. This development is reflected by the reintroduction of elective religious education courses in schools, reopening of tombs and shrines, and restoration of the Arabic call to prayer, which had been converted to Turkish in 1932.<sup>28</sup> Reforms also empowered the Diyanet, as the Imams and Preachers schools<sup>29</sup> and Higher Islamic Institute<sup>30</sup> were established in 1951 to address an acute shortage of trained religious officials and the management of mosques and mosque personnel was transferred back to its authority in 1950, after having been shifted to the Directorate General of Foundations in 1931.<sup>31</sup> The structure and purpose of the Diyanet expanded with Law 633 in 1965, which defined its mission as "carrying out religious affairs pertaining to faith, worship and moral principles, informing the society on religion and administering places of worship."<sup>32</sup> Yıldız Atasoy writes that "[t]his law placed Islam *explicitly* under the state definition of political membership by reference to national unity through religiousness based on a moral foundation."<sup>33</sup> Democratization required the state to recognize a conservative Sunni population, prompting an acknowledgment of the role of Islam in Turkish society and resulting in an expansion of the Diyanet.

The role of Islam in national identity and state policy dramatically changed after the 1980 military coup. In response to social fragmentation and political tension that had erupted

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<sup>27</sup> For the complete translated text of Law 677, see IRA FRIEDLANDER, *THE WHIRLING DERVISHES: BEING AN ACCOUNT OF THE SUFI ORDER KNOWN AS THE MEVLEVIS AND ITS FOUNDER THE POET AND MYSTIC MEVLANA JALALU'DDIN RUMI* 117 (1975).

<sup>28</sup> Findley, *supra* note 21, at 306; Hakan Köni, *Religion and Politics in Turkey: An Analysis of Turkish Secularism*, 1 J. L. & Soc. Sci. 80 (2012).

<sup>29</sup> *İmam-Hatip okulları*.

<sup>30</sup> *Yüksek İslam Enstitüsü*.

<sup>31</sup> İŞTAR B. GÖZAYDIN, *DIYANET AND POLITICS* 220 (2008); Ulutas, *supra* note 25, at 393.

<sup>32</sup> Kanun No. 633, *Diyanet İşleri Başkanlığı Kuruluş ve Görevleri hakkında Kanun* (1965) ("İslam Dininin inançları, ibadet ve ahlak esasları ile ilgili işleri yürütmek, din konusunda toplumu aydınlatmak ve ibadet yerlerini yönetmek üzere.")

<sup>33</sup> Atasoy, *supra* note 26, at 108.



into violence and instability across the country, the military government adopted the “Turkish-Islamic Synthesis,”<sup>34</sup> a theory of identity developed by conservative intellectuals that asserted that Islam and ethnic Turkishness together formed the foundation of Turkish identity.<sup>35</sup> In place of the predominantly ethnic nationalism promoted earlier, which had seemingly failed to unite the Turkish population, the state sought to foster camaraderie in a shared Islamic identity that could transcend social and political divisions, lifting Islam from a morality that supported state ideology to a central aspect of Turkish identity.<sup>36</sup> With this transformation in the Turkish state’s approach toward nation-building, policies extended the reach of the state over religion and deepened the penetration of a state-controlled Islam into society by expanding the size and resources of the Diyanet, accelerating the construction of mosques and *İmam-Hatip* schools, and making the optional ethics and religion courses mandatory in all schools, among other reforms.<sup>37</sup> In accordance with this new approach, the constitution promulgated by the military government in 1982 explicitly stated that the Diyanet is to “exercise its duties prescribed in its particular law, in accordance with the principles of secularism, removed from all political views and ideas, and *aiming at national solidarity and integrity*”<sup>38</sup> (emphasis added). These changes, nonetheless, did not bring about a transformation in the content of state-controlled Islam or even a loosening of restrictions placed on religion.<sup>39</sup> Indeed, the Diyanet continued promoting an Islam supporting state ideology and the Turkish state further restricted religious expression and the increased subordination of religion to the state, introducing policies such as the headscarf ban and emphasizing the secular and nonreligious character of the state in the constitution.<sup>40</sup> Although the coup brought Islam to the center of nationalism, it did not significantly alter the character of the Turkish state’s interpretation of Islam promoted by the Diyanet.

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<sup>34</sup> *Türk-İslam Sentezi*.

<sup>35</sup> Mustafa Şen, *Transformation of Turkish Islamism and the Rise of the Justice and Development Party*, 11 *TURK. STUD.* 61 (2010).

<sup>36</sup> Aysel Kadioğlu, *The Paradox of Turkish Nationalism and the Construction of Official Identity*, in *TURKEY: IDENTITY, DEMOCRACY, POLITICS* 190 (Sylvia Kedourie ed., 1996); Karin Vorhoff, *The Past in the Future: Discourses on the Alevis in Contemporary Turkey*, in *TURKEY’S ALEVI ENIGMA: A COMPREHENSIVE OVERVIEW* 95 (Paul J. White & Joost Jongerden eds., 2003).

<sup>37</sup> İNCE, *supra* note 22, at 150.

<sup>38</sup> TÜRKİYE CUMHURİYETİ ANAYASASI [CONSTITUTION] Nov. 7, 1982, m. 174 (“...*İlâhîlik ilkesi doğrultusunda, bütün siyasî görüş ve düşüncülerin dışında kalarak ve milletçe dayanışma ve bütünlüşmeyi amaç edinerek, özel kanununda gösterilen görevleri yerine getirir*”) (Turk.).

<sup>39</sup> KABIR TAMBAR, *THE RECKONING OF PLURALISM: POLITICAL BELONGING AND THE DEMANDS OF HISTORY IN TURKEY* 90 (2014).

<sup>40</sup> Adrien Katherine Wing & Ozan O. Varol, *Is Secularism Possible in a Majority-Muslim Country? The Turkish Example*, 42 *TEX. INT’L L. J.* 36 (2006); TÜRKİYE CUMHURİYETİ ANAYASASI [CONSTITUTION] Nov. 7, 1982, başlangıç (“*İlâhîlik ilkesinin gereği olarak kutsal din duygularının, Devlet işlerine ve politikaya kesinlikle karıştırılmayacağı*”) (Turk.).

The final significant changes in state policy toward religion prior to AKP rule came with the 1997 military intervention. Citing concerns about the erosion of the secularity of politics and society, military officials presented the government with eighteen demands that they believed would safeguard the state from succumbing to religious influence and defend the principle of secularism.<sup>41</sup> Measures enacted in response to these demands abolished parties accused of Islamist or anti-*laiklik* sympathies; brought religious sites outside the reach of the Diyanet—such as small, independent mosques and tombs of saints—under its control and declared it the only entity authorized to open or administer religious sites; and restricted the opportunities of the students of *İmam-Hatip* schools—fearing that the schools had fallen under Islamist influence—among other policies expanding state control over religion and restricting religious expression.<sup>42</sup> A rebuke of the growing presence of religion in public and political life after the adoption of the Turkish-Islamic Synthesis, the 1997 military intervention sought to strengthen state control over religion, marginalize Islamic groups and eliminate those outside the control of the state, and declare the Diyanet the only legitimate religious authority.

Two features have primarily characterized the Turkish state's historical interpretation of secularism. First, with policies restricting religious expression while the Diyanet advocated a personal Islam that rejected outward expression, the Turkish state has sought to confine religion to the private sphere. Second, to ensure that religion does not conflict with nation-building and modernization efforts, the state has exerted control over Islam. With the Turkish state's increasing efforts to monopolize and direct religion, the Diyanet accrued increasing authority over religious affairs while the state repressed religious groups beyond its reach. The first feature does not necessarily violate the framework of neutral secularism provided by Böckenförde, as it resembles a highly restrictive construction of the space in which religion may develop. The second feature, however, is irreconcilable with Böckenförde's framework. Rather than separate itself from religion, the Turkish state entangled itself with religion in an effort to direct and restrict religious programming and messaging. These policies transgress the state's separation from and neutrality toward religion that form the foundation of the secularized state, violating the first feature of the framework provided by Böckenförde by privileging a particular interpretation of Sunni Islam and the second feature by depriving Islamic communities beyond state control space in which to develop. *Laiklik*, prior to AKP rule, therefore, cannot be considered a neutral secularism.

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<sup>41</sup> Findley, *supra* note 21, at 356–58.

<sup>42</sup> For a more detailed discussion of the content and application of each of these demands, see Niyazi Günay, *Implementing the 'February 28' Recommendations: A Scorecard* (The Washington Institute, Research Notes No. 10, May 2001), <http://www.washingtoninstitute.org/policy-analysis/view/implementing-the-february-28-recommendations-a-scorecard>.

Rather than establishing a neutral secularism, *laiklik* instead served as a method of supporting state efforts to build a homogeneous national identity. As described above, Turkish nationalism in the early republican state was grounded in a shared ethnic identity, a primordial unity preceding the state. The early republican state constructed this homogeneous identity through symbols and narratives of a unitary Turkish people extending deep into history with its origins in Central Asia, its homeland in Anatolia, and its state in the Turkish Republic. By constructing this identity, the early republican state supported modernization efforts by placing the genesis of the Turkish nation before its adoption of Islam and creating an identity largely devoid of religious character.<sup>43</sup> Even with religion marginalized from society and excluded from this identity, the state used the control of religion entailed by *laiklik* to strengthen this identity, with sermons prepared by Diyanet officials and delivered at Friday prayers<sup>44</sup> extolling the virtues of the Turkish nation and this unitary Turkish identity.<sup>45</sup> But with the turn toward Islamic identity after the adoption of the Turkish-Islamic Synthesis, the nationalism promoted by the state expanded beyond these narrow ethnic attributes to incorporate a religious identity defined by the Diyanet's interpretation of Sunni Islam. Although this later nationalism permitted the state to better accommodate political and ideological difference, religious discourse remained firmly under state control with the expansion of the Diyanet and the continued repression of religious expression.

#### D. AKP Rule and Developments in the Diyanet

After decades of managerial control and restriction of religion, the rise of the AKP in 2002 seemed to introduce a new interpretation of secularism. In the early years of AKP rule, the hostility of political and military elites appeared insurmountable: on the sixty-seventh anniversary of the addition of *laiklik* to the constitution, in 2004, then-president Ahmet Sezer, an ardent Kemalist, proclaimed that “[i]n the laicist system, sovereignty belongs to the nation . . . religion is sheltered in the sacred and private place of individuals’ consciousness”;<sup>46</sup> many balked at the election of AKP politician Abdullah Gül president in

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<sup>43</sup> SİNA AKŞİN, TURKEY: FROM EMPIRE TO REVOLUTIONARY REPUBLIC 211–12 (Dexter H. Mursaloğlu trans., 2007); Ergün Yildirim, Hüsamettin İnaç, & Ahmet Uysal, *Symbolic Construction of the Turkish National Identity as a Factor of International Management*, 7 PROBS. AND PERSP. MGMT. 248 (2009).

<sup>44</sup> *Hutbe*.

<sup>45</sup> For a more detailed discussion of *hutbes* in early republican Turkey, see Doğan Gürpınar & Ceren Kenar, *The Nation and its Sermons: Islam, Kemalism and the Presidency of Religious Affairs in Turkey*, 52 MIDDLE E. STUD. 60–78 (2016).

<sup>46</sup> The full comment may be found below:

National sovereignty is grounded in the foundation of laicism. In the laicist system, sovereignty belongs to the nation; worldly affairs are organized by worldly principles; the affairs of religion and state are totally separated from each other; religion is sheltered in the sacred

2007, asserting that his wife wearing a headscarf proved that neither he nor the AKP could defend *laiklik*;<sup>47</sup> and in 2008, the Constitutional Court defeated an effort by the AKP to lift the headscarf ban on university campuses.<sup>48</sup> Since those early years, though, it appears that a change has occurred: in 2010, the headscarf ban was lifted for university students; in 2013, for civil servants, excluding those serving in the military, police force, and judiciary; and in 2016, for police officers.<sup>49</sup> Religious expression has grown increasingly present in the public sphere, reflected by current Diyanet president Mehmet Görmez leading unity rallies in prayer following the failed coup attempt in July 2016 and the increasing grandeur of the annual celebration of the Ottoman conquest of Istanbul.<sup>50</sup> With the growing visibility of Islamic history and identity, it is difficult to deny that the space for religious expression is widening. But are these changes reflected in the Diyanet, the institution embodying state control of religion? Below, I examine changes in the programming and messaging of the Diyanet under AKP rule to determine whether the Turkish state has moved away from the historical interpretation of *laiklik* toward a truly neutral secularism.

### *I. Diyanet Programming Under the AKP*

The Diyanet has witnessed a tremendous growth in resources and authority since the AKP came to power. Its budget has increased fourfold since 2006, and it had a budget of 6.48 billion Turkish lira (approximately 2.17 billion USD) for 2016, larger than the budgets of

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and private place of individuals' consciousness; and none of the political, social, legal, economic spheres of the state can be regulated by religious rules.

*Laiklik Özgürlük Demek*, RADİKAL (Feb. 6, 2004), <http://www.radikal.com.tr/>, quoted in Markus Dressler, *Public-Private Distinctions, the Alevi Question, and the Headscarf*, in *COMPARATIVE SECULARISMS IN A GLOBAL AGE* 124 (Linell Cady & Elizabeth Shakman eds., 2010).

<sup>47</sup> ABDULLAHI AHMED AN-NA'IM, *ISLAM AND THE SECULAR STATE: NEGOTIATING THE FUTURE OF SHARI'A* 217–18 (2008).

<sup>48</sup> *Turkish Top Court Annuls Headscarf Law, Deals a Blow to Ruling AKP*, HÜRRIYET (June 5, 2008), <http://www.hurriyet.com.tr/gundem/turkish-top-court-annuls-headscarf-law-deals-a-blow-to-ruling-akp-9107525>.

<sup>49</sup> Ece Toksabay & Ibon Villeda, *In Quiet Revolution, Turkey Eases Headscarf Ban*, REUTERS (Oct. 17, 2010); Hüseyin Hayatsever, *Government Takes Steps on Headscarf, Kurds, Electoral System*, HÜRRIYET DAILY NEWS (Sept. 30, 2013), <http://www.hurriyetdailynews.com/>; *Turkey allows female police officers to wear headscarf*, DAILY SABAH (Aug. 27, 2016), <https://www.dailysabah.com/legislation/2016/08/27/turkey-allows-female-police-officers-to-wear-headscarf>.

<sup>50</sup> *Istanbul Marks 1453 Ottoman Conquest of Istanbul with Grandiose Ceremony*, HÜRRIYET DAILY NEWS (May 29, 2016), <http://www.hurriyetdailynews.com/istanbul-marks-1453-ottoman-conquest-of-istanbul-with-grandiose-ceremony-99825>; *Millions Gather in Istanbul for Historic Democracy Rally*, DAILY SABAH (Aug. 8, 2016), <https://www.dailysabah.com/politics/2016/08/08/millions-gather-in-istanbul-for-historic-democracy-rally>; *Millions Stand for Democracy in Turkey*, HÜRRIYET DAILY NEWS (Aug. 5, 2016), <http://www.hurriyetdailynews.com/millions-stand-for-democracy-in-turkey-102510>.

significant ministries, such as the Ministry of Foreign Affairs.<sup>51</sup> The number of personnel employed by the Diyanet has also risen, from 74,374 in 2002 to 117,378 in 2015 (a 57.8% increase) while the number of mosques in Turkey—which the Diyanet has the sole authority to staff—has risen from 75,941 to 86,762 (a 14.2% increase) in the same period. As Figure 1 demonstrates below, between 1998 (the year following the 1997 military intervention) and 2015, the rate of mosque construction remained fairly constant while the number of personnel decreased slightly in the years prior to AKP rule. The number of personnel began to rise once the AKP came to power and increased sharply after 2010. Although data breaking down Diyanet personnel by position is available only for years 2012 through 2015, this narrow period witnessed substantial increases in religious personnel, including: preachers,<sup>52</sup> rising from 1,547 in 2012 to 2,649 in 2015 (a 71.2% increase); Qu’ran course instructors,<sup>53</sup> rising from 17,549 in 2012 to 19,851 in 2015 (a 13.1% increase); and imams,<sup>54</sup> rising from 65,270 in 2012 to 71,816 in 2015 (a 9.1% increase).<sup>55</sup> These particular increases likely reflect the need to staff newly-constructed mosques as well as mosques not previously supported by Diyanet personnel.<sup>56</sup> A noticeable rise in the resources and size of the Diyanet has occurred under AKP rule, accelerating more rapidly in recent years.

Alongside increases in size and resources, the Diyanet witnessed an expansion in authority with the passage of Law 6002 in 2010, which replaced Law 633 of 1965. Among various reforms to the structure and management of the Diyanet, Law 6002 places a five-year term limit on the Diyanet president, emphasizes higher levels of education in Diyanet personnel, and places ownership of all new mosques under the ownership of the Diyanet, although mosques constructed before the enactment of the law will remain under the ownership of their respective foundations.<sup>57</sup> This final reform is of particular significance for the Diyanet,

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<sup>51</sup> David Lepaska, *Turkey Casts the Diyanet: Ankara’s Religious Directorate Takes Off*, FOREIGN AFFAIRS (May 17, 2015), <https://www.foreignaffairs.com/articles/turkey/2015-05-17/turkey-casts-diyamet>; Neşe Karanfil, *Intelligence, Religious Affairs Set to Take Huge Share of Turkey’s 2016 Budget*, HURRIYET DAILY NEWS (Oct. 13, 2015), <http://www.hurriyetdailynews.com/intelligence-religious-affairs-set-to-take-huge-share-of-turkeys-2016-budget--89761>.

<sup>52</sup> *Vaizler*.

<sup>53</sup> *Ku’ran kursu öğretmenleri*.

<sup>54</sup> *İmam-hatipler*.

<sup>55</sup> The *vaiz* does not deliver the *hutbe* but is authorized to preach in religious sites and answer religious questions. In contrast, the *imam-hatip* (imam) only delivers the pre-planned and approved *hutbes* and leads prayers. Hassan, *supra* note 24, at 456.

<sup>56</sup> In 2005, nearly one-third of Turkish mosques were not staffed by the Diyanet personnel due to personnel shortages. THIJL SUNIER, NICO LANDMAN, HELEEN VAN DER LINDEN, NAZLI BİLGİLİ & ALPER BİLGİLİ, *DIYANET: THE TURKISH DIRECTORATE FOR RELIGIOUS AFFAIRS IN A CHANGING ENVIRONMENT* 44 (2011).

<sup>57</sup> For a more detailed discussion of Law 6002, see SUNIER, LANDMAN, LINDEN, BİLGİLİ & BİLGİLİ, *supra* note 56, at 48–50.

which previously did not own mosques and only provided staff. As one report of recent developments in the Diyanet notes, this reform “obviously reduces the autonomy of local mosque foundations and gives the Diyanet more opportunities to control flows of money at the local level.”<sup>58</sup> The new legal basis introduced for the Diyanet under the AKP has thus further expanded its authority in the operation of religious institutions.

**Figure 1: Number of mosques and personnel (1998-2015)<sup>59</sup>**

Year	Mosques	Personnel (Total)
1998	73,772	79,685
1999	74,356	77,795
2000	75,002	75,433
2001	75,369	76,044
2002	75,941	74,374
2003	76,445	74,114
2004	77,151	71,693
2005	77,777	80,299
2006	78,608	79,810
2007	79,069	84,195
2008	80,053	83,033
2009	80,636	81,851
2010	81,984	84,157
2011	82,693	98,555
2012	84,684	105,472
2013	85,412	121,845
2014	86,101	119,743
2015	86,762	117,378

These increases in resources and authority have been accompanied by an effort to establish connections with and provide services to historically neglected or marginalized populations. Much of these efforts have been directed toward women, who have been underrepresented in the structure of the Diyanet, its facilities, and its programming. Under the AKP, the Diyanet has demonstrated a strong interest in reaching out to women by hosting hundreds of lectures, workshops, and meetings that support women’s participation in public life, encourage women to pursue higher education and employment, and denounce issues that harm women, such as domestic violence, workplace

<sup>58</sup> *Id.* at 50.

<sup>59</sup> Data for the years 2005 through 2015 was gathered from the Diyanet’s website at: *İstatistiksel Tablolar*, <http://www.diyamet.gov.tr/tr/kategori/istatistikler/136> (last visited Mar. 30, 2018); data for years 1998 through 2004 was gathered from: SUNIER, LANDMAN, LINDEN, BİLGİLİ & BİLGİLİ, *supra* note 56, at 44.

discrimination, and forced marriages.<sup>60</sup> The Diyanet has also sought to increase the number of women among its personnel, grant women greater religious authority, and provide more accommodating religious spaces and programs for women.<sup>61</sup> In a study of female preachers<sup>62</sup> under the AKP, Hassan found that the number of female preachers has risen from 78 in 2002 to 224 by 2009 (a 187% increase) and that women now compose 18.18% of preachers.<sup>63</sup> These policies also extend to ethnic minorities historically repressed by the state, demonstrated by the Diyanet's publication of the Qu'ran in Kurdish and Armenian and efforts to recruit traditional Kurdish religious authorities to serve in the largely Kurdish southeast of Anatolia.<sup>64</sup> Further, the Diyanet announced new initiatives to reach out to university students, expanding the number of mosques constructed on university campuses, with Görmez stating in 2014 that "[w]e attach importance to mosques inside the university campuses, where religious clerics will communicate with young people."<sup>65</sup> These various initiatives indicate an effort to bring groups historically excluded from the work and programming of the Diyanet into its reach.

While expanding services that the Diyanet traditionally provided by increasing personnel and broadening outreach efforts, the Diyanet has introduced new programming that has allowed it to develop a stronger societal presence and makes it more accessible to the population. The Diyanet launched its own television network and radio station in 2013, which Görmez stated would serve as a "more active and productive tool" to promote a widespread religious education,<sup>66</sup> although he asserted that it would not serve as "missionary work."<sup>67</sup> Operating twenty-four hours a day, the television network and radio station provide programming that addresses religious topics, such as programs in which religious officials answer questions about belief and practice, as well as programming on

<sup>60</sup> SUNIER, LANDMAN, LINDEN, BİLGİLİ & BİLGİLİ, *supra* note 56, at 70–71; Hassan, *supra* note 24, at 451–73.

<sup>61</sup> *Id.*

<sup>62</sup> *Bayan vaizler.*

<sup>63</sup> For a more detailed discussion of the growing role of women in the Diyanet, see Hassan, *supra* note 24, at 451–73.

<sup>64</sup> İştah B. Gözaydın, *Management of Religion in Turkey: The Diyanet and Beyond*, in FREEDOM OF RELIGION AND BELIEF IN TURKEY 20 (Özgür Heval Çınar & Mine Yıldırım eds., 2014).

<sup>65</sup> *80 Turkish Universities to Have Mosques, Top Religious Body Head Says*, HURRIYET DAILY NEWS (Nov. 21, 2014), <http://www.hurriyetdailynews.com/80-turkish-universities-to-have-mosques-top-religious-body-head-says-74650>.

<sup>66</sup> "Yaygın din eğitimi daha aktif, daha verimli bir aracı olacaktır."

<sup>67</sup> "Hiçbir zaman misyonerlik yapmayacak"; Mehmet Görmez'den 'Diyanet Tv' Açıklaması, TRT HABER (June 18, 2012), <http://www.trthaber.com/haber/yasam/mehmet-gormezen-diyamet-tv-aciklamasi-45348.html>; *Diyanet Radyo yayına başlıyor*, ANADOLU AJANSI (July 8, 2013), <https://aa.com.tr/tr/turkiye/diyamet-radyo-yayina-basliyor/233725>.

topics such as health, political news, and world history.<sup>68</sup> The Diyanet has similarly expanded mosques beyond pure religious functions by transforming them from places of prayer into multifunctional social centers including libraries, cafes, and other services.<sup>69</sup> Together, these developments in the structure and programming of the Diyanet indicate an effort to strengthen programs that have traditionally been part of the Diyanet, bring new communities into its reach by improving the services provided to them, and develop new programming that allows the population to engage with Diyanet personnel and facilities more frequently. With these developments, the Diyanet has sought to establish a presence in the religious, social, and intellectual lives of Turkish citizens, thus extending its reach into society and expanding people's exposure to a state-controlled interpretation of Islam.

## *II. Diyanet Messaging Under the AKP*

The primary channel by which the Diyanet communicates its interpretation of Islam to the Turkish population is the *hutbe*, the brief sermon delivered by the imam in mosques at Friday prayers. To evaluate the messaging of the Diyanet, I focus on *hutbes* published by the Diyanet. It is worth noting that the process by which a *hutbe* is prepared has evolved in recent years. Following the 1997 military intervention, the process was highly centralized, placed under the control of a committee within the Higher Council of Religious Affairs in the central offices of the Diyanet in Ankara, with each imam across the country required to deliver that same sermon.<sup>70</sup> In an effort to allow *hutbes* to address the concerns of specific regions or communities, the process was decentralized in 2006 as responsibility for preparing the *hutbe* transferred to committees in each regional mufti<sup>71</sup> office, under central Diyanet supervision.<sup>72</sup> More recently, there has been discussion of further decentralization by allowing individual mosques to prepare *hutbes* and training imams in the process.<sup>73</sup> Because of the strict supervision the Diyanet continues to exercise over the *hutbe* process, however, *hutbes* prepared across the country resemble those published by the Diyanet in tone, content, and theme. The messaging of the Diyanet under the AKP has

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<sup>68</sup> Full programming and scheduling may be found at Diyanet TV's website at: <http://www.diyonet.tv/> (last visited Mar. 30, 2018).

<sup>69</sup> Mustafa Akyon, *A Mosque Reform on the Way?*, HURRIYET DAILY NEWS (Sept. 27, 2008), <http://www.hurriyetaidailynews.com/>; SUNIER, LANDMAN, LINDEN, BİLGİLİ & BİLGİLİ, *supra* note 56, at 68–70.

<sup>70</sup> SUNIER, LANDMAN, LINDEN, BİLGİLİ & BİLGİLİ, *supra* note 56, at 51–53.

<sup>71</sup> *Müftü*.

<sup>72</sup> İzzet Er, *Religious Services of the PRA*, 98 THE MUSLIM WORLD 273–74 (2008); RAINER HERMANN, *WHERE IS TURKEY HEADED? CULTURE BATTLES IN TURKEY* (Betsy Mayer trans., 2014).

<sup>73</sup> SUNIER, LANDMAN, LINDEN, BİLGİLİ & BİLGİLİ, *supra* note 56, at 52–53.



remained consistent with earlier messaging, focusing on topics such as national solidarity, loyalty to the state, and a rationalistic Islam devoid of folk traditions.<sup>74</sup>

National unity and loyalty to the state frequently appear in recent *hutbes*. Evoking the Battle of Gallipoli, a powerful symbol in nationalist narratives, one *hutbe* places the congregation in a unitary Turkish nation defined by history and religious faith, proclaiming:

As a nation, we have also gone through tests in almost every period of history. They aimed at our existence, our faith, the things we hold sacred, and our peace. Like in Çanakkale, powers with no conscience or mercy advanced towards us with full force in Sakarya and Dumlupınar [significant battles in the Greco-Turkish War]. We did not have powerful weapons against these armies. But our hearts were full of faith. Our souls were united. We endured all struggles by being servants to Allah in the same sajdah, finding the direction in the same qibla, by cherishing one another, by loving each other, and with the spirit of unity and solidarity.

We fought shoulder to shoulder with the country's East, West, North, and South in the cause of religion, ezan (call to prayer), flag, and everything sacred. We made this country our homeland thanks to the martyrdom of thousands.<sup>75</sup>

This *hutbe* then asserts that the Turkish nation today is in a similarly dire position, exclaiming that “[t]oday, we are yet again going through another test as a nation and a region. Those who want to test us against each other and weaken us are trying to drag our country into a ring of fire. They are aiming at our fellowship, our unity and solidarity.”<sup>76</sup>

<sup>74</sup> Gürpınar & Kenar, *supra* note 44, at 64–72.

<sup>75</sup> “Millet olarak biz de tarihin hemen her döneminde zorlu imtihanlardan geçtik. Varlığımıza, inancımıza, mukaddesatımıza, huzurumuza kastedildi. Vicdanı körelmiş, insafını kaybetmiş güçler, bizi tarih sahnesinden silmek amacıyla Çanakkale’de olduğu gibi, Sakarya’da, Dumlupınar’da var güçleriyle üzerimize geldi. Bu ordular karşısında elimizde güçlü silahlarımız yoktu; fakat kalplerimiz iman doluydu. Gönüllerimiz birbirine sınımsız bağlıydı. Aynı secdede Rahman’a kul olmakla, aynı kıbledede istikameti bulmakla, birbirimize verdiğimiz değerle, muhabbetimizle, birlik ve beraberlik ruhuyla bütün zorlukların üstesinden geldik. Din, ezan, bayrak ve mukaddesat uğrunda Doğusuyla, Batısıyla, Kuzeyiyle, Güneyiyle hep birlikte aynı safta mücadele ettik. Binlerce evladımızı şehit vererek bu toprakları hep birlikte vatan kıldık.” Diyanet İşleri Başkanlığı, *Çanakkale ve Birlik Ruhu*, DİYANET (Mar. 18, 2016), <http://www2.diyaret.gov.tr/>.

<sup>76</sup> “Bugün millet ve yaşadığımız coğrafya olarak yine ağır bir imtihandan geçiyoruz. Bizi birbirimize düşürmek, gücümüzü zayıflatmak isteyenler tarafından, ülkemiz, bir ateş çemberinin içerisine çekilmeye çalışılıyor... kardeşliğimiz, birlik ve beraberliğimiz, huzurumuz hedef alınıyor.” *Id.*

Promoting unity, the lesson given is that “[w]e just have to become one body against raving murderous groups with the mentality of ‘us’ and leave aside the mentality of ‘you’ and ‘me.’”<sup>77</sup> Another *hutbe* calls for loyalty to the nation and its symbols: “[t]he land of our homeland which is watered with the martyrs’ blood, our flag which is the symbol of our independence, our ezan which is the symbol of Islam . . . What we must do is consider them as precious as our life.”<sup>78</sup> Similar themes of a historic nation appear often after the failed July 2016 coup attempt, with one *hutbe* preaching that “[t]his nation has defended what is right under any circumstance, founded civilizations, and spread them all across the world,” and asserting that “[w]e must preserve our unity and togetherness, our peace and fellowship.”<sup>79</sup> Reflecting an implied primordial nation, religious brotherhood is extended to Muslims of different ethnicities while national kinship seems to be extended only to Turkic peoples, which can be seen in a *hutbe* that refers to “thousands of *brothers and sisters* (*kardeşimiz*) of Turkmen, Arabic, and Kurdish origin . . . taking shelter in our country with hopes of peace” and separately describes “the wounds of the *Bayir Bujak Turkmens* . . . the heavy wounds of thousands of our *kin* (*soydaşımızın*).”<sup>80</sup> Although the state under the AKP has sought to accommodate ethnic minority groups, recent *hutbes* continue to refer to a historical Turkish nation ethnic in character that precedes the Republic.

While championing the unity of the Turkish nation and state, *hutbes* also harshly condemn perceived threats to this unity. As conflict between the state and Kurdish separatists increased in January and February of 2016,<sup>81</sup> one *hutbe* asserted that “[t]reachorous hands testing our unity and targeting our integrity are escalating violence at one corner of our homeland.”<sup>82</sup> *Hutbes* also denounce Islamic terror, with one calling it a major tribulation confronting Islam, explaining that “some think it is jihad to brutally murder innocent

<sup>77</sup> “Yeter ki gözü dönmüş cinayet şebekelerine karşı, ‘sen’, ‘ben’ anlayışını bir kenara bırakıp ‘biz’ anlayışıyla yekvücut olalım.” *Id.*

<sup>78</sup> “Şehit kanlarıyla sulanmış vatan toprağımız, bağımsızlığımızın sembolü bayrağımız, İslam’ın şiarı ezanımız, hâsılı bütün yüce değerlerimiz birer emanettir. Bizlere düşen, bu emanetleri canımız gibi aziz saymaktır.” Diyanet İşleri Başkanlığı, *Mümin ve Emanet Bilinci*, DİYANET (Aug. 19, 2016), <http://www2.diyaret.gov.tr/>.

<sup>79</sup> “. . . bu millet her şart ve durumda hakkı savunmuş, medeniyetler kurmuş, dünyanın dört bir yanına medeniyetler taşımıştır . . . Birlik ve beraberliğimizi, huzur ve kardeşliğimizi korumalıyız.” Diyanet İşleri Başkanlığı, *En Büyük Bozgunculuk, Dinin Muazzez Değerlerini İstismar Etmektir*, DİYANET (July 29, 2016), <http://www2.diyaret.gov.tr/>.

<sup>80</sup> Diyanet İşleri Başkanlığı, *Şimdi Yaraları Sarma Zamanı*, DİYANET (Feb. 5, 2016), <http://www2.diyaret.gov.tr/>.

<sup>81</sup> Seyhmus Cakan, *Four Die in Violence in Turkey’s Mainly Kurdish Southeast*, REUTERS (Jan. 18, 2016), <https://www.reuters.com/article/us-turkey-kurds/four-die-in-violence-in-turkeys-mainly-kurdish-southeast-idUSKCN0UVOEJ>; *Turkey-PKK Conflict: Scores Dead in Clashes in Southeast*, BBC (Jan. 27, 2016), <http://www.bbc.com/news/world-europe-35424525>.

<sup>82</sup> “Birliğimizi sınavan, bütünlüğümüzü hedef alan hain eller, vatanımızın bir köşesinde şiddeti tırmandırıyor.” Diyanet İşleri Başkanlığı, *Şimdi Yaraları Sarma Zamanı*, DİYANET (Feb. 5, 2016), <http://www2.diyaret.gov.tr/>.

people and it is martyrdom to kill people, along with themselves, including men, women, and children,”<sup>83</sup> and describing such individuals as “murderous terrorist groups.”<sup>84</sup> The most frequently condemned political enemy in recent *hutbes* is Fethullah Gülen and his followers, blamed for the failed July 2016 coup attempt and portrayed as nefarious forces under a false guide.<sup>85</sup> Various *hutbes* following the failed coup denounce those individuals as “tyrants who divinize their selves, whims, and desires,”<sup>86</sup> “those who promise warrant of salvation to us and claim they alone possess truth,”<sup>87</sup> “hypocrites and mischief-makers who disguise themselves as do-gooders but attempt to sow seeds of sedition and mischief,”<sup>88</sup> and as “those who want to abuse and damage our faith and religion.”<sup>89</sup> In a particularly pointed *hutbe* titled “Serving Is for Allah Alone,”<sup>90</sup> the *hutbe* offers “a remarkable warning from Abu Bakr to certain companions who did not want to believe the passing of our Prophet: ‘Whoever amongst you worshipped Muhammad, then Muhammad is dead, but whoever worshipped Allah, Allah is alive and will never die,’”<sup>91</sup> alluding to Gülen as a distraction from Allah and true faith. Görmez’s own statements tie these descriptions to the Gülenist movement, as he has condemned it as a “fake Mahdi movement”—a false messiah—and likened it to “wolf in sheep’s clothing,” asserting that Gülen “cannot be treated as a religious scholar and guide.”<sup>92</sup> The messaging of the Diyanet depicts the

<sup>83</sup> “Kimilerinin, masum insanları hunharca katletmeyi cihat, kendisiyle beraber kadın, erkek, çocuk-çocuk demeden insanları öldürmeyi şehadet zannetmesidir.”

<sup>84</sup> “Eli kanlı terör örgütleri”; Diyanet İşleri Başkanlığı, *Tehvid ve Vahdetin Öncüsü Müminler*, DIYANET (Apr. 22, 2016), <http://www2.diyaret.gov.tr/>.

<sup>85</sup> For concise summaries of the history of the relationship between the AKP and Gülenist movement and its implications for the failed July 2016 coup attempt, see Ayaz Ahmed, *Turkey’s Attempted Coup and Its Possible Fallout*, 19 DEFENCE J. 22–29 (2016); Seda Demiralp, *The Breaking Up of Turkey’s Islamic Alliance: The AKP-Gülen Conflict and Implications for Middle East Studies*, 20 MIDDLE E. REV. INT’L AFF. 1–7 (2016).

<sup>86</sup> “Nefsini, heva ve heveslerini ilahlaştırın zalimler.”

<sup>87</sup> “Kurtuluş beratı vaat edenleri, hakikatin sadece kendi elinde olduğunu iddia edenler.”

<sup>88</sup> “Bu milletin arasına fitne ve fesat tohumları ekmek isteyen münafıklar, bozguncular.”

<sup>89</sup> “İmanımızı ve İslam’ımızı ifsat ve istismar etmek, sarsmak ve zedelemek isteyenler”; Diyanet İşleri Başkanlığı, *En Büyük Bozgunculuk, Dinin Muazzez Değerlerini İstismar Etmektir*, DIYANET (July 29, 2016), <http://www2.diyaret.gov.tr/>; Diyanet İşleri Başkanlığı, *Kulluk sadece Allah’a Özgüdür*, DIYANET (Aug. 5, 2016), <http://www2.diyaret.gov.tr/>; Diyanet İşleri Başkanlığı, *Mümin ve Emanet Bilinci*, (Aug. 19, 2016), <http://www2.diyaret.gov.tr/>.

<sup>90</sup> “Kulluk sadece Allah’a Özgüdür.”

<sup>91</sup> “Nitekim Peygamberimizin vefatına bir türlü inanmak istemeyen bazı sahabilere Hz. Ebu Bekir’in şu uyarısı son derece dikkat çekicidir: ‘Kim Muhammed’e tapıyorsa bilsin ki Muhammed ölmüştür. Kim Allah’a kulluk ediyorsa bilsin ki Allah diridir, asla ölmez.’” Diyanet İşleri Başkanlığı, *Kulluk sadece Allah’a Özgüdür*, DIYANET (Aug. 5, 2016), <http://www2.diyaret.gov.tr/>.

<sup>92</sup> *Gülen movement is fake Mahdi, says Turkey’s Religious Directorate head*, HÜRRIYET DAILY NEWS (Aug. 4, 2016), <http://www.hurriyetdailynews.com/gulen-movement-is-fake-mahdi-says-turkeys-religious-directorate-head->

Turkish population as a nation of martyrs siblings united in Islam and those in opposition to it as treacherous, hypocritical, and astray from true religion.

The Diyanet presents its Islam as all-encompassing, peaceful, and true. One *hutbe* states that Islamic civilization “does not discriminate people based on differences of language, color, and nationality. Members of this civilization consider all people as equals in creation or brothers and sisters in religion.”<sup>93</sup> In accordance with this principle, another proclaims that “[b]eing righteous in our social environment means treating others with compassion, fairness, and justice. It means not attacking the soul, property, honor, and dignity of anyone regardless of their language, race, sect, and disposition,”<sup>94</sup> while a separate one commands the crowd to find unity with other Muslims in spite of racial, linguistic, national, or ideological difference.<sup>95</sup> In seeming contradiction to references to a unitary, historical nation in other *hutbes*, a passage from one *hutbe* extends diversity to the Turkish nation, characterizing it as “a nation that boasts different colors, languages, voices, and spirits.”<sup>96</sup> The Islamic community promoted in one *hutbe* is “a moderate society distant from any type of extremism”<sup>97</sup> that considers the greatest troubles confronting Islam to be sectarianism, racism, and terror.<sup>98</sup> Continuing the messaging in the Turkish-Islamic Synthesis adopted by the state after the 1980 military coup, the Diyanet under the AKP continues demonstrating a concern with promoting a shared Islamic identity that transcends ethnic and ideological difference and encourages a moderate faith rejecting radicalism.

But even as the Diyanet under the AKP acknowledges and seeks to accommodate differences in ethnicity and language, the Diyanet maintains its adamant rejection of Islamic pluralism. This rejection is most clearly articulated in the position of the Diyanet

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102487; *FETÖ wolf in sheep's clothing, Gülen not a religious scholar*, DAILY SABAH (Aug. 3, 2016), <https://www.dailysabah.com/war-on-terror/2016/08/04/feto-wolf-in-sheeps-clothing-gulen-not-a-religious-scholar>.

<sup>93</sup> “*Tevhit ve vahdet medeniyeti, insanları dil, renk, coğrafya farklılıklarından dolayı ötekileştirmez. Bu medeniyetin mensupları, bütün insanları ya hilkatte eş ya dinde kardeş olarak kabul ederler.*” Diyanet İşleri Başkanlığı, *Tehvid ve Vahdetin Medeniyeti*, DIYANET (Apr. 15, 2016), <http://www2.diyaret.gov.tr/>.

<sup>94</sup> “*Çevremize karşı hak ehli olmak, onlara karşı şefkat, merhamet, insaf ve adaletle davranmaktır. Dili, ırkı, mezhep ve meşrebine bakmaksızın hiç kimsenin can, mal, onur ve haysiyetine dil uzatmamaktır.*” Diyanet İşleri Başkanlığı, *Hak ve Hakikat*, DIYANET (Mar. 25, 2016), <http://www2.diyaret.gov.tr/>.

<sup>95</sup> Diyanet İşleri Başkanlığı, *Hz. Peygamber, Tehvid ve Vahdet*, DIYANET (Apr. 8, 2016), <http://www2.diyaret.gov.tr/>.

<sup>96</sup> “*Rengi rengine, dili diline, sesi sesine, gönlü gönlüne karışmış bir milletiz*”; Diyanet İşleri Başkanlığı, *Çanakkale ve Birlik Ruhu*, DIYANET (Mar. 18, 2016), <http://www2.diyaret.gov.tr/>.

<sup>97</sup> “*Her türlü aşırıktan uzak, mutedil bir ümmet.*”

<sup>98</sup> Diyanet İşleri Başkanlığı, *Tehvid ve Vahdetin Öncüsü Müminler*, DIYANET (Apr. 22, 2016), <http://www2.diyaret.gov.tr/>.

toward Alevism, an Anatolian tradition influenced by mysticism and Shi'i belief, as described before. The two characteristics of Alevism that immediately distinguish it from Sunni Islam are its religious leaders—traditional figures known as *dedes* rather than *imams*<sup>99</sup>—and its house of worship—the *cemevi* rather than the mosque—neither of which is recognized as legitimate by the Diyanet. Rather, the Diyanet asserts that Alevism is a culture within Sunni Islam rather than a distinct tradition, while the state imposes Sunni practices through the construction of mosques in Alevi villages and institutionalization of mandatory religious education courses teaching only Sunni Islam, among other policies.<sup>100</sup> Despite superficial gestures by Diyanet officials, such as recognition of the Alevi holy month of Muharram, the Diyanet continues this stance toward Alevism, demonstrated, for example, by Görmez stating that recognition of the *cemevi* as a house of worship and Alevism as a distinct tradition constitute “red lines” for the Diyanet.<sup>101</sup> The Diyanet under the AKP similarly continues to marginalize folk traditions and assert its interpretation of Islam as valid and rational, reflected in Hassan’s observation that “[a]s recently as 2006, the [Diyanet] undertook a survey to identify lingering religious superstitions among the Turkish populace (and found 1,380 of them) that needed to be replaced with sound knowledge and an appropriately rational understanding of religion.”<sup>102</sup>

In stark contrast, however, the Diyanet has adopted a conciliatory approach toward grassroots Sunni movements, leaving behind past rhetoric that denigrated them as threats and invalid traditions and now permitting them to organize more and build a stronger presence in media and civil society.<sup>103</sup> A report on reforms in Diyanet policy notes that “[w]ith regard to religious diversity, the Sunni [movements] are relatively easy to handle for the Diyanet, as . . . they share the same religious orientation and accept the same religious sources.”<sup>104</sup> But the AKP continues to persecute Sunni movements that clash with state goals, demonstrated by the hostilities between the AKP and Gülenist movement and

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<sup>99</sup> While *imams* trained in state-run religious schools lead Sunni congregations, Alevi communities are led by *dedes* who obtain their role through hereditary lineages of spiritual authority.

<sup>100</sup> For a more detailed discussion of relations between the Alevi population and the Turkish state in recent decades, see Aykan Erdemir, *Tradition and Modernity: Alevi's Ambiguous Terms and Turkey's Ambivalent Subjects*, 41 MIDDLE E. STUD. 944–45 (2005); İNCE, *supra* note 22, at 151–58; Janina Karolewski, *What is Heterodox About Alevism? The Development of Anti-Alevi Discrimination and Resentment*, 48 DIE WELT DES ISLAMS 449–55 (2008).

<sup>101</sup> *Legal Status to Alevi Worship Houses a 'Red Line,' Says Turkey's Religious Body Head*, HÜRRİYET DAILY NEWS, (Jan. 3, 2016), <http://www.hurriyetdailynews.com/legal-status-to-alevi-worship-houses-a-red-line-says-turkeys-religious-body-head-93366>; *Turkey's religious top body marks holy month for Alevi*, HÜRRİYET DAILY NEWS (Nov. 2, 2014), <http://www.hurriyetdailynews.com/turkeys-religious-top-body-marks-holy-month-for-alevis-73779>.

<sup>102</sup> Hassan, *supra* note 24, at 455–56.

<sup>103</sup> SUNIER, LANDMAN, LINDEN, BİLGİLİ & BİLGİLİ, *supra* note 56, at 113–15.

<sup>104</sup> *Id.* at 115.

the banning of publications by Sunni scholars associated with Islamic movements in opposition to the state.<sup>105</sup>

Diyanet messaging under the AKP has therefore witnessed both notable continuities and changes. Although messaging continues to promote loyalty to a unitary Turkish nation and refer to ethnic kinship, it further widens that nation by focusing on the all-encompassing quality of Islam. This focus on a predominantly Islamic unity grounded in the Islam of the Diyanet has been accompanied by the loosening of restrictions on the religious expression and organization of Sunni Muslims congruent with the Diyanet's interpretation of Islam and the continued repression of traditions outside of Sunni Islam.

### **E. Are the Reforms a Move Toward Neutral Secularism?**

Do these reforms in the Turkish state's approach toward religion constitute a move toward neutral secularism? To briefly return to the framework of neutral secularism presented by Böckenförde, the fundamental character of the secularized state rests in its separation from religion, which the state achieves by fulfilling three minimal requirements: first, the state must not identify with, direct, or privilege any particular religion; second, the state must provide religion some amount of space in which it may freely develop; and third, the state must safeguard its institutions' neutrality and separation from religion. As described above, the implementation of *laiklik* prior to AKP rule did not constitute neutral secularism. Given the extent of the state's control of religion required by *laiklik*, it historically violated the state's separation from and neutrality toward religion which lies at the foundation of neutral secularism. Further, earlier implementations of *laiklik* violated the first feature of neutral secularism by privileging a specific interpretation of Islam—that of the Diyanet—and the second feature by denying other interpretations of Islam space in which to develop. Under AKP rule, though, *laiklik* has experienced dramatic changes.

The first feature of *laiklik*, the restriction of religious expression in the public sphere and confinement of religion to the private sphere, has considerably weakened throughout AKP rule, though this loosening has been limited to Sunni Islam. Today, almost all restrictions on the headscarf have been lifted, Sunni identity is more visible in the public sphere, and various Sunni communities have witnessed a greater ability to organize under reduced state pressure. At first glance, it would appear as if the space in which religion may develop and express itself in Turkey has transitioned from a highly restricted and narrow space to one that is much more open and free—a transition from the limited space contained in what Böckenförde calls “distancing neutrality” to that which he calls “open neutrality.”

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<sup>105</sup> Sevgi Kuru Açıköz, *Kemalism and Post-Kemalism: Turkish State in Search of Palatable Citizen Forever*, 5 *TURK. J. POL.* 53–54 (2014).

When evaluated more carefully, though, an uneven quality appears in this opening. As reforms predominantly affect the ability of Sunni Muslims to express and organize—with the headscarf in Turkey typically a practice only among Sunni Muslims and the greater ability to organize extended primarily to Sunni movements—the state continues to marginalize and deny space to communities whose beliefs are not congruent with the Islam promoted by the Diyanet or who have fallen out of favor with the AKP. As the Diyanet continues to reject the legitimacy of Alevism as an Islamic tradition distinct from Sunni Islam and decry its beliefs and practices, as it considers them to be superstition incompatible with a true Islam, it seems unlikely that the Turkish state or Diyanet under the AKP will move to extend space for religious expression or organization free of persecution to religious communities that do not align with its particular interpretation of Islam. As such, reforms of the first feature of *laiklik* do not indicate a transition from a restrictive space for religion to an open space so much as they indicate a greater privileging of state-controlled religion and communities aligned with that religion.

While the restrictions on religious expression that historically characterized the first feature of *laiklik* have weakened to allow a Sunni Islamic identity space in the public sphere, the second feature has been strengthened as the Diyanet has expanded and furthered its reach into society. As discussed above, under the AKP, the Diyanet has grown significantly in terms of personnel, budgeting, and programming. As the Diyanet has moved to build relationships with communities once outside its reach or neglected by it, develop a more inclusive rhetoric in its messaging by presenting Islam as a unitary identity capable of transcending social and political divisions, and pervade society more thoroughly by providing a wider range of social functions and greater accessibility, it has expanded the reach of state-controlled Islam further into society than under previous governments. At the same time, an analysis of the messaging of the Diyanet shows that the Islam it develops continues to support state ideology and notions of a unitary nation, attack and delegitimize opponents of the state, and promote an Islam grounded in rationalism and ideological moderation while dismissing other interpretations as superstition or corrupted beliefs. Instead of describing the Turkish nation and Islam in explicitly ethnic terms and in opposition to groups outside the Turkish ethnic community as in the early Republic,<sup>106</sup> however, the messaging of the Diyanet under the AKP now emphasizes brotherhood with Muslims of different ethnicities and nationalities, calls for Turkish citizens to respect ethnic pluralism, and even recognizes ethnic pluralism within Turkey.

The continued growth in size and authority of the Diyanet, expansion of its programming, and marginalization of other interpretations of Islam indicates that the Turkish state under the AKP has no serious intention of abandoning the state control of Islam previously entailed by *laiklik*. The AKP has not moved away from the state control of religion historically entailed by *laiklik* but has rather expanded that control and thereby continued

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<sup>106</sup> Gürpınar & Kenar, *supra* note 44, at 64–67.

to violate the state's separation from and neutrality toward religion that is fundamental to neutral secularism. The first feature does so by privileging a particular interpretation of Islam, and the second feature by marginalizing and denying space to interpretations of Islam incongruent with that of the Diyanet.

The Turkish state under the AKP has neither moved understandings of *laiklik* toward a neutral secularism nor indicated any serious intent to do so. Rather, understood within the framework of the secularized state provided by Böckenförde, the Turkish state has moved *laiklik* further away from neutral secularism. Whereas the first feature of *laiklik* once served as a strict application of the second feature of neutral secularism by confining all religious expression to the private sphere, it now more closely resembles a violation of the first feature by permitting the greater expression of Sunni identity in the public sphere while continuing to repress other interpretations of Islam. But while *laiklik* continues to entail restrictions on religious expression and state control of religion that historically characterized it, the homogeneous national identity that *laiklik* supports seems to be transforming. References that suggest an ethnic Turkish community with primordial roots have grown increasingly infrequent in the Diyanet's messaging, replaced with appeals to a nation united by faith, religious brotherhood, and a transcendent Islamic identity above ethnic or political difference. The extension of services and programming into languages other than Turkish and the accommodation of ethnic practices indicates an acknowledgment of ethnic pluralism in Turkey beyond that of previous governments.

These changes in the rhetoric and practices of the Diyanet are not occurring alone, but rather within wider reforms in Turkish policy introduced by the AKP. In recent years, the AKP has signaled a move toward a more inclusive approach toward ethnic identity, reflected in Erdoğan's presentation of various ethnic groups in Turkey as "sub-identities" united by belief in Islam and a "supranational" identity defined by citizenship alongside reforms lifting restrictions on minority languages and ethnic expression.<sup>107</sup> These developments coupled with the increasing promotion of a state-controlled Islam and expression of Sunni Islamic identity in the public sphere suggest that nation-building policies under the AKP are gradually eliminating the ethnic character of Turkish nationalism, preferring to promote Turkish national identity as a religious identity grounded in an interpretation of Sunni Islam congruent with state ideology. Such a move will be challenged by continued ethnic politics and violence in the country, but the reforms evaluated in this Article suggest that the Turkish state is moving toward a national identity increasingly defined by religious unity. To do so, the Turkish state under the AKP has expanded its control over religious programming and messaging, defying suggestions that the state is moving toward neutral secularism.

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<sup>107</sup> İNCE, *supra* note 22, at 173; İlter Turan, *Democratization from Above: Erdoğan's Democracy Package* (The German Marshall Fund of the United States, Analysis, Oct. 22, 2013), <http://www.gmfus.org/file/3179/download>.